

December 16, 2010

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, DECEMBER 16, 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, December 16, 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 December 9, 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 Feldges opened the December 16, 2010 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Kusek, Benzel, Yeager and Gonzalez. Also present were Interim City Manager Miller and City Clerk Jines.

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

Motion by Councilman Kusek, seconded by Councilman Yeager to approve the Consent Calendar which follows in its entirety:

CONSENT CALENDAR – DECEMBER 16, 2010

1. Approval: Minutes of the Regular Meeting, December 7, 2010.
2. Approval: Claims against the following funds for the period December 3, 2010 through December 13, 2010: General, General Debt Service, Trust and Agency, Street, Electric,

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Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$579,541.65.

3. Approval: The annual filing of the Nebraska Department of Roads Board of Public Roads Classifications and Standards Reports for submittal. The filing also certifies that the minimum standards of design, construction, and maintenance of roads, streets, and highways under their authority have been met. All tax revenues, including State, County, and Municipal tax revenues, as well as highway-user revenue allocations for roads, streets, and highways, has been expended in accordance with approved plans and standards and the rules and regulations of the Board of Public Roads Classifications and Standards for the period beginning October 1, 2009 and ending September 30, 2010.
4. Approval: Granting permission for new City Manager J.D. Cox to serve as the City of Alliance's representative on the Alliance Chamber of Commerce Board of Directors.
5. Approval: The issuance of a General Contractor License to Ted Corean, d/b/a Corean Construction.
6. FYI: Attached are the most recent dashboard graphs for your information: Water Usage, Electric Usage, Airport Deplaned Passengers, Airport Enplaned Passengers, and Hotel Occupation Tax. The remaining reports that are usually distributed were not able to be completed at this time due to difficulty in obtaining information. This situation is being corrected and will be reported next month.

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 asked about a charge for appliances at the Knight Museum and Sandhills Center. Cultural and Leisure Services Director Shana Brown advised Council that a refrigerator and stove were purchased. Councilman Benzel asked if the stove had been hooked up to allow cooking to take place. Ms. Brown told him that it is fully functional. Councilman Gonzalez asked about the charge to EMS Billing. Interim City Manager Miller advised Council that EMS Billing charges the City 15% of any ambulance bills that have been collected. Councilman Gonzalez asked if the City would still be charging a lodging tax without a Tourism Office. Council was advised that the City's lodging tax is separate from the County's.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a Conflict Claim of Mayor Feldges in the amount of \$898.09.

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Motion by Councilman Yeager, seconded by Councilman Benzel to approve a Conflict Claim of Mayor Feldges in the amount of \$898.09.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

- The next item for Council's review was Resolution No. 10-151 amending the previously adopted One and Six Year Street Improvement Plan.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 10-151 which follows in its entirety:

RESOLUTION NO. 10-151

WHEREAS, The Nebraska law requires that the City of Alliance develop and file with the Board of Public Roads, Classifications, and Standards, a long range six year plan of highway, road and street improvements; and

WHEREAS, Such plan must be extended annually on or before the anniversary date; and

WHEREAS, City staff has prepared a One and Six Year Plan to meet these legal requirements; and

WHEREAS, The plan has been submitted to Council and examined by the City Council at a regular meeting conducted on February 18th 2010.

WHEREAS, The City published and held a public hearing on March 4, 2010; and

WHEREAS, The City Council re-examined the plan at a regular meeting on March 4, 2010, approved and ratified the plan; and

WHEREAS, Staff is requesting that the One and Six Year Plan be amended to include the construction of Holsten Drive.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the One and Six Year City Street Improvement Plan prepared by the City of Alliance Department of Public Facilities is hereby amended to include the construction of Holsten Drive.

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BE IT FURTHER RESOLVED, that the One and Six Year City Street Improvement Plan, as amended is hereby approved, ratified and the City staff is authorized to forward the Amended Plan to the Board of Public Roads, Classifications, and Standards.

Interim City Manager Miller advised Council that Tax Increment Financing would be available to assist in the construction of the street.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 10-152 approving an amendment to the Transportation Security Administration Agreement for law enforcement reimbursement at the airport.

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Resolution No. 10-152 which follows in its entirety:

RESOLUTION NO. 10-152

WHEREAS, The City of Alliance is a party to the Law Enforcement Reimbursement Agreement with the Transportation Security Administration; and

WHEREAS, The original Agreement, the extensions and the modifications of the Agreement set forth rates of reimbursement for law enforcement coverage provided by Alliance Police Officers; and

WHEREAS, The Transportation Security Administration has requested that the City of Alliance participate in a modification of the Agreement which will add Twenty Two Thousand Two Hundred Seventy-Six and 21/100ths Dollars (\$22,276.21) to the award making the total One Hundred Seven Thousand, Nine Hundred Sixty Eighty and 93/100ths Dollars (\$107,968.93); and

WHEREAS, The modification request also authorizes an additional Three Thousand Four Hundred Eighty Two and 26/100ths Dollars (\$3,482.26) which was allocated for fiscal year 2010 to be used to support passenger screening activities during the current funding period; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance approves the execution of the submitted Modification Number P00006 to Agreement #HSTS0208HSLR009.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-153 authorizing the Second Quarter CIP/CEP solicitation of bids was the next item for Council's review.

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 10-153 which follows in its entirety:

RESOLUTION NO. 10-153

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 second quarter of the 2010-2011 fiscal year; and

WHEREAS, The Interim City Manager has reviewed and approved the proposed schedule of capital purchases for the second 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 second quarter of the 2010-2011 fiscal year, totaling Three Hundred Thirty-Five Thousand Six Hundred Thirty-Five and No/100ths Dollars (\$335,635.00) is hereby approved.

BE IT FURTHER RESOLVED, that City staff is authorized to proceed with the purchases of the items listed on the following:

Streets	Cap. Outlay-Mach, Equip (Mower/Snow Plow Spreader)	\$31,500.00
Police Operations	Cap. Outlay -Vehicles	\$28,035.00
Cultural Leisure Services		
Golf	Cap. Outlay – Mach, Equip (Greens Mower)	\$25,000.00
Golf	Cap. Outlay – Buildings (Clubhouse Improve)	\$10,000.00
Pool	Cap. Outlay – Mach, Equip. (Diving Board)	\$17,500.00
Fire	Cap. Outlay Machine Equipment	\$33,600.00
Fire	Cap. Outlay Ambulance	\$150,000.00
Fire	Cap. Outlay – Command Vehicle	\$40,000.00
	Total	\$335,635.00

Councilman Kusek asked for a list of vehicles owned by the City in the Fire Department along with the ages of each.

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Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 10-154 accepting the undisputed portion of the insurance claim on the Cody transformer.

Motion by Mayor Feldges, seconded by Councilman Kusek to approve Resolution No. 10-154 which follows in its entirety:

RESOLUTION NO. 10-154

WHEREAS, The City of Alliance operates the substations and transmission lines for electrical distribution within the City of Alliance; and

WHEREAS, The 33,000 KVA transformer at the 3rd and Cody substation failed; and

WHEREAS, The transformer was covered by insurance; and

WHEREAS, There is a controversy regarding the applicable amount of the deductible to the damaged transformer under the equipment breakdown coverage; and

WHEREAS, The Oak River Insurance Company of Omaha, Nebraska has submitted a revised "Sworn Statement in Proof of Loss" and proposes to pay Two Hundred Eighty Thousand Five Hundred and No/100ths Dollars (\$280,500.00) which is the undisputed amount; and

WHEREAS, The revised "Sworn Statement in Proof of Loss" stipulates the total amount of loss but does not state the amount of the deductible.

WHEREAS, The City Council believes it is in the best interest of the City of Alliance to sign the revised "Sworn Statement in Proof of Loss" and accept the amount of funds which are not in controversy regarding the applicable amount of the deductible.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the "Sworn Statement in Proof of Loss" for the 33,000 KVA transformer which was located at the 3rd and Cody substation.

BE IT FURTHER RESOLVED that the City reserves its right dispute the applicable amount of the deductible to be applied as a result of the damaged transformer under the equipment breakdown coverage of the insurance policy.

Roll call vote with the following results:

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

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Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a board appointments.

Motion by Councilman Yeager, seconded by Councilman Benzel to reappoint Earl Jones to the Planning Commission for a term ending December 31, 2013.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Kusek to appoint Rosa Lee Hoff to the Planning Commission for a term ending December 31, 2013.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Gonzalez to reappoint James Joule to the Police/Citizen Advisory Board as a senior citizen representative for a term ending December 31, 2012.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Benzel to appoint Dan Carlson to the Police/Citizen Advisory Board as the school representative for a term ending December 31, 2012.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Prior to entering into Closed Session, Mayor Feldges on behalf of the City Council extended best wishes for a Merry Christmas and Happy New Year to the citizens of Alliance.
- The last item on Council's agenda was an Executive Session to discuss personnel issues and contract negotiations.

Councilman Yeager 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 a personnel issue and contract negotiations. The motion was seconded by Councilman Benzel.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 7:40 p.m. and ended at 9:22 p.m.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:23 p.m."

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk