

December 15, 2011

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, DECEMBER 15, 2011

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

The Alliance City Council met in a Regular Meeting, December 15, 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 December 8, 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 December 15, 2011 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Yeager, Benzel, Gonzalez and Seiler. Also present were City Manager Cox, Interim City Attorney Hadenfeldt and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- Carla Mayhew was introduced as the new Personnel Administrator as a result of her recent promotion.
- The next item on Council's agenda was the Consent Calendar.

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

CONSENT CALENDAR – DECEMBER 15, 2011

1. Approval: Minutes of the Regular Meeting, December 1, 2011.

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2. Approval: Payroll and Employer Taxes for the period November 12, 2011 through November 25, 2011 inclusive: \$186,070.94 and \$13,279.66 respectively.
3. Approval: Claims against the following funds for the period November 28, 2011 through December 12, 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; \$287,797.31.
4. Approval: The annual filing of the Nebraska Department of Roads Board of Public Roads Classifications and Standards Reports for submittal. The filing also certifies that the minimum standards of design, construction, and maintenance of roads, streets, and highways under their authority have been met. All tax revenues, including State, County, and Municipal tax revenues, as well as highway-user revenue allocations for roads, streets, and highways, has been expended in accordance with approved plans and standards and the rules and regulations of the Board of Public Roads Classifications and Standards for the period beginning October 1, 2010 and ending September 30, 2011.
5. Approval: Resolution No. 11-138 authorizing the City of Alliance to conduct two separate annual appreciation dinners: one for volunteers and board members, and a second for employees, elected and appointed officials.
6. Approval: Award Modification with the Transportation Security Administration for the Law Enforcement Officer Reimbursement Agreement Program. The Law Enforcement Officer Agreement Program did not receive the entire amount of funding it requested, which resulted in a reduction of the amount available for Program Participants.” Consequently, passenger screening support activities will be reimbursed at a Not-to Exceed rate, lower than that initially set by Program policy for each airport category. The City of Alliance is required to execute the modification with a signature from an authorized representative affirming that they enter into the final year of the agreement fully knowing that they will be reimbursed at a reduced Not-to Exceed rate.

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, Seiler.

Voting Nay: None.

Motion carried.

● The next agenda item was the City Manager’s report by J.D. Cox which follows in outline form:

- Reorganization within the City structure
 - Legal Services

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- Seeking an Improved Benefit to Cost Model
- Previous Legal Services
 - Larry Miller services terminated, effective 12/23/11
 - Per contract, placed on administrative leave through 12/23/11
- Seeking specialized outstanding municipal legal services
 - Specialist: Litigation & HR
 - Specialist: Resolutions, ordinances
 - Specialist: CDBG
 - Specialist: LB840, TIF, finance
- Interim legal services: Simmons-Olsen
- Introduce – Kent Hadenfeldt
- Administration
- Streets/Airport/Public Facilities/Solid Waste pickup
- Community Development
 - Working on possible arrangement with Scottsbluff & Gering
 - Sharing

Councilman Yeager questioned the Community Development position, shop Alliance philosophy, and \$200,000 which he believes has been expended but not budgeted.

- The City has purchased pins – Building the Best Hometown in America
- Service Excellence starts January 31, 2012
- Big Blue Bay Pool – Kenny Wood to check valves/address corrosion
- Knight Museum – Lots of Christmas activity, the Tree Festival went well
- Parks – Geese harassment has been successful
- Electric Department
 - Christmas lights are up
 - Municipal Building looks great!
 - Building the final ¼ mile line from east side of West Plains to the north
 - Performing “hot” maintenance of 115 kV line – starts Monday, complete by Tuesday
- BBDC
 - Acquisition and development
 - Grant application
 - NDED Site and Building Development Fund
 - Received seven pre-applications
 - Three pre-applications have been selected
 - Apply for the final application stage during Cycle 1
 - Total amount funding requested by the three applications is more than 1.5 million
 - Department intends to allocate no more than \$1 million for the first cycle
 - Downtown Revitalization – in conjunction with Historic Main Street
 - Housing
 - Met today with Good Samaritan – discussed CDBG Application
 - Demolition & construction
- Upcoming Council meeting – Foundation forgiveness

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- Calendar Recap
 - December 16 @ 6 pm Volunteer Appreciation Dinner – Knight Museum
 - December 18 @ 3 pm Send Off for Miss Nebraska – Knight Museum
 - December 19 @ 9 am Chief & I meet with County Commission
 - December 20 Potluck Luncheon – Utility Facility 11 am to 2 pm
 - January 9-13 Audit
 - January 14 Employee Appreciation Dinner – Newberry’s
 - January 24 Red Carpet Training
 - January 31 Service Excellence Leadership Training

- The next item to be presented to Council was a request of representatives of Vitalix. City Manager Cox provided the following background information:

[Employees from Vitalix will be present to request assistance from the City on the \$40,425 replacement cost of a roof that the company completed on the City’s building at the Airport. I refer you to a detailed letter dated November 30, 2011 from me to Mr. Andrew Thacker. In the letter, I cited a number of reasons, but of greatest concern was the completion of the project without the prior notice and consent of the City. Although in my letter, I declined their request, I did invite them to appeal my findings to the City Council. A fair amount of consideration may be a 50%-50% split. Vitalix has proposed a “creative financing” option for the City: the City may forego full or partial monthly rent payments from Vitalix until the roof is paid for.

No legislative document has been prepared as we would first like Council’s feedback and direction.]

Crystal Nelson, General Manager of Vitalix appeared before Council to discuss the roof repair of the building they lease from the City of Alliance. She stated Vitalix is a privately owned company which produces molasses based livestock feed. The company was started in 1989. On October 3, 2008 she stated representatives of Vitalix met with former City Manager Caskie, City Attorney Miller, and Public Facilities Director Lenz to discuss the cleanup of the facility and building issues were also brought up at that time. In the Spring of 2010, and in the Spring of 2011 they met with Lynn Placek, Airport Operations Administrator and Terry Weisgerber, Airport Maintenance Superintendent regarding the condition of the facility, including the roof. Several phone calls were also made between Andrew Thacker, Business Manager of Vitalix and Eric Lenz. Ms. Nelson reported throughout this process Vitalix had discussed the need for the roof repair and felt it had been discussed with the appropriate City officials. In August, 2011 Vitalix provided a letter to the City a week before the roof replacement which had been discussed with Eric Lenz. Ms. Nelson stated the roof had been an on-going problem for three years. She also reported that Vitalix has paid all of the property taxes on the property to date. At this time Vitalix is requesting to be reimbursed for the roof repair and is willing to accept a reduction in their rent over the next three years, with no interest being charged to the City. She also stated the damage to the roof was not caused by negligence on their part. The repairs to the roof were absolutely necessary for the safety of their employees and to protect product.

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Andrew Thacker, Vitalix Business Manager, 510 Cheyenne Avenue also appeared before Council and reported Eric Lenz instructed him to give the letter to Mr. Lenz and to not go over his head.

Council thanked the representatives of Vitalix for bringing this to their attention. This matter will be placed on a future agenda, following additional research, for Council's consideration of a reimbursement plan.

- The next item on Council's agenda was a Public Hearing regarding Ordinance No. 2695 amending the Municipal Code Building Code clarification of garage or accessory off-street parking structure. City Manager Cox provided the following background information:

[Earlier this year, strong concern in the community was raised concerning a large 30x50 garage that was permitted and subsequently built on 21st Street. Although our Code had been in place for a number of years, it was felt by many in the community that the permitting of this construction represented a new interpretation of our existing Code.

Summary of the concerns:

1. Size of all garages not more than 2000 square feet;
2. Size of any accessory building not exceed size of primary residence;
3. Height of garages not exceed height of primary residence;
4. Pitch of the roof;
5. Character of the neighborhood.

As the permit had already been issued, and as legal opinion was such that the existing Code had been properly interpreted, the construction of the structure was continued and completed. As an outcome of the process, City Council requested that the Code be tightened up and clarified so that oversized garages of this height and magnitude would not recur.

At the center of the concern was the interpretation of 10-306.02, Section 2b: "One detached garage located in the rear yard. Total floor space of all attached and detached garages shall not exceed 2,000 square feet. Garages and other accessory off-street parking structures located in all residential districts shall not be of greater square footage or height than the principal residence and shall be constructed of similar materials and colors and be in character and scale with existing neighborhood construction."

Planning Commission Consideration:

The matter was then taken up by the Planning Commission on November 8, 2011. The minutes of that meeting, including discussion, is enclosed in your packet. Contrary to the concerns of Council, and according to the first paragraph of page 2, Interim Community Development Director, Larry Miller, "asked the [Planning] Commission to consider the economic development impact of any changes they propose."

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Planning Commission Recommendation:

In contrast to previous Council discussion, the Planning Commission voted unanimously to recommend removing garage size limitations (as long as the total lot coverage does not exceed forty percent). According to the minutes, the consensus of the Commission was that coverage of the lot with buildings shouldn't be more than 40% and the height should not exceed 35 feet.

There are reasons cited, such as:

- Making Alliance similar to (“most”) other cities in Nebraska; and
- Encouraging economic development.
- Encourage building within the City of Alliance; and
- Not encouraging people to live outside the City “to be able to build the garages they want.”

To address this, Ordinance 2695 provides amendments to Articles 2 and 3 of Chapter 10 of the Alliance Municipal Code, Section 201 for the following:

1. To clarify “Height of Building or Structures”
2. To clarify the total floor space of all attached and detached garages or other accessory off-street parking structures which are located in “R” residential zoning districts.

The following are changes to the Code that would be enacted with the passage of Ordinance 2695:

One detached garage or other accessory off-street parking structures located in the rear yard. Total floor space of all attached and detached garages. Garages and other accessory off-street parking structures located in R1 through R5 all residential districts shall not be of greater square footage or height than the principal residence, and shall be constructed of similar materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding. and be in character and scale with existing neighborhood construction.

37. “Height of Building or Structures”: The vertical distance measured from the highest of the following three levels:

- a From the street curb level if the structure sets on the street line to the highest ridge row.
- b From the established or mean street grade in case the curb has not been constructed to the highest ridge row if the structure sets on the street line.
- c From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch (1-in) to the foot, or to the highest ridge row mean height level of the top of the main plates and highest ridge for other roofs.]

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Mayor Feldges declared, "Now is the date, time and place to conduct a public hearing on the proposal to amend the City of Alliance Municipal Code at Chapter 10, Sections 305.02; 306.02; 307.02 and 310.02 to change the regulations regarding construction of garages and other off street parking structures located in residential districts and the definition of "height of building or structures." The public hearing opened at 8:00 p.m.

Josh Carr, 312 Margaret Drive, representing the Planning Commission, stated they would like the City of Alliance to have a more current outlook on the size of garages to allow for the need to store more recreational type vehicles which residents now possess. The Planning Commission would still like to see garages match esthetically with the primary residence.

Wayne Davis, 408 Cheyenne Avenue, also representing the Planning Commission, stated he believed there are people moving outside the community to areas which will accommodate their needs for a larger garage facility. He stated Scottsbluff, Gering, Columbus and Grand Island have a more liberal garage regulation. Mr. Davis stated he believed the 40% of property coverage requirement would still protect the City and in most cases accommodate the needs of residents.

Peggy Cook, 420 Mississippi Avenue, would like to be allowed to have a larger garage facility.

Hearing no additional testimony, Mayor Feldges closed the public hearing at 8:32 p.m.

A motion was made by Councilman Yeager, seconded by Councilman Benzel to approve Ordinance No. 2695 on first reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2695

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE AT CHAPTER 10, ARTICLE 2, SECTION 201 AND CHAPTER 10, ARTICLE 3, SECTIONS 305.02, 306.02, 307.02, AND 310.02, REGARDING THE DEFFINITION OF HEIGHT OF BUILDINGS OR STRUCTURES AND GARAGES OR OTHER ACCESSORY OFF-STREET PARKING STRUCTURES, REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 10-201 of the Alliance Municipal Code is amended to provide as follows:

10-201. DEFINITIONS

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For the purpose of this Ordinance, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular; the word “building” includes the word “structure”; the word “shall” or the word “must” is mandatory and not directory; the term “used for” includes the meaning “designed for” or “intended for”.

1. “Accessory Building”: A subordinate building having a use customarily incident to and located on the lot occupied by the main building, or having a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building or is under an extension of the main roof, and designed as an integral part of the main building.
2. “Accessory Use”: A use of a building or land which is customarily incidental to, and located on the same lot or premises as the main use of the property.
3. “Activity”: The performance of a function or operation which constitutes a use of the land.
4. “Agriculture”: The employment of the land for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and by the grazing, feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals, or honey bees, and by dairying and the sale of dairy products.
5. “Alley”: A minor way which is used primarily for utility services and vehicular service access to the back or side of properties otherwise abutting on or adjacent to a street; affording only a secondary means of access to abutting property.
6. “Alteration”: Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.
7. “Animal Unit”: For purposes of this ordinance, an animal unit is the term used to describe the relationship of various animals that are being held or fed. Slaughter steers and heifers are assigned the base unit of 1.0. The following multipliers are used in determining animal units:

Category	Animal Units
Slaughter steers and heifers	1.0
Cow-Calf	1.3
Dairy cattle	1.4
Horse	0.75
Swine	0.4
Sheep	0.4
All fowl	0.05

8. “Apartment”: A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.
9. “Apartment House”: A building arranged, intended, or designed for residence of more than two families.

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10. "Apartment Hotel": An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.
11. "Basement": A story below the first story as defined under "Story", counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.
12. "Block": A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Building Inspector shall determine the outline of the block.
13. "Boarding House or Lodging House": A building other than a hotel, occupied as a single-housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.
14. "Building": An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building except that two buildings connected by a breezeway shall be deemed one building.
15. "Club, Private": A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons
16. "Condominium": The individual fee ownership of a defined space or dwelling unit within a multi-unit structure.
17. "Contributing Floor Area": The total floor area designed for tenant occupancy and exclusive use; including basements, mezzanines, and upper floors, if any, but excluding stairways, restrooms and mechanical equipment rooms, expressed in square feet measured from the centerline of joint partitions, and from the exterior surface of outside walls.
18. "Court": An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building and lot lines on which walls are allowable.
19. "Curb Level": The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.
20. "Drive-In Establishment": Any restaurant, financial institution or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building, or where facilities are provided for eating outside a building, shall be included in this definition
21. "Dwelling": A building or portion thereof, designed exclusively for permanent residential occupancy, including one-family, two-family and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, and manufactured houses but not hotels, motels, mobile homes, house trailers or recreational vehicles.
22. "Dwelling, One-Family": A detached building, arranged, intended, or designed for occupancy by one family.
23. "Dwelling, Two-Family": A building arranged, intended or designed for occupancy by two families.
24. "Dwelling, Multiple": A building or portion thereof, arranged, intended or designed for occupancy by three or more families, including apartments houses, row houses, townhouses and apartment hotels.

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25. “Facility”: A facility is a structure, open area, or other physical contrivance or object.

26. “Family”: Throughout this ordinance the word family when applied to any R-1 zoned area shall be defined as follows:

One (1) or more persons related by blood, adoption, or marriage, except persons placed with persons in a home licensed by the State Department of Health and Human Services, living together and occupying a single housekeeping unit with single kitchen facilities, or a number of persons but not exceeding two (2) who are not related by blood, adoption or marriage, except persons placed with persons in a home licensed by the State Department of Health and Human Services, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.

Throughout this ordinance, the word family as it applies to all zoned areas except R-1 shall be defined as follows:

One (1) or more persons who are related by blood, adoption, or marriage, except persons placed with persons in a home licensed by the State Department of Health and Human Services, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

27. “Farm/Ranch”: An area of land containing at least ten contiguous acres which are used for agriculture.

28. “Feed Lot”: A lot, yard, corral, building or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze.

29. “Floor Area”: The total of the horizontal area of all floors including basements and cellars, below the roof and within the surfaces of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls.

30. “Garage, Private”: An accessory building which is used primarily for the storage of motor vehicles by the tenants of the building or buildings on the premises.

31. “Garage, Repair”: A building or portion thereof, designed or used for the care or repair of motor vehicles, which is operated for commercial purposes.

32. “Garage, Commercial”: A building or portion thereof, designed or used for storage, sale, or hiring of motor vehicles for commercial purposes.

33. “Garage, Community”: A building or portion thereof, used in lieu of private garages within a block or portion of a block.

34. “Garage, Storage”: A building or portion thereof, except those defined as a private, a repair, or a community garage providing storage for more than four (4) motor vehicles.

35. “Grade”: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

36. “Group Home”:

a. A facility licensed by the State of Nebraska in which at least four but not more than eight persons not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training or counseling for the purposes of adaptation

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to living with, or rehabilitation from cerebral palsy, autism, or mental retardation.” (LB 525, 1980)

b. A residence, including an office space for shelter employees, providing food, shelter, medical care, legal assistance, personal guidance and other services to persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

37. “Height of Building or Structures”: The vertical distance measured from the highest of the following three levels:

a. From the street curb level if the structure sets on the street line to the highest ridge row.

b. From the established or mean street grade in case the curb has not been constructed to the highest ridge row if the structure sets on the street line.

c. From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch (1”) to the foot, or to the highest ridge row for other roofs.

38. “Height of Yard or Court”: The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

39. “Home Occupation”: Any occupation, activity, or accessory use of a non-residential nature conducted in a dwelling unit by a member or members of the immediate family residing therein and not employing more than one person not a resident of the dwelling. Such use must be clearly incidental and secondary to the use of the dwelling purposes.

40. “Hotel”: A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve sleeping rooms and no provisions for cooking in individual rooms.

41. “Junkyard”: Any area where waste, discarded or salvaged, is bought, sold, exchanged, baled, or packed, disassembled, or handled, including the dismantling or “wrecking” of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards of storage of structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

42. “Junk, Waste, or Scrap Materials”: Old, used, second-hand, worn, or discarded manufactured materials including but not limited, to scrap iron and other metals, paper and related products, rags, rubber tires and other automotive parts, and glass bottles.

43. “Landscaping”: Includes but is not limited to trees, shrubs, ground covers, perennials, annuals, and other materials such as mulch, rocks, waterfalls, sculpture, art walls, fences underground irrigation system and street furniture.

44. “Loading Space, Off-Street”: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

45. “Lot”: A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots, or tract or tracts, as conveyed, or parts thereof.

46. “Lot, Corner”: A lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.

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47. "Lot Coverage": The portion of a lot that is occupied by buildings or structures, including accessory buildings and structures but not including driveways and uncovered patios at ground level.
48. "Lot, Interior": A lot whose side lines do not abut upon any street.
49. "Lot, Through": An interior lot having frontage on two streets.
50. "Lot in Separate Ownership at the time of the Passage of this Ordinance": A lot the boundary lines of which along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Register of Deeds of Box Butte County on or before the date of the adoption of this Ordinance.
51. "Lot Line": The lines bounding a lot as defined herein.
52. "Lot Line, Front": The boundary between a lot and the street on which it fronts.
53. "Lot Line, Rear": The boundary line which is opposite and most distance from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.
54. "Lot Line, Side": Any lot boundary not a front or rear line thereof. A side line may be party line, a line bordering on an alley or place or a side street line.
55. "Lot Depth": The mean horizontal distance from the front street line to the rear line.
56. "Lot Width": The horizontal distance between side lines, measured at the front building line.
57. "Mobile Home": A movable or portable structure constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit. (LB 91-1976)
58. "Mobile Home Park": Any single, planned contiguous development, lot, area, piece, parcel or plot of ground, park or site of at least five (5) acres in area wherein ten (10) or more lots have been designated and improved, the purpose of which shall be residential mobile home. A house trailer space or mobile home space means a plot of ground within a Mobile Home Park designed for the accommodation of one mobile home, complete with a pad, all utility hookups, and sufficient off-street parking.
59. "Modular/Manufactured Housing Unit":
 - a. A factory-built structure which is to be used as a place for human habitation which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development; or
 - b. A modular housing unit as defined in Section 71-1557 bearing the seal of the Department of Health. The term "manufactured home" shall not include a mobile home.
60. "Motel": A building containing one or more sleeping rooms to be rented on a daily basis, primarily to the motoring public, together with parking area, recreation space, vending machines, but not including restaurants, clubs, or other retail sales.
61. "Motor Hotel": A building containing twenty-five (25) or more sleeping rooms for the traveling public, and including restaurant facilities, and other accessory uses.
62. "Nursing Home": Any structure used or occupied by persons recovering from illness of suffering from infirmities of old age.

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63. “Non-Conforming Use, Building or Yard”: A use, building or yard, which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal non-conforming use if established prior to the passage of this Ordinance.
64. “Parking Space, Off-Street”: For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
65. “Parking Lot”: An area consisting of three or more vehicle parking spaces together and access to a street or alley and permitting ingress and egress for a vehicle, provided that there shall be no storage of vehicles for the purpose of sale or resale in any residential district.
66. “Parking Lot Improvements”: Includes any upgrades, alterations, additions, or reconstruction made to an off-street parking lot including drainage, curbing, digging, compacting, installation of additional parking spaces, lighting or landscaping.
67. “Parking Lot Maintenance”: The upkeep and maintenance of any off-street parking lot including scraping, repacking, bringing in more gravel or rock, chipsealing, and landscaping. May also include overlaying, sealing, painting, or sweeping of hard surfaced lots.
68. “Patio”: A facility or structure which is typically constructed out of concrete and located at ground level.
69. “Place”: An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.
70. “Principal Activity”: An activity which fulfills a primary function of an establishment, institution, household, or other entity.
71. “Principal Building”: A main building or other facility which is designed for or occupied by a principal activity.
72. “Private Storage Unit”: Leased or rented facilities for the storage of personal property, such as cars, boats, campers, other recreational equipment, furniture, or other personal property, by individuals. Storage of commercial or industrial raw materials, commodities, or products is not permitted nor is storage of salvage items or junk, or any type of hazardous material.
73. “Office Buildings”: A building designed for or used as the offices of professional, commercial, industrial, religious, institutional, public or semi-public persons or organizations, provided no goods, wares or merchandise shall be prepared or sold on any premises except that a portion of an office building may be occupied and used as a drug store, barber shop, cosmetologist shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street.
74. “Recreational Vehicle”: A vehicular type structure, primarily designed as temporary living quarters for travel, recreational, camping, or vacation use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-propelled. The term recreational vehicle shall include travel trailer, camping trailer, truck camper, and motor home.
75. “Sanitary Land Fill”: A type of operation in which garbage and refuse or garbage or refuse is deposited by a plan on a specific portion of land, in accordance with regulations of the Nebraska Department of Environmental Quality.
76. “Signs”: Any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building.
77. “Special Use”: A special use is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area,

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location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

78. "Square Footage": Square footage shall be determined from the measurements on a plot plan or site plan which shall provide the dimensions of the structure or property. Such dimensions for purposes of determining square footage of structures shall be from the exterior surface of outside walls.

79. "Stable, Private": An accessory building for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

80. "Stable, Public": A stable other than a private or riding stable as defined herein.

81. "Stable, Riding": A structure in which horses, or ponies, used exclusively for pleasure riding or driving, or housed, boarded, or kept for remuneration, hire or sale.

82. "Story": A portion of a building between the surface of any floor and the surface of the floor next above it, provided that the following shall not be deemed a story:

a. A basement or cellar if the finished floor level directly above is not more than six feet above the average adjoining elevation of finished grade.

b. An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such space.

83. "Street": A thoroughfare which affords principal means of access to property abutting thereon.

84. "Street Line": The dividing line between the dedicated street right-of-way and the abutting property line.

85. "Structure": Any facility which is constructed or erected, and which is located on the ground or is attached to something having location on the ground.

86. "Structural Alterations": Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

87. "Surface Material": Hard surface shall mean an all-weather surface consisting of asphalt, concrete, paving rock or brick. Gravel shall mean loose fragments of rock or pebbles. Dirt shall mean un-surfaced area free of vegetation.

88. "Townhouse": A single-family dwelling unit of two and sometimes three stories that is usually connected to a similar house by a common sidewall.

89. "Variance": Relief from a variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in Powers and Duties of the Board of Adjustment.

90. "Vehicle": A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides to transport persons or property, or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, or wagon.

91. "Yard": Open space that is unobstructed except as specifically permitted in this ordinance and that is located on the same lot as the principal building.

92. "Yard, Front": A yard the full width of the lot extending from the front line of the main building to the front line of the lot.

93. "Yard, Rear": A yard between the rear lot line and the rear line of the main building and the side lot lines.

94. "Yard, Side": A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

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- 95. "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.
- 96. "Landing": An area at the top or bottom of a one or more steps, or placed intermittently within a series of steps in such size and dimension as may be required by a building code.
- 97. "Deck": An open area, without a permanent roof, usually attached to or part of and with direct access to or from a building.
- 98. "Patio or Terrace": A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.
- 99. "Nursery": Land or greenhouses used to raise flowers, shrubs, and plants for sale. See Greenhouse.
- 100. "Greenhouse": A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for other personal enjoyment. See Nursery.

SECTION 2. Section 10-305.02 of the Alliance Municipal Code is amended to provide as follows:

10-305.02. PERFORMANCE STANDARDS

1. Area & Bulk Regulations.

A.	Use	Minimum	Minimum	Maximum #	Setbacks				Maximum	Bldg.
		Lot Size	Lot Width	Dwelling Units	Front	Rear	Side	Side St.	Height	Separation
		(sq.ft.)								
1.	Dwelling (SF)	6600	60 feet	1	25 feet	25 feet	5 feet	15 feet	(30') *	6'
2.	Accessory Bldg.				25 feet	5 feet	5 feet	20 feet		6'

* or a 3.5' addition to required northern or eastern side yard requirements for each vertical foot above 25'

B. Minimum Dwelling Size. 800 square feet.

C. Lot Coverage. 40% of total lot area

2. Permitted Accessory Uses.

- a. Home occupations as defined in Section 10-201(39) and provided in 10-401.
- b. One detached garage or other accessory off-street parking structures located in the rear yard. Garages and other accessory off-street parking structures located in R1 through R5 districts shall not be of greater height than the principal residence, and

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shall be constructed of materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding.

- c. Signs as permitted in Article 11.
- d. Fences as permitted in Article 9.
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See Article 10.
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed one hundred and fifty (150) square feet in size, or unenclosed areas which are accessory to a principal Nonresidential Use not exceeding two hundred (200) square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in Section 10-805.
- k. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 10-805.

SECTION 3. Section 10-306.02 of the Alliance Municipal Code is amended to provide as follows:

10-306.02. PERFORMANCE STANDARDS

1. Area & Bulk Regulations.

A.	Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Bldg. Separation
		(sq.ft.)			Front	Rear	Side	Side St.		

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1.	Dwelling (SF)	7000	70 feet	1	25 feet	25 feet	5 feet	15 feet	30'	6'
2.	Accessory Bldg.				25 feet	5 feet	5 feet	20 feet	30'	6'

2. Permitted Accessory Uses.

- a. Some occupations as defined in Section 10-201(39) and provided in 10-401.
- b. One detached garage or other accessory off-street parking structures located in the rear yard. Garages and other accessory off-street parking structures located in R1 through R5 districts shall not be of greater height than the principal residence, and shall be constructed of materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding.
- c. Signs as permitted in Article 11.
- d. Fences as permitted in Article 9.
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See Article 10.
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed one hundred and fifty (150) square feet in size, or unenclosed areas which are accessory to a principal Nonresidential Use not exceeding two hundred (200) square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in Section 10-805.
- k. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 10-805.

SECTION 4. Section 10-307.02 of the Alliance Municipal Code is amended to provide as follows:

10-307.02. PERFORMANCE STANDARDS

1. Area & Bulk Regulations.

A.	Use	Minimum	Minimum	Maximum #	Setbacks				Maximum	Bldg.
		Lot Size	Lot Width	Dwelling Units	Front	Rear	Side	Side St.	Height	Separation
		(sq.ft.)								
1.	Dwelling (SF)	6600	60 feet	1	25 feet	25 feet	5 feet	15 feet	30' *	6'

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2.	Duplex	3500	60 feet	2	25 feet	25 feet	5 feet	15 feet	30' *	6'
3.	Accessory Bldg.				25 feet	5 feet	5 feet	20 feet	30' *	6"

* or a 3.5' addition to required northern or eastern side yard requirements for each vertical foot above 25', but in no case higher than 3 stories.

B. Minimum Dwelling Size. 750 square feet per unit if a two-family unit is constructed or 800 square feet if only a single-family unit is constructed.

C. Lot Coverage. 40 % of total lot area.

2. Permitted Accessory Uses.

- a. Home occupations as defined in Section 10-201(39) and provided in 10-401.
- b. One detached garage or other accessory off-street parking structures located in the rear yard. Garages and other accessory off-street parking structures located in R1 through R5 districts shall not be of greater height than the principal residence, and shall be constructed of materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding.
- c. Signs as permitted in Article 11.
- d. Fences as permitted in Article 9.
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed one hundred and fifty (150) square feet in size, or unenclosed areas which are accessory to a principal Nonresidential Use not exceeding two hundred (200) square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in Section 10-805.
- k. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 10-805.

SECTION 5. Section 10-310.02 of the Alliance Municipal Code is amended to provide as follows:

10-310.02. PERFORMANCE STANDARDS

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1. Area & Bulk Regulations.

A.	Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Bldg. Separation
					Front	Rear	Side	Side St.		
1.	Dwelling (SF)	7000	(a)	1	25 feet	25 feet	5 feet	15 feet	30'	6'
2.	Accessory Bldg.				25 feet	5 feet	5 feet	20 feet		6"

B. Minimum Lot Dimensions & Lot Exceptions

1. Minimum Lot Dimensions. Minimum lot dimensions in District R-5 shall be sixty (60) feet wide by one hundred thirty (130) feet deep Curvilinear platted lots shall have the minimum lot width at the front building set back line and shall contain the minimum lot area.

2. The Planning Commission and City Council may approve previously platted lots not meeting the minimum dimensions of this section if said lots meet the minimum set back requirements and the minimum lot area of seven thousand eight hundred (7,800) square feet. Such approval shall be on an individual lot basis.

C. Minimum Dwelling Size.

- 1 bedroom - 570 sq.ft.
- 2 bedroom - 700 sq.ft.
- 3 bedroom - 850 sq.ft.
- 4 bedroom - 1,020 sq.ft.

D. The minimum mobile home width in this District shall be fourteen (14) feet.

E. No R-5 District shall be created which contains less than five (5) acres of contiguous area.

2. Permitted Accessory Uses.

- a. Home occupations as defined in Section 10-201(39) and provided in 10-401.
- b. One detached garage or other accessory off-street parking structures located in the rear yard. Garages and other accessory off-street parking structures located in R1 through R5 districts shall not be of greater height than the principal residence, and shall be constructed of materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding.
- c. Signs as permitted in Article 11.
- d. Fences as permitted in Article 9.

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- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See Article 10.
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed one hundred and fifty (150) square feet in size, or unenclosed areas which are accessory to a principal Nonresidential Use not exceeding two hundred (200) square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in Section 10-805.
- k. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 10-805.

SECTION 6. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

SECTION 7. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Councilman Gonzalez expressed her desire to have our new legal team review the proposed ordinance prior to second reading. Mayor Feldges wanted reassurance that the proposed language is very clear and not open to various interpretations.

Roll call vote on first reading of Ordinance No. 2695 with the following results:

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

Voting Nay: None.

Motion carried.

- A public hearing and approval of Resolution No. 11-142 regarding the issuance of employee appreciation gifts was the next item for Council's review. City Manager Cox provided the following background information:

[During my report to Council on 12/1, I asked if Council would be receptive to considering an employee end-of-year bonus. The question was met with a favorable

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response. In researching the matter, it was determined that the State does provide cities with the authority to have such programs as long as a policy is established. As a result, Resolution 11-142 has been drafted that would approve a policy to provide the authority and ceiling for the issuance such gifts. For this year, I have in mind a \$50 bonus in Chamber Bucks certificates. I especially like the concept of Chamber Bucks, in that those expenditures are directly reinvested back into the local economy.

I would like to ask for the authority to budget for, and to provide for, potentially additional amounts in the future. Proposed is the following policy:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that an Appreciation Policy is approved and adopted *which authorizes the City Manager to issue employee appreciation gifts within an annual dollar limit not to exceed \$100.00 individually to current, full-time employees; and up to \$25.00 individually to current, part-time employees.*

This should not be a taxable fringe benefit; but if that were to be the case, we will allow the employee the choice of accepting the additional compensation, or declining.]

The public hearing was opened at 9:02 p.m. Hearing no testimony, Mayor Feldges closed the public hearing at 9:03 p.m.

Motion by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 11-142.

A motion was made by Councilman Yeager, which was seconded by Councilman Gonzalez to amend the proposed resolution to add language that the minimum bonus made to year-round part-time employees be \$25.00.

Roll call on the proposed amendment is as follows:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 11-142

WHEREAS, Nebraska Revised Statute §13-2203 permits the expenditure of public funds for plaques, certificates of achievement, or items of value awarded to elected or appointed officials, employees, or volunteers, provided that the governing body must hold a public hearing before establishing a uniform policy which sets a dollar limit on the value of any item to be awarded; and

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WHEREAS, The City Manager has requested that Council approve an Appreciation Policy that will permit the City Manager to expend public funds to make an annual award to employees of the City of Alliance to express the appreciation of the employees' efforts in providing services to the City of Alliance; and

WHEREAS, The City Council held a public hearing as required by law; and

WHEREAS, Council believes it is in the best interest of the City of Alliance to approve and adopt the Appreciation Policy.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that an Appreciation Policy is approved and adopted which authorizes the City Manager to issue employee appreciation gifts within an annual dollar limit not to exceed \$100.00 individually to current, full-time employees; and up to \$25.00 individually to current, part-time employees with a minimum of \$25.00.

BE IT FURTHER RESOLVED that the Appreciation Policy shall be effective immediately.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented to Council was a report by Police Chief John Kiss providing an overview of the proposed improvements being planned for both the City's portion of the Regional Law Enforcement Center and the new Police Annex. City Manager Cox provided the following background information:

[Chief Kiss will join us to review with Council the proposed plans for the new police annex at 511 Niobrara Avenue.

511 Niobrara	\$ 14,952.00	
512 Niobrara	\$ 2,450.00	
Telephone System	\$ 11,418.00	
Connection Between		
Buildings	\$ 4,752.00	
Furniture	\$ 13,305.00	
Carpeting	\$ 3,328.00	
Painting		
Total		\$ 50,205.00]

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Chief Kiss appeared before Council and provided an update on the proposed Police Department renovations.

- The next item on Council's agenda were board appointments.

Motion by Councilman Seiler, seconded by Councilman Benzel to reappoint James Parks to the Police/Citizen Advisory Board for a term ending December, 2013.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Seiler, seconded by Councilman Benzel to reappoint Jeralee Wangler to the Police/Citizen Advisory Board for a term ending December, 2013.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was an Executive Session to conduct a Performance Evaluation of City Manager Cox.

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 conducting a Performance Evaluation of the City Manager, and the Council finds the closed session is necessary to prevent needless injury to the reputation of the City Manager, and he has not requested a public hearing. The motion was seconded by Councilman Benzel.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council shall hold a closed session for the purpose of conducting a

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Performance Evaluation of the City Manager, and the Council finds the closed session is necessary to prevent needless injury to the reputation of the City Manager, and he has not requested a public hearing. The closed session began at 9:42 p.m. and ended at 10:35 p.m.

Following the positive performance evaluation of City Manager J.D. Cox, Councilman Gonzalez moved pursuant to Section 3: compensation with the City Manager's Contract, that Mr. Cox be awarded a salary increase of \$3,000.00 to his annual wage. The motion was seconded by Councilman Benzel.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:40 p.m."

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk