

October 2, 2018

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, OCTOBER 2, 2018

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

The Alliance City Council met in a Regular Meeting Tuesday, October 2, 2018 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 September 26, 2018. 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 October 2, 2018 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Korber-Gonzalez, Jones and Reynolds. Also present were City Manager Kuckkahn, Finance Director Waggener, City Attorney Shaver and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- First action by Council was a motion made by Councilman Reynolds to excuse Councilman Mischnick from the meeting. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

Voting Aye: Yeager, Korber-Gonzalez, Reynolds.

Voting Nay: None.

Motion carried.

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- The next item on the Council's agenda was the Consent Calendar. A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Reynolds to approve the Consent Calendar as follows:

CONSENT CALENDAR – OCTOBER 2, 2018

1. Approval: Minutes of the Special Meeting, September 28, 2018.
2. Approval: Claims against the following funds for the period of October 1, 2018: 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; \$58,146.73.
3. Approval: ***This is an amended request changing the date.*** The *Special Events Request Use of Public Facilities, Parks, Streets* of the Alliance Chamber of Commerce for the closure of Box Butte Avenue between 10th and 3rd Streets on Tuesday, November 27, 2018. The Chamber will be conducting their Holiday Kick-off Parade with line-up starting at 5:00 p.m. in the 800 and 900 blocks with the parade starting at 5:30 p.m. The parade participants will turn off at 4th Street and Santa will proceed to the 3rd Street Mini Park. A Certificate of Liability Insurance is required naming the City of Alliance an additional insured.
4. Approval: Resolution No. 18-116 authorizing the annual Contribution Agreement for Box Butte Development Corporation in the amount of \$75,000.
5. Approval: Resolution No. 18-117 authorizing the annual Contribution Agreement for the Alliance Chamber of Commerce in the amount of \$11,000.
6. Approval: Resolution No. 18-118 authorizing the annual Contribution Agreement for Keep Alliance Beautiful in the amount of \$30,000.
7. Approval: Resolution No. 18-119 authorizing the annual Contribution Agreement for Heartland Expressway in the amount \$3,059.

NOTE: City Manager Kuckkahn 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.

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

- Scott Bolinger was scheduled next to address Council with a request to modify Section 24-2 of the Alliance Municipal Code regarding snow removal. Mr. Bolinger was not present to make his request.

- Next on Council's agenda was Ordinance No. 2873 which will adopt the proposed City Council 2019 Meeting Schedule. Council was provided the following information:

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[Council has previously established its meeting calendar as 7:00 p.m. at the Board of Education Meeting Room on the first and third Tuesdays of each month. At first sight, staff does not see any conflicts to our normal scheduling, with the exception of our first meeting in January. Due to the New Year holiday and there being five Tuesdays in January, we would like to propose the January meetings be held on January 9th and 22nd.

Staff would like Council to consider establishing a Special Meeting for the end of our fiscal year for final bill approval and would recommend Friday, September 27th. This has traditionally been a very short meeting in the morning hours to allow the Finance Department to complete year-end payments.

Although set forth by ordinance, Council may alter the established time and date that is to its members' convenience. Should Council wish to make any further changes, amendments may be made to the proposed ordinance.]

A motion was made by Councilman Jones, seconded by Councilman Reynolds to approve the first reading of Ordinance No. 2873. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2873

AN ORDINANCE ESTABLISHING THE TIME AND PLACE OF REGULAR COUNCIL MEETINGS FOR THE CALENDAR YEAR 2019.

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

SECTION 1. Nebraska Statutes at Section 19-615 provide that ". . . the Council shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month in cities of the first class."

SECTION 2. The City Code provides at Section 2-25, that "The City Council shall hold its regular meeting on the first and third Tuesday of each month. The Council may, by adoption of a calendar each year, establish regular meeting dates other than the first and third Tuesday of each month."

SECTION 3. Attached hereto is a "proposed 2019 calendar," which is incorporated herein by reference as if fully set forth.

SECTION 4. The City Council of Alliance, Nebraska shall conduct regular meetings during calendar year 2019 on the dates that are indicated on the attached proposed 2019 calendar at the hour of 7:00 o'clock P.M. at the Board of Education Room, 1604 Sweetwater Avenue, Alliance, Nebraska. The time and place of these meetings may be changed from time to time as provided by law.

