

October 6, 2011

## ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, OCTOBER 6, 2011

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

The Alliance City Council met in a Regular Meeting, October 6, 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 September 29, 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 October 6, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Yeager, Benzel, and Gonzalez. Also present were City Attorney Miller and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first item on Council's agenda was the introduction of Karna Hansen, Customer Service Clerk and Josh Beck, Electric Apprentice.
- The next item on Council's agenda was the Consent Calendar.

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

### **CONSENT CALENDAR – OCTOBER 6, 2011**

1. Approval: Minutes of the Regular Meeting, September 15, 2011 and the Special Meetings, September 8, 2011 and September 26, 2011.

October 6, 2011

2. Approval: Claims against the following funds for the period October 1, 2011 through October 3, 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; \$72,146.32. Please note there are several transactions which appear twice along with a negative entry. This happened as a result of original entries being made before the official fiscal year began which was Saturday.
3. Approval: The issuance of Journeyman HVAC and Journeyman Plumber licenses to Thomas R. Fletcher dba T & T Services.
4. Approval: The issuance of a Cemetery Certificate to Wally Stricker and Nancy Stricker the Northwest Quarter and Southwest Quarter (NW1/4 & SW1/4) of Lot Eleven (11), Section Two (2), Block One (1) to the Original Plat to the Alliance Cemetery.

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.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- A proclamation for Fire Prevention Week was the next agenda item.

Mayor Feldges read the proclamation which follows in its entirety:

## **Proclamation**

*WHEREAS*, The City of Alliance is committed to ensuring the safety and security of all those living in and visiting our City; and

*WHEREAS*, Fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk to fire; and

*WHEREAS*, Home fires killed more than 2,500 people in the United States in 2009, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 360,000 home fires; and  
*WHEREAS*, Cooking equipment is the leading cause of home structure fires and associated injuries, and the third leading cause of home fire deaths; and

*WHEREAS*, Heating and electrical equipment and smoking materials are among the leading causes of all reported home fires; and

October 6, 2011

*WHEREAS*, Home candle fires are reported to a US fire department every 30 minutes, on average; and

*WHEREAS*, The risk of dying in a home structure fire caused by smoking materials rises with age; and

*WHEREAS*, Working smoke alarms cut the chance of dying in a reported fire in half; and

*WHEREAS*, Automatic fire sprinkler systems cut the risk of dying in a home fire by about 80%; and

*WHEREAS*, Alliance's firefighters are dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and

*WHEREAS*, Alliance residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes; and

*WHEREAS*, Residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

*WHEREAS*, The 2011 Fire Prevention Week theme, "It's Fire Prevention Week. Protect your Family from Fire!" effectively serves to remind us all of the simple actions we can take to keep our homes and families safe from fire during Fire Prevention Week and year-round:

*THEREFORE*, I Fred Feldges Mayor of Alliance do hereby proclaim October 9-15, 2011 as:

#### Fire Prevention Week

Throughout this City, and I urge all the people of Alliance to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2011, and to support the many public safety activities and efforts of Alliance's fire and emergency services.

The proclamation was presented to John Dahlberg a member of the Alliance Volunteer Fire Department.

- Ordinance No. 2693 adopting the City Council 2012 Meeting Calendar was the next matter before Council. City Manager Cox provided the following background information:

[Although by Ordinance Council long ago has already established its meeting calendar as 7:00 pm at the Board of Education Office on the first and third Thursdays of each month, this measure will take into account the coming year and the holidays. Should Council wish, amendments may be made to the ordinance by motion.]

October 6, 2011

Motion by Councilman Benzel, seconded by Councilman Yeager to approve Ordinance No. 2693 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2693**

AN ORDINANCE ESTABLISHING THE TIME AND PLACE OF REGULAR COUNCIL MEETINGS FOR THE CALENDAR YEAR 2012.

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

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

SECTION 2. The City Code provides at Chapter 1, Section 101, that "The City Council shall hold its regular meeting on the first and third Thursday of each month. The Council may, by adoption of a calendar each year, establish regular meeting dates other than the first and third Thursday of each month."

SECTION 3. Attached hereto is a "proposed 2012 calendar," which is incorporated herein by reference as if fully set forth.

SECTION 4. The City Council of Alliance, Nebraska shall conduct regular meetings during calendar year 2012 on the dates that are indicated on the attached proposed 2012 calendar at the hour of 7:00 o'clock P.M. at the Board of Education Room, 1604 Sweetwater Avenue, Alliance, Nebraska. The time and place of these meetings may be changed from time to time as provided by law.

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

Motion by Councilman Benzel, seconded by Councilman Yeager to suspend the statutory rule requiring three separate readings of Ordinance No. 2693.

Roll call vote to waive the statutory rule requiring three separate readings of Ordinance No. 2693 with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

Roll call vote on the final reading of Ordinance No. 2693 with the following results:

October 6, 2011

Voting Aye: Feldges, Yeager, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2693 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next item for Council’s consideration was Ordinance No. 2692 modifying the Alliance Municipal Code with regard to school zones. City Manager Cox provided the following background information:

[At the 9/15 Council meeting, this Ordinance was introduced for consideration to reduce speed limits in the school zones. Discussion was held and different ideas were discussed, including making the lower speed limits throughout the year. I followed up with Chief Kiss and informed him of the discussion. I asked him to formulate an opinion and provide that to us. That opinion is included in your packet.

Chief Kiss has recommended that the school zones be in effect from 7:00 am to 4:00 pm daily while school is in session. I agree with Chief Kiss’ recommendation.

The purpose of this measure is to bring danger relief to students by lowering the speed limits in these zones. Superintendent of Schools, Dr. Dan Hoelsing, has expressed strong support for this measure.

This past week, Staff provided a press release to the Alliance Times-Herald concerning this matter and asking for public comments. That press release appeared on the front page in color on Friday, Sept. 23. At the time of this writing, six comments have been received. Five of the six were in favor, while the sixth opposed the proposal, citing concerns over potential increase of traffic where they live on Platte Ave. All comments are included in your packets.

If Council concurs with our recommendation to make the school zone reduced speed effective 7:00 am to 4:00 pm daily when school is in session, a simple motion to update the Ordinance accordingly would be appropriate.]

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Ordinance No. 2692 on second reading. City Clerk Jines read the ordinance by title which follows in its entirety:

### **ORDINANCE NO. 2692**

October 6, 2011

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE BY AMENDING SECTION 305, ARTICLE 3 AT CHAPTER 3, RELATING TO ESTABLISHMENT OF SCHOOL ZONES AND REGULATION OF SPEED LIMITS WITHIN THE SCHOOL ZONES 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 established school zones to facilitate the safe arrival and return of children to and from schools in the City of Alliance.

SECTION 2. The City of Alliance, to make travel to and from schools safer for children and pedestrians, desires to make changes to the school zone areas.

SECTION 3. The Alliance Municipal Code at Chapter 3, shall be amended at Article 3, Section 3-305 as follows:

3-305. SCHOOL ZONES.

The school zones are described as follows:

Alliance Middle School, Alliance High School and St. Agnes Academy:

Box Butte Avenue from the north line of Tenth Street to the north line of Sixteenth Street; Laramie Avenue from the north line of Tenth Street to the north line of Fourteenth Street; Cheyenne Avenue from the north line of Tenth Street to the north line of Sixteenth Street; Big Horn Avenue from the north line of Tenth Street to the south line of Sixteenth Street; Eleventh Street from the east line of Box Butte Avenue to the west line of Laramie Avenue and from the east line of Toluca Avenue to the east line of Cheyenne Avenue; Twelfth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; Fourteenth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; and Sixteenth Street from the east line of Box Butte Avenue to the west line of Cheyenne Avenue.

Emerson Elementary School:

Dakota Avenue from the south line of Sixth Street to the south line of Ninth Street; Colorado Avenue from the south line of Eighth Street to the south line of Ninth Street; Black Hills Avenue from the south line of Sixth Street to the south line of Ninth Street, Sixth Street from the west line of Platte Avenue to the west line of Dakota Avenue; Seventh Street from the west line of Black Hills Avenue to the west line of Platte Avenue; and Eighth Street from the west line of Platte Avenue to the west line of Dakota Avenue.

Grandview Elementary School:

October 6, 2011

Potash Avenue and Grand Avenue from the north line of Fifth Street to the north line of Seventh Street; Sixth Street from the east line of Mississippi Avenue to the west line of Hudson Avenue; and Seventh Street from the east line of Mississippi Avenue to the west line of Hudson Avenue.

The speed limit within all school zones shall be 20 miles per hour year round.

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

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

Councilman Gonzalez made a motion which was seconded by Councilman Benzel to amend Ordinance No. 2692 to change the enforcement period to 7:00 a.m. to 4:00 p.m. on the days school is in session.

Roll call on the proposed amendment:

Voting Aye: Benzel, Gonzalez, Feldges, Yeager.

Voting Nay: None.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to suspend the statutory rule requiring three separate readings of Ordinance No. 2692.

Roll call vote to waive the statutory rule requiring three separate readings of Ordinance No. 2692 with the following results:

Voting Aye: Feldges, Benzel, Gonzalez.

Voting Nay: Yeager.

Motion failed.

Roll call vote on the second reading of Ordinance No. 2692 with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- Resolution No. 11-118 providing for the extension of two well field property land leases was the next item for Council's attention. City Manager Cox provided the following background information:

October 6, 2011

[Proposed is a measure to renew the City's two water well field land leases with Mr. Dan Robinson at the same \$9005 as was accepted six months ago. At the time that bids were accepted, three were received: \$3200, \$7400 and \$9005 from Mr. Robinson. Mike Hulquist reports that Mr. Robinson has been a very good tenant. He has made a considerable investment in fencing and tanks and would, by all accounts, appear to be committed to a lasting, good relationship with the City of Alliance. Mr. Robinson has agreed to sign a five year extension, renewable in 6 month increments. The proposed renewed agreement would allow the City opportunity to withdraw from the agreement with six months' notice.]

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 11-118 which follows in its entirety:

### **RESOLUTION NO. 11-118**

*WHEREAS*, In 2011 the City of Alliance has authorized competitive quotes to obtain bids for a lease not to exceed six months for the North Well Field property containing 140 acres, more or less, which is restricted to haying only and the South Well Field property containing 257 acres more or less, which can be used for haying or grazing; and

*WHEREAS*, The bids of Daniel Robinson of Alliance, Nebraska were the highest, responsive, and responsible bids in the amounts of Three Thousand Six Hundred Twenty Four and No/100ths (\$3,624.00) Dollars for the North Well Field Property and Five Thousand Three Hundred Eighty One and No/100ths (\$5,381.00) Dollars for the South Well Field property for the term of the lease; and

*WHEREAS*, City Staff has compared the rental rates with the previous CRP contracts and with the current lease rates with both the University of Nebraska Lincoln, Extension Service and the Farm Credit Services and has been advised that the lease rates are competitive with the current market rates; and

*WHEREAS*, City Staff does not believe that going out for bids would result in increased revenue for the City and staff has been pleased with Daniel Robinson as a tenant; and

*WHEREAS*, City Staff desires to give Daniel Robinson five additional six month lease terms commencing in April, 2012 and continuing annually until the last six month term which will be April through September of 2016.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to enter into a contract to lease the 140 acres of the North Well Field property to Daniel Robinson for Three Thousand Six Hundred Twenty Four and No/100ths (\$3,624.00) Dollars, subject to the terms and conditions of the current lease for the months of April through September in the years of 2012, 2013, 2014, 2015 and 2016.

*BE IT FURTHER RESOLVED*, that the Mayor is authorized to enter into a contract to lease the South Well Field property to Daniel Robinson for Five Thousand Three Hundred

October 6, 2011

Eighty One and No/100ths (\$5,381.00) Dollars, subject to the terms and conditions of the current lease for the months of April through September in the years of 2012, 2013, 2014, 2015 and 2016.

Mr. Dan Robinson addressed the Council and informed them that there is currently a prairie dog problem on part of the property that he has not been able to manage despite his poisoning efforts.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- The next item to be discussed by Council was Resolution No. 11-119 authorizing a land lease agreement with Nebraskalink Telecommunications. City Manager Cox provided the following background information:

[We are in receipt of a request from the NebraskaLink folks regarding the leasing of a small 10x30' piece of City property on the water well land. The purpose of the lease is to construct and maintain communications equipment is to support the organization's efforts to construct a statewide fiber communication system. If approved, the organization will construct on the 10x30' property an equipment cabinet, a 120-gallon LP tank, and a 8 kW Generator. There will also be room for a fiber bay, as well as, an area for future cabinet expansion. Finally, the organization will construct a fence to surround the 10x30' land for protection and security. The term of the agreement calls for a 20-year agreement at a reimbursement rate of \$200/year. However, the organization has proposed that the total of the 20-year payments (\$4000) all be paid upfront and in full.]

Motion by Mayor Feldges, seconded by Councilman Gonzalez to approve Resolution No. 11-119 which follows in its entirety:

### **RESOLUTION NO. 11-119**

*WHEREAS*, The City of Alliance owns the Municipal Wellfields; and

*WHEREAS*, The Nebraskalink, LLC, a Nebraska Corporation located in Lincoln, Nebraska desires to lease 300 square feet to construct, operate and install buildings and/or equipment as required and necessary to support Nebraskalink, LLC's telecommunication system; and

*WHEREAS*, Nebraskalink, LLC, desires to lease a parcel of ground not to exceed thirty feet by ten feet in the following describe real property, to wit;

October 6, 2011

The Northeast corner of the North One Half of the Southeast Quarter (NE corner N½ SE¼) of Section 33, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska

*WHEREAS*, Nebraskalink, LLC, has proposed a twenty year lease effective upon acceptance by City Council and running until 2031 at the rental rate of Two Hundred Dollars (\$200.00) per year; and

*WHEREAS*, City staff has reviewed the lease and has recommended its approval.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the lease with Nebraskalink, LLC, for a parcel of ground in the Alliance Municipal Wellfield is hereby approved, and the Mayor and City Clerk are authorized to execute the lease on behalf of the City of Alliance.

Mayor Feldges questioned staff regarding the proposed uses of the network services. Following discussion a motion was made by Mayor Feldges, which was seconded by Councilman Gonzalez to postpone action on Resolution No. 11-119 until next meeting to give staff an opportunity to investigate the use/purpose of the telecommunications connection.

City Attorney Miller also provided an explanation of Articles 9 and 10 within the lease.

Roll call vote to postpone with the following results:

Voting Aye: Feldges, Benzel, Gonzalez.

Voting Nay: Yeager.

Motion carried and this item will be placed on the next agenda.

- Resolution No. 11-120 authorizing an additional year on the Conditional Use Permit for Barry Harris on behalf of Keep Alliance Beautiful was the next item to be presented to Council. City Manager Cox provided the following background information:

[The proposed resolution will reapprove the Conditional Use Permit for Keep Alliance Beautiful to continue to operate a recycling center on Lot 4, Block 27, Original Town of Alliance. In compliance with the original Conditional Use Permit issued on November 10, 2008, Staff has reviewed the site and has prepared a recommendation.

Based upon the inspection of the site by Kevin Kubo and City Attorney Larry Miller, Staff is recommending that the Conditional Use Permit be renewed. Further, as part of their inspection, they are recommending that Council consider requiring the inspection on a basis less frequently than annually.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 11-120 which follows in its entirety:

October 6, 2011

**RESOLUTION NO. 11-120**

*WHEREAS*, Barry Harris the property owner on behalf of Keep Alliance Beautiful made an application for a Conditional Use Permit for Keep Alliance Beautiful to operate a recycling center at Lot 4, Block 27, Original Town of Alliance, Box Butte County, Nebraska which is located on the alley between 1<sup>st</sup> Street and 2<sup>nd</sup> Street west of Niobrara Avenue; and

*WHEREAS*, The City of Alliance approved the Conditional Use Permit for the period of one year; and

*WHEREAS*, City staff has viewed the property, and has found that the property has been used consistent with the Conditional Use Permit; and

*WHEREAS*, The City Council finds that no sufficient reason exists why the Conditional Use Permit should not be approved for an additional one year period of time.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Conditional Use Permit previously issued to Barry Harris the property owner on behalf of Keep Alliance Beautiful for the operation of a recycling center at Lot 4, Block 27, Original Town of Alliance, Box Butte County, Nebraska should be continued for an additional one year period of time.

*BE IT FURTHER RESOLVED*, that as part of the continuation of the Conditional Use Permit Keep Alliance Beautiful is required to:

- Keep the area free from litter, waste, or worthless vegetation.
- Not permit the use of recycle containers that do not have secure lids to prevent materials from becoming litter by forces of nature.
- Not permit more than one semi trailer to be parked at this location other than when the trailer is being loaded.
- Not permit outdoor storage of bailed recyclable materials.

*BE IT FURTHER RESOLVED*, that the City Staff will review the operation of the Conditional Use Permit yearly after commencement to determine whether the conditions have been met and report their findings to the City Council.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzal, Gonzalez.

Voting Nay: None.

Motion carried.

- The next items before Council were two board appointments. City Manager Cox provided the following background information:

October 6, 2011

[The City of Alliance has received a letter from Camyla Joule to serve on the Alliance Park and Tree Board which currently has one vacancy with a term to expire February 28, 2013. A letter has also been received from Trish (Worthman) Neely to serve on the A-1 Downtown Improvement Board which currently has two terms expiring October 31, 2013. Trish currently serves on the Historic Main Street Board.]

Motion by Councilman Gonzalez, seconded by Councilman Benzel to appoint Camyla Joule to serve on the Alliance Park and Tree Board for a term expiring February, 2013; and Trish Neely to serve on the A-1 Downtown Improvement Board for a term expiring October, 2013.

Roll call vote with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- A Public Hearing on rezoning application of Callan and Gina Ackerman dba Ackerman Ag Service and Supply was the next item on the Council's agenda. City Manager Cox provided the following background information:

[The City is in receipt of a request from Callan & Gina Ackerman to change the zoning for their property located at 704 and 708 West 2nd Street from M-2 (Heavy Industrial) to C-3 (Highway Commercial).

As customary (and required), the matter first came before the Planning Commission on September 13 of this year. A hearing was first held. Only the owners spoke in favor of the request and none spoke against. In addition, a mailing of 23 public notifications was sent out by Community Development staff, and nine replies were received back. Of the 23, nine were returned and all were in support of the requested change.

In his address to the Planning Commission, Mr. Ackermann stated that he and his wife, Gina, wished to expand their business operation (Ackermann Ag Service & Supply) located at 703 W 3rd Street by adding a new warehouse building on the requested property in order to store inventory and be able to better take advantage of economies of scale by buying in bulk.

The Planning Commission unanimously voted to recommend the change to Council.]

Mayor Feldges stated, "Now is the date, time and place to conduct a Public Hearing on the Rezoning Application of Ackerman Ag Service & Supply, LLC to rezone Lot 11 and Lot 12, Block 2, Hitchcock, Hills & Snedekers Addition from M-2 (Heavy Industrial) to C-3 (Highway Commercial). The public hearing opened at 7:50 p.m.

October 6, 2011

Callan Ackerman, 1212 Box Butte Avenue as the owner of the business addressed Council regarding his request. He indicated the primary reason for the request was due to the setback requirements in a C-3 classification would make the placement of his new building more attractive for the surrounding area. The C-3 classification is also more in line with the retail sales aspect of his business.

Deb Dopheide, 424 Toluca Avenue also appeared before Council in favor of the request. She complimented the owners for their upkeep of the property and concern for the attractiveness in the placement of their new facility within the neighborhood.

There being no additional testimony, Mayor Feldges closed the public hearing at 7:56 p.m.

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Ordinance No. 2694 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

**ORDINANCE NO. 2694**

AN ORDINANCE APPROVING THE APPLICATION FOR REZONING OF LOTS 11 AND 12, BLOCK 2, HITCHCOCK, HILLS & SNEDEKERS ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has zoning authority pursuant to law which provides procedures for considering changing the zoning designation of certain parcels of property.

SECTION 2. The City of Alliance has received an application for rezoning of Lots 11 and 12, Block 2, Hitchcock, Hills & Snedekers Addition to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof, from Ackerman Ag Service & Supply, LLC.

SECTION 3. The Application for Rezoning requests that the property currently zoned as M-2 (Heavy Industrial) be rezoned to C-3 (Highway Commercial).

SECTION 4. Notice has been mailed, published, and posted as required by law regarding the proposed change prior to a Public Hearing held by the Planning Commission. Twenty-three notices were mailed out to property owners. Eight responses were received as in favor; no responses were received as opposed and one response was disinterested.

SECTION 5. The Planning Commission held a Public Hearing on September 13, 2011, to consider the application for rezoning; after said Public Hearing the Planning Commission recommended that the City Council approve the rezoning request from M-2 (Heavy Industrial) be rezoned to C-3 (Highway Commercial).

October 6, 2011

SECTION 6. Notice has been given as provided by law for a Public Hearing by the Alliance City Council, and such a hearing was conducted on October 6, 2011.

SECTION 7. The City Council finds that the proposed zoning change is appropriate for consistent zoning within the City of Alliance, Nebraska, and is consistent with the Comprehensive Plan as adopted by the City of Alliance.

SECTION 8. The Rezoning request for Lots 11 and 12, Block 2, Hitchcock, Hills & Snedekers Addition to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof, is hereby approved.

SECTION 9. This Ordinance shall be in full force and effect from and after its approval, passage of publication, according to law.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to suspend the statutory rule requiring three separate readings of Ordinance No. 2694.

Roll call vote to waive the statutory rule requiring three separate readings of Ordinance No. 2694 with the following results:

Voting Aye: Feldges, Benzel, Gonzalez, Yeager.

Voting Nay: None.

Motion carried.

Roll call vote on the final reading of Ordinance No. 2694 with the following results:

Voting Aye: Feldges, Yeager, Benzel, Gonzalez.

Voting Nay: None.

Motion carried.

- The next item for Council's consideration was the selection of a candidate to fill the vacancy on City Council due to the resignation of Councilman Kusek. City Manager Cox provided the following background information:

[Council may wish to visit about the process that you would like to employ in order to make a selection to fill the seat formerly occupied by Dan Kusek. The seat formally comes up for election in November 2012. Therefore, the interim appointment is for a period of approximately one year.

Notice has been placed in the Alliance Times-Herald as well as on KCOW Radio.

Suggestion:

October 6, 2011

At the time of this writing, we have received two letters of interest. If we receive more than two, might I suggest that consideration be given to having a special workshop/meeting for the purpose of meeting and interviewing the candidates.

Doing so will serve two purposes: 1. Will allow the Governing Body to get to know the potential Council members a little better prior to making a selection; and 2. Will allow for further thought and consideration to be given. Also, Council could potentially select the new Councilmember at the workshop or could wait until the next regular Council meeting on October 20 to make the final selection.]

Mayor Feldges announced the City of Alliance has received six letters of interest to fill the vacancy of Dan Kusek on the City Council. The individuals expressing interest in filling the vacancy are: Greg Bruegger, Gary A. Goodell, Molly McConkey, Ryan J. Reynolds, Lori Rowley, and Wally A. Seiler. An appointment is anticipated to take place at our next meeting, October 20, 2011.

- The last item on Council's agenda was an Executive Session for the purpose of conducting a Strategy Session with respect to pending litigation or litigation which is imminent.

Councilman Gonzalez 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 pending litigation or litigation which is imminent. The motion was seconded by Councilman Benzel.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Gonzales, Feldges.

Voting Nay: None.

Motion carried.

The closed session began at 8:10 p.m. and ended at 8:45 p.m.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:47 p.m."

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Fred Feldges, Mayor

(SEAL)

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Linda S. Jines, City Clerk