

May 5, 2011

## ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MAY 5, 2011

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, May 5, 2011 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 April 28, 2011. 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.

- City Clerk Jines opened the May 5, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council Members Benzel, Gonzalez, and Kusek. Also present were City Manager Cox and City Clerk Jines.
- The first order of business was to elect a Temporary Chairperson to serve as Temporary Mayor due to the absence of Mayor Feldges and Vice Mayor Yeager.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to elect Councilman Kusek to serve as Temporary Mayor.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- Motion by Temporary Mayor Kusek, seconded by Councilman Benzel to excuse Mayor Feldges and Vice-Mayor Yeager from the meeting as they are out of town.

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Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- Temporary Mayor Kusek read the Open Meetings Act Announcement.
- The first agenda item was the introduction of new employees, Library Clerk Barb Burke and Cultural & Leisure Services Administrative Secretary Kathy Gray.
- The next item on Council's agenda was the Consent Calendar.

Motion by Councilman Benzel to remove the claim of Trent Benzel in the amount of \$62.99 within the Refuse Collection Fund from the claims report. Due to the number of Councilmembers present at the meeting the claim will be placed on the May 19, 2011 agenda for consideration. The motion was seconded by Councilman Gonzalez.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

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

CONSENT CALENDAR – MAY 5, 2011

1. Approval: Minutes of the Regular Meeting, April 14, 2011 and the Budget Workshop held April 14, 2011.
2. Approval: Payroll and Employer Taxes for the period April 2, 2011 through April 15, 2011 inclusive: \$156,993.49 and \$11,102.01 respectively.
3. Approval: Claims against the following funds for the period April 18, 2011 through May 1, 2011: 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; \$917,631.58.

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Approval of the claim for J.D. Cox for mileage reimbursement to attend the State Planning Conference on March 30 – April 1, 2011; \$295.50. This claim was removed from the April 21<sup>st</sup> Consent Calendar for clarification.

4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Floyd (Jordan) Colwell and removing Jason Henton.
5. Approval: Resolution No. 11-59 granting a Special Designated License to D-Head, Inc. dba The Gathering Spot for July 21, 22, and 23, 2011 as part of the Heritage Days celebration.
6. Approval: The Request of the Route 385 Cruisers for their 11<sup>th</sup> Annual Car Show and Rod Run events on Saturday, June 4<sup>th</sup> and Sunday, June 5<sup>th</sup>. The Club would once again like to host their dance at the Airport within a hangar, with alcohol being catered by the VFW. The car show will be held in Central Park and the Club is requesting the street closure of Yellowstone Avenue between 9<sup>th</sup> and 10<sup>th</sup> Streets and 9<sup>th</sup> Street between Yellowstone and Niobrara Avenues.
7. Approval: The issuance of the following Cemetery Certificates:

The East One Half (E ½) of Lot Twenty-seven (27), Section Six (6), Block Twenty (20), Third Addition to the Alliance Cemetery to E. Bruce Hitchcock and Sharon M. Hitchcock.

The South One Half of the Southwest Quarter (S ½ of the SW ¼) Lot Twelve (12), Section Three (3), Block Eight (8), First Addition to the Alliance Cemetery to Sherrill Padgett.

Lot Eight (8), Section Three (3), Block Twenty-eight (28) of the Fourth Addition to the Alliance Cemetery to Bill Reiling.

The West One Half (W ½) of Lot Seventeen (17), Section Nine (9), Block Twenty (20), Third Addition to the Alliance Cemetery to Patricia A. Burri and Lisa A. Fischer.

The East One Half (E ½) of Lots Thirty-seven (37) and Thirty-eight (38), Section Nine (9), Block Twenty (20), Third Addition to the Alliance Cemetery to Kevin Cox, Rhonda Cox and Courtney Cox.

8. Approval: Issuance of the following Contractor Licenses:

General Contractor	Ray Hashman and Jay Dubs, dba R & J Industries Plus, Inc. Ted Corean, dba Corean Construction, LLC Doug Cullan, dba Cullan Supply Contractors Terry Peltz, dba Peltz Construction Co., Inc.
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Repair & Maintenance	Ernest G. Carlson, dba The House Doctor Timothy Dahlberg, dba Dahlberg Carpentry Harley Salway, dba Harley's Construction Services Larry Lybarger, dba Expedient Claim Services, Inc. Doyle Spradlin, dba Hometown Roofing Tim Overshiner, dba Overshiner Roofing Peak to Peak Roofing & Exteriors, LLC
Limited & Specialty	Tri-State Carports, Inc. Charles Hamm, dba C & J Steel Erectors

NOTE: City Manager Cox 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.

