

September 15, 2011

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, SEPTEMBER 15, 2011

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

The Alliance City Council met in a Regular Meeting, September 15, 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 September 8, 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 15, 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.
- Councilman Gonzalez made a motion to change the order of the agenda to place Item L – Ordinance No. 2690 the City of Alliance Classification and Compensation Plans before Item G. The motion was seconded by Councilman Kusek.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was the Consent Calendar.

September 15, 2011

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

CONSENT CALENDAR – SEPTEMBER 15, 2011

1. Approval: Minutes of the Regular Meeting, September 1, 2011.
2. Approval: Payroll and Employer Taxes for the period August 20, 2011 through September 2, 2011 inclusive: \$167,638.58 and \$11,896.96 respectively.
3. Approval: Claims against the following funds for the period August 29, 2011 through September 12, 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; \$328,708.28.
4. Approval: The issuance of a Cemetery Certificate to Robert Carvalho and Sharon Carvalho for the Southeast Quarter (SE1/4) of Lot Two (2), Section Five (5), Block Two (2), Original Plat to the Alliance Cemetery.
5. Approval: Resolution No. 11-104 granting the request of the Alliance High School Student Council to conduct the Homecoming Parade. The parade will be held on Friday, October 7, 2011. Due to the construction of the Performing Arts Center the request for the parade line up will be the closure of 14th Street between Cheyenne and Box Butte Avenues. The parade will proceed south on Box Butte Avenue and conclude on 4th Street. The request is to close 14th Street at noon with line up to begin at 1:00 p.m. and the parade will begin at 2:00 p.m. A copy of the request is attached for Council's review.
6. Approval: Resolution No. 11-105 will grant permission to the Alliance Chamber of Commerce for the use of the 4th Street and Niobrara Avenue parking lot on Saturday, October 15, 2011 between 10:00 a.m. and 2:00 p.m. The parking lot will be used to give mini train rides to children as part of a Fall Festival Program. A copy of the request has been included for Council's consideration.

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.

September 15, 2011

- A Conflict Claim on behalf of Mayor Feldges was the next item to be voted on by Council.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve a Conflict Claim on behalf of Mayor Feldges in the amount of \$441.90.

Roll call vote with the following results:

Voting Aye: Yeager, Kusek, Benzel, Gonzalez.

Voting Nay: None.

Abstaining: Feldges.

Motion carried.

- City Manager Cox reported on the following:
 - The City recently accepted a bid to sell surplus property which is adjacent to Kees Computing and the future owner of the property is interested in purchasing additional property which is adjacent to the lot being sold.
 - Recently the Council approved a resolution for crushing concrete. Within the resolution the unit ton price was incorrect; however, the total amount authorized is correct.
 - The City will be entering into a contract with Purple Wave which is an on-line auction service for the sale of surplus property. It is anticipated that we will use the funds from the auction towards the purchase of a used pickup for the Parks Department.
 - The City of Alliance is currently advertising for a part-time Meter Reader and a Water Maintenance Worker.
 - The City received a grant for the Police Department Sleuth program which came in \$70,000 under budget. The State has authorized the use of the excess funds which is very good news for the City.
 - The City has received a Mutual Aid requested from the Village of Hemingford for electric, water and sewer support.
 - Upcoming events include:
 - ICMA Conference next week
 - NML Conference September 28-30
 - 09/26 Airport Ad-Hoc Meeting
 - 09/27 Joint Governmental Meeting
- A discussion was held by Council regarding Building Codes with reference to garages. Recently the City received an inquiry/concern regarding the size of a garage which is currently be constructed. There has been some discussion regarding the interpretation of the current building codes. City Attorney Miller suggested language could be added within the codes

September 15, 2011

making reference to roof coverage and height of garages. Councilman Kusek shared with Council the previous actions which were taken in 1996 and early 1997 regarding garages.

Council requested staff prepare clarifying language for the building codes which would require garages:

- a) Be no more than 2,000 sq. ft. which will be in combination of both attached and detached units.
- b) Have no more than 40% of the lot.
- c) Have a height restriction to be no higher than the residence.

A legislative document will be brought back before Council for consideration.

- The next item to be presented to Council was an update on various street projects by Public Facilities Director Eric Lenz. Mr. Lenz reported the construction of Emerson Avenue 18th to 25th Street and the Potash Avenue between Kansas Avenue and 2nd Street are scheduled for construction in the summer of 2012. The 10th Street Project between Box Butte and Flack Avenues is currently in the preliminary design phase and is schedule for construction in 2013. The center island removal and crosswalk development have been completed for the Box Butte Avenue Streetscape. The historic streetlights are in the preliminary design phase and the sidewalks and irrigation are scheduled for construction next year. Sweetwater Avenue – 18th to 25th Streets is in the need and purpose phase. Mr. Lenz also provided an overview of the concrete street rehabilitation, asphalt street overlay, residential alley crushed concrete resurfacing, and the sidewalk replacement cost sharing program schedules.

Council discussed the need for additional crack sealing within the community and expressed a desire to have the Comprehensive Street Plan updated.

- An update on the Visitor's Bureau was the next item to be presented to Council.

Tourism Director Kevin Howard announced to Council that the City has contracted for the billboard located on West 3rd Street to promote Carhenge. He also informed Council forty-six destination signs will be purchased to assist visitors in locating key destination sites within the community such as the stadium, library, etc. These signs are estimated to cost between \$13,000 and \$15,000. Mr. Howard also reported he was in the process of acquiring bids for an upgrade/updating of the kiosk on 3rd Street and Box Butte Avenue.

Currently the Visitor's Task Group has established three goals: (1) hospitality training for the staff of local businesses, (2) a development plan for the former power plant, and (3) marketing the Alliance underground. Mr. Howard also expressed a desire to form another task force group for marketing purposes. As part of marketing he is looking at creating a web site in November or December which will be mobile friendly and simple.

The last item reported was the need to revisit the location of the City's entrance signs.

September 15, 2011

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

[At the last Council meeting, there was discussion concerning a COLA for employees. After discussion this measure was advanced to a second reading. Staff was asked to present information concerning a COLA at the 9/15 Council meeting. That handout will be given out at that time. Following the Council meeting, Finance Director Randy Waggener and I discussed the consideration. If Council were to wish to consider approving a 1.5% COLA, that increase could be absorbed into the current budget as it was assembled to include all positions being fully staffed for the entire year, utilizing full insurance and other benefits for the same time period. It is unlikely given past experience, that our organization would be 100% staff for the entire year.

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 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.

Should Council wish to approve a COLA, a simple motion to incorporate the COLA into the proposed 2011-2012 Budget and Classification and Compensation Plans would be sufficient.]

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Ordinance No. 2690 on second 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:

September 15, 2011

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 add a 1% Cost of Living Adjustment to the Classification and Compensation Plans for all employees.

The Council conducted a lengthy discussion regarding cost of living increases and a one step adjustment based on performance raises. The discussion also included how raises were handled for employees that have reached the top step in their respective pay grade. The economic conditions of the country and the regional area were addressed along with the need to stay competitive and treat employees fairly.

Roll call vote on the amendment to include a 1% Cost of Living Adjustment with in the Plans was as follows:

Voting Aye: Benzel, Gonzalez, Kusek.

Voting Nay: Feldges, Yeager.

Motion carried.

Motion by Councilman Kusek, seconded by Councilman Gonzalez 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:

Voting Aye: Feldges, Kusek, Benzel, Gonzalez.

Voting Nay: Yeager.

Motion carried.

Roll call vote to approve amended Ordinance No. 2690 on final reading with the following results:

Voting Aye: Feldges, Kusek, Benzel, Gonzalez.

Voting Nay: Yeager.

Motion carried.

September 15, 2011

Mayor Feldges stated, "the passage and adoption of Ordinance No. 2690 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next issue before Council was Ordinance No. 2691 proposing an increase in Council's wages. City Manager Cox provided the following background information:

[Currently, Council is compensated \$200 per month, and the proposed ordinance will increase Council compensation to \$300 per month. Per State law, there is provision which makes the new compensation amount not go into effect until after the new Council is seated next year – November 2012.]

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Ordinance No. 2691 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2691

AN ORDINANCE ESTABLISHING THE ANNUAL COMPENSATION OF THE MEMBERS OF THE ALLIANCE CITY COUNCIL.

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

SECTION 1. Nebraska Statutes at Section 16-310 provide that "The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance."

SECTION 2. Staff has compared the remuneration received by the Alliance City Council to other Cities of one half to twice the size of Alliance and the results of the research demonstrate that an increase in the remuneration is appropriate; and

SECTION 3. The members of the City Council of Alliance, Nebraska shall receive compensation of \$3,600.00 annually.

SECTION 4. This Ordinance shall be in full force and effect on the first meeting after the new Alliance City Council is seated following the election in November, 2012.

SECTION 5. This Ordinance shall be published according to law after its passage.

Motion by Councilman Kusek, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2691.

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

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

Voting Nay: None.

September 15, 2011

Motion carried.

Roll call vote on the final reading of Ordinance No. 2691 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. 2691 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Ordinance No. 2692 which proposes changes to the regulations of school zones was the next item on Council’s agenda. City Manager Cox provided the following background information:

[Incorporated in your packets are maps of the proposed school zones. In working with Chief Kiss and the school district, the proposed ordinance will improve the school zones as well as bring danger relief to students by lowering the speed limits in these zones from 25 mph to 20 mph. The times of the school zone hours as proposed are: 7:00 am – 8:15 am; 2:45 pm – 4:00 pm.

Superintendent of Schools Dr. Dan Hoelsing, has expressed strong support for this measure.

On a related item, Chief Kiss and I have met to review the school district’s concern of congestion around Emerson School. This congestion has led to some drivers making poor decisions when they have gotten stuck in traffic while dropping off their small passengers at Emerson. Some drivers have even begun backing up on the City streets. In an effort to implement a safer traffic flow pattern, Chief is working with the School District to create a one-way pattern that has right-turns around the school.

Council may wish to waive three readings so that the safe speed limit can be enacted as soon as possible as school is in session.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Ordinance No. 2692 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2692

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 305, ARTICLE 3 AT CHAPTER 3, RELATING TO ESTABLISHMENT OF SCHOOL ZONES AND REGULATION OF SPEED LIMITS WITHIN THE SCHOOL ZONES

September 15, 2011

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 has established school zones to facilitate the safe arrival and return of children to and from schools in the City of Alliance.

SECTION 2. The City of Alliance, to make travel to and from schools safer for children and pedestrians, desires to make changes to the school zone areas.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended at Article 3, Section 3-305 as follows:

3-305. SCHOOL ZONES.

The school zones are described as follows:

Alliance Middle School, Alliance High School and St. Agnes Academy:

Box Butte Avenue from the north line of Tenth Street to the north line of Sixteenth Street; Laramie Avenue from the north line of Tenth Street to the north line of Fourteenth Street; Cheyenne Avenue from the north line of Tenth Street to the north line of Sixteenth Street; Big Horn Avenue from the north line of Tenth Street to the south line of Sixteenth Street; Eleventh Street from the east line of Box Butte Avenue to the west line of Laramie Avenue and from the east line of Toluca Avenue to the east line of Cheyenne Avenue; Twelfth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; Fourteenth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; and Sixteenth Street from the east line of Box Butte Avenue to the west line of Cheyenne Avenue.

Emerson Elementary School:

Dakota Avenue from the south line of Sixth Street to the south line of Ninth Street; Colorado Avenue from the south line of Eighth Street to the south line of Ninth Street; Black Hills Avenue from the south line of Sixth Street to the south line of Ninth Street, Sixth Street from the west line of Platte Avenue to the west line of Dakota Avenue; Seventh Street from the west line of Black Hills Avenue to the west line of Platte Avenue; and Eighth Street from the west line of Platte Avenue to the west line of Dakota Avenue.

Grandview Elementary School:

Potash Avenue and Grand Avenue from the north line of Fifth Street to the north line of Seventh Street; Sixth Street from the east line of Mississippi Avenue to the west line of Hudson Avenue; and Seventh Street from the east line of Mississippi Avenue to the west line of Hudson Avenue.

September 15, 2011

~~Black Hills Avenue from the south line of Seventh Street to the north line of Eighth Street, and Eighth Street from the east line of Black Hills Avenue to the east line of Dakota Avenue; Dakota Avenue from the north line of Eighth Street south for 300 feet; Grand Avenue and Potash Avenue from the south line of Sixth Street to the north line of Seventh Street; Seventh Street from the west line of Grand Avenue to the east line of Potash Avenue and Sixth Street from the west line of Grand Avenue to the east line of Potash Avenue; Box Butte Avenue from the south line of Seventh Street to the north line of Eighth Street, Eighth Street from the west line of Box Butte Avenue to the east line of Niobrara Avenue; Niobrara Avenue from the south line of Eighth Street to the north line of Seventh Street, and Seventh Street from the west line of Box Butte Avenue to the east line of Niobrara Avenue; Cheyenne Avenue from the south line of Eleventh Street to the north line of Twelfth Street; Twelfth Street from the west line of Big Horn Avenue to the east line of Cheyenne Avenue; Eleventh Street from the west line of Big Horn Avenue to the east line of Cheyenne Avenue; Big Horn Avenue from the north line of Eleventh Street to the south line of Twelfth Street; Laramie Avenue from the south line of Eleventh Street to the north line of Fourteenth Street; Twelfth Street from the west line of Laramie Avenue to the east line of Box Butte Avenue; Box Butte Avenue from the south line of Twelfth Street to the north line of Eleventh Street; Eleventh Street from the east line of Box Butte Avenue to the west line of Laramie Avenue; Fourteenth Street from the east line of Cheyenne Avenue to the east line of Box Butte Avenue; Box Butte Avenue from the south line of Fourteenth Street to the north line of Sixteenth Street; Sixteenth Street from the east line of Box Butte Avenue to the east line of Cheyenne Avenue.~~

The speed limit within all school zones shall be ~~25~~ **20** miles per hour. This speed limit shall be applicable on Monday through Friday of each week between the beginning of the school year and the last day of each school year when the school within a zone is or has been that day in session and only during the hours of each of those days between 7:00 a.m. ~~until 8:15 a.m.~~ and ~~2:45 p.m. until 4:00 p.m.~~ **and at all other times when children are present.**

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 from and after its approval, passage, and publication according to law.

Motion by Councilman Benzel, seconded by Councilman Kusek to amend Ordinance No. 2692 by stipulating the 20 miles per hour will be 24 hours per day year round.

Roll call vote on the amendment with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: Feldges.

Abstaining: Yeager.

Motion carried.

September 15, 2011

Roll call vote on the first reading of amended Ordinance No. 2692 with the following results:

Voting Aye: Kusek, Benzel, Gonzalez.

Voting Nay: Feldges, Yeager.

Motion carried.

- The next item for Council's consideration was the second reading of Ordinance No. 2684 amending the Municipal Code with regard to Electric Rates. City Manager Cox provided the following background information:

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

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Ordinance No. 2684 on second 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:

September 15, 2011

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.
 - 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.

September 15, 2011

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
<u>Winter</u>		
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
<u>Summer</u>		
First 600 kWh @	\$.09080 per kWh	\$.09500 per kWh
Excess kWh @	\$.09080 per kWh	\$.09500 per kWh
<u>Winter</u>		
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
<u>Summer</u>		
All use	\$.08900 per kWh	\$.09200 per kWh

September 15, 2011

	<u>Winter</u>				
	All use		\$.07440 per kWh		\$.07630 per kWh
2.	<u>General Service Urban Rates Three Phase: (inside corporate limits)</u>				
			<u>November 1, 2011</u>		<u>October 1, 2012</u>
	Monthly Customer Charge		\$22.00		\$26.00
	<u>Summer</u>				
	All use		\$.08940 per kWh		\$.09300 per kWh
	<u>Winter</u>				
	All use		\$.07700 per kWh		\$.07950 per kWh
3.	<u>General Service Rural Rates Single Phase: (outside corporate limits)</u>				
			<u>November 1, 2011</u>		<u>October 1, 2012</u>
	Monthly Customer Charge		\$16.50		\$18.00
	<u>Summer</u>				
	All use		\$.09750 per kWh		\$.10100 per kWh
	<u>Winter</u>				
	All use		\$.07730 per kWh		\$.07870 per kWh
4.	<u>General Service Rural Rates Three Phase: (outside corporate limits)</u>				
			<u>November 1, 2011</u>		<u>October 1, 2012</u>
	Monthly Customer Charge		\$25.60		\$28.30
	<u>Summer</u>				
	All use		\$.09700 per kWh		\$.09800 per kWh
	<u>Winter</u>				
	All use		\$.07700 per kWh		\$.07800 per kWh
4-147.	RULES AND REGULATIONS GOVERNING SERVICE ON GENERAL SERVICE DEMAND RATE SCHEDULE (CLASS 3).				
1.	<u>General Service Demand Urban Rates: (inside corporate limits)</u>				
			<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

September 15, 2011

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
	\$0.05880	\$0.05080	\$0.06270	\$0.05370
Demand	Summer	Winter	Summer	Winter
	\$15.00	\$9.00	\$15.00	\$9.00

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
	\$0.05365	\$0.04865	\$0.05880	\$0.05280
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	\$0.05026 per kWh	\$0.05420 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

September 15, 2011

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

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

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.

Motion by Councilman Kusek, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2684.

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

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

Voting Nay: None.

Motion carried.

September 15, 2011

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

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2684 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Ordinance No. 2685 regarding Solid Waste Collection Rates was the next item to be considered by Council.

A motion was made by Councilman Yeager to approve Ordinance No. 2685 on second reading. The motion was seconded by Councilman Gonzalez and City Clerk Jines read the ordinance by title.

Motion by Councilman Benzel, seconded by Councilman Kusek to amend Ordinance No. 2685 by adjusting the SWDF Disposal Rates as reflected in the handout.

Roll call with the following results on the proposed amendments.

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

Voting Nay: None.

Motion carried.

AMENDED 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.

September 15, 2011

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 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,

September 15, 2011

- 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, 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.

September 15, 2011

- 20) "Residential Customers" are defined as individuals who live within the city limits, or have accounts for refuse collection with the City of Alliance.
- 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-putrescible 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 RATES.

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 is available. The aforesaid rates entitle the commercial customer to one pickup per week.

September 15, 2011

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

September 15, 2011

SWDF Disposal Rates

Minimum	\$7.50	
<u>Non- Hazardous Wastes:</u>		
Trees, Branches, Brush	\$15.00	per ton
Construction & Demolition (including shingles)	\$45.00	per ton
Fill/Concrete	\$12.00	per ton
Metal	\$18.00	per ton
Municipal Solid Waste	\$47.50	per ton
Non Baleable Municipal Solid Waste	\$75.00	per ton
Wood Pallets	\$18.00	per ton
Appliance Without Refrigerant	\$10.00	each
<u>Special Wastes:</u>		
Asbestos	\$150.00	per ton
Appliance Containing Refrigerant	\$25.00	each
Tire - Truck & Tractor	\$15.00	each
Tire – Large 16” and above	\$8.00	each
Tire – Small 15” and below	\$5.00	each
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.

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

Motion by Councilman Kusek, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2685.

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

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

Voting Nay: None.

Motion carried.

September 15, 2011

Roll call vote on the final reading of Ordinance No. 2685 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2685 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. 2686 regarding Water Rates. City Manager Cox provided the following background information:

[Summary:

- Increase 10% across the board, include meter charges (represents approx \$0.15/1000 gallons)
- Align Commercial & Residential rates]

Motion by Councilman Kusek, seconded by Councilman Yeager to approve Ordinance No. 2686 for second 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 costs 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.

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

September 15, 2011

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

September 15, 2011

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.

September 15, 2011

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 Councilman Kusek, seconded by Councilman Yeager to suspend the statutory rule requiring three separate readings of Ordinance No. 2686.

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

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

Voting Nay: None.

Motion carried.

Roll call vote on the final reading of Ordinance No. 2686 with the following results:

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

Voting Nay: None.

Motion carried.

September 15, 2011

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2686 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 a Public Hearing on a Conditional Use Permit Application to operate an indoor storage facility in the old Central School which is located between 7th and 8th Streets on the east side of Box Butte Avenue. City Manager Cox provided the following background information:

[The City is in receipt of an application from Matthew and Amanda Broderick for a Conditional Use Permit for implementing an indoor storage facility and daycare facility at the former Central School location at 715 Box Butte Avenue.

That application has been processed by the Community Development Department. As part of the process, notifications were sent to area property owners asking for their comments and whether they are in favor, opposed, or disinterested in the proposed conditional use. Letters returned were overwhelmingly in support of the matter – 17 in favor, 1 opposed, and 1 disinterested. At the public hearing held by the Planning Commission on 8/9, no one was present to speak in favor nor against the matter.

The matter then was subsequently presented to the Planning Commission for their consideration.

The Planning Commission is recommending Council approve the Conditional Use Permit, with the following stipulations:

1. Protect the safety of the public by:
 - a. Remove dead trees from the property;
 - b. Remove all dead limbs from the remaining trees on the property;
 - c. Replace or repair all damaged cracked or broken sidewalks
2. Storage be restricted to inside the facility;
3. No boats, campers, recreational vehicles, permitted outside;
4. No attachments to the building and no additional storage units on the ground;
5. Original appearance of the building on the north, south and west sides must be maintained so as to not jeopardize the historic integrity of the building;
6. The owner may install window coverings (such as wood) to protect the premises and deter vandalism on the east side;
7. Time period: One Year
8. Must follow all federal, state and city codes

Please note that the new owner has spent a considerable amount of time out of town and we have received quite a few complaints concerning overgrown weeds and grass on the property.]

September 15, 2011

Mayor Feldges opened the Public Hearing regarding the Conditional Use Permit of Matthew Broderick for an indoor storage facility at 715 Box Butte at 9:05 p.m. Hearing no testimony, Mayor Feldges closed the Public Hearing at 9:06 p.m.

Motion by Councilman Gonzalez, seconded by Councilman Kusek to approve Resolution No. 11-106.

Motion by Councilman Benzel, which was seconded by Councilman Gonzalez to amend the resolution by adding a fourth requirement in the second *BE IT FURTHER RESOLVED* to state “Adhere to all federal, state, and city codes.

Roll call vote on the proposed amendment with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 11-106

WHEREAS, Matthew Broderick has made an application for a Conditional Use Permit to operate an indoor storage facility in the old Central School which is located between 7th Street and 8th Street east of Box Butte Avenue; and

WHEREAS, The City of Alliance Planning Commission considered the request for a Conditional Use Permit for an indoor storage facility at Lot 28, County Addition to the City of Alliance, Box Butte County, Nebraska; and

WHEREAS, The City of Alliance Planning Commission voted to recommend the granting of the Conditional Use Permit to Matthew Broderick for an indoor storage facility to be located on Lot 28, County Addition to the City of Alliance, Box Butte County, Nebraska; and

WHEREAS, The City of Alliance Planning Commission voted to recommend that the City Council make restrictions on the use of the property and when the conditional use could be commenced; and

WHEREAS, City staff has viewed the property, and has found the property to be used consistent with the granting of a Conditional Use Permit; and

WHEREAS, The City Council finds that no sufficient reason exists why the Conditional Use Permit should not be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that a Conditional Use Permit shall be issued to Matthew Broderick for the operation of an indoor storage facility at Lot 28, County Addition to the City of Alliance, Box Butte County, Nebraska.

September 15, 2011

BE IT FURTHER RESOLVED, that the Conditional Use Permit shall be effective for a period of one year.

BE IT FURTHER RESOLVED, that before the Conditional Use may commence Matthew Broderick shall, to protect the safety of the public, be required to perform the following:

- 1 Remove all dead trees from the property.
- 2 Remove all dead limbs from the remaining trees on the property.
- 3 Replace or repair all damaged cracked or broken sidewalks.
- 4 Adhere to all federal, state, and city codes.

BE IT FURTHER RESOLVED, that as part of the continuation of the Conditional Use Permit Matthew Broderick is required to:

- 1 Storage is restricted to inside the confines of the building as it currently exist, no boats, campers, recreational vehicles, etc., will be permitted to be stored on or kept outside the confines of the building.
- 2 No attachments will be added to the building and no additional storage units will be permitted on the ground that is being granted this conditional use.
- 3 The original appearance of the building will be maintained on the north, south and west sides of the structure. The historical integrity of the building will not be jeopardized.
- 4 The owner will be permitted to take necessary steps to install window coverings (i.e. wood) in order to protect the premises and deter vandalism on the east side, provided that the historical integrity of the building is preserved.
- 5 The premises and the conditions of the Conditional Use Permit will be reviewed on an annual basis.
- 6 The Conditional Use Permit shall be conditioned upon adherence to all federal, state, and city codes being observed.

BE IT FURTHER RESOLVED, that the Conditional Use Permit shall be presumed inactive if the conditional use is not commenced within twelve months of September 15th, 2011.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

● Resolution No. 11-107 authorizing the purchase of property at 511 Niobrara Avenue was the next item for Council's review. City Manager Cox provided the following background information:

September 15, 2011

[We have successfully negotiated an agreement to purchase the property at 511 Niobrara for the amount of \$75,000 plus closing costs. The proposed resolution will authorize the City Manager to close on the property which is scheduled for 11:00 am on 9/16.]

Motion by Councilman Yeager, seconded by Councilman Kusek to approve Resolution No. 11-107 which follows in its entirety:

RESOLUTION NO. 11-107

WHEREAS, The City of Alliance Police Department had on their capital improvements, the purchase of a building for the Alliance Police Department's administration building; and

WHEREAS, JDM Investments LLC, of Crawford, Nebraska owns the property located at 511 Niobrara Avenue, as is described as follows:

Lot Nine (9), Block Two (2), Original Town now City of Alliance,
Box Butte County, Nebraska according to the recorded plat thereof

WHEREAS, The City of Alliance learned that the property was listed for sale and the City made an offer to purchase the property; and

WHEREAS, JDM Investments LLC, has presented a Purchase Agreement to the City of Alliance for its consideration and staff is presenting the proposed Purchase Agreement to Council; and

WHEREAS, The Alliance Police Department has the funds in its budget and requests that Council approves the purchase of the above describe real estate under the terms and conditions of the Purchase Agreement which is included in Council packets.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that City Manager, J.D. Cox be and hereby is authorized to enter into the Purchase Agreement for the purchase of the following described real estate, to wit;

Lot Nine (9), Block Two (2), Original Town now City of Alliance,
Box Butte County, Nebraska according to the recorded plat thereof

for the amount of Seventy Five Thousand and No/100ths Dollars (\$75,000.00) under the terms and conditions of the Purchase Agreement which is included in the Council packets along with the associated closing cost assessed to the purchaser.

BE IT FURTHER RESOLVED that City Manager, J.D. Cox, is authorized to sign any and all documents including but not limited to the Purchase Agreement, Property Disclosure Statement, Dual Agency Agreement, Closing Statement, Real Estate Transfer Statement that are necessary to complete the purchase.

Roll call vote with the following results:

September 15, 2011

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-108 awarding the bid for the ARFF Building was the next item for Council's consideration. City Manager Cox provided the following background information:

[A bid opening for the new Airport Rescue and Firefighting ("ARFF") building was held at the Airport at 2:00 pm on 8/22. Two bids were received on time: Paul Reed Construction (Gering) in the amount of \$636,156.58 and from Fuller Construction (Chadron) in the amount of \$669,322.50. Note: one bid was brought in after the deadline, but unfortunately was not allowed as it was past the deadline. Note that this is a 95% Federal Aviation Administration ("FAA") participation grant with the remaining 5% (or \$31,807.83) of budgeted funds.]

Motion by Councilman Feldges, seconded by Councilman Gonzalez to approve Resolution No. 11-108 which follows in its entirety:

RESOLUTION NO. 11-108

WHEREAS, The City of Alliance, through M.C. Schaff & Associates, Inc., received bids for a new Airport Rescue and Firefighting building for the Alliance Municipal Airport; and

WHEREAS, The City intends to obtain federal funds for the project in the amount of Ninety Five percent (95%) of the project amount; and

WHEREAS, The City as a sub-recipient of the federal aid funding is charged with the responsibility of expending said funds in accordance with Federal Aviation Administration, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the project; and

WHEREAS, Five bid packets were distributed and two bids were received. M.C. Schaff & Associates, Inc. recommends that the City award the bid to Paul Reed Construction, Gering Nebraska, as the lowest, responsive, responsible bidder in the amount of Six Hundred Thirty Six Thousand One Hundred Fifty Six and 58/100ths Dollars (\$636,156.58).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City accepts the bid proposal of Paul Reed Construction, Gering Nebraska, in the amount of Six Hundred Thirty Six Thousand One Hundred Fifty Six and 58/100ths Dollars (\$636,156.58) for FAA Project No. 3-31-0003-14. This acceptance is contingent upon approval from the Federal Aviation Administration and the Nebraska Department of Aeronautics.

September 15, 2011

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contracts after approval has been received from the Federal Aviation Administration and the Nebraska Department of Aeronautics.

Councilman Yeager stated he believed the timeframe for bidding was too short and therefore would be voting no on the resolution.

Roll call vote with the following results:

Voting Aye: Feldges, Kusek, Benzel, Gonzalez.

Voting Nay: Yeager.

Motion carried.

- Resolution No. 11-109 awarding the bid of the ARFF Truck Tools was the next matter before Council. City Manager Cox provided the following background information:

[On the same day as the ARFF building bid opening, another bid opening was held at 2:30 pm for firefighting tools for the new ARFF fire truck. Five bids were received as follows:

- Fyr-Tek (Gothenburg) \$51,097.82
- Fire Guard (Omaha) \$54,182.32
- Danko (Snyder, NE) \$74,821.45
- Oshkosh (Appleton, WI) \$60,053.00 (No bid – 1 item)
- Feldfire (Carroll, IA) \$48,407.85 (No bid – 9 items)

Note that earlier bids were received under separate proposals for the following - SCBA:

- Fire Guard (Omaha) \$28,103.88

Bunker Gear

- Fyr-Tek (Gothenburg) \$11,845.20

Therefore the recommendation is to accept the total bids proposed from Fyr-Tek (\$51,097.82 for Truck Tools, plus \$11,845.20 for Bunker Gear) for a total of \$62,943.02 and from Fire Guard for SCBA Equipment in the amount of \$28,103.88 upon approval by the FAA.]

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Resolution No. 11-109 which follows in its entirety:

RESOLUTION NO. 11-109

September 15, 2011

WHEREAS, The City of Alliance, through M.C. Schaff & Associates, Inc., received bids for new Airport Rescue and Firefighting tools for the Alliance Municipal Airport; and

WHEREAS, The City intends to obtain federal funds for the project in the amount of Ninety Five percent (95%) of the project amount; and

WHEREAS, The City as a sub-recipient of the federal aid funding is charged with the responsibility of expending said funds in accordance with Federal Aviation Administration, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the project; and

WHEREAS, Five bids were received and M.C. Schaff & Associates, Inc. recommends that the City award the bid to Fyr-Tek, Gothenburg Nebraska, as the lowest, responsive, responsible bidder in the amount of Fifty One Thousand Ninety Seven and 82/100ths Dollars (\$51,097.82) for the fire fighting tools; and

WHEREAS, Staff is requesting authority, as part of this project, to purchase six sets of self contained breathing apparatus (SCBA) under the previous bid awarded to Fire Guard, Omaha, Nebraska, in the amount of Twenty Eight Thousand One Hundred Three and 88/100ths Dollars (\$28,103.88); and

WHEREAS, Staff is requesting authority, as part of this project, to purchase six sets of bunker gear under the previous bid awarded to Fyr-Tek, Gothenburg, Nebraska, in the amount of Eleven Thousand Eight Hundred Forty Five and 20/100ths Dollars (\$11,845.20).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City accepts the bid proposal of Fyr-Tek, Gothenburg, Nebraska, in the amount of Fifty One Thousand Ninety Seven and 82/100ths Dollars (\$51,097.82) for the fire fighting tools for FAA Project No. 3-31-0003-15. This acceptance is contingent upon approval from the Federal Aviation Administration and the Nebraska Department of Aeronautics.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contracts after approval has been received from the Federal Aviation Administration and the Nebraska Department of Aeronautics.

BE IT FURTHER RESOLVED that after approval has been received from the Federal Aviation Administration and the Nebraska Department of Aeronautics the Fire Chief is authorized to purchase six sets of self contained breathing apparatus (SCBA) from Fire Guard of Omaha, Nebraska in the amount of Twenty Eight Thousand One Hundred Three and 88/100ths Dollars (\$28,103.88) for use at the airport.

BE IT FURTHER RESOLVED that after approval has been received from the Federal Aviation Administration and the Nebraska Department of Aeronautics the Fire Chief is authorized to purchase six sets of bunker gear from Fyr-Tek, of Gothenburg, Nebraska in the amount of Eleven Thousand Eight Hundred Forty Five and 20/100ths Dollars (\$11,845.20) for use at the airport.

September 15, 2011

Roll call vote with the following results:

Voting Aye: Feldges, Kusek, Benzel, Gonzalez.

Voting Nay: Yeager.

Motion carried.

- Resolution No. 11-110 was the next matter before Council and will designate funds from cell phones to the 911 System. City Manager Cox provided the following background information:

[As required, the proposed resolution will specify how the City of Alliance spent the \$20,448.72 from these fees. The Nebraska Public Service Commission will allow up to 100% of these monies to be spent on 911 equipment, or up to 75% may be set aside for future 911 upgrades and 25% for future GIS/mapping upgrades. This resolution will acknowledge that 64% of the funds (\$13,087.18) that the City received was spent on mapping, while the balance of \$7,361.54 will be set aside for future upgrades.]

Motion by Councilman Gonzalez, seconded by Councilman Kusek to approve Resolution No. 11-110 which follows in its entirety:

RESOLUTION NO. 11-110

WHEREAS, The City of Alliance received Twenty Thousand Four Hundred Forty Eight and 72/100ths Dollars (\$20,448.72) from July 1, 2010 to June 20, 2011 from the Nebraska Public Service Commission which were generated from the 911 Wireless Funds; and

WHEREAS, The City of Alliance expended Thirteen Thousand Eighty Seven and 18/100ths Dollars (\$13,087.18) on mapping and equipment upgrades; and

WHEREAS, The funds that are not expended by the end of the year by the City of Alliance are required to be set aside in a separate account; seventy five percent (75%) for future Emergency 911 upgrades and twenty five percent (25%) for future geographic information system (GIS) or mapping upgrades; and

WHEREAS, The City of Alliance will maintain the balance of Seven Thousand Three Hundred Sixty One and 54/100ths Dollars (\$7,361.54) in a separate account which has been established pursuant to law; and

WHEREAS, The City of Alliance has received notification that it will receive Eighteen Thousand Six Hundred Forty Two and 48/100ths Dollars (\$18,642.48) for the 2011-2012 period, which funds will be handled in the same way as the 2010-2011 funds were handled; and

September 15, 2011

WHEREAS, The City of Alliance will return any of the money that is not expended under the applicable rules, within ten years, to the Nebraska Public Service Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the balance of Seven Thousand Three Hundred Sixty One and 54/100ths (\$7,361.54) will be maintained in a separate account which has been established pursuant to law.

BE IT FURTHER RESOLVED that the funds held in the separate account may only be expended Seventy Five percent (75%) for future Emergency 911 upgrades and Twenty Five percent (25%) for future geographic information system (GIS) or mapping upgrades.

BE IT FURTHER RESOLVED that any of the Seven Thousand Three Hundred Sixty One and 54/100ths Dollars (\$7,361.54) which is held in the separate account that have not been expended in ten (10) years shall be returned to the Nebraska Public Service Commission.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-111 awarding the bid for the asphalt overlay project was the next item for Council's consideration. City Manager Cox provided the following background information:

[On September 2, a bid opening for the 2011 Overlay Project was held at the Alliance Utility Office. One bid was received from Simon Contractors. The cemetery roads were bid under schedule "A," while City streets were bid under schedule "B."

A detailed listing of the streets in the bid are included in the Council packets, but include the following: Cemetery Roads, E 10th Street (Flack to Wacker, Wacker to East Corporate limits), E 3rd Street (A Street to Pine Ave, Pine Ave to Elkhorn Ave), W 18th Street (Emerson Ave to Colorado, Emerson to 18th St Terrace), for a total of 32,751 sq yds. Streets Superintendent Eric Lenz has recommended that the bid in the amount of \$440,900 from Simon Contractors be approved, with \$161,892.50 for this year and the remainder of \$279,007.50 for the next fiscal year.]

Motion by Councilman Yeager, seconded by Councilman Gonzalez to approve Resolution No. 11-111 which follows in its entirety:

RESOLUTION NO. 11-111

WHEREAS, The City has determined that streets in the Cemetery and the City of Alliance should be improved by overlaying the roads with asphalt; and

September 15, 2011

WHEREAS, M.C. Schaff and Associates, an engineering firm for the City, has let bids for the 2011 Asphalt Overlay Project; only one bid was received; and

WHEREAS, M.C. Schaff and Associates recommends that the City award the bid on both schedules to Simon Contractors, Inc., North Platte, Nebraska, in the amount of Four Hundred Forty Thousand Nine Hundred and No/100ths Dollars, (\$440,900.00) as the lowest, responsive, and responsible bid for the asphalt overlay; and

WHEREAS, Staff is requesting that the City authorize One Hundred Sixty One Thousand Eight Hundred Ninety Two and 50/100ths Dollars (\$161,892.50) be expended this fiscal year and Two Hundred Seventy Nine Thousand Seven and 50/100ths Dollars (\$279,007.50) be expended next fiscal year; and

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign a contract with Simon Contractors, Inc., North Platte, Nebraska, for asphalt overlay, as the lowest, responsive and responsible bid obtained by M.C. Schaff and Associates.

BE IT FURTHER RESOLVED, that the contract for asphalt overlay as specifically set forth in the bidding documents, is hereby awarded to Simon Contractors in the total amount of Four Hundred Forty Thousand Nine Hundred and No/100ths Dollars, (\$440,900.00).

BE IT FURTHER RESOLVED, that staff is authorized spend One Hundred Sixty One Thousand Eight Hundred Ninety Two and 50/100ths Dollars (\$161,892.50) this fiscal year and Two Hundred Seventy Nine Thousand Seven and 50/100ths Dollars (\$279,007.50) next fiscal year to perform the asphalt overlay on the streets as set forth in the bidding documents.

BE IT FURTHER RESOLVED, Staff shall contact the successful bidders so that contractual arrangements can be finalized, and work can commence according to the terms of the bid.

Roll call vote with the following results:

Voting Aye: Feldges, Benzel, Gonzalez.

Voting Nay: Yeager, Kusek.

Motion carried.

- Resolution No. 11-112 adopting the GASB 54 Fund Classifications was the next item for Council's review. City Manager Cox provided the following background information:

[This proposed resolution is required as a part of a new standard, known as "Statement 54," which was adopted by the Governmental Accounting Standards Board, effective for all governmental fiscal years starting after June 15, 2010.

September 15, 2011

Statement 54 adopts the following “protocols:”

- Fund Balance means the difference between fund assets and liabilities
- City reports fund balances as: Non-Spendable, Assigned, Restricted, Unassigned, or Committed
- All commitments are to be approved by City Council;
- Designates and Authorizes City Manager to assign funds, when necessary;
- Follows a set Spending Order: 1. Restricted; 2. Committed; 3. Assigned; 4. Unassigned]

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 11-112 which follows in its entirety:

RESOLUTION NO. 11-112

WHEREAS, The Governmental Accounting Standards Board (“GASB”) has adopted Statement 54 (“GASB”), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010; and

WHEREAS, The City Council believes it is in the best interest of the City to adopt and implement GASB 54 requirements; and

WHEREAS, The City Council adopts and implements the GASB 54 requirements to its financial statements beginning with the current October 1, 2010 – September 30, 2011 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Governmental Accounting Standards Board (“GASB”) Statement 54 is adopted and implemented as the policy of the City of Alliance.

BE IT FURTHER RESOLVED that Fund balance shall mean the gross difference between governmental fund assets and liabilities reflected on the balance sheet.

BE IT FURTHER RESOLVED that the City shall report governmental fund balances per GASB 54 definitions in the balance sheet as follows:

Non-spendable	Restricted	Committed
Assigned	Unassigned	

BE IT FURTHER RESOLVED that the City Council shall approve all commitments by formal action. The action to commit funds must occur prior to fiscal year-end, to report such commitments in the balance sheet of the respective period, even though the amount may be determined subsequent to fiscal year-end. A commitment can only be modified or removed by the same formal action.

September 15, 2011

BE IT FURTHER RESOLVED that when it is appropriate for fund balance to be assigned, the City Council delegates the responsibility to assign funds to the City Manager or his/her designee. Assignments may occur subsequent to fiscal year-end.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on to be discussed by Council was Resolution No. 11-113 awarding the bid for the electrical work to the Municipal Building. City Manager Cox provided the following background information:

[At the August 16 meeting, Council approved tuck pointing (\$35,358) and heating system (\$90,618) for the Municipal Building. The goal of investing and renovating the Municipal Building is consistent with the Community Goal #16, “to restore and maintain city facilities to be a source of community pride.”

The City has a total of \$235,000 budgeted for this year for investments into the Municipal Building. To date, a total of \$184,574 (including the tuck pointing and heating system above) has been charged to the building funds leaving a balance of \$50,426.

As previously identified, an update of the electric system is necessary. Further, due to the dismantling of the boiler system and the need to have heating system operational prior to cold weather, the electric system update was expedited. All local electric vendors were contacted and invited to submit bids.

Two different solutions are on the agenda for Council’s consideration for the building’s electric system.

Solution 1: Change to New 120/280 3-phase Service

- New 1200 amp 3-phase load control center in the basement;
- Replace and update panels throughout building;

Notes: This solution would requires a lengthier labor commitment by City staff and will take longer than the second solution to complete

Solution 2: Upgrade Existing Service

- Add 200 amp buckets to the old boiler room panel;
- Add 4 new panels in the basement near the four corners of the building;
- Replace and update panels throughout building;

Notes: This solution may require some additional expenditures for the basement restrooms that previously relied on heat radiated from the tunnels;

September 15, 2011

Other notes: Solution 2 was provided following an analysis by one vendor that determined that we are only utilizing about 1/3 of the capacity from our current service. The current electric service therefore would be adequate for both our existing as well as our future growth.

Staff Conclusions:

Solution 1 provides best long-term solution for the building, but the cost is substantially higher.

Electric engineers stated they could work with Solution 1 and would probably recommend in the future; Solution 2 provides a more economical choice, would require less time, but may not be the best long-term choice.

The two solutions have different vendors associated with them and both are reputable local firms.

Staff is suggesting that a solution be chosen by Council and the appropriate Resolution be chosen.

Note that both resolutions incorporate language which will also approve Shari Lund, the Building Advocate, to be able to approve change orders up to 5%.]

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 11-113 which follows in its entirety:

RESOLUTION NO. 11-113
TRIANGLE ELECTRIC, INC.

WHEREAS, The City of Alliance Municipal Building had the boiler fail and the boiler had to be removed from the building; and

WHEREAS, The City of Alliance contacted various heating ventilation and air conditioning vendors and requested proposals to heat and an option to cool the Municipal Building from each vendor; and

WHEREAS, The City of Alliance accepted a bid from Jack's Refrigeration, Inc.; and

WHEREAS, Jack's Refrigeration, Inc. bid did not include electrical. Staff requested proposals from electrical vendors on providing power to the heat pumps; and

WHEREAS, Staff received two unique bids; Triangle Electric Inc., bid to use the existing service and run electricity to the heat pumps and Hilltop Electric Inc., bid is to upgrade the electric service in the Municipal Building from 120/230 volts to 120/208 volts, install new electric panels and sub-panels; and

September 15, 2011

WHEREAS, If Council intends to continue to use the Municipal Building as it currently exists, then staff is recommending that Council accept the bid that just provides electricity to the new heat pumps; and

WHEREAS, Staff considered the proposals and is recommending that Council accept the proposal of Triangle Electric, Inc., a Nebraska Corporation, in the amount of Forty Seven Thousand Seven Hundred Sixty Five and 92/100ths (\$47,765.92) Dollars as the lowest, responsive, responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor be and hereby is authorized to enter into a contract with Triangle Electric, Inc., a Nebraska Corporation, in the amount of Forty Seven Thousand Seven Hundred Sixty Five and 92/100ths (\$47,765.92) Dollars for the purchase and installation of the electrical to provide electricity to the new heating system for the Municipal Building.

BE IT FURTHER RESOLVED that Shari Lund, Municipal Building Advocate, 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 staff shall notify the successful bidder so that construction can commence.

Bruce Faber owner of Triangle Electric, Inc., 807 West 5th Street, Alliance and Electric Superintendent Larry Heinrich addressed Council and provided an overview of the proposed work to be accomplished.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Councilman Kusek tendered his letter of resignation to Council effective September 30, 2011.

“September 15, 2011

TO: Honorable Mayor Fred Feldges
City Councilman Ralph Yeager
City Councilman Trent Benzel
City Councilwoman Rachel Gonzalez

FROM: City Councilman Dan Kusek

September 15, 2011

I hereby resign from the Alliance City Council effective at 11:59 PM, September 30, 2011 for family and employment reasons.

It has been an honor and privilege to serve the citizens of Alliance as a council member for the past 15 years.

I wish you all the best as you continue to guide the City, the City staff and the citizens of Alliance in becoming the "Best Hometown in America."

God speed and best wishes.

Dan Kusek"

Mayor Feldges presented Councilman Kusek with a plaque of appreciation from the Alliance City Council and Staff.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:10 p.m."

(SEAL)

Fred Feldges, Mayor

Linda S. Jines, City Clerk