

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, APRIL 17, 2008

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

The Alliance City Council met in a Regular Meeting, April 17, 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 April 10, 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 April 10, 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 on Council’s agenda was the Consent Calendar.

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

CONSENT CALENDAR - APRIL 17, 2008

1. Approval: Minutes of the Regular Meeting, April 3, 2008.
2. Approval: Payroll and Employer Taxes for the period March 22, 2008 through April 4, 2008, inclusive; \$147,367.38 and \$10,478.62 respectively.
3. Approval: Claims against the following funds for March 31, 2008 through April 14, 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: \$555,349.82.

4. Approval: The *Request for Reserved or Exclusive Use of City Streets* from the Good Samaritan Village for their village picnic. The picnic will be held on Thursday, September 18, 2008 between 9:00 a.m. and 3:00 p.m. They are requesting the closure of 6th Street between Boyd and Flack Avenues.

5. Approval: The Request of the Route 385 Cruisers for the Annual Car Show and Rod Run events on Saturday, June 7th. The Club would once again like to host their dance at the Airport within a hangar, with alcohol being catered by the VFW. The car show will be held in Central Park and the Club is requesting the street closure of Yellowstone Avenue between 9th and 10th Streets and 9th Street between Yellowstone and Niobrara Avenues.

6. Approval: The issuance of the following contractor license:

General Contractor..... Morton Buildings, Inc.
Don Rice, dba Rice Construction
Donald Smith, dba Smith Construction
Tri-State Carports, Inc.
Dale Wood, dba Wood Construction
Cleary Buildings Corporation
Chris Mischnick, dba Walter Mischnick Contractors & Builders, Inc.
Tim Weston, dba Weston Construction

Repair & Maintenance..... K-Designers

Sign. Tom Cozad, dba Creative Signs by Cozad
Michael Ferguson, dba Ferguson Signs, Inc.

Master HVAC/Gas Fitter..... Merle Russell, dba Russell Repair, LLC
Scott Diehl, dba Metal Products
Kenneth S. Holloway, Sr., dba Comfort Heating and Cooling
Doug Wilson, dba Source Gas

Master HVAC. Ronald D. McDermott, dba McDermott Electric

Limited & Specialty..... Doug Wilson, dba Source Gas
Thomas R. Fletcher, dba Culligan Water Conditioning
Mark Leonard, dba Bullseye Fire Sprinkler
John Haas, dba Garden Getaway

Master Plumber. . . Chuck Moenning, dba Chuck Moenning Construction
Kenneth S. Holloway, Sr., dba Comfort Heating and Cooling
Oswaldo R. Beraun, dba Beraun's Plumbing & Heating

Journeyman Electrician. . Ronald D. McDermott, dba McDermott Electric

Class A Master Electrician.. Robert E. Hill, dba Hill Top Electric
Darwin Adams, dba A E Services (Adams Electric Services)
Mike Friesz, dba Mike’s Electric

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.

City Clerk Jines verified that the request of the Route 385 Cruisers includes use of the hangar at the Alliance Municipal Airport for a dance. The Special Designated Liquor License will be obtained through Box Butte County.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next items to come before Council were presentations of two proclamations.

Councilman Yeager read the proclamation for Arbor Day which follows in its entirety:

PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees are a source of joy and spiritual renewal; and

WHEREAS, The City of Alliance has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, the City Council of Alliance, Nebraska, does hereby proclaim April 26, 2008 as

ARBOR DAY

in the City of Alliance, Nebraska, and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program; and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

DATED this 17th day of April, 2008.

The proclamation was presented to Joe Lewis, Park Foreman.

Councilman Benzel read the proclamation for Volunteer Recognition Week which follows in its entirety:

PROCLAMATION

WHEREAS, The Volunteer Involvement Pool will be honoring area volunteers on Thursday, April 24, 2008; and

WHEREAS, Volunteers are one of Box Butte County's richest resources; and

WHEREAS, Volunteers are commended for their countless hours of service given to various organizations;

NOW, THEREFORE, On behalf of the Mayor and Members of the City Council of the City of Alliance, Nebraska, I hereby officially proclaim the week of April 27 – May 3, 2008, to be

VOLUNTEER RECOGNITION WEEK

In the City of Alliance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 17th day of April in the year of the Lord Two Thousand Eight.

The proclamation was presented to Denise Barker, Pam McDonald and Kirk Heckerth.

- A request of the Nic Gasseling Memorial Scholarship Committee asking for the City's support of a fund raising event was the next item for Council's consideration. The committee is planning a softball tournament at the City's softball complex and requested the use of the City's liability insurance coverage.

The group has secured permission to use the Softball Complex and equipment and the event will be held on May 26, 2008. City Manager Caskie explained that the City would be liable for the event since it will be held at a City facility. The event will also be used to promote seat belt usage with displays and demonstrations by the Alliance Police and Fire Departments.

Motion by Councilman Dickenson, seconded by Councilman Yeager to approve the use of the Softball Complex on Monday, May 26, 2008 for the Nic Gasseling Scholarship Committee softball tournament.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Yeager.

Voting Nay: None.

Abstaining: Rowley.

Motion carried.

- The next item to be presented to Council was the request of Monte J. Weisgerber to use Knight Park as a special dog park.

Monte J. Weisgerber, 305 31st Terrace addressed Council and explained that Knight Park was selected since it has sod, irrigation and restroom facilities. A fence is the only component needed. He has made a presentation to both the Park Board and Park Foundation, and while both organizations like the idea of a dog park, the Park Board was not amenable to the use of Knight Park. The Park Foundation will allow the group to use their 501 (c)3 designation for fund raising purposes. He advised Council that fencing could be installed at Knight Park for approximately \$5,000.00, but alternative locations that need more improvements will drive the cost up. Councilman Benzel asked if half an acre is enough or if an area at Laing Lake would be better. Mr. Weisgerber replied that the group is attracted to Knight Park because of the grassy area as well as the current maintenance being done to the property. The group feels that the size of Knight Park is perfect and that irrigation is important for the leaching of urine. They would like to install bury hydrants for water for the dogs which drains back down into the storm sewer. Signage would be installed outlining the requirements for cleaning up after your dog. They would like to work with the Parks Department on a maintenance schedule.

Ken Hamilton, 843 W. 6th Street addressed Council voicing his concern about barking dogs, the smell, and additional traffic. He is also concerned about the loss of valuation of his property due to the trimming around a chain link fence. The park is used by several people and he also thinks

that Frank Knight's donation of the park was not intended for dogs only.

Don Odell, 815 W. 6th addressed Council advising them of the heavy use of the park during the baseball season.

Joe Lewis, Park Foreman addressed Council indicating his support of a dog park but expressed concern regarding the location and the effect the dogs will have on the irrigated sod.

Councilman Dickenson questioned the viability of mowing around obstacles placed in a dog park for training of the dogs.

City Manager Caskie recommended a meeting between City staff and Mr. Weisgerber to explore different options to bring back to Council.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to refer the request back to staff for further evaluation.

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 the request of Edward "Ted" Hempel to discuss his lease arrangements for an office located at the Alliance Airport Terminal Building.

Edward "Ted" Hempel, 1311 Buchfinck Avenue addressed Council advising them that in 2000 he began leasing office space at the Alliance Municipal Airport with an option to renew his lease yearly with the possible increase in rent. When the City took over operations from the Airport Authority in 2005, Mr. Hempel was given an almost identical lease. In 2006 and 2007, he exercised his right of renewal. In 2007, the Alliance City Council reviewed his lease after he had renewed it. Mr. Hempel was issued what he referred to as a "new lease" since a paragraph was inserted at the end indicating that the City could exercise the authority to ask Mr. Hempel to vacate the property following a 60 day notice. He notified former Airport Manager Richard Cayer that he was not comfortable signing the lease. Mr. Hempel received notification earlier this month that his rent was being increased substantially. He asked Council if there is anyone else interested in renting office space at the airport for \$500.00 per month. He also advised them that he pays \$30.00 per month for insurance and participates in a cost sharing program for internet services with the City.

Mayor Kusek advised Mr. Hempel that Resolution No. 07-53 was passed on May 3, 2007 authorizing a lease that included a termination clause. He asked Mr. Hempel if he would be amenable to signing a lease that includes a 60 day termination clause prior to May 1, 2008 or if he felt that the citizens need to rent him office space indefinitely. He also asked if Mr. Hempel finds

it fair that he can terminate the lease but the City cannot. Mr. Hempel replied that he did not write the lease. He indicated that the issue is not about the amount that his office space is worth, but a covert attempt to break his lease by forcing him out through an increase in rent. Mayor Kusek asked if he would agree that the current lease gives the City the right to increase the rent in any amount. Mr. Hempel agreed that the City has the right but asked if Mayor Kusek felt that it would be appropriate to do so. Mayor Kusek indicated it would be legal. Mr. Hempel agreed that an increase in rent might be legal but challenged the ethics of the decision. Mayor Kusek asked if he would lease property to someone indefinitely with a year to year option that included no provision for the cessation of the lease in the event he needed the property for another use. Mr. Hempel indicated that he did not feel that is the issue at present, but that he probably would not.

City Manager Caskie advised Council that the issue is not about wanting Mr. Hempel to vacate the office space or raising the rent. It is about regaining control of leases in or near the Alliance Municipal Airport. She also advised Council that Mr. Cayer dealt with Mr. Hempel's lease in 2007. Mr. Cayer conveyed to her Mr. Hempel's reluctance to sign the lease because it was not what he wanted and that according to his lease at that time the City could not make him sign it and could only control his rent. In a meeting between Mr. Cayer, former City Attorney Dobrovolny and City Manager Caskie, the decision was made to raise Mr. Hempel's rent in an attempt to get his attention to bring this matter to the table. City Manager Caskie advised Mr. Hempel that staff does not have the authority to break leases, it must come before Council. She offered to negotiate a lease with Mr. Hempel. Mayor Kusek asked Mr. Hempel to meet with City Manager Caskie and City Attorney Miller prior to the May 1, 2008 City Council meeting.

- Ordinance No. 2606 approving the Final Plat of the Douglas Addition was the next item on Council's agenda.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve the first reading of Ordinance No. 2606. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2606

AN ORDINANCE APPROVING THE FINAL PLAT OF LOT 1 DOUGLAS 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 Charles L. Foster and Lori A. Foster, to approve the Final Plat of Lot 1, Douglas 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 Lot 1, Douglas 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 Lot 1, Douglas 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 Councilwoman Rowley, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2606.

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

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2606 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. 2606 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next item for Council's review was Ordinance No. 2607 authorizing the Vacation of Easement in Lakefield Addition for the Alliance Housing Authority. The construction of the proposed senior housing duplexes requires the release of the 10' utility easements between Lots 20 and 21, and Lots 24 and 25, Block 11, Lakefield Addition.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to approve

Ordinance No. 2607 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2607

AN ORDINANCE VACATING OF TWO EASEMENTS LOCATED IN BLOCK 11, LAKEFIELD 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 been requested to abandon two ten foot utility easements located in Block 11, Lakefield Addition between Lots 20 and 21 and between Lots 24 and 25, which easements were originally platted for use by the City's electrical utility.

SECTION 2. The easements requested to be abandoned by the City are no longer needed by the City electrical utility and are not projected to be needed in the future.

SECTION 3. The City of Alliance hereby abandons to the owners of Lots 20 and 21 and to the owners of Lots 24 and 25, Block 11, Lakefield Addition, Alliance, Box Butte County, Nebraska, the following described real estate, formerly platted as an utility easement:

The North 5 feet of Lot 21 and the South 5 feet of Lot 20, and the North 5 feet of Lot 25 and the South 5 feet of Lot 24, of Block 11, Lakefield Addition, an addition to the City of Alliance, as surveyed, platted and recorded in Box Butte County, Nebraska, as shown on Exhibit A attached hereto and by this reference incorporated herein.

SECTION 4. The Mayor is authorized to execute the disclaimer and release which has been provided, and City staff is authorized to file the disclaimer and release upon its signing with the Box Butte County Clerk.

SECTION 5. This real estate is not used in the operation of public utilities, and is not a State Armory for the use of the State of Nebraska or the State Armory, as provided in 16-201 R.R.S. Neb. 1943.

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

Motion by Councilman Dickenson, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2607.

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

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2607 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. 2607 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next item to be presented to Council was Ordinance No. 2608. This ordinance will reduce the width of the utility easement on the northern lot line of Lot 8, Block 4, Lakefield Addition from 10' to 5'.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Ordinance No. 2608 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2608

AN ORDINANCE VACATING A PORTION OF AN EASEMENT LOCATED IN LOT 8, BLOCK 4, LAKEFIELD 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 been requested to vacate a portion of an easement located in the North ten feet of Lot 8, Block 4, Lakefield Addition, which easement was originally platted for use as a utility easement.

SECTION 2. The portion of the easement requested to be abandoned by the City is no longer needed by the City utilities and is not projected to be needed in the future.

SECTION 3. The City of Alliance hereby abandons to the owner of Lot 8, Block 4, Lakefield Addition, Alliance, Box Butte County, Nebraska, the following described real estate, formerly platted as an utility easement:

The South 5 feet of the North 10 feet of Lot 8, Block 4, Lakefield Addition, an

addition to the City of Alliance, as surveyed, platted and recorded in Box Butte County, Nebraska, as shown on Exhibit A attached hereto and by this reference incorporated herein.

SECTION 4. The Mayor is authorized to execute the partial disclaimer and release which has been provided, and City staff is authorized to file the partial disclaimer and release upon its signing with the Box Butte County Clerk.

SECTION 5. This real estate is not used in the operation of public utilities, and is not a State Armory for the use of the State of Nebraska or the State Armory, as provided in 16-201 R.R.S. Neb. 1943.

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

Motion by Councilman Dickenson, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2607.

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

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

Voting Nay: None.

Motion carried.

Roll call vote on Ordinance No. 2608 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. 2608 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 08-40 approving the request to utilize the Contingency Fund of various departments to provide for the unexpected rise in fuel costs and related items was the next item to be brought before Council.

Motion by Councilman Benzel, seconded by Councilman Dickenson to approve Resolution No. 08-40 which follows in its entirety:

RESOLUTION NO. 08-40

WHEREAS, Operational expenses have increase beyond the planned budget of the different departments as a result of increased expenses including petroleum products; and

WHEREAS, The City of Alliance Budget has funds in each Department's Contingency Fund; and

WHEREAS, To ensure the City of Alliance does not go over budget and operations of the City do not suffer, transfers from the Departments Contingency Funds to the line item expenditures need to be completed; and

WHEREAS, The Staff has requested to replenish budget line items for the Department controlled expenditures as requested by the Department Head.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the amounts requested be transferred from the respective Contingency Funds to the expenditure line items as requested by the Department Heads.

General Fund	13,900.00
Electric Fund	7,500.00
Refuse Disposal Fund	750.00
Golf Fund	800.00
Water Fund	1,000.00
Sewer Fund	2,000.00
Airport Fund	11,600.00

BE IT FURTHER RESOLVED that the City Treasurer shall transfer from the respective Contingency Funds to budget line items as requested by the Department Heads.

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 discussion was Resolution No. 08-41 which will transfer \$75,000.00 from the Street Contingency Fund to Building Structure and Public Works allowing for a more aggressive pace of the Street and Sidewalk Rehabilitation projects.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve Resolution No. 08-41 which follows in its entirety:

RESOLUTION NO. 08-41

WHEREAS, The City of Alliance, maintains streets, sidewalks, curbs, and gutters; and

WHEREAS, Staff has determined that additional funds are necessary that additional funds are necessary to repair the streets, sidewalks, curbs, and gutters and

WHEREAS, The Staff has requested Street Department System Contingency funds in the amount of Seventy-five Thousand Dollars and No/100ths (\$75,000.00) to fund streets, sidewalk, curb, and gutter rehabilitation expenses; and

WHEREAS, the Street Department System has contingency funds available.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Seventy-five Thousand Dollars and No/100ths (\$75,000.00) shall be transferred from the Department System Contingency Funds to the following Street Department System budget line item:

NRCNTSVC Bld Strc & Publc	(439.310)	\$ 75,000.00
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BE IT FURTHER RESOLVED that the City Treasurer shall transfer Seventy-five Thousand Dollars and No/100ths (\$75,000.00) from the Department System Contingency Funds to above listed Street Department System budget line items.

Mayor Kusek asked for the amount of funds in the Contingency account. City Manager Caskie advised Council that there is \$225,000.00 and this will leave \$150,000.00 in the account. Mayor Kusek asked that \$25,000.00 be designated for off-street parking work on East 9th Street on the north side for Knight Museum and Sandhills Center parking. City Manager Caskie requested that the amount to be paid to Peltz Companies be increased by \$25,000.00 to include the parking. Mayor Kusek withdrew his request for the designation of funds.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 08-42 awarding the Street and Sidewalk Rehabilitation projects to Peltz Construction of Alliance, NE in an amount not to exceed \$150,000.00 was the next item for Council’s consideration.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 08-42 which follows in its entirety:

RESOLUTION NO. 08-42

WHEREAS, The City of Alliance has authorized competitive quotes to obtain bids for streets, sidewalk, curb, and gutter rehabilitation pursuant to bid number 4310-00-10; and

WHEREAS, Five (5) Invitations were issued, and four (4) responses were received; and

WHEREAS, The bid of Peltz Construction, Inc., a Nebraska Corporation, of Alliance, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of \$73,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the contract for bid number 4310-08-10 is hereby awarded to Peltz Construction, Inc., of Alliance, Nebraska in an amount not to exceed \$150,000.00, subject to variation in jobs as specified by the City, at the unit prices quoted in the bid.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that work can proceed according to the bid specifications.

Motion by Mayor Kusek, seconded by Councilman Dickenson to amend Resolution No. 08-42 by increasing the amount not to exceed to \$175,000.00 and designate \$25,000.00 for off-street parking work on East 9th Street on the north side for Knight Museum and Sandhills Center.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on Resolution No. 08-42 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 08-43 approving the site plans, floor plans, elevations, siding colors, shutter, brick and shingle recommendations for the Rosewood Estates, LLC building project was the next item on Council's agenda.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to approve Resolution No. 08-43 which follows in its entirety:

RESOLUTION NO. 08-43

WHEREAS, On April 14, 1977, the original subdivision developer, the Community Development Consultant's Corporation ("CDCC") filed a plat for the Lakefield subdivision; and

WHEREAS, On December 28, 1978 CDCC filed a Declaration of Covenants, Conditions, and Restrictions ("CC&Rs") for the Lakefield Addition; and

WHEREAS, The Declaration of Covenants, Conditions, and Restrictions define the Declarant as the Community Development Consultant's Corporation, its successors and assigns if such successors or assigns should acquire more than one undeveloped lot from the Declarant for the purpose of development; and

WHEREAS, The Declaration of Covenants, Conditions, and Restrictions require that prior to construction, plans and specifications including a site plan and building elevations shall be submitted in duplicate to the Declarant for approval; and

WHEREAS, The portion of the subdivision still owned by CDCC was transferred to the City of Alliance by Sheriff's Deed on September 18, 1985. The Sheriff's Deed conveyed the subdivision except for 77 lots in the Lakefield Addition to the City of Alliance that had been individually released from CDCC's mortgage

WHEREAS, The Declaration of Covenants, Conditions, and Restrictions require that the approval of the plans shall be within the sole discretion of the Declarant and shall relate to the quality of the materials used; the harmony of the design and the site plan with the development environment; and the location of the buildings with respect to the topography of the lot

WHEREAS, The City of Alliance acquired more than one undeveloped lot from the original Declarant for the purpose of development and became the successor or assign of the CDCC; and

WHEREAS, The City of Alliance has received a request to approve the improvements to be constructed as the Rosewood Estates, LLC including the site plans, floor plans, elevations, the four earth tone siding colors, the shutter, brick and shingle recommendations for the Rosewood Estates, LLC building project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the City Council of Alliance, Nebraska, that the site plans, floor plans, elevations, the four earth tone siding colors, the shutter, brick and shingle recommendations for the Rosewood Estates, LLC building project as presented are of sufficient quality of materials, that the design is in harmony with the Lakefield Addition existing structures, and the site plan with the development environment and the location of the buildings with respect to the topography of the lots are all appropriate for the Lakefield Addition.

BE IT FURTHER RESOLVED, by the Mayor and the City Council of Alliance, Nebraska,

that the site plans, floor plans, elevations, the four earth tone siding colors, the shutter, brick and shingle recommendations for the Rosewood Estates, LLC building project is approved.

Trish Wood, Director of the Alliance Housing Authority distributed samples of color choices for Council's review.

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 discussion was the date to conduct a Special Council Meeting.

By consensus, Council will conduct a Special Council Meeting on May 5, 2008 at 7:00 p.m.

- Two board appointments were the next item on Council's agenda.

Motion by Councilman Dickenson, seconded by Councilman Benzel to appoint Dorothy L. Schnell to the Alliance Planning Commission for a term 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 appoint Joshua G. Carr to the Alliance Planning Commission 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.

- The last item on Council's agenda was an Executive Session to discuss a

personnel matter.

Mayor Kusek motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the purpose of discussing a personnel matter. The motion was seconded by Councilman Dickenson. Mayor Kusek requested the presence of City Manager Caskie at the Executive Session.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 8:50 p.m. and ended at 9:25 p.m.

Motion by Mayor Kusek, seconded by Councilman Dickenson to authorize City Manager Caskie to execute a contract with Larry Miller to become the full-time City Attorney effective May 1, 2008.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Kusek stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:30 p.m.”

Dan Kusek, Mayor

(SEAL)

Linda S. Jines, City Clerk