Council requested staff to research the claim of Danko Emergency Equipment within the Firefighting Fund.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- A proclamation for Box Butte General Hospital Appreciation Week was the next item on Council's agenda.

Temporary Mayor Kusek read the proclamation which follows in its entirety:

### Proclamation

*WHEREAS*, National Hospital Week is May 8-14, 2011 with the official theme "Champions of Care;" and

*WHEREAS*, The hard-working Box Butte General Hospital Team deserves universal regard and appreciation for keeping our community healthy; and

*WHEREAS*, Box Butte General Hospital provides great care to the Community of Alliance and the Panhandle Region; and

*WHEREAS*, Box Butte General Hospital actively participates in Community Service and Economic Development; and

*WHEREAS*, Box Butte General Hospital is the sole community hospital that provides lifesaving services; and

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*WHEREAS*, The overall health and wellbeing of the community is of great concern and can be improved by a dedicated healthcare team; and

*WHEREAS*, Box Butte General Hospital's Mission "is to lead and innovate in healthcare delivery and community wellness" and BBGH plays a key role in the community living a more fulfilling life; and

*WHEREAS*, Alliance appreciates Box Butte General Hospital's values of Safety, Excellence, Compassion, Integrity, Devotion, and Teamwork,

*NOW, THEREFORE*, the City Council of Alliance, Nebraska, does hereby proclaim the week of May 8-14, 2011 as:

#### Box Butte General Hospital Appreciation Week

in the City of Alliance, Nebraska, and I urge everyone to take time this May to honor our Box Butte General Hospital Teammates and to express appreciation for the facilities, technologies, and volunteers that make trustworthy, reliable health care possible in our community and to recognize Box Butte General Hospital as the greatest place to receive care, to work, and to practice medicine.

The proclamation was presented to Jane McConkey an employee of the hospital.

- The next agenda item was the City Manager's report by J.D. Cox which follows in outline form:
  - Reviewed the VisionMission/Goals process
  - Reported on the Economic Development/Tourism Trip Report & the Joint Meeting to be held on May 24, 2011
  - Provided an overview of the Highway 385 Project
  - Discussed attendance at the NEDA Conference, June 1-3, 2011
  - J.D.'s family will be moving to Alliance over the Memorial Day weekend
  - Requested Council consider changing the June Council meetings to the 2<sup>nd</sup> and 4<sup>th</sup> week
  - Informed Council the Electric Reliability Study would be completed the last week of May
  - Public Facilities Director Lenz will be moving forward with the sale of City owned property at 12<sup>th</sup> and Flack Avenue and the building which formerly housed Jerry's Barber Shop
  - Naming of the dog park and the related information is scheduled for our next meeting on May 19<sup>th</sup>
  - Provided an update on the tennis court resurfacing project stating the repair for the two low spots is scheduled for completion in June, a partial payments has been made which is included in tonight's claims, and the appropriate retainage has been kept pending the repair work
  - Informed Council a public hearing on the redistricting issue will be held on May 13<sup>th</sup>
  - Representatives of West Plains Grain will be in attendance at the next Council meeting
  - Staff is scheduling a facilities tour for Council members in the near future

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- Updated Council on staffing vacancies with the announcement of the hiring of Randy Waggener as the new Finance Director. Positions currently being recruited are Account Clerk II, Library Page, Firefighter/EMT, Human Resources Officer, and Community Development Director. Positions which are in the interviewing status are: Children's Librarian, Police Officer, Public Safety Dispatcher and R.S.V.P. Clerk.
- The next item for Council's consideration was Resolution No. 11-61 accepting the donations of furniture and an honorary plaque for the club house at Sky View Golf Course. City Manager Cox provided the following background information:

[The Golf Course Advisory Board has approved and recommended to the City that the proposal from the Ladies Golf Association to replace the dated clubhouse furniture be approved. The Ladies Association will fund the purchase of a new couch, two love seats and two new chairs. Under the same plan, they intend to also replace the end tables. They have also requested permission to sell the old furniture to go toward the purchase of the new furniture. In addition, the Men's Golf Association would like to honor and recognize Ron Gunia for his years of service and dedication to the Alliance Golf Community. I understand that they wish to keep the name of the individual under wraps until they can present it. A picture of the new furniture is included in your packets.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-61 which follows in its entirety:

#### **RESOLUTION NO. 11-61**

*WHEREAS*, The City of Alliance owns and operates Skyview Golf Course; and

*WHEREAS*, The Ladies Golf Association has requested to donate a new leather sofa, two leather loveseats and two leather chairs to the City of Alliance for placement in the club house at the golf course; and

*WHEREAS*, The Ladies Golf Association has requested authority to sell the old furniture from the club house to help raise funds to purchase the new furniture; and

*WHEREAS*, The Panhandle Men's Club has requested to donate a plaque to the City and to be authorized to display the plaque inside the club house or outside on the grounds of Skyview Golf Course;

*WHEREAS*, The City Council believes it is in the best interest of the City of Alliance to accept the donation from the Ladies Golf Association and the Panhandle Men's Club.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the donation of the leather sofa, two leather loveseats and two leather chairs are accepted by the City of Alliance.

