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4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending June 30, 2020. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of fund transfers, meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.

5. Approval: A Quitclaim Deed transferring The East Half (E½) of Lot Forty-one (41), Section Seven (7), Block Twenty (20), Third Addition to the Alliance Cemetery, back to the City of Alliance.

Issuance of a Cemetery Certificate to Roy Jesse and Phyllis Jesse for the East Half (E½) of Lot Forty-one (41), Section Seven (7), Block Twenty (20), Third Addition to the Alliance Cemetery.

6. Approval: Update the Alliance Volunteer Fire Department Roster by adding Daryl Craig.

7. Approval: Special Designated Liquor License Application of Brewery 719 to host an event on August 22, 2020 at 817 E. 3rd Street.

8. Approval: Resolution No. 20-74 approving the Amended Economic Development Agreement with Brian Jelinek dba Jelinek Custom Cleaning, Inc.

9. Approval: Resolution No. 20-75 approving the Amended Economic Development Agreement with Western Potatoes, Inc.

10. Approval: Resolution No. 20-76 authorizes the Finance Director or their designee to close Economic Development Assistance Agreements and disburse loans or grants under the Economic Development Assistance Agreements prior to formal claim approval. The disbursement of funds must be approved by the City Manager as Program Director and in accordance with the terms of the Economic Development Assistance Agreements. The formal claim will be submitted to Council at the next regularly scheduled meeting.

11. Approval: Resolution No. 20-77 authorizes the additional language in bullet no. 8 in regards to financial transaction authority of City personnel.

12. For Your Information: Charter Communications is making the following price adjustments:

Services/Products/Equipment	Pricing Adjustment
Broadcast TV Surcharge	Will increase by \$2.95. This reflects the costs incurred from local Broadcast TV Stations.
Spectrum TV Select	Will increase by \$1.50.

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Spectrum TV Silver	Will increase by \$1.50.
Spectrum TV Gold	Will increase by \$1.50.

NOTE: City Manager Sprock 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.

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Council next conducted a Public Hearing to amend the Alliance Municipal Code at Section 111-123 – Heavy Commercial, Industrial and Ag Requirements. The proposed amendment will authorize steel or other similar fencing materials to be constructed in M-1, M-2, and M-3 Zoning Districts. Following the Public Hearing, Ordinance No. 2905 was introduced on second reading, which will approve the amendment. The following information was provided:

[The City of Alliance Community Development Department has received a request to amend Section 111-123 - Heavy Commercial, Industrial, and Ag Requirements of the City of Alliance Municipal Code. The proposed amendment will add the ability to construct steel panel or other similar metal fences in the Industrial Zoning Districts, M-1, M-2, and M-3.

Staff has researched surrounding community fence codes to compare requirements for this proposed amendment. The proposed amendment has been reviewed by the City Attorney and reflects the changes that were recommended, including non-reflective and rust-resistant material.

The Alliance Planning Commission conducted a Public Hearing at their June 23, 2020 Special Meeting for the proposed code amendment and recommends approval of the amendment as presented.]

Mayor Dafney stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the proposed ordinance. The public hearing was opened at 7:03 p.m.

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Perry Britsch, the applicant for the proposed amendment, was in attendance to speak in favor of the amendment.

No further testimony was offered by the public, the Public Hearing closed at 7:05 p.m.

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2905. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2905

AN ORDINANCE PERTAINING TO HEAVY COMMERCIAL, INDUSTRIAL, AND AG REQUIREMENTS AND AMENDING 111-123; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING EXISTING PROVISIONS OF THE ALLIANCE CODE NOT CONSISTENT WITH THIS ORDINANCE.

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

SECTION 1. Section 111-123 of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

Sec. 111-123. – Heavy Commercial, Industrial, and Ag Requirements.

In C-2, C-3, Ag, and all Industrial zoning districts, no fence shall be erected, constructed, reconstructed, or moved except those that meet the following guidelines:

A. Location and Height:

- (1) Fences may not be greater than 96 inches in height provided any portion of the fence above 72 inches shall not exceed more than 50 percent closed construction except fences constructed for junkyards.
- (2) A closed fence shall not be allowed within the fence vision triangle or driveway vision triangle (fences in C-2 are exempt from all vision triangle requirements).
- (3) In all districts except C-2, barbed wire or similar material may be allowed to construct the portion of the fence greater than 84 inches in height as long as such wire does not protrude into a public right-of-way or into the neighboring property. In C-3 districts, the portion of the fence containing barbed wire must be located in the rear or side yard.

B. Material: All fences shall be constructed using only the following fencing material:

- (1) Board wood not exceeding 12 inches in width.
- (2) Polyvinyl Chloride (PVC) or other plastics similar in appearance.
- (3) Fiberglass.
- (4) Wrought iron.
- (5) Wood simulated composite.
- (6) Masonry.

