

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, DECEMBER 4, 2008

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

The Alliance City Council met in a Regular Meeting, December 4, 2008 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 November 26, 2008. 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 Kusek opened the December 4, 2008 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Kusek, Council Members Dickenson, Benzel, Rowley, and Yeager. Also present were City Manager Caskie, City Attorney Miller and City Clerk Jines.

- Mayor Kusek read the Open Meetings Act Announcement.
- Reorganization of the City Council was the first item to come before the Council.

City Clerk Jines announced she has received the certification from Box Butte County Clerk Cheryl McDuffie on the election results and acknowledged Dan Kusek and Fred Feldges were elected to the Alliance City Council.

The Oath of Office was administered to Councilmember Feldges.

Councilman Kusek conducted the election of President (Ex-officio Mayor). Ballots were cast and signed as follows:

Councilman Benzel voted for Councilman Yeager  
 Councilman Feldges voted for Councilman Kusek  
 Councilwoman Rowley voted for Councilman Yeager  
 Councilman Yeager voted for Councilman Yeager

Councilman Kusek voted for Councilman Kusek

Councilman Yeager was selected to serve as President (Ex-officio Mayor) of the City of Alliance.

Mayor Yeager conducted the election of the Vice-Mayor. Ballots were cast and signed as follows:

Councilman Benzel voted for Councilwoman Rowley  
 Councilman Feldges voted for Councilman Benzel  
 Councilwoman Rowley voted for Councilwoman Rowley  
 Councilman Yeager voted for Councilwoman Rowley  
 Councilman Kusek voted for Councilwoman Rowley

Councilwoman Rowley was selected to serve as Vice Mayor for the City of Alliance.

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

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

**CONSENT CALENDAR – DECEMBER 4, 2008**

1. Approval: Minutes of the Regular Meeting, November 20, 2008.
2. Approval: Payroll and Employer Taxes for the period November 1, 2008 through November 14, 2008 inclusive: \$157,814.00 and \$11,230.23 respectively.
- †3. Approval: Claims against the following funds for the period November 17, 2008 through December 1, 2008: 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; \$1,151,672.08.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Codi Jones as of November 13, 2008.
5. Approval: Issuance of a Repair and Maintenance Contractor License to Michael Biltjinitis dba Renovation by Design.
6. Approval: The Standardized System of Annual Reporting (SSAR) for the Street

Department. The Road-Street-Highway Budget & Expenditure Report covers the time period ending September 30, 2008.

7. Acceptance: The Airport Hangar Report prepared by Public Facilities Director Eric Lenz.
8. FYI: Financial Dashboard Report for October, 2008.

NOTE: City Manager Caskie has reviewed these expenditures and to the best of her knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Councilwoman Rowley asked about a charge for stranded motorists. Finance Director Leah King explained that in the blizzard several motorists were stranded at the Municipal Building and staff provided them with food and shelter. Several of the motorists gave a donation which was deposited to pay for the food and the remainder of the donations were given to the Alliance Volunteer Fire Department. Councilman Feldges asked for explanation for charges incurred by Caselle. City Manager Caskie explained that Caselle provides contract support for the financial software used by the City. Councilwoman Rowley inquired about a charge for an X-ray. Police Chief Kiss explained that the charge was for a physical that was miscoded by the hospital. Councilman Feldges questioned a bill for water used for the Veteran's Cemetery through the golf course spigot. Water Superintendent Mike Hulquist advised Council that the water used by the Veteran's Cemetery is being metered and the contractor billed for the water.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2635 modifying Chapter 3, Article 7, Section 709 with regard to the removal of stalled or parked vehicles was the next item for Council's discussion.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2635 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2635**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 709, ARTICLE 7 AT CHAPTER 3, RELATING TO REMOVAL OF STALLED OR PARKED VEHICLES; 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 Police Department is authorized to remove or cause to be removed vehicles from streets under certain specific circumstances.

SECTION 2. The City of Alliance Municipal Code set certain limits on fees that could be charged for the removal and storage of vehicles.

SECTION 3. The costs of removing and storing of vehicles has increased significantly and the City Code has not been modified to keep up with the increased cost of towing and storage.

SECTION 4. Alliance Municipal Code at Chapter 3, shall be amended at Article 7, Section 709 to read as follows:

Members of the Police Department are hereby authorized to remove or cause to be removed a vehicle from a street to another place or location on a street or to a lot, garage, storage yard, or other similar facility designated by the Police Department when:

- (1) The vehicle is parked on a snow emergency route on which a parking prohibition is in effect.
- (2) The vehicle is stalled on a snow emergency route on which there is a parking prohibition in effect and the person who is operating said vehicle does not appear to be removing it in accordance with the provisions of this Article.
- (3) The vehicle is parked on any street in violation of any parking prohibition or provision of law contained in this Article.

Such vehicle removal may be made by towing to a private lot, garage, storage yard, or other similar facility. Any stored vehicle shall not be released from storage except upon payment by the owner of the vehicle to the person or persons in charge of the lot, garage, storage yard or other similar facility of the cost of towing, ~~which fee shall not in any event exceed \$25.00. The~~ **and the** cost of storage. ~~shall not exceed \$4.00~~ **The cost of storage shall be calculated** for each 24 hour period, or fraction thereof, during which time the vehicle remains stored. A receipt for such fees shall be issued to the owner of the vehicle.

It shall be the duty of the person or persons in charge of the lot, garage, storage yard, or other similar facility designated by the Police Department for storage to keep a record of the name of the owner of all vehicles towed in under these provisions, together with the registration number of each vehicle, and the nature and circumstances of such violation, and the amount of fees collected hereunder and to deliver a report of each day's transactions to the Chief of Police not

later than one day following the day for which the report is made.

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 be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's review was Ordinance No. 2634 which will amend the Alliance Municipal Code at Chapter 3, Article 7, Section 703 with regard to parking in Downtown Commercial areas.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Ordinance No. 2634 on second reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2634**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 703, ARTICLE 7 AT CHAPTER 3, RELATING TO PROHIBITION OF PARKING ON DOWNTOWN COMMERCIAL AREAS FOR CLEANING, MAINTENANCE AND SNOW REMOVAL; 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 parking prohibitions to facilitate the cleaning, maintenance and snow removal on streets in the City of Alliance.

SECTION 2. The City of Alliance, to make the parking more convenient for some of the traveling public, desires to make changes to the parking prohibitions.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended at Article 7,

Section 3-703 as follows:

3-703. PROHIBITION OF PARKING ON DOWNTOWN COMMERCIAL AREAS FOR CLEANING, MAINTENANCE AND SNOW REMOVAL.

Between the hours of 2:00 a.m. and 5:00 a.m. all parking of vehicles shall be prohibited on the following streets on the designated days:

A Everyday of the year.

1. Laramie Avenue from First to Fifth Street;
2. Niobrara Avenue from First to Sixth Street;
3. First Street from Laramie Avenue to Niobrara Avenue;
4. Second Street from Laramie Avenue to Niobrara Avenue;
5. Third Street from Laramie Avenue to Niobrara Avenue;
6. Fourth Street from Laramie Avenue to Niobrara Avenue;
7. Fifth Street from Laramie Avenue to Niobrara Avenue.

B. Monday and Thursday.

1. Box Butte Avenue from First to Sixth Street.

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.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2633 amending the Alliance Municipal Code at Chapter 4, Sections 4-304 and 4-307 regarding water issues was the next issue to come before Council.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Ordinance No. 2633 on third reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2633**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 304 AND 307, ARTICLE 3 AT CHAPTER 4, RELATING TO WATER RATES CHARGED BY THE CITY OF ALLIANCE; 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 of Alliance has previously charged a flat fee for connection to the City of Alliance Municipal Water System during the construction of an improvement on real estate.

SECTION 3. As a result of the restrictions on water use and the requirement to mitigate the arsenic levels in the water system staff has recommended changing the City Code so that all users are connected to meters and charged for the water based on use.

SECTION 4. Alliance Municipal Code at Chapter 4, shall be amended at Article 3, Section 304 and 307 to read as follows:

**4-304. APPLICATIONS AND CONTRACTS**

All applicants for water service shall be subject to all rules and regulations heretofore or hereafter adopted by the City Council, and to all applicable ordinances (or provisions thereof) of the City which may now or hereafter be in force.

All applicants for a new water service shall sign, prior to the start of service, such form of service

contract as may be required by A.M.W.S.–

Not more than one house or building shall be supplied from one tap, except by special permission by the City Manager, or designee. No user shall supply water to any other person. Each applicant shall have the water service installed by a licensed plumber, the cost of which shall be borne by the applicant.

A refundable deposit for construction water service, as set by the City Council, will be collected at the Utility Customer Service Office at the same time that a similar fee is collected for temporary electrical service. Contractors will be required to sign the construction utility form at the Building and Zoning Department prior to the issuance of the building permit. The Building Inspector will forward a copy of the signed form to the Utility Customer Service Office. If the contractor does not desire construction water service, the Building Inspector will have the contractor acknowledge the same on the form provided. A copy of the signed form will be forwarded to the Utility Customer Service Office.

The fee schedule, as set by the City Council, includes residential, commercial, and industrial types of construction. The deposit is to be paid at the same time a temporary electric service account is opened. The person desiring metered water services must install an approved meter. The deposit will only be waived if the contractor agrees to sign a form that specifically requests that water not be used during construction. Standard metering is required at any time water service is provided, except that when providing metered water during construction the City will only read the meter at the end of construction and will charge a one time fee which will be equivalent to one monthly meter fee and the cost of all the water used during construction. If A.M.W.S. becomes aware that water is being supplied to a location without the installation and continual use of a meter, the services to that location may be discontinued as notified by A.M.W.S. or the City Building and Zoning Department.

If a construction site uses unmetered water A.M.W.S. can charge an addition of \$100.00 prior to connection to metered water. A Certificate of Occupancy will not be issued nor will permanent water be released until such time as all fees are paid.

A.M.W.S. will not supply permanent water service until: the customer's application for service shall have been approved by A.M.W.S.; all necessary permits shall have been obtained by the customer; inspection has been approved as set forth by the Building and Zoning Department; and A.M.W.S. shall find it practicable to render such service.

All customers desiring permanent metered water service shall make application for service and enter

into such contracts for service as may from time to time be required by A.M.W.S. All applications for permanent metered water service shall be made in the true name of the customer actually to receive such service, unless otherwise permitted by A.M.W.S. and the use of a fictitious name by the prospective customer shall be sufficient reason for refusal or termination of service.

Any change in the identity of the customer of record at the premises shall require a new application and A.M.W.S. may discontinue the water supply until such new application has been made and accepted by A.M.W.S. In the event the customer fails to make the required applications for service, the customer using and benefitting from such service shall be subject to all rules, regulations and tariffs and liable for all charges for services rendered.

**4-307. MUNICIPAL WATER SYSTEM; TURNING ON WATER**

**4-307. MUNICIPAL WATER SYSTEM; TURNING ON WATER**

Water will not be turned on into any service line, until a proper meter and backflow device(s) have been installed and the customer has complied with articles in Section 4-304. Permanent metered water services will not be will not be turned on to any service until an application for water service has been received; an occupancy permit has been issued; an inspection has been completed by the City Building Inspector or Water Superintendent; and a service request has been provided to the Utilities Customer Service Office and executed by A.M.W.S. service crew to verify installation and foundation readings of the required water meter.

When the water has been disconnected for any reason, the service shall not be reconnected without the consent of A.M.W.S. At no time shall water be turned on by anyone other than A.M.W.S. personnel, except for repairs to plumbing or the service line.

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 be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the final reading of Ordinance No. 2633 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2633 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. 08-120 approving a Special Designated Liquor License application of DRW Enterprises dba Charley’s Liquor, 802 West 3<sup>rd</sup> Street, Chadron, NE.

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 08-120 which follows in its entirety:

**RESOLUTION NO. 08-120**

WHEREAS, The City Clerk has received an application from DRW Enterprises dba Charley’s Liquor, 802 West 3<sup>rd</sup> Street, Chadron, NE, for a special designated license pursuant to the Nebraska Liquor Control Act; and

WHEREAS, Said act requires the approval of applications by the local governing body prior to such a license being issued by the Nebraska Liquor Control Commission; and

WHEREAS, The application appears to be complete and meet the statutory requirements.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Mayor and City Council of Alliance, Nebraska, that the application for a Special Designated License of DRW Enterprises dba Charley’s Liquor, 802 West 3<sup>rd</sup> Street, Chadron, NE for December 31, 2008 is hereby approved for the premise described in the application, and the City Clerk shall inform the Nebraska Liquor Control Commission of the approval of the application, and the Clerk shall deliver the license issued by said Commission to the permittee upon receipt of the required fees.

Councilwoman Rowley questioned the liability issue. Event Organizer Melanie Mann, 2350 Hwy. 2 addressed Council advising them Charley’s Liquor holds a Caterer’s License and the organizers are obtaining liability coverage.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 08-121 authorizing the city to submit a grant application to the Nebraska Library Commission to purchase a digital scanner system was the next item for Council's review.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 08-121 which follows in its entirety:

**RESOLUTION NO. 08-121**

*WHEREAS*, The City of Alliance operates the Alliance Public Library; and

*WHEREAS*, The Alliance Public Library desires to replace the microfilm reader machine with a digital scanner system to update the technological equipment of the Library; and

*WHEREAS*, The Nebraska Library Commission is accepting applications for a Library Improvement Grant that can be used to help libraries meet the goals of the Nebraska Library Commission's 2008-2012 Long Range Plan; and

*WHEREAS*, The City of Alliance and the Alliance Public Library is eligible to make an application for the grant and the purchase of a digital scanner system qualifies under the Nebraska Library Commission's 2008-2012 Long Range Plan; and

*WHEREAS*, The Library Improvement Grant requires a ten percent (10%) match and the Alliance Public Library has the matching funds budgeted in the 2008-2009 budget.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and City Council of the City of Alliance, Nebraska, that staff is hereby authorized and directed to make application for the grant with the Nebraska Library Commission in the amount of Ten Thousand and no/100ths (\$10,000.00) Dollars for and on behalf of the City of Alliance.

