

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, NOVEMBER 1, 2007

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

The Alliance City Council met in a Regular Meeting, November 1, 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 25, 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 November 1, 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.
- Mayor Kusek advised Council that Item K was removed from the agenda.
- The first item to come before 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 - NOVEMBER 1, 2007**

1.    Approval:    Minutes of the Regular Meeting, October 18, 2007.
2.    Approval:    Payroll and Employer Taxes for the period September 22, 2007 through October 5, 2007, inclusive; \$135,534.91 and \$9,710.65 respectively.
3.    Approval:    Claims against the following funds for October 15, 2007 through October 29, 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: \$732,651.02.

4. Approval: The following contractor licenses.
- Repair & Maintenance. . . . Tim Overshiner dba Overshiner Construction
- Master Plumber. Harley Oelschlager dba Commercial Plumbing & Heating
5. Approval: Update the roster of the Alliance Volunteer Fire Department by removing Barry Hastings.

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.

Councilman Dickenson questioned a purchase of water meters. City Manager Caskie explained that meters are always kept in stock for replacement and installation in new homes. Mayor Kusek asked if the charge for lowering pumps was for the wellfield. City Manager Caskie confirmed it is for the new wells. Mayor Kusek asked about a charge for Plan It Capital Software. City Manager Caskie explained that a yearly maintenance fee is necessary for the software. He also asked about a charge for museum phone lines. It was explained that the elevator requires a special phone line as well as all the other phone lines necessary. Mayor Kusek asked about a charge for the relocation of a gas main for Vitalix. City Manager Caskie advised Council that this is nearing the end of the payments due to SourceGas for the gas main relocation.

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 Ordinance No. 2585 amending the Alliance Municipal Code at Chapter 3, Article 2 with regard to parking restrictions.

Motion by Councilman Benzel, seconded by Councilman Dickenson to approve Ordinance No. 2585 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

### **ORDINANCE NO. 2585**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE AT 3-206 REGARDING IN EXCESS OF 24 HOUR CONTINUOUS PARKING PROHIBITED ON ANY CITY STREET AND PARKING AND STORING OF PROPERTY PROHIBITED ON ANY CITY STREET AND

REPEALING PROVISIONS NOT CONSISTENT HEREWITH.

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

SECTION 1. The City of Alliance has authority to regulate parking within the City.

SECTION 2. 3-206 of the Alliance Municipal Code is hereby amended to provide as follows:

3-206. CONTINUOUS PARKING IN EXCESS OF 24 HOURS PROHIBITED

For the purposes of Section 206, vehicle shall include: bus, semi, truck, tractor cab unit, trailer, utility trailer, recreational vehicle, camper, travel trailer, boat, personal water craft, car, van, pickup truck, motorcycle, trailered barbecues and all other similar appurtenances intended for attachment to a vehicle.

No person shall park a vehicle on any City street and permit the vehicle to remain in the same location continuously in excess of a 24 hour period. The Parking of any vehicle which is not operational on any City street is prohibited. The parking of any vehicle which does not have current license and/or registration on any City street is prohibited.

3-206.01 PARKING AND/OR STORING OF PROPERTY PROHIBITED

The parking or storing of any property, other than a vehicle, on any City street is prohibited.

SECTION 3. Those portions of 3-206 not consistent with this ordinance 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.

City Manager Caskie explained that effective snow removal is hampered by vehicles parked in the street. Councilman Dickenson asked if alleys are considered as streets. City Manager Caskie advised Council that they are not, however the Municipal Code states that vehicles may not be parked in the alley.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-122 approving the General Real Estate Sale Conditions for the City of

Alliance, Nebraska, Municipally Owned Residential Properties, Developer Master Agreement between the City of Alliance and Clau-Chin Construction, Inc. was the next item on Council's agenda.

Motion by Mayor Kusek, seconded by Councilman Yeager to approve Resolution No. 07-122 which follows in its entirety:

**RESOLUTION NO. 07-122**

*WHEREAS*, The City of Alliance has engaged in a process to obtain proposals from housing developers to purchase and develop City-owned residential lots; and

*WHEREAS*, A proposal was received from Shaun Houchin, on behalf of Clau-Chin Construction, Inc., a Nebraska Corporation; and

*WHEREAS*, A Master Agreement has been prepared for signing between Clau-Chin Construction, Inc., a Nebraska Corporation, and the City of Alliance.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the General Real Estate Sale Conditions for the City of Alliance, Nebraska, Municipally Owned Residential Properties Developer Master Agreement, between the City of Alliance and Clau-Chin Construction, Inc., a Nebraska Corporation, is hereby approved, and the Mayor and City Clerk are authorized to sign the agreement on behalf of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2586 authorizing the sale of Lots 1, 4, 6, and 8, Block 4, Lakefield Addition to the City of Alliance was the next item for Council's consideration.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Ordinance No. 2586 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2586**

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF LOTS 1, 4, 6, AND 8, BLOCK 4, LAKEFIELD ADDITION, AN ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

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

SECTION 1. The City of Alliance has received an offer from Clau-Chin Construction, Inc., a Nebraska Corporation, to purchase Lots 1, 4, 6, and 8, Block 4, Lakefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska, under the Developer Master Agreement, in the amount of \$16,130.00.

SECTION 2. The real estate is not used in the operation of public utilities, and is not a state armory for the use of the State of Nebraska or the State Armory, as provided in §16-201 R.R.S. Neb. 1943.

SECTION 3. The City Clerk shall cause notice of this sale to be published as required by law. If, within the time prescribed by law, a legally sufficient remonstrance against the sale has not been filed, the Mayor and City Clerk are by this ordinance authorized to execute and deliver to the purchaser the City's quitclaim deed for the herein described property upon payment of the purchase price provided for herein and in the purchase agreement.

Remonstrance against such sale is defined as a petition signed by legal electors of Alliance, Nebraska, equal in number to thirty percent (30%) of the electors voting at the last regular municipal election. Said petition shall be filed with the governing body of the City within thirty days (30) of the passage and publication of this Ordinance. In the event a remonstrance is received which is legally sufficient, said property shall not then, nor within one year thereafter, be sold.

SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Motion by Councilman Dickenson, seconded by Councilman Yeager to waive the statutory reading with the following results:

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

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2586 on final reading with the following results with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Kusek stated, "the passage and adoption of Ordinance No. 2586 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 07-123 was the next item to come before Council. This resolution authorizes an Option Agreement to purchase eight additional lots which are Lots A, B, 11, and 10, Block 5, Lakefield Addition, Lots H, G, and F, Block 3, Lakefield Addition, and Lot 1, Block 1, Lakefield Addition, all within the City of Alliance.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-123 which follows in its entirety:

**RESOLUTION NO. 07-123**

*WHEREAS*, The City of Alliance owns lots in Lakefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska; and

*WHEREAS*, Clau-Chin Construction, Inc., a Nebraska Corporation, of Sidney, Nebraska, desires to obtain an Option Agreement to purchase real estate lots in Lakefield Addition from the City of Alliance for the purpose of developing single family residential housing; and

*WHEREAS*, The City of Alliance has determined that the sale of the real estate would be beneficial to the economic development of the City of Alliance.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and the City Council of Alliance, Nebraska, that the Mayor is authorized and directed to execute an Option Agreement granting a three year option to Clau-Chin Construction, Inc., a Nebraska Corporation, to purchase Lots B, 10 and 11, Block 5; Lots F, G, and H, Block 3; and Lot 1, Block 1; all in Lakefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska, for the total purchase price of Fifty Thousand Six Hundred and Forty-six Dollars and 50/100<sup>THS</sup> (\$50,646.50), under the Developer Master Agreement.

*BE IT FURTHER RESOLVED*, that in consideration for the three year Option Agreement, shall be in the amount of \$800.00

Motion by Mayor Kusek, seconded by Councilman Dickenson to amend Resolution No. 07-123 to delete Lot A.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on Resolution No. 07-123 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2587 amending the Alliance Municipal Code at Chapter 4, Section 606 regarding Mandatory Hook-up to the City of Alliance Sanitary Sewer System was the next item for Council's consideration.

Motion by Councilman Yeager, seconded by Councilman Dickenson to approve Ordinance No. 2587 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2587**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE AT CHAPTER 4, ARTICLE 6, SECTION 606, REGARDING MANDATORY HOOK-UP TO THE ALLIANCE MUNICIPAL SANITARY SEWER SYSTEM 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 adopted the Alliance Municipal Code which provides regulations for the Alliance Municipal Sanitary Sewer System within the City of Alliance.

SECTION 2. Chapter 4, Article 6, Section 606, of the Alliance Municipal Code shall be amended as follows:

**4-606. MANDATORY HOOK-UP**

Unless specifically exempted by the City Council, upon written notice by A.M.S.S. the property owner, occupant, or lessee of any premise whose property abuts a sewer that is now or hereafter may be laid shall without delay cause the said building to be connected with A.M.S.S. and equipped with inside sewage facilities. Every building hereafter erected shall be connected with A.M.S.S. at the time of its construction provided that a public sewer is within 200 feet of the property line. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse within a period of ten (10) days after notice has been given to him to do so by registered mail or by publication in a newspaper in or of general circulation in the City, to make such connection, the City Council shall have the power to cause the same to be done, to assess the costs thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments.

**4-606.01 MANDATORY HOOK-UP EXEMPTION**

An individual may make a request for an exemption from the mandatory hook-up. The request shall be in writing and shall be submitted to the Planning Commission who shall make a recommendation to the City Council. Said request shall include:

- 1) a description of the intended use of the property;
- 2) a map of the real property including: legal description, dimensions, total area, and the placement, or intended placement, of any and all structures;

- 3) the reasons for requesting the waiver of the mandatory hook-up;
- 4) if one of the reasons for requesting the waiver is because of the expense of connecting to the A.M.S.S., the request must be accompanied by at least two bids for every reasonable alternative which should include all reasonable alternatives including, but not limited to:
  - a) extension of City sewer main;
  - b) installation of a manhole;
  - c) extension of sewer line to the City sewer;
  - d) the installation of a lift station;
  - e) the installation of a sludge pump, sewer pump, or sump pump;
  - f) the cost of installing a septic system.
- 5) elevations of all City sewer lines that the owner could reasonably connect to for the affected property;
- 6) recent elevations of the real property where the buildings are located or will be located.
- 7) a general description of the expected construction including, but not limited to:
  - a) number of bedrooms
  - b) if a basement or type of basement that is present or will be constructed
- 8) Percolation test of the soil

Some of the factors City Council may consider before authorizing the installation of a septic system include, but are not limited to:

- 1) area of the real property;
- 2) the configuration of the real property;
- 3) the potential effect on public health and safety;
- 4) the reason for requesting the waiver;
- 5) all reasonable alternatives to the installation of a septic system;
- 6) any other relevant information concerning the application;

If the City Council authorizes the installation of a septic system the system must meet the following setback requirements:

	<u>Tank</u>	<u>Leach Field</u>
surface water	100'	200'
domestic/drinking water well	100'	200'
municipal/commercial water well	1000'	1000'
property lines	50'	100'
personal foundation (with basement)	15'	30'
personal foundation (slab)	7'	10'
other foundation (with basement)	30'	60'
other foundation (slab)	14'	20'

The Alliance City Council shall not permit the installation of a septic system on real property that is 10 acres or less.

Provided further, that any permitted septic system must meet all other federal, state, or local rules or regulations and the City of Alliance Municipal Code, whichever is more restrictive.

The granting of the waiver of the mandatory hook-up is discretionary with the City Council.

If at any time circumstances change so that the reason for having a septic system are eliminated or reduced, then the current property owner shall be required to abandon the septic system and connect to City sewer.

SECTION 3. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the reorganization and revisions set forth herein 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.

City Manager Caskie explained that the City's topography does not allow a cost effective method of connecting to the sanitary sewer system in a few instances. This ordinance will adopt a procedure by which individuals may make a request for an exemption from the mandatory hook-up. She advised Council that Dr. and Mrs. David Isom are planning on building a home on a ten acre parcel of ground and are planning to make a request for an exemption from the mandatory hook-up. She recommended that the ordinance not be waived at this meeting to allow time for further review of the ordinance. This will allow time for the Isom's to appear at a Planning Commission meeting on November 13, 2007 and then include their request at the Council meeting on November 15, 2007.

Mr. Jon Worthman, 801 Emerson addressed Council representing David and Angela Isom and asked Council to waive the three separate readings to allow them to move forward on their construction project. He voiced concern regarding the section that makes it mandatory to connect with the Alliance Municipal Sewer System if the sewer is within 200 feet of the property line.

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 a public hearing on Resolution No. 07-124 considering the matter of the substandard and blighted designation of block 1, 2, 3, 4, 5, and 6, Hitchcock, Hills & Snedeker's Addition, Lots 1, 2, and 3, Neuswanger's Addition, and Block V, W, X, & Y of Sheridan Addition, Alliance, Box Butte County, Nebraska. Mayor Kusek stated, "Now is the date time, and place to conduct a public hearing on the designation of blighted and substandard property." Mayor Kusek opened the public hearing at 7:50 p.m. Mrs. Grace Brisby, 301 31<sup>st</sup> Street Terrace, addressed Council voicing concern that this designation will take her mother's home. Mayor Kusek assured her that the structure will remain intact. The public hearing was closed at 7:55 p.m.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-124 which follows in its entirety:

**RESOLUTION NO. 07-124**

*WHEREAS*, by Ordinance passed by the City Council of the City of Alliance, the City of Alliance has created a Community Development Agency pursuant to the Community Development Law of the State of Nebraska; and

*WHEREAS*, surveys were conducted at the direction of the City of Alliance by the Panhandle Area Redevelopment District entitled *Redevelopment Area Substandard/Blight Survey 2002* and *Redevelopment Area Substandard/Blight Survey for the "Sheridan-HH&S Redevelopment Area"*, September, 2007; and

*WHEREAS*, such surveys describe certain areas within the City of Alliance as qualifying for designation as substandard and blighted according to the definitions of the Community Development Law; and

*WHEREAS*, the physical description of said properties is Beginning at the intersection of West Second Street and Big Horn Avenue, thence southerly along Big Horn Avenue to West First Street; thence westerly along West First Street to Emerson Avenue; thence continuing westerly and northwesterly along the north and northeast side of the Burlington Northern Railroad line to the point of intersection with West Second Street; and, thence easterly along West Second Street to the point of beginning at the intersection of West Second Street and Big Horn Avenue; and

*WHEREAS*, the City Council finds that Blocks 1, 2, 3, 4, 5, and 6, Hitchcock, Hills, & Snedeker's Addition, Lots 1, 2, and 3, Neuswanger's Addition, and Blocks V, W, X, & Y of Sheridan Addition, Alliance, Nebraska are substandard and blighted as evidenced by the survey, as shown by conditions such as, but not limited to, the following: areas where there is a predominance of buildings or improvements, whether residential or non-residential in nature, which by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors which is detrimental to the public health, safety, morals, or welfare; areas which by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, improper subdivision or obsolete planning, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and in which the average age of the residential or commercial units in the area is at least 40 years; and

*WHEREAS*, Section 18-2109 of the Community Development Law requires the governing body of the City to submit the question of whether an area is substandard and blighted to the Planning Commission for its review and recommendation prior to making its declaration, and the Planning Commission has submitted a written recommendation that such properties listed herein be found to be substandard and blighted; and

*WHEREAS*, a public hearing with notice according to Section 18-2115 R.R.S. 1997 has been conducted by City Council concerning the substandard and blighted nature of said properties.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that Blocks 1, 2, 3, 4, 5, and 6, Hitchcock, Hills, & Snedeker's Addition, Lots 1, 2, and 3, Neuswanger's Addition, and Blocks V, W, X, & Y of Sheridan Addition, Alliance, Box Butte County, Nebraska, according to the recorded plat thereof, are substandard and blighted pursuant to the Community Development Law for the State of 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 were Resolution Nos. 07-125 A & B a request from Habitat for Humanity to waive the building fees for their next project located at 651 East 8<sup>th</sup> Street. Resolution No. 07-125 A authorizes the request and 07-125 B denies the request.

Motion by Councilwoman Rowley, seconded by Councilman Yeager to approve Resolution No. 07-125 A which follows in its entirety:

#### **RESOLUTION NO. 07-125A**

*WHEREAS*, The City of Alliance performs building and zoning functions pursuant to State law; and

*WHEREAS*, The various types of Building Codes adopted by the City of Alliance require building permits, which have fees connected with them; and

*WHEREAS*, The City of Alliance has received the request from Habitat for Humanity to waive building permit fees on the home being renovated in Alliance, Nebraska; and

*WHEREAS*, The City Council finds that the permit fees for renovating the house for Habitat for Humanity should be waived.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the building permit fees for the house to be renovated by Habitat for Humanity located at 651 E. 8<sup>th</sup> Street in Alliance, Nebraska, will be waived.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to postpone action on this matter until the Council meeting on November 15, 2007.

Mrs. Lynda Wood, 2651 CR 59 addressed Council on behalf of Habitat for Humanity thanking the City for all that has been done in the past for the organization.

Roll call vote on the postponement with the following results:

Voting Aye: Dickenson, Benzel, Rowley, Yeager.

Voting Nay: Kusek.

Motion carried.

- The next item for Council's discussion was Resolution No. 07-126 authorizing the Law Enforcement Personnel Reimbursable Agreement between the City of Alliance and the Transportation Security Administration.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to approve Resolution No. 07-126 which follows in its entirety:

### **RESOLUTION NO. 07-126**

*WHEREAS*, The City of Alliance operates a commercial airport approximately two miles east of the City of Alliance; and

*WHEREAS*, The Transportation Security Administration has requested that the Alliance Police Department assist in providing security to the Alliance Airport; and

*WHEREAS*, The Department of Homeland Security Transportation Security Administration, has provided the City of Alliance with the Transportation Security Administration Airport Law Enforcement Personnel Program Statement of Joint Objectives, which defines the responsibilities of the City of Alliance and the responsibilities and participation of the Transportation Security Administration; and

*WHEREAS*, The Department of Homeland Security Transportation Security Administration, has provided the City with Assistance Award No. HSTS0208HSLR009, and a Cooperative Agreement, which outlines the terms and conditions of the agreement and reimbursement estimated to be paid to the City for the Alliance Police Department meeting the responsibilities under the Statement of Joint Objectives; and

*WHEREAS*, Said Agreement is projected for a five year period from October 12, 2007 to September 30, 2012.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Assistance Award No. HSTS0208HSLR009, the Department of Homeland Security Transportation Security Administration Cooperative Agreement, and the Transportation Security Administration Airport Law Enforcement Personnel Program Statement of Joint Objectives, which accompany this Resolution, are hereby approved.

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. 07-127. This resolution will authorize an application for a grant in the amount of \$15,000 for water system planning from the Nebraska Department of Environmental Quality through the Nebraska Environmental Partnerships.

Motion by Councilman Benzel, seconded by Councilman Dickenson to approve Resolution No. 07-127 which follows in its entirety:

**RESOLUTION NO. 07-127**

*WHEREAS*, The City of Alliance, Nebraska recognizes that a properly functioning public water supply system is necessary to the health and welfare of the citizens of the City of Alliance; and

*WHEREAS*, The Mayor and City Council of Alliance, Nebraska, have determined that portions of the City of Alliance public water supply system are in need of significant repair and improvement; and

*WHEREAS*, Funding for the cost of the Preliminary Engineering Report and/or other eligible planning grant activities of the City of Alliance public water supply system may be obtained by grant from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance shall make application for grant between the Nebraska Department of Environmental Quality through the Nebraska Environmental Partnerships; and

*BE IT FURTHER RESOLVED*, the Mayor of Alliance, Nebraska, is hereby directed to execute the application and all other documents necessary to facilitate the grant between the Nebraska Department of Environmental Quality to the City of Alliance, Nebraska, for the purpose of planning for the repairing and improving the City of Alliance public water supply system;

*BE IT FURTHER RESOLVED*, that the City Treasurer be authorized and directed to sign the payment or outlay request forms sign all necessary documents to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

Water Superintendent Mike Hulquist explained that the money will be used for engineering.

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. 07-128 adopting the Official Map Update Policy.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve Resolution No. 07-128 which follows in its entirety:

**RESOLUTION NO. 07-128**

*WHEREAS*, City staff has been requested to develop an Official Map Update Policy; and

*WHEREAS*, The staff has prepared an Official Map Update Policy for consideration by City Council; and

*WHEREAS*, The proposed Policy provides for maintaining historical references related to the "Official Maps" of the City of Alliance; and

*WHEREAS*, The proposed Policy complies with the policies and procedures of the Nebraska Record Management Division regarding retention of records by local government; and

*WHEREAS*, City Council has reviewed the proposed Policy and finds it appropriate for the City's record retention needs.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Official Map Update Policy, dated November 1, 2007, is hereby approved, and adopted effective November 1, 2007 as the Policy of the City of Alliance.

MIS Director Shari Lund explained that with the advancement of technology, current policies are inadequate. Historical data has been lost in the conversion from mylar maps to digital maps. This policy will create a file that will indicate the reason the maps have been modified as well as provide documentation for the modification.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-129 awarding the City of Alliance's auditing services to Almquist, Maltzahn, Galloway & Luth, P.C., of Grand Island, NE in the amount of \$19,500 for the fiscal year ending September 30, 2007 was the next item for Council's review.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to approve Resolution No. 07-129 which follows in its entirety:

**RESOLUTION NO. 07-129**

*WHEREAS*, The City of Alliance is in need of auditing services for future fiscal years; and

*WHEREAS*, The prior contract for auditing services expired in the prior year; and

*WHEREAS*, The City has advertised for bids for auditing services; and

*WHEREAS*, The City has received the proposal of Almquist, Maltzahn, Galloway & Luth, P.C., of Grand Island, Nebraska, to audit the City of Alliance financial statements for the fiscal year ending as follows: September 30, 2007 in the amount of \$19,500.00; September 30, 2008 in the amount of \$20,000.00; September 30, 2009, in the amount of \$20,500.00; September 30, 2010 in the amount of \$21,000.00; and September 30, 2011 in the amount of \$21,500.00.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the proposal of Almquist, Maltzahn, Galloway & Luth, P.C., of Grand Island, Nebraska, for audit services is hereby accepted, and the Mayor and City staff are authorized to execute contract documents consistent with the proposal and bid.

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. 07-131 approving the fourth series of various Police Department Policies.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to approve Resolution No. 07-131 which follows in its entirety:

**RESOLUTION NO. 07-131**

*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 20.1,
- Policy 25.1, 25.2, 25.3, 25.4,
- Policy 27.1, and
- Policy 28.1; 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 November 1, 2007 as the Policy of the City of Alliance.

Roll call vote 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 Resolution No. 07-132 approving the City's application for a Special Designated Liquor License for the December 11, 2007 Knight Museum and Sandhills Center Appreciation Reception. The funds for the alcohol purchase are being donated by the Eldred Foundation.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 07-132 which follows in its entirety:

#### **RESOLUTION NO. 07-132**

*WHEREAS*, The City Clerk has received an application of the City of Alliance, Nebraska, 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 RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Application for Special Designated License of the City of Alliance for December 11, 2007 is hereby approved for the premises 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.

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 a board appointment.

Motion by Mayor Kusek, seconded by Councilman Dickenson to appoint Maria Swenson to serve on the Alliance Housing Authority for a term expiring in December, 2011.

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 an Executive Session to discuss potential 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 potential litigation. The motion was seconded by Councilman Dickenson. Mayor Kusek requested the presence of City Manager Caskie, City Clerk Jines, Interim City Attorney Miller and Administrative Assistant to the City Manager Tolstedt to attend the Executive Session.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 8:35 p.m. and ended at 8:55 p.m.

- City Manager Caskie announced the appointment of Larry Miller as the City Attorney.
- Mayor Kusek stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:56 p.m."

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Dan Kusek, Mayor

(SEAL)

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Linda S. Jines, City Clerk