*BE IT FURTHER RESOLVED* that leather sofa, two leather loveseats and two leather chairs may be placed in the club house at the golf course.

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*BE IT FURTHER RESOLVED* that the Ladies Golf Association is authorized to sell the old furniture from the club house and use the funds to help pay for the new furniture, provided that the Ladies Golf Association follow the City of Alliance Procurement Policy.

*BE IT FURTHER RESOLVED* that the donation of the plaque by the Panhandle Men's Club is accepted by the City of Alliance.

BE IT FURTHER RESOLVED that the Panhandle Men's Club is authorized to display the plaque in the club house or outside on the grounds at the Skyview Golf Course.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- Resolution No. 11-62 authorizing the completion of the Transportation Enhancement Program Intent-to-Apply Form for the proposed Meadowood Trail was the next item for Council's review. City Manager Cox provided the following background information:

[As a followup to our conversation during the budget workshop, Resolution 11-62 gives authority to apply for an NDOR Transportation Enhancement Grant that would fund the building of a "trail" along 10<sup>th</sup> Street from Sweetwater to Meadowlark Avenue.

The cost estimate for the entire project is \$350,000. The grant would be an 80% NDOR, 20% City share which would be included in next year's budget, if approved. This resolution will begin the long grant application process and upon approval of this resolution, staff will file an "Intent to Apply Form" with the State.]

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Resolution No. 11-62 which follows in its entirety:

### **RESOLUTION NO. 11-62**

*WHEREAS*, The City of Alliance, owns and maintains roads within the City; and

*WHEREAS*, The City is responsible for providing adequate pedestrian access within the City of Alliance; and

*WHEREAS*, Staff desires to construct a pedestrian access along 10<sup>th</sup> Street from Sweetwater Avenue to Meadowlark Avenue to provide a walking, running and biking path from recreational facilities and schools near the center of Alliance to a neighborhood on the outskirts of Alliance; and

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*WHEREAS*, The Staff is requesting authority to file an Intent to Apply Form with the Nebraska Department of Roads for federal funds from the Transportation Enhancement Program to help pay for the construction of this pedestrian access; and

*WHEREAS*, Council believes that it is in the best interest of the City to make application for the federal funds by filing the Intent to Apply Form for the Transportation Enhancement Program with the Nebraska Department of Roads.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to file an Intent to Apply Form with the Nebraska Department of Roads for the federal funds available through the Transportation Enhancement for a grant to help pay for the construction of a pedestrian access along 10<sup>th</sup> Street from Sweetwater Avenue to Meadowlark Avenue to provide a walking, running and biking path from recreational facilities and schools near the center of Alliance to a neighborhood on the outskirts of Alliance.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 11-63 authorizing the submittal of Application for Federal Assistance for the ARFF Vehicle and Equipment. City Manager Cox provided the following background information:

[Although the City has already been approved for funding for the ARFF truck (Aircraft Rescue Fire Fighting) this next step is required in order for the grant to be issued.

As you will recall at the April 7 meeting, Council approved the low bid of \$539,099 from Oshkosh for the truck itself which was well below the \$785,000 estimate. However, we are applying for the issuance of the amount of \$800,000 (that includes \$760,000 grant plus \$40,000 match) to include all of the loose equipment items for the truck: tools, equipment, clothing, etc.

Also, this resolution will grant authority to the Mayor to sign quickly any further paperwork that might be generated for the project.]

Motion by Temporary Mayor Kusek, seconded by Councilman Gonzalez to approve Resolution No. 11-63 which follows in its entirety:

### **RESOLUTION NO. 11-63**

*WHEREAS*, The City of Alliance, operates the Alliance Municipal Airport; and

*WHEREAS*, The City needs to provide adequate airport fire suppression capability; and

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*WHEREAS*, The Staff is requesting authority to file an Application for Federal Assistance SF-424 with the U.S. Department of Transportation – Federal Aviation Administration for a grant to help in the purchase of an Airport Rescue Fire Fighting (ARFF) vehicle and equipment; and

*WHEREAS*, Staff is also requesting that Council authorize the Mayor to accept the grant and sign the necessary grant documentation if the City receives the grant; and

*WHEREAS*, Council believes that it is in the best interest of the City to make application with the U.S. Department of Transportation – Federal Aviation Administration for a grant to help in the purchase of an Airport Rescue Fire Fighting (ARFF) vehicle and equipment.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to file an Application for Federal Assistance SF-424 with the U.S. Department of Transportation – Federal Aviation Administration for a grant to help in the purchase of an Airport Rescue Fire Fighting (ARFF) vehicle and equipment.

*BE IT FURTHER RESOLVED*, that if the City receives the grant, the Mayor is authorized to accept the grant on behalf of the City of Alliance and sign the necessary documentation to accept the U.S. Department of Transportation – Federal Aviation Administration grant to help in purchasing an Airport Rescue Fire Fighting (ARFF) vehicle and equipment.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- Resolution No. 11-60 approving the Manager's Application of Gene S. Hill for the Class D Liquor License of Safeway of Western Nebraska, Inc. was the next item to be presented to Council. City Manager Cox provided the following background information:

[We have received a Manager's Application for a Class D Liquor License for Safeway of Western Nebraska for Gene S. Hill.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-60 which follows in its entirety:

#### **RESOLUTION NO. 11-60**

*WHEREAS*, The City of Alliance has received a notice and copy of a Manager Application for Safeway of Western Nebraska, Inc. 500 East 3<sup>rd</sup> Street, Alliance, NE, submitted by Gene S. Hill; and

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*WHEREAS*, City staff has reviewed the application and finds no reason why the proposed manager, Gene S. Hill, would be disqualified from serving as manager; and

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Gene S. Hill for Safeway of Western Nebraska, Inc. 500 East 3<sup>rd</sup> Street, Alliance, NE is hereby approved.

*BE IT FURTHER RESOLVED*, that the City Clerk shall notify the Nebraska Liquor Control Commission of this Council decision.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was announcements of Board vacancies.

Councilman Gonzalez informed the public that the City of Alliance has two terms expiring on the Museum Board the end of May which will be available for appointment. Along with the Museum vacancies there are also positions available on the Board of Adjustment (2), A-1 Downtown Improvement Board (2), A-2 Downtown Improvement Board (1), Economic Development Plan Citizen Advisory Council and Application Review Committee, Park and Tree Board (1), and Planning Commission (1).

- Resolution No. 11-64 regarding the implementation of an installment payment plan for memberships and cart barn storage at Sky View Golf Course was now before Council.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-64 which follows in its entirety:

#### RESOLUTION NO. 11-64

*WHEREAS*, The City of Alliance owns and operates the Municipal Golf Course; and

*WHEREAS*, The Council passed Resolution 10-139 which authorized the following payment options:

- ACH Payments October through March
- Monthly Payments October through March
- Payments in full by April 1<sup>st</sup>; and

*WHEREAS*, The City Manager is recommending that the City modify the policy to authorize monthly payments to be added to a utility customer's account; and

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*WHEREAS*, The City Manager is recommending the payment policy for the 2011 year be changed to permit the City to authorize payments to be made on Single, Couple, Family Golf Course Memberships and Cart Barn Rentals during May through September by including those fees on the City Utility bill and authorizing the Utility Bill to be paid by normal payment methods including Automatic Clearing House “ACH” payments and that the final payment for 2011 be extended from April 1<sup>st</sup> to September 30<sup>th</sup>; and

*WHEREAS*, City Council believes that it is in the best interest to implement the Policy Changes as requested by the City Manager,

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska that for the 2011 golf season only, staff is authorized to implement the payment schedule of May through September as set forth herein and contained on the City of Alliance Skyview Golf Course Installment Payment Plan which is included in Council packets.

*BE IT FURTHER RESOLVED*, That Staff is authorized to implement ACH Payments and Monthly Payments to be included on the City Utility bill for Annual Season Fees for Golf Memberships and the Cart Barn Rental Annual Payments pursuant to the policy established in Resolutions No. 10-139 for the 2012 and following golf seasons.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- Prior to adjournment, City Manager Cox reviewed action items requested by Council.
- Councilman Gonzalez requested an item be placed on the next Council agenda regarding a donation being made to the School to go towards the construction of the Performing Arts Center.
- Temporary Mayor Kusek stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:53 p.m.”

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Dan Kusek, Temporary Mayor

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Linda S. Jines, City Clerk