

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 7, 2007

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

The Alliance City Council met in a Regular Meeting, June 7, 2007 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 May 31, 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 June 7, 2007 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 Dobrovolny and City Clerk Jines.

- The first item to come 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 - MAY 17, 2007

1. Approval: Minutes of the Regular Meeting, May 17, 2007.
2. Approval: Payroll and Employer Taxes for the period May 5, 2007 through May 18, 2007, inclusive; \$139,565.14 and \$9,852.92 respectively.
3. Approval: Claims against the following funds for May 14, 2007 through June 4, 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: \$1,352,848.95.

- 4. Approval: Resolution No. 07-70 granting permission for a Special Designated Liquor License to the Alliance Jaycees for a beer garden during Heritage Days, July 18 through July 21, 2007. The location is near the northeast corner of 5th Street and Box Butte Avenue on a parcel 42' x 100'.
- 5. Approval: Acceptance of a new sign for the Skyview Golf Course building in memory of Dr. Donald Taylor Sr.

- 6. Approval: Issuance of the following contractor licenses:

General Contractor..... Michael Monson dba Benson-Orth Associates, Inc.
 Timothy Dahlberg dba Dahlberg Carpentry

Class A Master Electrician..... Joshua Bell dba PREMA

Master HVAC Chris Gordon dba Advance Air

Repair & Maintenance John Sampson

NOTE: City Manager Caskie has reviewed these expenditures and to the best of her knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Councilman Benzel questioned a charge to Heartland Aviation for June hangar management. City Manager Caskie explained that the City pays them to manage the Airport hangar. Councilwoman Rowley inquired about a charge to the City of Alliance Golf Fund listed in the Airport Fund. Finance Director King explained that Parker-Hannifin paid their airport lease payment and golf fees in one check. This charge reflects the transfer to the golf fund.

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. 2570 relating to the rezoning of property located in the west part of Homestead Addition. Mayor Kusek stated that “Now is the date, time and place to conduct a public hearing on the rezoning of property located in the west part of Homestead Addition from RP-5 (Single Family Mobile Home) to R-1A (Single

Family Residential). Mayor Kusek opened the public hearing at 7:07 p.m. Hearing no testimony, the public hearing closed at 7:08 p.m.

Motion by Mayor Kusek, seconded by Councilman Benzel to approve Ordinance No. 2570 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2570

AN ORDINANCE AMENDING THE MUNICIPAL CODE, ORDINANCE NO. 1890, SPECIFICALLY 10-302, THE ZONING DISTRICT MAP, BY AMENDING THE ZONING OF CERTAIN PARCELS OF LAND AS DESCRIBED HEREIN FROM SINGLE-FAMILY RESIDENTIAL MOBILE HOME (R-5) TO SINGLE-FAMILY RESIDENTIAL(R1-A).

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 changing the zoning designation of certain parcels of property.

SECTION 2. The application of the City of Alliance, Nebraska, has been received, which requests rezoning of certain parcels of real estate from Single-Family Residential Mobile Home (R-5) to Single-Family Residential (R1-A). The description of the real estate requested to be rezoned is as follows:

Replat of Homestead Second Addition, Block 2, to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof;

and

Portions of Homestead Third Addition, to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof,

Block 3: Lots 20, 21

Block 4: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17

Block 5: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

Block 6: Lots 1, 2, 3, 4, 5

Block 7: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9

Block 8: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

Block 9: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19

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. Six property owners were mailed notice. All responses were disinterested.

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 June 7, 2007.

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

SECTION 7. The parcels described herein at paragraph number 2 of this ordinance are hereby rezoned from Single-Family Residential Mobile Home (R-5) to Single-Family Residential (R1-A) as of the effective date of this ordinance.

SECTION 8. Changes to the authentic zoning district map on file in the Planning Commission office shall be made by city staff to reflect this change in zoning designation.

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, Yeager.

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Ordinance No. 2571 regarding the possession or presence of firearms or dangerous weapons on City of Alliance property.

Motion by Councilman Benzel, seconded by Councilman Dickenson to approve Ordinance No. 2571 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2571

AN ORDINANCE DECLARING THE POSSESSION OR PRESENCE OF FIREARMS OR DANGEROUS WEAPONS ON CITY OF ALLIANCE PROPERTY TO BE UNLAWFUL, AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

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

SECTION 1. Cities of the First Class are permitted by law to regulate the possession of weapons for the protection of their citizens.

SECTION 2. The Alliance Municipal Code currently regulates the use of certain weapons within the City of Alliance.

SECTION 3. Chapter 6, Article 4 of the Alliance Municipal Code is hereby amended, by the addition of the sections following:

6-401.01 POSSESSION OF FIREARMS AND DANGEROUS WEAPONS IN CITY FACILITIES OR ON CITY REAL ESTATE, PROHIBITED.

- A. It shall be unlawful for any person to knowingly possess or cause to be present a firearm or other dangerous weapon on real estate or any improvements thereon owned by the City of Alliance.

- B. This section shall not apply to possession of a firearm or other dangerous weapon by:
 - 1. An officer, agent, or employee of a state or a political subdivision thereof who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, while in the lawful performance of official duties.
 - 2. Any range operated, supervised, permitted, or maintained by the State of Nebraska or any political subdivision thereof when in connection with an educational or training program, or organized shooting group.
 - 3. City authorized shows, performances and/or exhibitions displaying or using guns and/or knives.
 - 4. A person properly licensed as a hunter on City real estate which is open to public hunting.

6-401.02 DEFINITIONS.

For the purposes of Section 6-401.01 the following words shall have the following meanings:

- a) City Real Estate and Improvements shall mean a building or part thereof owned or leased by the City of Alliance, Nebraska, or any other real estate, such as parks, recreational facilities, or other open areas. City real estate and improvements shall not include city streets as long as the firearm or weapon is lawfully transported in a vehicle.

- b) Dangerous weapon shall mean any firearm, stun gun, knife, switchblade knife, any gun which releases any propelled object by spring mechanism, compressed air or compressed gas, or any other instrument the use of which is intended or likely to cause death or bodily injury.

- c) Knife shall mean any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting,

stabbing, or tearing wounds, other than knives used for culinary purposes.

- d) Stun gun shall mean any handheld electronic device that is powered by an internal power source such as batteries, and that is capable of introducing an electrical current into the body of a person which when introduced to the body shall be capable of disrupting a person's central nervous system and rendering the person temporarily incapable of normal functioning, for any period of time whatsoever. The electrical current may be introduced into the human body by means of direct pressure to the body from fixed electrodes on the electronic device and/or by one or more electrodes attached to a length of wire or other connection and which upon being fired from a firearm or any other mechanical device, strikes the human body and produces the reaction described herein.

SECTION 4. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances, resolutions, policies, and procedures of the City of Alliance which are not consistent with the terms hereof, 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.

City Manager Caskie explained that this ordinance will provide the Police Department with the legislation to prosecute the violators of the Concealed Weapons law. Councilman Dickenson requested that sidewalks be added to Section 6-401.01(a).

Roger Bunnell, 612 Sweetwater addressed Council illustrating several instances of citizens protecting one another with concealed weapons.

Guy Hielscher, 6550 Otoe Road, addressed Council as a licensed concealed weapons instructor for the State of Nebraska. He advised Council that persons applying for a concealed weapons permit are required to attend specific instruction classes and fire on a firing range. He voiced concern regarding the vague definition of dangerous weapons. He read a list of places that are forbidden to carry a concealed weapon as provided by the State of Nebraska. The State of Nebraska has asked the entities involved to post a sign in the doorway to indicate their desire for no weapons to be permitted, however, it is not required of them.

Mayor Kusek suggested that Councilman Benzel, City Attorney Dobrovolny and Guy Hielscher meet to discuss the issues surrounding the Concealed Weapons law.

Councilman Benzel withdrew the motion to approve the ordinance on first reading.

- Ordinance No. 2572 authorizing the sale of Lots 17 and 18, Block 10, Original Town to Richard T. Otto and Aimee A. Otto in the amount of \$7,000.00 was the next item for Council's discussion.

Motion by Councilman Dickenson, seconded by Councilwoman Rowley to approve Ordinance No. 2572 on first reading. City Clerk Jines read the ordinance by title which followed in its entirety:

ORDINANCE NO. 2572

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF LOTS 17 AND 18, BLOCK 10, ORIGINAL TOWN, ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

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

SECTION 1. The City of Alliance has received an offer from Richard T. Otto and Aimee A. Otto, husband and wife, to purchase Lots 17 and 18, Block 10, Original Town, Alliance, Box Butte County, Nebraska, according to the recorded plat thereof, in the amount of \$7,000.00.

SECTION 2. The real estate is not used in the operation of public utilities, and is not a state armory for the use of the State of Nebraska or the State Armory, as provided in §16-201 R.R.S. Neb. 1943.

SECTION 3. The City Clerk shall cause notice of this sale to be published as required by law. If, within the time prescribed by law, a legally sufficient remonstrance against the sale has not been filed, the Mayor and City Clerk are by this ordinance authorized to execute and deliver to the escrow agent the City's warranty deed for the herein described property upon payment of the purchase price provided for herein and in the purchase agreement.

Remonstrance against such sale is defined as a petition signed by legal electors of Alliance, Nebraska, equal in number to thirty percent (30%) of the electors voting at the last regular municipal election. Said petition shall be filed with the governing body of the City within thirty days (30) of the passage and publication of this Ordinance. In the event a remonstrance is received which is legally sufficient, said property shall not then, nor within one year thereafter, be sold.

SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Mr. Rich Otto, 1203 Box Butte Avenue, addressed Council indicating that his plans for erecting a new building in the downtown area have not come about overnight. In 2003, he approached Council regarding the sale of these same lots. Council requested construction begin eighteen months after the date of purchase which Mr. Otto was unable to commit. Mr. Otto plans to break ground July, 2008. He feels that the economic viability of the City's downtown needs to be revitalized. The building that Mr. Otto intends to construct will not compromise the integrity of the National Historic Registry designation which was recently awarded to the Main Street Program.

Mr. Otto requested the building have set backs for screening purposes, as well as customer parking. Deputy State Historic Preservation Officer Bob Puschendorf indicated that setbacks for Mr. Otto's building would not impact the National Historic Registry designation unless there is a general trend of construction that does not come up to the sidewalk.

City Manager Caskie read the definition of Zoning District C-2 as stated in the Alliance Municipal Code as follows: "Intent: The C-2, Central Business District is intended to provide a zone that will accommodate low impact retail and service businesses in those areas of the community that were traditionally developed with no building setback requirements." All other ordinances provide and require a front setback, however this ordinance states that the setback requirement is zero. This will allow zero setback, however it does not mean that there has to be zero setback although that is the definition. City Manager Caskie advised Council that from 1st Street to 6th Street in downtown Alliance there are no 40 foot setbacks which is what this site plan with front parking will require or any businesses with parking in front of the building. Parking in front of a building produces a vehicular appearance rather than a pedestrian approach.

Mayor Kusek suggested that the location of the building could be shifted to the south side of the property and move the parking to the north side of the building rather than the front.

Patty Bell, 313 Main Street, addressed Council as a business owner directly across from the property Mr. Otto is offering to purchase. She asked Council to be open minded to Mr. Otto's building plans to help revitalize the downtown area. She also illustrated the lack of parking for customer's due to the configuration of the street as well as the volume of employees from Box Butte County Courthouse that occupy the parking spaces that are available.

Councilman Yeager advised Council that in his opinion having the building set back would be a benefit from a safety standpoint.

Dr. Donald Taylor, 1335 Sheridan addressed Council in support of Mr. Otto's building. He also pointed out how many public parking lots are located in the downtown area. He shared a picture of the courthouse in downtown Lexington, NE that illustrates off-street parking and green space.

Denise Barker, 506 Cheyenne, representing Historic Main Street Alliance addressed staff indicating concern regarding the preservation of the historic integrity in the downtown area.

Terry Curtiss, addressed Council indicating he utilizes the driveway into the property every day and has not encountered any problem entering Box Butte Avenue. He advised Council that directing traffic to 5th Street will not work because there is not sufficient turning radius with parking on both sides of the street and the alley is one way to the south which makes it illegal.

City Manager Caskie voiced her concern that parking that is vehicle oriented rather than pedestrian oriented affects the future of the downtown. Many communities that have allowed a business to build with parking in front of the building and twenty years later they have questioned

the decision that was made.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Rowley, Yeager.

Voting Nay: Dickenson.

Motion carried.

- The next item to come before Council was Resolution No. 07-72 approving the Manager's Application of Dennis J. Meng for D-HEAD, Inc. dba The Gathering Spot, located at 213 Box Butte Avenue.

Motion by Councilman Yeager, seconded by Councilman Dickenson to approve Resolution No. 07-72 which follows in its entirety:

RESOLUTION NO. 07-72

WHEREAS, The City of Alliance has received a notice and copy of a manager application for a Retail Class I Liquor license submitted by Dennis J. Meng as a representative of D-Head, Inc.; and

WHEREAS, City staff has reviewed the application and finds no reason why the proposed manager, Dennis J. Meng, would be disqualified from serving as manager; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the manager's application of Dennis J. Meng for D-Head, Inc., d/b/a The Gathering Spot, License Number 72645CK, is hereby approved.

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Nebraska Liquor Control Commission of this Council decision.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-73 requesting use of the City alley behind The Gathering Spot to conduct a beer garden during Heritage Days on July 19, 20, and 21, 2007 was the next item to come before Council.

Motion by Mayor Kusek, seconded by Councilman Yeager to approve Resolution No. 07-73 which follows in its entirety:

RESOLUTION NO. 07-73

WHEREAS, The City Clerk has received the request of the Gathering Spot to close the alley between Box Butte and Niobrara Avenues in the 200 Block on July 19, 20, and 21, between the hours of _____ and _____; and

WHEREAS, The request is made to support the operation of a proposed beer garden; and

WHEREAS, Public safety officials have reviewed the plans for this event and have given their approval; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the request of the Gathering Spot to close the alley between Box Butte and Niobrara Avenues in the 200 Block, as provided in their application and accompanying documents, is hereby approved.

Mayor Kusek voiced his concern regarding emergency vehicle access. He suggested that the section of the alley between The Gathering Spot and the parking lot of Ken and Dale's Restaurant be closed beginning at 3:00 p.m. each day.

Councilman Dickenson noted a discrepancy between the dates requested for the closure and the dates that Ken and Dale's Restaurant are leasing their parking lot to The Gathering Spot to use for the beer garden. Shawn Gavney, 2521 S. Highway 385, addressed Council as part owner of The Gathering Spot and advised Council that a typographical error had been made and that the correct dates are July 19, 20, and 21, 2007. He advised Council that the fencing material would be ten foot cattle panels and entrance to the beer garden would be from both outside and through The Gathering Spot with attendants monitoring the fence.

Councilman Dickenson also voiced concern relating to emergency access as well as the use of the parking lot for a beer garden and the ability for minors to access alcohol through the fence.

Councilman Benzel requested the panels be pinned to provide quick access. Mayor Kusek suggested the blanks in the resolution be filled in with 3:00 a.m. to 1:00 p.m. City Dobrovolny asked Council if they would like to limit the width of the crossing in the alley.

Mayor Kusek suggested the third paragraph to read "Public safety officials will approve the location of the crossing" instead of "having reviewed the plans."

Motion by Mayor Kusek, seconded by Councilwoman Rowley to amend Resolution No. 07-73 be fill in the blanks with 3:00 p.m. to 1:00 a.m. as the hours of operation and in the third

paragraph to read “Public safety officials will approve the location of the crossing” instead of “having reviewed the plans”.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

City Attorney Dobrovolny noted that this resolution is approving the crossing only and does not approve the beer garden. Application must be made to the Nebraska Liquor Control Commission and brought before Council in a separate resolution to approve the Special Designated Liquor License for the beer garden. City Clerk Jines also noted that receipt of Certificate of Insurance coverage is required.

Roll call vote on amended resolution No. 07-73 with the following results:

Voting Aye: Kusek, Benzel, Rowley, Yeager.

Voting Nay: Dickenson.

Motion carried.

- The next item to be presented to Council was Resolution No. 07-74 authorizing a haying lease for Tract A on the Alliance Municipal Airport grounds to NEBCO, Inc. for \$7.00 per acre.

Motion by Councilwoman Rowley, seconded by Councilman Yeager to approve Resolution No. 07-74 which follows in its entirety:

RESOLUTION NO. 07-74

WHEREAS, The City of Alliance owns areas suitable for hay production which are available for lease; and

WHEREAS, The City has received a proposal from Charlie Foster to lease Tract “A” for \$7.00 per acre for a one-year period to NEBCO, Inc., a Nebraska Corporation; and

WHEREAS, The City of Alliance offered Tract “A” for bids for hay harvesting in 2006 and received no bids; and

WHEREAS, The City Council finds that the proposed lease is appropriate for airport

purposes and should be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the lease for Tract "A" on the Alliance Municipal Airport grounds to NEBCO, Inc., a Nebraska Corporation, is hereby approved, and the Mayor and City staff are authorized to sign the lease on behalf of the City of Alliance.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to amend the lease to commence June 1, 2007 and end on December 31, 2007.

Roll call vote on the lease amendment with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Benzel made a motion to amend the lease to require payment be made prior to any haying activity. Councilman Benzel withdrew the motion.

Roll call vote on Resolution No. 07-74 with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-75 authorizing Change Order No. 4 and final payment regarding the Bronco Lake Wellfield Contract with Kelley-Deines Irrigation was the next item to be brought before Council.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Resolution No. 07-75 which follows in its entirety:

RESOLUTION NO. 07-75

WHEREAS, Change Proposal Request No. 4, regarding 040-061-04, Bronco Lake Wellfield, has been received from the City's engineer and the contractor; and

WHEREAS, The Change Proposal Request is in the amount of \$10,037.80 and represents a net decrease due to the following:

CRP Hydro Seeding on Pipeline Trench (8' wide) - (1,100' @ \$2.50 per L.F.).....	\$2,750.00
Misc. CRP Hydro Seeding (2,000 S.F. @ 0.40 per S.F.).....	\$800.00
LCD display for V-Cone Meter (2 @ \$585 each).	\$1,170.00
Liquidated Damages.	(\$11,000.00)

Reconciliation of Quantities

(Items A-8, B-11, C-3, D-1 and D-2 are not included, they were eliminated as alternates

A-1	Added 14 l.f. of well drilling (14 l.f. @ \$70 l.f.).....	\$980.00
A-2b	Added 24 v.f. of 16" Well Casing (24 v.f. @ \$70 v.f.).....	\$1,680.00
A-3a	Added 26 v.f. of 8" Column Pipe (26 v.f. @ \$65 v.f.).....	\$1,690.00
B-1a	Remove 11 l.f. of 8" PVC Water Pipeline (11 l.f. @ \$21.40).....	(\$235.40)
B-3b	Remove (2) 4" RSWV (2 each @ \$760 each).....	(\$1,520.00)
B-7	Remove 300 s.y. Hot Springs Fine Gravel (300 s.y. @ \$4.25 s.y.).....	(\$1,275.00)
B-8	Remove 479 l.f. 8' gravel road (479 l.f. @ \$10.60).....	(\$5,077.40)

Current Contract Price + (-) Previous Change Orders.	\$506,811.21
Amount this Change Order.	(\$10,037.80)
Revised Contract Amount.	\$496,773.41

; and

WHEREAS, The Change Proposal Request has been approved by the contractor, and signed by the City’s engineer; and

WHEREAS, The contract work is completed, and final payment in the amount of \$44,075.44 is due and should be paid.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Change Proposal Request No. 4, concerning 040-061-04, is hereby approved and accepted and the Mayor is hereby authorized to sign the request.

BE IT FURTHER RESOLVED, that final payment on this contract in the amount of \$44,075.74 is hereby approved for payment.

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. 07-76 authorizing the use of Community Betterment Contingency Funds in the amount of \$17,075.00 for the purchase of bleacher seating.

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 07-76 which follows in its entirety:

RESOLUTION NO. 07-76

WHEREAS, The City of Alliance owns and operates numerous recreational facilities; and

WHEREAS, Bleacher seating is used frequently by spectators of events at these City facilities; and

WHEREAS, Additional bleacher seating is needed for the rodeo grounds and other events; and

WHEREAS, The City of Alliance has funds available for community betterment purposes held in contingency.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that \$17,075.00 shall be transferred by the City Treasurer from the Community Betterment Contingency Fund to the Parks Fund for the purpose of purchasing additional bleacher type seating for the City's recreational facilities.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 07-78 authorizing the use of Community Betterment Contingency Funds in the amount of \$1,320.00 to replace bricks in disrepair with concrete on the east side of the Senior Center was the next item for Council's consideration. The Senior Center will match the funds expended by the City.

Motion by Mayor Kusek, seconded by Councilwoman Rowley to approve Resolution No. 07-78 which follows in its entirety:

RESOLUTION NO. 07-78

WHEREAS, The City of Alliance owns property used as a Senior Citizen's Center; and

WHEREAS, Brick and concrete repairs have recently been undertaken at the Senior Center; and

WHEREAS, The Senior Center has proposed to cost share at 50% the cost of the repairs; and

WHEREAS, The City of Alliance has funds available for community betterment purposes held in contingency.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that \$1,320.00 shall be transferred by the City Treasurer from the Community Betterment Contingency Fund to the General Fund for the purpose of concrete repairs at the Senior Center.

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. 07-77. This resolution will change the August meeting date from Thursday, August 9, 2007 to Tuesday, August 7, 2007.

Motion by Councilman Yeager, seconded by Councilman Dickenson to approve Resolution No. 07-77 which follows in its entirety:

RESOLUTION NO. 07-77

WHEREAS, The City Council annually adopts a calendar setting forth the dates of regular Council meetings; and

WHEREAS, City Code allows the meeting schedule to be amended by City Council by means of a Resolution; and

WHEREAS, Councilmember scheduling conflicts necessitate a change in the regular meetings currently set for August, 2007.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the regular meetings of City Council in August 2007 shall occur on August 7th, and August 23rd, at the established hour and location.

BE IT FURTHER RESOLVED, that the City Council Calendar shall be amended to conform with these changes.

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 discussion to establish a meeting date to conduct a Budget Workshop.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to conduct a Budget Workshop on July 23, 2007 at 8:00 a.m.

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 a Board Appointment and a Board Resignation.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to re-appoint James Girard to a term on the Museum Board expiring May 31, 2012.

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 regretfully accept the resignation of Vickie Hielscher from the A-1 Downtown Improvement Board.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Yeager.

Voting Nay: Rowley.

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