*BE IT FURTHER RESOLVED* that the City Manager of Alliance, Nebraska, is hereby directed to execute the application and any and all other documents necessary to facilitate the grant between Nebraska Library Commission and the City of Alliance.

*BE IT FURTHER RESOLVED* that the City Treasurer is authorized and directed to sign any

and all necessary documents to furnish any assurances to the Nebraska Library Commission as may be required by law or regulation and to receive payment on behalf of the City of Alliance.

*BE IT FURTHER RESOLVED* that staff is authorized to use budgeted funds of the Alliance Public Library as the match for this grant.

*BE IT FURTHER RESOLVED* that staff is authorized to use budgeted funds of the Alliance Public Library and any funds received under this grant to purchase a digital scanner system to update the equipment at the Alliance Public Library.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 08-122 awarding the purchase of additional Arsenic Treatment Equipment to Layne Christensen Company in the amount of \$237,128.00.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 08-122 which follows in its entirety:

#### **RESOLUTION NO. 08-122**

*WHEREAS*, The City of Alliance operates the Alliance Municipal Water System (A.M.W.S.); and

*WHEREAS*, The United States Government has implemented new rules regulating the allowable amount of arsenic in the municipal water systems which change requires the City of Alliance to mitigate the arsenic level in the A.M.W.S.; and

*WHEREAS*, The City of Alliance let bids for the purchase of water treatment plants to mitigate the arsenic level in the municipal water supply; and

*WHEREAS*, Layne Christensen was previously determined to be the lowest responsible

bidder; and

*WHEREAS*, It has been determined that the City of Alliance will need to purchase at least one additional water treatment plant for placement at 18<sup>th</sup> and Colorado Avenue.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign a change order to the contract with Layne Christensen for the purchase and installation of additional arsenic treatment equipment for the municipal water system of the City of Alliance to be installed at 18<sup>th</sup> Street and Colorado Avenue.

*BE IT FURTHER RESOLVED*, that the contract price for the additional arsenic treatment equipment is Two Hundred Thirty Seven One Hundred Twenty Eight and No/100ths (\$237,128.00) Dollars.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 08-123 granting permission to apply for a grant from the Safe Routes to School Program.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 08-123 which follows in its entirety:

**RESOLUTION NO. 08-123**

*WHEREAS*, The City of Alliance, Nebraska, proposes to apply for assistance from the SAFE ROUTES TO SCHOOL PROGRAM for retaining consulting services to perform a study of student's routes to school for the establishment of a plan to determine the design, construction and activities regarding safe routes to school in Alliance, Nebraska; and

*WHEREAS*, The City of Alliance has available funds to finance the activity until reimbursement by the SAFE ROUTES TO SCHOOL PROGRAM, and the financial capability to operate, maintain and manage the completed project in a safe and attractive manner for public use;

and

*WHEREAS*, The proposed application and supporting documents were made available for public review at a properly announced meeting of the Alliance City Council.

*NOW, THEREFORE, BE IT RESOLVED* By the Mayor and City Council of the City of Alliance, Nebraska, that the City of Alliance is hereby authorized to apply for assistance from the SAFE ROUTES TO SCHOOL PROGRAM for the purpose of retaining consulting services to complete a study of student's routes to school and to establish a plan to determine and implement the design, construction and activities regarding safe routes to school.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Council Appointments to Governing and Advisory Boards.

Councilwoman Rowley volunteered to serve on the E-911 Board. Councilman Kusek asked if a Councilmember is required to serve on the RSVP Board and was told that the question would be researched.

- The last item to come before Council was a Board Resignation and Appointments.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to accept the resignation of Wilma Hutchinson from the Museum Board.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to re-appoint Renee Walleson to the A-1 Downtown Improvement Board for a term expiring October 31, 2011.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilman Feldges to appoint Christopher A. Watt to the Police Citizen Advisory Board as the School Representative for a term expiring December 30, 2010.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:09 p.m.”

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Ralph Yeager, Mayor

(SEAL)

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Linda S. Jines, City Clerk