

May 6, 2010

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MAY 6, 2010

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

The Alliance City Council met in a Regular Meeting, May 6, 2010 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 29, 2010. 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 Yeager opened the May 6, 2010 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Kusek, Benzal, Rowley and Feldges. Also present were Interim City Manager Miller and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first item on Council's agenda was the Consent Calendar.

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

CONSENT CALENDAR – MAY 6, 2010

1. Approval: Minutes of the Regular Meeting, April 22, 2010.
2. Approval: Payroll and Employer Taxes for the period April 3, 2010 through April 16, 2010 inclusive: \$160,718.68 and \$11,364.00 respectively.

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3. Approval: Claims against the following funds for the period December 15, 2008 through January 5, 2009: 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; \$898,229.99.
4. Approval: Resolution No. 10-57 authorizing the renewal of the CRP-MAP Program for walk-in hunting at the Water Well Field Site. The renewal is for a one year period with the City of Alliance receiving \$330.00 from the Nebraska Game and Parks Commission.
5. Approval: The *Request for Reserved or Exclusive Use of City Streets* from the Alliance Park Foundation for their annual Fountain Fest event. The event will be held on Thursday, June 24, 2010 between 3:00 p.m. and 9:00 p.m. The request is to close Niobrara Avenue between 10th and 12th Street; and to allow only one way traffic on 12th Street heading east between Box Butte and Sweetwater Avenues and only one way traffic on Sweetwater Avenue heading south between 12th and 10th Streets.
6. Approval: Resolution No. 10-58 granting a Special Designated Liquor License to D-Head Inc. dba The Gathering Spot for Thursday, Friday and Saturday, July 22nd, 23rd and 24th, 2010 for Heritage Days. Approval will be contingent upon receiving the appropriate Certificate of Insurance at least 10 days prior to the event.
7. Approval: Resolution No. 10-59 granting a Special Designated Liquor License to Kloch's Liquor for Saturday, May 15, 2010 for an event to be held at the Knight Museum and Sandhills Gallery.
8. Approval: The issuance of a Cemetery Certificate to Spencer Bishop for Lot Three (3), Section Four (4), Block Twenty-eight (28), Fourth Addition to the Alliance Cemetery.
9. Approval: The issuance of the following Contractor Licenses:

General Contractor:	Fuller Construction Co., Inc.
Limited & Specialty:	David Sanders, dba D & D Gutters
	Lee A. Anderson, dba Wildcat Roofing
	Virgil Kohler, dba Kohler Underground Sprinklers
	Charles R. Hamm, dba C & J Steel Erectors
Master Plumber:	Oswald Beraun, dba Beraun's Plumbing
	Edward Knouse, dba Precision Services Co.
	Leonard LaMont, dba Russell Repair, LLC
Gas Fitter:	Edward Knouse, dba Precision Services Co.
Journeyman Plumber:	Orin Knouse, dba Precision Services Co.
Repair & Maintenance:	John Sampson, dba Sampson Construction
Master HVAC:	Dana Daniels, dba Advance Air

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

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Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend the Consent Calendar to remove Item 7 for separate discussion.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Benzel questioned tree removal at a private residence. Electric Superintendent Larry Heinrich advised Council the tree was removed due to power line interference and that the property owner will reimburse the City half of the removal cost. He also inquired about sidewalk repair bills that are not listed in the 50/50 cost share program. Cultural and Leisure Services Director Shana Brown advised Council that the homeowner pays their half of the repair bill to the City before the work is started and the City pays the contractor when the repairs have been made. Councilman Feldges asked about a charge to Absolute Natural Resource for oxygen conditioner. Cultural and Leisure Services Director Shana Brown advised Council that once each year a treatment is conducted at Laing Lake to reduce algae growth. Councilman Feldges also asked if charges to Olsson Associates for arsenic removal were some of the final bills. Acting City Manager Miller advised Council that the City should be nearing final payment.

Roll call vote on the Consent Calendar as amended with the following results:

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

Voting Nay: None.

Motion carried.

- Discussion of Resolution No. 10-59 which was separated from the Consent Calendar was the next item on the agenda. The resolution will approve the application for a Special Designated Liquor License of Kloch's Liquor for an event to be held May 15, 2010.

Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 10-59.

