

January 5, 2012

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JANUARY 5, 2012

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

The Alliance City Council met in a Regular Meeting, January 5, 2012 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 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 January 5, 2012 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 Olsen and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- Lynn Placek was introduced as the new Airport Manager due to her recent promotion and Quinn Peister was introduced as the new Electric Intern from WNCC.
- The first 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 – JANUARY 5, 2012

1. Approval: Minutes of the Regular Meeting, December 15, 2011.

January 5, 2012

2. Approval: Payroll and Employer Taxes for the period November 26, 2011 through December 9, 2011 inclusive: \$174,823.26 and \$12,507.66 and December 10, 2011 through December 23, 2011 inclusive: \$165,714.09 and \$12,529.63 respectively.
3. Approval: Claims against the following funds for the period December 12, 2011 through December 29, 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; \$1,016,238.60.
4. Approval: The issuance of a Tree Surgeon's License to Sterling Stinson dba Stinson's Services.
5. Approval: The issuance of a Cemetery Certificate to Lannie Shelmadine and Karen Shelmadine for Lot Twenty (20), Section Four (4), Block Twenty-four (24), Fourth Addition to the Alliance Cemetery.
6. Approval: Submittal of \$857.93 to the Nebraska State Treasurer's Office for unclaimed property.
7. Ratification: Mr. Randall M. Willard of Willard & Associates, P.C. the City's legal advisor for our three retirement plans (General employees, Police and Firefighters) has forwarded Amendments to the plans which are required by the Federal government due to recent law changes which relate to the Pension Protection Act, Heart Act, and WRERA.

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.

Councilman Gonzalez made inquiries to the rental of hangar space from Heartland Aviation and the K. L. Wood & Company billing for the Potash Underpass storm sewer work. City Manager Cox reported the hangar rent was for the temporary storage of the new ARFF truck while the building is being constructed. He also indicated he would research the storm sewer work and report back to Council.

Councilman Benzel questioned the 10th Street Overpass work performed by K.L. Wood. City Manager Cox stated this would be reimbursed by the company which caused the damage.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to be presented by Council was a proclamation for National Radon Action Month.

January 5, 2012

Mayor Feldges presented the following proclamation to Tabi Prochazka, Environmental Health/Media Coordinator for the Panhandle Public Health District.

PROCLAMATION
Radon Action Month

WHEREAS, Radon is a naturally occurring radioactive gas released in rock, soil, and water that can accumulate to dangerous levels inside homes, schools, and other buildings;

WHEREAS, Radon cannot be seen, has no odor, and the only way a family can know if their house has an elevated radon levels is if they test for it;

WHEREAS, The City of Alliance has high levels of radon with more than 50 percent of the homes tested having elevated radon levels;

WHEREAS, Radon is the second leading cause of lung cancer in the United States and the leading cause of lung cancer in nonsmokers;

WHEREAS, Testing for radon is simple and inexpensive;

WHEREAS, Identified radon problems can be fixed; and

WHEREAS, Panhandle Public Health Department, the Nebraska Department of Health and Human Services, and the U.S. Environmental Protection Agency are supporting efforts to encourage Americans to test their homes for radon, have elevated levels of radon reduced, and have new homes built with radon-resistant features.

NOW THEREFORE, the Mayor and City Council of Alliance, NE do hereby proclaim January 2012 as Official Radon Action Month in recognition of the importance of testing homes for radon, I hereby proclaim the month of January, 2012 as

National Radon Action Month

and I urge every member of the community to test their homes by contacting the Panhandle Public Health District at 308-487-3600 ext 107 to request a free radon test kit.

- City Manager J.D. Cox gave his report to Council which follows in outline form:
 - The elevator at the Knight Museum and Sandhills Center is not operational at this time
 - Staff is currently making playground improvements
 - The Electric Department is currently taking down holiday decorations.
 - The maintenance of the 115 kV line which was done “hot” was completed
 - The electric equipment is expected to arrive in either May or June
 - Wayfinding signage - working on a letter to NDOR requesting permission for signage on State Hwys 2, 87 and 385 and requesting NDOR place large “brown” signs on I-80

January 5, 2012

- New brochure rack is up at the 3rd & Box Butte kiosk
 - Development of the website
 - Visitors: visitAlliance.com
 - Will later work on cityofalliance.net – tie to
 - Underway – tie all sites together
 - Signed contract with Ray Hielscher
 - Work to be completed by January 31
 - Red Carpet training – January 24 (UNL tourism specific)
 - Service Excellence – January 31
 - Water Dept. – Well Rehab at 25th & Toluca continues and in surprisingly good shape
 - Water Dept. – mandated 5-year backflow prevention survey will be in February billings and requires 100% response
 - Staffing – currently reviewing applications for Public Safety Dispatcher and Animal Control Officer and received the resignation of Landfill Baler Operator Clerk James Haller to go into private business
 - The Police Dept. Sleuth laptops still have a few bugs to work out
 - We had a relatively quiet New Year’s Eve – only 4 arrests and no DUI’s
 - Established one-way streets around Grandview School
 - The railroad has requested the County to consider closing the crossings of either Madison or Nance on Hwy. 385
 - Opened the RFQ for the Streetscape/lighting project with one bidder Baker & Assoc.
 - Opened the RFQ for the Sidewalk/Trail for 10th Street with two bidders M.C. Schaff and Baker & Assoc.
 - The City has received a partial order of the trash containers
 - The breezeway of the ARFF building is up with construction continuing
 - Lynn is working with Kevin Kubo to review other airport buildings
 - The Fire Dept. reported 2011 stats were heavy with 557 EMS runs and 127 fire runs
 - A South Dakota company has requested the City consider the sale of fireworks for New Years
 - Audit will take place January 9th and 10th
 - The Municipal Bldg. front steps are being reviewed
 - The City has a meeting with West Plains Grain officials next week
 - Box Butte County has not yet schedule the roadwork for West Plains Grain and has questions regarding TIF
 - Future agenda items and events were listed.
- An update provided by Box Butte Development Corporation regarding their recent activities was the next item to be heard by Council. City Manager Cox provided the following information:

[As I reported at the previous Council meeting, members of Box Butte Development Corporation will be present to report on their progress for a grant from the Nebraska Department of Economic Development Site and Building Development Fund (LB 388)

In the grant application, a location near Perrin Manufacturing was identified as a possible site for future development. In the grant it was cited as “ideal for any trade related to

January 5, 2012

manufacturing, transportation or value added agriculture. This site has the rail accessibility, highway and is in close proximity to the Alliance Municipal Airport.” The use of the site was also disclosed as farm ground.

Activity	SBDF	Matching Funds	Total Funds	Sources of Matching
Land and Building Acquisition	125000	125000	250000	LB840
Building Construction or Rehab				
Public Fac. & Improvements				
Site Preparation				
Streets	37500	37500	75000	LB840
Storm Sewers				
Sanitary Sewers	11500	11500	23000	LB840
Natural Gas				
Water Source/Well Distribution	129700	129700	259400	LB840
Electrical Substation / Distribution				
Telecommunications				
Infrastructure Dev -other Planning				
Engineering				
Others -describe	20000	20000	40000	LB840
TOTAL	323700	323700	647400	

As shown above, the total grant application was for \$647,400, with one-half the amount or \$323,700 coming for local LB840 Funds. Note that I did contact our attorneys and am in receipt of an opinion that this use of funds is consistent with State law as well as our local Economic Development Plan 2012-2022.]

Chelsie Herian, Executive Director of Box Butt Development Corporation, appeared before Council and reported Alliance is one of three communities being interviewed for the Site and Building Development Grant. The interview will be held on January 12, 2012. She also provided an overview of the project for Council’s information.

- The next matter before Council was the second reading of Ordinance No. 2695 regarding Building Code Clarification. City Manager Cox provided the following background information:

[At the last Council meeting on December 15, a public hearing was held. Next, a discussion was held and to summarize the outcome, it was felt by members of the Council that the simplified language provided all the safeguards necessary to ensure against excessive design/construction. Finally, and in agreement with the Planning Commission recommendation (Josh Carr & Wayne Davis spoke in favor), Council approved and unanimously advanced the Ordinance without change to the second reading.

Below is the information presented in the previous packet:

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.

January 5, 2012

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 the 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.”

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.”

January 5, 2012

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.]

Motion by Councilman Seiler, seconded by Councilman Yeager to approve Ordinance No. 2695 on second 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 DEFINITION 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.

January 5, 2012

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

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

January 5, 2012

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.
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.

January 5, 2012

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.
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.

January 5, 2012

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 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.

January 5, 2012

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.
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

January 5, 2012

- 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.
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

January 5, 2012

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, 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.

January 5, 2012

- 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.
- 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 plans 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

January 5, 2012

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. 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.

January 5, 2012

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

January 5, 2012

- 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 (sq.ft.)	Lot Width	Dwelling Units	Front	Rear	Side	Side St.	Height	Separation
1.	Dwelling (SF)	6600	60 feet	1	25 feet	25 feet	5 feet	15 feet	30' *	6'
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

January 5, 2012

- 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

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

January 5, 2012

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.
 - 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.

January 5, 2012

- 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.

Council again questioned some of the changes being made which were addressed by Josh Carr, a member of the Alliance Planning Commission, 312 Margaret Drive, Alliance, NE.

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

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

Voting Nay: None.

Motion carried.

- The next matter before Council was a public hearing regarding a Class I Liquor License for Los Cuates Mexican Restaurant. City Manager Cox provided the following background information:

[The City is in receipt of an application for a liquor license from Los Cuates Restaurant, located at 903 Flack Avenue. The Police Department has completed their background research. At the time of this writing, there existed two issues with the application: 1. A person listed on the application has a financial interest in the business, but is not going to be a part of the business operation; 2. The owner has requested an affidavit requesting that the spousal signature requirement be waived due to the fact that the couple is no longer together the whereabouts of the spouse are reported as unknown. Chief Kiss had a meeting scheduled with the owners for Wednesday, January 4, but on Monday afternoon, the owners canceled that meeting and asked to reschedule.]

Mayor Feldges stated now is the date, time, and place to conduct a public hearing on the Retail Class I Liquor license submitted by Los Cuates Inc. dba Los Cuates Mexican Restaurant, 930 Flack Avenue, Alliance, Nebraska. Mayor Feldges opened the public hearing at 8:00 p.m. and asked Interim City Attorney Olsen to proceed with questioning the applicants.

Interim City Attorney Olsen began the session hearing a summary of the request by Nathan T. Bruner, legal representative of Los Cuates Mexican Restaurant. Mr. Bruner is with the law firm of Greenwall Bruner, L.L.C., 3423 2nd Avenue, Suite 9, Kearney, NE. He stated the

January 5, 2012

family he represents has a history of restaurant development with four San Pedro restaurants and an additional restaurant under a different name. All family members start as busers and work their way up and receive experience in all positions with some eventually getting their own restaurant. The management responsibilities for the Alliance restaurant will be split between Bernice Real and Ramon Ruiz. Mr. Bruner addressed Mr. Ruiz's criminal and traffic history with the Council.

Mr. Olsen asked how the managing responsibilities will be handled by both Real and Ruiz. Mr. Bruner stated each party will be at the business three days a week with one of them there at all times. Neither party will be residing in Alliance at this time. Mr. Olsen also asked about the third party being able to sign checks on behalf of the restaurant, yet have no interest in the restaurant. Mr. Bruner stated that is being done as a mechanism to the ease of shipments which is done for all restaurants. Mr. Bruner also addressed the exclusion of Ms. Real's husband on the liquor license. Mr. Olsen questioned the cancellation of the meeting with the applicants and law enforcement. Ms. Real stated the meeting was cancelled at the request of the State Patrol and not herself.

Mr. Olsen has what training the applicants have received in order to serve alcohol. Mr. Bruner responded both parties had taken the State TIPS training which was a difficult process due to the fact it was only provided in English. He stated the training has since secured the services of a Spanish speaking instructor which has helped this situation. He also reported Ms. Real has had 15 years of restaurant experience between the Kearney and Alliance restaurant. Mr. Ruiz has 6 years experience. Both parties speak English fairly well and all servers use the scanning machine to check identification before serving customers.

There were no other individuals wanting to provide testimony and the public hearing was closed at 8:38 p.m.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 12-02.

An amendment was offered by Councilman Benzel, which was seconded by Councilman Gonzalez to grant approval of the recommendation contingent upon applicants meeting with the Alliance Police Department and the Nebraska State Patrol and determining fitness to serve alcohol.

Roll call on the offered amendment with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED RESOLUTION NO. 12-02

January 5, 2012

WHEREAS, The City of Alliance has received a notice and copy of an application for a Retail Class I Liquor license submitted by Los Cuates Inc. dba Los Cuates Mexican Restaurant; and

WHEREAS, The Alliance City Council has held a public hearing as provided for by law within forty-five days after the date of receipt of the notice from the Nebraska Liquor Control Commission with the application; and

WHEREAS, Notice of such hearing was given as provided by law; and

WHEREAS, At such hearing, evidence was received by the Council bearing upon the propriety of the issuance of such license; and

WHEREAS, The cost of published notice for the application is \$9.15.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the City Council does recommend the issuance of a Retail Class I Liquor License to Los Cuates Inc. dba Los Cuates Mexican Restaurant to be located at 930 Flack Avenue, in Alliance, Nebraska, contingent upon meeting with the Alliance Police Department and the Nebraska State Patrol and determining fitness to serve alcohol.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 12-01 forgiving the remaining balance of the Alliance Park Foundation Promissory Note was the next item for Council's review. City Manager Cox provided the following background information:

[At the December 1, 2011, City Council meeting, discussion was held concerning a request heard that day from the Alliance Park Foundation to "forgive" the remainder of a \$50,000 "note" issued in 2006. Of the non-interest bearing \$50,000 "loan," in 2008 \$10,000 was forgiven, leaving a balance of \$40,000. After discussing the matter with our attorneys, it was felt that the loan was not really a "loan" but a "pledge" by the local Foundation to do a certain amount of work. During the 12/1 meeting, I believe it was the general consensus of Council that the work completed by volunteers was on a City public facility, and therefore no loan should have been issued. In addition, Council asked for staff to bring back a document that ratifies "forgiveness" of the remaining \$40,000 "note."]

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 12-01 which follows in its entirety:

January 5, 2012

RESOLUTION NO. 12-01

WHEREAS, The City of Alliance owns the Conservatory which is located within the Park System of the City of Alliance; and

WHEREAS, The Alliance Park Foundation determined improvements and repairs were necessary to the Conservatory; and

WHEREAS, The Alliance Park Foundation did not have sufficient funds to make the necessary improvements and repairs; and

WHEREAS, The City of Alliance loaned \$50,000.00 to the Alliance Park Foundation to be paid back in \$10,000.00 payments or value, every year for five (5) years; and

WHEREAS, The first payment which was due and owing in 2007 was forgiven by previous Council action; and

WHEREAS, The Alliance Park Foundation has requested that the City of Alliance forgive the balance of the payments in the amount of \$40,000.00, as a result of the repairs and improvements that the Alliance Park Foundation made on the City of Alliance's Conservatory and requests that the City resume all maintenance of the Conservatory; and

WHEREAS, The City of Alliance has reviewed and determined the value of improvements and repairs made by the Alliance Park Foundation to the Conservatory is greater than the \$40,000.00 payment that is still due and owing from the Alliance Park Foundation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the \$40,000.00 payment that is due from the Alliance Park Foundation to the City of Alliance under the Promissory Note dated September 19, 2006, is now forgiven as the payments are offset by the value of the maintenance, improvements and repairs made by the Alliance Park Foundation to the Conservatory of the City of Alliance.

BE IT FURTHER RESOLVED, that the debt from the Alliance Park Foundation is extinguished and the City assumes the responsibility for the maintenance and repair of the Conservatory, from the date of this Resolution.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

January 5, 2012

- The next item to be discussed by Council was Resolution No. 12-03 approving the renewal of the Nebraska Department of Roads Maintenance Agreement No. 3. City Manager Cox provided the following background information:

[This represents our annual renewal of our Maintenance Agreement with NDOR for the upkeep of those State highways within our jurisdiction. There is a calculated amount of 2.76 length NDOR highway within the City of Alliance. A "lane mile" then is calculated by multiplying the length times the number of lanes wide. Altogether, there are a total of 9.14 lane miles with our City. NDOR pays \$1,575 per lane mile, thus multiplied by 9.14 lane miles, brings the total NDOR payment to Alliance to \$14,395.50. Note: A full spreadsheet of the calculation of lane miles is included in "Exhibit 'C'" in your packets.]

Motion by Councilman Gonzalez, seconded by Councilman Seiler to approve Resolution No. 12-03 which follows in its entirety:

RESOLUTION NO. 12-03

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Agreement with the effective date of January 1, 2012, is hereby approved for the calendar year 2012.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the Agreement for the calendar year 2012, for and on behalf of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

January 5, 2012

- Resolution No. 12-04 amending the Total Authorized Strength for the City of Alliance was the next item to be presented to Council. City Manager Cox provided the following background information:

[The proposed resolution will bring about a 0.75 Full-Time Equivalents (FTE's) reduction of total staff from 103.85 to 103.10.

The amendment will not only reduce staff, but will also realign our staffing to directly support and assist the City with its Vision to "Build the Best Hometown in America" as well as its #1 Goal: "To provide excellence throughout the organization and community" all the while saving the City, in the long term, approximately \$37,000 annually.

	Current	Proposed
General Fund	54.36	54.36
Internal Services	8.25	7.50
Enterprise Funds	31.65	31.65
Other Funds	<u>9.59</u>	<u>9.59</u>
Total	103.85	103.10

With the departure this fiscal year of two of the highest paid employees (City Attorney at \$51.07/hour and MIS Director at \$40.01/hour) on staff, room now has been made to complete additional staff realignments.

As everyone is very aware, we are moving forward with our Service Excellence and our Building the Best Hometown in America initiatives in 2012. I believe that it is important that we set up these initiatives for success. With that in mind, this proposal not only reduces overall staffing, but does provide for the addition of staff in two very key areas: (1) A temporary/part-time cook in the museum to further support their catering efforts; and (2) a full-time staff person to directly support our Service Excellence and Building the Best Hometown in America Program.

In summary, the staffing reduction of 0.75 FTE is broken down as follows:

Add:

Cook	0.25	
Program Coordinator	1.00	
Total		+1.25

Delete:

Legal	0.75	
Community Dev.	0.25	
MIS	1.00	
Total		-2.00

Net FTE Change: -0.75

January 5, 2012

Below is an estimate of the short-term and long-term changes:

	2011-2012	2012-2013
Delete - * Legal/Community Development Salary	\$ (50,000.00)	\$ (135,500.00)
Add - Legal Services Retainer	\$ 54,000.00	\$ 72,000.00
Delete - IT Mgr Resignation/Salary	\$ (70,000.00)	\$ (96,700.00)
Add - IT Contract Services	\$ 23,000.00	\$ 33,000.00
Add - Planning Manager Contract Services	\$ 20,000.00	\$ 40,000.00
Add - Service Excellence Coordinator Position	\$ 25,000.00	\$ 39,900.00
Add - PT Cook (Museum) Position	\$ 7,500.00	\$ 10,200.00
Total Net	\$ 9,500.00	\$ (37,100.00)

* Due to clause in contract, full payments continue thru end of April]

Motion by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 12-04.

City Manager Cox described the proposal in detail to the Council. A motion was made by Councilman Yeager, which was seconded by Councilman Gonzalez to consider the addition of the Service Excellence Program Coordinator and the Cook for the Museum separately.

Roll call on considering the position separately as follows:

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

Voting Nay: None

Motion carried.

Motion by Councilman Benzel to add the position of part-time Cook for the Museum to the Total Authorized Strength. The motion was seconded by Councilman Seiler.

Roll call with the following results:

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

Voting Nay: None

Motion carried.

Motion by Councilman Gonzalez to add the position of Service Excellence Program Coordinator the Total Authorized Strength. The motion was seconded by Councilman Seiler.

Roll call with the following results:

January 5, 2012

Voting Aye: Gonzalez, Seiler.

Voting Nay: Benzel, Feldges, Yeager.

Motion failed.

AMENDED RESOLUTION NO. 12-04

WHEREAS, The City of Alliance utilizes the Council-Manager form of government, in which the City Manager acts as the Chief Executive Officer for the City; and

WHEREAS, The City Manager, appointed by the City Council and serving at their pleasure, is responsible for planning, organizing, staffing, directing, coordinating, researching, and budgeting the operations of the City in order to implement Council policies in an efficient and effective manner; and

WHEREAS, To implement the policies of the City Council the City Manager has to be able to hire the necessary employees to fulfill the obligations of the City of Alliance to the citizens of Alliance; and

WHEREAS, The City of Alliance Budget needs to account for, track, and budget the expenditures for employees; and

WHEREAS, The budget is directly related to the number of employees that are authorized to be hired by the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City approve and adopt the amended "Total Authorized Strength" as follows:

General Fund			
<i>Administration</i>		<i>Ambulance</i>	
City Manager	1.00	Assistant Fire Chief	1.00
City Clerk	1.00	Firefighter/EMT	1.00
Executive Secretary	1.00	Total	2.00
Administrative Secretary	0.50		
Total	3.50	<i>Facility Maintenance</i>	
		Public Facilities Director	0.10
<i>Police Administration</i>		Facilities Maintenance Worker	1.00
Police Chief	1.00	Total	1.10
Police Lieutenant	1.00		
Administrative Secretary	1.00	<i>Community Development</i>	
Total	3.00	Community Development Director	0.25
		Administrative Secretary	1.00

January 5, 2012

Police Operations		Total	1.00
Police Sergeants	4.00		
Police Officers I & II	12.00		
Total	<u>16.00</u>		
Police Support Services		Total	1.20
Public Safety Dispatch Supv.	1.00		
Public Safety Dispatchers	5.00		
Total	<u>6.00</u>		
Animal Control			
AC/Community Service Officer	0.80		
Total	<u>0.80</u>		
Fire			
Fire Chief	1.00		
Firefighter/EMT	1.00		
Temporary Wages (\$5,000)			
Total	<u>2.00</u>		
Cemetery			
Cultural & Leisure Services Dir.	0.10		
Administrative Secretary	0.04		
Cemetery Mtc. Worker	1.00		
Seasonal Wages (\$18,500)			
Total	<u>1.14</u>		
Swimming Pool			
Cultural & Leisure Services Dir.	0.10		
Administrative Secretary	0.09		
Seasonal Wages (\$55,000)			
Total	<u>0.19</u>		
Marketing			
Tourism Director	1.00		
Total	<u>1.00</u>		
Code Enforcement & Nuisance Abatement			
Building & Code Inspector		1.00	
AC/Community Service Officer		0.20	
Total		<u>1.20</u>	
Parks			
Cultural & Leisure Services Dir.		0.30	
Administrative Secretary		0.24	
Parks Foreman		1.00	
Parks Mtc. Workers		3.75	
Seasonal Wages (\$21,000)			
Temp (Irrigation) Wages (\$4,000)			
Total		<u>5.29</u>	
Library			
Cultural & Leisure Services Dir.		0.10	
Administrative Secretary		0.08	
Library Director		1.00	
Librarians			
Children's/Youth Services		1.00	
Outreach/Adult Services		0.80	
Technical Services		1.00	
Library Clerk		0.80	
Library Pages		1.50	
Total		<u>6.28</u>	
Museums			
Cultural & Leisure Services Dir.		0.35	
Administrative Secretary		0.26	
Museum Director		1.00	
Museum Assessment Clerk		0.75	
Museum Collection Clerk		0.50	
Museum Project Support Clk (Sallows)		0.75	
Cook		<u>0.25</u>	

January 5, 2012

Total 3.86

Total General Fund (No Internal Services)	54.36
---	-------

General Fund-Internal Services

<i>Finance</i>	<i>Proposed</i>	<i>Personnel</i>	
Finance Director	1.00	Personnel Administrator	1.00
Account Clerk III	1.00	Administrative Secretary	0.50
Account Clerk II	2.00	Total	1.50
Total	4.00		
<i>Legal</i>		<i>Technology</i>	
City Attorney	0.75	MIS Director	1.00
Total	0.00	GIS Technician	1.00
		Total	1.00

Total	6.50
Total General Fund + Internal Services	61.86

Enterprise Funds

<i>Electric Administration</i>		<i>Golf</i>	
Electric Superintendent	0.70	Cultural & Leisure Services Dir.	0.05
Administrative Secretary	0.33	Administrative Secretary	0.04
Total	1.03	Golf Course Superintendent	1.00
		Golf Course Maintenance Worker	0.80
<i>Electric Transmission</i>		Seasonal Wages (\$13,050)	
Scada Management	1.00	Pro Shop Seasonal Wages (\$7,500)	
Seasonal Wages (\$5,400)		Total	1.89
Total	1.00		
		<i>Meter Reading</i>	
<i>Electric Urban Distribution</i>		Meter Readers	1.00
Assistant Electric Superintendent	0.50	Total	1.00
Electric Line Crew Chief	0.55		
Electric Service Crew Chief	0.70	<i>Refuse Collection</i>	
Line Technician First Class	0.55	Public Facilities Director	0.10
Line Technician Second Class	0.55	Refuse Collection Drivers	2.00

January 5, 2012

Electric Line Apprentice	1.65	Total	2.10
Seasonal Wages (\$7,480)			
Total	<u>4.50</u>		
<i>Electric Rural Distribution</i>		<i>Refuse Disposal</i>	
Assistant Electric Superintendent	0.50	Electric Superintendent	0.30
Electric Line Crew Chief	0.45	Landfill Supervisor	1.00
Electric Service Crew Chief	0.30	Landfill Operator	1.00
Line Technician First Class	0.45	Landfill Baler Operator Clerk	2.00
Line Technician Second Class	0.45	Total	<u>4.30</u>
Electric Line Apprentice	1.35		
Seasonal Wages (\$6,120)		<i>Sewer</i>	
Total	<u>3.50</u>	Water and Sewer Superintendent	0.40
		Water/Sewer Maintenance Worker	1.00
		Seasonal Wages (\$2,400)	
		Total	<u>1.40</u>
<i>Utility Customer Service</i>		<i>Water Distribution</i>	
Utilities Admin. Serv. Dir.	1.00	Water and Sewer Superintendent	0.60
Computer Operator	1.00	Water Foreman	1.00
Customer Service Clerks	2.00	Water/Sewer Maintenance Workers	3.00
Total	<u>4.00</u>	Administrative Secretary	0.33
		Seasonal Wages (\$2,400)	
<i>Warehouse</i>		Total	4.93
Inventory Purchasing Clerk	1.00		
Total	<u>1.00</u>	<i>Water Treatment</i>	
		Water/Sewer Maintenance Worker	1.00
		Total	<u>1.00</u>

Total Enterprise Funds	31.65
------------------------	-------

Other Funds	
-------------	--

Airport

Public Facilities Director	0.10
Airport Operations Administrator	0.19
Airport Mtc. Superintendent	1.00
Golf Course Maintenance Worker	0.20
Total	<u>1.49</u>

Streets

Public Facilities Director	0.70
Airport Operations Administrator	0.57
Street Foreman	1.00
Street Maintenance Workers	4.00
Administrative Secretary	0.33
Seasonal Wage (\$7,000)	
Total	<u>6.57</u>

January 5, 2012

RSVP

Total 6.60

RSVP Director 1.00

RSVP Clerk 0.50

Total 1.50

Total Other Funds 9.59

<i>Grand Totals</i>	<i>Proposed</i>
General Fund	54.36
General Fund Internal Services	6.50
Enterprise Funds	31.65
Other Funds	9.59
Total	102.10

BE IT FURTHER RESOLVED that the City Manager is authorized to hire employees for the City of Alliance as set forth in the amended "Total Authorized Strength.

Roll call vote on Amended Resolution No. 12-04 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a board resignation and two board appointments.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to accept the resignation of Richard Bell from the Planning Commission and to thank him for his valuable service.

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 Yeager to re-appoint Carol Kleinsasser to the Police/Citizen Advisory Board as the Homemaker Representative with a term expiring December, 2013.

January 5, 2012

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 Yeager to re-appoint Jeanette Sartain as the Minority Representative to the Police/Citizen Advisory Board for a term expiring December, 2013.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Councilman Gonzalez requested that staff look into the truck traffic issue on Potash Avenue.
- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:45 p.m.”

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk