

September 1, 2011

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, SEPTEMBER 1, 2011

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

The Alliance City Council met in a Regular Meeting, September 1, 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 August 25, 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.

Mayor Feldges opened the September 1, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Yeager, Kusek, Benzel, and Gonzalez. Also present were City Manager Cox, City Attorney 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 Benzel, seconded by Councilman Yeager to approve the Consent Calendar which follows in its entirety:

CONSENT CALENDAR – SEPTEMBER 1, 2011

1. Approval: Minutes of the Regular Meeting, August 16, 2011 and the Special Utility Rate Workshop, August 16, 2011.
2. Approval: Payroll and Employer Taxes for the period August 6, 2011 through August 19, 2011 inclusive: \$173,956.09 and \$12,398.23 respectively.

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3. Approval: Claims against the following funds for the period August 12, 2011 through August 26, 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; \$1,113,478.50.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Morgan Wills and Barry Winter and removing Derald Solomon.
5. Approval: The issuance of Repair and Maintenance Contractor licenses to Michael Levi Johnson dba Skeeter Construction and David Lewis.
6. Approval: The issuance of Cemetery Certificates to:

Victor and Jane Krause the West One Half (W1/2) Lot Twenty-five (25), Section Seven (7), Block Twenty (20), Third Addition to the Alliance Cemetery.

Joe and Nona Roten the West One Half (W1/2) Lot Twenty-eight (28), Section One (1), Block Twenty-two (22), Fourth Addition to the Alliance Cemetery.

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.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- City Manager Cox reported to the Council that there had been significant vandalism done to the skatepark which will be closed temporarily for clean-up and repairs. He also reported that staff is currently reviewing the code requirements for the construction of a garage due to a recent complaint.
- The next item for Council's consideration was Ordinance No. 2684 amending the Alliance Municipal Code with regard to electric rate revisions. City Manager Cox provided the following background information:

[At our utility workshop on August 16, electric, water, refuse and sewer utilities were reviewed. In summary what is recommended for electric, is the adoption of rates, per the MEAN study (which is included in your packets), that will keep the City whole with the upcoming rate increases for which we have been notified are coming.]

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Motion by Councilman Yeager, seconded by Councilman Gonzalez to approve Ordinance No. 2684 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2684

AN ORDINANCE AMENDING CERTAIN PORTIONS OF CHAPTER 4 OF THE ALLIANCE MUNICIPAL CODE, SPECIFICALLY ARTICLE 1, SECTIONS 4-131, 4-144, 4-145, 4-146, 4-147, 4-148, 4-149, 4-150, 4-151 AND 4-158. REGARDING GENERAL TERMS AND CONDITIONS AND ALL RATE SCHEDULE CLASSIFICATIONS OF ELECTRIC ENERGY RATES; ESTABLISHING AN ANNUAL RATE ADJUSTMENT; AND REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. Staff from the City's Electric and Finance Departments have prepared amendments to referenced portions of Chapter 4 of the Alliance Municipal Code resulting from the findings of the Cost of Service and Rate Design Study conducted by the Nebraska Municipal Power Pool for submission to the City Council.

SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted. Chapter 4 of the Alliance Municipal Code, Article 1, is hereby amended with an effective date of this ordinance, unless otherwise provided in the amended code, in the following particulars:

ARTICLE 1
ELECTRIC SYSTEM

4-131. EXTENSION POLICY.

Aerial Construction Line Extension

- a. Single Phase for permanent, Class 1, 2, or 3 non-seasonal loads
 1. Customer will pay all costs in excess of projected three year revenues. (50% of the estimated cost must be paid prior to beginning of construction and the balance upon completion).
- b. Single phase for seasonal loads (including irrigation recirculation systems)
 1. Estimate cost of extension.
 2. Estimate 3 years of customer revenue.

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3. Customer will pay difference between estimated cost (a) and estimated revenue (b) (50% of the estimated cost must be paid prior to beginning of construction and the balance upon completion).
 4. Motors up to and including 7.5 HP on seasonal loads are to be single phase (rural lines)
- c. Three phase for Class 2, 3, 4 or Irrigation
1. Customer will pay costs in excess of projected three years of revenue for construction or conversion from single phase (50% of the estimated cost must be paid prior to beginning of construction and the balance upon completion).
 2. Center pivot irrigation system:
Customer will be responsible for installing buried secondary service from transformer pole to pump location.
- d. Relocation of pole(s) at request of customer
- Customer shall pay for all costs involved in relocating existing pole(s), transformers and equipment.
- e. Temporary line extensions
- Any temporary extension for use of construction, temporary power, or any other uses; Customer will be charged labor, equipment and materials, plus 25% material handling charge to construct and salvage said extension. Salvage material, other than the customers', will be retained by the City of Alliance.

4-144. GENERAL TERMS AND CONDITIONS, ALL RATES.

2. Production Cost Adjustment
The rates and the billings for the service rendered hereunder may be adjusted administratively, with Council approval, from month to month to reflect the change in production cost adjustments charged by the City's supplier(s). The monthly adjustment may be increased to reflect system losses as calculated for the previous calendar year.

4-145. RULES AND REGULATIONS GOVERNING SERVICE ON RESIDENTIAL RATE SCHEDULE (CLASS 1).

1. Urban Residential Rates: (within corporate limits)

Monthly Customer Charge	<u>November 1, 2011</u>	<u>October 1, 2012</u>
	\$9.00	\$11.00
<u>Summer</u>		
First 600 kWh@	\$.08990 per kWh	\$.09150 per kWh
Excess kWh @	\$.08990 per kWh	\$.09150 per kWh

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Winter

First 600 kWh @	\$.08121 per kWh	\$.08500 per kWh
Excess kWh @	\$.04670 per kWh	\$.05050 per kWh

2. Rural Residential Rates: (outside corporate limits)

Monthly Customer Charge	<u>November 1, 2011</u>	<u>October 1, 2012</u>
	\$14.00	\$16.25

Summer

First 600 kWh @	\$.09080 per kWh	\$.09500 per kWh
Excess kWh @	\$.09080 per kWh	\$.09500 per kWh

Winter

First 600 kWh @	\$.08200 per kWh	\$.08600 per kWh
Excess kWh @	\$.05105 per kWh	\$.05250 per kWh

4-146. RULES AND REGULATIONS GOVERNING SERVICE ON GENERAL SERVICE RATE SCHEDULE (CLASS 2).

1. General Service Urban Rates Single Phase: (inside corporate limits)

Monthly Customer Charge	<u>November 1, 2011</u>	<u>October 1, 2012</u>
	\$13.00	\$15.25

Summer

All use	\$.08900 per kWh	\$.09200 per kWh
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Winter

All use	\$.07440 per kWh	\$.07630 per kWh
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2. General Service Urban Rates Three Phase: (inside corporate limits)

Monthly Customer Charge	<u>November 1, 2011</u>	<u>October 1, 2012</u>
	\$22.00	\$26.00

Summer

All use	\$.08940 per kWh	\$.09300 per kWh
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Winter

All use	\$.07700 per kWh	\$.07950 per kWh
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3. General Service Rural Rates Single Phase: (inside corporate limits)

Monthly Customer Charge	<u>November 1, 2011</u>	<u>October 1, 2012</u>
	\$16.50	\$18.00

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Summer

All use \$.09750 per kWh \$.10100 per kWh

Winter

All use \$.07730 per kWh \$.07870 per kWh

4. General Service Rural Rates Three Phase: (inside corporate limits)

	<u>November 1, 2011</u>	<u>October 1, 2012</u>
Monthly Customer Charge	\$25.60	\$28.30

Summer

All use \$.09700 per kWh \$.09800 per kWh

Winter

All use \$.07700 per kWh \$.07800 per kWh

4-147. RULES AND REGULATIONS GOVERNING SERVICE ON GENERAL SERVICE DEMAND RATE SCHEDULE (CLASS 3).

1. General Service Demand Urban Rates: (inside corporate limits)

	<u>November 1, 2011</u>	<u>October 1, 2012</u>
Monthly Customer Charge	\$40.40	\$40.40

Energy

	Summer	Winter	Summer	Winter
	\$.06160	\$.05660	\$.06510	\$.05910

Demand

	Summer	Winter	Summer	Winter
	\$10.00	\$7.00	\$10.00	\$7.00

2. General Service Demand Rural Rates: (outside corporate limits)

	<u>November 1, 2011</u>	<u>October 1, 2012</u>
Monthly Customer Charge	\$44.00	\$44.00

Energy

	Summer	Winter	Summer	Winter
	\$.05880	\$.05080	\$.06270	\$.05370

Demand

	Summer	Winter	Summer	Winter
	\$15.00	\$9.00	\$15.00	\$9.00

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4-148. RULES AND REGULATIONS GOVERNING SERVICE ON LARGE POWER RATE SCHEDULE (CLASS 4).

