

# ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, AUGUST 7, 2007

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

The Alliance City Council met in a Regular Meeting, August 7, 2007 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 July 31, 2007. 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 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, Interim City Attorney Miller and City Clerk Jines.

- The first item to be presented to Council was the Consent Calendar.

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

**CONSENT CALENDAR - AUGUST 7, 2007**

1. Approval: Minutes of the Regular Meeting, July 19, 2007 and the Budget Workshop held on July 23, 2007.
2. Approval: Payroll and Employer Taxes for the period June 30, 2007 through July 13, 2007, inclusive; \$156,479.73 and \$11,084.84 respectively and for the period July 14, 2007 through July 27, 2007, inclusive; \$156,351.93 and \$11,197.89 respectively.
3. Approval: Claims against the following funds for July 16, 2007 through August 3, 2007; 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:

\$814,464.09.

4. Acceptance: The Annual Report for the Public Library Board Foundation of Alliance, Inc. The period covered by this accounting is from June 1, 2006 through May 31, 2007.
5. Approval: The issuance of a Repair and Maintenance Contractor License to Urbano Moreno, dba Moreno Construction.
6. Approval: The following Budget Transfer Requests:
  - \$4,400.00 from the Sewer Contingency Fund to the Herbicides/Pesticides line item. (The Sewer Dept. budgeted \$1,600 for noxious weed control at the sewer lagoon pivot(s) site. An infestation of Canada Thistle and Scottish Thistle has occurred requiring a much more extensive chemical application of 275 acres. State Law does require us to control these noxious weeds.)
  - \$9,300.00 from the 2006 encumbered funds of the swimming pool for a tot slide to pool account #01-021.30-448.390 in the amount of \$2,300 for chlorine/acid, and \$5,000 to pool account #01-021.30-441.900 for 3 rule signs (\$700), diving board (\$2,500), AED defibrillator (\$3,000) and bench repair (\$800).

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.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was the introduction of our new Police Officer Josh Rodell.
- The first reading and public hearing of Ordinance No. 2573 on the proposed budget for fiscal year 2007-2008 was the next matter for Council's discussion. Mayor Kusek stated "Now is the date, time and place to conduct a public hearing on the proposed budget for fiscal year beginning October 1, 2007 and ending September 30, 2008. The public hearing was opened at 7:06 p.m. Hearing no testimony, Mayor Kusek closed the public hearing at 7:07 p.m.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Ordinance No. 2573 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2573**

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of Chapter 1, Article 2, Section 1-205, of the Municipal Code of the City of Alliance, Nebraska, has submitted to the City Council a preliminary budget. This preliminary budget being submitted to the City Council on July 5<sup>th</sup>, 2007, upon which a workshop was held on July 23<sup>rd</sup> and a proposed budget was produced. A public hearing was held on said proposed budget on August 7, 2007, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2007, submitted to and amended by the City Council, is hereby adopted.

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

	<b>City</b>	<b>MFO</b>	<b>Airport</b>	<b>Airport Sinking</b>
Personal & Real Property Tax	805,000.00	96,000.00	96,000.00	45,000.00
Delinquent Allowance	24,150.00	2,880.00	2,880.00	1,350.00
1% County Treasurer's Commission	8,050.00	960.00	960.00	450.00
<b>Total Property Tax Request</b>	<b>837,200.00</b>	<b>99,840.00</b>	<b>99,840.00</b>	<b>46,800.00</b>

Using the following tax levies:

	<b>City</b>	<b>MFO</b>	<b>Airport</b>	<b>Airport Sinking</b>	<b>Total</b>
Proposed 2008:	0.27041	0.03395	0.03243	0.0152	0.35199

SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2008.

General Fund	4,709,103
General - Debt Service	363,234
	<hr/>

Special Revenue - Streets	1,635,311
Electric	7,601,752
Refuse	690,540
Sewer	564,986
Water	8,142,820
Golf Course Fund	261,628
Special Use - BID #1	10,300
Special Use - BID #2	9,600
HUD	200,000
RSVP	68,152
Community Betterment (KENO)	112,000
Capital Projects	4,200,000
LB 840 Fund	203,899
Redevelopment	5,000
Airport Fund	307,588
Internal Service	900,000
Capital Equipment	256,237
Economic Development	70,000
<i>Gross Expenditures</i>	<u>30,312,150</u>

There is hereby included \$60,000 within the General Fund Budget [City Council Activity], \$0 within the Electric Fund, \$53,000 within the Water Fund, \$26,800 within the Sewer Fund, \$10,000 within the Refuse Fund, and \$25,000 within the Streets Fund to be known as "Contingency." Expenditures from any Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total of Unused Restricted Funds Authority of \$78,795.33 for Fiscal Year 2008.

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

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

SECTION 7. This Ordinance shall become effective October 1, 2007.

Motion by Mayor Kusek, seconded by Councilman Benzel to add an Electrical contingency in the amount of \$200,000.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilman Dickenson to increase wages in the Building and Zoning Department by \$25,000 utilizing fund balance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilman Dickenson to contribute open ended funds necessary from the General Fund to balance the Golf Course budget.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilwoman Rowley to change \$200,000 from Streets Capital Outlay-Other Improvements to Street Contingency.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilman Dickenson to increase the Refuse Professional Engineering Services to \$40,000.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilman Dickenson to increase the herbicide and pesticide line item in Water & Sewer to \$6,400.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilman Dickenson to remove the contribution to the Fund Balance from Community Betterment by \$30,000 and apply it to the Contingency in the Community Betterment Fund for potential tennis court repair.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilman Dickenson to move \$100,000 from LB840 funds to the Economic Development Fund for Branding expenses and add \$50,000 to both revenues and expenditures to reflect possible grant funds.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilman Dickenson to reduce the BID #1 proposed budget by \$1,000.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilwoman Rowley to reduce City Council Contingency Fund from \$60,000 to \$50,000 and put the extra \$10,000 in the Building and Zoning Department budget for abatement.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilwoman Rowley to reduce the Police budget by \$26,000 to eliminate the purchase of a patrol car.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilman Dickenson to remove \$25,000 from the Streets Fund Balance to create Contract Services for handicap curb cutouts to provide accessibility.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the first reading of Ordinance No. 2573 as amended:

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

Voting Nay: None.

Motion carried.

Councilman Dickenson thanked staff for the work involved in the budget process.

- The first reading of Ordinance No. 2574 approving the Preliminary Plat of Son Shine Second Addition was the next item for Council's consideration.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Ordinance No. 2574 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

#### **ORDINANCE NO. 2574**

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF SON SHINE SECOND ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has received the application for approval of the preliminary plat of Son Shine Second Addition to the City of Alliance, Box Butte County, Nebraska, from Dorothy Schnell.

SECTION 2. The Planning Commission held a public hearing on July 10, 2007, to consider the preliminary plat, and after such hearing has recommended approval of the preliminary plat with the condition that a covenant be contained in the plat and deed that the owner(s) will tie into City water and sewer on 25<sup>th</sup> Street, when it becomes available.

SECTION 3. The preliminary plat contains the information required by the City Code at 11-305, which is relevant to this request.

SECTION 4. The preliminary plat of Son Shine Second Addition is hereby approved and the subdividers are authorized to proceed with any required public works elements and preparation of a final plat with the condition that the owner(s) connect to City water and sewer at the time such services are extended along 25<sup>th</sup> Street.

SECTION 5. This approval shall expire one year from this date unless a final plat has been submitted. This approval does not constitute final plat approval or guarantee of approval of the subdivision by the City Council or the Council's authorization to proceed on construction of improvements within the subdivision.

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

Mr. Terry Curtiss addressed Council on behalf of Dorothy Schnell. He requested the waiving of three separate readings. City Manager Caskie recommended against waiving three separate

readings as Council has already set a precedence of not waiving until sufficient time has been given for public input. The Final Plat will need to be brought before the Planning Commission after the Preliminary Plat is approved.

Roll call vote on first reading with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's review was Ordinance No. 2575 amending the Alliance Municipal Code in Chapter 1, Article 8, Section 803 relating to the Museum Board.

Motion by Councilman Benzel, seconded by Councilman Dickenson to approve Ordinance No. 2575 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

#### **ORDINANCE NO. 2575**

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 8, SECTION 803, BY DEFINING THE RESPONSIBILITIES OF THE MUSEUM BOARD, 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 Alliance Municipal Code is hereby amended at Chapter 1, Article 8, Section 803, as follows:

1-803. **MUSEUM BOARD; ESTABLISHED; RESPONSIBILITIES.**

*(Amended October 18, 1990 - Ordinance No. 2001)*

*(Amended October 20, 1994 - Ordinance No. 2160)*

There is established a Museum Board, whose members shall receive no pay or compensation for any services rendered as a member of the Museum Board. The Board and shall consist of nine members, whose terms shall be for a period of five years. The Mayor shall appoint a person to shall fill any vacancy on the board for the unexpired term. Such appointment shall be approved by the City Council. No member may serve more than 2 terms without a minimum of a 2 year break in continuous service. ~~make such appointments, which shall be approved by the City Council. The Museum Board shall elect from its membership a presiding officer~~ After appointment the duly appointed members of the Museum Board shall meet and organize by electing from their number a president, who shall conduct the meetings in a parliamentary manner; and a secretary who shall record the minutes of the meeting, and such other officers as may be necessary.

