

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, OCTOBER 18, 2007

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

The Alliance City Council met in a Regular Meeting, October 18, 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 October 11, 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 October 18, 2007 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.

- Mayor Kusek read the Open Meetings Act Announcement.
- The first order of business was the Consent Calendar.

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

CONSENT CALENDAR - OCTOBER 18, 2007

1. Approval: Minutes of the Regular Meeting, October 4, 2007.
2. Approval: Payroll and Employer Taxes for the period September 8, 2007 through September 21, 2007, inclusive; \$140,171.51 and \$9,777.80 respectively.
3. Approval: Claims against the following funds for October 1, 2007 through October 15, 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: \$64,905.01*.

4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Darcy Sample and Jason Henton, and removing David McCarty, Pauline Zak Peterline, Al Lorensen, and Mark Broderick.
5. Approval: Certificate of Completion and Release for work completed by Asphalt Surface Technologies for the Taxiway and Apron Rejuvenation Project at the Alliance Municipal Airport; Project No. 3-31-0003-10/11.

* Amended 24 hours prior to the meeting.

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 questioned a charge for Basic Domain Web Hosting. City Manager Caskie explained that the City pays to have our website put on a public server access. Telecom West provides the City with internet connectivity. She also questioned a Stripe Off Wheel purchase. Councilman Dickenson explained that it is a tool used in the Street Department for lane marking. Councilwoman Rowley questioned a credit card late charge. City Manager Caskie advised Council that all City credit cards have incurred a finance charge this month due to the change of Council meeting dates to approve payment. Council instructed staff to pay any future credit card bills with a hand check to avoid future finance charges. The payment will be included in the Consent Calendar for Council's review. City Manager Caskie advised Council that Notary fees are paid by the City for employees.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-112 approving the third series of various Police Department Policies was the next item for Council's review.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Resolution No. 07-112 which follows in its entirety:

RESOLUTION NO. 07-112

WHEREAS, The Alliance Police Department is revising certain Police Department policies; and

WHEREAS, The proposed policy revisions have been prepared and reviewed by police and the legal staff; and

WHEREAS, The proposed Policy revisions provide for:

- Policy 13.1
- Policy 14.1, 14.2
- Policy 15.1
- Policy 16.1; and
- Policy 17.1, 17.2, 17.3, 17.4; and

WHEREAS, City Council has reviewed the proposed Policies and finds them appropriate for the needs of law enforcement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Police Department Policies as revised, set forth herein, are hereby approved, and adopted effective October 18, 2007 as the Policy of the City of Alliance.

Councilwoman Rowley asked if the Police Department shuts off the lights at the tennis courts. Lieutenant Ken Hart advised Council that the lights are on an automatic timer. She also asked if an employee who is involved in a minor disciplinary action can repeat infractions once they are purged from their record. City Manager Caskie explained that minor disciplinary action is noted on an employee's Blue Book record between evaluations. Once the evaluation is conducted, the minor infractions are removed from their record. Interim City Attorney Larry Miller advised Council that the policy indicates that if the supervisor records infractions on a regular basis, that the action moves to the next level of discipline.

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 Resolution No. 07-113 authorizing an amendment of the previously adopted First Quarter Capital Purchases Authorization. This will allow staff to begin soliciting bids for two snow brooms and two snow cabs for the Parks Department and will bring the grand total authorized for the first quarter purchase to \$146,000.00.

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 07-113 which follows in its entirety:

RESOLUTION NO. 07-113

WHEREAS, The City of Alliance annually adopts a Capital Improvements Plan to aid in budgeting and organizing purchasing; and

WHEREAS, The City Council passed Resolution No. 07-107, which Resolution approved a schedule of capital improvement purchases to be initiated, and in some cases completed, in the

first quarter of the current fiscal year; and

WHEREAS, The schedule omitted \$17,000.00 for snow brooms and snow cabs for the Parks Department; and

WHEREAS, The schedule has been amended to include \$17,000.00 for snow brooms and snow cabs for the Parks Department; and

WHEREAS, The City Manager has reviewed and approved the amended schedule of capital purchases for the first quarter of the 2007-2008 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the amended schedule of capital purchases for the first quarter of the current fiscal year, totaling \$146,000.00, is hereby approved.

BE IT FURTHER RESOLVED, that City staff is authorized to proceed with the purchases noted on the schedule.

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 consideration was Resolution No. 07-114 authorizing the City to apply for a grant with Museums for America which will be applied for through the grant writer contracted by the Eldred Foundation.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve Resolution No. 07-114 which follows in its entirety:

RESOLUTION NO. 07-114

WHEREAS, The Eldred Foundation has notified the City of Alliance that the Eldred Foundation intends to apply for a grant through the Museums for America grant program to provide funds for museum displays in the Knight Museum and Sandhills Center; and

WHEREAS, The City of Alliance desires to cooperate with the Eldred Foundation in applying for the Museums for America grant by filing an application; and

WHEREAS, The Eldred Foundation has retained a grant writer for the purpose of completing the application for the Museum for Americas grant program; and

WHEREAS, If the grant is awarded, the City of Alliance will not be providing the match for this grant.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance will cooperate with the Eldred Foundation in applying for the Museums for America grant to provide funds for museum displays in the Knight Museum and Sandhills Center.

BE IT FURTHER RESOLVED, that the City is not committing to provide any match for this grant.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item before Council was an executive session for the purpose of discussing swimming pool litigation.

Mayor Kusek motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the purpose of discussing swimming pool litigation and asked City Manager Caskie, City Clerk Jines, City Attorney Miller and Administrative Assistant Tolstedt to attend the session. The motion was seconded by Councilman Dickenson.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 7:28 p.m. and ended at 7:40 p.m.

- Mayor Kusek explained that the City of Alliance has entered into negotiations with representatives from numerous subcontractors on the Alliance Municipal Swimming Pool project which will dismiss their lawsuits against the City. Seven resolutions have been prepared to authorize payment from the General Fund to the following subcontractors.

- Resolution No. 07-115 will approve payment to Corrosion Products, Inc. in the amount of \$17,619.16.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-115 which follows in its entirety:

RESOLUTION NO. 07-115

BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska that:

1. Corrosion Products, Inc. has brought suit (hereafter, "lawsuit") against the City in the District Court of Box Butte County, Nebraska, Case Number Ci 05-209.
2. The object and prayer of the lawsuit is to recover the sum of \$20,182.50.
3. Corrosion Products, Inc. has indicated a willingness to settle the lawsuit on the terms and conditions stated in the attached Settlement Agreement.
4. It is in the best interest of the City to enter into the attached Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to execute the attached Settlement Agreement, and that upon execution by the Mayor, the City will be bound by the terms of the Settlement Agreement.

This Resolution shall become effective upon its passage and approval.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-116 will approve payment to Dutton-Lainson in the amount of \$11,657.34.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-116 which follows in its entirety:

RESOLUTION NO. 07-116

BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska that:

1. Dutton-Lainson has brought suit (hereafter, "lawsuit") against the City in the District Court of Box Butte County, Nebraska, Case Number Ci 05-210.
2. The object and prayer of the lawsuit is to recover the sum of \$13,353.31.
3. Dutton-Lainson has indicated a willingness to settle the lawsuit on the terms and conditions stated in the attached Settlement Agreement.
4. In is in the best interest of the City to enter into the attached Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of

Alliance that the Mayor is authorized to execute the attached Settlement Agreement, and that upon execution by the Mayor, the City will be bound by the terms of the Settlement Agreement.

This Resolution shall become effective upon its passage and approval.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-117 will authorize payment to United Industries, Inc. in the amount of \$14,129.38.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-117 which follows in its entirety:

RESOLUTION NO. 07-117

BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska that:

1. United Industries Incorporated has brought suit (hereafter, "lawsuit") against the City in the District Court of Box Butte County, Nebraska, Case Number Ci 05-211.
2. The object and prayer of the lawsuit is to recover the sum of \$16,185.00.
3. United Industries Incorporated has indicated a willingness to settle the lawsuit on the terms and conditions stated in the attached Settlement Agreement.
4. It is in the best interest of the City to enter into the attached Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to execute the attached Settlement Agreement, and that upon execution by the Mayor, the City will be bound by the terms of the Settlement Agreement.

This Resolution shall become effective upon its passage and approval.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-118 will authorize payment to K.L. Wood & Company, LLC in the amount of \$25,594.12.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-118 which follows in its entirety:

RESOLUTION NO. 07-118

BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska that:

1. K.L. Wood & Company, LLC has brought suit (hereafter, "lawsuit") against the City in the District Court of Box Butte County, Nebraska, Case Number Ci 05-106.
2. The object and prayer of the lawsuit is to recover the sum of \$29,317.70.
3. K.L. Wood & Company LLC has indicated a willingness to settle the lawsuit on the terms and conditions stated in the attached Settlement Agreement.
4. It is in the best interest of the City to enter into the attached Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to execute the attached Settlement Agreement, and that upon execution by the Mayor, the City will be bound by the terms of the Settlement Agreement.

This Resolution shall become effective upon its passage and approval.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-119 will authorize payment to Hansen's Locksmithing in the amount of \$1,397.24.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-119 which follows in its entirety:

RESOLUTION NO. 07-119

BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska that:

1. Hansen's Locksmithing claims that it is owed the sum of \$1,600.52.
2. Hansen's Locksmithing has indicated a willingness to accept the amount of \$1,397.24

as described in the attached Settlement Agreement.

3. In is in the best interest of the City to enter into the attached Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to execute the attached Settlement Agreement, and that upon execution by the Mayor, the City will be bound by the terms of the Settlement Agreement.

This Resolution shall become effective upon its passage and approval.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-120 will authorize payment to Panhandle Bolt in the amount of \$375.48.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-120 which follows in its entirety:

RESOLUTION NO. 07-120

BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska that:

1. Panhandle Bolt claims that it is owed the sum of \$430.11.

2. Panhandle Bolt has indicated a willingness to accept the amount of \$375.48 as described in the attached Settlement Agreement.

3. In is in the best interest of the City to enter into the attached Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to execute the attached Settlement Agreement, and that upon execution by the Mayor, the City will be bound by the terms of the Settlement Agreement.

This Resolution shall become effective upon its passage and approval.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-121 authorizes payment to Triangle Electric in the amount of \$1,397.14.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-120 which follows in its entirety:

RESOLUTION NO. 07-121

BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska that:

1. Triangle Electric claims that it is owed the sum of \$1,600.41.
2. Triangle Electric has indicated a willingness to accept the amount of \$1,397.14 as described in the attached Settlement Agreement.
3. In is in the best interest of the City to enter into the attached Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to execute the attached Settlement Agreement, and that upon execution by the Mayor, the City will be bound by the terms of the Settlement Agreement.

This Resolution shall become effective upon its passage and approval.

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 7:50 p.m.”

(SEAL)

Dan Kusek, Mayor

Linda S. Jines, City Clerk