City Clerk Jines advised Council that a private individual has rented a room at the Knight Museum and Sandhills Center for a graduation party and have hired Mr. Kloch to cater the event and serve alcohol to the adults. She indicated that she was unaware of the method of verifying legal age that Mr. Kloch intended to implement.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to table the discussion until the end of the meeting.

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Roll call vote with the following results:

Voting Aye: Benzel, Rowley, Yeager, Feldges.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a proclamation for Motorcycle Safety Awareness Month.

Councilman Kusek read the proclamation which follows in its entirety:

PROCLAMATION

WHEREAS, Motorcycle education has helped save the lives of many motorcyclists, and Nebraska has one of the oldest reimbursable motorcycle rider education programs in the nation; and

WHEREAS, Motorcycles will be found in Nebraska's traffic in greater numbers during the coming summer months and it makes good sense to encourage motorists and motorcyclists to learn to ride carefully; and

WHEREAS, Increased motorcycle awareness among vehicle operators and better safety habits among motorcyclists will help to prevent countless accidents and many serious injuries, and therefore, are priorities worthy of special recognition; and

WHEREAS, Several of the motorcycle clubs and organizations in the state participate annually during Motorcycle Safety and Awareness Month by organizing parades, bike shows, safety displays and riders courses.

NOW, THEREFORE, on behalf of the City Council of the City of Alliance, I do hereby proclaim the month of May, 2010 as:

MOTORCYCLE SAFETY AWARENESS MONTH

throughout the City of Alliance, Nebraska and urge all citizens to take due note of the observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 6th day of May in the year of the Lord Two Thousand Ten.

The proclamation was presented to Steve Benzel, member of A.B.A.T.E.

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- Ordinance No. 2660 annexing property identified as Lot 4, Block 2, Fullerton & Hurley Commercial Tracts located on the northwest corner of 10th Street and U.S. Highway 385 was the next order of business.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Ordinance No. 2660 on third reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2660

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, FINDING THAT CERTAIN LANDS SITUATED IN THE SOUTHEAST QUARTER (SE¼) OF SECTION TWENTY SEVEN (27), TOWNSHIP TWENTY FIVE (25) NORTH, RANGE FORTY EIGHT (48) WEST OF THE SIXTH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, WHICH IS DESCRIBED IN DETAIL IN THE BODY OF THIS ORDINANCE AND IS CONTIGUOUS AND ADJACENT TO THE CORPORATE LIMITS OF SUCH CITY IS URBAN OR SUBURBAN IN CHARACTER AND IS NOT AGRICULTURAL LANDS WHICH ARE RURAL IN CHARACTER; ANNEXING TO AND INCLUDING WITHIN THE CORPORATE LIMITS OF THE CITY SUCH TRACT OF LAND; THE EFFECTIVE DATE AND PROVIDING THAT THE OWNERS, OCCUPANTS AND USERS OF SUCH LAND BE ENTITLED TO THE RIGHTS AND PRIVILEGES, AND BE SUBJECT TO THE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE CITY AND RECEIVE SUBSTANTIALLY THE BENEFITS AS OTHER OWNERS, OCCUPANTS AND USERS OF THE LAND WITHIN THE CITY.

WHEREAS, The owner of the property to be annexed has petitioned the City to annex the following described property to the City of Alliance; and

WHEREAS, The City of Alliance Planning Commission, in their regular meeting on the 9th day of March, 2010, passed a motion recommending the annexation of said property.

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

SECTION 1: The following tracts of land, more particularly described as follows: Lot 4, Block 2, Fullerton-Hurley Commercial Tracts, and the right-of-way for Otoe Road a.k.a. 10th Street and U.S. Highway 385 which is located in the Southeast Quarter (SE¼) of Section Twenty Seven (27), Township Twenty Five (25) North, Range Forty Eight (48) West of the Sixth Principal Meridian, Box Butte County, Nebraska, being more specifically described as follows:

Beginning at the northeast corner of the intersection of West 10th Street and U. S. Highway 385; Thence westerly across U. S. Highway 385 to the northwest corner of West 10th Street/Otoe Road and U.S. Highway 385; thence continuing westerly along the north right-of-way line of West 10th Street/Otoe Road to the westerly lot line of Lot 4, Block 2, Fullerton – Hurley Commercial Tracts projected south to the northerly right-of-

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way line of West 10th Street/Otoe Road; Thence northerly on the said westerly lot line to its termination; Thence continuing easterly on the northerly lot line to its termination; Thence northerly to the northern most lot line of said Lot 4; Thence easterly on the northern most lot line of said Lot 4 and the northern most lot line projected easterly to the western right-of-way line of U.S. Highway 385; Thence southerly on the western right-of-way line of U.S. Highway 385 to the northwest corner of the intersection of West 10th Street/Otoe Road and U.S. Highway 385, Alliance, Nebraska, the point of termination.

SECTION 2: The above tract of land in SECTION 1 is hereby found and declared to be contiguous and adjacent to the Corporate Limits of the City of Alliance, Nebraska, to be urban or suburban in character, and not to be agricultural land which is rural in character.

SECTION 3: Such tract of land is hereby annexed to and included within the Corporate Limits of the City of Alliance, Nebraska, and thereafter shall be and remain a part of such City for all purposes whatsoever.

SECTION 4: The owners, occupants and users of such tracts of land shall be entitled to all of the rights and privileges, and be subject to all laws, ordinances, rules and regulations of such City. Such owners, occupants and users shall receive substantially the benefits of other owners, occupants and users of land within such City as soon as practicable and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal and water service shall be adopted as provided in Neb Rev. Stat. §16-120.

SECTION 5: The cost of extending all City services to the property will be the sole responsibility of the developer.

SECTION 6: This Ordinance shall become effective upon its passage and approval and publication as provided by law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2660 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- A public hearing on the Class C Liquor License Application of JCMG Holdings, LLC dba Newberry’s was the next item on Council’s agenda. Mayor Yeager declared, “Now is the date, time and place to conduct a public hearing on the Class C Liquor License of JCMG Holdings, LLC dba Newberry’s to be located at 402 Box Butte Avenue.” Mayor Yeager opened the public hearing at 7:24 p.m. Callan Ackerman, 1212 Box Butte Avenue addressed Council as

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one of the four members of JCMG Holdings, LLC. He gave a brief explanation of their business plan. Mayor Yeager closed the public hearing at 7:29 p.m.

Motion by Mayor Yeager, seconded by Councilman Kusek to approve Resolution No. 10-60 authorizing a recommendation to be forwarded to the Nebraska Liquor Control Commission. The resolution follows in its entirety:

RESOLUTION NO. 10-60

WHEREAS, The City of Alliance has received a notice and copy of an application for a Retail Class C Liquor License submitted by Jared Mann and Melanie Mann and Callan J. Ackerman and Victoria Ackerman, as JCMG Holdings, LLC, dba Newberry's; and

WHEREAS, Alliance City Council has held a public hearing as provided for by law within forty-five days after the date of receipt of the notice from the Nebraska Liquor Control Commission with the application; and

WHEREAS, Notice of such hearing was given as provided by law; and

WHEREAS, At such hearing, evidence was received by the Council bearing upon the propriety of the issuance of such license; and

WHEREAS, The cost of published notice for the application is \$8.50.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the issuance of a Retail Class C Liquor License to JCMG Holdings, LLC, dba Newberry's to be located at 402 Box Butte Avenue, Alliance, Nebraska.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-61 accepting a donation from the Alliance Parks Foundation for two picnic tables and two benches valued at \$3,817.80 was the next item to be presented to Council.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Resolution No. 10-61 which follows in its entirety:

RESOLUTION NO. 10-61

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WHEREAS, The Alliance Park Foundation has requested to donate two picnic tables and two benches to the City of Alliance; and

WHEREAS, The Alliance Park Foundation has requested that those furnishings be placed near the Central Park fountain; and

WHEREAS, City Council believes it is in the best interest of the City of Alliance to accept the donation from the Alliance Park Foundation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the donation of two picnic tables and two benches from the Alliance Park Foundation are accepted by the City of Alliance.

BE IT FURTHER RESOLVED that the picnic tables and benches may be placed as shown on the map which is included in the Council packets.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item for Council's discussion was Resolution No. 10-62 amending the Technology Policy which was adopted by the City Council on March 20, 2008. The amendments include four changes (1) requires all network computers and printers to be budgeted and purchased from the MIS budget, (2) requires the request to inspect data on the server be made by two parties, (3) changes the section "Cell Phone Use" to "Mobile Equipment and Service Use" and expands the scope, and (4) adds a "Social Media" section.

