

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, NOVEMBER 20, 2008

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

The Alliance City Council met in a Regular Meeting, November 20, 2008 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 November 13, 2008. 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 20, 2008 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, City Attorney Miller and City Clerk Jines.

- Mayor Kusek read the Open Meetings Act Announcement.
- Motion by Mayor Kusek, seconded by Councilman Benzel to move Item A to the end of the meeting.

Roll call vote with the following result:

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

Voting Nay: None.

Motion carried.

- The next item for Council’s discussion was the Consent Calendar.

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

**CONSENT CALENDAR – NOVEMBER 20, 2008**

1. FYI: 2007 – 2008 Financial Dashboard Report
2. Approval: Minutes of the Regular Meeting, November 10, 2008.
3. Approval: Payroll and Employer Taxes for the period October 18, 2008 through October 31, 2008 inclusive: \$154,902.22 and \$10,958.37 respectively.
4. Approval: Claims against the following funds for the period November 3, 2008 through November 17, 2008: 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; \$398,720.75.
5. Approval: Request for Reserved or Exclusive Use of City Streets from the Alliance Chamber of Commerce for the Annual Christmas Parade. The parade will be held on Thursday, December 4, 2008 starting at 6:00 p.m. with line up to begin at 5:00 p.m. The parade will start at 10<sup>th</sup> Street and proceed south to 3<sup>rd</sup> Street. The Chamber is also requesting the use of the Mini Park at 3<sup>rd</sup> and Box Butte Avenue to serve hot chocolate and cookies. A copy of their Certificate of Insurance is attached.
6. Approval: Operating Budget Transfer for the Alliance Police Department in the amount of \$100.00 from Investigator's Expenses 01-032.20-435.950 to Court Costs 01-032.20-452.504.
7. Approval: The issuance of a Plumbing Contractor license to Jon Schoel dba H2O Plumbing & Heating, Inc.
8. Approval: The issuance of a Cemetery Certificate to George Kraft for the West One Half (W1/2) of Lot Thirty-six (36), Section Nine (9), Block Twenty (20), Third Addition to the Alliance Cemetery.

Acceptance of a Quitclaim Deed from Iris Rohrbouck for the North One Half of the Northeast Quarter (N1/2 NE1/4) of Lot Thirty-nine (39), Section Seven (7), Block Nineteen (19), Third Addition to the Alliance Cemetery and reconvey same to Robert E. Rohrbouck.

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.

Mayor Kusek asked if a charge to RJ Thomas Manufacturing was for picnic tables at the museum. City Manager Caskie answered yes. Councilwoman Rowley questioned a charge for Bird-B-Gone adhesive. City Manager Caskie advised Council that the supplies are used for pigeon control. Councilman Benzel asked if the advertising on the billboards has been effective. City Manager Caskie told Council that a followup study will be conducted approximately 18 months after the billboards are in place to assess their results. Councilwoman Rowley questioned the rental of

an air compressor. She was advised that the City owns some but not enough in the Fall when all the water lines need blown out. Councilman Yeager asked about a charge for kerosene. He was advised that it is used at the Animal Shelter.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2634 which will amend the Alliance Municipal Code at Chapter 3, Article 7 with regard to parking in Downtown Commercial areas was the next item to be presented to Council.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Ordinance No. 2634 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2634**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 703, ARTICLE 7 AT CHAPTER 3, RELATING TO PROHIBITION OF PARKING ON DOWNTOWN COMMERCIAL AREAS FOR CLEANING, MAINTENANCE AND SNOW REMOVAL; 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 established parking prohibitions to facilitate the cleaning, maintenance and snow removal on streets in the City of Alliance.

SECTION 2. The City of Alliance, to make the parking more convenient for some of the traveling public, desires to make changes to the parking prohibitions.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended at Article 7, Section 3-703 as follows:

3-703. PROHIBITION OF PARKING ON DOWNTOWN COMMERCIAL AREAS FOR CLEANING, MAINTENANCE AND SNOW REMOVAL.

Between the hours of 2:00 a.m. and 5:00 a.m. all parking of vehicles shall be prohibited on the following streets on the designated days:

- A. Everyday of the year.

1. Laramie Avenue from First to Fifth Street;
2. Niobrara Avenue from First to Sixth Street;
3. First Street from Laramie Avenue to Niobrara Avenue;
4. Second Street from Laramie Avenue to Niobrara Avenue;
5. Third Street from Laramie Avenue to Niobrara Avenue;
6. Fourth Street from Laramie Avenue to Niobrara Avenue;
7. Fifth Street from Laramie Avenue to Niobrara Avenue.

B. Monday and Thursday.

1. Box Butte Avenue from First to Sixth Street.

SECTION 4. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

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. 2633 amending the Alliance Municipal Code at Chapter 4, Sections 4-304 and 4-307 regarding water issues.

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Ordinance No. 2633 on second reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2633**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 304 AND 307, ARTICLE 3 AT CHAPTER 4, RELATING TO WATER RATES CHARGED BY THE CITY OF ALLIANCE; 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 operates the Alliance Municipal Water System (A.M.W.S.)

SECTION 2. The City of Alliance has previously charged a flat fee for connection to the City of Alliance Municipal Water System during the construction of an improvement on real estate.

SECTION 3. As a result of the restrictions on water use and the requirement to mitigate the arsenic levels in the water system staff has recommended changing the City Code so that all users are connected to meters and charged for the water based on use.

SECTION 4. Alliance Municipal Code at Chapter 4, shall be amended at Article 3, Section 304 and 307 to read as follows:

#### **4-304. APPLICATIONS AND CONTRACTS**

All applicants for water service shall be subject to all rules and regulations heretofore or hereafter adopted by the City Council, and to all applicable ordinances (or provisions thereof) of the City which may now or hereafter be in force.

All applicants for a new water service shall sign, prior to the start of service, such form of service contract as may be required by A.M.W.S.

Not more than one house or building shall be supplied from one tap, except by special permission by the City Manager, or designee. No user shall supply water to any other person. Each applicant shall have the water service installed by a licensed plumber, the cost of which shall be borne by the applicant.

A refundable deposit for construction water service, as set by the City Council, will be collected at the Utility Customer Service Office at the same time that a similar fee is collected for temporary electrical service. Contractors will be required to sign the construction utility form at the Building and Zoning Department prior to the issuance of the building permit. The Building Inspector will forward a copy of the signed form to the Utility Customer Service Office. If the contractor does not desire construction water service, the Building Inspector will have the contractor acknowledge the same on the form provided. A copy of the signed form will be forwarded to the Utility Customer Service Office.

The fee schedule, as set by the City Council, includes residential, commercial, and industrial types of construction. The deposit is to be paid at the same time a temporary electric service account is opened. The person desiring metered water services must install an approved meter. The deposit will only be waived if the contractor agrees to sign a form that specifically requests that water not be used during construction. Standard metering is required at any time water service is provided, except that when providing metered water during construction the City will only read the meter at the end of construction and will charge a one time fee which will be

equivalent to one monthly meter fee and the cost of all the water used during construction. If A.M.W.S. becomes aware that water is being supplied to a location without the installation and continual use of a meter, the services to that location may be discontinued as notified by A.M.W.S. or the City Building and Zoning Department.

If a construction site uses unmetered water A.M.W.S. can charge an addition of \$100.00 prior to connection to metered water. A Certificate of Occupancy will not be issued nor will permanent water be released until such time as all fees are paid.

A.M.W.S. will not supply permanent water service until: the customer's application for service shall have been approved by A.M.W.S.; all necessary permits shall have been obtained by the customer; inspection has been approved as set forth by the Building and Zoning Department; and A.M.W.S. shall find it practicable to render such service.

All customers desiring permanent metered water service shall make application for service and enter into such contracts for service as may from time to time be required by A.M.W.S. All applications for permanent metered water service shall be made in the true name of the customer actually to receive such service, unless otherwise permitted by A.M.W.S. and the use of a fictitious name by the prospective customer shall be sufficient reason for refusal or termination of service.

Any change in the identity of the customer of record at the premises shall require a new application and A.M.W.S. may discontinue the water supply until such new application has been made and accepted by A.M.W.S. In the event the customer fails to make the required applications for service, the customer using and benefitting from such service shall be subject to all rules, regulations and tariffs and liable for all charges for services rendered.

#### **4-307. MUNICIPAL WATER SYSTEM; TURNING ON WATER**

Water will not be turned on into any service line, until a proper meter and backflow device(s) have been installed and the customer has complied with articles in Section 4-304. Permanent metered water services will not be will not be turned on to any service until an application for water service has been received; an occupancy permit has been issued; an inspection has been completed by the City Building Inspector or Water Superintendent; and a service request has been provided to the Utilities Customer Service Office and executed by A.M.W.S. service crew to verify installation and foundation readings of the required water meter.

When the water has been disconnected for any reason, the service shall not be reconnected without the consent of A.M.W.S. At no time shall water be turned on by anyone other than A.M.W.S. personnel, except for repairs to plumbing or the service line.

SECTION 5. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Rowley, Yeager.

Voting Nay: Dickenson.

Motion carried.

- The third reading of Ordinance No. 2624 establishing an Occupation Tax for Hotel Companies was the next order of business before Council.

Motion by Mayor Kusek, seconded by Councilwoman Rowley to approve Ordinance No. 2624 on third reading. City Clerk Jines read the ordinance which follows in its entirety:

**ORDINANCE NO. 2624**

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, CREATING CHAPTER 2 ARTICLE 12 AND ESTABLISHING THE METHOD FOR CALCULATING THE OCCUPATION TAX FOR COMPANIES WHO OPERATE A HOTEL, AND CREATING AN ENFORCEMENT AND REPORTING SYSTEM FOR HOTEL COMPANY OCCUPATION TAXES AND RATES; PROVIDES FOR AN EFFECTIVE DATE; REPEALS ORDINANCE IN CONFLICT.

SECTION 1. Hotel companies provide lodging services to people within the City of Alliance.

SECTION 2. The City of Alliance has decided to impose an occupation tax on the hotel companies, without regard to the type of business entity that operates the hotel services in the City of Alliance.

SECTION 3. The Alliance Municipal Code at Chapter 2 shall be amended to include the addition of Article 12, as follows:

CHAPTER 2  
ARTICLE 12

HOTEL COMPANIES OCCUPATION TAX

2-1201. OCCUPATION TAX; REQUIREMENT TO PAY.

An occupation tax is hereby levied and imposed on every person or business entity who engages in the business of operating a hotel for revenue in the City of Alliance. All hotel companies doing business in the City are required to pay an occupation tax as set forth herein.

2-1202. HOTEL ACCOMMODATIONS.

Each person engaged in the business of operating a hotel in the City shall pay an occupation tax in the amount of two percent (2%) of the basic rental rates charged per occupied room per night.

2-1203. HOTEL DEFINED.

Hotel shall mean any facility in which the public may, for a consideration, obtain sleeping accommodations in any space ordinarily used for accommodations. The term shall include hotels, motels, bed and breakfast accommodations, tourist hotels, campgrounds, courts, lodging houses, inns and nonprofit hotels; but "hotel" shall not be defined so as to include hospitals, sanitariums, nursing homes, chronic care centers, dormitories, or facilities operated by an educational institution and regularly used to house students.

2-1204. OCCUPIED ROOM, DEFINED; EXCEPTIONS.

- A. Occupied room shall mean any space ordinarily used for sleeping accommodations and for which any occupant has, for consideration, obtained the use or possession, or the right to use or possess, for a period not to exceed thirty (30) continuous days. The term shall include camping space, trailer space or recreational vehicle space. The term does not include a function room such as a ballroom, banquet room, reception room, or meeting room, provided it is not used as temporary sleeping accommodations.
- B. The term "occupied room" shall not mean, and no tax imposed by this article shall be measured by or collected for:
1. Complimentary or other sleeping accommodations for which no consideration is charged;
  2. Sleeping accommodations for which the consideration is paid by a person not subject to the sales and use tax imposed by the Nebraska Revenue Act of 1967, as it is amended from time to time; or
  3. Sleeping accommodations leased by an employer for use by its employees when a specific room is the subject of the lease, the lease extends for more than thirty (30) consecutive days, and consideration is actually paid for use during at least thirty (30) consecutive days.

2-1205. COLLECTION.

The tax imposed by this article shall be collected by the hotel operator from the occupant of each room to which the tax applies. The tax may be shown as an add-on to the charge for occupancy of the rooms and shall be collectible at the time the lodging is furnished, regardless of when the charge for the occupancy is paid. The operator shall remain responsible for payment of all taxes imposed whether or not the taxes are actually collected from the guests.

2-1206. RECORDS.

It shall be unlawful for any hotel operator subject to this article to fail to maintain or fail to make available to the City, upon seventy-two (72) hours notice, written records accurately and completely evidencing the number of rooms occupied, the dates the rooms are occupied, the amount of occupation tax due or paid under this article, and such other information as is required by the Director of Finance and Administration. Such records shall be maintained for a period of three (3) years after the occupation tax is due.

2-1207. DUE DATE.

Notwithstanding any contrary provision of this chapter, the tax imposed by this article shall be due and payable on the first day of each calendar month next succeeding the month during which the room was occupied. All taxes not paid by the twenty-fifth day of the month in which they are due and payable shall be deemed to be delinquent. The operator shall be assessed a penalty of ten percent (10%) on all delinquent amounts as well as interest of one percent (1%) per month or fraction thereof from the first of the month in which such tax becomes due and payable until the date of payment.

2-1208. REVENUE MEASURE.

The provisions of this Section are enacted solely as a revenue measure of the City.

2-1209. INTENT.

It is the intent of the City Council that a portion of the revenue generated by the occupation tax imposed by this Article shall be appropriated annually to fund the purposes set forth at Neb. Rev. Stat. §13-315 and to fund the operation of the Knight Museum and Sandhills Center.

2-1210. PENALTY.

Any person, partnership, firm or corporation violating any of the provisions of Sections 2-1201 through 2-1207 shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Section 12-101 of this Code. Each distinct act or violation of the terms of Sections 2-1201 through 2-1207 shall constitute a separate offense.

SECTION 4. The calculation of the amount of occupation tax due under Sections 2-1201 and 2-1202 of this ordinance as amended shall commence \_\_\_\_\_, 2008.

SECTION 5. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with the provisions is herewith repealed.

SECTION 6. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Councilman Benzel voiced his concern regarding the funding of the Knight Museum and Sandhills Center with Occupation Tax Revenue rather than General Fund monies.

City Manager Caskie advised Council that research is being done to determine the possibility of Burlington Northern Santa Fe Railroad taking ownership of the Good Samaritan Towers to house their employees and what effect that will have on the local hotels. Research is also being done to see how the tax could also provide value to the hotels such as shared advertising.

Marge Turek Holiday Inn General Manager, 940 CR 70, Hemingford, NE addressed Council indicating that Box Butte County, Box Butte County Tourism Board and the City of Alliance can all work together to promote our community. She asked Council to consider the future of local hotels if the BNSF purchases Good Samaritan Towers and said that she would appreciate tabling the matter.

City Manager Caskie recommended tabling action on the ordinance until the intentions of the BNSF are clear. Bid documents do not exist at this time for the purchase of Good Samaritan Towers.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to table action on Ordinance No. 2624 to allow time to determine what Burlington Northern Santa Fe Railroad might do with regard to the Good Samaritan Tower facility.

Roll call vote to table action on Ordinance No. 2624 with the following results:

Voting Aye: Kusek, Benzel, Rowley, Yeager.

Voting Nay: Dickenson.

Motion carried.

- Resolution No. 08-115 approving a contract with Heartland Aviation, Inc. to perform the services of Fixed Base Operator and Supervisor for the Alliance Municipal Airport was the next item to be presented to Council.

Motion by Councilwoman Rowley, seconded by Councilman Yeager to approve Resolution No. 08-115 which follows in its entirety:

#### **RESOLUTION NO. 08-115**

*WHEREAS*, The City of Alliance owns and maintains the Alliance Municipal Airport;  
and

*WHEREAS*, The City of Alliance requested qualifications for a Fixed Base Operator and Supervisor at the Alliance Municipal Airport; and

*WHEREAS*, The City of Alliance received one response to the Request For Qualification from Heartland Aviation, Inc., a Nebraska Corporation; and

*WHEREAS*, Heartland Aviation, Inc., has demonstrated that it has the personnel,

training, experience, and equipment to perform the tasks and responsibilities as the Fixed Base Operator and Aviation Supervisor at the Alliance Municipal Airport.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor be and hereby is authorized to execute the contract which is included herewith, with Heartland Aviation, Inc., a Nebraska Corporation of Alliance, Nebraska

*BE IT FURTHER RESOLVED*, that the Contract will authorize Heartland Aviation, Inc., to be the Fixed Base Operator and provide Aviation Supervision at the Alliance Municipal Airport.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Council publicly thanked Jeff and Gaylene Jensen for their continued service to the community and the fantastic job they perform.

- The next item for Council's consideration was Resolution No. 08-116 awarding the Box Butte Avenue Streetscape Project to Olsson & Associates.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to approve Resolution No. 08-116 which follows in its entirety:

#### **RESOLUTION NO. 08-116**

*WHEREAS*, The City of Alliance has entered into a contract with Olsson & Associates to provide engineering services for a Streetscape for the downtown area of Box Butte Avenue from 3<sup>rd</sup> Street to 5<sup>th</sup> Street; and

*WHEREAS*, The initial design is almost completed and Olsson & Associates has offered to perform engineering services to provide the City of Alliance with the information to let bids for the improvements to implement the new streetscape; and

*WHEREAS*, Olsson and Associates has agreed to provide the engineering services for the engineering of Box Butte Avenue from 3<sup>rd</sup> Street to 5<sup>th</sup> Street as described in the contract which is attached hereto for Task 1–Design Services, Task 2-Contract Documents, and Bidding Assistance Services and Task 3-Bidding Assistance Services for a fixed fee in the amount of Sixty-Seven Thousand and No/100ths Dollars (\$67,000.00); and,

*WHEREAS*, The Mayor and City Council of Alliance, Nebraska, desires to retain Olsson & Associates to provide the engineering services for Task 1–Design Services, Task 2-Contract Documents, and Bidding Assistance Services and Task 3-Bidding Assistance Services for a fixed

fee in the amount of \$67,000.00.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, the Agreement for Professional Services for Box Butte Avenue Streetscape “Project” for Box Butte Avenue from 3<sup>rd</sup> Street to 5<sup>th</sup> Street with Olsson & Associates is hereby approved.

*BE IT FURTHER RESOLVED*, that the Mayor is authorized to sign the Agreement for Professional Services for Box Butte Avenue Streetscape “Project” with Olsson & Associates for and on behalf of the City of Alliance for Task 1–Design Services, Task 2–Contract Documents, and Bidding Assistance Services and Task 3–Bidding Assistance Services at the fixed fee of Sixty-Seven Thousand and No/100ths Dollars (\$67,000.00).

Community Development Director Rick Houck advised Council that the pre-design process is nearing completion and an action plan is necessary. City Manager Caskie explained that the conceptual design phase is almost finished and this resolution takes the City to the construction phase. Bid documents will be generated as a result. A change order for a cost/time and materials basis for the determination of the vaults will be presented to Council at a later date.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Rowley.

Voting Nay: Benzel, Yeager.

Motion carried.

- The next item on Council’s agenda was Resolution No. 08-117 authorizing the City to participate in the Nebraska WARN Water, Wastewater and Storm Water Mutual Aid Agreement.

Motion by Councilman Benzel, seconded by Councilman Dickenson to approve Resolution No. 08-117 which follows in its entirety:

#### **RESOLUTION 08-117**

WHEREAS, The City of Alliance manages the Water Department, the Sewer Department and storm drains in the City; and,

WHEREAS, The City has been invited to participate in “Nebraska WARN Water and Wastewater and Stormwater Mutual Aid Agreement”; and,

WHEREAS, By entering into this voluntary Mutual Aid Agreement the City could receive assistance from other participants who are political subdivisions of the State of Nebraska that own and or operates a water, wastewater and/or stormwater system; and,

WHEREAS, In the case of an emergency the City could receive emergency assistance in the form of personnel, equipment, materials and other associated services necessary to deal with the emergency; and,

WHEREAS, By entering into this Mutual Aid Agreement the City can provide similar assistance to other Nebraska political subdivisions that suffer physical damage from natural or manmade disasters; and,

WHEREAS, The City of Alliance believes that it is beneficial to enter into this voluntary Mutual Aid Agreement, in case the City of Alliance would need assistance or so the City can provide assistance to other Nebraska political subdivisions which may need assistance in case of a disaster.

*NOW, THEREFORE, BE IT RESOLVED*, By the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign the Nebraska WARN Water and Wastewater and Stormwater Mutual Aid Agreement to authorize the City of Alliance to be an eligible participant.

*BE IT FURTHER RESOLVED*, That the Department Head of the City of Alliance Water Department, Sewer Department and Street Department in cooperation with the City Manager shall be responsible for reviewing requests for assistance and determining what equipment and employees can be sent to respond to a qualifying disaster in another political subdivision.

*BE IT FURTHER RESOLVED*, That the City of Alliance will provide services in the form of personnel, equipment, material and other associated services in the case of a natural or manmade disaster as determined to be available by the head of each department and with the consent of the City Manager.

*BE IT FURTHER RESOLVED*, That the Department Head and the City Manager shall be responsible for designating the supervisory personnel and training staff to keep appropriate records to obtain reimbursement of expenses.

*BE IT FURTHER RESOLVED*, That the Department Head and the City Manager shall be responsible for determining when to request mutual aid under this agreement for services in the form of personnel, equipment, material and other associated services in the case of a natural or manmade disaster.

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. 08-118 approving a Hiring Bonus for the Alliance Police Department.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Resolution No. 08-118 which follows in its entirety:

**RESOLUTION NO. 08-118**

*WHEREAS*, The City of Alliance Police Department has experienced difficulties in attracting qualified candidates for employment with the Alliance Police Department including but not exclusive to Police Officers and Police Dispatchers; and

*WHEREAS*, The Alliance Police Department proposed establishment of a policy to pay a hiring bonus for new employees of the Alliance Police Department; and

*WHEREAS*, The Alliance City Council approved Resolution 08-114 on November 10, 2008 to authorize the payment of a hiring bonus and directed that a Policy be drafted and submitted to Council for approval; and

*WHEREAS*, The proposed Hiring Bonus Policy has been prepared and reviewed by police and legal staff; and

*WHEREAS*, City Council has reviewed the proposed Hiring Bonus Policy and finds it 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 Hiring Bonus Policy as set forth herein, is hereby approved, and adopted effective November 20, 2008, as the Policy of the City of Alliance.

*BE IT FURTHER RESOLVED*, that the Hiring Bonus shall not exceed ten percent (10%) of the maximum salary of the position being offered.

*BE IT FURTHER RESOLVED*, that the actual amount of the Hiring Bonus to be paid shall be based upon qualifications and will be determined by the City Manager and the Chief of Police.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 08-119 approving the Police Training Reimbursement Policy was the next matter for Council's consideration.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve Resolution No. 08-119 which follows in its entirety:

#### **RESOLUTION NO. 08-119**

*WHEREAS*, The City of Alliance Police Department invests a significant amount of time and money in training individuals for employment with the Alliance Police Department including but not exclusive to Police Officers; and

*WHEREAS*, The Alliance Police Department to be financially responsible with the public funds establishes of a policy to require the reimbursement of training associated expenses for employees of the Alliance Police Department; and

*WHEREAS*, The Alliance Police Department desires to encourage qualified employees to obtain necessary training and to encourage longevity with the Alliance Police Department; and

*WHEREAS*, The proposed Training Reimbursement Policy has been prepared and reviewed by police and legal staff; and

*WHEREAS*, City Council has reviewed the proposed Training Reimbursement Policy and finds it 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 Training Reimbursement Policy as set forth herein, is hereby approved, and adopted effective November 20, 2008, as the Policy of the City of Alliance.

*BE IT FURTHER RESOLVED*, that the City Manager is authorized to execute Training Reimbursement Agreements for and on behalf of the City of Alliance.

*BE IT FURTHER RESOLVED*, that the actual amount of the Training Reimbursement Policy to be re-paid shall be based upon the actual costs of the expenses in providing the employee with training and shall include the cost of the training, meals, travel and other associated expenses.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A board appointment was the next issue for Council's consideration.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to re-appoint James Joule to the Police Advisory Board as a senior citizen representative for a term expiring December 2010.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Prior to adjourning Mayor Kusek presented a plaque to outgoing Council Member Jim

Dickenson. On behalf of the citizens, Mayor Kusek thanked Councilman Dickenson for his eight years of service. He then yielded the chair to Councilman Dickenson who in turn thanked the Council and staff for their support.

- Councilman Dickenson stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:10 p.m.”

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Dan Kusek, Mayor

(SEAL)

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Linda S. Jines, City Clerk