

January 20, 2011

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JANUARY 20, 2011

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

The Alliance City Council met in a Regular Meeting, January 20, 2011 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 January 13, 2011. 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 Feldges opened the January 20, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Yeager, Kusek, Benzel, and Gonzalez. Also present were City Manager Cox, City Attorney Miller and City Clerk Jines.

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

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

CONSENT CALENDAR – JANUARY 20, 2011

1. Approval: Minutes of the Regular Meeting, January 6, 2011.
2. Approval: Payroll and Employer Taxes for the period December 25, 2010 through January 7, 2011 inclusive: \$181,334.44 and \$12,890.73 respectively.

January 20, 2011

3. Approval: Claims against the following funds for the period January 3, 2011 through January 17, 2011: 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; \$969,823.09.
4. Approval: The issuance of the following Tree Surgeon Licenses:

Sterling L. Stinson dba Stinson's Service
Glenn Patrone dba Patrone's Landscaping and Trees
Howard E. Jensen dba J & CV Lawn Service
William J. Smith dba West Pine Tree Farm
5. Approval: The issuance of the following Cemetery Certificates:

The Northeast Quarter (NE1/4) of Lot Fifteen (15), Section Two (2), Block Three (3), Original Plat to the Alliance Cemetery to Robert L. Bladt and Kerri L. Benda.

To Lillian F. Fester and Kenneth C. Fester Lot Twenty-four (24), Section Eight (8), Block Eighteen (18), Third Addition to the Alliance Cemetery.
6. Authorization: For the Mayor to sign the Tree City USA 2010 Application for Certification. The submittal of this form will allow the City of Alliance to be recertified as a Tree City USA by stating we have met all the requirements.
7. Authorization: For the Mayor to sign the Certificate of Compliance stating that the City of Alliance has performed snow removal and/or surface maintenance during 2010 as required in Maintenance Agreement No. 3 with the Nebraska Department of Roads.

NOTE: City Manager Cox 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.

Motion by Councilman Benzel, seconded by Councilman Kusek to correct the January 6, 2011 minutes to read Mayor Feldges read the Opening Meeting Acts Announcement.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Gonzalez asked about a charge for contract snow removal and whether funds are budgeted for this service. City Attorney Miller advised Council there are budgeted funds available as well as Contingency funds. Mayor Feldges asked about catering supplies. City Clerk Jines advised Council that the Knight Museum and Sandhills Center purchased catering supplies to fulfill a contract with Burlington Northern Santa Fe Railroad for several meetings that

January 20, 2011

museum staff will be preparing and serving food. Councilman Gonzalez asked if the marketing fund received monies from the hotel/motel occupation tax. City Manager Cox confirmed it is the source of funding.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A proclamation for Catholic Schools Week was the next item on Council's agenda.

Councilman Yeager read the proclamation which follows in its entirety:

PROCLAMATION

WHEREAS, The Week of January 30, 2011 is National Catholic Schools Week; and

WHEREAS, St. Agnes Academy has been part of Nebraska since September 8, 1908, and therefore, has been part of our community for over 100 years, and St. Agnes Academy has helped to make our town a loving community; and

WHEREAS, St. Agnes prepares its students not only with fine academic training, but also with spiritual values that will make them good citizens able to contribute to their community and become the leaders of the future.

NOW, THEREFORE, Be it resolved that the City Council of the City of Alliance, Nebraska, does hereby proclaim the week of January 30, 2011 through February 5, 2011 as

CATHOLIC SCHOOLS WEEK IN ALLIANCE NEBRASKA

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 20th day of January in the year of the Lord Two Thousand Eleven.

The proclamation was presented to S.A.Y. members Brian Gould, Maggie Otto, Josie Otto, Riley Rolls, Dylan Horton, Kyle Krantz, Megan Oligmuller, and Katie Failor.

- Police Chief Kiss introduced the City's newest Police Officer, Jacob Henion.
- The next item for Council's consideration was the third reading of Ordinance No. 2670 adopting the 2009 International Building Codes.

Motion by Councilman Benzel, seconded by Councilman Kusek to approve Ordinance No. 2670 on third reading. City Clerk Jines read the ordinance by title.

January 20, 2011

ORDINANCE NO. 2670

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING CHAPTER 9, ARTICLES 1 THROUGH 19, RELATING TO BUILDING REGULATIONS; THE ADOPTION OF THE INTERNATIONAL CODES 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 has adopted Building Regulations in Chapter 9 of the Alliance Municipal Code.

SECTION 2. The International Code Council and the National Fire Protection Association have published new codes.

SECTION 3. The City desires to adopt the new codes as listed herein.

SECTION 4. Alliance Municipal Code at Chapter 9, shall be amended at Articles 1 through 19 to read as follows:

ARTICLE 1

CODE ADMINISTRATION

9-101. CODE ADMINISTRATION; GENERALLY

The uniform codes adopted by reference in this Chapter delegate the administration and enforcement thereof to Municipal authorities with a variety of titles. It is hereby declared that the administration and enforcement of said codes of the City of Alliance shall be the duty and responsibility of the City Manager by and through such assistants as he/she may appoint for that purpose.

9-102. CODE ADMINISTRATION; ADDITIONAL RULES

The City Manager is authorized to consult with members of the construction industry and code council engineers for the purpose adopting or clarifying code provisions and municipal rules and regulations to take advantage of the changes in the construction industry and to promote the health, safety and general welfare of the public.

9-103. CODE ADMINISTRATION; AMENDMENTS AND ADDITIONS.

Amendments and Additions to the uniform codes herein adopted by reference shall not automatically become part of the Municipal Code until the City Council, by ordinance, approves said amendment or additions.

January 20, 2011

ARTICLE 2

BUILDING CODE

9-201. BUILDING CODE; ADOPTED BY REFERENCE.

The *International Building Code*, 2009 Edition, and any subsequent editions and amendments, including Appendices B C, F, G, H, I, and J, as published by the International Code Council, Inc., be and is hereby adopted as the *Building Code* of the City of Alliance, Nebraska; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *Building Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes.

A copy of the *International Building Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

Amendments to the International Building Code are as follows:

1. Section 101.1. Insert: City of Alliance, Nebraska
Section 1612.3. Insert: City of Alliance, Nebraska
Section 1612.3. Insert: July 16, 1987
2. Section 105.2. Work exempt from permits. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:
 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 150 square feet, and the roof ridge height does not exceed 10 feet.
 2. Sidewalks that are internal to the property and do not connect to the public sidewalk or public right of way.
3. Section 202. Garage, Private. A private garage is a building or a portion of a building which is used primarily for the storage of private or pleasure-type motor vehicles by the tenants of the building or buildings on the premises, where no commercial repair work is allowed, fuel is dispensed, no loud or odiferous nuisances occur, which may disturb neighbor's peaceful enjoyment or which is not otherwise allowed in a residential neighborhood.
4. Section 202. Porch. A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the

January 20, 2011

enclosed space is heated or air-conditioned and when the percentage of window to wall area is less than 50 percent.

5. Section 406.1.1. Buildings or parts of building classed as Group U, Occupancies because of the use or character of occupancy may exceed 1,000 square feet in area or one story in height as regulated by Section 406.1.2 and Alliance Municipal Code, 10-303.02.1 (a) Area and Bulk Regulations.
6. Section 109.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the approved plans are not readily available to the inspector on the work site, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the building official.

9-202. BUILDING CODE; PERMIT FEES

Building permit fees shall be based upon the Building Valuation Data and Regional Modifiers compiled by the International Code Council, which shall be updated from time to time. The Community Development Director or his representative which he may designate in writing is authorized to deviate from the Building Valuation Data and Regional Modifiers if the applicant for the building permit can provide sufficient proof of building costs acceptable to the Community Development Director or representative. Said valuation data will be on file in the Office of the Community Development Department for public inspection during regular business hours.

9-203. BUILDING CODE; LICENSE REQUIRED

It shall be unlawful to engage in business in the municipality or its zoning jurisdiction as a building contractor without first having obtained a license therefore as hereinafter provided. The term "building contractor" shall mean and include anyone engaged in the business of cement or concrete contracting, masonry contractor, carpenter contractor or general building contractor, and any person engaged in the construction, alteration or repair of buildings or other structures, sidewalk or street construction. Engaging in the construction, repair or alteration of any building, structure, or street or sidewalk pavement in the municipality or its zoning jurisdiction for which a permit is required under the ordinances of the municipality shall be construed as doing business as a contractor in the municipality. To be licensed as a General Contractor, the applicant shall submit to an examination and have a minimum of three years of approved construction experience. No examination shall be required of an applicant who is the holder of a similar license issued by any other governmental agency; provided, that the applicant shall have successfully completed an examination conducted by the other governmental agency which is similar in scope and character to the examination required locally. This requirement is in addition to the required insurance certification and appropriate license fee.

January 20, 2011

9-204. BUILDING CODE; SUBCONTRACTORS.

Any person doing business as a subcontractor shall be construed as engaged in the business of a building contractor for which a license is required by this code.

9-205. BUILDING CODE; REGULATIONS

It shall be the duty of all building contractors to comply with all laws and ordinances relating to the construction of buildings or other structures, and to the construction of streets or sidewalk paving.

9-206. BUILDING CODE; REVOCATION

Any building contractor's license may be revoked by the Mayor and Council for repeated violations of any ordinance relating to the construction of buildings, the use of streets, or the replacing of streets, sidewalks or parkways, or any other ordinance relating to the work performed by such contractor. Such revocation may be in addition to any fine imposed for violating this ordinance.

9-207. BUILDING CODE; ISSUANCE OF LICENSE; LIABILITY INSURANCE.

The Mayor and Council shall issue licenses to all applicants who pay the required fee, furnish acceptable references, have appropriate experience, and pass the required examination. No examination shall be required of an applicant who is the holder of a similar license issued by any other governmental agency; provided, that the applicant shall have successfully completed an examination conducted by the other governmental agency which is similar in scope and character to the examination required locally. No such license shall be issued unless the applicant first presents to the City a certificate of insurance, demonstrating that the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license, and the applicant has the requisite experience. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00. Each license shall remain in force and effect until its expiration date, April 30th of each year, unless sooner canceled or revoked.

9-208. LICENSE FEES

The annual fee for such license shall be set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution.

9-209. VIOLATIONS AND PENALTIES.

Any person, firm or corporation violating any section of this code shall be deemed guilty of a misdemeanor and be subject to penalty as provided by Municipal Law.

ARTICLE 3

HOUSING CODE

9-301. HOUSING CODE; ADOPTED BY REFERENCE

January 20, 2011

The International Existing Building Code, 2009 Edition, and any subsequent editions and amendments as published by the International Code Council; insofar as said code does not conflict with the Statutes of the State of Nebraska is hereby incorporated by this reference as though set forth herein. The application of the International Existing Building Code and any amendments thereto is to provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in houses hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, The provisions of the *International Existing Building Code* shall be controlling throughout the Municipality and throughout its zoning jurisdiction. A copy of the *International Existing Building Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

ARTICLE 4

MECHANICAL CODE

9-401. MECHANICAL CODE; ADOPTED BY REFERENCE.

The *International Mechanical Code*, including Appendix A, 2009 Edition and any subsequent editions and amendments as published by the International Code Council, is hereby adopted as the mechanical code of the City of Alliance, Nebraska, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Alliance, Nebraska and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Mechanical Code*, 2009 Edition, and any subsequent editions and amendments are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance. A copy of the *International Mechanical Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

The following sections of the International Mechanical Code are hereby revised and amended as set forth herein:

1. Section 101.1. Insert: City of Alliance, Nebraska.
2. Section 106.5.2. Insert: The fees for mechanical work shall be those set forth in the current fee schedule adopted by the City of Alliance, and additional fees for special inspection and reinspection, as follows:
3. Section 106.5.3. Fee Refunds. The code official shall authorize the refunding of fees as follows:
 - a. The full amount of any fee paid hereunder which was erroneously paid or collected.

January 20, 2011

- b. Not more than 90% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 - c. Not more than 90% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
4. Section 108.4. Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine as provided in Chapter 12 Section 12-101 of the City of Alliance Municipal Code. Each date that a violation continues after due notice has been served shall be deemed a separate offense.
 5. Section 108.5. Stop Work Orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as provided in Chapter 12 Section 12-101 of the City of Alliance Municipal Code. Each date that a violation continues after due notice has been served shall be deemed a separate offense.
 6. No permanently installed Liquefied Petroleum Gas (LPG) appliance located totally within a building or structure will be allowed on sites or lots less than one acre, when existing natural gas infrastructure and supply is available for use within 100 feet of the property.

9-402. PERMITS REQUIRED

No person shall install, alter, reconstruct, or repair any heating, ventilating, cooling or refrigeration equipment unless a permit therefore has been obtained from the building official, except as otherwise provided in said code. A separate permit shall be obtained for work to be performed in each building or structure. No permit shall be issued to any person to do or cause to be done any heating or comfort cooling work regulated by this code, except to a person who is the holder of a Heating and Cooling Contractor license; provided however, that a permit may be issued to any person to do any heating or comfort cooling work regulated by this code in a single family dwelling used exclusively for living purposes, in the event that such person is the owner of the dwelling and that it is occupied by the owner.

9-403. CONTRACTORS LICENSE REQUIRED

January 20, 2011

It shall be unlawful for any person to engage in the business of heating and comfort cooling unless that person is the holder of a Heating and Comfort Cooling Contractors License issued by the City Clerk. Each license shall expire on April 30th of each year.

9-404. JOURNEYMAN LICENSE REQUIRED

It shall be unlawful for any person to labor at the trade of heating and comfort cooling installation or repair as an employee of a licensed contractor unless said person is the holder of a Heating and Cooling Journeyman License issued by the City Clerk. Each license shall expire on April 30th of each year.

9-405. QUALIFICATIONS FOR LICENSING

It shall be unlawful for any person to engage in any of the occupations of heating, venting and air conditioning (HVAC), unless that person has applied for and received the appropriate license. Applications for a license shall be made to the Community Development Department that shall receive from the applicant the required fee. The applicant shall submit to an examination and/or verification of required field experience to determine his competency in the field of work regulated by this code. Field experience to be licensed as a Master Contractor in Alliance requires three years of experience as a Master Contractor or Journeyman with confirmation. Up to one year of this requirement may be fulfilled by successful completion of a course from an approved trade or technical school. No such license shall be issued unless the applicant first presents to the City a certificate of insurance, demonstrating the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00. It shall be the responsibility of the Mayor and Council to grant or deny issuance of said license.

9-406. VIOLATIONS AND PENALTY

Any person, firm, or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Each violation shall be subject to penalty as provided in Chapter 12 Section 12-101 of the City of Alliance Municipal Code.

9-407. LICENSE FEES.

The annual fee for such licenses shall be set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution.

9-408. PERMIT FEES.

Any person desiring a permit required by this code, shall, at the time of filing an application therefore, pay a fee as set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution.

ARTICLE 5

January 20, 2011

ELECTRICAL CODE

9-501. NATIONAL ELECTRICAL CODE, 2008 EDITION; ADOPTED BY REFERENCE

The *National Electrical Code*, -2008 Edition, and any subsequent editions and amendments as published by the National Fire Protection Association, is hereby adopted as the code of the City of Alliance, Nebraska, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems and appliances in the City of Alliance, Nebraska and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *National Electrical Code*, as amended. A copy of the *National Electrical Code*, 2008 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

Revisions. The following sections of the National Electrical Code, 2008, are hereby revised and amended as set forth herein:

1. Article 210.12 (A) & (B) and Article 550.25 (A) & (B) - Arc-Fault Circuit Interrupter Protection. **Notes:** Article 550.25 (A) & (B) - Rule not included in NFPA 501 or HUD part 3280 rules. Article 210.12 (A) & (B) & Article 550.25 (A) & (B) - will be omitted until such time as testing equipment, procedures and performance reviews are available to this municipality.
2. Article 250.26(4) - Conductor to be grounded - alternating current systems. **Insert:** Multi phase system will not have one phase conductor grounded (corner ground) but will have a neutral phase (center tap).
3. 2005 NEC - 338.10 (A) - service entrance (SE) cable may be used for interior use and comply with 338.10(B) (4) (a) all exterior installations will be protected by conduits listed under Article 225.10.
4. 2005 NEC - 310.2 (B) - Conductor material in this article shall be copper unless otherwise specified or with approval of the Electrical Inspector.
5. 2005 NEC - 230.70 (A) - Electrical Code §230-70 (A). Service Equipment - Disconnecting Means - Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure, or inside nearest the point of the entrance of the service conductors, within 18 inches of entrance of the service conductors. If there are extenuating circumstances, then with prior approval of the electric inspector, the disconnecting means may be installed up to 60 inches from the entrance of the service conductors.
6. 2005 NEC - 230.31 (B) enter (exception) - The conductors shall not be smaller than 8 AWG copper or 6 AWG aluminum.

9-501.01. CONDUCTOR TERMINATIONS, LOAD.

January 20, 2011

All plugs, switches, and light fixtures will have all conductors properly terminated so that the device only carries the load of that device and not that of the circuit when three or more cables or the equivalent enter a box (pigtail). Excepted are number 1 GFCI receptacles.

9-502. ELECTRICAL CODE; PERMITS ISSUANCE.

No permit shall be issued to any person to do or cause to be done any electrical wiring regulated by this code, except to a person holding a valid unexpired License duly registered with the City of Alliance. No permit shall be issued to any person to do or cause to be done any maintenance electrical wiring or maintenance repair including, but not limited to, the installation of heating, cooling, fire alarm, security system or cooking appliances to existing circuits or services except to a person holding a valid unexpired or unrevoked Electrician's License. Any permit required by this Article may be issued to any person to do any electrical wiring regulated by this code in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied by or designed to be occupied by said owner; provided, that said owner shall personally purchase all material and shall personally perform all labor in connection therewith.

9-503. ELECTRICAL CODE; ELECTRICIANS, CLASSIFICATION.

Electricians shall be classified in accordance with the Statutes of the State of Nebraska.

9-504. ELECTRICAL CODE; REGISTRATION AND LICENSE APPLICATION.

It shall be unlawful for any person to engage in any of the occupations set out above unless that person has applied for and received the appropriate State of Nebraska License and is duly registered with the City of Alliance. Application for registration of a State of Nebraska Electricians License shall be made to the Building Official who shall receive from the applicant a current copy of a State of Nebraska License. It shall be the responsibility of the Mayor and Council to grant such City registration if the insurance requirements have been complied with.

9-505. ELECTRICAL CODE; REGISTRATION AND LICENSE FEE.

Every person applying for City of Alliance registration of State of Nebraska Electrical License shall provide the Building Official with a copy of their current State of Nebraska License pursuant to Section 81-2130 of the Nebraska State Electrical Act. In addition to the above the applicant shall provide a certificate of insurance. No such license shall be registered unless the applicant first presents to the City a certificate of insurance, demonstrating that the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00.

9-506. ELECTRICAL CODE; PERMIT AND INSPECTION FEES.

January 20, 2011

The amount charged and collected by the Municipality as electrical permit and inspection fee shall be set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution.

9-507. ELECTRICAL INSPECTORS DESIGNATED.

There is hereby created the positions of City Electrical Inspectors. Such inspectors shall be certified as inspectors by the City Manager. At such time or times as the City Manager is satisfied that the candidate(s) is sufficiently proficient in his knowledge and understanding of electrical wiring and installation and with the National Electric Code. Such inspector(s) shall work in conjunction with or as employees of the Community Development Department.

9-508. INSPECTION AND TESTING.

The Electrical Inspector(s) shall have the right during reasonable hours to enter any building in the City in the discharge of his official duties, or for the purpose of making an inspection or test of the electrical equipment therein; and he shall have the duty and authority to enforce all the ordinance provisions relating to electric signs, electrical wiring and electrically operated equipment. He shall have the power to cause the current in any wire or conduit to be turned off whenever this is necessary in an emergency for the protection of life or property.

9-509. WIRING APPROVED.

The Electrical Inspector(s) shall make all inspections necessary to the enforcement of the City ordinances; and no electric wiring shall be covered until it has been inspected and approved.

9-510. WORK STOPPAGE.

Whenever the Electrical Inspector(s) shall find electrical work being done in violation of the City ordinances, he shall have the power to order the work stopped until the ordinances are complied with. It shall be unlawful to continue any such work after such a stop order has been issued except upon written permission of the Electrical Inspector; provided that where such a stop order is made orally, it shall be followed by a written stop order within a reasonable time.

ARTICLE 6

PLUMBING CODE

9-601. PLUMBING CODE; ADOPTED BY REFERENCE

The *International Plumbing Code*, -2009 Edition including Appendices A, ~~C, D, E, F, and G~~, and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Plumbing Code* is adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Alliance, Nebraska and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and

January 20, 2011

terms of such *International Plumbing Code*, 2009 Edition, and any subsequent editions and amendments. A copy of the *International Plumbing Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

Revisions. The following sections of the International Plumbing Code are hereby revised and amended as set forth herein:

1. Section 101.1. Title. These regulations shall be known as the Plumbing Code of Alliance, NE, hereinafter referred to as this code.
2. Section 106.6.2. Fee Schedule. The fee for all plumbing work shall be as indicated in the current schedule adopted for that purpose by the City of Alliance, together with the fees set forth hereafter for special inspection and reinspection fees.
3. Section 106.6.3. Fee Refunds. The code official shall authorize the refunding of fees as follows:
 - a. Not more than 90% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 - b. Not more than 90% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
4. Section 108.4. Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine as provided in Chapter 12 Section 12-101 of the City of Alliance Municipal Code. Each date that a violation continues after due notice has been served shall be deemed a separate offense.
5. Section 108.5. Stop Work Orders. Upon notice from the code official that plumbing work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as provided in Chapter 12 of the Alliance Municipal Code. Each date that a violation continues after due notice has been served shall be deemed a separate offense.

January 20, 2011

6. Delete references to ICC Electrical Code, and replace with National Electrical Code, version currently adopted by the City of Alliance.
7. Section 305.6.1. Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 36 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 60 inches below grade.
8. Section 605.3. Added - Copper tube for water piping shall have a rating of not less than Type M copper tubing, which may be used for water piping when piping is above ground in, or on, a building including the basement.
9. Section 702.3. Delete vitrified clay pipe and asbestos cement pipe.
10. Section 904.1. Roof Extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.
11. Section 402.1. Added - Wooden toilet seats may be used in single or multi-family residences.

9-602. PLUMBING CODE; AMENDMENTS.

9-603. PLUMBING CODE; PERMIT REQUIRED.

It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises without first obtaining a permit to do such work from the Administrative Authority. A separate permit shall be obtained for each building or structure. No person shall allow any other person to do or cause to be done any work under a permit secured by that person except by an employee. No permit shall be issued to any person to do or cause to be done any plumbing or drainage work regulated by this code, except to a person holding a valid unexpired and unrevoked plumbing contractors license, except when and as otherwise hereinafter provided by this section. No permit shall be issued to any person to do or cause to be done any plumbing or drainage work in conjunction with the installation or repair of rental water treatment equipment or lawn sprinkling equipment regulated by this code, except to a person holding a Limited or Specialty Contractor's License. No permit shall be issued to any person to do or cause to be done any gas piping work, except reconnection of replacement appliances, except to a person holding a valid unexpired and unrevoked gas fitters license. Any permit required by this code may be issued to any person to do any plumbing or drainage work regulated by this code in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied by or designed to be occupied by said owner, provided, that said owner shall personally purchase all material and shall personally perform all labor.

January 20, 2011

9-604. PLUMBING CODE; PERMIT FEES.

Permit fees shall be charged and collected from the applicant as set by resolution of the Mayor and City Council, which resolution may be changed from time to time by further enacted resolution.

9-605. PLUMBING CODE; QUALIFICATION OF PLUMBERS, LIMITED & SPECIALTY, AND GAS FITTERS.

A plumbing contractor is a person who may engage in any phase of the business of plumbing for which occupation there shall be issued to qualified applicants a Master Plumbing Contractors License. A Journeyman Plumber is a person who labors at the trade of plumbing as an employee of a Plumbing Contractor for which occupation there shall be issued to qualified applicants a Journeyman Plumbers License with a minimum of one years confirmed experience under a licensed contractor. An Apprentice Plumber is a person who labors at the trade of plumbing as an employee under the direct supervision of and in the immediate presence of a Plumbing Contractor or Journeyman Plumber. Field experience to be licensed as a Master Contractor in Alliance requires three years of experience as a Master Contractor or Journeyman with confirmation. Up to one year of this requirement may be fulfilled by successful completion of a course from an approved trade or technical school.

9-606. PLUMBING CODE; LICENSE APPLICATION FEES.

Every person applying for a License shall pay to the Building Official at the time he makes such application, a license fee as set by resolution of the Mayor and City Council, which resolution may be revised from time to time by further enacted resolution. In addition before a Plumbing Contractors License, Limited and Specialty License or Gas Fitters License may be issued the applicant shall provide a certificate of insurance. No such license shall be issued unless the applicant first presents to the City a certificate of insurance, demonstrating that the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00.

9-607. PLUMBING CODE; ISSUANCE OF LICENSE.

The Mayor and Council shall issue licenses to all applicants who pay the required fee, provide an acceptable certificate of insurance, and has successfully passed the required examination. No examination shall be required of an applicant who is the holder of a similar license issued by any other governmental agency, provided, however, that the applicant shall have successfully completed an examination conducted by the other governmental agency which is similar in scope and character to the examination required locally. Each license shall remain in force and effect until its expiration date, April 30th of each year, unless canceled or revoked.

9-608. PLUMBING CODE; RE-EXAMINATION, CANCELLATION.

An applicant who fails to pass the required examination may apply for re-examination not sooner than 30 days after the result of the original examination is determined. Should the applicant be unsuccessful in a second attempt to pass the examination, he may be refused a third attempt until after the expiration of 6 months from the date the result of the second examination is determined. The Mayor and Council may

January 20, 2011

cancel or revoke any license it issued if the holder displays lack of knowledge of the regulations, if he is incompetent to perform his occupation, or if the license is obtained by fraud.

9-609. PLUMBING CODE; VIOLATION AND PENALTIES.

Any person, firm or Corporation violating any provision of this code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine as set forth in 12-101 of the Municipal Code. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

ARTICLE 7

NATIONAL FLOOD INSURANCE PROGRAM

9-701. FLOOD ORDINANCE ENFORCEMENT AUTHORIZATION FOR CITY MANAGER.

The City Manager hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this Special Flood Hazard Ordinance and all other Ordinances of the City of Alliance, Nebraska, now in force or hereafter adopted, relating to zoning, subdivision or building codes.

The City Manager is hereby appointed to these additional responsibilities by the City Council and his/her appointment shall continue during good behavior and satisfactory service. During temporary absences or disability of the City Manager, the acting City Manager shall perform these responsibilities.

9-702. FLOOD INSURANCE RATE MAP/FLOOD HAZARD BOUNDARY MAP.

The City Council of the City of Alliance, Nebraska, hereby designates Flood Insurance Rate Map/Flood Hazard Boundary Map, and amendments, as the official map to be used in determining those areas of special flood hazard.

9-703. PERMIT REQUIRED TO CONSTRUCT IN FLOOD ZONES.

No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each such building or structure;

- a. Within zone(s) A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.
- b. Application: To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:
 1. Identify and describe the work to be covered by the permit for which application is made.

January 20, 2011

2. Describe the land on which the proposed work is to be done by lot, block, tract and street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans and specifications for proposed construction.
5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
6. Within designated flood prone areas, to be accompanied by elevations (in relation to mean sea level and City datum) of the lowest floor (including basement) or in the case of flood proofing non-residential structures, the elevation to which it has been flood proofed.

Documentation or certification of such elevations will be maintained by the designated Flood Plain.
7. Give such other information as reasonably may be required by the City Manager.

9-704. REVIEW OF DEVELOPMENT PERMIT APPLICATIONS.

The City Manager, or his designated representative, shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

The City Manager, or his designated representative, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 11 of this Ordinance) will:

- a. Obtain, review, and reasonably utilize, if available, any base flood elevation and flood way data from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:
 1. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation.
 2. New construction and substantial improvement of any non-residential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (i) be flood proofed so that below the flood base elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

January 20, 2011

- (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.
- b. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any flood way unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
- c. Require the use of construction materials and utility equipment that are resistant to flood damage.
- d. Require the use of construction methods and practices that will minimize flood damage.
- e. Be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.
- f. Electrical, heating, ventilation, plumbing and air- conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- g. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - 1. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations for homes more than fifty feet in length and one additional tie per side for homes less than fifty feet.
 - 2. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points for homes over fifty feet in length and four additional ties per side for homes less than fifty feet.
 - 3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - 4. Any additions to manufactured homes shall be similarly anchored.
- h. Require that all manufactures homes to be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6-g.

9-705. FLOOD HAZARD ORDINANCE/REVIEW OF SUBDIVISION APPLICATIONS.

The Governing Body of the City shall review all subdivision applications and shall make findings of fact and assure that:

- a. All such proposed developments are consistent with the need to minimize flood damage.

January 20, 2011

- b. Subdivision (including manufactured home park and subdivision) proposals and other proposed new development greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data in areas designated Zone A.
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.
- d. All public utilities and facilities are designed and located so as to minimize or eliminate flood damage.

9-706. NEW OR REPLACEMENT WATER AND SEWER SYSTEMS.

New or replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into flood waters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

9-707. FLOOD CARRYING CAPACITY.

The Governing Body of the City will insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to alteration or relocation of any watercourse, and submit copies of such notifications to the Administrator. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Disaster Protection Act of 1973.

9-708. NATIONAL FLOOD DISASTER PROTECTION ACT.

This Ordinance shall take precedence over conflicting ordinances, or parts of ordinances. The City Council of the City of Alliance, Nebraska, may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976, as amended in Volume 51, Number 164 dated Monday, August 25, 1986.

9-709. DEFINITIONS.

Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

AREAS OF SPECIAL FLOOD HAZARD: The land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

January 20, 2011

FLOOD: A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of run-off or surface waters from any source.

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent.

MANUFACTURED HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale.

REGULATORY FLOOD ELEVATION: The water surface elevation of the 100-year flood.

STRUCTURE: A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, manufactured homes and other similar uses.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of Historic Places.

100 YEAR FLOOD: The condition of flooding having a one percent chance of annual occurrence.

ARTICLE 8

January 20, 2011

DRAINAGE

9-801. MASTER DRAINAGE STUDY.

Alterations or impacts to the City's drainage system as defined by the adopted Master Drainage Study may not occur without following the provisions of the Drainage Criteria Manual. In the event of alterations substantially impacting the drainage system a Drainage Study must be approved by the Community Development Director or his designee prior to the issuance of a building permit. The final drainage report will outline the physical facilities that will be required of the applicant. The Community Development Director or his designee shall require that post construction run off will not exceed preconstruction runoff.

ARTICLE 9

ENERGY CONSERVATION CODE

9-901. ENERGY CONSERVATION CODE; ADOPTION.

The *International Energy Conservation Code*, 2009 Edition, and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Energy Conservation Code* is adopted in order to provide certain minimum standards, provisions and requirements for energy conservation in building construction in the City of Alliance, Nebraska. A copy of the *International Energy Conservation Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

ARTICLE 10

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

9-1001. UNIFORM CODE/ABATEMENT OF DANGEROUS BUILDINGS; ADOPTION.

The *Uniform Code for the Abatement of Dangerous Buildings*, 1998 Edition and any subsequent editions and amendments, published in book or pamphlet form by the International Conference of Building Officials, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *Uniform Code for the Abatement of Dangerous Buildings Code* is adopted in order to provide a just, equitable and practicable method, to be cumulative with, and, in addition to, any other remedy provided by the Building Code, Housing Code or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished. A copy of the *Uniform Code for the abatement of Dangerous Building*, 1998 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

January 20, 2011

The following amendments or additions are hereby made to the Uniform Code for the abatement of dangerous buildings:

- (1) All references to a Board of Appeals contained at Section 205 of the Uniform Code for the Abatement of Dangerous Buildings are hereby deleted, as are any other references within the Uniform Code for the Abatement of Dangerous Buildings to a Board of Appeals.

ARTICLE 11

INTERNATIONAL EXISTING BUILDING CODE

9-1101. INTERNATIONAL EXISTING BUILDING CODE

The *International Existing Building Code*, 2009 Edition, and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Existing Building Code* is adopted to provide minimum standards for change of occupancy, alteration or repair of existing buildings and structures to encourage the continued use or re-use of legally existing buildings and structures and shall be applicable to all areas of the City's building and zoning jurisdiction, as such jurisdiction may be altered from time to time.

A copy of the *International Existing Building Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

ARTICLE 12

LOCAL VARIANCE

9-1201. LOCAL VARIANCE.

The City Council may from time to time, by proper resolution, for good cause shown, grant special variance permits authorizing the applicant to resort to methods, styles and components of construction at variance with the requirements of the International Codes. Exceptions can likewise be granted for the variant use of locations within the City. Applications for special variance permits shall be made in writing to the City Council.

ARTICLE 13

MOVING PERMITS

9-1301. MOVING PERMITS

January 20, 2011

A moving permit shall be required for the moving of buildings on the street and road systems within the city limits and the two-mile zoning jurisdiction of the City of Alliance. Applications for moving permits shall be made with the Community Development Department of the City of Alliance.

The obtaining of this permit shall not relieve the owner from the need for a building permit once the building has been placed on property within the City's jurisdiction.

A deposit to be determined by the Community Development Director with consultation with the various utilities that may be required to assist in the move shall be required to cover expenses incurred by the City in assisting with moving.

ARTICLE 14

BUILDING PERMITS

9-1401. BUILDING PERMITS.

The Community Development Director or his duly authorized representative shall have the power to enforce the provisions of this Ordinance. No building or other structure shall be erected, constructed, reconstructed, nor shall it be altered without first obtaining a building permit from the Community Development Director to be issued in accordance with the terms of this Ordinance.

9-1402. APPLICATIONS.

Applications for building permits shall be filed with the Community Development Director or his duly authorized representative upon forms prescribed, setting forth among other things, the legal description of the lot, tract or parcel of land, together with a general description of the building or structure to be constructed, erected, or altered thereon including the approximate size and shape, location of the building or structure upon the lot, tract or parcel and the intended use.

No such permit shall be issued for any building, structure or construction unless the same be in conformity in every respect with all the provisions of the Zoning Ordinance and the Building Code of Alliance, Nebraska.

The Community Development Director or his duly authorized representative shall be empowered to act within the provisions of this Ordinance upon all applications for building permits, and the same shall be approved or denied not later than the fifth business day succeeding the day of filing. In the event of refusal to issue a permit upon an application, as herein provided, the applicant may perfect an appeal to the Board of Adjustment.

For each permit issued there shall be charged and collected from the applicant, a fee, in accordance with a schedule approved by the City Council, as provided for in 9-202.

There shall be a separate permit for each building or structure to be constructed, erected or altered, except accessory buildings and appurtenances which may be included in the permit for the main building when construction is simultaneous.

January 20, 2011

A permit may be revoked by the Community Development Director or his duly authorized representative at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation or was issued by mistake, or that any of the provisions of the Zoning Ordinance are being violated. Upon the failure, refusal or neglect of any owner, his agent, contractor or duly authorized representative to secure such permit and pay the prescribed fee therefore, as herein provided, the Community Development Director or his duly authorized representative may issue a stop order; provided, however, twenty-four hours written notice of such revocation or order to stop shall be served upon the owner, his agent or contractor, or upon any person employed upon the building or structure for which such permit was issued, and thereafter no such construction shall proceed.

ARTICLE 15

CERTIFICATE OF OCCUPANCY

9-1501. CERTIFICATE OF OCCUPANCY.

Subsequent to the effective date of this article, no change in the character of use or in the occupancy classification of land or of a building shall be made, nor shall any new building be occupied, until a certificate of occupancy has been issued by the Community Development Director or his duly authorized representative. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this article.

No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

A record of all certificates of occupancy shall be kept on file in the office of the Community Development Department, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

ARTICLE 16

INTERNATIONAL RESIDENTIAL CODE

9-1601. INTERNATIONAL RESIDENTIAL CODE

The International Residential Code, 2009 Edition, including Appendices A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and Q and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The International Residential Code is adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City of Alliance, Nebraska, and providing for the issuance of permits; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, and shall be applicable to all areas of the City's building and zoning jurisdiction, as such

January 20, 2011

jurisdiction may be altered from time to time. A copy of the *International Residential Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

9-1602. REVISIONS

The following sections of the International Residential Code are hereby revised and amended as set forth herein:

Section R301.2 (1).

Climatic and Geographic Design Criteria

Roof Snow Load:	20 lbs.
Wind Speed (mph):	90
Seismic Design Category:	A
Weathering:	Severe
Frost line depth:	3 feet
Termite:	Slight to moderate
Decay:	None to slight
Winter Design Temperature:	-10°F
Flood Hazards:	1977 adoption of the management of flood hazard areas 1987 current effective FEMA flood hazard map

2. Section R105.2. Work exempt from permits. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:
 - A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 150 square feet, and the roof ridge height does not exceed 10 feet.
 - B. Sidewalks that are internal to the property and do not connect to the public sidewalk or public right of way.
3. Section R202. Garage, Private. A private garage is a building or a portion of a building which is used primarily for the storage of private or pleasure-type motor vehicles by the tenants of the building or buildings on the premises, where no commercial repair work is allowed, fuel is dispensed, no loud or odiferous nuisances occur, which may disturb neighbor's peaceful enjoyment or which is not otherwise allowed in a residential neighborhood.

January 20, 2011

4. Section 202. Porch. A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window to wall area is less than 50 percent.
5. All references to the ICC Electrical Code shall be deleted and shall follow regulations set forth by the electrical code adopted by the City of Alliance.
6. Section R101.1. Insert: City of Alliance, Nebraska
7. Section R108.2. Schedule of Permit Fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the City of Alliance.
8. Section R108.6. Added - Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the approved plans are not readily available to the inspector on the work site, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the building official.
9. Section R313.2 One- and two-family dwelling automated fire systems is hereby deleted.

ARTICLE 17

INTERNATIONAL PROPERTY MAINTENANCE CODE

9-1701. INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Property Maintenance Code, 2009 Edition, including Appendices A and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The International Property Maintenance Code is adopted for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance. Each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code shall be applicable to all areas of the City's building and zoning jurisdiction, as such jurisdiction may be altered from time to time.

January 20, 2011

A copy of the *International Property Maintenance Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

9-1702. AMENDMENTS, REVISIONS, AND ADDITIONS

Section 101.1 Title. These regulations shall be known as the *Property Maintenance Code of Alliance, NE*, hereinafter referred to as this code.

Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be indicated in the following schedule.

Section 304.14 Insect screens. During the period from January 1st to December 31st, every door, window and other opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors will not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of January 1st to December 31st to maintain temperature of not less than 68° F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

The exception is deleted.

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from January 1st to December 31st to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

- Exceptions:
1. Processing, storage and operation areas that require cooling or special temperature conditions.
 2. Areas in which persons are primarily engaged in vigorous physical activities.

All references to the ICC Electrical Code shall be deleted and shall follow regulations set forth by the electrical code adopted by the City of Alliance.

ARTICLE 18

FUEL GAS CODE

9-1801 FUEL GAS CODE; ADOPTED BY REFERENCE

January 20, 2011

The International Fuel Gas Code, 2009 Edition, including Appendices A, B, C, C, and E, and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Fuel Gas Code* is adopted for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *Fuel Gas Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance. Each and all of the regulations, provisions, conditions and terms of such *International Fuel Gas Code* shall be applicable to all areas of the City's building and zoning jurisdiction, as such jurisdiction may be altered from time to time. A copy of the *International Fuel Gas Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

The following sections are hereby revised:

Section 101.1. Insert: City of Alliance

Section 106.5.2. Insert: Current Mechanical Fee Schedule

ARTICLE 19

INTERNATIONAL FIRE CODE

9-1901 INTERNATIONAL FIRE CODE; ADOPTED BY REFERENCE

The International Fire Code, 2009 Edition, including Appendices A, B, C, D, E, F, G, H and J, as published by the International Code Council, Inc., and any subsequent editions and amendments as published by the International Code Council, be and is hereby adopted as the code of the City of Alliance, Nebraska, and made a part hereof as if fully set out in this ordinance. The *International Fire Code* is adopted for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Alliance, Nebraska, and each and all of the regulations, provisions, conditions and terms of such *International Fire Code*. Each and all of the regulations, provisions, conditions and terms of such *International Fire Code* shall be applicable to all areas of the City's building and zoning jurisdiction, as such jurisdiction may be altered from time to time.

A copy of the *International Fire Code*, 2009 Edition with the current amendments will be on file in the City of Alliance Community Development Department and open for inspection by the public during normal business hours.

The following sections of the International Fire Code are hereby revised:

Section 101.1. Insert: City of Alliance, Nebraska

Section 111.4. Insert: One dollar or more than two hundred dollars.

January 20, 2011

- Section 3204.3.1.1 Insert: These limits shall be as provided by the zoning regulations of the City of Alliance, and any other code regulation which has been adopted by the City of Alliance, or regulations which are enforced by the State of Nebraska within the jurisdiction of the City of Alliance, and also any applicable portions of NFPA30 Chapter 2.
- Section 3406.2.4.4 Insert: These limits shall be as provided by the zoning regulations of the City of Alliance, and any other code regulation which has been adopted by the City of Alliance, or regulations which are enforced by the State of Nebraska within the jurisdiction of the City of Alliance, and also any applicable portions of NFPA30 Chapter 2.
- Section 3804.2 Insert: The limits of the Alliance Municipal Codes at Section 9-401(10) are applicable to this section, as are any applicable limitations found at NFPA30 Chapter 2.

SECTION 5. 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 6. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council hereby declare that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 7. That the Office of the Municipal Clerk is hereby ordered and directed to cause this ordinance to be published.

SECTION 8. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect January 1, 2011, or the effective date of this ordinance, whichever is later.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-02 acknowledging the City Council's receipt of the Alliance Community Development Agency's intention to accept the Redevelopment Agreement proposal submitted by Pepsi-Cola of Western Nebraska was the next item for Council's review.

January 20, 2011

Motion by Councilman Gonzalez, seconded by Councilman Kusek to approve Resolution No. 11-02 which follows in its entirety:

RESOLUTION NO. 11-02

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

WHEREAS, The City of Alliance Community Development Agency met, reviewed a proposed Redevelopment Contract for the Pepsi-Cola of Western Nebraska Distribution Facility and deemed it to be in the public interest and in furtherance of the purposes of the Community Development law; and

WHEREAS, The City of Alliance Community Development Agency recommends that the City of Alliance approve the redevelopment plan as submitted by Pepsi-Cola of Western Nebraska, LLC.; and

WHEREAS, The City of Alliance Community Development Agency has notified the City Council of the intention of the Agency to accept the redevelopment contract proposal; and

WHEREAS, A Redevelopment Agreement has been submitted to the Agency and upon review of the proposed Redevelopment Agreement the City of Alliance Community Development Agency deems it to be in the public interest and in furtherance of the purposes of the Community Development law and has considered the factors listed in Neb. Rev. Stat. §18-2113.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City Council acknowledges receipt of the written notice of the City of Alliance Community Development Agency's intention to accept the redevelopment contract proposal submitted by Pepsi-Cola of Western Nebraska, LLC.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The second matter to be addressed by Council regarding Pepsi-Cola of Western Nebraska, LLC was the Redevelopment Plan for the Distribution Facility.

Motion by Councilman Gonzalez, seconded by Councilman Kusek to approve Resolution No. 11-07 which follows in its entirety:

RESOLUTION NO. 11-07

January 20, 2011

WHEREAS, The City Council of Alliance, Nebraska has created the City of Alliance Community Development Agency pursuant to the terms of the Nebraska Community Development Law; and

WHEREAS, The Community Development Agency has recommended to the City Council a Redevelopment Plan for approval pursuant to the Community Development Law, which provides for funding pursuant to Section 18-2147 Neb. Rev. Stat. entitled Redevelopment Plan for the Pepsi-Cola of Western Nebraska Distribution Facility; and

WHEREAS, The City Council has found A tract of land in Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, described as follows:

Beginning at a point on the west line of said Southwest Quarter, 528.00 feet north of the southwest corner of said Section; thence North $0^{\circ}26'19''$ East on said west line, for 1033.68 feet; thence South $89^{\circ}59'44''$ East, for 500.00 feet; thence South $0^{\circ}26'19''$ West parallel with said west line, for 1522.82 feet to a point on the northerly right-of-way line of Kansas Street in the City of Alliance; thence North $89^{\circ}51'52''$ West on said northerly right-of-way line, for 87.50 feet; thence North $0^{\circ}26'19''$ East parallel with said west line, for 488.00 feet; thence North $89^{\circ}51'52''$ West parallel with the south line of said Southwest Quarter, for 412.50 feet to the Point of Beginning EXCEPT

A tract of land in the Southwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, described as follows: Beginning at a point on the west line of said Southwest Quarter, 528.00 feet north of the southwest corner of said Section; thence North $0^{\circ}26'19''$ East on said west line, for 30.00 feet; thence South $89^{\circ}51'52''$ East parallel with the south line of said Southwest Quarter, for 440.00 feet; thence South $0^{\circ}26'19''$ West parallel with said west line, for 518.00 feet to a point on the northerly right-of-way line of Kansas Street in the City of Alliance; thence North $89^{\circ}51'52''$ West on said northerly right-of-way line, for 27.50 feet; thence North $0^{\circ}26'19''$ East parallel with said west line, for 488.00 feet; thence North $89^{\circ}51'52''$ West parallel with said south line, for 412.50 feet to the Point of Beginning; and

WHEREAS, The Planning Commission of Alliance, Nebraska has reviewed the proposed Redevelopment Plan and has found that the Redevelopment Plan is in conformity with the general plan for development of the City as a whole, and has submitted such recommendations in writing; and

WHEREAS, The City Council has held a public hearing as provided by Section 18-2115 Neb. Rev. Stat., and has given the notices concerning the Redevelopment Plan; and

January 20, 2011

WHEREAS, The City Council for Alliance finds that the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City as a whole and the plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law; and

WHEREAS, City Council finds that the redevelopment project in the plan would not be economically feasible without the use of tax increment financing; and

WHEREAS, The City Council finds that the redevelopment project would not occur in the community redevelopment area without the use of tax increment financing; and

WHEREAS, The City Council finds the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, have been analyzed by the governing body and have been found to be in the long term best interest of the community impacted by the redevelopment project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Redevelopment Plan for the Pepsi-Cola of Western Nebraska Distribution Facility, pursuant to the Community Development Law for the State of Nebraska is hereby approved.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Steve Ford, President of Pepsi Cola of Western Nebraska thanked Council for their help in this project.

- Resolution No. 11-08 a request by the Alliance Housing Authority for the waiver of Payments In Lieu of Taxes was the next item to be presented to Council.

Motion by Mayor Feldges, seconded by Councilman Kusek to approve Resolution No. 11-08 which follows in its entirety:

RESOLUTION NO. 11-08

WHEREAS, The City of Alliance has received a request from the Alliance Housing Authority to waive certain payments in lieu of taxes; and

WHEREAS, The City Council finds that it has legal authority to issue such waiver; and

January 20, 2011

WHEREAS, The City Council finds that such a waiver will benefit the community in allowing more funds to continue to be utilized for low income housing as provided by the Nebraska Housing Agency Act.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the payment in lieu of taxes waiver request of the Alliance Housing Authority in the amount of One Thousand One Hundred Sixty Five and 57/100ths Dollars (\$1,165.57) is hereby granted for this year only.

Councilman Kusek stated that the City of Alliance as the sponsoring agent of the Alliance Housing Authority should waive the Payment In Lieu of Taxes.

Trish Wood, Executive Director of the Alliance Housing Authority addressed Council advising them that in the past year over \$500,000.00 has been spent remodeling their apartments. Each of the 14 completely remodeled apartments cost between \$18,000.00 and \$20,000.00. At this time they are also remodeling one house. All roofs and gutters have also been replaced. She advised Council that all the apartments are occupied and there is currently a waiting list. Councilman Kusek asked if there is a cost share for the residents. Ms. Wood told Council that the cost is based on the applicant's income, which is 30% of their gross income less any out of pocket medical expenses. Councilman Gonzalez asked if the Housing Authority staff maintains Rosewood Estates. Ms. Wood stated that lawn care and snow removal is provided and they maintain the flower beds on Potash Avenue. Councilman Kusek asked if Rosewood Estates is fully taxed. He was told they are and that the only waiver of taxes being asked for is the Housing Authority properties located at Potash Avenue, Big Horn Avenue and 10 scattered site houses for a total of 59 housing units. Councilman Yeager stated his opinion is the Alliance Housing Authority budgets yearly for the pilot payment and should make the payment to the City. Councilman Gonzalez agreed but felt that they should be commended for the extensive improvements.

Roll call vote with the following results:

Voting Aye: Feldges, Kusek, Gonzalez.

Voting Nay: Benzel, Yeager.

Motion carried.

- The next item to be acted on by Council was Resolution No. 11-09 authorizing the renewal of the contract for the care and maintenance of public planting beds to All Seasons Landscape Maintenance & Design.

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 11-09 which follows in its entirety:

RESOLUTION NO. 11-09

January 20, 2011

WHEREAS, Due to changes in the park division the City of Alliance prepared a request for quotations for contracting maintenance of public landscaped areas within the parks; and

WHEREAS, The City of Alliance entered into a contract with Heather Hauptman d/b/a All Seasons Landscaping to provide services from March through October 2008; and

WHEREAS, The bidding documents authorized an initial one year contract with the option of three year renewals if all parties were satisfied with the services; and

WHEREAS, The City of Alliance has approved the extension of the annual contract for the years 2009 and 2010; and

WHEREAS, The City has received a bid to extend the contract for the 2011 year at the cost of Twenty One Thousand Eight Hundred Seventy and No/100ths Dollars (\$21,870.00); and

WHEREAS, the Mayor and City Council deemed it appropriate to continue the contract to hire an independent contractor to provide the labor for the clean up, planting and maintenance of the public landscaped areas within the park systems of the City of Alliance for an additional year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, that the Mayor is authorized to sign an agreement between the City of Alliance and Heather Hauptman d/b/a All Seasons Landscaping to contract the spring clean up, planting and bed sustentation for the period commencing March 1st through October 31st for the year 2011.

BE IT FURTHER RESOLVED that the base contact price for the year 2011 shall be Twenty One Thousand Eight Hundred Seventy and No/100ths Dollars (\$21,870.00).

Councilman Benzel asked if the golf course is included in the contract. Cultural and Leisure Services Director Shana Brown advised Council that it is not in this contract and that the Parks Division summer help currently works on the golf course along with volunteers from the Ladies Golf Association. Councilman Gonzalez asked if the front entrance to the Sallows Military Museum is included in the bid. Heather Hauptman, owner of All Seasons Landscape Maintenance and Design advised Council that the bid does encompass that area and that it has been planted with drought tolerant plants. The area is very hard to establish with plants due to the lack of access to water.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

January 20, 2011

- Resolution No. 11-10 awarding the purchase of the 18//33.6 MVA Substation Power Transformer from Delta Star, Inc. was the next item on Council's agenda.

Motion by Councilman Yeager, seconded by Councilman Kusek to approve Resolution No. 11-10 which follows in its entirety:

RESOLUTION NO. 11-10

WHEREAS, The transformer at the substation located at Third Street and Cody Avenue belonging to the City of Alliance Electric Department failed; and

WHEREAS, The City retained the services of Olsson Associates to engineer the upgrades to the substation including replacing the 33.6 MVA Substation Power Transformer; and

WHEREAS, Olsson Associates went out for bids for the new transformer, four bids were received and Olson Associates have made a recommendation that the City of Alliance contract with Delta Star, Inc. of San Carlos, California for the purchase of the "18//33.6 MVA Substation Power Transformer"; and

WHEREAS, City staff has reviewed the bids and believes that the exceptions contained in the ABB, Inc. bid including the modification of the terms and conditions, the modifications to the warranty, the additional expense of installation that would be transferred to the City, and the application of New York law result in the opinion that ABB, Inc. is a non-conforming bid and instead that Delta Star, Inc., is the lowest, responsive and responsible bidder; and

WHEREAS, The Alliance Electric Department has the funds budgeted for 2010-2011 fiscal year for the replacement of the transformer and requests that Council approve the purchased of a "18//33.6 MVA Substation Power Transformer" from Delta Star, Inc. of San Carlos, California for the bid price of Five Hundred Sixty Nine Thousand Nine Hundred Fifty and N0/100th Dollars (\$569,950.00); and

WHEREAS, Council determines that the bid of ABB, Inc., is non-responsive and finds that the bid of Deltas Star, Inc., of San Carlos, California is the lowest, responsive, responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Mayor be and hereby is authorized to enter into a contract for the purchase of a "18//33.6 MVA Substation Power Transformer" from Delta Star, Inc. of San Carlos, California for the bid price of Five Hundred Sixty Nine Thousand Nine Hundred Fifty and N0/100th Dollars (\$569,950.00) as provided in the bid documents.

Councilman Kusek asked if this is the turn key purchase for the transformer. Electric Superintendent Larry Heinrich advised Council it is for the transformer, testing and hook ups and the bid came in under the estimated price. Mayor Feldges asked if outages will be able to be handled via a computer. Mr. Heinrich advised Council that the SCADA system will handle outages easier.

January 20, 2011

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was Resolution No. 11-11 authorizing the continuation of the Production Cost Adjustment in the monthly electric bills.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-11 which follows in its entirety:

RESOLUTION NO. 11-11

WHEREAS, The City of Alliance provides electrical services to residents, businesses and others through the Alliance Municipal Electric System; and

WHEREAS, The City of Alliance is a member of Municipal Energy Association of Nebraska (MEAN); and

WHEREAS, The City of Alliance is a member of Western Area Power Administration (WAPA); and

WHEREAS, The City of Alliance has received billings from MEAN and WAPA that demonstrate the cost of electricity purchased from both entities has increased; and

WHEREAS, The City cannot absorb the additional costs of production; and

WHEREAS, The City previously approved a Production Cost Adjustment to offset the additional cost of production that is being incurred by the City of Alliance as a result of the additional costs that are charged by MEAN and WAPA; and

WHEREAS, The City previously extended the Production Cost Adjustment until the end of January 2011; and

WHEREAS, The City Council believes it is in the best interest of the City to approve a continuation of administrative adjustments to billings for electrical services to reflect the additional charges from MEAN and WAPA until such time as a new electrical rate is adopted; and

WHEREAS, The City of Alliance had a transformer fail at the 3rd and Cody Substation and as a result the City has authorized expenditure for the purchase of the transformer and the modifications to the 3rd and Cody Substation and the City desired to recoup those costs by implementing a Production Cost Adjustment; and

January 20, 2011

WHEREAS, The new electrical rate will be designed to include the capital expenditures for the transformer and the modifications to the 3rd and Cody Substation so that an additional Production Cost Adjustment is not required at this time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that pursuant to the City of Alliance Municipal Code Section 4-144-2, the additional charges for electricity being charged by MEAN and WAPA are production costs.

BE IT FURTHER RESOLVED that Council approves the assessment of an administrative adjustment to billings for services to reflect the additional charges for purchase of electricity from Municipal Energy Association of Nebraska (MEAN) and Western Area Power Administration (WAPA) at the rate of .009 per kilowatt hour for the months of February 1, 2011 and shall continue until the adoption and implementation of a new electrical rate by Council.

BE IT FURTHER RESOLVED that Council revokes the assessment of an administrative adjustment to billings for services to reflect the additional charges for production of electricity as a result of the purchase of a new transformer and the upgrades to the Alliance transmission system) at the rate of .002 per kilowatt hour commencing February 1, 2011 as had previously been approved.

City Manager Cox advised Council the rate study from MEAN has not been returned to the City to date. Councilman Benzel referenced an article in the Alliance Times Herald regarding the electric rates in Torrington, WY. Mr. Heinrich told Council that several communities have a stabilization fund which allows them to use the funds in years that revenue is down or expenditures are up. The MEAN quarterly meeting revealed a projected increase in rates for next year.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-13 authorizing the renewal of Maintenance Agreement No. 3 between the City and the State of Nebraska Department of Roads was the next item to be voted on by Council.

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Resolution No. 11-13 which follows in its entirety:

RESOLUTION NO. 11-13

WHEREAS, Annually the City of Alliance enters into an Agreement with the State of Nebraska Department of Roads defining the maintenance responsibilities of the City and the Department of Roads for state highways within the city limits; and

January 20, 2011

WHEREAS, The Agreement provides for the division of duties for maintenance and upkeep, and provides for a lane mile reimbursement from the State for certain duties performed by the City, and establishes the number of lane miles eligible for such reimbursement; and

WHEREAS, City staff has examined the Agreement, known as Maintenance Agreement No. 3, which was originally entered into with the Nebraska Department of Roads in January of 1990, which was updated in January, 2006; and

WHEREAS, City staff have verified that there exists 9.14 lane miles in the City of Alliance that are eligible for reimbursement at \$1,575 per lane mile from the State of Nebraska for a total reimbursement of Fourteen Thousand Three Hundred Ninety Five and 50/100ths Dollars (\$14,395.50).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that Agreement renewal, with the effective date of January 1, 2011, is hereby approved for the calendar year 2011.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the Renewal Agreement for the calendar year 2011, for and on behalf of the City of Alliance.

Councilman Benzel asked who the responsible party is for the intersection of West 3rd Street and Highway 385. Public Facilities Director Eric Lenz indicated that both the City and the State of Nebraska work together in that area.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's discussion was Resolution No. 11-14 which will authorize the implementation of the Waterfowl Management Proposal and provide direction for documents concerning enforcement.

Motion by Mayor Feldges, seconded by Councilman Kusek to approve Resolution No. 11-14.

Cultural and Leisure Services Director Shana Brown addressed Council giving a brief overview of the management of geese at Laing Lake. Todd Nordeen of the Nebraska Game and Parks Commission addressed Council indicating that there has been discussion of the use of pyrotechnics for harassment followed by the possible use of urban barrels and ammunition which is not likely to have a major impact on surrounding houses. He advised Council that harassment techniques must be employed first before the U.S. Fish and Wildlife Department would endorse lethal means to remove the geese. Within that context, the possibility might exist for an early or late harvest season to remove the geese with lethal means. He also cautioned against driving the geese elsewhere that might create an even greater problem such as the sewer lagoons located

January 20, 2011

near the Alliance Municipal Airport. The estimated goose population is approximately 3,000 at Laing Lake during the winter months. Mrs. Brown stated the process will begin with pyrotechnics followed by the application for a permit in the spring to control reproduction. She would also like to restrict the feeding of geese at Laing Lake. Dustin Darveau provided Council with a visual example of the device that shoots the pyrotechnics.

Motion by Councilman Kusek, seconded by Councilman Benzel to change the name of the plan to the City of Alliance, Nebraska Waterfowl Management Policy.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 11-14

WHEREAS, The City of Alliance owns Laing Lake; and

WHEREAS, The City has expended money and labor in various attempts to achieve and maintain an acceptable water quality level at Laing Lake; and

WHEREAS, The City's efforts have not been successful in maintaining an acceptable water quality level at Laing Lake; and

WHEREAS, The City has received information from Absolute Natural Resources, a professional fish and wildlife consulting firm, and from the Nebraska Game and Parks Commission that to improve water quality at Laing Lake it will require the implementation of a Waterfowl Management Plan; and

WHEREAS, The City staff with the assistance of the Nebraska Game and Parks Commission have prepared a City of Alliance, Nebraska Waterfowl Management Policy which has been reviewed by the Cultural and Leisure Services Department and the legal staff; and

WHEREAS, The City of Alliance, Nebraska Waterfowl Management Policy provides guidelines to effectively reduce the waterfowl population at Laing Lake, and improve the water quality of Laing Lake and the aesthetics of the surrounding area; and

WHEREAS, The City of Alliance, Nebraska Waterfowl Management Policy provides for various techniques to decrease the population of waterfowl at Laing Lake from making it illegal to feed the waterfowl, educating the public, making it illegal to release waterfowl at the lake, the policy also includes authorizing the use of dogs and pyrotechnics to scare or haze the waterfowl, authorizes the use of methods to control reproduction of waterfowl, modification of the habitat, capture and relocation and harvesting of the waterfowl; and

January 20, 2011

WHEREAS, City Council has reviewed the City of Alliance, Nebraska Waterfowl Management Policy and acknowledges that previous efforts have not been successful in reducing the waterfowl population, or improving the water quality at Laing Lake; the Council finds the policy is appropriate and should be adopted and approved by Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance, Nebraska Waterfowl Management Policy as forth herein, is hereby approved, and adopted by the City of Alliance.

BE IT FURTHER RESOLVED that staff is directed to prepare the appropriate documents to modify the Municipal Code to authorize the implementation of the City of Alliance, Nebraska Waterfowl Management Policy.

Roll call vote on Resolution No. 11-14 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 11-15 authorizing the City of Alliance to enter into a Nondiscrimination Agreement with the Nebraska Department of Roads was the next item before Council.

Motion by Councilman Kusek, seconded by Councilman Benzel to approve Resolution No. 11-15.

Motion by Councilman Yeager, seconded by Councilman Kusek to amend Resolution No. 11-15 to change the designation of Director of Public Works to Director of Public Facilities as the position responsible for implementation of the policy.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 11-15

WHEREAS, Certain transportation facilities, including but not limited to, roads, streets, and trails in the City of Alliance, Nebraska, have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto, and;

January 20, 2011

WHEREAS, The City of Alliance, Nebraska, desires to continue to participate in the Federal-Aid Transportation Construction Programs, and;

WHEREAS, The Nebraska Department of Roads as the recipient of said federal funds is charged with the oversight of the expenditures of said funds; and

WHEREAS, The City of Alliance, Nebraska, as a sub-recipient of Federal Aid Funding, is charged with the responsibility of expending said funds in accordance with federal and state laws, the rules and regulations of the Federal Highway Administration, requirements of the local public agency (LPA) guidelines manual of the Nebraska Department of Roads, Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987; and

WHEREAS, The City of Alliance, Nebraska, understands that failure to meet all of the requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in the City of Alliance, Nebraska, being required to repay some or all of the federal funds expended for a project(s).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance does hereby adopt and bind itself to comply with all federal law, including the rules and regulations of the Federal Highway Administration, all applicable state laws, rules and regulations (Nebraska Administrative Code) and the requirements of the LPA guidelines manual of the Nebraska Department of Roads and Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Title VI Nondiscrimination Agreement with the Nebraska State Department of Roads that is included with the Council packets.

BE IT FURTHER RESOLVED that the City of Alliance does hereby designate the Director of Public Facilities as the individual responsible for the implementation of Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987.

Roll call vote on Resolution No. 11-15 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The next item for Council's review was Resolution No. 11-16 appointing City Manager J.D. Cox as the City of Alliance's Alternate to the MEAN Boards.

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 11-16 which follows in its entirety:

RESOLUTION NO. 11-16

January 20, 2011

WHEREAS, The City of Alliance, Nebraska is a part to the Electrical Resource Pool Agreement and, pursuant to the terms of such Agreement, has the responsibility to designate a representative and alternate representative to the Members' Council of the Nebraska Municipal Power Pool, to appoint a representative and an alternate representative to the Municipal Energy Agency of Nebraska Management Committee and appoint a director and an alternate director to represent the City of Alliance on the Board of Directors of the Municipal Energy Agency of Nebraska; and

WHEREAS, Council designated a Representative and an Alternate Representative to these positions; and

WHEREAS, Council needs to designate a new Alternate Representative to the Members' Council of the Nebraska Municipal Power Pool; a new alternate to the Municipal Energy Agency of Nebraska Management Committee and appoint an alternate director to represent the City of Alliance on the Board of Directors of the Municipal Energy Agency of Nebraska.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that J.D. Cox, City Manager, is appointed to serve as alternate representative of the City of Alliance, State of Nebraska, to the Members' Council of Nebraska Municipal Power Pool.

BE IT FURTHER RESOLVED, that J.D. Cox, City Manager, is appointed to serve as the Alternate Representative to the Municipal Energy Agency of Nebraska Management Committee.

BE IT FURTHER RESOLVED, that J.D. Cox, City Manager, is appointed to serve as the alternate director to represent the City of Alliance on the Board of Directors of the Municipal Energy Agency of Nebraska. This appointment will run for the remainder of the three (3) years with the powers and duties incident to such office.

BE IT FURTHER RESOLVED, that the City Clerk shall give written notice to the Municipal Energy Agency of Nebraska of the appointments and any certificates of the appointments or the passing of this Resolution.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Kusek, Benzal, Gonzalez.

Voting Nay: None.

Motion carried.

- The next items on Council's agenda were board resignations and appointments.

Motion by Councilman Yeager, seconded by Councilman Kusek to appoint Rhiannon Minich to the Alliance Library Board as a Teen Ex-Officio member for a term ending June 30, 2012.

January 20, 2011

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Kusek to accept a resignation from Chris Gray from the Alliance Housing Authority.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Kusek to accept a resignation from Mary Meier from the Police/Citizen Advisory Board.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Kusek to appoint Jeralee Wangler to the Police/Citizen Advisory Board as the Social Services representative for a term ending December 31, 2011.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Kusek to appoint Jesus Guerrero to the Police/Citizen Advisory Board as the Hispanic representative for a term ending December 31, 2012.

January 20, 2011

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Kusek to reappoint Ellen Lierk to the Police/Citizen Advisory Board as the Religious representative for a term ending December 31, 2012.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Yeager, seconded by Councilman Kusek to appoint Jeanette R. Sartain to the Police/Citizen Advisory Board as the Native American representative for a term ending December 31, 2011.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a report by City Manager J.D. Cox.

City Manager Cox advised Council that to date he has met with over 60 City of Alliance employees in one on one meetings, toured the downtown businesses with Chamber of Commerce Director Dixie Nelson and Main Street Director Kristi Corey, toured local industries with Box Butte Development Director Chelsie Herian, toured the facilities of the City of Alliance and met with the staff at the Alliance Times Herald. He advised Council the Library has received technology funding which will require future Council action. The dog park is on the radar screen regarding its name and usage. The Alliance Public School/City of Alliance Interlocal Agreement is being researched and he will be meeting with the officials from the school. He asked Council if they would be agreeable to holding joint meetings with both the Alliance Public Schools and Box Butte County which met with an agreeable response by Council. Fees for the Knight Museum and Sandhills Center will be discussed in a meeting with Cultural and Leisure Services as well as other stakeholders and then brought to Council. The quote for additional surveillance

January 20, 2011

equipment to be located outside at the Knight Museum and Sandhills Center has come in at \$7,174.85 which is not currently budgeted. Councilman Kusek asked if a camera to be aimed at the Central Park Fountain was included in the quote. He was advised that it is not. It was suggested that the purchase be brought back as an agenda item.

In an overview of miscellaneous topics, Mr. Cox advised Council the unemployment rate in Box Butte County is 4.47%. He also wanted Council to be aware the term “blighted and substandard” is a problematic term and would like to term it as an “economic revitalization zone” which will have a more positive impact and still adhere to the set criteria. He noted that the City has gone one full year without a sewer back up issue. During Mr. Cox’s visit to the Alliance Times Herald, they invited him to write a monthly column. He advised Council that he is open to topic suggestions.

Mr. Cox informed Council there are several items on the calendar. The Alliance Volunteer Fire Department will be hosting Bosses Night on Friday, February 4, 2011 at 6:00 p.m. He has been asked to speak at the Workforce Development Breakfast on February 8, 2011 at 7:00 a.m. at Box Butte General Hospital. He will be the guest presenter at the Rotary Club meeting which is on February 21, 2011 at noon.

He addressed a power outage that occurred on Tuesday, January 18, 2011 which was the result of a blown fuse at 16th Street and Bel Air Avenue. The immediate area experienced an approximate 15 minute loss of power. The Environmental Protection Agency has a new regulation called the “RICE Rule.” The acronym stands for “Reciprocating Internal Combustion Engine” rule designed to reduce engine emissions from power plants. The City of Alliance will be required to install additional pollution equipment by May 3, 2013 for an estimated cost of \$120,000 to \$160,000 which will need to be budgeted.

Mr. Cox asked if the financing for the Cody Substation improvements is limited to bonding or if Council was open to other suggestions. Council indicated they were open to a variety of ideas.

He advised Council that the position of Accounting Supervisor has been advertised with a first review date of February 1, 2011 and interviews the week of February 7, 2011.

Several upcoming projects or events were highlighted by Mr. Cox including the transfer of ownership of Central School. The City of Alliance audit has been rescheduled for January 31 through February 2, 2011. State of Nebraska Department of Roads officials were in Alliance for a meeting regarding the Highway 385 Heartland Expressway Project. The next step is an environmental assessment including impact studies. An integral part of the study includes a survey of near miss incidents on Alliance/US Highway 385 – south to Scottsbluff Junction 62E Link area. The surveys may be dropped off at the Police Department or the Municipal Building. The Box Butte Avenue Streetscape lighting project has been approved and will be brought to Council in March or April. A grant for an Emergency Operations Center is being pursued by Police Chief Kiss and Fire Chief Shoemaker to be possibly located in the basement of the Alliance Public Library. He asked Council if they would like occasional presentations from departments and Council responded favorably. The diving board will be reinstalled at Big Blue

January 20, 2011

Bay. A ¾ meter board has been engineered which will work for the pool depth. Funds in the amount of \$17,500 have been budgeted for this item. Mr. Cox advised Council that he will be out of town on January 27 and 28, 2011.

City Clerk Jines advised Council that the question on the Consent Calendar regarding catering at the Knight Museum and Sandhills Center was the grocery bill for the services provided to the Burlington Northern Santa Fe.

- Council directed staff to prepare a legislative document changing the March meeting dates to March 10, 2011 and March 24, 2011.
- The last item on Council's agenda was an Executive Session for contract negotiation and the discussion of a personnel issue.

Councilman Kusek motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the purpose of discussing a personnel issue and contract negotiation. The motion was seconded by Councilman Benzel.

Cultural & Leisure Services Director Brown, City Attorney Miller, and City Clerk Jines were invited to remain and participate in the contract negotiation discussion and would be excused for the personnel issue.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 9:04 p.m. and ended at 10:35 p.m.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:36 p.m."

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk