

# ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 19, 2008

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

The Alliance City Council met in a Regular Meeting, June 19, 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 June 12, 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 June 19, 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 Councilman Benzel to approve the Consent Calendar which follows in its entirety:

---

**CONSENT CALENDAR - JUNE 19, 2008**

1.     Approval:     Minutes of the Regular Meeting, June 5, 2008.
  
2.     Approval:     Payroll and Employer Taxes for the period May 17, 2008 through May 30, 2008, inclusive; \$162,833.39 and \$11,636.14 respectively.
  
3.     Approval:     Claims against the following funds for June 2, 2008 through June 16, 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:

\$188,923.65.

4. Approval: The City of Alliance is requesting the closure of Niobrara Avenue between 10<sup>th</sup> and 12<sup>th</sup> Streets on Thursday, June 26, 2008 between the hours of 3:00 p.m. and 9:00 p.m. The City along with the Park Foundation will be conducting the Central Park Fountain-Fest which is anticipated to be an annual event. The Alliance High School Band will be marching from the Stadium to the Fountain as part of the program.

5. Approval: The Alliance High School Activities Booster Club has requested the closure of 12<sup>th</sup> Street between Niobrara and Sweetwater Avenues on Saturday, August 23, 2008 between 3:00 p.m. and 7:00 p.m. They will be conducting the Annual Big Blue Barbecue.

6. Approval: Resolution No. 08-56 granting the Newberry Foundation a Special Designated License for July 15, 16, 17, 18, and 19, 2008 during Heritage Days.

7. Approval: Resolution No. 08-57 granting Qujo, Inc. a Special Designated License for July 18 and 19, 2008 during Heritage Days.

8. Approval: Resolution No. 08-58 granting The Gathering Spot a Special Designated License for July 18 and 19, 2008 during Heritage Days. The application is the same as last year and requests the closure of a portion of the north/south alley between 3<sup>rd</sup> Street and the east/west alley as the beer garden will encompass the Ken and Dale’s Restaurant parking lot.

†. Approval: Resolution No. 08-64 granting the Alliance Jaycees a Special Designated License for July 16, 17, 18 and 19, 2008 during Heritage Days.

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

General Contractor..... Guy German dba Buland Group, Inc.

Repair & Maintenance..... John Sampson dba John Sampson Construction

Master HVAC. .... Ralph A. Wood dba Z & S Sheet Metal

Journeyman HVAC. .... Jerad Wilson dba Z & S Sheet Metal

Gas Fitter. .... Ralph A. Wood dba Z & S Sheet Metal  
Jerad Wilson dba Z & S Sheet Metal

Master Plumber. .... Ralph A. Wood dba Z & S Sheet Metal

Limited & Specialty..... Virgil Kohler dba Kohler Underground Sprinklers

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 Dickenson questioned a charge for typewriter ribbon. City Manager Caskie advised Council that a typewriter is still used in the Municipal Building. Councilman Benzel asked about a country meter postal charge. City Manager Caskie explained that cards are sent out by the Utility Office for customers to read the irrigation meters and return the cards to the City. Councilwoman Rowley inquired about the charge to the Postmaster for permit mailing. It was explained that the charge is a bulk mail postage rate. Councilman Benzel asked why more money is being spent on irrigation pivots to Sorensen Irrigation when there was a bid contract. Water Superintendent Mike Hulquist explained that this is the final payment on the contract and that no additional monies have been expended. Councilman Benzel asked if the City is still paying for Culligan Water cooler rental. City Manager Caskie advised Council that she would investigate the charge. Councilwoman Rowley asked for an explanation of the use of the alley in the request for a Special Designated Liquor License by D-Head dba The Gathering Spot after reviewing a memorandum from Police Chief John Kiss outlining disturbances that took place during Heritage Days in 2007. City Clerk Jines advised Council that he recommended approval of the license since the alley closure did not cause the department any problems, but wanted to make Council aware of situations that had taken place.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A proclamation for Who Named America Youth Education Month was the next item on Council’s agenda.

Mayor Kusek read the proclamation which follows in its entirety:

Proclamation  
“Who Named America”

Whereas, The question "Who Named America?" is a learning tool to champion understanding of how the geographic naming of America in Western Civilization opens local windows for worldwide learning, and to energize youth's thirst for planetary knowledge that combats the deterioration of literacy in science, history and literature; and

Whereas, The word "America" was born in the spirit of invention and innovation to improve humanity’s understanding of planet earth’s geography. On April 25, 1507, at Ville St. Die in

France, the German cartographer Martin Waldseemuller published the first map of the globe with 12 time zones, to depict a new continent, as separate land mass not of Asia or Africa, and a new ocean known now as the Pacific; and

Whereas, "America" first appeared on the coast of South America, known today as Brazil-Uruguay-Argentina, to honor Florentine astronomer-navigator Amerigo Vespucci, who voyaged across the Atlantic for Spain and Portugal; and invented the mathematical formula to calculate the distance between planets and earth's circumference in 1499; and

Whereas, The America500 Birthday Extravaganza (2007-2012) 5-year global education initiative is sponsored by independent citizens serving as the Organizing Committee, recognized by mayors in 50 states and in the US Congress by House Res.287 "America" to champion the national platform "Bring Home The Spirit Of History In Your Town" as a local window to worldwide learning that inspires youth to explore our hometown's story and origins; and

Whereas, On April 12, 2007, the German Post issued the first stamp to commemorate the 500th anniversary of Waldseemuller's printing the map that named America, to distinguish this once-in-history opportunity for a global initiative to improve international understanding for world peace; and

Whereas, "Spirit of Invention" 2008 Edition celebrates the Spirit of America's origin as a vision of the America 500 Organizing Committee, mayors nationwide and representatives in the U.S. Congress who are, at the beginning of the 21st Century, acting to celebrate this monumental occasion with the gift of "Who Named America?" to increase public knowledge of planetary history and cartography, based on the America500 framework of astronomy-math, geography, climate-botany, transportation and cultural settlement-migration.

NOW, THEREFORE, On behalf of the members of the Alliance City Council I hereby proclaim the month of June 2008, as

WHO NAMED AMERICA YOUTH EDUCATION MONTH,

AND FURTHERMORE, Encourage all citizens of Alliance, Nebraska and government agencies to support the America500 Birthday Extravaganza in its mission to give people in our nation the opportunity to understand how America was named by Martin Waldseemuller in 1507.

IN WITNESS THEREOF, I have hereunto set my hand this 19<sup>th</sup> day of June in the year of the Lord Two Thousand and Eight.

The proclamation will be sent to our Congressional representative and five national libraries.

- The next item to come before Council was a Public Hearing on the Water Supply Study, Engineering Report.

Mayor Kusek declared, "Now is the date, time, and place to conduct a Public Hearing on the

Water Supply Study, Engineering Report as required by the Nebraska Department of Environmental Quality.” Mayor Kusek opened the Public Hearing at 7:15 p.m. Gary Gerhard, representative of Olsson Associates was in attendance to answer questions. City Manager Caskie advised Council that the City’s compliance date is January 22, 2009. The Public Hearing was closed at 7:18 p.m. Councilman Benzel was advised that Phase I includes Wellhead Treatment and installation of new wells. Mayor Kusek requested a two page synopsis be sent to our Congressional delegation.

- The first reading of Ordinance No. 2616 which will amend the Alliance Municipal Code clarifying that All-Terrain Vehicles are subject to the rules of the road and traffic laws was the next item for Council’s discussion.

Motion by Councilman Benzel, seconded by Councilwoman Rowley to approve Ordinance No. 2616 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

### **ORDINANCE NO. 2616**

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY ADDING SECTION 329, ARTICLE 3 AT CHAPTER 3, RELATING TO ALL-TERRAIN VEHICLES; TO DEFINE ALL-TERRAIN VEHICLES WITHIN THE CORPORATE LIMITS AS MOTOR VEHICLES AND SUBJECT TO ALL THE RULES OF THE ROAD AND TRAFFIC LAWS; AND REPEAL EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH.

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

SECTION 1. The Nebraska State Statutes allow cities of the first class to regulate the travel of vehicles on city streets.

SECTION 2. The Nebraska State Statutes are in conflict as to whether an All Terrain Vehicle is a motor vehicle or is not a motor vehicle.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended to include the addition of Article 3, Section 3-329 as follows:

#### **3-329 All-Terrain Vehicle Defined as a Motor Vehicle**

Every All Terrain Vehicle (ATV) as defined by the Statutes of Nebraska or the Alliance Municipal Code, which are operated within the jurisdiction of the City of Alliance, are hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska State Statutes or the Alliance Municipal Code.

SECTION 4. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its approval,

passage, and publication according to law.

Mayor Kusek advised Council that he has requested an opinion from the Attorney General regarding 24 hour use of All-Terrain Vehicles so that the usage could be broadened in the City limits. Nebraska State Law states that use is allowed from dawn to dusk only.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to suspend the statutory rule requiring three separate readings of Ordinance No. 2616.

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

Voting Aye: Kusek, Benzel, Rowley, Yeager.

Voting Nay: Dickenson.

Motion carried.

Roll call vote to approve Ordinance No. 2616 on final reading with the following results:

Voting Aye: Kusek, Benzel, Rowley, Yeager.

Voting Nay: Dickenson.

Motion carried.

Mayor Kusek stated, "the passage and adoption of Ordinance No. 2616 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The third reading of Ordinance No. 2612 was the next item for Council's discussion. This ordinance will consider a smoking ban on the Alliance Learning Center Campus except in a designated area.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve Ordinance No. 2612 on third reading. City Clerk Jines read the ordinance by title which follows in its entirety:

### **ORDINANCE NO. 2612**

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 8, SECTION 1-814 BY PROVIDING THAT THE LIBRARY AND LEARNING CENTER CAMPUS IS A SMOKE-FREE CAMPUS, EXCEPT IN A SPECIFICALLY DESIGNATED SMOKING AREA AND PROVIDING PENALTY PROVISIONS FOR SMOKING ON THE LIBRARY AND LEARNING CENTER CAMPUS 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. The City of Alliance owns and operates the City of Alliance Library and Learning Center which is located at 1750 Sweetwater Avenue. The City of Alliance has received complaints by patrons of the Library and Learning Center Facility of people smoking near the entrances and exits of the library and learning center.

SECTION 2. The Library and Learning Center building has suffered damage as an indirect result of people smoking on the campus of the Library and Learning Center.

SECTION 3. The City of Alliance has decided to declare the Library and Learning Center as a non-smoking campus, except in specifically designated smoking area.

SECTION 4. The Alliance City Code is hereby amended at Chapter 1, Article 8, to add the following Section 1-814 and Section 1-815.

1-814. NO SMOKING.

It is unlawful for any person to smoke, meaning the lighting of any cigarette, cigar, pipe, or other smoking material or the possession of any lighted cigarette, cigar, pipe or other smoking material, regardless of its composition while upon the campus of the City of Alliance Library and Learning Center which is located at 1750 Sweetwater Avenue, unless in a specifically designated smoking area.

The Campus shall include all of the real estate that is owned by the City of Alliance where the Library and Learning Center is located as is more particularly described as follows:

Lot 1, Block 1, Library-Attendance Center Addition to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof.

1-815. DESIGNATED SMOKING AREAS ESTABLISHED.

The Facility Advisory Board shall establish designated smoking area(s). The designated smoking area as designated or re-designated by the Facility Advisory Board shall be delineated by posting with signs or some other method that clearly defines the boundaries or the area of the authorized smoking area(s).

1-816. VIOLATION.

Any person who shall violate the provisions of 1-814 shall be penalized as provided under Section 12-101 of the City of Alliance Municipal Code.

SECTION 5. This Ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the final reading of Ordinance No. 2612 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. 2612 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next matter before Council was to sit as the Alliance Community Development Agency and review the proposed Redevelopment Plan for Lots 15, 16, 17, and 18, Block 10, Original Town to the City of Alliance. The Alliance Community Development Agency began their session at 7:35 p.m.

Community Development Director Rick Houck gave Council a brief overview of the proposed plan and explained how tax increment financing would be used in the project. Rich Otto, owner of the property thanked Council for their consideration of the project and clarified that there will be a business suite not a residence on the second floor.

The Alliance Community Development Agency was asked to vote on Resolution No. 08-59.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Resolution No. 08-59 which follows in its entirety:

#### **RESOLUTION NO. 08-59**

*WHEREAS*, The City Council of Alliance, Nebraska has created, pursuant to Ordinance No. 2459, the City of Alliance Community Development Agency; and

*WHEREAS*, The following area has been determined by the City Council of Alliance, Nebraska to be substandard and blighted, as defined in the Community Development Law: Lots 15, 16, 17, 18, Block 10 Original Town, Alliance, Box Butte County, Nebraska; and

*WHEREAS*, A local business has approached the City of Alliance Community Development Agency with a redevelopment project for Lots 15, 16, 17, 18, Block 10 Original Town, Alliance, Box Butte County, Nebraska, which contemplates the use of the division of ad valorem tax as a financing tool; and

*WHEREAS*, The City of Alliance has a general plan for the development of the City of Alliance, known as the Comprehensive Plan; and

*WHEREAS*, The City of Alliance Community Development Agency has considered those

items listed at Section 18-2113 Neb. Rev. Stat. Cum. Supp. 2006, and finds that the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in accordance with the general plan, a coordinated, adjusted, and harmonious development of the City, specifically as provided for in Section 18-2113; and

*WHEREAS*, The City of Alliance Community Development Agency has conducted a cost-benefit analysis as provided in §18-2113 Neb. Rev. Stat. Cum. Supp. 2006, as the Redevelopment Plan includes the use of funds authorized by §18-2147 Neb. Rev. Stat. Cum. Supp. 2006.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, as the City of Alliance Community Development Agency, that the Redevelopment Plan for Lots 15, 16, 17, 18, Block 10 Original Town, Alliance, Box Butte County, Nebraska Box Butte County, Nebraska, pursuant to the Community Development Law for the State of Nebraska, is hereby recommended to the Planning Commission for Alliance, Nebraska to make a recommendation on whether the Redevelopment Plan is in conformity with the general plan for the development of the City as a whole.

*BE IT FURTHER RESOLVED*, that the Redevelopment Plan for Lots 15, 16, 17, 18, Block 10 Original Town, Alliance, Box Butte County, Nebraska Box Butte County, Nebraska, is hereby recommended to the to the City Council of Alliance, Nebraska for approval and implementation.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The Alliance Community Development Agency closed their meeting at 7:45 p.m.

- The next item to be brought before Council was Resolution No. 08-60 awarding the 10<sup>th</sup> Street Reconstruction Project to Infinity Construction of Scottsbluff, NE in the amount of \$1,052,487.00 contingent upon approval of the Nebraska Department of Roads.

Motion by Councilwoman Rowley, seconded by Councilman Benzel to approve Resolution No. 08-60 which follows in its entirety:

**RESOLUTION NO. 08-60**

*WHEREAS*, The City of Alliance is responsible for maintaining the streets and alleys of the City; and

*WHEREAS*, The City has determined that 10<sup>th</sup> Street is in need of major repair; and

*WHEREAS*, The repair of 10<sup>th</sup> Street is eligible for State and Federal funding through the Nebraska Department of Roads Surface Transportation Program. This funding is split with 80% State and Federal funds with a 20% local match. Both construction and engineering costs are eligible costs; and

*WHEREAS*, The City of Alliance authorized competitive quotes to obtain bids for reconstruction of Tenth Street in the City of Alliance from Sheridan to Box Butte pursuant to bid number STPAA-6254(6); and

*WHEREAS*, Five (5) Invitations were issued, and two (2) responses were received; and

*WHEREAS*, The bid of Infinity Construction, Inc., a Nebraska Corporation, of Scottsbluff, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of \$1,052,487.00.

*NOW, THEREFORE, BE IT RESOLVED*, By the Mayor and City Council of Alliance, Nebraska, the contract for bid number STPAA-6254(6) is hereby awarded to Infinity Construction, Inc., of Scottsbluff, Nebraska in the amount of One Million Fifty-Two Thousand, Four Hundred Eighty Seven and No/100ths (\$1,052,487.00) Dollars.

*BE IT FURTHER RESOLVED*, That the City accepts the letter of qualifications from Infinity Construction that was included with their bid provided that staff and Infinity agree as to where the project will start, the scheduling of phases including but not limited to suspension of work in the Fall, restarting work in the Spring and completion of each phase to minimize disruption to traffic.

*BE IT FURTHER RESOLVED*, That this Resolution is approved, contingent upon final approval by the Nebraska Department of Roads and the Federal Highway Administration Project STPAA-6254(6), State Control Number 51322.

*BE IT FURTHER RESOLVED*, That after all approvals from the Nebraska Department of Roads and the Federal Highway Administration have been obtained, City staff shall notify the successful bidder so that work can proceed according to the bid specifications.

Dan Dye of M.C. Schaff addressed Council about the possibility that weather may prohibit the completion of the project before winter. Mayor Kusek asked him for his recommendation regarding a possible rebidding of the project with a spring start date rather than an August start date. Mr. Dye advised Council that it may be a risky move due to the price of diesel fuel.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 08-61 awarding the 10<sup>th</sup> Street and Big Horn Water Main Project to Paul Reed Construction & Supply, Inc. of Gering, NE in the amount of \$58,067.93 was the next item to be discussed by Council.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve Resolution No. 08-61 which follows in its entirety:

**RESOLUTION NO. 08-61**

*WHEREAS*, The City of Alliance operates a municipal water system for the City of Alliance; and

*WHEREAS*, As a result of a number of water breaks in the four inch main on Big Horn Avenue it was determined that the four inch water main should be abandoned; and

*WHEREAS*, The four inch water main runs parallel to a twelve inch water main on the opposite side of Big Horn Avenue; and

*WHEREAS*, On the 7<sup>th</sup> day of February, 2008 the Mayor and City Council approved a Resolution to relocate two fire hydrants from the four inch main to the twelve inch water main on the west side of Big Horn Avenue and to abandon the four inch water main on the east side of Big Horn Avenue between 8<sup>th</sup> Street and 10<sup>th</sup> Street, and reinstall 21 water services; and

*WHEREAS*, The City of Alliance has advertised for bids for the relocation two fire hydrants from the four inch main to the twelve inch water main on the west side of Big Horn Avenue and to abandon four blocks of the four inch water main on the east side of Big Horn Avenue between 8<sup>th</sup> Street and 10<sup>th</sup> Street and reinstall 21 water services; and

*WHEREAS*, Two invitations to bid were issued, and two bids were received; and

*WHEREAS*, The bid of Paul Reed Construction & Supply, Inc., of Gering, Nebraska, in the amount of Fifty Eight Thousand, Sixty-Seven and 93/100ths dollars, (\$58,067.93) is the lowest, responsive, and responsible bid.

*NOW, THEREFORE, BE IT RESOLVED*, By the Mayor and City Council of Alliance, Nebraska, that the bid for the relocation two fire hydrants from the four inch main to the twelve inch water main on the west side of Big Horn Avenue and to abandon the four inch water main on the east side of Big Horn Avenue between 8<sup>th</sup> Street and 10<sup>th</sup> Street and to reinstall 21 water services, is hereby awarded to bid of Paul Reed Construction & Supply, Inc., in the amount of Fifty Eight Thousand, Sixty-Seven and 93/100ths dollars, (\$58,067.93).

*BE IT FURTHER RESOLVED*, The water superintendent is authorized to make field change orders not to exceed five percent (5%) of the total contract amount without further Council approval.

*BE IT FURTHER RESOLVED*, Staff shall contact the successful bidder so that contractual

arrangements can be finalized, and work can commence according to the terms of the bid.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to come before Council was Resolution No. 08-62 authorizing the City of Alliance to waive any additional building fees in excess of the original \$2,160.00 which was agreed upon during the land sale. The resolution will also authorize the City to provide electrical service from the transformer to the building and the electrical connections to the meter on the buildings. The estimated cost to the City will be \$25,000.00 plus labor.

Motion by Councilman Benzel, seconded by Councilman Dickenson to approve Resolution No. 08-62 which follows in its entirety:

#### **RESOLUTION NO. 08-62**

*WHEREAS*, Excel Development Group has obtained an option to purchase certain lots to construct Rosewood Estates, LLC, a housing unit for senior citizens; and

*WHEREAS*, The bids for the project came in significantly higher than anticipated; and

*WHEREAS*, Excel Development Group has made a request for the City to make certain concessions so that the Rosewood Estates, LLC can be completed; and

*WHEREAS*, The City believes there is a housing shortage in the City of Alliance; and

*WHEREAS*, The City of Alliance believes the Rosewood Estates, LLC is in the best interests of the City of Alliance and the citizens of Box Butte County; and

*WHEREAS*, The City desires to cooperate to see that Rosewood Estates, LLC becomes a reality.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the City agrees to waive any additional building fees in excess of the original \$2,160 that were estimated, those fees being in the approximate amount of \$6,448.50.

*BE IT FURTHER RESOLVED* that pursuant to the City Code, which authorizes the City to determine where the hook-ups will be made, the City will provide electricity from the transformer to the building and the electrical connections will be made at the meter on the buildings. The estimated cost to the City will be \$25,000.00 plus labor.

City Manager Caskie explained the history of the project and advised Council that the subsidy the City will be providing is the connections to the meters on the buildings. Councilman Dickenson suggested that Electric Superintendent Larry Heinrich contact the Lineman School and offer the project as an on the job training exercise. Councilman Benzel asked for clarification that the amount of \$32,000.00 is a deal breaker with Excel Corporation. City Manager Caskie confirmed that statement. Councilman Benzel expressed the opinion that this sends a message to home builders that it is acceptable to approach Council to request the City provide service to the houses and Council would be forced to approve the request.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley.

Voting Nay: Yeager.

Motion carried.

- Resolution No. 08-63 was the next item on Council's agenda. This resolution authorizes the City Manager to work with various financial institutions for the future interim and permanent financing of the water treatment project, landfill baler, and the refinancing of electric bonds.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve Resolution No. 08-63 which follows in its entirety:

### **RESOLUTION 08-63**

*WHEREAS*, The City of Alliance has electrical bonds that are eligible for refinancing; and

*WHEREAS*, The City of Alliance needs to replace the baler at the landfill; and

*WHEREAS*, The federal government has changed the regulations on the acceptable amount of arsenic permissible in municipal water systems; and

*WHEREAS*, The change of the federal regulations will require the City to expend significant funds to treat the water of the municipal water system; and

*WHEREAS*, The City desires to refinance the electric bonds in the bond market; to finance the water treatment through the bond market and to obtain interim financing until the bond financing can be accomplished;

*WHEREAS*, The City Manager desires to work with Ameritas for the issuance of bonds to refinance the electrical bonds and to pay for the baler for the landfill; and

*WHEREAS*, The City Manager desires to work with Wells Fargo to obtain interim financing for the water treatment project until the water bonds can be issued.

*NOW, THEREFORE, BE IT RESOLVED*, By the Mayor and City Council of Alliance, Nebraska, that the City Manager is hereby authorized and directed to enter into negotiations with Wells Fargo to obtain interim financing for the water treatment project.

*BE IT THEREFORE RESOLVED*, That the City Manager is authorized to work with Ameritas to refinance the electric bonds and to add \$500,000.00 for a new baler at the landfill.

*BE IT FURTHER RESOLVED*, That once agreements are reached with each of the financial institutions, those agreements will be submitted to City Council for their review and possible approval.

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 Board Appointments.

Motion by Mayor Kusek, seconded by Councilman Benzel to appoint Melba Dickenson, Carrie Ransom and Rosa Lee Hoff to terms on the Library Board expiring June 30, 2012.

Roll call vote with the following results:

Voting Aye: Kusek, Benzel, Rowley, Yeager.

Voting Nay: None.

Abstaining: Dickenson.

Motion carried.

- Motion by Mayor Kusek, seconded by Councilman Dickenson to conduct the July 2, 2008 meeting of the Alliance City Council at 5:00 p.m.

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 8:29 p.m.”

(SEAL)

---

Dan Kusek, Mayor

---

Linda S. Jines, City Clerk