1.	<u>Large Power Rates:</u>	<u>November 1, 2011</u>		<u>October 1, 2012</u>	
	Monthly Customer Charge	\$105.00		\$105.00	
	Energy	Summer	Winter	Summer	Winter
		\$.05365	\$.04865	\$.05880	\$.05280
	Demand	Summer	Winter	Summer	Winter
		\$9.00	\$7.00	\$9.00	\$7.00

4-149. RULES AND REGULATIONS GOVERNING SERVICE ON IRRIGATION RATE SCHEDULE (CLASS 5).

	<u>Irrigation Rates:</u>	<u>November 1, 2011</u>		<u>October 1, 2012</u>	
	Customer charge per month	\$25.00		\$30.00	
	Energy	\$.05026 per kWh		\$.05420 per kWh	
	Annual Horsepower charges [#]				
	No Load Control	\$63.00		\$65.00	
	Full Load Control	\$10.50		\$10.90	

[#] The following annual horsepower charges will be made available at the discretion of the City:

No Load Control	\$63.00	\$65.00
One (1) Day per Week Control	\$53.00	\$55.00
Two (2) Day per Week Control	\$42.00	\$43.60
Three (3) Day per Week Control	\$32.00	\$33.20
Four (4) Day per Week Control	\$21.00	\$21.80
Full Load Control	\$10.50	\$10.90

4-150. RULES AND REGULATIONS GOVERNING MUNICIPAL SERVICE RATE (CLASS 6).

1. Municipal Rates:

		<u>November 1, 2011</u>		<u>October 1, 2012</u>	
	Monthly Customer Charge	\$10.00		\$15.00	
	Energy	Summer	Winter	Summer	Winter
		\$.08700	\$.07700	\$.08920	\$.07920

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4-151. SECURITY LIGHT (CLASS 7).

1. Security Light Rates:

<u>Rates - Urban:</u>	<u>November 1, 2011</u>	<u>October 1, 2012</u>
150 W HPS/175 W MV	\$7.85 per month	\$8.00 per month
250 W HPS/MV	\$10.45 per month	\$10.80 per month
400 W	\$15.70 per month	\$16.60 per month
 <u>Rates – Rural:</u>		
150 W HPS/175 W MV	\$8.64 per month	\$8.83 per month
250 W HPS/MV	\$11.52 per month	\$11.65 per month
400 W	\$17.28 per month	\$17.55 per month

4-158. ANNUAL RATE ADJUSTMENT.

Commencing October 1, 2013 and annually thereafter all electric rates shall be automatically increased by one percent (1%) for all rates and service charges for all customers.

SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed.

SECTION 4. This ordinance shall go into effect on meter billings rendered November 1, 2011 and thereafter.

Following a discussion regarding the establishment of an annual 1% increase for all rates and service charges for all customers Mayor Feldges proposed an amendment to remove the increase language. The motion was seconded by Councilman Benzel.

Roll call vote on the proposed amendment.

Voting Aye: Feldges and Benzel.

Voting Nay: Gonzalez, Kusek, Yeager.

The proposed amendment failed.

Roll call vote on the first reading of Ordinance No. 2684 with the following results:

Voting Aye: Kusek, Benzel, Gonzalez, Yeager.

Voting Nay: Feldges.

Motion carried.

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- Ordinance No. 2685 amending the Solid Waste Collection Rates was the next item for Council's review.

Motion by Councilman Kusek, seconded by Councilman Yeager to approve Ordinance No. 2685 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2685

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTIONS 901, 915 AND 916, ARTICLE 9 AT CHAPTER 4, RELATING TO SANITARY LANDFILL AND SOLID WASTE, DEFFINITIONS AND COLLECTION RATES CHARGED BY THE CITY OF ALLIANCE; ESTABLISHING AN ANNUAL RATE ADJUSTMENT; AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The City of Alliance operates the Alliance Municipal Landfill.

SECTION 2. The City is not generating enough revenue from the sale of water to pay for the costs and expenses of pumping, treating and delivering water to its customers.

SECTION 3. The increased costs of collection and disposal of the solid waste requires that the current rates be increased to provide adequate revenue for continued operation and maintenance of the landfill.

SECTION 4. Alliance Municipal Code at Chapter 4, shall be amended at Article 9, Section 901, 915 and 916 to read as follows:

4-901. DEFINITIONS.

For the purposes of this Article, certain words and phrases used are defined as follows:

- (1) "Ashes" shall mean ashes from coal or other fuel resulting from the heating of households, restaurants, apartment houses, hotels, mercantile establishments, factories, and any other business, commercial or industrial establishment, or used to produce heat for boilers, or machinery, for business, commercial, or industrial establishments, and fallen plaster which may accumulate to any household or other place and resulting from the falling thereof in the ordinary use of the building.
- (2) "Building Rubbish" shall mean all discarded or unwanted material/waste material from the construction, remodeling, and repair operation on houses, commercial buildings, and other structures, including, but not limited to, excavated earth

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stones, brick, plaster, lumber, concrete, and waste parts occasioned by installation and repairs.

- (3) "City" shall mean the City of Alliance, Nebraska, a Municipal Corporation.
- (4) "Commercial Customers" are defined as an individual, individuals or legal entity that have a commercial electric account with the City of Alliance.
- (5) "Commercial Waste" shall mean waste produced by retail, wholesale, services, and entertainment establishments, and by hotels and restaurants.
- (6) "Controlled Burning" shall mean burning done only at a solid waste disposal site under the direct and constant supervision of the regular operator thereof or his agent and at a location removed from the cover and fill area.
- (7) "Council" shall mean the duly elected and qualified Mayor and City Council of the City of Alliance, Nebraska.
- (8) "Demolition Debris" shall mean all combustible and non-combustible waste material resulting from the demolition of structures, roadways, or other paved surfaces excluding hazardous waste, garbage, or refuse.
- (9) "Domestic Waste" shall mean garbage and rubbish, as the case may be, as herein defined, originating in homes, apartments located in areas zoned residential or mobile homes.
- (10) "Fly Ash" shall refer to residue, including bottom ash, derived in the burning of coal for heat, steam or electricity.
- (11) "Garbage" shall mean all animal, fruit, or vegetable wastes residue which attends the preparation, dressing, use, seeking, dealing in or storage of meats, fish, fowls, fruits, vegetables, cereals or grains for human consumption, corn husks or cobs, coffee or tea grounds, except oyster or clam shells, resulting from the handling, preparation, cooking, or consumption of food.
- (12) "Hazardous Waste" shall mean all waste material which is either listed, ignitable, corrosive, chemically reactive, radioactive or toxic as defined by Federal RCRA Regulations, Federal Register Vol. 45, No. 98, May 19, 1980 and subsequent revisions.
- (13) "Industrial Waste" shall be construed to mean waste from factories, processing plants, and other manufacturing enterprises.
- (14) "Infectious Wastes" shall mean wastes from hospitals, medical clinics, offices of physicians, doctors, surgeons, dentists, veterinarians, pathological laboratories,

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research and development laboratories, dispensaries, blood plasma centers, and other like facilities which contain any of the following:

- a) Equipment, instruments, utensils, and any other items of a disposable nature used in the examination, treatment, or rehabilitation of patients who are suspected of having or have been diagnosed as having a communicable disease.
 - b) Laboratory wastes, such as pathological specimens including tissue specimens, specimens from blood elements, excreta, and other body secretions obtained from patients or laboratory animals and any supplies, equipment and disposable items which may harbor or transmit pathogenic organisms attendant thereto.
 - c) Surgical operating room pathological specimens, and equipment supplies, and disposable items attended thereto and similar waste materials from outpatient areas and emergency rooms.
- (15) "Junk" shall mean old scrap, copper, brass, iron, steel, rope, rags, batteries, dismantled or wrecked vehicles, including bicycles, etc., or parts thereof, and all other old or scrap ferrous or nonferrous material.
 - (16) "Lawn Waste" shall mean grass cutting or clippings, leaves, tree limbs and branches, shrubbery, bushes and other similar organic waste excluding garden vegetative material.
 - (17) "Person" shall mean any individual, firm, partnership, association, public or private corporation, municipality or other governmental subdivision or public agency, or any other legal entity.
 - (18) "Putrescible" shall mean capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances from odors, gases, etc. Kitchen wastes, offal, and dead animals are examples of putrescible components of solid waste.
 - (19) "Refuse" shall include garbage and ashes as defined, and all sweepings, ashes, spittoon, cleanings, paper, cardboard, feathers, rags, glass, dishes, bottles, crockery, pans, utensils of every kind and nature, pasteboard boxes, lye, poison, food containers, tin cans, grass cuttings, leaves, tree limbs and branches, discarded automobile bodies, automobiles, parts of automobiles, machinery and parts of machinery, and any other waste matter or material not herein designated as garbage which accumulates in the conduct of a household, business establishment, shop or factory of any kind or nature.
 - (20) "Residential Customers" are defined as individuals who live within the city limits, or have accounts for refuse collection with the City of Alliance.

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- (21) "Non Residential Customers" are defined as individuals who live outside city limits and do not have an account for refuse collection with the City of Alliance.
- (22) "Sanitary Landfill" shall mean a type of operation licensed or approved by the State of Nebraska in which solid waste is deposited by plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six (6) to twelve (12) inches over individual cells of garbage and refuse or garbage or refuse, which are closed at the end of each day, and to the depth of at least twenty-four (24) inches over the finished landfill.
- (23) "Scavenging" shall mean the manual sorting and removal of materials, either in trucks or vehicles, at the sanitary landfill or in designated discharge areas.
- (24) "Solid Waste" shall mean all putrescible and non-putresible wastes whether in solid or liquid form and includes garbage; scavenger matter; rubbish; ashes; refuse; fill dirt; sewage sludge; street refuse; commercial and industrial wastes; demolition debris and all used construction material; building rubbish; discarded automobiles and other types of vehicle body parts or portion thereof; machinery or parts thereof; discarded home or industrial appliances; iron; steel; and other old and metal scrap material; manure; human excrement; vegetable or animal solids and semi-solid waste; lawn waste; dead animals or parts thereof and other discarded solid materials.

4-915. SOLID WASTE COLLECTION; DISPOSAL AND LANDSCAPING MATERIAL.

The rate to be charged by the City for the collection of residential solid wastes shall be set from time to time by City Council Ordinance or Resolution. This monthly fee shall be billed to each customer in such a manner as the City Manager shall designate.

Each individually customer for which the city provides collection and disposal of solid waste and yard waste shall pay the current established rate for each calendar month or any portion of a month in which the service is available. Charges shall be placed on the account of the owner or occupant.

Residential customers shall not be required to pay for their individual disposal of trees, branches, brush, or yard waste, as long as such waste is generated from their residence. Residential customers will receive 2 free passes annually which will permit the disposal of non hazardous waste, generated from their residence, excluding construction and demolition, appliances or tires at no charge. All residential customers must pay for disposal of other items taken to the landfill at the current disposal rate.

Commercial: Each operating commercial establishment for which the city provides collection and disposal of solid waste shall pay the current established rate for a 1.5 yard container or a 3 yard container for each calendar month or any portion thereof the service

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is available. The aforesaid rates entitle the commercial customer to one pickup per week. If pickup more frequently than once weekly is provided, fees shall increase on a pro rata basis.

Landscaping Material Rates:

1. **Compost:** Composted material is available to the public on a limited basis at the landfill. Persons removing compost from the landfill shall pay for such material at a rate of Ten Dollars (\$10.00) per ton.
2. **Wood Chips:** Wood chips are available to the public on a limited basis at the landfill. Persons removing wood chips from the landfill shall pay for such material at a rate of Ten Dollars (\$10.00) per ton for large chips and Fifteen Dollars (\$15.00) per ton for small chips.
3. **Loading Fee:** A loading fee of \$10.00 per ton will be charged if City personnel load either the compost or wood chips. There is a \$10.00 minimum charge for loading.

Other wastes: Other wastes not specifically listed shall be received at the discretion of the landfill supervisor at rates established by the City Manager.

Other Contracts: The City of Alliance reserves the right to contract with any solid waste supplier independent of the rates established herein, on any rate basis the City determines to be fair and reasonable.

4-916. DISPOSAL RATES; SANITARY LANDFILL.

1. RATES, ESTABLISH, AND PURPOSE.

The City Council may from time to time establish or revise, by ordinance or resolution, fees to be charged to any person for the privilege of using any public sanitary landfill grounds or other waste disposal facility owned by the City. Such fees, when so established or revised, shall be collected by the City and shall be set aside and used exclusively for the purpose of operating, expanding, and improving existing public sanitary landfill grounds or solid waste disposal facilities, including reclamation of such grounds or facilities for other purposes and for the purpose of paying the costs of any purchase, construction, lease, or condemnation of property and the equipping and developing of such property for use as a public sanitary landfill ground or solid waste disposal facility.

2. RATES FOR COLLECTION AND DISPOSAL.

SWDF Collection Rates

Residential		\$16.50	per month
Commercial	1.5 yard	\$42.00	per month
	3.0 yard	\$82.00	per month

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SWDF Disposal Rates

Minimum	\$7.50	
Non- Hazardous Wastes:		
Ashes (Burn Barrel Ash)	\$45.00	per ton
Brush	\$15.00	per ton
Construction & Demolition (including shingles)	\$45.00	per ton
Fill (Concrete)	\$12.00	per ton
Grass		per ton
Hay		per ton
Leaves		per ton
Metal (Scrap Metal)	\$18.00	per ton
Municipal Solid Waste	\$47.50	per ton
Non Balable Municipal. Solid Waste	\$75.00	per ton
Oil (used)		flat rate
Pallets	\$18.00	per ton
Recycled Metal		per ton
Recycled Tires		each
Recycled White Goods		each
Soil (Beneficial Fill)		per ton
Appliance (no Freon)	\$10.00	each
Tire - Truck & Tractor	\$15.00	each
Tire - Large 16" and above	\$8.00	per ton
Tire - Small 15" and below	\$5.00	per ton
White - Appliances no Freon	\$10.00	each
White - Appl. With Freon	\$25.00	each
Hazardous Wastes:		
Asbestos	\$150.00	per ton
Contaminated Soil	\$75.00	per ton

3. Annual Rate Adjustment

Commencing October 1, 2012 and annually thereafter all solid waste collection, disposal and landscaping material rates shall be automatically increased by one percent (1%) for all landfill customers.

SECTION 5. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

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SECTION 6. This ordinance shall go into effect on November 1, 2011 and thereafter.

Motion by Mayor Feldges, seconded by Councilman Benzel to amend Ordinance No. 2685 by deleting the annual rate adjustment clause.

Roll call vote on the proposed amendment.

Voting Aye: Feldges and Benzel.

Voting Nay: Gonzalez, Kusek, Yeager.

The proposed amendment failed.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: Feldges.

Motion carried.

- The next item to be discussed by Council was Ordinance No. 2686 regarding water rates.

Motion by Councilman Gonzalez, seconded by Councilman Kusek to approve Ordinance No. 2686 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2686

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 347, ARTICLE 3 AT CHAPTER 4, RELATING TO WATER RATES CHARGED BY THE CITY OF ALLIANCE; ESTABLISHING AN ANNUAL RATE ADJUSTMENT; AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The City of Alliance operates the Alliance Municipal Water System (A.M.W.S.)

SECTION 2. The City is not generating enough revenue from the sale of water to pay for the costs and expenses of pumping, treating and delivering water to its customers.

SECTION 3. The increased cost of production and distribution requires that the water rates be increased so that A.M.W.S. can continue to provide water to its customers.

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SECTION 4. Alliance Municipal Code at Chapter 4, shall be amended at Article 3, Section 347 to read as follows:

As a tariff or water rates based on monthly consumption of each customer from the water distribution system of the City of Alliance, Nebraska and for services rendered, the following schedules are hereby established.

For the use of A.M.W.S. each residential and rural residential user shall pay the current base rate on the amount of water in the residential consumer's monthly base usage calculation which shall be known as Block 1 rate. The base usage or the amount of water in the Block 1 shall be equal to the average monthly water consumption during a three month winter base beginning with the first complete cycle which uses meter readings taken after December 10. If a residential consumer has not established a winter base period, the base usage or Block 1 amount shall be the average charge of all other residential consumers. The billing process shall commence when water service is established. Each residential customer shall pay the appropriate rate for each 100 cubic feet of water used in each of the applicable blocks. Once a user has used the allotment of water from one block the water will be billed at the next higher block rate.

The customer's monthly bill shall consist of the monthly meter charge and the amount of water used based upon the number of cubic feet used and the fee assessed under this ordinance.

Residential, Commercial, Industrial Park, Manufacturing, Urban and Rural Rate

Each residential, commercial, industrial park, manufacturing, urban and rural consumer connected to the water distribution system of the City of Alliance, Nebraska, shall be liable and pay for the service charge for the meter for all water used and consumed at a rate of:

- A. Residential – the residential rate will apply to any building which is used as the primary residence and any associated or peripheral use of that primary residence.
- B. Commercial Rate - Commercial rate will apply to any for profit use that does not qualify as manufacturing and is not within the industrial park.

Within the City limits - Urban Residential and Commercial

Block 1	\$1.265 per 100 cubic feet
Block 2	\$1.43 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.76 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.20 per 100 cubic feet for any amount over Blocks 1, 2, and 3

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Outside the City limits - Rural Residential and Commercial

Block 1	\$1.397 per 100 cubic feet
Block 2	\$1.573 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.936 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.42 per 100 cubic feet for any amount over Blocks 1, 2, and 3

C. Manufacturing Rate

Manufacturing rate will apply when more than 50 percent of the water purchased is used or directly consumed in processing or manufacturing. Processing or manufacturing is defined as an action or series of actions performed on tangible personal property, either by hand or machine, which results in that tangible personal property being reduced or transformed into a different state, quality, form, property or thing. Processing does not include repairing property, building erection, cold storage of food products, or preparation of food for immediate consumption.

Manufacturing-and Rural Rate is \$1.231 per 100 cubic feet.

D. Industrial Park Rate

Industrial Park rate will apply to those customers that are located within an Industrial Tract like the Industrial Park to the City of Alliance, Box Butte County, Nebraska.

The Industrial Park Rate is \$1.375 per 100 cubic feet

E. Excessive Summer Use – Manufacturing, Commercial, Industrial Park and Rural

(reserved for later use)

F. Commercial Irrigation Rates

(reserved for later use)

G. Municipal Rate

Municipal rate will apply to all the accounts owned by the City of Alliance.

The Municipal Rate is \$.99 per 100 cubic feet.

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H. Service Charge

There shall be a monthly service charge for each account serviced by A.M.W.S. of.

Meter Size	Service Charge	Meter Size	Service Charge
5/8" thru 1"	\$ 7.70	4"	\$ 71.50
1-1/2"	\$16.50	6"	\$104.50
2"	\$33.00	8"	\$148.50
3"	\$55.00		

I. Truck fill charge

The truck fill charges for filling from the Utility Facility tank filler shall be \$5.50 per 1,000 gallons or any part thereof.

J. Annual Rate Adjustment

Commencing October 1, 2012 and annually thereafter all water rates shall be automatically increased by one percent (1%) for all rate and service charges.

SECTION 5. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall go into effect on the meter billings rendered November 1, 2011 and thereafter.

Motion by Mayor Feldges, seconded by Councilman Benzel to amend Ordinance No. 2686 with the removal of the provision for an annual rate adjustment.

Roll call vote on the proposed amendment.

Voting Aye: Feldges and Benzel.

Voting Nay: Gonzalez, Kusek, Yeager.

The proposed amendment failed.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: Feldges.

Motion carried.

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- Ordinance No. 2687 authorizing the sale of property located in the 200 block of Mississippi Avenue was the next item to be presented to Council. City Manager Cox provided the following background information:

[A bid opening was held on August 23 for the sale of this unused City property. Only one bid was received. The bid was in the amount \$5,250. The proposed ordinance will authorize the sale of the lot to the winning bidder, Tim Kees.

Council may wish to consider waiving the three readings as there is already a 30-day remonstrance period.]

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Ordinance No. 2687 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2687

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF LOT 11, BLOCK 2, DRAKE'S ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The City Council of Alliance, Nebraska directed that staff publish notice for sealed bids on the following describe real property: to wit,

Lot 11, Block 2, Drake's Addition, to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof,

SECTION 2. The City of Alliance published the legal notice and received one written bid for the property.

SECTION 3. The City received a written offer from Tim Kees to purchase Lot 11, Block 2, Drake's Addition, to the City of Alliance, Box Butte County, Nebraska, in the amount of Five Thousand Two Hundred Fifty and N0/100ths Dollars (\$5,250.00.)

SECTION 4. The real estate is not used in the operation of public utilities, and is not a state armory for the use of the State of Nebraska or the State Armory, as provided in §16-201 R.R.S. Neb. 1943.

SECTION 5. The City Clerk shall cause notice of this sale to be published as required by law. If, within the time prescribed by law, a legally sufficient remonstrance against the sale has not been filed, the Mayor and City Clerk are by this ordinance authorized to execute and deliver to the purchaser the City's quitclaim deed for the herein described property upon payment of the purchase price provided for herein and in the purchase agreement.

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Remonstrance against such sale is defined as a petition signed by legal electors of Alliance, Nebraska, equal in number to thirty percent (30%) of the electors voting at the last regular municipal election. Said petition shall be filed with the governing body of the City within thirty days (30) of the passage and publication of this Ordinance. In the event a remonstrance is received which is legally sufficient, said property shall not then, nor within one year thereafter, be sold.

SECTION 6. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Motion was made by Councilman Benzel, seconded by Councilman Gonzalez to suspend the statutory rule requiring three separate readings of Ordinance No. 2687.

Roll call vote to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2687 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, "the passage and adoption of Ordinance No. 2687 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next item before Council was Ordinance No. 2688 authorizing the sale of property located at 12th and Flack Avenue. City Manager Cox provided the following background information:

[A bid opening was held on August 23 for the sale of this unused City property. Two bids were received. The bids were in the amounts of \$4,275 and \$3,500. The proposed ordinance will authorize the sale of the lot to the winning (high) bidder, Gary Fritzler.

Council may wish to consider waiving the three readings as there is already a 30-day remonstrance period.]

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A motion by Mayor Feldges, seconded by Councilman Kusek to approve Ordinance No. 2688 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2688

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF LOT 1, BLOCK 1, SIMONSON'S ADDITION TO THE TOWN, NOW CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The City Council of Alliance, Nebraska directed that staff publish notice for sealed bids on the following describe real property: to wit,

Lot One (1), Block One (1), Simonson's Addition to the Town, now City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof,

SECTION 2. The City of Alliance published the legal notice and received two written bids for the property.

SECTION 3. The City received a written offer from Gary Fritzler to purchase Lot 1, Block 1, Simonson's Addition, to the City of Alliance, Box Butte County, Nebraska, in the amount of Four Thousand Two Hundred Seventy Five and N0/100ths Dollars (\$4,275.00.)

SECTION 4. The real estate is not used in the operation of public utilities, and is not a state armory for the use of the State of Nebraska or the State Armory, as provided in §16-201 R.R.S. Neb. 1943.

SECTION 5. The City Clerk shall cause notice of this sale to be published as required by law. If, within the time prescribed by law, a legally sufficient remonstrance against the sale has not been filed, the Mayor and City Clerk are by this ordinance authorized to execute and deliver to the purchaser the City's quitclaim deed for the herein described property upon payment of the purchase price provided for herein and in the purchase agreement.

Remonstrance against such sale is defined as a petition signed by legal electors of Alliance, Nebraska, equal in number to thirty percent (30%) of the electors voting at the last regular municipal election. Said petition shall be filed with the governing body of the City within thirty days (30) of the passage and publication of this Ordinance. In the event a remonstrance is received which is legally sufficient, said property shall not then, nor within one year thereafter, be sold.

SECTION 6. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

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Motion was made by Councilman Kusek, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2688.

Roll call vote to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2688 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2688 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The second reading of Ordinance No. 2683 regarding Utility Type Vehicles was the next item on Council’s agenda. City Manager Cox provided the following background information:

[A first reading of the proposed ordinance was held at the last Council meeting on 8/16. During that meeting a few suggested changes were made and those have been wholly incorporated into the revised version included in your packet and are shown in yellow. Since the meeting, our City Attorney, Larry Miller, has determined a few additional clarifications would be appropriate to incorporate into the ordinance and those are shown in red.

Background-

In 2008, Council approved Ordinance No. 2604 which legalized the use of All-Terrain Vehicles (ATVs) on City Streets. In your packets is a proposed amendment to City Code that will also authorize “Utility-Type Vehicles.” The UTV’s have space for passengers and also have cargo space.

State Law of Nebraska defines a “UTV” as (1) ... *any motorized off-highway device which (a) is not less than forty-eight inches nor more than seventy-four inches in width, (b) is not more than one hundred thirty-five inches, including the bumper, in length, (c) has a dry weight of not less than nine hundred pounds nor more than two thousand pounds, (d) travels on four or more low-pressure tires, and (e) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.* (2) *Utility-type vehicle does not include golf carts or low-speed vehicles.*

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Meanwhile, an “ATV” is defined: *All-terrain vehicle means any motorized off-highway device which (1) is fifty inches or less in width, (2) has a dry weight of nine hundred pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control.*

To simplify, an ATV carries only one person, while a UTV may carry more than one. The same state law does provide for municipalities to allow UTVs as well. Staff is recommending approval.]

A motion by Councilman Yeager, seconded by Councilman Benzel to approve Ordinance No. 2683 for second reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2683

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING ARTICLE 3 AT CHAPTER 3, RELATING TO UTILITY-TYPE VEHICLES; TO ALLOW THE OPERATION OF UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF UTILITY-TYPE VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATION; AND REPEAL EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The Nebraska State Statutes allow cities of the first class to regulate the travel of vehicles on city streets.

SECTION 2. There has been a request that the City of Alliance authorize the operation of utility-type vehicles within the City of Alliance.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended as follows:

3-313. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; DEFINITIONS.

For the purposes of this section, all-terrain vehicle means any motorized off-highway vehicle which is (a) fifty inches or less in width, (b) has a dry weight of nine hundred pounds or less, (c) travels on four or more low-pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control.

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Street or highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Utility-type vehicle means any motorized off-highway vehicle which (A) is not less than forty-eight inches nor more than seventy-four inches in width, (B) is not more than one hundred thirty-five inches, including the bumper, in length, (C) has a dry weight of not less than nine hundred pounds nor more than two thousand pounds, (D) travels on four or more low-pressure tires, and (E) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.

Utility-type vehicle does not include golf carts or low-speed vehicles.

3-314. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; OPERATION.

An all-terrain vehicle or a utility-type vehicle may be operated on streets and highways, other than a controlled-access highway with more than two marked traffic lanes, within the corporate limits of the City of Alliance only if the operator and the vehicle comply with the provisions of this Article.

3-315. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; HOURS AND PURPOSE OF OPERATION.

An all-terrain vehicle or a utility-type vehicle may be operated only between the hours of sunrise and sunset. It is unlawful to operate an all-terrain vehicle or a utility-type vehicle on the City streets and alleys for pleasure. A three wheeled all-terrain vehicle shall not be operated in the City of Alliance.

3-316. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; SPEED.

An all-terrain vehicle or a utility-type vehicle shall not be operated at a speed in excess of thirty miles per hour and shall observe posted speed limits if lower than thirty miles per hour.

3-317. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; REQUIREMENTS.

When operating an all-terrain vehicle or a utility-type vehicle, the headlight and taillight of the vehicle shall be on. Whenever an all-terrain vehicle or a utility-type vehicle is moving all cargo must be securely attached to the vehicle in such a manner that the cargo will remain secured without any assistance of the operator.

3-318. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; EQUIPMENT REQUIRED.

Every all-terrain vehicle or a utility-type vehicle shall be equipped with a bicycle safety flag which extends not less than six feet above ground attached to the rear of the vehicle. The safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be

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day-glow in color. Every all-terrain vehicle or a utility-type vehicle shall also be equipped with: (1) A brake system maintained in good operating condition; (2) An adequate muffler system in good working condition; and (3) A United States Forest Service qualified spark arrester.

3-319. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; MODIFICATIONS, PROHIBITED.

No person shall: (1) Equip the exhaust system of an all-terrain vehicle or a utility-type vehicle with a cutout, bypass, or similar device; (2) Operate an all-terrain vehicle or a utility-type vehicle with an exhaust system so modified; or (3) Operate an all-terrain vehicle or a utility-type vehicle with the spark arrester removed or modified except for use in closed-course competition events.

3-320. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; COMPETITIVE EVENTS; EXEMPTIONS.

All-terrain vehicles or a utility-type vehicle participating in competitive events may be exempted from Section 3-319 (Modifications, Prohibited).

3-321. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; PERSONS AUTHORIZED.

Any person operating an all-terrain vehicle or a utility-type vehicle shall be 19 years of age and have a valid Class O operator's license as provided in Neb. Rev. Stat. 60-4,126 and in a utility-type vehicle shall use a safety restraint belt. No one shall be permitted to be a passenger on an all-terrain vehicle within the City of Alliance. Except for the operator no person shall be permitted to be pulled, pushed or propelled by an all-terrain vehicle or on any object attached to the all-terrain vehicle or utility-type vehicle. Passengers are permitted to occupy a passenger seat in a bench or bucket-style utility-type vehicle so long as the operator and passengers are using a safety restraint belt. No operator shall permit another to be a passenger while operating an all-terrain vehicle with saddle-style seating on the streets of the City.

3-322. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; INSURANCE REQUIRED.

Any person operating an all-terrain vehicle or a utility-type vehicle shall have liability insurance coverage for the vehicle while operating the vehicle on a street or highway. The person operating the all-terrain vehicle or a utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

It shall be unlawful for any person to operate any all-terrain vehicle or a utility-type vehicle on the city streets or alleys in Alliance until the owner has demonstrated proof of insurance to the Alliance Police Department and obtained a insurance decal for the current year. The Alliance Police Department will issue a decal for the current year that must be affixed to the all-terrain vehicle or a utility-type vehicle in a conspicuous place. The City will charge a fee of twenty-five (\$25.00) dollars for the issuance of the permit.

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The Certificate shall be an annual permit from January 1 through December 31 of each year. The operator shall have until May first of the following year to re-new the certificate. During the first year that a certificate is purchased the fee will be prorated from the month that the certificate is obtained through December at two dollars per month and a one dollar administrative fee. Any permit purchased by a person for the same vehicle in a subsequent year shall not be prorated.

3-323. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; OPERATION WITHOUT COMPLYING.

All-terrain vehicles or a utility-type vehicle may be operated without complying with Sections 3-315 (Hours), 3-316 (Speed), 3-318 (Equipment Required), 3-321 (Persons Authorized), and 3-322 (Insurance Required) of this Article, on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

3-324. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; OPERATION NOT PERMITTED.

An all-terrain vehicle or a utility-type vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted.

An all-terrain vehicle or a utility-type vehicle shall not be operated on the following streets in the City of Alliance, Box Butte Avenue between 1st Street to 16th Street, and 3rd Street. Provided that the crossing of these streets and avenues shall be permitted by an all-terrain vehicle or a utility-type vehicle if:

- (a) The crossing is made at an angle of approximately ninety degrees to the direction of the street or avenue and at a place where no obstruction prevents a quick and safe crossing;
- (b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or avenue;
- (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- (d) The crossing is made only at an intersection of such street or avenue with another street or avenue; and
- (e) Both the headlight and taillight of the vehicle are on when the crossing is made.

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3-325. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; CROSSING OF A HIGHWAY.

Subject to Section 3-324 (Operation Not Permitted) the crossing of a highway shall be permitted by an all-terrain vehicle or a utility-type vehicle without complying with Sections 3-315 (Hours), 3-316 (Speed), 3-318 (Equipment Required), 3-321 (Persons Authorized), and 3-322 (Insurance Required) of this Article only if:

- (a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
- (b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
- (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- (d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
- (e) Both the headlight and taillight of the vehicle are on when the crossing is made.

3-326. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE.

All-terrain vehicles or a utility-type vehicle may be operated outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of Sections 3-315 (Hours), 3-316 (Speed), and 3-318 (Equipment Required) of this section, except that the operation of the vehicle pursuant to this subsection need not be limited to the hours between sunrise and sunset.

3-327. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; ACCIDENT, REPORT REQUIRED.

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle or a utility-type vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.

3-328. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; VIOLATIONS, PENALTY.

Any person who violates sections 3-313 to 3-327 shall be guilty of a misdemeanor and shall be subject to the penal provisions of 12-101.

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Any violation of any other provision of the Alliance Municipal Code or the State of Nebraska Rules of the Road under Nebraska Revised Statutes in Chapter 60 may be punished under the penalty provisions of such chapter.

3-329. ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; DEFINED AS A MOTOR VEHICLE.

Every All Terrain Vehicle (ATV) or a utility-type vehicle (UTV) as defined by the Statutes of Nebraska or the Alliance Municipal Code, which are operated within the jurisdiction of the City of Alliance, are hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska State Statutes or the Alliance Municipal Code.

All-terrain vehicles and utility-type vehicles which have been modified to include additional equipment not required by Nebraska Revised Sections 60-6,357 and 60-6,358 shall not be required to be registered under the Motor Vehicle Registration Act.

SECTION 4. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect October 1, 2011.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Kusek, which was seconded by Councilman Benzel to amend Ordinance No. 2683 as suggested by City Attorney Miller within Section 3-321.

Roll call vote on the proposed amendment:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2683 on final reading with the following results:

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

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Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2683 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next item for Council’s consideration was Resolution No. 11-96 approving the 2011 Property Tax Request. City Manager Cox provided the following background information:

[Following a hearing for public input on the proposed property tax levy, Resolution 11-96 is scheduled to be considered. The City of Alliance has determined to keep the mill levy unchanged at \$0.3838700, which corresponds to \$1,386,079.32. Also, enclosed for Council’s review is the Box Butte County Assessor’s determination of taxable value which has been set at \$361,080,370.00. Resolution 11-96 will set this mill levy.]

Mayor Feldges stated, “Now is the date, time and place to conduct a Public Hearing on the 2011 property tax request.” The public hearing began at 8:02 p.m. Hearing no testimony, Mayor Feldges closed the public hearing at 8:03 p.m.

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 11-96 which follows in its entirety:

RESOLUTION NO. 11-96

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the City of Alliance passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, A special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, It is in the best interests of the City of Alliance that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE BE IT RESOLVED, By the Mayor and Council of the City of Alliance, Nebraska, that the Council, by a majority vote, set the 2011 tax year request at \$1,386,079.32 and the City Clerk is hereby authorized and directed forthwith to forward a certified copy of this resolution to the County Clerk of Box Butte County, to allow Box Butte County Board of Equalization to levy the necessary taxes on or before October 15, 2011 and set the appropriate levy.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2689 allowing the City of Alliance to exceed the Allowable Growth and Basic Allowable Growth for the 2011-2012 Fiscal Year Budget by 1% was the next matter before Council. City Manager Cox provided the following background information:

[Ordinance No. 2689 will allow the City of Alliance with a 75% affirmative vote by Council to exceed the Allowable Growth and Basic Allowable Growth for the 2011-2012 Fiscal Year Budget by 1%. This does not increase the 2011-2012 Fiscal Year Budget, but instead allows us to increase the unused budget authority for use in future years. Staff is recommending Council waive three readings of this ordinance.]

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Ordinance No. 2689 on first reading. City Clerk Jines read the ordinance which follows in its entirety:

ORDINANCE NO. 2689

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2011-2012 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. Governmental units are authorized pursuant to State law at Chapter 13, Section 519, to exceed the Allowable Growth (§13-518(1)) and the Basic Allowable Growth (§77-3446) for budgeted restricted funds up to an additional one percent, by affirmative vote of the City Council of at least 75%.

SECTION 2. The City Council finds that such limit as provided by Section 13-519 (a) and (b) should be exceeded by one percent.

SECTION 3. An affirmative vote of at least 75% in favor of this increase is hereby cast.

SECTION 4. Section 13-511 allows correction of an adopted budget statement for clerical, mathematical, and accounting errors, which correction does not affect the total amount budgeted by more than one percent or increase the amount required from property taxes. The one percent limit increase is calculated into the current budget statement, however the unused budget authority amount is in need of modification.

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SECTION 5. The “unused budget authority” in the adopted budget ordinance, is hereby amended to the amount of \$452,313.32.

SECTION 6. Those portions of the existing budget ordinance for 2011-2012 are amended accordingly.

SECTION 7. The City Treasurer is authorized to make appropriate changes in the submitted forms for computation of the limit for fiscal year 2011-2012, and transmit those changes to the State Auditors office.

SECTION 8. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Motion by Councilman Benzel, seconded by Councilman Kusek to suspend the statutory rule requiring three separate readings of Ordinance No. 2689.

Roll call vote with to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2689 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2689 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next item for Council’s discussion was Ordinance No. 2690 adopting the Classification and Compensation Plans. City Manager Cox provided the following background information:

[This Ordinance will adopt the Classification and Compensation Plans which will be incorporated in our FY 2012 budget. The Classification Plan has several adjustments which have been identified in the attached memorandum. The Compensation Plan includes five categories: Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire Employees and none reflect a cost of living adjustment. All

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wage adjustments will be made effective October 1, 2011. Staff is recommending the statutory required reading of this ordinance on three separate dates be waived.]

Motion was made by Councilman Kusek, seconded by Councilman Benzel to approve Ordinance No. 2690 for first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2690

AN ORDINANCE ADOPTING REVISED CLASSIFICATION AND COMPENSATION PLANS FOR THE CITY OF ALLIANCE, NEBRASKA.

WHEREAS, Section 16-310 of R.R.S. 1943 authorizes the Mayor and Council to establish the compensation for employees and officers by stating that "The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance;" and,

WHEREAS, The Alliance City Council adopted the Fiscal Year 2011-2012 Budget which included funds for revised Classification/Compensation Plans.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. That the attached Classification Schedule for the City of Alliance dated to be effective October 1, 2011 and the attached Compensation Schedules for Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire employees dated to be effective October 1, 2011 are hereby adopted by this reference.

SECTION 2. This Ordinance shall become effective October 1, 2011.

Motion by Councilman Kusek, seconded by Councilman Gonzalez to include within the Compensation Plan a 1.5% cost of living increase for employees which would total approximately \$80,000.00 distributed between all funds.

Roll call vote on the proposed amendment:

Voting Aye: Gonzalez, Kusek.

Voting Nay: Benzel, Feldges, Yeager.

Motion failed.

Motion by Councilman Benzel, seconded by Mayor Feldges to suspend the statutory rule requiring three separate readings of Ordinance No. 2690.

Roll call vote to waive the statutory reading with the following results:

September 1, 2011

Voting Aye: Feldges, Yeager, Benzel.

Voting Nay: Gonzalez, Kusek.

Motion failed, as there were not enough votes to suspend the statutory rule requiring three separate readings of the ordinance.

Roll call vote to approve Ordinance No. 2690 for first reading with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-97 adopting the Total Authorized Strength document was the next item for Council's discussion. City Manager Cox provided the following background information:

[Resolution No. 11-97 provides direction to the City Manager for the hiring of City employees by adopting the Total Authorized Strength document. The document lists the number of employees by department.]

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Resolution No. 11-97 which follows in its entirety:

RESOLUTION NO. 11-97

WHEREAS, The City of Alliance utilizes the Council-Manager form of government, in which the City Manager acts as the Chief Executive Officer for the City; and

WHEREAS, The City Manager, appointed by the City Council and serving at their pleasure, is responsible for planning, organizing, staffing, directing, coordinating, researching, and budgeting the operations of the City in order to implement Council policies in an efficient and effective manner; and

WHEREAS, To implement the policies of the City Council the City Manager has to be able to hire the necessary employees to fulfill the obligations of the City of Alliance to the citizens of Alliance; and

WHEREAS, The City of Alliance Budget needs to account for, track, and budget the expenditures for employees; and

WHEREAS, The budget is directly related to the number of employees that are authorized to be hired by the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City approve and adopt the "Total Authorized Strength" as follows:

September 1, 2011

General Fund			
Administration			Ambulance
City Manager	1.00	Assistant Fire Chief	1.00
City Clerk	1.00	Firefighter/EMT	1.00
Executive Secretary	1.00	Total	2.00
Administrative Secretary	0.50		
Total	3.50	Facility Maintenance	
		Public Facilities Director	0.10
Police Administration		Facilities Maintenance Worker	1.00
Police Chief	1.00	Total	1.10
Police Lieutenant	1.00		
Administrative Secretary	1.00	Community Development	
Total	3.00	Community Development Director	0.25
		Administrative Secretary	1.00
Police Operations		Total	1.25
Police Sergeants	4.00		
Police Officers I & II	12.00	Code Enforcement & Nuisance Abatement	
Total	16.00	Building & Code Inspector	1.00
		AC/Community Service Officer	0.20
Police Support Services		Total	1.20
Public Safety Dispatch Supv.	1.00		
Public Safety Dispatchers	5.00		
Total	6.00	Parks	
Animal Control		Cultural & Leisure Services Dir.	0.30
AC/Community Service Officer	0.80	Administrative Secretary	0.24
Total	0.80	Parks Foreman	1.00
		Parks Mtc. Workers	3.75
Fire		Seasonal Wages (\$21,000)	
Fire Chief	1.00	Temp (Irrigation) Wages (\$4,000)	
Firefighter/EMT	1.00	Total	5.29
Temporary Wages (\$5,000)			
Total	2.00	Library	
		Cultural & Leisure Services Dir.	0.10
Cemetery		Administrative Secretary	0.08
Cultural & Leisure Services Dir.	0.10	Library Director	1.00
Administrative Secretary	0.04	Librarians	
Cemetery Mtc. Worker	1.00		

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Electric Superintendent	0.70	Cultural & Leisure Services Dir.	0.05
Administrative Secretary	0.33	Administrative Secretary	0.04
Total	<u>1.03</u>	Golf Course Superintendent	1.00
		Golf Course Maintenance Worker	0.80
<i>Electric Transmission</i>		Seasonal Wages (\$13,050)	
Scada Management	1.00	Pro Shop Seasonal Wages (\$7,500)	
Seasonal Wages (\$5,400)		Total	<u>1.89</u>
Total	<u>1.00</u>		
		<i>Meter Reading</i>	
<i>Electric Urban Distribution</i>		Meter Readers	1.00
Assistant Electric Superintendent	0.50	Total	<u>1.00</u>
Electric Line Crew Chief	0.55		
Electric Service Crew Chief	0.70	<i>Refuse Collection</i>	
Line Technician First Class	0.55	Public Facilities Director	0.10
Line Technician Second Class	0.55	Refuse Collection Drivers	2.00
Electric Line Apprentice	1.65	Total	<u>2.10</u>
Seasonal Wages (\$7,480)			
Total	<u>4.50</u>	<i>Refuse Disposal</i>	
		Electric Superintendent	0.30
<i>Electric Rural Distribution</i>		Landfill Supervisor	1.00
Assistant Electric Superintendent	0.50	Landfill Operator	1.00
Electric Line Crew Chief	0.45	Landfill Baler Operator Clerk	2.00
Electric Service Crew Chief	0.30	Total	<u>4.30</u>
Line Technician First Class	0.45		
Line Technician Second Class	0.45	<i>Sewer</i>	
Electric Line Apprentice	1.35	Water and Sewer Superintendent	0.40
Seasonal Wages (\$6,120)		Water/Sewer Maintenance Worker	1.00
Total	<u>3.50</u>	Seasonal Wages (\$2,400)	
		Total	<u>1.40</u>
		<i>Water Distribution</i>	
<i>Utility Customer Service</i>		Water and Sewer Superintendent	0.60
Utilities Admin. Serv. Dir.	1.00	Water Foreman	1.00
Computer Operator	1.00	Water/Sewer Maintenance Workers	3.00
Customer Service Clerks	2.00	Administrative Secretary	0.33
Total	<u>4.00</u>	Seasonal Wages (\$2,400)	
		Total	<u>4.93</u>
<i>Warehouse</i>			
Inventory Purchasing Clerk	<u>1.00</u>		

September 1, 2011

Total	1.00	Water Treatment	
		Water/Sewer Maintenance Worker	1.00
			1.00
		Total	1.00

Total Enterprise Funds	31.65
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Other Funds

Airport

Public Facilities Director	0.10
Airport Operations Administrator	0.19
Airport Mtc. Superintendent	1.00
Golf Course Maintenance Worker	0.20
	Total
	1.49

Streets

Public Facilities Director	0.70
Airport Operations Administrator	0.57
Street Foreman	1.00
Street Maintenance Workers	4.00
Administrative Secretary	0.33
Seasonal Wage (\$7,000)	
	Total
	6.60

RSVP

RSVP Director	1.00
RSVP Clerk	0.50
	Total
	1.50

Total Other Funds	9.59
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<i>Grand Totals</i>	<i>Proposed</i>
General Fund	54.36
General Fund Internal Services	8.25
Enterprise Funds	31.65
Other Funds	9.59
Total	103.85

BE IT FURTHER RESOLVED that the City Manager is authorized to hire employees for the City of Alliance as set forth in the “Total Authorized Strength.”

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

September 1, 2011

- The final reading of Ordinance No. 2681 approving the Appropriations Bill for Fiscal Year 2011-2012 was the next item for Council's discussion.

A motion by Councilman Kusek, seconded by Councilman Benzel to approve Ordinance No. 2681 on third reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2681

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of Chapter 1, Article 2, Section 1-205, of the Municipal Code of the City of Alliance, Nebraska, has submitted to the City Council a preliminary budget. This preliminary budget being submitted to the City Council on August 1, 2011, upon which a workshop was held on August 1, 2011 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 16, 2011, as required by law; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The budget for the fiscal year beginning October 1, 2011, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

	CITY	MFO	AIRPORT	PUBLIC SAFETY	AIRPORT SINKING	TOTAL
Budget Amount	941,603	115,648	106,961	102,192	41,218	1,307,622
1% Treasurers Fee	9,416	1,156	1,070	1,022	412	13,076
Delinquent Allowance (5%) (can be up to 5%)	47,080	5,782	5,348	5,110	2,061	65,381
Total Property Tax Request:	998,099	122,587	113,379	108,324	43,691	1,386,079

September 1, 2011

Using the following tax levies:

	CITY	MFO	AIRPORT	PUBLIC SAFETY	AIRPORT SINKING	TOTAL
Proposed 2012	0.27642	0.03395	0.03140	0.03000	0.01210	0.38387

SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2012.

General Fund	6,345,875
Electric	12,104,834
Refuse	1,283,578
Sewer	488,300
Water	1,716,651
Golf Course Fund	293,318
Airport	1,607,389
Street Fund	2,841,638
RSVP	84,826
Museum Exhibit	12,100
BID #1 and #2	9,100
Nuisance Cleanup	6,600
HUD	12,000
Community Betterment (KENO)	27,300
Economic Development	95,000
LB 840 Fund	250,000
Redevelopment (TIF)	6,010
Sales Tax Fund	1,899,200
Tourism & Promotion	115,000
Capital Projects	291,700
Public Safety Tax	102,192
State 911 Funds	18,600
General Internal Service	1,265,884
Enterprise Internal Service	501,475
Health Support Internal Service	2,156,650
General Debt Service	159,788
Airport Sinking Fund	47,468
Perpetual Care Fund (Cemetery)	11,000
<i>Gross Expenditures</i>	<u>33,753,476</u>

There is hereby included \$100,000 within the General Fund Budget [City Council Activity], \$10,000 within the General Fund Budget [Police Grant] \$40,000 within the Electric Fund, \$50,000 within the Water Fund, \$25,000 within the Sewer Fund, \$16,000 within the Refuse Fund and an additional \$19,000 for recycling in the Refuse Fund, \$7,000 within the Airport Fund, and \$50,000 within the Streets Fund to be known as "Contingency." Expenditures from any

September 1, 2011

Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total of Unused Restricted Funds Authority of \$452,313 for Fiscal Year 2012.

SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2011.

Roll call vote on the final reading of Ordinance No. 2681 with the following results:

Voting Aye: Feldges, Kusek, Benzel, Gonzalez.

Voting Nay: Yeager.

Motion carried.

Mayor Feldges stated, "the passage and adoption of Ordinance No. 2681 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 11-98 authorizing a contribution for an electronic sign at the Alliance Public Schools Performing Arts Center was the next item for Council's discussion. City Manager Cox provided the following background information:

[As all are very aware, the City has had previous dialogues with officials of the school district regarding the City participating in some way in the new Performing Arts Center project. When I initially came on board, this was discussed with me by multiple members of the City Council. I came to understand, that we were waiting until the school district personnel identified how they would use the funds prior to the City making the contribution.

In conversation with School Superintendent, Dr. Dan Hoelsing last week, he identified a new, large electronic signage as the avenue by which we can make our contribution.

The selection of this avenue could be quite beneficial to the City as Dr. Hoelsing indicated that the City would be quite welcome to put public information/notices on the electronic sign.

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At the pleasure of Council, the proposed Resolution would approve the payment of the \$20,000 toward the electronic signage at the school, payable from Fund #33 (Community Betterment).]

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 11-98 which follows in its entirety:

RESOLUTION NO. 11-98

WHEREAS, The Alliance Board of Education has decided to build a new Performing Arts Center; and

WHEREAS, The City of Alliance decided that it was not in the best interest of the City to initiate a precedent to waive the building permit fees; and

WHEREAS, The City of Alliance indicated that it would consider making a donation to the Alliance Board of Education if a request was made for a specific project to assist in the construction of the new Performing Arts Center.

WHEREAS, The Alliance Board of Education has requested that the City consider making a donation of Twenty Thousand and No/100ths Dollars (\$20,000.00) to be used in the purchase of a new public notification electric sign.

WHEREAS, The City of Alliance has money in the Community Betterment fund.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is directed to donate Twenty Thousand and No/100ths Dollars (\$20,000.00) from the Community Betterment Fund to the Alliance Board of Education to be used on the purchase of a new public notification electric sign to be used in association with the Performing Arts Center.

Roll call vote with the following results:

Voting Aye: Feldges, Kusek, Benzel, Gonzalez.

Voting Nay: Yeager.

Motion carried.

- Resolution No. 11-99 awarding the bid for repairs to the roof at the fire hall was the next item for Council's discussion. City Manager Cox provided the following information:

[On August 22, a bid opening was held concerning the roof replacement at the fire station. Four bids had been sent out, and three were received back. The bids were: Twin City Roofing & Sheet Metal - \$78,275.00; Fisher Roofing & Restoration - \$93,339.00; and Sidney Roofing Company - \$105,554.80. The City had budgeted \$93,000 for the roof replacement.

September 1, 2011

The bid from the lowest, responsible bidder (Twin City Roofing & Sheet Metal) in the amount of \$78,275 is being recommended for approval. The Alliance Rural Fire District will reimburse the City for one-half of the cost or \$39,137.50.]

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Resolution No. 11-99 which follows in its entirety:

RESOLUTION NO. 11-99

WHEREAS, The City of Alliance Fire Department had on their capital improvements for 2011, the replacement of the roof on the Fire Department building; and

WHEREAS, The City bid the replacement of the roof with four bid packets being sent out and three bids were received; and

WHEREAS, Staff has reviewed the bids and believes the bid of Twin City Roofing & Sheet Metal, a Nebraska Corporation, of Scottsbluff, Nebraska is the lowest, responsive, responsible bidder with a bid in the amount of Seventy Eight Thousand Two Hundred Seventy-Five and NO/100ths Dollars (\$78,275.00); and

WHEREAS, The Alliance Fire Department has the funds in its 2011 fiscal year budget and requests that Council approve the replacement of the roof on the Fire Department by Twin City Roofing & Sheet Metal; and

WHEREAS, The Alliance Rural Fire Protection District will reimburse the City for one half of the total project cost of the roof replacement in the amount of Thirty Nine Thousand One Hundred Thirty-Seven and 50/100ths Dollars (\$39,137.50).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Mayor be and hereby is authorized to enter into a contract for the replacement of the roof on the Fire Department with Twin City Roofing & Sheet Metal, a Nebraska Corporation, of Scottsbluff, Nebraska in the amount of Seventy Eight Thousand Two Hundred Seventy-Five and NO/100ths Dollars (\$78,275.00) pursuant to the bid documents.

BE IT FURTHER RESOLVED, that Troy Shoemaker, Fire Chief, shall have the authority to make in the field change orders not to exceed Five Percent (5%) of the contract price.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that work can proceed according to the bid specifications.

Council inquired if the City's property insurance would off-set part of this expense. City Attorney Miller responded he would research the possibility.

Roll call vote with the following results:

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

Voting Nay: None.

September 1, 2011

Motion carried.

- Resolution No. 11-100 authorizing the purchase of equipment for the electric substations was the next item for Council's consideration. City Manager Cox provided the following information:

[In support of recent discussions regarding our list of items needing updated/repared in our electric system, this item will not only address the breaker failure at 10th Street, but will also allow us to change Broadwater, Emerson & 10th to the same style breaker. These items are consistent with those items previously identified by Kevin Groves and will be on the punch list that will be developed.

As the lead time on electric equipment is quite long, we are requesting approval for the purchase of the breaker system, but do not expect to be invoiced until the next fiscal year. In the proposed budget currently before Council, we have a budget for equipment repair in the amount of \$1,103,060 in the substation line item. The cost of this purchase is \$130,435.]

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Resolution No. 11-100 which follows in its entirety:

RESOLUTION NO. 11-100

WHEREAS, The City retained the services of Olsson Associates, Inc., to engineer the upgrades to the substation including replacing the 33.6 mega volt ampere (MVA) Substation Power Transformer and purchase of five 38 kilovolt (kV) outdoor vacuum circuit breakers; and

WHEREAS, Olsson Associates, Inc., has made a recommendation that the City of Alliance contract with Siemens Energy, Inc. of San Carlos, California for the purchase of five 38 kV outdoor vacuum circuit breakers; and

WHEREAS, The cost for each 38 kV outdoor vacuum circuit breaker is Twenty Six Thousand Eighty Seven and No/100ths Dollars (\$26,087.00) for a total price of One Hundred Thirty Thousand Four Hundred Thirty Five and No/100ths Dollars (\$130,435) for five 38 kV outdoor vacuum circuit breakers not including shipping or insurance; and

WHEREAS, The Alliance Electric Department has the funds budgeted for 2010-2011 fiscal year for the replacement of the 38 kV outdoor vacuum circuit breakers and requests that Council approve the purchased of five 38 kV outdoor vacuum circuit breakers from Siemens Energy, Inc. of San Carlos, California for the quoted price of One Hundred Thirty Thousand Four Hundred Thirty Five and No/100ths Dollars (\$130,435.00) and

WHEREAS, Council believes that that the bid of Siemens Energy, Inc. of San Carlos, California is the lowest, responsive, responsible bidder based on the quotes received by Olsson Associates, Inc.

September 1, 2011

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Mayor be and hereby is authorized to enter into a contract for the purchase of five 38 kilovolt (kV) outdoor vacuum circuit breakers from Siemens Energy, Inc. of San Carlos, California for the price of One Hundred Thirty Thousand Four Hundred Thirty Five and No/100ths Dollars (\$130,435.00).

BE IT FURTHER RESOLVED, that Larry Heinrich, Electrical Superintendent, shall have the authority to make in the field change orders not to exceed Five Percent (5%) of the contract price.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that work can proceed according to the bid specifications.

Council asked if there would be any value for trade-in and or sale of the existing equipment which is being replaced. City Manager Cox responded staff would research the possibility.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was Resolution No. 11-101 amending the City's contract with WAPA. City Manager Cox provided the following information:

[The proposed resolution will amend our agreement with WAPA to extend the length of our contract for this energy. Currently, our WAPA Allocations total is approximately 7% of our load and represents our lowest cost energy. The good news: The proposed amendment will extend our agreement until October 31, 2031. It is in the best interest of the City and of the rate payers, for the City to enter into this extension agreement.]

Motion by Mayor Feldges, seconded by Councilman Gonzalez to approve Resolution No. 11-101 which follows in its entirety:

RESOLUTION NO. 11-101

WHEREAS, The City of Alliance is an authorized member with the Western Area Power Administration (WAPA); and

WHEREAS, Western Area Power Administration and the City of Alliance entered into the Original Contract No. 90-LAO-601 to consolidate arrangements for general services, ownership, operation, maintenance, replacement, exchange of services, and sharing responsibilities for specific facilities; and

September 1, 2011

WHEREAS, Western Area Power Administration and the City of Alliance City desire to amend the Original Contract to extend the term and to revise outdated provisions; and

WHEREAS, The City has reviewed Amendment Number 1 to Contract Number 90-LAO-601 and determines that the approval of Amendment Number 1 is in the best interest of the City and its ratepayers.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to execute for and on behalf of the City the attached Amendment No. 1 to Contract No. 90-LAO-601 with the Western Area Power Administration.

BE IT FURTHER RESOLVED, that City staff is authorized to comply with the terms and conditions of the Agreement as soon as it has been executed by all parties.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-102 approving the Street Closure Request by the United Methodist Church was the next item before Council. City Manager Cox provided the following background information:

[The United Methodist Church of Alliance is requesting the closure of the 100 block of 7th Street from Box Butte to Laramie. The purpose of the closure is to hold a 10-year anniversary commemoration of the 9/11 disaster. The date of the requested closure is September 11, 2011 from 9:30 am to 2:00 pm. The normally requested insurance has also been provided.]

Motion by Councilman Yeager, seconded by Councilman Kusek to approve Resolution No. 11-102 which follows in its entirety:

RESOLUTION NO. 11-102

WHEREAS, The City of Alliance has received a request to close the 100 block of 7th Street between Box Butte Avenue and Laramie Avenue on Sunday September 11th, 2011, commencing at 9:30 a.m. and continuing the closure until 2:00 p.m.; and

WHEREAS, The United Methodist Church desires to host a picnic and honor the “first responders” which are Police and Fire Personnel; and

WHEREAS, The City of Alliance finds that the request is a low hazard request as defined by Appendix A - Level Of Risk and Recommended Insurance Requirement because the activity is a social gathering with no severe exposure to spectators and expected attendance at anytime is expected to be 500 or less; and

September 1, 2011

WHEREAS, The City of Alliance finds that the request for the closure of the street is an appropriate request and is in the best interest of the citizens of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the 100 block of 7th Street between Box Butte Avenue and Laramie Avenue will be closed to traffic on Sunday September 11th, 2011, commencing at 9:30 a.m. and continuing the closure until 2:00 p.m.

BE IT FURTHER RESOLVED the closure of the 100 block of 7th Street between Box Butte Avenue and Laramie Avenue on Sunday September 11th, 2011, is to accommodate the United Methodist Church's picnic to honor "first responders".

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Before entering into an Executive Session Council established Monday, September 26, 2011 at 7:00 a.m. as the date to conduct a Special Meeting for the end of the fiscal year bill approval.
- Motion by Councilman Kusek, seconded by Councilman Gonzalez to enter into an Executive Session pursuant to Section 84-1410 for the purpose of discussing a real estate matter. Council requested City Manager Cox, City Attorney Miller and City Clerk Jines to remain for the Executive Session.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

The Executive Session began at 9:20 p.m. and concluded at 9:27 p.m. No action was taken.

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- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:28 p.m.”

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk