

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, AUGUST 21, 2008

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

The Alliance City Council met in a Regular Meeting, August 21, 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 August 14, 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 August 21, 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.
- The first item to come before Council was the Consent Calendar.

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

CONSENT CALENDAR - AUGUST 21, 2008

1. Approval: Minutes of the Regular Meeting, August 7, 2008.
2. Approval: Payroll and Employer Taxes for the period July 26, 2008 through August 8, 2008, inclusive; \$162,294.05 and \$11,561.49 respectively.
3. Approval: Claims against the following funds for August 4, 2008 through August 18, 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: \$1,145,261.90.

- 4. Approval: The issuance of a Cemetery Certificate as follows:

The South One Half of the Northeast Quarter (S1/2NE1/4) of Lot Six (6), Section One (1), Block Seventeen (17), Second Addition to the Alliance Cemetery to Sandy E. Wright and Rebecca Wright.

- 5. Approval: The issuance of the following Contractor licenses:

General Contractor..... Ralph Yeager dba Yeager Construction

Cement & Masonry. Norman Leithead dba Leithead Masonry

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.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

- The next item on Council’s agenda was a discussion regarding Electric Revenue Bond Refinancing.

Bruce Lefler, Senior Vice President of Ameritas Investment Corporation gave a presentation to Council outlining the potential savings and the process involved in refinancing the Series 2001 Electric Revenue Bonds.

Motion by Councilman Dickenson, seconded by Councilman Benzel to authorize Ameritas Investment Corporation and City of Alliance staff to begin the refinancing process for the Series 2001 Electric Revenue Bonds with a threshold of five percent of the par amount of bonds refunded.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2622 amending the Alliance Municipal Code with regard to the designation of Snow Emergency Routes was the next item to be brought before Council.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve Ordinance No. 2622 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2622

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 701 ARTICLE 7 AT CHAPTER 3, RELATING TO ESTABLISHMENT OF SNOW EMERGENCY ROUTES; AND REPEAL 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 Snow Emergency Routes to facilitate travel during and after a snow storm to provide for public safety and welfare.

SECTION 2. The City of Alliance to make the emergency routes more efficient desires to make changes to the establishment of certain snow routes.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended at Article 7, Section 3-701 as follows:

3-701. ESTABLISHMENT OF SNOW EMERGENCY ROUTES.

The following streets are declared to be snow emergency routes within the City. The City Manager (or someone designated by him **the City Manager**, but always referred to herein as the City Manager) shall, at his discretion, place appropriate signs or other traffic control devices indicating the existence of snow emergency routes. A designation of any street, avenue, road, or highway, or portion thereof as a snow emergency route shall in no way affect any previous designation of that street, avenue, road, or highway for any other purposes but shall be in addition thereto. The following streets or highways are designated as emergency snow arterial streets:

1. U. S. Highway Nos. 385 and 2 within the corporate limits;
2. Cody Avenue from Tenth Street to Kansas Street;
3. Emerson Avenue from the northern corporate limits to Third Street;
4. Box Butte Avenue from Twenty-fifth Street to First Street;
5. Mississippi Avenue from Tenth Street to Third Street;
6. Potash Avenue from Third Street to Kansas Street;

7. East Third Street from Flack Avenue to the corporate limits;
8. All of Tenth Street included within the corporate limits;
9. ~~Eighteenth~~ **Sixteenth**-Street from ~~Colorado~~ **Buchfinck** Avenue to ~~Sweetwater~~ **Box Butte** Avenue;
10. Twenty-fifth Street from Emerson Avenue to Sweetwater Avenue;
11. Eighth Street from Emerson Avenue to Mississippi Avenue;
12. Kansas Street from Highway 2 to Highway 385;
- 13. Buchfinck Avenue from Tenth Street to Sixteenth 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.

Motion by Councilman Dickenson, seconded by Councilman Benzel to amend Ordinance No. 2622, Section 3, Line 11 to read "Eighth Street from Black Hills Avenue to Mississippi Avenue." Motion and second was withdrawn.

Mayor Kusek directed staff to fully investigate the possibilities regarding the emergency snow routes near the schools and provide Council with a map outlining the various options at the next meeting.

Roll call vote on the first reading of Ordinance No. 2622 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was Ordinance No. 2623 amending the Alliance Municipal Code clarifying All-Terrain Vehicle use.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2623 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2623

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 321 ARTICLE 3 AT CHAPTER 3, RELATING TO ALL-TERRAIN VEHICLES; TO LIMIT THE AGE OF ANY PASSENGERS ON AN ATV; AND REPEAL 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 Nebraska State Statutes allow cities of the first class to regulate the travel of vehicles on city streets.

SECTION 2. The City of Alliance has authorized All Terrain Vehicles (ATV) to be operated in the City of Alliance upon authorized streets and subject to certain rules and regulations.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended to include the addition to Article 3, Section 3-321 as follows:

3-321 ALL-TERRAIN VEHICLE PERSONS AUTHORIZED

Any person operating an all-terrain vehicle shall be 19 years of age and have a valid Class O operator's license as provided in Neb. Rev. Stat. 60-4,126. No one under 16 years of age shall be permitted to be a passenger on an all-terrain vehicle within the City of Alliance. No passenger is permitted to ride on an all-terrain vehicle unless sitting on a seat specifically designed by the manufacturer of the all-terrain vehicle for the passenger.

Any person who is under 19 years of age and is a passenger on an all-terrain vehicle in the City of Alliance must wear a Department of Transportation approved protective helmet or a protective helmet, as provided in Neb. Rev. Stat. Sections 60-6,279 and 60-6,280 or as amended, at any time the all-terrain vehicle is moving. Said helmet shall be secured properly on his or her head with a chin strap while the vehicle is in motion.

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.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to amend Ordinance No. 2623 by deleting all highlighted areas and prohibiting passengers on ATV's.

Jane Faber, 920 West 25th addressed Council explaining that she transports her 12 year old daughter on her ATV and would adhere to a helmet law. She disagrees with banning children from riding on ATV's since children are allowed to ride on the back of motorcycles. She feels that the citizens that are riding ATV's are trying to cut gas consumption and transporting children to and from their activities uses a great deal of gas.

Roll call vote on the amendment with the following results:

Voting Aye: Dickenson, Benzal, Rowley, Yeager.

Voting Nay: Kusek.

Motion carried.

Roll call vote on the first reading of Ordinance No. 2623 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The second reading of Ordinance No. 2619 Appropriations (Budget) was the next item for Council's consideration.

Motion by Mayor Kusek, seconded by Councilman Yeager to approve Ordinance No. 2619 on second reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2619

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, 2008, AND ENDING SEPTEMBER 30, 2009, 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 July 17, 2008, upon which a workshop was held on July 28, 2008 and a proposed budget was produced. A public hearing was held on said proposed budget on August 7, 2008, 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, 2008, 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	855,617.00	105,159.00	106,000.00	37,500.00
Delinquent Allowance	8,556.17	1,051.59	1,060.00	375.00
1% County Treasurer's Commission	42,780.85	5,257.96	5,300.00	1,875.00
Total Property Tax Request	906,954.02	111,468.55	112,360.00	39,750.00

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 2009.

General Fund	4,915,205
General - Debt Service	276,225
Special Revenue - Streets	1,365,907
Electric	8,159,175
Refuse	1,346,781
Sewer	429,403
Water	5,875,747
Golf Course Fund	268,959
Special Use - BID #1	15,300
Special Use - BID #2	11,600
HUD	200,000
RSVP	73,797
Community Betterment (KENO)	102,000
Capital Projects	0
LB 840 Fund	250,000
Redevelopment	4,600
Airport Fund	1,001,849
Internal Service	1,719,760
Abatement	10,000
Capital Equipment	213,700
Economic Development	70,000
Gross Expenditures	<u>26,310,008</u>

There is hereby included \$75,000 within the General Fund Budget [City Council Activity], \$0 within the Electric Fund, \$65,000 within the Water Fund, \$26,800 within the Sewer Fund, \$10,000 within the Refuse Fund, \$0 within the Community Betterment Fund, \$14,000.00 within the Golf 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 \$195,917.69 for Fiscal Year 2009.

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, 2008.

Motion by Mayor Kusek, seconded by Councilman Dickenson to amend the budget by reducing the Parks Department budget by \$85,000.00 and increasing the Electric Department budget by \$125,000.00 to fund the Bower/Shankland Baseball Field Lighting Project.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilman Dickenson to add \$100,000.00 to the Electric Department Contingency line item.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Mayor Kusek, seconded by Councilwoman Rowley to increase Other Advertising Services line item in the Water Department by \$1,000.00.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Benzel, seconded by Councilman Dickenson to increase the museum wages by \$5,400.00.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to increase the Council member salaries from \$2,400.00 to \$3,000.00 annually for each member, which will increase the line item from \$12,000.00 to \$15,000.00.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Rowley, Yeager.

Voting Nay: Dickenson.

Motion carried.

Mayor Kusek motioned to expend \$7,000.00 from General Fund/Fund Balance for financial assistance to the Box Butte County Handyman Services Program which was seconded by Councilwoman Rowley.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the second reading of Ordinance No. 2619 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 08-87 creating a Special Revenue Fund in the 2008-2009 Budget entitled "Museum Exhibit Fund" for the completion of the interior of the museum was the next item to be discussed by Council.

Motion by Mayor Kusek, seconded by Councilman Dickenson to approve Resolution No. 08-87 which follows in its entirety:

RESOLUTION NO. 08-87

WHEREAS, The City of Alliance has received a generous contribution from the Eldred Foundation in the amount of \$700,000 for the planning, construction and installation of the introductory video, displays, interpretive material and interior furnishings of the museum; and

WHEREAS, An agreement is in place that provides for not less than another \$100,000 through contributions from the Foundation or a grant or both; and

WHEREAS, The City of Alliance has applied for additional grants for the completion of the interior of the museum; and

WHEREAS, The City of Alliance Budget needs to account for, track and budget these funds and any additional grants or gifts that might be received for the completion of the interior of the museum,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the 2008-2009 budget be amended to set up a new Special Revenue fund to be Designated "Museum Exhibit Fund."

BE IT FURTHER RESOLVED that the creation of this fund will amend the City of Alliance 2008-2009 budget, as attached to this resolution.

BE IT FURTHER RESOLVED that all donations that are received for the completion of the interior of the museum will be deposited into this "Museum Exhibit Fund."

BE IT FURTHER RESOLVED that all expenditures from the "Museum Exhibit Fund" will be for the completion of the interior of the museum.

BE IT FURTHER RESOLVED that this fund will be maintained as a separate fund until such time as it is determined that there is no benefit to any grant, contributor, or staff person from a separate accounting of such expenditures.

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 review was Ordinance No. 2621 amending the Alliance Municipal Code with regard to Water Rates.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to approve Ordinance No. 2621 on second reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2621

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 347 ARTICLE 3 AT CHAPTER 4, RELATING TO WATER RATES CHARGED BY THE CITY OF ALLIANCE; AND REPEAL 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 United States Government have implemented new rules on the allowable amount of arsenic in the municipal water systems which change results in the City of Alliance being required to mitigate the arsenic level in the A.M.W.S.

SECTION 3. The cost of mitigation requires that the water rates be increased to pay for the costs of the mitigation of the arsenic levels in the A.M.W.S.

SECTION 4. Alliance Municipal Code at Chapter 4, shall be amended at Article 3, Section 347 to read as follows:

As a tariff or water rates based on monthly consumption of each customer from the water distribution system of the City of Alliance, Nebraska and for services rendered, the following schedules are hereby established.

For the use of A.M.W.S. each residential and rural residential user shall pay the current base rate on the amount of water in the residential consumer's monthly base usage calculation which shall be known as Block 1 rate. The base usage or the amount of water in the Block 1 shall be equal to the average monthly water consumption during a three month winter base beginning with the first complete cycle which uses meter readings taken after December 10. If a residential consumer has not established a winter base period, the base usage or Block 1 amount shall be the average charge of all other residential consumers. The billing process shall commence when water service is established. Each residential customer shall pay the appropriate rate for each 100 cubic feet of water used in each of the applicable blocks. Once a user has used the allotment of water from one block the water will be billed at the next higher block rate.

The customer's monthly bill shall consist of the monthly meter charge and the amount of water used based upon the number of cubic feet used and the fee assessed under this ordinance.

Residential, Commercial, Industrial Park, Manufacturing, Urban and Rural Rate

Each residential, commercial, industrial park, manufacturing, urban and rural consumer connected to the water distribution system of the City of Alliance, Nebraska, shall be liable and pay for the service charge for the meter for all water used and consumed at a rate of:

- A. Residential** – the residential rate will apply to any building which is used as the primary residence and any associated or peripheral use of that primary residence.
Within the City limits - Urban Residential

Block 1	\$1.15 per 100 cubic feet
Block 2	\$1.30 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.60 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.00 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Outside the City limits - Rural Residential

Block 1	\$1.27 per 100 cubic feet
Block 2	\$1.43 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.76 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.20 per 100 cubic feet for any amount over Blocks 1, 2, and 3

- B. Manufacturing Rate.**

Manufacturing rate will apply when more than 50 percent of the water purchased is used or directly consumed in processing or manufacturing. Processing or manufacturing is defined as an action or series of actions performed on tangible personal property, either by hand or machine, which results in that tangible personal property being reduced or transformed into a different state, quality, form, property or thing. Processing does not include repairing property, building erection, cold storage of food products, or preparation of food for immediate consumption.

Manufacturing, Commercial and Rural Rate is \$1.10 per 100 cubic feet.

- C. Commercial Rate.**

Commercial rate will apply to any for profit use that does not qualify as manufacturing and is not within the industrial park.

Commercial Rate is \$1.15 per 100 cubic feet.

D. Industrial Park Rate

Industrial Park rate will apply to those customers that are located within an Industrial Tract like the Industrial Park to the City of Alliance, Box Butte County, Nebraska.

The Industrial Park Rate is \$1.25 per 100 cubic feet

E. Excessive Summer Use – Manufacturing, Commercial, Industrial Park and Rural

(reserved for later use)

F. Commercial Irrigation Rates

(reserved for later use)

G. Municipal Rate

Municipal rate will apply to all the accounts owned by the City of Alliance.

The Municipal Rate is \$.90 per 100 cubic feet.

H. Service Charge

There shall be a monthly service charge for each account serviced by A.M.W.S. of.

Meter Size	Service Charge	Meter Size	Service Charge
5/8" thru 1"	\$7.00	4"	\$65.00
1-1/2"	\$15.00	6"	\$95.00
2"	\$30.00	8"	\$135.00
3"	\$50.00		

I. Truck fill charge

The truck fill charges for filling from the Utility Facility tank filler shall be \$5.00 per 1,000 gallons or any part thereof.

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 go into effect on the meter billings rendered October 1, 2008 and thereafter.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Rowley, Yeager.

Voting Nay: Benzel.

Motion carried.

- Resolution No. 08-78 approving the Economic Development Assistance Agreement between the City of Alliance and Tridāko Energy Systems, Inc. was the next item for Council's review.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 08-78 which follows in its entirety:

RESOLUTION NO. 08-78

WHEREAS, The voters of the City of Alliance approved an Economic Development Plan which had been adopted by the City Council in 2001, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738; and

WHEREAS, An Application Review Committee has been appointed by the City Council pursuant to law to review applications for assistance under the Economic Development Plan; and

WHEREAS, The Economic Development Plan is funded by a portion of City sales tax which was also approved by the voters in 2001 and in 2007; and

WHEREAS, The application of Tridāko Energy Systems, Inc. has been received for assistance pursuant to the Economic Development Plan, and Tridāko Energy Systems, Inc. is a qualifying business pursuant to the requirements of the Economic Development law; and

WHEREAS, The Application Review Committee has approved the application of Tridāko Energy Systems, Inc. and recommended its adoption by the City Council; and

WHEREAS, The Economic Development funds in the project requesting assistance are not the sole or primary funding source; and

WHEREAS, The City Council finds that Tridāko Energy Systems, Inc. is a qualifying business and that this allocation of funds does not exceed the limitations of Section 18-2717 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the application of Tridāko Energy Systems, Inc. for assistance from the Economic Development Fund pursuant to the Local Option Municipal Economic Development Act is hereby approved in the amount of \$200,000.00.

BE IT FURTHER RESOLVED, that the Economic Development Assistance Agreement between the City of Alliance and Tridāko Energy Systems, Inc. is hereby approved and the Mayor is authorized to execute the Agreement for and on behalf of the City of Alliance, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 08-82 authorizing an Agreement with the State of Nebraska Department of Roads for the Preliminary Engineering Services of the 3rd Street Underpass project.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to approve Resolution No. 08-82 which follows in its entirety:

RESOLUTION NO. 08-82

WHEREAS, The State Highway 2 passes through the City of Alliance; and

WHEREAS, The State of Nebraska and the City of Alliance desire to obtain preliminary engineering for the project; and

WHEREAS, The project is described as follows:

Improvement of Nebraska Highway 2 in Alliance consisting of 5 (five) 12-foot lanes, 4-foot integral curb and gutter on both sides, storm sewer, retaining wall, sidewalk and grading, beginning at 250-foot West of Howard Street and extending to Black Hills Avenue; and

WHEREAS, There are State and Federal funds available for the construction of the improvements, which is a project that is designated as project NH-2-1(115).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign the Agreement for Project NH-2-1(115) State Control No. 50617.

BE IT FURTHER RESOLVED, that the Agreement is for preliminary engineering to perform the work necessary to design the plans, write specifications for the project, and provide for the sharing of the cost of such work.

BE IT FURTHER RESOLVED, any Agreement with regard to the actual construction and division of costs must come before Council, prior to the commencement of construction.

Anthony Parascand, 923 West 3rd Street addressed Council with questions regarding the plans. City Manager Caskie advised him that the plans are available at the Utility Facility, however

they are preliminary and are subject to change.

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 review was Resolution No. 08-83 authorizing the Alliance Dog Owners Group to begin fund raising for the establishment of a dog park in Alliance as well as develop a plan and program for the long-term maintenance of a dog park if established.

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 08-83 which follows in its entirety:

RESOLUTION NO. 08-83

WHEREAS, Citizens of the City of Alliance have formed Alliance Dog Owners Group and have requested that the City authorize the establishment of a dog park; and

WHEREAS, The City owns several parcels of real estate that could be used for the establishment of a dog park; and

WHEREAS, The citizens have requested Council's approval to do fund raising and to obtain support for building a dog park; and

WHEREAS, The citizens have requested authority to determine the need for a dog park and do research to develop a long-term maintenance plan and program for a dog park once it is established.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the Alliance Dog Owners Group is authorized to begin fund raising for the establishment of a dog park in Alliance, Nebraska;

BE IT FURTHER RESOLVED that Alliance Dog Owners Group is authorized to determine the need for a dog park and to develop a plan and program to submit to the City Council for long-term maintenance of a dog park if it is established.

BE IT FURTHER RESOLVED that Alliance Dog Owners Group is authorized to examine locations in the City of Alliance, to raise support of citizens and to present their ideas to City Council for Council's consideration regarding the establishment of a dog park within the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 08-84 outlining the chain of command for the Police Investigator position.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to approve Resolution No. 08-84 which follows in its entirety:

RESOLUTION NO. 08-84

WHEREAS, The City of Alliance maintains the law enforcement through the Alliance Police Department; and

WHEREAS, The Police Chief has recommend changes in the organizational chart of the Police Department, which will change the reporting relationships in the Police Department; and

WHEREAS, The Chief of Police believes that the changes will make for more efficient and effective law enforcement in the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the organizational chart for the City of Alliance Police Department, which is attached to this Resolution is hereby approved and adopted by the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 08-85 authorizing the submittal of a Pre-Application for the Nebraska Department of Economic Development New Neighborhoods II which will provide assistance in the demand for local housing was the next item for Council's review.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 08-85 which follows in its entirety:

RESOLUTION NO. 08-85

WHEREAS, The City of Alliance recognizes the need for the development of additional housing to meet the housing demands in City of Alliance; and

WHEREAS, The State of Nebraska Department of Economic Development is accepting pre-applications from Nebraska Municipalities for funding under the Nebraska Department of Economic Development New Neighborhoods II; and

WHEREAS, The City of Alliance appears to meet the requirements for assistance in the development of housing under the Nebraska Department of Economic Development New Neighborhoods II; and

WHEREAS, The City of Alliance is interested in examining the potential of developing additional housing with the assistance of the State of Nebraska Department of Economic Development.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that staff is hereby authorized and directed to make a Pre Application for the Nebraska Department of Economic Development New Neighborhoods II for and on behalf of the City of Alliance.

City Manager Caskie explained the desire to further develop Homestead Addition with family housing as well as convenience store shopping.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to come before Council was Resolution No. 08-86 authorizing a Loan Agreement from the Nebraska Drinking Water Facilities Loan Fund.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 08-86 which follows in its entirety:

RESOLUTION NO. 08-86

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

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

WHEREAS, Funding for the cost of the repair and improvement of portions of the City public water supply system may be obtained by loan from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that they should execute the contract for loan between the Nebraska Department of Environmental Quality and the City of Alliance, Nebraska, designated as Project No. D311496, incorporated by reference into this Resolution as if fully set forth; and

BE IT FURTHER RESOLVED THAT Pamela S. Caskie, City Manager be authorized and directed to sign all necessary documents and furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a board appointment.

Motion by Councilman Dickenson, seconded by Councilman Benzel to appoint Dr. H. Frederick Koch to a term on the Board of Health expiring August, 2009.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Yeager.

Voting Nay: Rowley.

Motion carried.

- The last item on Council's agenda was a request of Tony Peterson regarding permission to erect a hangar at the Alliance Municipal Airport.

Mr. Peterson was unable to attend the Council meeting, so no discussion was held regarding his request.

- Mayor Kusek stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:05 p.m."
-

Dan Kusek, Mayor

(SEAL)

Linda S. Jines, City Clerk