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- (7) Chain link (not chain), decorative wire, or decorative border fencing.
- (8) Non-reflective steel (or other similar metal) paneling, coated or painted with rust-resistant material; only if constructed in in M-1, M-2, and M-3 zoning districts.
- (9) Chicken wire, barbed wire, kennel type fencing, corrals, and electrically charged fences are not permitted except in the Ag, Exclusive Agriculture zoning districts, or as allowed in the above code.

SECTION 2. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

A motion was made by Councilman Jones, seconded by Councilman Reynolds to suspend the statutory rule requiring three separate readings of Ordinance No. 2905.

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

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley

Voting Nay: None.

Motion carried.

Roll call to approve Ordinance No. 2905 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, "The passage and adoption of Ordinance No. 2905 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Next for Council's consideration was Ordinance No. 2906 on second reading, which will authorize the sale of Lot 9, Block 5, A Replat of the Replat of Homestead Second Addition and a Portion of Homestead Third Addition to the City of Alliance, Box Butte County, NE. to Kevin and Sheri Knudsen. The following information was provided:

[City Attorney Hoelsing has prepared on behalf of Kevin Knudsen and Sheri Knudsen an Agreement for Sale of Real Estate for Lot 9, Block 5, A Replat of the Replat of Homestead Second Addition and a Portion of Homestead Third Addition to the City of Alliance, Box Butte County, Nebraska, in the amount of \$4,040.60; of which \$2,000 would be eligible for a refund if a residence were constructed within two years of the purchase date.

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Resolution No. 07-23 approved by Council on February 15, 2007 established a Uniform Pricing Schedule for the sale of residential properties held by the City. The proposed Agreement for Sale is based on the prices established in the Resolution.

As with any sale of property by the City of Alliance there is a 30-day remonstrance period as established within State Statutes.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve the second reading of Ordinance No. 2906. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2906

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF LOT 9, BLOCK 5; A REPLAT OF THE REPLAT OF HOMESTEAD SECOND ADDITION AND A PORTION OF HOMESTEAD THIRD 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 Kevin Knudsen and Sheri Knudsen, to purchase the following described real estate:

Lot 9, Block 5, A Replat of the Replat of Homestead Second Addition and a Portion of Homestead Third Addition to the City of Alliance, Box Butte County, Nebraska, in the amount of \$4,040.60.

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 Agreement for Sale of Real Estate.

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.

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

A motion was made by Councilman Jones, seconded by Councilman Bentley to suspend the statutory rule requiring three separate readings of Ordinance No. 2906.

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

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

Roll call to approve Ordinance No. 2906 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, "The passage and adoption of Ordinance No. 2906 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Next for Council was Resolution No. 20-78. This resolution will award the Property & Casualty Insurance bid to Gregory's Insurance, Inc. in the amount of \$660,763. The following information was provided to Council:

[The City of Alliance has contracted with Gregory's Insurance, Inc. since 2011 to provide property and casualty insurance coverage with Traveler's Insurance for the primary insurance package and with Phoenix Aviation through Old Republic Insurance Company for the airport general liability policy. Last year Gregory's Insurance bid our package through the five companies that provide Public Sector business in Nebraska, with Traveler's being the successful bidder reflecting an 18% decrease in our premiums.

Our broker Gregory's Insurance and staff are again pleased to recommend that the City remain with our current carrier, Traveler's Insurance. The premium quote for the fiscal year beginning August 1, 2020 reflects an 11% increase at \$660,763. Our current year premium is \$593,365.

The reasoning for the increase are as follows:

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Property

- There have been **NO** property value increases in the past 5 years, therefore it was necessary to take an increase this year for inflation. The overall increase on the values are 3% per building which is very little - Most carriers (including Travelers) use inflation rates anywhere between 2%-8% (depending on the area, type of structure, etc.). This breaks down to approx. \$100 per structure which is very minimal, however on this account it adds up due to the number of insured properties – buildings, outdoor property, transformer stations, etc. (approx. 160).
- The overall blanket value limit for property/personal property increased approx. \$1.5 million.
- The property deductible for wind/hail has increased from \$25,000 to 1% per building or a minimum of \$50,000.
- Nebraska property rates increased – the base rate went from .167 to 1.93.
- Since Travelers has written the City's property coverage, their loss ratio is 232% (meaning more has been paid out in losses than collected in premium).
- Total property losses have exceeded 1.3 million.

Inland Marine:

- There were some additional pieces of equipment added during 2019.

Business Auto:

- State rates for liability and physical damage increased.
- There were 3 new units added to the policy in 2019 therefore these vehicles have been added at full term premium for the 2020 renewal (the premium for adding during 2019 will be pro-rated).

Boiler & Machinery:

- Pricing increase was due to the overall property and personal property increase which drives the boiler & machinery limit.

General Liability (including employee benefits, law enforcement, public entity (D&O), employment practices liability):

- Overall the combined premium for these liability coverages are down, however certain coverages did see an increase based on the exposures provided from the City of Alliance.

Umbrella:

- Pricing reflects underlying coverages (auto, liability, and employer's liability which is part of workers compensation). Because these underlying coverages had an increase due to increased exposures the umbrella is affected.

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Airport GL:

- Airport liability across the board has increased. Carriers have adjusted pricing based on exposures.

Worker Compensation

- Projected payroll has been increased from \$5,328,800 million to \$5,587,800 million
- The 2020 experience modification has increased from .910 to 1.030 – This experience modification is set by NCCI (National Courts on Compensation Insurance). Travelers nor any other carrier has any control over this. This factor is determined by worker compensation loss history and reflects the prior 4 years. In 2019 the City's discount for having a .910 experience modification was \$18,107 and now the City is being debited \$5,855. The overall premium change reflecting the experience modification **ONLY** is a \$23,962 **debit**.
- Some class code rates have increased and some of decreased.

Staff appreciates the individualized supplemental services the City receives from both Gregory's Insurance and Traveler's. We are very pleased with the handling, resources provided and outcomes of several difficult and high dollar claims we have had to deal with over the last couple of years.]

Jon Daniels, Gregory's Insurance Representative, was in attendance to review the increase of premiums and answered question of Council.

A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve Resolution No. 20-78 which follows in its entirety:

RESOLUTION NO. 20-78

WHEREAS, The City of Alliance recognizes the importance of purchasing insurance to protect against significant loss which affect the budget and would impact the operation of the City of Alliance; and

WHEREAS, The City desires to provide the best protection at the lowest cost to give the taxpayers the most insurance for their taxpayer dollar; and

WHEREAS, The City of Alliance entered into a contract with Gregory's Insurance, Inc. to provide Property and Casualty insurance coverages with Traveler's Insurance as the package provider and Phoenix Aviation, who provides the Airport General Liability policy; and

WHEREAS, The City's coverages and premiums have been reviewed by our broker Gregory's Insurance, Inc. and they have made a recommendation for the renewal of policies to be effective August 1, 2020 with Traveler's Insurance.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to sign a contract for insurance with Gregory's Insurance,

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Inc. in the amount of Six Hundred Sixty Thousand Seven Hundred Sixty-three dollars and no/100ths (\$660,763.00).

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Next on the agenda was Resolution No. 20-79 which will give the City's support to Box Butte Development Corporation in the recertification process for the Nebraska Economic Development Certified Community (EDCC) Program. The following information was provided to Council:

[This resolution will give the Council's pledge of full support, endorsement and cooperation for participation in Nebraska's Economic Development Certified Community Program by Box Butte Development Corporation "BBDC". This is a key component for receiving State assistance for economic development activities.

Alliance has been a Certified Community since 2009. Certified communities have demonstrated to the Nebraska Department of Economic Development their preparedness for business growth and their readiness to meet the needs of companies seeking new business and industrial locations. Currently there are 40 Nebraska communities that hold this designation. Certified communities are evaluated on program standards related to their community's organization, community identified targets and/or markets, community infrastructure, local financing and business assistance, and existing sites and/or building information.]

Brittany Hardin with the Department of Economic Development was in attendance to present Council with the Certificate of Recertification for Alliance being a Certified Community.

A motion was made by Councilman Bentley, seconded by Councilman Jones to approve Resolution No. 20-79 which follows in its entirety:

RESOLUTION NO. 20-79

WHEREAS, Local municipal government, county government and regional economic development entities must provide leadership and coordination for economic development efforts; and

WHEREAS, Economic development needs can best be solved through a cooperative effort between local, county, regional and state economic development organizations and entities;

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WHEREAS, There is a need to recognize and promote our community's organizational readiness, infrastructure investment, ability to respond to business needs; and

WHEREAS, The Economic Development Certified Community Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a program promoting our community's economic development preparedness.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City Council of Alliance does herewith pledge their full support, endorsement and cooperation for participation in Nebraska's Economic Development Certified Community Program by Box Butte Development Corporation.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Resolution No. 20-80 which will authorize the City to enter into a contract with Kevin Spicer dba 3 Schoe's Inc. for the processing and chipping of trees at the Alliance Landfill was the next agenda item. The following information was provided to Council:

[The Alliance Landfill has a growing problem with the collection of trees and limbs in the designated disposal area. Staff regularly chips the trees and limbs, however are unable to process the current accumulation. Staff contacted six contractors requesting quotes for the chipping and disposal of material on hand. 3 Schoe's, Inc. was the only contractor to provide a quote for services.

Budget authority in the amount of \$30,000 is available in Account No. 06-51-55-59-970 Refuse Disposal Capital – Other Improvements to complete this project. These funds were originally budgeted for the construction of a new baler wall at the Landfill, however at this time staff agrees the chipping and disposal of the accumulated tree pile takes operational priority.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve Resolution No. 20-80 which follows in its entirety:

RESOLUTION NO. 20-80

WHEREAS, The City of Alliance owns and operates the Alliance Landfill; and

WHEREAS, The Alliance Landfill collects trees and limbs for disposal; and

WHEREAS, Staff is unable to process the accumulation of trees and limbs at the Alliance Landfill; and

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WHEREAS; Six contractors were contacted to submit a quote for the chipping and disposal of accumulated trees and limbs; and

WHEREAS, 3 Schoe's Inc. was the only contractor who submitted a proposal for the project; and

WHEREAS, Adequate funds are available within the Refuse Disposal Capital Improvements-Other Improvements Account No. 06-51-55-59-970 to complete the project; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, authorizes staff to enter into a contract with 3 Schoe's Inc. for the chipping and disposal of trees and limbs at the Alliance Landfill in an amount not to exceed \$30,000 payable from account Refuse Disposal Capital- Other Improvements Account No. 06-51-55-59-970.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the contract and any associated documents with the project.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Next on the agenda was Resolution No. 20-81 which will award the 2020 Street Overlay bid to Simon Contractors of Scottsbluff, NE in the amount of \$680,960. The following information was provided to Council:

[The City identified the following street rehabilitation projects for completion in 2020:

- Black Hills Avenue from 3rd Street to 10th Street
- 6th Street to Black Hills Avenue; west approximately 150' - 160'
- Emerson Avenue from 3rd Street to 10th Street
- Colorado Avenue from 16th Street to 18th Street

The 2020 Street Overlay Project was advertised for three weeks prior to the bid opening on July 21. Two general contractors received plans, with one contractor submitting a bid for the project. Simon Contractors of Scottsbluff, NE bid the project at \$680,960 with a completion date in September 2020. The engineer's estimate for this project was \$908,300. The engineer and staff have reviewed all bid documents and recommends awarding the contract to Simon Contractors of Scottsbluff, NE in the amount of \$680,960.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 20-81 which follows in its entirety:

RESOLUTION NO. 20-81

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WHEREAS, The City has determined that streets in the City of Alliance should be improved by overlaying the roads with asphalt; and

WHEREAS, The City issued a Request for Bids for the 2020 Alliance Overlay Project and one bid was received; and

WHEREAS, Our engineer, M.C. Schaff and Associates recommends that the City award the bid to Simon Contractors of Scottsbluff, NE in the amount of Six Hundred Eighty Thousand Nine Hundred Sixty and no/100th Dollars (\$680,960).

WHEREAS, Funding for this project is available within the Street Fund; and *NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign the associated documents for the contract award to Simon Contractors of Scottsbluff, NE in the amount Six Hundred Eighty Thousand Nine Hundred Sixty and no/100th Dollars (\$680,960).

BE IT FURTHER RESOLVED that this project will be funded from CNTSVC-Asphalt Street Repair, Account No. 24-41-41-44-471.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Board appointments and announcements were the last items on the agenda. Council was provided the following information:

[The Museum Board makes recommendations to the City Manager and Council regarding the necessity for buildings and improvements, in addition to other aspects with the operation of the Museum. The Board consists of nine members with a term of five years. The mayor shall appoint a person who shall fill any vacancy on the museum board for the unexpired term. Such appointment shall be approved by the City Council. No member may serve more than two terms without a minimum of a two-year break in continuous service.

The City is in receipt of a board application from Lori Curtiss to be reappointed to the Museum Board. If reappointed, Mrs. Curtiss's new term will expire May 31, 2025.

Library Board members are appointed by the majority vote of the City Council and the terms are for four years. The Library Board is comprised of five members and

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two ex-officio members between the ages of 13 to 19 all of which must be residents of the City.

The City has received an Application from Maxine Anderson to be reappointed to the Library Board. If reappointed, Mrs. Anderson's new term will expire June 30, 2023.]

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to reappoint Lori Curtiss to serve on the Museum Board with a term ending May 31, 2025.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to reappoint Maxine Anderson to serve on the Library Board with a term ending June 30, 2023.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:23 p.m.

Mike Dafney, Mayor

(SEAL)

Tarrah S. Johnson, City Clerk

Complete minutes of the Alliance City Council may be viewed by the public during regular work hours at the City Clerk's Office, 324 Laramie Avenue, Alliance, Nebraska.