Motion by Councilman Feldges, seconded by Councilman Kusek to approve Resolution No. 10-62 which follows in its entirety:

RESOLUTION NO. 10-62

WHEREAS, The City of Alliance adopted a Technology Policy under Resolution 08-31; and

WHEREAS, Nebraska State Statutes have been revised and interpreted with regard to the use of electronic devices; and

WHEREAS, The City of Alliance desires to implement reasonable policies and procedures for the use of electronic devices, including computers, internet, cell phones, personal digital assistant and other electric devices; and

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WHEREAS, The Council believes the previous Technology Policy of the City of Alliance should be updated to reflect the changes in Nebraska State Statute.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the updated Technology Policy as modified is consistent with the changes made by the State of Nebraska and should be adopted, said policy is included in the Council packets for review.

Councilman Benzel voiced his disapproval of providing cell phones to employees that can be used for personal use for a minimal monthly fee. He believes that the employee should provide their own cell phone for personal use. Councilwoman Rowley asked how many Smart Phones have been issued. MIS Director Shari Lund advised Council there are seven Smart Phones in use by Department Heads. Councilwoman Rowley asked how many Department Heads use a personal cell phone in addition to the one issued to them by the City. Ms. Lund advised Council that she is not aware of the number. Acting City Manager Miller feels that it is to the City's advantage to provide Department Heads with a cell phone so they can be reached 24 hours per day, 7 days per week. Councilwoman Rowley asked for a definition of "personal use." She was advised they cannot use the phone for a private business. MIS Director Lund advised Council there are currently 31 cell phones issued to City of Alliance employees of which seven are Smart Phones. The contract fees are \$51.67 per Smart Phone and \$32.00 for the regular phones. If an employee's personal use causes additional charges to be incurred, the employee is responsible for the extra cost.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was Resolution No. 10-63 authorizing the submittal of a grant application to the 2010 Assistance to Firefighters to help in the funding of a new ambulance.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to approve Resolution No. 10-63.

Fire Chief Troy Shoemaker advised Council the grant deadline is May 28, 2010. The cost share is population based and many communities are raising their cost share amount to increase the likelihood of receiving grant monies. He will be enlisting assistance to write the grant.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to amend Resolution No. 10-63 to strike Paragraph 4 and change the percentage to 20% of the grant for a total not to exceed Thirty Thousand dollars.

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Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 10-63

WHEREAS, The City of Alliance operates an ambulance service through the Alliance Fire Department; and

WHEREAS, Ambulance #314 is a 1992 Ford F350 Road Rescue Ambulance and is scheduled for replacement in the 2010-2011 fiscal year; and

WHEREAS, The City of Alliance is qualified to apply for a 2010 Assistance To Firefighters Grant; and

WHEREAS, Staff is requesting permission to submit an application for the Grant in the fiscal year 2010; and

WHEREAS, The Council believes it is in the best interest of the City to submit the grant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is hereby authorized to submit an application for the 2010 Assistance To Firefighters Grant.

BE IT FURTHER RESOLVED that the City is willing to put up 20% of the grant for a total not to exceed Thirty Thousand and no/100ths Dollars (\$30,000.00) as the City's match of the grant.

BE IT FURTHER RESOLVED that if the grant is approved, staff is authorized to start drafting the bid requirements for a new ambulance.

Roll call vote on Resolution No. 10-63 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 10-64 authorizing the use of \$10,000.00 from the Refuse Disposal Contingency Fund.

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Motion by Mayor Yeager, seconded by Councilwoman Rowley to approve Resolution No. 10-64 which follows in its entirety:

RESOLUTION NO. 10-64

WHEREAS, The City of Alliance operates the Alliance Municipal Landfill; and

WHEREAS, The Solid Waste Deposit Facility scale required an unexpected repair in the amount of Four Thousand Nine Hundred Sixty Four and no/100ths Dollars (\$4,964.00); and

WHEREAS, The Solid Waste Deposit Facility had a 4000 hour check on the main John Deere Loader in the amount of Three Thousand Nine Hundred Two Dollars and 74/100ths Dollars (\$3,902.74); and

WHEREAS, City Staff is requesting that Council authorize the use of Refuse Disposal Department contingency funds to pay for these necessary equipment repairs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to transfer Ten Thousand and no/100ths Dollars (\$10,000.00) from the Refuse Disposal Department Contingency Fund to repair the Solid Waste Deposit Facility scale and pay for the 4000 hour check on the main John Deere Loader.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 10-65 approving the restated pension plans for General Employees, sworn Police personnel, and sworn Fire personnel was the next item on Council's agenda.

Motion by Councilwoman Rowley, seconded by Councilman Kusek to approve Resolution No. 10-65 which follows in its entirety:

RESOLUTION NO. 10-65

WHEREAS, The City of Alliance has the Police Department pension plan; a Fire Department pension plan; and the Alliance General City Employee's pension plan; and

WHEREAS, Changes in tax legislation required that the pension plans be amended and restated; and

WHEREAS, The City retained the firm who originally drafted our pension plans to make the amendments and restatements for the City; and

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WHEREAS, Those amendments and restatements are now complete

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Restated Police Department Pension Plan, effective January 1, 2010, is hereby adopted by the City of Alliance.

BE IT FURTHER RESOLVED that the Restated Fire Department Pension Plan, effective January 1, 2010, is hereby adopted by the City of Alliance.

BE IT FURTHER RESOLVED that the Restated Alliance General City Employee's Pension Plan, effective January 1, 2010, is hereby adopted by the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A board appointment was the next agenda item.

Motion by Councilman Benzel seconded by Councilman Feldges to re-appoint Pearl Mason to the Museum Board for a term expiring May 31, 2015.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was Resolution No. 10-59 which was removed from the Consent Calendar earlier in the meeting.

Motion by Councilman Kusek, seconded by Councilwoman Rowley to consider Resolution No. 10-59.

Roll call vote to consider the resolution with the following results:

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

Voting Nay: None.

Motion carried.

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Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 10-59 which follows in its entirety:

RESOLUTION NO. 10-59

WHEREAS, The City Clerk has received an application for a special designated license pursuant to the Nebraska Liquor Control Act; and

WHEREAS, Said act requires the approval of applications by the local governing body prior to such a license being issued by the Nebraska Liquor Control Commission; and

WHEREAS, The application appears to be complete and meet the statutory requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Application for Special Designated License of Kloch's Liquor LLC for May 15, 2010 is hereby approved for the premises described in the application, and the City Clerk shall inform the Nebraska Liquor Control Commission of the approval of the application, and the Clerk shall deliver the license issued by said Commission to the permittee upon receipt of the required fees.

Steve Kloch, 1624 Emerson Avenue addressed Council. Councilman Kusek voiced his concerns to Mr. Kloch regarding serving alcohol at a high school graduation party which will be held on City property. He indicated that his wife and daughter will be bartending and are very acquainted with the students who are underage. City Clerk Jines advised Council that the request will still be forwarded to the Nebraska Liquor Control Commission who ultimately makes the final decision.

Roll call vote with the following results:

Voting Aye: Benzel.

Voting Nay: Yeager, Rowley, Kusek, Feldges.

Motion carried.

- Resolution No. 10-66 awarding the Executive Search Firm Selection to Brimeyer Fursman of Maplewood, MN in the amount of \$15,750 with additional expenses not to exceed \$6,000.00 was the next item for Council's consideration.

Motion by Councilman Feldges, seconded by Councilwoman Rowley to approve Resolution No. 10-66 which follows in its entirety:

RESOLUTION NO. 10-66

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WHEREAS, The City Council of Alliance decided to hire an executive search firm to assist in the recruitment of a new city manager; and

WHEREAS, The City of Alliance went out for Request For Proposals; and

WHEREAS, The City received eight proposals; and

WHEREAS, Staff with two members of Council have reviewed the proposals and are recommending that the City Council hire the Brimeyer Fursman, LLC firm to assist in the recruitment of a city manager.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign a contract with Brimeyer Fursman, LLC, a copy of which is included in the Board packets, to provide executive search and recruitment services for the potential hiring of a city manager for Alliance, Nebraska.

BE IT FURTHER RESOLVED that staff is authorized to issue payment for one third of the fee as provided for in the contract.

BE IT FURTHER RESOLVED that the fee to retain Brimeyer Fursman LLC shall be paid out of Council Contingency.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:23 p.m.”

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk