

August 20, 2009

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, AUGUST 20, 2009

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

The Alliance City Council met in a Regular Meeting, August 20, 2009 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 August 13, 2009. 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 Yeager opened the August 20, 2009 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Kusek, Benzel, Rowley and Feldges. Also present were City Attorney Miller and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- City Attorney Miller advised Council that City Manager Caskie was ill and then introduced Aaron Smith, Administrative Assistant to the City Manager.
- The first item on Council’s agenda was the Consent Calendar.

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

CONSENT CALENDAR – AUGUST 20, 2009

1. Approval: Minutes of the Regular Meeting, August 6, 2009 and the Special Meeting, August 10, 2009.

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2. Approval: Payroll and Employer Taxes for the period July 25, 2009 through August 7, 2009 inclusive: \$169,593.77 and \$12,063.56 respectively.
3. Approval: Claims against the following funds for the period August 3, 2009 through August 17, 2009: 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; \$1,092,193.13.
4. Approval: The *Request for Reserved or Exclusive Use of City Streets* by the Good Samaritan Society Alliance for their annual Village Picnic. The picnic will be held on Thursday, September 10, 2009 between 9:00 a.m. and 3:00 p.m. They are requesting the closure of 6th Street between Flack and Boyd Avenues. A copy of the request and their Certificate of Insurance have been made part of the Council packet.
5. Approval: Correction to the Alliance High School Student Council request for a street closure for the Annual Homecoming Parade. The parade will take place on Friday, September 11, 2009 beginning at 1:00 p.m. The lineup will start at 12:00 noon at 16th and Box Butte Avenue and the parade will proceed south on Box Butte Avenue ending on 1st Street.
6. Approval: The issuance of the following contractor licenses:

General Contractor	Doug Cullan dba Cullan Supply Contractors
	Ken Peterson dba Generation Homes
Repair & Maintenance	Doug Wasserman dba Unlimited Access, LLC
Limited & Specialty	Richard Schank dba Schank Roofing Service
	Carl Whitlock dba Whitlock Roofing

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 Kusek questioned a bill for hydraulic system repair within the Fleet Services Fund. City Clerk Jines offered to research the claim. Councilman Feldges asked about a swimming pool leak and leaky filter. Water Superintendent Mike Hulquist advised Council the swimming pool had a broken pipe that needed repair.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was the introduction of new Police Officer Timothy Peterson by Lt. Ken Hart.

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- City Manager Caskie arrived at 7:15 p.m..
- A request by the Ponderosa Search and Rescue, Inc. to appear before Council regarding the Pet Evacuation and Transportation Standard Act was the next agenda item.

Geneice Walters, Gretchen Lotspeich and Reed Dye addressed Council explaining their role in disaster preparedness for pets. The group brought their Search and Rescue dog, Pepper to the meeting. They asked if any Council members would like to be a contact person. Councilman Feldges suggested they work out all the details with the Red Cross and then return to Council to present a complete action plan. City Manager Caskie asked Ms. Walters and Ms. Lotspeich to work with staff to implement pets in the City's Disaster Preparedness Plan.

- The first reading of Ordinance No. 2646 authorizing a lot sale to Clau-Chin Construction, Inc. was the next item for Council's consideration.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2646 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2646

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF LOT G, REPLAT OF LOTS 1 THROUGH 16, BLOCK 3, 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 Lot G, Replat of Lots 1 through 16, Block 3, Lakefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska, under the Developer Master Agreement, in the amount of \$6,705.00.

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.

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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 Kusek, seconded by Councilwoman Rowley to suspend the statutory rule requiring three separate readings of Ordinance No. 2646.

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

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2646 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2646 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next item to be presented to Council was Ordinance No. 2645 which will approve the 2009-2010 budget.

Motion by Councilman Feldges, seconded by Councilman Benzel to approve Ordinance No. 2645 on second reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2645

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, 2009, AND ENDING SEPTEMBER 30,

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2010, 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 August 6, 2009, upon which a workshop was held on August 10, 2009 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 20, 2009, 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, 2009, 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:

	City	MFO	Airport	Airport Sinking
Personal & Real Property Tax	880,000.00	105,159.00	85,460.00	37,500.00
Delinquent Allowance	46,315.79	5,534.68	4,497.89	1,973.68
1% County Treasurer's Commission	9,263.16	1,106.94	899.58	394.74
Total Property Tax Request	935,578.95	111,800.62	112,360.00	39,868.42

Using the following tax levies:

	City	MFO	Airport	Airport Sinking	Total
Proposed 2009	0.27708	0.03395	0.03422	0.01211	0.35736

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 2010.

General Fund	5,132,102
Electric	7,738,020
Refuse	825,759
Sewer	356,676
Water	7,879,722
Golf Course Fund	366,228
Airport	484,142
Street Fund	2,461,996
RSVP	78,072

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Museum Exhibit Fund	1,103,000
Special Use - BID #1	15,350
Special Use - BID #2	12,200
Nuisance Clean Up	800
HUD	200,000
Community Betterment (KENO)	73,916
Economic Development	70,000
LB 840 Fund	300,000
Redevelopment	6,000
Capital Projects	0
Capital Equipment	196,718
General Internal Service	1,223,172
Enterprise Internal Service	439,564
Health Support Internal Service	1,489,000
General Debt Service	139,500
<i>Gross Expenditures</i>	<u>30,591,937</u>

There is hereby included \$175,000 within the General Fund Budget [City Council Activity], \$80,000 within the Electric Fund, \$50,000 within the Water Fund, \$25,000 within the Sewer Fund, \$10,000 within the Refuse Fund, \$12,000 within the Airport Fund, \$14,000.00 within the Golf Fund, \$500.00 within the Special Use Bid #1 Fund, \$200.00 within the Special Use Bid #2 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 \$276,547.91 for Fiscal Year 2010.

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, 2009.

Councilman Kusek inquired as to the City value. City Manager Caskie advised Council it is a little over \$338 million.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to amend Ordinance No. 2645 to award City of Alliance employees a 2% cost of living raise.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend the ordinance to include the following eight amendments some which were proposed at the August 10, 2009 Budget Workshop.

1. To increase the General Fund Subsidy of the Golf Fund by \$90,000 for the Golf Course irrigation system and to not use Electric Funds for this expenditure.
2. Add funding to line item 42-37-59-950 in the amount of \$90,000 for the lease/purchase of a new fire truck.
3. Add funding within the Electric Rural Line Distribution and Maintenance Fund in Account No. 05-51-54-45-531 for uniforms in the amount of \$4,750.
4. In account 42-31-32-59-960, reduce the proposed expenditure by \$35,000 of the funds and increase line item 01-31-34-59-915, Animal Shelter improvements by \$35,000.
5. Change 01-61-60-33-371, Box Butte County Planning Contract to a (-10,000).
6. Increase the Water System Contingency Account No. 08-52-51-47-791 by \$15,000.
7. Increase the 21-71-75-45-575, Fertilizer to \$9,500 in the Golf Fund, which was a input error.
8. Add line item 51-17-17-44-457, Contractual Services, in the amount of \$11,000, which was a missed line item and make all appropriate internal services changes.

Roll call vote on the amendments to Ordinance No. 2645 with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the second reading of Ordinance No. 2645 as amended with the following results:

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

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Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 09-93 authorizing the use of Street Contingency Funds and awarding the Lakefield Addition Seal Coat Project.

Motion by Councilman Kusek, seconded by Councilman Feldges to approve Resolution No. 09-93.

Motion by Councilman Kusek, seconded by Councilman Feldges to amend Resolution No. 09-93 to transfer \$100,000.00 from the Sweetwater Avenue project and include the north end of Box Butte Avenue, Burnham Drive, 21st Streets and 20th Street to the Seal Coat project.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 09-93

WHEREAS, The City determined that streets in the Lakefield Addition needed to be stone chip seal coated to protect the integrity of the street and let bids through M.C. Schaff and Associates; and

WHEREAS, The bid of Topkote Inc., of Yankton, South Dakota, in the amount of Twenty Seven Thousand Two Hundred Ninety-four and 37/100ths Dollars, (\$27,294.37) is the lowest, responsive, and responsible bid for the stone chip seal; and

WHEREAS, The City of Alliance desires to increase the amount of funding to add One Hundred Thousand and No/100ths (100,000.00) Dollars so that the City can contract for crack repair, crack seal and stone chip seal coat on parts of Box Butte Avenue, Burnham Drive, Big Horn Avenue, 21st Street and 20th Street; and

WHEREAS, M.C. Schaff and Associates is willing to provide the necessary engineering and inspection services for the stone chip seal coat for twenty one cents per square yard; the engineering services for the Lakefield Addition amounts to Two Thousand One Hundred Eighty-three and 55/100ths Dollars (\$2,183.55) and for the Box Butte Avenue, Burnham Drive, Big Horn Avenue, 21st Street and 20th Street staff is estimating the engineering fee to be Four Thousand Three Hundred Seventy-five and 97/100ths (\$4,375.97) Dollars; and

WHEREAS, Staff is requesting authority to transfer Fifteen Thousand Seven Hundred Forty-five and No/100ths Dollars (\$15,745.00) from Streets Contingency line item to a General Ledger account created specifically for Lakefield Addition Chip Seal project and be granted the

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authority to make in the field change orders of up to five percent (5%) of the initial price of the stone chip seal coat contract for Lakefield Addition without any further approval from Council.

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska, that the City of Alliance that the contract for stone chip seal coating the streets in the Lakefield Addition as specifically set forth in the bidding documents, is hereby awarded to Topkote Inc., of Yankton, South Dakota in the amount of Twenty Seven Thousand Two Hundred Ninety-four and 37/100ths Dollars, (\$27,294.37).

BE IT FURTHER RESOLVED, That the Mayor is authorized to enter into an engineering contract with M.C. Schaff and Associates for Lakefield Addition to prepare the scope of the work; determine the specifications of the materials to be used and to inspect the services rendered in the amount of Two Thousand One Hundred Eighty-three and 55/100ths Dollars (\$2,183.55).

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute a change order of the contracts with M.C. Schaff, for twenty one cents per square yard said contract being in the approximate amount of Four Thousand Three Hundred Seventy-five and 97/100ths (\$4,375.97) Dollars to provide engineering and inspection services and Topkote Inc., of Yankton, South Dakota, at Two Dollars and 64/100ths (\$2.64) Dollars per square yard, in the approximate amount of Fifty-Four Thousand Six Hundred Ninety-nine and 63/100ths (54,699.63) Dollars, to provide stone chip seal coat on parts of Box Butte Avenue, Burnham Drive, Big Horn Avenue 21st Street and 20th Street.

BE IT FURTHER RESOLVED, that pursuant to the City of Alliance Municipal Procurement Policy; because a competitive bid process will substantially impede the City's delivery of services to the public the Mayor is authorized to execute a contract with Stulich's Asphalt Sealing System, L.L.C., for crack repair at Six (\$6.00) Dollars per linear foot for an approximate amount of Thirty Four Thousand Twenty and No/100ths (\$34,020.00) Dollars.

BE IT FURTHER RESOLVED, The Public Facilities Director is authorized to make field change orders not to exceed five percent (5%) of the initial stone chip seal contract for the Lakefield Addition without further Council approval.

BE IT FURTHER RESOLVED, That a total amount of Fifteen Thousand Seven Hundred Forty-five and No/100ths Dollars (\$15,745.00) shall be transferred from Streets Contingency to a General Ledger line item created specifically for Lakefield Addition Chip Seal fund.

BE IT FURTHER RESOLVED, That a total amount of One Hundred Thousand and No/100ths (100,000.00) Dollars, shall be transferred from Sweetwater Chip Seal Project General Ledger line to the Lakefield-Chip Seal General Ledger line item and staff is authorized to use said funds to crack repair, crack seal and stone chip seal coat as much of Box Butte Avenue, Burnham Drive, Big Horn, 21st Street and 20th Street as the funds will permit.

BE IT FURTHER RESOLVED, Staff shall contact the successful bidders so that contractual arrangements can be finalized, and work can commence according to the terms of the bid.

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Roll call vote on Resolution No. 09-93 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 09-94 outlining the standards the City must meet to properly manage Federal funds and naming Public Facilities Director Eric Lenz as the responsible party.

Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 09-94 which follows in its entirety:

RESOLUTION NO. 09-94

WHEREAS, Certain transportation facilities (roads, streets, trails, and others) in the City of Alliance have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto; and

WHEREAS, The City of Alliance desires to continue to participate in Federal-Aid transportation construction programs; and

WHEREAS, The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds; and

WHEREAS, The City of Alliance as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the Consultant Selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems; and

WHEREAS, The City of Alliance understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in the City of Alliance being required to repay some or all of the federal funds expended for the project(s).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Alliance, Nebraska that the City does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the

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requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems.

BE IT FURTHER RESOLVED, that the Public Facilities Director is hereby designated as the one who is responsible for the management of the following processes.

- Consultant Selection
- National Environmental Policy Act (NEPA)
- Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act)

BE IT FURTHER RESOLVED, that Ralph Yeager, Mayor is hereby authorized to sign the Financial Management Systems Certification attached to this Resolution.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 09-95 awarding the Elkhorn Water Tower Painting project to Utility Service Company, Inc. of Perry, GA in the amount of \$194,900.00 plus 5% for field change orders.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 09-95 which follows in its entirety:

RESOLUTION NO. 09-95

WHEREAS, The City of Alliance operates a municipal water system for the City of Alliance; and

WHEREAS, The Elkhorn water tower needs to be repainted as the present paint is twenty years old and is deteriorated and delaminating; and

WHEREAS, The City of Alliance has advertised for bids for; and

WHEREAS, Five contractor invitations to bid were issued, and five bids were received for the Elkhorn Water Tower Cleaning and Repainting Project; and

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WHEREAS, The bid of Utility Service Co., Inc., from Perry, Georgia, in the amount of One Hundred Ninety Four Thousand Nine Hundred and No/100ths Dollars (\$194,900) appears to be the lowest, responsive, and responsible bid.

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska, that the bid for the Elkhorn Water Tower Cleaning and Repainting Project, is hereby awarded to Utility Service Co., Inc., from Perry, Georgia, in the amount of One Hundred Ninety Four Thousand Nine Hundred and No/100ths Dollars (\$194,900.00).

BE IT FURTHER RESOLVED, The Water Superintendent is authorized to make field change orders not to exceed five percent (5%) of the total contract amount without further Council approval.

BE IT FURTHER RESOLVED, Staff shall contact the successful bidder so that contractual arrangements can be finalized, and work can commence according to the terms of the bid.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 09-96 amending the current contract with Olsson Associates for the West Well Field Well Project with the approval of Amendment No. 7 in the amount of \$58,291.00 was the next item to be discussed by Council.

Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 09-96 which follows in its entirety:

RESOLUTION NO. 09-96

WHEREAS, The City of Alliance has entered into a contract with Olsson & Associates to provide engineering services for Test and Observation Wells for the Water System Improvements; and

WHEREAS, Test and Observation Wells for the Water System Improvements have been proceeding; and

WHEREAS, Olsson and Associates recommended the City conduct a Test and Observation Well Program at the existing west well field and one additional in-town site in addition to the conversion of the Laramie and Agate test well; and

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WHEREAS, Olsson and Associates has recommended that the City drill an additional well in the West Well Field to bring the capacity of the City's water system back to its prior levels before the Flack Well was taken out of service; and

WHEREAS, Olsson and Associates has agreed to provide the engineering services for this change order pursuant to Amendment No. 7 & For Professional Services in the estimated amount of \$58,291.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the contract for Amendment No. 7 for Professional Services with Olsson & Associates is hereby approved in the approximate amount of \$58,291.00.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign Amendment No. 7 for Professional Services with Olsson & Associates for and on behalf of the City of Alliance.

Roll call vote with the following results:

Voting Aye: Yeager, Rowley, Kusek, Feldges.

Voting Nay: Benzel.

Motion carried.

- The next item on Council's agenda was Resolution No. 09-97 acknowledging the receipt of the written notice of the City of Alliance Community Development Agency's intention to accept the Amended Redevelopment Contract proposal and to approve the contract for Tax Increment Financing for MJLC, LLC.

Mayor Yeager excused himself for this item and passed the gavel to Vice Mayor Rowley.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Resolution No. 09-97 which follows in its entirety:

RESOLUTION NO. 09-97

WHEREAS, The City of Alliance pursuant to Ordinance No. 2459 created the City of Alliance Community Development Agency; and

WHEREAS, The City of Alliance Community Development Agency met, reviewed a proposed Amended Redevelopment Agreement and deemed it to be in the public interest and in furtherance of the purposes of the Community Development law; and

WHEREAS, The City of Alliance Community Development Agency has notified the City Council of the intention of the Agency to accept the amended redevelopment contract proposal pursuant to Neb. Rev. Stat. § 18-2119 (1).

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A Redevelopment Agreement has been submitted to the Agency and upon review of the proposed Redevelopment Agreement the City of Alliance Community Development Agency deems it to be in the public interest and in furtherance of the purposes of the Community Development law; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City Council acknowledges receipt of the written notice of the City of Alliance Community Development Agency's intention to accept the amended redevelopment contract proposal submitted by MJLC, LLC.

BE IT FURTHER RESOLVED, that the City Council gives notice to the public of its intention to approve the proposed redevelopment contract upon the final completion of the building, the appraisal by the County Assessor and the corresponding adjustment to the total amount of construction that qualifies for Tax Increment Financing.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend the Redevelopment Agreement in Section 604, Item A to read, "Paving of the public parking on Box Butte Avenue which will be available at certain times for public use."

Roll call vote on the amendment with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Not Voting: Yeager.

Motion carried.

Rich Otto, 1203 Box Butte Avenue addressed Council referring them to Section 901 which provides a cap in the funding.

Roll call vote on Resolution No. 09-97 as amended with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Not Voting: Yeager.

Motion carried.

- Resolution No. 09-98 authorizing the transfer of \$17,000.00 from Animal Control Capital Fund to Animal Control Operating Fund to make immediate improvements to the Animal Shelter was the next item for Council's consideration.

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Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 09-98 which follows in its entirety:

RESOLUTION NO. 09-98

WHEREAS, The City of Alliance operates the Alliance Animal Shelter; and

WHEREAS, The City budgeted Seventeen Thousand and No/100ths Dollars (\$17,000.00) in the 2008-2009 fiscal year for capital improvements for the Animal Shelter; and

WHEREAS, Staff has bid the remodel of the Animal Shelter and received no bids; and

WHEREAS, Staff has determined that the capital improvements cannot be accomplished in the current budget year; and

WHEREAS, There are operational expenses that can be done in the current year to improve and maintain the Animal Shelter; and

WHEREAS, Staff is requesting that the Seventeen Thousand and No/100ths Dollars (\$17,000.00) in the Animal Control Capital line item be transferred to the Animal Control Operating line item.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Seventeen Thousand and No/100ths Dollars (\$17,000) in the Animal Control Capital be transferred to the Animal Control Operating fund.

BE IT FURTHER RESOLVED that the City Treasurer shall transfer Seventeen Thousand and No/100ths Dollars (\$17,000) from the Animal Control Capital line item to the Animal Control Operating line item.

Public Facilities Director Eric Lenz advised Council a meeting has taken place with the members of P.A.W.S. regarding a plan with the design firm for the initial demolition at the current shelter. He advised Council the airport is an ideal location to house the impound vehicles; however the FAA must approve the action. He indicated that not all the cars currently located at the shelter would be moved to a new impound lot.

Dede DeVeney, 2811 Big Horn addressed Council thanking them for their efforts, with a special thank you to Councilman Kusek for his kind heart.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The presentation of the Third Quarter Financial Report was the next item on Council's agenda.

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Motion by Councilman Kusek, seconded by Councilman Feldges to accept the Third Quarter Financial Report as presented by staff.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A board appointment was the next item to come before Council.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to appoint Luis Sanchez to the Alliance Planning Commission for a term expiring December, 2009.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was the approval of a General Contractor's License to Ralph Yeager dba Yeager Construction.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve the issuance of a General Contractor's License to Ralph Yeager dba Yeager Construction.

Roll call vote with the following results:

Voting Aye: Rowley, Kusek, Benzel, Feldges.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

August 20, 2009

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:27 p.m.”

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk