

October 7, 2010

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, OCTOBER 7, 2010

STATE OF NEBRASKA            )  
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 COUNTY OF BOX BUTTE        ) §  
   )  
 CITY OF ALLIANCE             )

The Alliance City Council met in a Regular Meeting, October 7, 2010 at 7:00 p.m., in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on October 1, 2010. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Yeager opened the October 7, 2010 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Kusek, Benzel, Rowley and Feldges. Also present were Interim City Manager Miller and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first item on Council’s agenda was the Consent Calendar.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve the Consent Calendar which follows in its entirety:

### CONSENT CALENDAR – OCTOBER 7, 2010

1. Approval: Minutes of the Regular Meeting, September 30, 2010
2. Approval: Claims against the following funds for the period October 1, 2010 through October 4, 2010: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$188,728.73.

October 7, 2010

3. Approval: The issuance of the following Contractor Licenses:

General Contractor	Stewart Rusch dba Rusch's General Contracting, LLC
Repair & Maintenance	John A. Powers dba Rhino Linings of Alliance

NOTE: Interim City Manager Miller has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda were the Conflict Claims of Councilman Kusek and Councilman Feldges for travel expenses to the Annual League of Nebraska Municipalities Meeting.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve the Conflict Claim of Councilman Fred Feldges in the amount of 268.00.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel.

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve the Conflict Claim of Councilman Dan Kusek in the amount of \$99.01.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Kusek.

Motion carried.

October 7, 2010

- An introduction of the City's newest Police Officer, Preston C. Walls was the next agenda item.
- A proclamation for Fire Prevention Week was presented by Council to Fire Chief Shoemaker.

Councilwoman Rowley read the proclamation which follows in its entirety:

### **PROCLAMATION**

*WHEREAS*, The City of Alliance is committed to ensuring the safety and security of all those living in and visiting our City; and

*WHEREAS*, Fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk to fire; and

*WHEREAS*, Nearly 3,000 people die each years as a result of home fires each year; and

*WHEREAS*, Roughly two-thirds of home fire deaths resulted from home fires in which no smoke alarms or no *working* smoke alarms were present; and

*WHEREAS*, Working smoke alarms cut the chance of dying in a reported fire in half; and

*WHEREAS*, The National Fire Protection Association recommends at least one smoke alarm on every level of the home (including the basement) outside all sleeping areas, and in all bedrooms; and

*WHEREAS*, Informing the public about the importance of smoke alarm installation and maintenance serves an essential step toward increasing the public's safety from home fires; and

*WHEREAS*, Alliance's volunteer firefighters are dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and

*WHEREAS*, Alliance residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes; and

*WHEREAS*, The Fire Prevention Week 2010, October 3-9 theme, "Smoke Alarms: A Sound You Can Live With!" actively works to motivate Alliance residents to implement smoke alarm recommendations in their homes;

*THEREFORE*, I Ralph Yeager, Mayor of Alliance, do hereby proclaim October 3-9, 2010 as:

**Fire Prevention Week**

October 7, 2010

throughout this city, and I urge all people of Alliance to protect their homes and families by heeding the potentially life-saving messages of Fire Prevention Week 2010, and to support the many activities and efforts of Alliance's fire and emergency services.

- The next item for Council's review was Resolution No. 10-120 authorizing an additional year on the Conditional Use Permit of Barry Harris as property owner on behalf of Keep Alliance Beautiful which allows the operation of a recycling center.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-120 which follows in its entirety:

### **RESOLUTION NO. 10-120**

WHEREAS, Barry Harris the property owner on behalf of Keep Alliance Beautiful made an application for a Conditional Use Permit for Keep Alliance Beautiful to operate a recycling center at Lot 4 Block 27, Original Town of Alliance, Box Butte County, Nebraska which is located on the alley between 1st Street and 2nd Street west of Niobrara Avenue; and

WHEREAS, The City of Alliance approved the Conditional Use Permit for the period of one year; and

WHEREAS, City staff has viewed the property, and has found that the property has been used consistent with the Conditional Use Permit; and

WHEREAS, The City Council finds that no sufficient reason exists why the Conditional Use Permit should not be approved for an additional one year period of time.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Conditional Use Permit previously issued to Barry Harris the property owner on behalf of Keep Alliance Beautiful for the operation of a recycling center at Lot 4 Block 27, Original Town of Alliance, Box Butte County, Nebraska should be continued for an additional one year period of time.

BE IT FURTHER RESOLVED, that as part of the continuation of the Conditional Use Permit Keep Alliance Beautiful is required to:

- Keep the area free from litter, waste, or worthless vegetation.
- Not permit the use of recycle containers that do not have secure lids to prevent materials from becoming litter by forces of nature.
- Not permit more than one semi trailer to be parked at this location other than when the trailer is being loaded.
- Not permit outdoor storage of bailed recyclable materials.

BE IT FURTHER RESOLVED, that the City Staff will review the operation of the Conditional Use Permit yearly after commencement to determine whether the conditions have been met and report their findings to the City Council.

October 7, 2010

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 10-121 providing future planning direction to the Municipal Energy Agency of Nebraska on the amount of wind energy and landfill gas energy to be purchased by the City of Alliance.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 10-121.

Electric Superintendent Larry Heinrich provided Council with a brief overview of past energy purchase amounts.

Motion by Councilman Kusek, seconded by Councilwoman to amend the resolution to include 6% for total energy from wind power, 10% of the City's total energy from wind generated energy by 2016, and delete the next four paragraphs.

Roll call vote on the amendments with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

The amended resolution follows in its entirety:

#### **RESOLUTION NO. 10-121**

*WHEREAS*, The City of Alliance has previously agreed to purchase electrical energy generated by wind from the Municipal Energy Agency of Nebraska, hereinafter referred to as "MEAN"; and

*WHEREAS*, The electrical energy regulatory bodies are moving towards minimum requirements for municipalities to purchase power not generated by coal or fossil fuels and not generating harmful emissions; and

*WHEREAS*, MEAN has requested direction from the City of Alliance as to how much wind generated energy the City of Alliance desires to purchase of all of the City's energy by January 1, 2012; and

October 7, 2010

*WHEREAS*, MEAN has requested direction from the City of Alliance as to the total amount of wind generated energy the City of Alliance desires to purchase of all of the City's energy and the calendar year when the City desires to reach that target amount of wind generated energy; and

*WHEREAS*, MEAN has requested direction from the City of Alliance as to what percentage of wind generated energy the City of Alliance has determined is reasonable to be included in the base energy which would be included in the MEAN base and incremental rates; and

*WHEREAS*, MEAN has requested direction from the City of Alliance as to how much landfill gas environmental attributes energy the City of Alliance desires to purchase of all of the City's energy by January 1, 2012; and

*WHEREAS*, MEAN has requested direction from the City of Alliance as to how much total landfill gas environmental attributes energy the City of Alliance desires to purchase of all of the City's energy and the calendar year when the City desires to reach that target amount of landfill gas environmental attributes energy; and

*WHEREAS*, The City of Alliance agrees that it is appropriate to support the development of alternative electricity generation using renewable sources of energy.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance desires to purchase 6% of the City's total energy from wind generated energy by January 1, 2012.

*BE IT FURTHER RESOLVED*, that the City of Alliance desires to purchase 10% of the City's total energy from wind generated energy by 2016.

Roll call vote on the resolution as amended with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Resolution No. 10-122 approving the Employment Agreement with J.D. Cox to serve as City Manager for the City of Alliance was the next item to be presented to Council.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 10-122 which follows in its entirety:

**RESOLUTION NO. 10-122**

October 7, 2010

*WHEREAS*, The City Council of Alliance, Nebraska, has completed its evaluation of city manager candidates and has extended an offer of employment to J.D. Cox to act as City Manager for the City of Alliance; and

*WHEREAS*, City staff and J.D. Cox have negotiated a written agreement which is consistent with the offer of employment extended by City Council to him; and

*WHEREAS*, J.D. Cox has approved the terms of the written agreement which is currently before Council.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that J.D. Cox shall be hired with an effective date of January 1, 2011 as the City Manager for the City of Alliance, Nebraska. The written contract of employment which accompanies this Resolution is approved by City Council and the Mayor and City staff are authorized to execute the contract on behalf of the City of Alliance.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The last item for Council's consideration was Resolution No. 10-123 authorizing the solicitation of a bid for a police vehicle for a total of \$15,243.00 as listed in the First Quarter CIP/CEP.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 10-123 which follows in its entirety:

### **RESOLUTION NO. 10-123**

*WHEREAS*, The City of Alliance annually adopts a Capital Improvements Plan to aid in budgeting and organizing purchasing; and

*WHEREAS*, The City staff has submitted for City Council review a proposed schedule of capital improvement purchases to be initiated, and in some cases completed, in the first quarter of the 2010-2011 fiscal year; and

*WHEREAS*, The City Manager has reviewed and approved the proposed schedule of capital purchases for the first quarter of the 2010-2011 fiscal year.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the schedule of capital purchases for the first quarter of the 2010-2011 fiscal year, totaling Fifteen Thousand Two Hundred Forty-three and No/100ths Dollars (\$15,243.00) is hereby approved.

October 7, 2010

*BE IT FURTHER RESOLVED*, that City staff is authorized to proceed with the purchase of the item listed below:

Police Operations	Cap. Outlay - Vehicles	\$15,243.00
	Total	\$15,243.00

Lt. Ken Hart advised Council that the Police Department will be purchasing a 2009 Jeep Cherokee and will be trading in a 1996 Dodge Pickup.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:21 p.m.”

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Ralph Yeager, Mayor

(SEAL)

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Linda S. Jines, City Clerk