

July 1, 2014

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JULY 1, 2014

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

The Alliance City Council met in a Regular Meeting, July 1, 2014 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 June 24, 2014. 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 July 1, 2014 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members, Benzel and Yeager. Also present were City Manager Cox, City Attorney Olsen and City Clerk Jines.

- A motion was made by Councilman Yeager, seconded by Councilman Benzel to excuse Councilman Seiler and Councilman Lewis as they were unable attend.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- Mayor Feldges read the Open Meetings Act Announcement.
- Mayor Feldges introduced Boy Scouts Richie Toedtli, Colby Burri, Liam Swires and Nevin Swires of Troop 216 , who are working to receive their Citizenship and Community Badges.

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- The Consent Calendar was the first item to be addressed by Council. Councilman Benzel made a motion, which was seconded by Councilman Yeager to approve the Consent Calendar as follows:

CONSENT CALENDAR – JULY 1, 2014

1. Approval: Minutes of the Regular Meeting, June 17, 2014 and the Joint Meeting with the Box Butte County Commissioners on June 17, 2014.
2. Approval: Payroll and Employer Taxes for the period June 7, 2014 through June 20, 2014 inclusive: \$193,993.16 and \$13,732.15 respectively.
3. Approval: Claims against the following funds for the period June 12, 2014 through June 25, 2014: 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; \$758,583.89.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Samantha Fullmer and removing Joshua Adamson.
5. Acknowledgement: Receipt of the Annual Report of the Public Library Board Foundation of Alliance, Inc. for the period June 1, 2013 through May 31, 2014.
6. Approval: Resolution No. 14-79 renewing the appointment of City Manager Cox as an Alternate on the MEAN Boards.
7. Approval: Resolution No. 14-80 adopting an Amendment to the Interlocal Cooperation Agreement for the Regional Law Enforcement Center.

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: Yeager, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- City Manager J.D. Cox gave his City Manager's Report in outline form.
 1. Good news last week: Congrats to Carhenge (1000 visitors)
 2. Production Cost Adjustment:
 - March: \$0.01000
 - April: \$0.00600
 - May: \$0.00312

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- June: \$0.00317
 - July: \$0.00177
3. 2014:
- 60-year-old Golf Course Water Main Replacement (12”/8”to 4”-pulled thru existing)
 - Out for bid: 7/24
 - Bid Award (Council): 8/5
 - Construction start: 9/16
4. Demolition Projects:
- Toad’s: \$29,437+24,498.96 (Landfill)=\$53,935.96 (Completed 6/18/14 by KL Wood)
5. FAA Inspection – currently underway
6. Public Works Director – Interviews held end of June
7. Upcoming Meetings:
- July 15
 - Panhandle Coop Agreement
 - Meet as Community Development Agency at 6:45 (Council meet at 7pm)
 - August
 - Presentation by EDPARC re: EcoDevo Program updates
 - Golf Course Water Main Bid
- A Public Hearing for the Class C Liquor License of El Ramo De Guadalupe LLC was the next item for Council’s review. Council was provided with the following information:

[The El Ramo De Guadalupe Mexican Restaurant opened a while back at 1203 West 3rd Street. The City is now in receipt of a liquor license application to serve beer, wine and mixed drinks. The background check conducted by the Alliance Police Department indicates problems with the application due to residency and age issues. The Alliance Police Department worked closely with the Nebraska State Patrol on the background. The State Patrol is recommending a Show Cause Hearing before the Nebraska Liquor Control Commission.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief’s report, Community Development report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.

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8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor then calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature. (done after the fact so as not to affect Council neutrality).
19. After a second, Mayor calls for a vote.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the Class C Liquor License of El Ramo De Guadalupe LLC. The public hearing opened at 7:15 p.m.

Council received three exhibits from City Clerk Jines:

- Exhibit 1 - Application of El Ramo De Guadalupe LLC dba El Ramo De Guadalupe Mexican Restaurant.
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
- Exhibit 3 - Written statement of Police Chief dated June 12, 2014.

A motion was made by Councilman Benzel, seconded by Councilman Yeager to accept the three exhibits provided by City Clerk Jines.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Feldges.

Voting Nay: None.

Motion carried.

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The Mayor swore in Mayra Gallegos and Police Chief Kiss to provide testimony regarding the liquor license application.

Mayra Gallegos, 1829 Alliance Street #307, Co-Manager of El Ramo De Guadalupe Mexican Restaurant, was present to answer questions of the City Council. Ms. Gallegos stated that she is not a naturalized citizen of the United States. She does all duties within the restaurant and shares the manager duties with Rodrigo Gallegos, who is her uncle. Mr. Gallegos resides in California and does not have plans to live in Nebraska. Ms. Gallegos stated she has never worked in a facility that sold liquor and has no training for dispensing liquor at this time. She has visited with Tammy Otto, of the Nebraska State Patrol and discussed taking the liquor training course. Ms. Gallegos stated in order to prevent serving minor she and her staff would check identification cards. The alcohol will be stored in a locked backroom and Ms. Gallegos will be the only individual with a key. The hours of the restaurant are 11:00 a.m. to 8:00 p.m.

Police Chief John Kiss was present and spoke in opposition of the recommendation to approve the Class C Liquor License due to his findings when working with the Nebraska State Patrol as there were inconsistencies in the application. Chief Kiss indicated that Rodrigo Gallegos was not a resident of Nebraska, Mayra Gallegos is not a citizen of the United States but has a work card which expires this year and may be renewed for an additional two years, and Mireya Gallegos does not meet the age requirement for ownership. Chief Kiss found no criminal concerns with any of the individuals listed within the application.

With no additional testimony offered, the public hearing closed at 7:26 p.m.

A motion was made by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 14-81 recommending denial of the application, which follows in their entirety:

RESOLUTION NO. 14-81
DENIAL RECOMMENDATION

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

On July 1, 2014, the matter of the Class C Liquor License application of El Ramo De Guadalupe LLC dba El Ramo De Guadalupe Mexican Restaurant, 1203 West 3rd Street, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of El Ramo De Guadalupe LLC dba El Ramo De Guadalupe Mexican Restaurant.
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
- Exhibit 3 - Written statement of Police Chief dated June 12, 2014.

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Witnesses were sworn and testimony was received for the Class C Liquor License at the public hearing on this date from Mayra Y. Gallegos. Police Chief Kiss testified on behalf of the City of Alliance.

Upon consideration of the evidence and the criteria to be considered by the City Council pursuant to law, the City Council finds as follows:

Applicant may not comply with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has not met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and may not demonstrate the ability to properly manage the liquor license held by El Ramo De Guadalupe LLC dba El Ramo De Guadalupe Mexican Restaurant in conformance to the rules and regulations of the Nebraska Liquor Control Act.

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class C Liquor License Application of El Ramo De Guadalupe LLC dba El Ramo De Guadalupe Mexican at the premise described in the application be denied.

City Clerk shall transmit a copy of this Resolution to the Commission.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 14-82 which will authorize the use and transfer of \$7,000 from the Council Contingency Fund to the RSVP Fund for the administration and operation of the Handyman Program. The following background information was provided to Council:

[The City of Alliance was recently awarded the contract by Aging Office of Western Nebraska to operate the Handyman Program in conjunction with the established RSVP program. The award was accepted by Council at the June 3, 2014 meeting for the twelve months beginning July 1, 2014. This will allow the two programs to share personnel expenses and offer extended hours of service to local senior residents. RSVP and Finance staff received Handyman Program training on June 16 and have already started the process of enlisting service providers, identifying clients and establishing a new fund in anticipation of July 1 effective date.

Because this service opportunity developed after the beginning of the fiscal year, there is no spending authority within the current approved budget. A new Fund 25 has been established for the Handyman Program. Authority for the salary and

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benefits in the amount of \$4,000 will be transferred from the RSVP budget (Fund 26) with \$7,000 being requested from Council Contingency (GL account 01-10-10-47-791) to fund other operating expenses. Most of the funds will eventually be recovered from the award, contributions from clients and donations with awards and contributions collected in arrears. A \$2,000 donation from the United Way is expected yet within the current fiscal year.

The following chart includes the budget details for the calendar quarter and the source of the authority.

To Account	Account Title	Amount	From Account	Source
25-71-74-41-111	Regular Employee Salaries	3,500	26-71-70-41-111	Transfer
25-71-74-42-211	FICA	200	26-71-70-42-211	Transfer
25-71-74-42-222	Pension	100	26-71-70-42-222	Transfer
25-71-74-42-231	Employee Health Insurance	200	26-71-70-42-231	Transfer
25-71-74-44-411	In-Kind Office Rent	500	01-10-10-47-791	Contingency
25-71-74-44-434	Contract Printing	200	01-10-10-47-791	Contingency
25-71-74-44-436	Mail, Delivery Services	200	01-10-10-47-791	Contingency
25-71-74-44-441	Electricity	400	01-10-10-47-791	Contingency
25-71-74-44-451	Telephone Line	200	01-10-10-47-791	Contingency
25-71-74-44-478	Contract Svcs - Housekeep	1,500	01-10-10-47-791	Contingency
25-71-74-44-479	Contract Svcs - Chores	3,500	01-10-10-47-791	Contingency
25-71-74-45-511	Office Supplies	100	01-10-10-47-791	Contingency
25-71-74-47-725	Liability Insurance	400	01-10-10-47-791	Contingency
	Totals	11,000		

A motion was made by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 14-82 which follows in their entirety:

RESOLUTION NO. 14-82

WHEREAS, The City of Alliance was recently awarded the contract by the Aging Office of Western Nebraska to operate the Handyman Program in conjunction with the established RSVP Program; and

WHEREAS, As a result of this unanticipated change the City did not include appropriations with in the 2013-14 approved budget to cover the current expenses; and

WHEREAS, Staff is recommending the use of \$7,000.00 from the City Council's Contingency Fund to cover the expenses for the remainder of this fiscal year. Most of these funds will be recaptured from the award, contributions from clients and donations, with awards and contributions collected in arrears.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, to authorize the transfer of \$7,000.00 from the City Council's Contingency Fund to be allocated as follows to cover the expenses of the Handyman Program for the remainder of this fiscal year.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The next matter before Council was to establish a date to conduct a Budget Workshop.

Motion by Councilman Benzel to scheduled the Budget Workshop for Monday, July 21, 2014 at 4:00 p.m. The motion was seconded by Councilman Yeager.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Feldges.

Voting Nay: None.

Motion carried.

- The final agenda item was board appointments and vacancy announcements.

A motion was made by Councilman Benzel, seconded by Councilman Yeager to approve the appointments of Carol Bauer with a term expiring December 31, 2014 and new Panhandle Men's Club President Gary Leever for a term expiring December 31, 2015 to the Golf Course Advisory Board.

Roll call with the following results:

Voting Aye: Yeager, Benzel, Feldges.

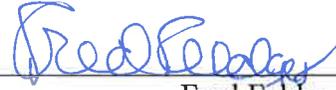
Voting Nay: None.

Motion carried.

Mayor Feldges announced that the City of Alliance continues to have vacancies on the Community Garden Advisory Board, one vacancy each on the Downtown Improvement Boards, two vacancies on the Economic Development Plan Citizen Advisory Board and two vacancies on the Police Advisory Board, a school representative and a homemaker representative. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

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- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:45 p.m.”



Fred Feldges, Mayor

(SEAL)



Linda S. Jines, City Clerk