The Museum Board shall have the following powers and duties.

- (1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public museum including but not limited to:
  - formulating recommendations of the museum's statement of purpose including short and long range planning for the museum, development of programs and services for the museum and making recommendations concerning the general operation of the museum including policies and procedures,
  - formulating written recommendations regarding how to govern the operation and define the programs of the museum, including providing exhibitions, presentation of artifacts, an archive for research purposes, an interpretation of regional history with an emphasis on Alliance and such other matters identified by the mayor and council
  - securing the funding necessary to carry out the museum's programs, and
  - ensuring that the purposes for which the museum exists are being fulfilled and that the collection is being cared for and maintained under proper conditions.
- (2) Recommend to the City Council the adoption of such laws, rules, and regulations as it may deem necessary for the administration and protection of the Museum its property and the collections of the Museum. Said recommendation may include but are not limited to the following:
  - statement of purpose (aims and objectives)
  - research
  - collection records management
  - staff training
  - exhibitions
  - interpretation and education programs
  - conservation of the collection
  - the relationship of the museum director and staff with the board
  - regulations regarding the institution and its staff (e.g. open hours, staffing requirements)

- ethics and conflict of interest (for both board and staff)
- regulations governing smoking and food in the museum
- relationship of the museum with other organizations within the community and with other museums
- whether and how the museum will accept loans from other persons/organizations or how the museum will make loans from its collection(s) to other organizations, persons or museums
- the establishing and revising policies in cooperation with the museum director for the use, operation, maintenance, and care of the museum, museum facilities, equipment, staff, and other such resources;
- establishing policies for the enforcement of museum rules;
- establishing policies for the selection, acquisition, cataloging, maintenance, and use of the museum collections and information resources;

(3) Perform such other duties relating to the museum service as the Council may require by ordinance or resolution.

Recommendation statements should be in written form and be available to all board members, City Council Members, the City Manager and staff to prevent personal interpretation or individual misunderstanding of the recommendations.

Individually and collectively, the board should demonstrate the following:

- a commitment to the development of the museum as a strong community resource,
- an awareness of the social and economic characteristics of the various segments of the community,
- an understanding of business, financial and political procedures,
- an ability to work cooperatively and unselfishly in the best interests of the museum, and
- an ability and willingness to assist in fundraising or donations that benefit the long-term financial stability of the museum
- a willingness to devote time and effort to the duties of board membership.

The Museum Board may adopt such by-laws, rules and regulations for the operation and

regulation of the Museum Board as the Board may deem necessary and as such shall not be inconsistent with this ordinance.

The Museum Curator shall be appointed by the City Manager. The Curator shall have the care and custody of the grounds, buildings, rooms, exhibits, and other property of the Museum, and shall operate the Museum as directed by the Museum Board.

SECTION 3. 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 4. 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 Councilwoman Rowley to delete the term limits restriction as noted in Section 1-803.

Roll call vote to delete term limits in Section 1-803 with the following results:

Voting Aye: Benzel.

Voting Nay: Kusek, Dickenson, Rowley, Yeager.

Motion failed.

Councilman Dickenson questioned the last paragraph which states that the Museum Board may adopt by-laws, rules and regulations that shall not be consistent with this ordinance. City Manager Caskie advised Council that the ordinance states that the board will recommend to the City Council the adoption of such laws, rules and regulations as the board deems necessary. City Manager Caskie will review the language prior to the second reading. Mrs. Ellen Christensen, 932 Toluca, addressed Council as a current Museum Board member. She indicated that it is difficult to find individuals to serve on the board and does not approve of the term limit stipulation.

Roll call vote on first reading of Ordinance No. 2575 with the following results:

Voting Aye: Kusek, Dickenson, Rowley, Yeager.

Voting Nay: Benzel.

Motion carried.

- A public hearing regarding the Class C Liquor License Application of Dondon, Inc. dba Players Sports Bar was the next item on Council's agenda. Mayor Kusek stated, "Now is the date, time and place to conduct a public hearing on the Class C Liquor License Application of Dondon, Inc. dba Players Sports Bar, 209 Box Butte Avenue, Alliance." The public hearing opened at 8:00 p.m. Jon Worthman, 801 Emerson addressed Council on behalf of Jon Lulow. He indicated that Mr. Lulow

has been managing the business for Don Hulinsky for several years and is now taking the business over. Hearing no other testimony, Mayor Kusek closed the meeting at 8:03 p.m.

Motion by Mayor Kusek, seconded by Councilman Yeager to approve Resolution No. 07-88A which follows in its entirety:

**RESOLUTION NO. 07-88A**

*WHEREAS*, The City of Alliance has received a notice and copy of an application for a Retail Class C Liquor license submitted by Players Sports Bar; and

*WHEREAS*, The Alliance City Council has held a public hearing as provided for by law within twenty-one days after the date of receipt of the notice from the Nebraska Liquor Control Commission with the application; and

*WHEREAS*, Notice of such hearing was given as provided by law; and

*WHEREAS*, At such hearing, evidence was received by the Council bearing upon the propriety of the issuance of such license; and

*WHEREAS*, The cost of published notice for the application is \$8.50.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the issuance of a Retail Class C Liquor License to Players Sports Bar, to be located at 209 Box Butte Avenue in Alliance, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be brought before Council was Resolution No. 07-90 authorizing staff to enter into a Contract with St. Paul Travelers for insurance coverage.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 07-90 which follows in its entirety:

**RESOLUTION NO. 07-90**

*WHEREAS*, The City of Alliance desires to protect the City assets by obtaining appropriate insurance coverage; and

*WHEREAS*, The City Council has determined that St. Paul Travelers is a highly rated insurance provider; and

*WHEREAS*, The City of Alliance has received a proposal dated July 13, 2007, from the contract administrator, Gregory's Insurance Agency, to contract with St. Paul Travelers for insurance in the amount of \$430,962.00.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the proposal of St. Paul Travelers, for insurance is hereby accepted in the amount of \$430,962.00, and the Mayor and City staff are authorized to execute contract documents consistent with the recommended proposal.

Gary Tomlin, 1409 Grove Avenue, representative of Gregory's Insurance addressed Council explaining the insurance package offered by St. Paul Travelers.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was Resolution No. 07-91 accepting a donation of funds to purchase lamp posts for the Central Park Fountain area from Michael and Sandy McCarthy.

Motion by Councilwoman Rowley, seconded by Councilman Yeager to approve Resolution No. 07-91 which follows in its entirety:

#### **RESOLUTION NO. 07-91**

*WHEREAS*, The City's Central Park contains a conservatory, veteran's museum, and fountain; and

*WHEREAS*, The Alliance Parks Department has received a request to donate funds to the City to provide lighting in the area south of the conservatory; and

*WHEREAS*, A conceptual design has been prepared, from which specifications can be prepared for construction purposes; and

*WHEREAS*, City Council has reviewed the conceptual design and hereby grants its approval of such design.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance hereby accepts donation of funds to purchase lamp posts for the Central Park fountain area from Michael and Sandy McCarthy.

**BE IT FURTHER RESOLVED**, that the conceptual design submitted to the City Council is approved, and City staff is authorized to prepare specifications and proceed with construction.

Mick McCarthy, 306 W. 29<sup>th</sup> Street addressed Council indicating that he would like to add another light fixture so that there is light available on each corner of the garden.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's review was Resolution No. 07-92 considering the continuation of a Conditional Use Permit for Saul and Alicia Garza.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to approve Resolution No. 07-92 which follows in its entirety:

**RESOLUTION NO. 07-92**

*WHEREAS*, In August, 2006, a Conditional Use Permit was issued to Saul and Alicia Garza which allowed retail sales of vehicles and was of a six month duration to allow review of compliance; and

*WHEREAS*, City staff has viewed the property, and has found the property to be used consistently with the Conditional Use Permit; and

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

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Conditional Use Permit issued to Saul and Alicia Garza, embedded in Resolution No. 06-70A, is hereby extended to August 17, 2008.

*BE IT FURTHER RESOLVED*, that the Conditional Use Permit shall be presumed inactive if the conditional use is not commenced within twelve months of August 17, 2007.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Rowley, Yeager.

Voting Nay: Dickenson.

Motion carried.

- Resolution No. 07-93 authorizing the City of Alliance to submit ballot language for a Special Election to be called for November 6, 2007 on the renewal and continuance of the 1.0% and the 0.5% sales tax and Economic Development Program was the next item on Council's agenda.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 07-93 which follows in its entirety:

**RESOLUTION NO. 07-93**

*WHEREAS*, the Local Option Revenue Act allows cities to impose sales and use tax, provided an election has been held and a majority of the qualifying electors have approved the tax; and

*WHEREAS*, on November 6, 2001 an election was held in Alliance, Nebraska, that approved the establishment of a sales tax; and

*WHEREAS*, the sales tax was authorized for seven (7) years and is set to expire in April, 2009; and

*WHEREAS*, a certified copy of a resolution proposing the tax must be submitted to the election commissioner or county clerk, not later than 41 days prior to a primary, general or special election; and

*WHEREAS*, the question of approving the tax may include any terms and conditions, such as a termination date, or specific projects or programs.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the following questions shall be submitted to the qualified electors at a special election to be called November 6, 2007;

Proposition 1

Shall the City of Alliance continue to impose a sales and use tax (upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax) in the amount of 1 percent for a period of ten (10) years to be used as follows:

One hundred (100) percent of the tax, or approximately \$950,000 a year, for property tax relief.

- Yes - (for the tax for utility rate and/or property tax relief)
- No - (against the tax for utility rate and/or property tax relief)

Proposition 2:

Shall the City of Alliance, in addition to Proposition 1 above, continue to impose a sales and use tax (upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax) in the amount of ½ percent for a period of ten (10) years to be used as follows:

Fifty (50) percent of the tax, or approximately \$200,000 a year, for improving, repairing, or replacing the City's capital improvements such as streets, parks, and other public facilities.

Fifty (50) percent of the tax, but not to exceed \$200,000 a year, may be designated for economic development activities which are consistent with the economic development program as described in PROPOSITION 3 below. In the event PROPOSITION 3 is not approved, or if PROPOSITION 3 is approved and collections exceed \$200,000 a year, the entire ½ percent, or the amount in excess of \$200,000, shall be used for improving, repairing, or replacing the City’s capital improvements.

- Yes (For the tax for improving, repairing, or replacing the City’s capital infrastructure and funding the economic development program)
- No (against the tax for improving, repairing, or replacing the City’s capital improvements and funding the economic development program)

Proposition 3

Shall the City of Alliance establish an economic development program in conformance with Section 18-2701 through Section 18-2738 of the revised Statutes of the State of Nebraska, 1997, and as described here by appropriating annually from local sources of revenue a maximum of \$200,000 a year for ten (10) years?

- Yes (for the economic development program)
- No (against the economic development program)

The Economic Development Plan as approved by the City Council is summarized as follows:

The goal of the Alliance Economic Development Plan is to provide jobs above minimum wage to the citizens of Alliance.

Qualifying businesses will be eligible for grants, technical and marketing assistance, location expenses, equity investment, loans, job training, and other forms of assistance to the operation and expansion of businesses as allowed by law.

Qualifying business must derive their principal income from manufacturing, research and development, processing, storage, transport, sale of goods, commodities or services in interstate commerce, telecommunications, housing construction or rehabilitation, retail trade, and tourism.

The Alliance Economic Development Plan will be in existence from April 1, 2012 to March 31, 2025.

The source of funding for the Alliance Economic Development Plan is a proposed local option sales tax. The funds would be collected from April 1, 2009 to March 31, 2019. The total amount to be collected for the program from local sources of revenue is \$200,000 annually.

The City does not propose to issue bonds pursuant to the Local Option Municipal

Economic Development Act to provide funds to carry out the Economic Development Plan.

Additional funds from other non-City sources will be sought beyond the sales tax.

*BE IT FURTHER RESOLVED* that notice of the submission of the question of continuing the sales and use tax shall be given not more than thirty days nor less than ten days previous to the election, by publication one time in one or more newspapers published in or of general circulation in the City of Alliance.

City Manager Caskie explained that the special election would be held in 2007 to allow additional time to bring the issue back to the voters in the event of opposition at the polls prior to the date the sales tax is due to expire. She explained that the sales tax generates approximately \$950,000 which is slightly less than 25% of the General Fund operating budget.

Motion by Mayor Kusek, seconded by Councilwoman Rowley to postpone consideration of Resolution No. 07-93 until the August 23, 2007 Council meeting.

Roll call vote on the postponement with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was the Third Quarter Financial Report prepared by Finance Director King.

Motion by Councilman Benzel, seconded by Councilman Dickenson to accept the Third Quarter Report as presented by Finance Director King.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was a Board Resignation.

Motion by Councilman Yeager, seconded by Councilman Dickenson to accept the resignation of Camyla Joule as an ex-officio member of the Alliance Library Board.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Kusek stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:39 p.m.”

(SEAL)

---

Dan Kusek, Mayor

---

Linda S. Jines, City Clerk