

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JANUARY 3, 2008

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

The Alliance City Council met in a Regular Meeting, January 3, 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 December 27, 2007. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Kusek opened the January 3, 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 order of business was the Oath of Office and Promotion Ceremony for Fire Chief Troy Shoemaker and Assistant Fire Chief Brad Schrum.
- The next item to be brought before Council was the Consent Calendar.

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

CONSENT CALENDAR - JANUARY 3, 2008

1. Approval: Minutes of the Regular Meeting, December 20, 2007.
2. Approval: Payroll and Employer Taxes for the period December 1, 2007 through December 15, 2007, inclusive; \$146,018.57 and \$10,483.16 respectively.

3. Approval: Claims against the following funds for December 17, 2007 through December 31, 2007; General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement: \$460,794.75

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.

Councilwoman Rowley inquired about two separate purchases of ice melt. Councilman Benzel explained that he had purchased ice melt from Bernie's Hardware that would not harm the floors at the Knight Museum and Sandhills Center during the dedication ceremony. The ice melt previously purchased from Home Depot contains an element that is destructive to certain flooring.

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 the first reading of Ordinance No. 2592 which will authorize the conveyance of a 20 acre tract of land on airport property for the Veteran's Cemetery.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to approve Ordinance No. 2592 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2592

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A 20 ACRE TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 24 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA TO THE STATE OF NEBRASKA FOR USE AS A VETERANS CEMETERY SITE, REPEALING ORDINANCE NO. 2372, AUTHORIZING THE CONVEYANCE OF A 20 ACRES TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 24 NORTH, RANGE 47 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA TO THE STATE OF NEBRASKA.

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

SECTION 1. The City Council has previously approved the granting of property for a

Veterans Cemetery, in the Northeast Quarter of Section 7, Township 24 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 2. Said tract of land was determined to be unacceptable to be used as a Veterans Cemetery.

SECTION 3. A survey has been completed on a tract of land designed by the City, Airport Authority, and the State of Nebraska Officials, as an appropriate site for a Veterans Cemetery consisting of 20 acres, more or less. The surveyed tract is more particularly described as follows:

A tract of land situated in the Northeast Quarter of Section 12, Township 24 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of Section 12, thence southerly on the east line of the Northeast Quarter of Section 12, on an assumed bearing of S01°12'23"W, a distance of 320.58 feet, thence westerly bearing N88°47'37"W, on a line being perpendicular to the east line of Section 12, a distance of 968.00 feet, thence southerly on a line being parallel with the east line of Section 12, bearing S01°12'23"W, a distance of 935.00 feet, thence easterly on a line being perpendicular to the east line of Section 12, bearing S88°47'37"E, a distance of 968.00 feet, to the point of intersection with the east line of Section 12, thence southerly on the east line of Section 12, bearing S01°12'23"W, a distance of 500.00 feet, thence westerly on a line perpendicular to the east line of Section 12, bearing N88°47'37"W, a distance of 1468.00 feet, thence northerly on a line parallel with the east line of Section 12, bearing N01°12'23"E, a distance of 1755.5 feet, more or less, to the point of intersection with north line of Section 12, thence easterly on the north line of Section 12, a distance of 1468.0 feet, more or less, to the Point of Beginning.

SECTION 4. An appraisal has been performed on the tract of land described above and the value of said property was determined to be \$_____.

SECTION 5. The City Council finds a public purpose in the donation of the described property to the State of Nebraska as a benefit to the citizens of Alliance to have a Veterans Cemetery easily accessible to the citizens of Alliance, many of whom are veterans, or are the friends and families of veterans.

SECTION 6. The Mayor and City staff shall by appropriate deed, convey the right title and interest of the City to the State of Nebraska, for use as a Veterans Cemetery, the property described herein, at such time as the Federal Aviation Administration have granted any required consents, releases, and permits.

SECTION 7: The City of Alliance shall pay from the LB840 funds to the Airport Fund the sum of \$_____, which is the fair market value of the real estate being donated to the State of Nebraska.

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. 2593 relating to a rezoning application of Leonard Green and James Wiltgen was the next item to be brought before Council. Mayor Kusek stated, "Now is the date, time, and place to conduct a public hearing on the rezoning application of Leonard Green and James Wiltgen." City Manager Caskie gave a brief explanation of the current zoning. The public hearing opened at 7:25 p.m. Mr. Terry Curtiss spoke on behalf of Mr. Green and Mr. Wiltgen indicating that they have no current plans for the property, however an agriculture zoning designation mandates the parcels all be a minimum of ten acres. The property owners would like to subdivide the land into parcels less than ten acres in size. They will only be allowed to pursue the subdivision if the zoning designation is changed. The adjoining property is zoned C-3. Marlene Purchase, 1420 W. 6th Street addressed Council voicing her concern regarding the possible use for the property. Mr. Curtiss answered questions of Mayor Kusek regarding a buffer, possibly trees, along 6th Street. City Manager Caskie asked about R-1 or R-2 zoning along 6th Street. Mayor Kusek asked if a variance would be possible. City Manager Caskie will explore the possibility of obtaining a variance from the waiver to allow a 7 ½ acre parcel. Mr. Curtiss indicated that the property owners would not object to leaving the agriculture zoning designation if the subdivision can take place without the change. Mayor Kusek closed the public hearing at 7:49 p.m.

Motion by Councilman Dickenson, seconded by Mayor Kusek to approve the first reading of Ordinance No. 2593. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2593

AN ORDINANCE APPROVING THE REZONING REQUEST REGARDING REZONING A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA FROM AGRICULTURAL (A-1) TO HIGHWAY COMMERCIAL (C-3).

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

SECTION 1. The City of Alliance has zoning authority pursuant to law which provides procedures for considering changing the zoning designation of certain parcels of property.

SECTION 2. The application of the Leonard Green and James Wiltgen has been received, which requests rezoning of a certain parcel of real estate from Agricultural (A-1) to Highway Commercial (C-3). The description of the real estate requested to be rezoned is as follows:

A tract of land in the Northwest Quarter (NW¼)of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, described as follows:

Beginning at the intersection of the west line of Anthony Avenue and the south line of 6th Street in the City of Alliance; thence South 87°08'52" West on said south line, for 586.72 feet; thence South 79°25'09" West on said south line, for 421.30 feet to a point on the east line of Ramblin Road in the City of Alliance; thence South 0°59'18" East on said east line, for 299.87 feet to a point of curvature; thence Southerly on said east line, on a 441.72 feet radius curve to left, with a central angle of 31°15'59" and a chord of South 16°37'18" East, 238.07 feet for an arc distance of 241.05 feet to a point of tangency; thence South 32°15'17" East on said east line, for 94.17 feet to the northwest corner of Tract #3, Yeager's Commercial Tracts in the City of Alliance, thence North 87°14'30" East on the north line of said Tract #3 and the easterly extension of said north line, for 840.56 feet; thence South 1°32'25" East, for 225.38 feet to a point on the westerly extension of the south line of 4th Street in the City of Alliance; thence North 88°44'06" East on said westerly extension, for 60.89 feet to the intersection of the south line of said 4th Street and the west line of said Anthony Avenue, thence North 1°54'33" West on said west line, for 897.03 feet to the Point of Beginning and containing an area of 15.21 acres, more or less.

SECTION 3. Notice has been mailed, published, and posted as required by law regarding the proposed change prior to a public hearing held by the Planning Commission. Twenty-three notices were mailed out to property owners, notifying forty property owners. Two responded as in favor; the remaining persons notified did not respond to the notice.

SECTION 4. After a public hearing held before the Alliance Planning Commission, the Planning Commission recommended approval of the proposed zoning.

SECTION 5. Notice has been given as provided by law for a public hearing by the Alliance City Council, and such a hearing was conducted on January 2, 2008.

SECTION 6. The City Council finds that the proposed zoning change is appropriate for consistent zoning within the City of Alliance, Nebraska, and is consistent with the comprehensive plan as adopted by the City of Alliance.

SECTION 7. The rezoning request for a tract of land in the Northwest Quarter (NW¼)of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, considered by the Planning Commission December 12, 2007, is hereby approved.

SECTION 8. The tract of land described in Section 2 herein, is rezoned from Agricultural (A-1) to Highway Commercial (C-3).

SECTION 9. This ordinance shall be in full force and effect after its passage, approval, and publication according to law.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley.

Voting Nay: None.

Abstaining: Yeager.

Motion carried.

- The next item for Council's consideration was Ordinance No. 2594 approving the Final Plat of Lots 2 and 3, of the Replat of Lot 1, Block 2, Terrace Addition.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2594 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2594

AN ORDINANCE APPROVING THE FINAL PLAT OF THE REPLAT OF LOTS 2 AND 3, OF THE REPLAT OF LOT 1, BLOCK 2, TERRACE ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has received the application of Luke J. Stabnow and Tamara L. Stabnow to approve the final plat of the replat of Lots 2 and 3 of the Replat of Lot 1, Block 2, Terrace Addition to the City of Alliance, Box Butte County, Nebraska.

SECTION 2. The Planning Commission has held a public hearing to consider the final plat of the replat of Lots 2 and 3 of the Replat of Lot 1, Block 2, Terrace Addition to the City of Alliance, Box Butte County, Nebraska, and has recommended the plat be approved as submitted.

SECTION 3. The City Council finds that all public improvements that are to be required at this time have been completed. No additional infrastructure or improvements are required at this time. No improvement guarantees are required. As situated the plat has full access to all City utilities and streets.

SECTION 4. The City Council finds that the final plat contains the information required by 11-413.

SECTION 5. The final plat of the replat of Lots 2 and 3 of the Replat of Lot 1, Block 2, Terrace Addition to the City of Alliance, Box Butte County, Nebraska, is approved by the City of Alliance and shall be filed with the County Clerk as provided by city code and state law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

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

Motion by Mayor Kusek, seconded by Councilman Dickenson to suspend the statutory rule requiring three separate readings of Ordinance No. 2594.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on Ordinance No. 2594 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Kusek stated, "the passage and adoption of Ordinance No. 2594 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The first reading of Ordinance No. 2595 was the next item on Council's agenda. This ordinance will provide for a Sales and Use Tax of one and one-half percent within the Corporate Limits of Alliance. The tax will be imposed on or after April 1, 2009 which will continue the present authorized tax.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Ordinance No. 2595 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2595

AN ORDINANCE OF THE CITY OF ALLIANCE, A MUNICIPAL CORPORATION FOR THE STATE OF NEBRASKA, PROVIDING THAT ON OR AFTER APRIL 1, 2009, A SALES AND USE TAX OF ONE AND ONE-HALF PERCENT SHALL BE IMPOSED UPON THE SAME TRANSACTIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF ALLIANCE, NEBRASKA, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A SALES AND USE TAX, PURSUANT TO THE PROVISIONS OF THE LOCAL OPTION REVENUE ACT AS AMENDED FROM TIME TO TIME TO PROVIDE FOR THE ADMINISTRATION, MAKING OF RETURNS FOR THE ASCERTAINMENT, ASSESSMENT, AND COLLECTION, AND FOR THE DISTRIBUTION OF SUCH TAXES, TO PROVIDE NOTICE TO THE TAX COMMISSIONER OF THE STATE OF NEBRASKA, AND TO PROVIDE THE EFFECTIVE DATE OF SUCH TAX.

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

SECTION 1. On Tuesday, November 13, 2007, at Alliance, Nebraska, special election was held at which time there was submitted to the electors of the City of Alliance for their approval or rejection, the following propositions:

Proposition 1

Shall the City of Alliance continue to impose a sales and use tax (upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax) in the amount of 1 percent for a period of ten (10) years to be used as follows:

One hundred (100) percent of the tax, or approximately \$950,000 a year, for property tax relief.

- Yes - (for property tax relief)
 No - (against property tax relief)

Proposition 2:

Shall the City of Alliance, in addition to Proposition 1 above, continue to impose a sales and use tax (upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax) in the amount of ½ percent for a period of ten (10) years to be used as follows:

Fifty (50) percent of the tax, or approximately \$200,000 a year, for improving, repairing, or replacing the City's capital improvements such as streets, parks, and other public facilities.

Fifty (50) percent of the tax, but not to exceed \$200,000 a year, may be designated for economic development activities which are consistent with the economic development program as it currently exists or as it may be modified pursuant to law. Provided that if the Economic Development Plan ceases to exist, then the entire ½ percent, or the amount in excess of \$200,000, shall be used for improving, repairing, or replacing the City’s capital improvements.

- Yes (For the tax for improving, repairing, or replacing the City’s capital infrastructure and funding the economic development program)
- No (against the tax for improving, repairing, or replacing the City’s capital improvements and funding the economic development program)

SECTION 2. The Box Butte County Clerk/Election Commissioner has certified that said proposed sales and use tax propositions passed with a vote of:

<u>Proposition #1:</u>	<u>Proposition #2:</u>
For: 1,193	For: 1,042
Against: 111	Against: 250

SECTION 3. Neb. Rev. Stat. §77-27,143 requires that the incorporated municipality shall furnish a certified copy of the adopting ordinance to the Tax Commissioner, along with a map designating the corporate boundaries of the City

SECTION 4. From and after the 1st day of April 2009, pursuant to the provisions of Neb. Rev. Stat. §77,27-142 to 77-27-148, as amended from time to time, the Local Option Revenue Act, there is hereby imposed a sales and use tax of one and one-half percent on the same transactions within the corporate limits of the City of Alliance, Nebraska, on which the State of Nebraska is authorized to impose a sales and use tax pursuant to the provisions of the Nebraska Revenue Act, as amended from time to time.

SECTION 5. The administration of the sales and use tax, imposed by Section 4 of this ordinance, making of returns for ascertainment, assessment, and collection and for the distribution of the tax so imposed, shall be as provided in Neb. Rev. Stat. §77-27,142 to 77-27,148, as amended from time to time.

SECTION 6. The sales and use tax imposed by Section 4 of this ordinance shall become effective on April 1, 2009, in accordance with the provisions of Neb. Rev. Stat. §77-27,143, as amended, which provides that for ordinances passed after October 1, 1969, the effective date shall be the first day of the next calendar quarter following receipt by the Tax Commissioner of a certified copy of the adopting ordinance; provided a certified copy of the ordinance is received 60 days prior to the start of the next calendar quarter.

SECTION 7. The City Clerk shall furnish or cause to be furnished to the Tax Commissioner of the State of Nebraska a certified copy of this adopting ordinance and a map of the City of Alliance, Nebraska, clearly showing the boundaries thereof, at least 60 days prior to the 1st day of April 2009.

SECTION 8. This ordinance shall be effective upon its passage, approval, and publication as provided by law.

Motion by Councilman Dickenson, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2595.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on Ordinance No. 2595 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Kusek stated, "the passage and adoption of Ordinance No. 2595 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 08-01 which will authorize staff to begin soliciting bids for equipment and services for the Second Quarter CIP/CEP was the next item for Council's consideration.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to approve Resolution No. 08-01 which follows in its entirety:

RESOLUTION NO. 08-01

WHEREAS, The City of Alliance annually adopts a Capital Improvements Plan to aid in budgeting and organizing purchasing; and

WHEREAS, The City staff has submitted for City Council review a proposed schedule of

capital improvement purchases to be initiated, and in some cases completed, in the second quarter of the 2007-2008 fiscal year; and

WHEREAS, The City Manager has reviewed and approved the proposed schedule of capital purchases for the second quarter of the 2007-2008 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the schedule of capital purchases for the second quarter of the 2007-2008 fiscal year, totaling \$437,300.00 is hereby approved.

BE IT FURTHER RESOLVED, that City staff is authorized to proceed with the purchases noted on the schedule.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be brought before Council was Resolution No. 08-02. This resolution will award the Water Main Replacement contract to Paul Reed Construction of Gering, NE in the amount of \$390,618.10.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Resolution No. 08-02 which follows in its entirety:

RESOLUTION NO. 08-02

WHEREAS, The City of Alliance has advertised for bids for the replacement of water mains, replacement of five existing fire hydrants and adding six fire hydrants on Belmont, 8th and 9th Streets between Mississippi Avenue and Flack Avenue; and

WHEREAS, two bids were received; and

WHEREAS, The bid of Paul Reed Construction, of Gering, Nebraska, in the amount of \$390,318.10 is 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 Belmont Addition water main replacement contract for the replacement of water mains, replacement of five existing fire hydrants and adding six fire hydrants on Belmont, 8th and 9th Streets between Mississippi and Flack Avenue, is hereby awarded to Paul Reed

Construction, in the amount of \$390,618.10.

BE IT FURTHER RESOLVED, That final financing for this project shall be paid out of the issuance of Water Capital Construction Bonds.

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.

Water Superintendent Mike Hulquist informed Council about the replacement process.

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. 08-03. The Parks Foundation has requested the City of Alliance forgive the first payment due on a renovation loan as a result of repairs and improvements that the Parks Foundation has made on the City of Alliance's Conservatory building which is greater than the payment amount.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 08-03 which follows in its entirety:

RESOLUTION NO. 08-03

WHEREAS, The City of Alliance owns the Conservatory building which is located in Park system of the City of Alliance; and

WHEREAS, The Parks Foundation desired to make improvements to the Conservatory building; and

WHEREAS, The Parks Foundation did not have sufficient funds to make the necessary improvements and repairs; and

WHEREAS, The City of Alliance loaned \$50,000.00 to the Parks Foundation to be paid back in the \$10,000.00 payments, every year for five (5) years; and

WHEREAS, The first payment is due and owing in 2007; and

WHEREAS, The Parks Foundation has requested that the City of Alliance forgive the first

payment as a result of the repairs and improvements that the Parks Foundation has made on the City of Alliance's Conservatory building.

WHEREAS, The City of Alliance has reviewed the improvements and repairs made and determined that the improvements made by the Parks Foundation to the Conservatory building and the maintenance and improvements made by the Parks Foundation that were budgeted by the City of Alliance, is greater than the \$10,000.00 payment that is due and owing from the Parks Foundation

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the \$10,000.00 payment that is due from the Parks Foundation to the City of Alliance under the Promissory Note, is hereby offset by the maintenance, improvements and repairs made by the Parks Foundation to the Conservatory building of 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. 08-05 approving Amendment No. 3 to the Olsson Associates Contract for Professional Services for the Water Distribution System Modeling Project was the next item for Council's discussion. The amendment provides for a 7 - 10 day pilot study to determine design treatment parameters.

Motion by Councilman Yeager, seconded by Councilman Dickenson to approve Resolution No. 08-05.

Motion by Councilman Dickenson, seconded by Councilman Benzel to amend Resolution No. 08-05 in an amount not to exceed \$20,000 to allow funds needed for rental equipment for a small scale water treatment plant.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

RESOLUTION NO. 08-05

WHEREAS, City Council has previously entered an agreement with Olsson Associates to provide engineering services in regard to water treatment, supply, and funding issues; and

WHEREAS, The previous agreement contemplated additional phases of engineering; and

WHEREAS, The City has received from Olsson Associates proposed Amendment #3 to the September 20, 2006 contract, which provides for a 7-10 day pilot study to determine design treatment parameters ; and

WHEREAS, City staff has examined the amendment and recommends its adoption; and

WHEREAS, City Council finds that the amendment is appropriate for the project and should be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Contract Amendment #3 prepared by Olsson Associates is hereby approved.

BE IT FURTHER RESOLVED, that the Water Department Contingency and Fund Balance are authorized as sources of funds for the phase set forth in the Amendment in an amount not to exceed \$20,000.00.

Water Superintendent Mike Hulquist explained the need for the rental of a small scale water treatment plant.

Roll call vote on Resolution No. 08-05 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The last items on Council's agenda were Board appointments.

Motion by Mayor Kusek, seconded by Councilman Dickenson to re-appoint Chris Gray to the Alliance Housing Authority for a term expiring December 31, 2012.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Dickenson, seconded by Councilman Benzel to re-appoint Rachel Gonzalez and James Parks to the Alliance Planning Commission for terms expiring December 31, 2010.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Dickenson, seconded by Councilman Benzel to re-appoint Lonnie Little Hoop, James Parks, and Carol Kleinsasser to the Police/Citizen Advisory Board for terms expiring December 31, 2009.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Dickenson, seconded by Councilman Benzel to appoint Marcia Buck to the Board of Adjustment for a term expiring December 31, 2009.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Councilman Benzel directed staff to research the use of All Terrain Vehicles in the city limits for utilitarian purposes.
- Mayor Kusek stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:52 p.m.”

Dan Kusek, Mayor

(SEAL)

Linda S. Jines, City Clerk