

November 4, 2010

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, NOVEMBER 4, 2010

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

The Alliance City Council met in a Regular Meeting, November 4, 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 28, 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 November 4, 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 Kusek, seconded by Councilman Benzel to approve the Consent Calendar which follows in its entirety:

### CONSENT CALENDAR – NOVEMBER 4, 2010

1. Approval: Minutes of the Regular Meeting, October 21, 2010.
2. Approval: Payroll and Employer Taxes for the period October 2, 2010 through October 15, 2010 inclusive: \$164,317.84 and \$11,668.01 respectively.

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3. Approval: Claims against the following funds for the period October 18, 2010 through November 1, 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; \$364,321.50.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Spencer Rowley.
5. Approval: The *Request for Reserved or Exclusive Use of City Streets* of the Alliance Chamber of Commerce for the Annual Christmas Parade. The parade will be held on Sunday, November 28, 2010 at 4:00 p.m. The parade will line up between 8<sup>th</sup> and 10<sup>th</sup> Street on Box Butte Avenue and will proceed south to 4<sup>th</sup> Street and turn east. They are also requesting the use of the parking lot at 4<sup>th</sup> Street and Niobrara Avenue to provide entertainment and serve hot chocolate and cider. Approval is contingent upon receiving the required Certificate of Insurance naming the City of Alliance an additional insured.
6. Acceptance: The annual reports of the Public Library Board Foundation of Alliance, Inc. for the periods from June 1, 2008 through May 31, 2009; and June 1, 2009 through May 31, 2010.
7. Approval: The issuance of a Cemetery Certificate to Richard and Sandra Franklin for the East One Half (E1/2) of Lot Seven (7), Section Eight (8), Block Twenty (20), Third Addition to the Alliance Cemetery.
8. Approval: The issuance of the following contractor licenses:
 

Repair & Maintenance	Tim Dahlberg dba Dahlberg Carpentry Ryan J. Reynolds James E. Linehan dba Storm Guard Restoration, LLC
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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.

Councilman Kusek questioned a charge for a motion detector at the Sallows Military Museum as to its location. Cultural and Leisure Services Director Shana Brown advised Council that the motion detector is located inside the museum. He also asked about a charge for windmill repair on Airport property. Interim City Manager Miller advised Council he would obtain additional information to provide to Council. Councilman Feldges asked about charges in the Sewer Department to HDM Sales for supplies. Interim City Manager Miller explained that the new Arsenic Treatment Plants are discharging water to the lift station at a faster rate than it can pump it back out. Larger impellers were purchased to move the water out of the lift station at a comparable rate. Councilman Feldges also asked about an elevator inspection expense at the Alliance Public Library. Ms. Brown advised Council that the charge was for a State of Nebraska inspection.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was the presentation of two proclamations.

Councilman Feldges read the proclamation for America Recycles Day which follows in its entirety:

## PROCLAMATION

*WHEREAS*, Each year, Americans generate nearly 245 million tons of municipal solid waste. This is more than 4.5 pounds per person per day. While the nation has reached an overall recycling rate of 33 percent, much more can be done; especially in closing the loop and purchasing products made with recycled content; and

*WHEREAS*, To focus the nation's attention on the importance of recycling and closing the loop, businesses, industries, government agencies, nonprofit organizations, and individuals have joined together to celebrate America Recycles Day and are encouraging their employers, staff, customers, membership, and all citizens to pledge to recycle and to buy more recycled products starting on November 15; and

*WHEREAS*, Participating in America Recycles Day 2010 is one way citizens can help raise awareness about the need to reduce waste by reusing, recycling, and buying recycled products; and

*WHEREAS*, The theme of America Recycles Day is "*I Recycle;*" and

*WHEREAS*, State and community leaders need to spread the word about the excellent recycling programs they have established, the growth of markets for recyclable materials, the importance of buying recycled products; and

*NOW, THEREFORE*, on behalf of the members of the City Council of the City of Alliance, I hereby proclaim November 15, 2010 as:

### America Recycles Day

And encourage all residents to increase their recycling efforts.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 4<sup>th</sup> day of November in the year of the Lord Two Thousand Ten.

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The proclamation was presented to Misty Graham, representative of Keep Alliance Beautiful.

Councilwoman Rowley read the proclamation for National Hospice/Palliative Care Month which follows in its entirety:

### **PROCLAMATION**

WHEREAS, Providing high-quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care; and

WHEREAS, Hospice care and palliative care offer the highest quality services and support to patients and families facing serious and life-limiting illness; and

WHEREAS, Skilled and compassionate hospice and palliative care professional - including physicians, nurses, social workers, therapists, counselors, health aides, and clergy - provide comprehensive care focused on the wishes of each individual patient; and

WHEREAS, Through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers; and

WHEREAS, Last year, more than 1.56 million Americans living with life-limiting illness, and their families, received care from the nation's hospice in communities throughout the United States; and

WHEREAS, More than 468,000 trained volunteers contribute 22 million hours of service to hospice program annually; and

WHEREAS, Hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals; and

NOW, THEREFORE, on behalf of the members of the City Council of the City of Alliance, I do hereby proclaim the month of November as:

**National Hospice/Palliative Care Month**

And encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

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IN WITNESS THEREOF, I have hereunto set my hand this 4th day of November in the year of the Lord Two Thousand and Ten.

The proclamation was presented to Beth Bourn, Jerry Beagle and Linda Rock.

- The next item for Council's discussion was Resolution No. 10-133 regarding additional licensed premises for the Sandhillers Bar.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-133 which follows in its entirety:

### **RESOLUTION NO. 10-133**

WHEREAS, The City of Alliance has received a notice and copy of an Application for Addition to Liquor License submitted by M.R.C. Incorporated, dba Sandhillers Bar; and

WHEREAS, The Alliance City Council has reviewed the application; and

WHEREAS, Council considered evidence bearing upon the propriety of the addition to the liquor license; and

WHEREAS, The Council determined that it should recommend the Nebraska Liquor Control Commission approve the Application for Addition to Liquor License submitted by M.R.C. Incorporated, dba Sandhillers Bar.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the Application for Addition to Liquor License submitted by M.R.C. Incorporated, dba Sandhillers Bar, which is located at 207 Box Butte Avenue, in Alliance, Nebraska be approved.

Sam Mundt, owner of Sandhillers Bar, addressed Council advising them the addition is a glorified carport that has been enclosed that has enough free air movement to meet the guidelines that provides shelter for smoking patrons. Fire Chief Troy Shoemaker advised Council that the structure is not permanently attached to the building and was erected May 13, 2009. There are some minor electrical issues to be dealt with in his opinion.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- Resolution No. 10-134 awarding the installation and purchase of a surveillance system in the exhibit area of the Knight Museum and Sandhills Center was the next item to be considered by Council.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 10-134 which follows in its entirety:

**RESOLUTION NO. 10-134**

*WHEREAS*, The City of Alliance owns and operates the Knight Museum and Sandhills Center; and

*WHEREAS*, Recent actions have demonstrated that the artifacts are in danger of being destroyed by accident or vandalism; and

*WHEREAS*, The City does not maintain sufficient staffing to keep all of the artifacts under surveillance at all times; and

*WHEREAS*, In the First Quarter Capital Improvements, Council approved the purchase of a security system for the exhibit area of the Knight Museum and Sandhills Center; and

*WHEREAS*, Staff has gone out for quotes and based on the quotes, Mobius Business Services is the lowest reasonable and responsible bidder; and

*WHEREAS*, Staff is requesting that the City Council approve the purchase of the security system from Mobius Business Services in the amount of Seven Thousand Eight Hundred Thirty-One Dollars and 60/100ths (\$7,831.60); and

*WHEREAS*, City Council believes that it is in the best interest to provide a security system at the Knight Museum and Sandhills Center.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska that the Mayor is authorized to enter into a purchase agreement with Mobius Business Services for the purchase and installation of a surveillance system in the amount of Seven Thousand Eight Hundred Thirty-one Dollars and 60/100ths (\$7,831.60)

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's review was Resolution No. 10-135 authorizing Pay Request Nos. 1 and 2 to Simon Contractors for the Tennis Court Rehabilitation Project.

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Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 10-135.

Gary Gerhard and Mike Milius, representatives of Olsson Associates addressed Council by describing the project and handing out pictures taken of the tennis courts. Mr. Milius indicated there are three areas of concern: rough areas in the existing asphalt, two cracks that have appeared in the east court, and two areas that are out of specification regarding ponding which have been referred to the contractor which is the reason for the retainage of fees for repairs. Mr. Milius advised Council there will always be cracks in an area of asphalt of that size. There was leftover paint and patching material from the job that can be used to fill minor cracking. The retainage recommended will cover the cost of surfacing of the court should it be necessary to hire it down by another firm. When the contractor comes back, filler must be put in the areas that do not drain, then the painting system and the court surfacing system must be brought back. Councilman Feldges told Mr. Milius that there are pocked areas in the middle court. Cultural and Leisure Services Director advised Council that nickels were placed in all the areas of the courts that retain water to check the depth of the water. None of the areas were deeper than a nickel which is the specification; with the exception of the two areas that were noted. Mr. Gerhard explained that much of the area that is rough is due to the existing asphalt. The only way to avoid the roughness was a complete overlay which would have cost approximately \$60,000.00 to \$70,000.00 dollars and would still contain cracks. The recommendation of Olsson Associates is to keep the retainage fee at \$11,682.13 which will be sufficient to hire someone to complete the courts if necessary.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend Resolution No. 10-135 to read \$60,000.00 in paragraph 6 and in paragraph 7 change the amount of \$56,821.29.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

Resolution No. 10-135 as amended follows in its entirety:

#### **RESOLUTION NO. 10-135**

*WHEREAS*, The City of Alliance owns the Sudman Tennis Courts; and

*WHEREAS*, The City of Alliance entered into a contract with Olsson Associates to provide the engineering services for the rehabilitation for the Sudman Tennis Courts; and

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*WHEREAS*, The City of Alliance entered into a contract with Simon Contractors for the rehabilitation of the tennis courts; and

*WHEREAS*, Olsson Associates has presented a pay request which includes two separate requests for payment to Simon Contractors requesting a total amount of One Hundred Sixteen Thousand Eight Hundred Twenty-One Dollars and 29/100ths (\$116,821.29) less the retainage of ten percent and less of liquidated damages of Five Thousand Two Hundred Fifty Dollars (\$5,250.00) for a total payment of Ninety-Nine Thousand Eight Hundred Eighty-Nine Dollars and 16/100ths (\$99,889.16); and

*WHEREAS*, Olsson Associates is recommending that the City of Alliance make payment to Simon Contractors for the work completed to date.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska that staff is authorized to pay Simon Contractors the amount of Sixty Thousand Dollars and no/100ths (\$60,000.00).

*BE IT FURTHER RESOLVED*, That the Fifty-Six Thousand Six Hundred Eight Hundred Twenty-One Dollars & 29/100 (\$56,821.29) will be retained until the court resurfacing repairs have been completed.

Roll call vote on Resolution No. 10-135 as amended with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: Yeager.

Motion carried.

- The next item to be voted upon by Council was Resolution No. 10-136 approving Great Western Bank as one of the City's authorized depositories.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-136 which follows in its entirety:

#### **RESOLUTION NO. 10-136**

*WHEREAS*, Sections 16-712 through 16-716 of the Nebraska Revised Statutes 1943 specify requirements for the Deposit of City Funds; and

*WHEREAS*, Those statutes require a resolution of the Mayor and City Council authorizing the City Treasurer to purchase Certificates of Deposit from and make time deposits in banks selected as depositories of City Funds; and

*WHEREAS*, Great Western Bank with a branch in Alliance, Nebraska has proposed security arrangements for deposited City Funds in accordance with State Statutes.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Treasurer, acting on behalf on the City of Alliance, Nebraska, is hereby authorized to make purchases of Certificates of Deposit from and to make time deposits in Great Western Bank Alliance, Nebraska; in accordance with their proposal and the appropriate Nebraska Statutes in effect at the time of this Resolution.

BE IT FURTHER RESOLVED, that this Resolution does not modify Resolution No. 10-02 which authorized the City Treasurer, acting on behalf on the City of Alliance, Nebraska, to make purchases of Certificates of Deposit from and to make time deposits in Bank of the West, First National Bank, and Wells Fargo Bank; Alliance, NE; in accordance with their proposals and the appropriate Nebraska Statutes

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was several board appointments.

Motion by Councilman Feldges, seconded by Councilman Benzel to accept the resignation of Laura Lachman from the A-2 Downtown Improvement Board.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Feldges, seconded by Councilman Benzel to reappoint Rich Otto to serve on the A-2 Downtown Improvement Board for an unexpired term ending October, 2011.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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Motion by Councilman Feldges, seconded by Councilman Benzel to reappoint Dede DeVeny to serve on the A-1 Downtown Improvement Board for a term expiring October, 2013.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to appoint John J. Placek to serve on the Alliance Housing Authority for a term expiring December 31, 2013.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Feldges, seconded by Councilman Benzel to appoint Ray Hielscher to serve on the Economic Development Plan Citizens Advisory Board for a term expiring May 16, 2011 as a citizen representative.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was an Executive Session to discuss contract negotiations.

Councilman Benzel motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the purpose of discussing contract negotiations. The motion was seconded by Councilman Feldges.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- The executive session was entered into at 8:03 p.m. and adjourned at 10:00 p.m.
- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:01 p.m.”

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Ralph Yeager, Mayor

(SEAL)

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Linda S. Jines, City Clerk