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

A motion was made by Councilman Jones, seconded by Councilman Reynolds to suspend the statutory rule requiring three separate readings of Ordinance No. 2873.

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

Voting Aye: Yeager, Korber-Gonzalez, Jones, Reynolds.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2873 on final reading with the following results:

Voting Aye: Yeager, Korber-Gonzalez, Jones, Reynolds.

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2873 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 18-120 which will approve the Preliminary Plat request of Ackerman Farms Inc. was next on the agenda. Council was provided with the following information:

[Preliminary Plat from Ackerman Farms Inc. and Brian and Heather Hauptman. The Preliminary Plat shows the dedication of a 4.26 acre tract. The property to be subdivided is located approximately one half mile east of the intersection of East 3rd Street and Sunshine Avenue.

The land is currently zoned A, Agriculture. It is surrounded by A, Agriculture. A rezone to R-R will be required before approval of the Final Plat as the proposed tract is under 10 acres. The minimum lot size in A zoning is 10 acres and the minimum size in R-R is 2.5 acres. The property is the corner of a circle pivot and is fallow.

The plat will not create any new nonconforming yards or structures. The required rezone to R-R will change the setbacks as follows: the front and side street setbacks will remain 50', the rear will be 50 and the side will go from 10' to 15'.

The property adjacent to the proposed tract is a single family residence and it sits on a deeded tract. It has never been subdivided even though it is under 10 acres.

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Staff believes that the deed predates the City enforcement of its subdivision and zoning regulations in the Extraterritorial Zoning Jurisdiction so it was “grandfathered in”. With the proposal to sell the 4.26 acres behind the deeded property to the deeded property owner, it is preferred that said deeded property be included in the 4.26 acre tract of land so that there is only 1 tract as opposed to 2, as proposed on the plat.

The City of Alliance Planning Commission met at its regular meeting September 11, 2018 and found that the Final Plat should be prepared so that the deeded Hauptman Tract and the new 4.26 acre tract are combined. They voted yes on a recommendation to the Alliance City Council for the approval of the Preliminary Plat of Tract 1, Hauptman Acres, A Subdivision of a Part of the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the with the proposed new tract on the Final Plat.

The Planning Commission made the following findings in their motion:

1. There will not be any nonconforming structures created by the plat.
2. The use of this property is allowed in the proposed zoning district.]

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Reynolds to approve Resolution No. 18-120 which follows in its entirety:

RESOLUTION NO. 18-120

WHEREAS, The City of Alliance has received an application from Ackerman Farms Inc. for approval of the Preliminary Plat of Tract 1, Hauptman Acres, a Subdivision of a Part of the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska; and

WHEREAS, The Planning Commission held a public hearing on September 11, 2018, and has recommended the approval of the Preliminary Plat; and

WHEREAS, The Preliminary Plat contains information required by the City Code at Section 113-70, which is relevant to this request.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Preliminary Plat request of Ackerman Farms Inc. for approval of the Preliminary Plat of the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska is hereby approved and the subdividers are authorized to proceed with any required public works elements and preparation of a Final Plat.

BE IT FURTHER RESOLVED that this approval shall expire one year from this date unless the Final Plat has been submitted. This approval does not constitute Final Plat approval or guarantee the approval of the subdivision by the City Council or the City Council’s authorization to proceed with construction of improvements within the subdivision.

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Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Yeager, Reynolds.

Voting Nay: None.

Motion carried.

- Next for Council was Resolution No. 18-121 which is the Deputy City Manager Employment Agreement. Council was provided with the following information:

[City Manager Kuckkahn has negotiated an Agreement with Jeff Sprock to provide Deputy City Manager services for Alliance. Mr. Sprock has recently provided city management services to the City of Mitchell, NE. He comes highly recommended for this position and is very excited to serve and assist our community. The Agreement stipulates that he will begin providing services effective November 1st, and will work directly with City Manager Kuckkahn to learn the operations of the City of Alliance.]

A motion was made by Councilman Reynolds, seconded by Councilman Jones to approve Resolution No. 18-121 which follows in its entirety:

RESOLUTION NO. 18-121

WHEREAS, The City Manager desires to hire a Deputy City Manager to serve under the City Manager; and

WHEREAS, The City of Alliance has approved the Deputy City Manager position; and

WHEREAS, An Agreement has been prepared establishing the terms and conditions of the services required between the City of Alliance and the selected Deputy City Manager, Jeff Sprock; and

WHEREAS, Mr. Sprock has valuable experience in the City Management field and has education and experience desired as a Deputy City Manager.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the employment of Jeff Sprock as Deputy City Manager begin and the City of Alliance be bound to the terms and conditions of the Employment Agreement between the City of Alliance and Jeff Sprock.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign the Agreement on behalf of the City of Alliance.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Yeager, Reynolds.

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Voting Nay: None.

Motion carried.

- Next item on the Agenda for Council was Resolution No. 18-122 allowing the City of Alliance to enter into a Utility Support Agreement with the Village of Hemingford. Council was provided with the following information:

[On Wednesday, September 26, 2018 an accident occurred which severely damaged a utility pole in Hemingford which served a large portion of the Village. The damage to the pole required immediate repair and would result in a lengthy outage for their community. Alliance was asked if they could provide assistance with the repair. The City did not have a current mutual aid agreement to provide the services. Legal counsel was consulted and a quick agreement was drafted for Hemingford's approval to allow our assistance.

The City provided a bucket truck and three staff members to assist. The outage lasted approximately six hours and the pole was safely replaced.]

A motion was made by Councilman Jones, seconded by Councilman Reynolds to approve Resolution No. 18-122 which follows in its entirety:

RESOLUTION NO. 18-122

WHEREAS, As a result of an accident, the Village of Hemingford experienced a power outage to a large portion of their community; and

WHEREAS, The Village of Hemingford requested the assistance of the City of Alliance's Electric Department to safely make repairs to their system in a timely fashion and restore power; and

WHEREAS, Legal counsel prepared a Utility Support Agreement to address this situation and grant temporary permission to provide services to the Village Hemingford; and

WHEREAS, Alliance had the available resources and personnel to provide the assistance which was being requested.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to execute the Utility Support Agreement between the City of Alliance and the Village of Hemingford.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Yeager, Reynolds.

Voting Nay: None.

Motion carried.

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- Board appointments and announcements were the final agenda items.

A motion was made by Mayor Yeager to appoint Tina Lulow to serve on the A-2 Downtown Improvement Board for a term due to expire October 31, 2021. The motion was seconded by Councilman Korber-Gonzalez.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Yeager, Reynolds.

Voting Nay: None.

Motion carried.

Corrections were also announced regarding the terms of Richard Arndt and Patricia Johnston on the A-1 Downtown Improvement Board. Both terms should expire in 2021 instead of 2020 as previously stated at the September 18th meeting.

Currently, there are vacancies on the Board of Adjustment (2), Downtown Improvement Districts A-1 (2) and A-2 (2), Economic Development Plan Citizen Advisory Board (2), Housing Authority (1), junior ex-officio member of the Library Board (1), Park and Tree Board (1) and Planning Commission (1). Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- Mr. Bolinger did arrive late and a motion was made by Councilman Korber-Gonzalez to hear his request for changes to Section 24-2 of the Alliance Municipal Code regarding snow removal. Councilman Jones seconded the motion.

Mr. Bolinger, 507 Niobrara Avenue, Alliance presented Council with the following request:

"I propose a couple changes to our snow removal policy. As the current one don't give a variance. By not having a variance cause a lot of unnecessary work for our local law enforcement as well as unnecessary strain on the public. Giving a variance will cut down on some of the unnecessary and out of control complaining.

The way the local code reads don't support FHA regulations. For FHA regulations a contractor has to prove that there is 3 inches of snow on the ground to be paid. So, they don't do the job or they do the job and don't get paid if the can't prove there is 3 inches of snow.

We also need to get rid of section B. We dip to much into fascism when we try and criminalize every little thing.


So I propose the changes to the city code on snow removal."

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The Council thanked Mr. Bolinger for his input. No additional action was taken.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:26 p.m.”

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk

