

February 2, 2012

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, FEBRUARY 2, 2012

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

The Alliance City Council met in a Regular Meeting, February 2, 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 January 26, 2012. 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 February 2, 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.
- The first 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 – JANUARY 19, 2012

1. Approval: Minutes of the Regular Meeting, January 19, 2012.
2. Approval: Payroll and Employer Taxes for the period January 7, 2012 through January 20, 2012 inclusive: \$164,629.99 and \$11,652.97 respectively. In addition to the bi-weekly payroll, the sum of \$15,153.49 will be made to Larry Miller in accordance to his

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Employment Agreement dated May 1, 2008 in the amount of \$15,153.49 for his unused leave banks for which he is entitled.

3. Approval: Claims against the following funds for the period January 13, 2012 through January 26, 2012: 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; \$402,095.97.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Steffen Lehman.
5. Approval: Resolution No. 12-08 accepting the donation of light filtering shades for the west gallery windows of the Knight Museum and Sandhills Center from the Museum Partners. The estimated value of this donation is \$4,150.00 which includes the installation.
6. Approval: The Delegation Agreement designating The Public Alliance for Community Energy as our supplier of natural gas for all City of Alliance accounts under the 2012 Choice Gas Program.
7. Approval: The issuance of Tree Surgeon Licenses to Jim Butcher dba Jim Butcher's Tree Service and Gordon Hoff dba Alliance Floral Co.

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 item before Council was the presentation of a proclamation for Nebraska 4-H Month.

Councilman Wally Seiler read the proclamation, which follows in its entirety:

PROCLAMATION Nebraska 4-H Month

WHEREAS, 4-H youth across the nation are leading efforts to solve problems in their communities and make a difference for their futures; and

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WHEREAS, 4-H is one of the largest youth development organizations in Nebraska and the largest in the nation with six million young people; and

WHEREAS, 4-H in Nebraska claims 135,000 youth members and 15,000 youth and adult volunteers, while the Box Butte County 4-H program is proud to support 207 members and dozens of adult volunteers; and

WHEREAS, 4-H as part of the University of Nebraska-Lincoln Extension System, is a program where youth learn through opportunities that provide them hands-on experiences in 4-H's mission mandates of science, engineering and technology; healthy living; agriculture, and citizenship; and

WHEREAS, 4-H has connected youth and their communities with innovative research and resources from our nation's 106 land-grant universities and colleges since 1902.

NOW, THEREFORE, I, Fred Feldges, Mayor of Alliance do hereby proclaim the month of February 2012, as

NEBRASKA 4-H MONTH IN BOX BUTTE COUNTY

The proclamation was presented to Lane Applegarth, Ellie Applegarth, Harrah Kesterson, Cody Henderson, Casey Horn and Krista Horn.

- City Manager J.D. Cox gave his report to Council, which follows in outline form:
 - The Refuse Disposal Division is back up to three employees.
 - The Water Department is continuing the oversight of the 25th and Toluca Water Well Rehabilitation Project and found a piping problem which will result in a potential two week delay.
 - The mandated 5-year backflow prevention survey will be sent out next week and requires 100% participation.
 - We are currently advertising for a Public Safety Dispatcher, Animal Control Officer, Water Maintenance Worker III, Cook/Chef, and a Landfill Baler Operator. The City is in receipt of retirement notices from Community Development Secretary Marta Fritzler and GIS Technician Gary Watkins, and resignations of Police Officer Pat Connelly and Police Sergeant Jerry Lotspeich. Brent Kusek has been promoted to GIS Analyst and Kevin Kubo has been appointed as the Interim Planning Administrator. Staff is currently working with the Cities of Scottsbluff and Gering for a shared Zoning Administrator.
 - We are expecting good news for the continued Essential Air Service funding continuance.
 - We believe we have a major breakthrough with the NE Dept. of Aeronautics and the FAA for the funding of the full runway resurfacing.
 - We will be applying for two Community Development Block Grants – Downtown Revitalization and Housing.
 - Councilman Seiler met with Service Excellence Committee Members and Team Leaders.

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- Erinn Merrill was selected as the Ambassador of the Year at the Alliance Chamber of Commerce Banquet.
- Mr. Ted Hempel, representing the Military Museum Allies appeared before Council offering to donate a fence and signage, including installation, for the tank display located immediately north of the Sallows Military Museum. Council requested staff to obtain insurance information prior to Council's acceptance.
- Public Facilities Director Eric Lenz presented his Quarterly Streets Update to Council.

Major Projects

One and Six Year Street Improvement Plan – Project Overview

Potash Avenue, Kansas Street to 2nd Street – Asphalt Mill and Overlay (Federal Aid Project)

Construction Bid Letting – Spring 2012

Construction – Summer 2012

Emerson Avenue, 18th Street to 25th Street – Asphalt Mill and overlay (Federal Aid Project)

Construction Bid Letting – Spring 2012

Construction – Summer 2012

10th Street, Box Butte Avenue to Flack Avenue – Total Reconstruction (Federal Aid Project)

10th Street Meadowood Trail, Sweetwater Avenue to Meadowlark Avenue

Engineering Design Scope of Services Development Phase

Construction – Summer 2013

Box Butte Avenue, 3rd Street to 5th Street – Historical Lighting (Federal Aid Project)

Box Butte Avenue, 1st Street to 5th Street – Streetscape (Local Funded Project)

Engineering Design Scope of Services Development Phase

Construction – Summer 2012 through Fall 2013

Sweetwater Avenue, 18th Street to 25th Street – Concrete Paving (Local Funded Project)

Need and Purpose Phase

Maintenance Projects

Roadway Surface Crack Sealing

Contract Quantity – 140,00 lineal feet

Quantity Completed – 49,352 lineal feet

Quantity Remaining – 90,648 lineal fee (Contract Completion, Spring 2012)

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Concrete Street Rehabilitation

Contract Amount - \$235,000

Amount Completed - \$160,149

Amount Remaining - \$74,851 (Contract Completion, May 2012)

Asphalt Street Overlay

Work to begin, Spring 2012

Cemetery Roads

City Streets – Various

Residential Alley Resurfacing – Crush Concrete

Project Complete – All Residential Alleys Resurfaced

Crushed Concrete used – 7,800 tons

Recent Concerns and/or Questions

10th Street and Ramblin Road – Partial Shoulder Deterioration and Intersection Street Lighting

Ongoing monitoring and filling of deteriorated area with crushed concrete as needed

Spring 2012, deteriorated area repaired and patched with asphalt

Electric Superintendent, Larry Heinrich to address and report on the intersection street lighting concern

Potash Avenue, 3rd Street to Kansas Street – through truck use, route and signage, etc.

City Clerk Linda Jines and I will research through truck issue – citywide and report

Unseasonal weather – snow removal operations

Approximately \$30,000 in savings from reduced Road Ice Control product and no Contract Snow Removal Services required (to date)

Additional savings have been realized, but not calculated herein, from the reduction in fuel costs, maintenance costs and overtime labor costs

For more information on the Street Division's daily routine activity (a report has been attached)

Refuse and Yard Waste Container Replacement Program

Containers Purchased – 151 total, all types

Containers Received and Assembled – 131

Containers on back order – 20

Containers placed in alleys – 37

Following Mr. Lenz's report presentation, Council requested that Box Butte Avenue be a priority in the repair process, especially around the high school area.

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- The next item on Council's agenda was a Public Hearing regarding garage and accessory off-street parking structures. City Manager Cox provided the following background information:

[After lengthy conversation at the January 19 Council meeting in which several questions posed by a local contractor were discussed, Council agreed in substance to a final version of the code revision concerning garages. At the heart of the 1/19/12 concern was the matter of the previously proposed code version which would have given little to no flexibility in matching the garage to the primary residence. Due to the fact that the ordinance revision amounted to substantial change to what had previously been noted to the public, legal advice on 1/19 was to defeat that version and direct staff to bring back and publish a revised version so that the public may know what the final expectations are to be. Council then defeated 0-5 the previous version, on third reading. For the 2/2/12 meeting, the final revision for which Council members expressed support, is shown below and includes the new language shown in red:

(Final Proposed by Planning Commission, as repeated in Paragraphs #C2b of Sections 10-305.02, 10-306.02, 10-307.02, and 10-310.02)

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 shall be 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 colors, matching shingles and matching siding. **If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.**

Note that historical background information concerning garages is enclosed in the attached addendum found in the final pages of this document.]

Mayor Feldges opened the Public Hearing at 7:54 p.m.

Josh Carr, a member of the Alliance Planning Commission, residing at 312 Margaret Drive addressed Council and stated the Planning Commission is in favor of the revised language which has been proposed in the new ordinance.

Building Inspector Kubo responded to Council stated he was comfortable with the new language.

Motion by Councilman Gonzalez, seconded by Councilman Seiler to approve Ordinance No. 2697 on first reading. City Clerk Jines read the ordinance by title.

A motion was made by Councilman Gonzalez to waive the statutory rule requiring reading of the ordinance on three separate dates. Councilman Benzel seconded the motion.

Roll call vote on waiving the statutory rule.

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

Voting Nay: None.

Mayor Feldges stated “five votes in favor of the motion have been received. That being more than three fourths of the Council present, the motion is declared passed.

ORDINANCE NO. 2697

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.

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,

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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:

<u>Category</u>	<u>Animal Units</u>
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.
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

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- 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.
 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

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- 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 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.

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- 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.
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

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- 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.
 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.

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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

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- 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.
 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.

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- 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 Lot Size (sq.ft.)	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Bldg. Separation
					Front	Rear	Side	Side St.		
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 or side yards. 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.

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If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.

- 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 (sq.ft.)	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Bldg. Separation
				Front	Rear	Side	Side St.		
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 or side yards. 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. If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.

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- 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 Lot Size (sq.ft.)	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Bldg. Separation
					Front	Rear	Side	Side St.		
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 or side yards. Garages and other accessory off-street parking structures located in R1 through R5 districts shall not be of greater height than the principal

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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. If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.

- 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

1. Area & Bulk Regulations.

A. Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (a)	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

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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 or side yards. 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. If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.
 - 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.

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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.

Roll call vote to adopt Ordinance No. 2697 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2697 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next item to be discussed by Council was Resolution No. 12-09, providing an addendum to the Lease Agreements the City of Alliance has with Vitalix, Inc. City Manager Cox provided the following background information:

[On December 15, Council heard a presentation by Vitalix concerning the roof replacement at their facility and requesting 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.

The company’s initial request to me for assistance in this matter was denied due to what I felt was a lack of proper approval being requested and granted prior to the work being started or completed. However, the company discussed many times whereby notice was provided through the City’s point of contact.

At the time of their presentation, they also discussed the issue of back taxes being owed on their use of the facility. To that end, they brought proof of the payment of some of the back taxes. I am pleased to report, that according to Finance Director Randy Waggener, Mr. Andrew Thacker did subsequently come in and paid all back taxes owed on the facility.

The terms according to the lease agreement are, “*OWNER agrees to maintain the roof and building structure, including exterior repairs, and electric service to the buildings leased in a safe and serviceable condition at OWNER’S expense...*” With that said, the company has suggested that its rent of \$1,885 could be reduced until such time as the \$40,425 is repaid. There would be no interest charged. If the rent were fully reduced, the roof would be paid for in 21.5 months. In visiting with Finance Director Waggener, we

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are recommending a 30-month payback, which will reduce the \$1,885 payment by \$1,347.50 to the amount of \$537.50.

Currently the \$1,885 payment is being generated from:

3000-3001:	\$745.00
3202:	\$490.00
NWS:	\$250.00
N 3/4 3101:	\$400.00

Additionally, the company has agreed to finance the project interest-free to the City. In light of both items, we would request that Council consider authorizing us to partner with the industry for this project and future projects. Vitalix appears to best be positioned to bring about much-needed future revenue to the City's leased airport properties.

Finally, Vitalix has also agreed to pay month 1/12 of its annual tax obligation. Therefore, the lease agreement addendum also contemplates collecting this addition tax liability on a monthly basis.]

Motion by Councilman Benzel, seconded by Councilman Gonzalez to approve Resolution No. 12-09, which follows in its entirety:

RESOLUTION NO. 12-09

WHEREAS, The City of Alliance has agreed to abate and reduce the monthly rental obligation to Vitalix, Inc. for the buildings it is renting at the Alliance Airport; and

WHEREAS, Vitalix, Inc. has repaired the roof on the building owned by the City in the amount of \$40,000.00; and

WHEREAS, The City of Alliance has agreed to reduce the monthly rental obligation for all the buildings Vitalix, Inc. rents in the amount of \$1,347.50 for a 30-month period.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska:

1. The Building and Grounds Lease dated December 17, 2004, between the City of Alliance and Vitalix, Inc. be amended by an Addendum dated February 2, 2012.

2. The monthly rental obligation under the Building and Grounds Lease shall be \$537.50, which is the rent amount reduced by an amount of \$1,347.50 for a 30-month period until the cost of the roof replacement has been credited. In addition to the rental obligation, Vitalix, Inc. shall pay real estate taxes levied on the premises.

3. After the 30-month period according to the Addendum, the rental obligation will return to the full rental amount as set forth in paragraph 6 of the Building and Grounds Lease.

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4. The Mayor is authorized to sign the Addendum dated February 2, 2012.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 12-10, authorizing improvements for the new Law Enforcement Annex at 512 Niobrara Avenue, was the next item to be presented to Council. City Manager Cox provided the following background information:

[On September 26, in a special call meeting, Finance Director Randy Waggener and I discussed with Council the findings concerning GASB Statement 54 regarding budgets in process. During the conversation, we shared with Council that we had recently learned that budget authority for a project did not automatically carry forward from one budget year to the next year. Therefore, we recommended approval of Resolution 11-116 to acknowledge the costs and to approve finishing these projects that were not specifically detailed in the 2011-12 CIP/CEP listing. With Council's passage of Resolution 11-116, approval was given to continue these projects that were already in progress. Below is a full listing of the two items related to this measure – the remodeling at \$75,000 and replacing the phone system at \$35,000, totaling \$110,000.00.

Police Dept	511 Niobrara Remodel	\$ 75,000
Police Dept	511 Niobrara Phone System	<u>\$ 35,000</u>
	Total:	\$110,000

As memory serves, although the measure was passed in its entirety, the conversation was hopeful that the cost would be substantially below this total of \$110,000. I am pleased to report that the grand total proposed (\$52,294) to remodel and to replace the phone system is about one-half of the amount approved above. Also, please note that conversely, we did place in this year's budget the full amount of \$190,000 for the Sleuth project, when \$60,000 of which actually was spent out of the last year's budget. Therefore, budget authority exists.

On November 11, Chief Kiss discussed with Council the upcoming plans for the 511 Niobrara Police Annex, as well as proposed upgrades and modifications to the police station. During that conversation, we also had a discussion concerning the telephone system. The current City telephone system is not compatible with the one installed on the Sheriff's side of the facility, thereby disallowing for the transferring of calls between one facility and the other.

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In December, the County Commission granted its approval to the changes to the City's proposed changes to the Law Enforcement Center. Below is a detailed listing of the project renovation areas:

Renovations	\$ 17,402.00
511 Niobrara - \$14,952.00	
512 Niobrara - \$ 2,450.00	
Telephone System	\$ 16,170.00
Replacement & Connection between Buildings	
Furniture	\$ 13,305.00
Carpeting	\$ 3,328.00
Painting	\$ 2,089.00
Total Remodel & Phone Replacement	\$ 52,294.00

Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Resolution No. 12-10, which follows in its entirety:

RESOLUTION NO. 12-10

WHEREAS, The City of Alliance solicited bids for the remodel of 511 Niobrara Avenue, the Police Annex Building and the remodel of 512 Niobrara Avenue, the Regional Law Enforcement Center; and

WHEREAS, Six invitations to bid were issued and one bid was received; and

WHEREAS, The bid of R&J Industries Plus, Inc., of Alliance, Nebraska is the lowest responsive, responsible bid in the amount of Fourteen Thousand Nine Hundred Fifty-two and No/100ths Dollars (\$14,952.00) for the remodel of the Police Annex Building, and Two Thousand Four Hundred Fifty and No/100ths Dollars (\$2,450.00) for the remodel of the Regional Law Enforcement Center for a total bid of Seventeen Thousand Four Hundred Two and No/100ths Dollars (\$17,402.00) for both projects; and

WHEREAS, The City of Alliance solicited bids for the purchase and installation of a telephone system for 511 Niobrara Avenue, the Police Annex Building and the replacement and installation of a telephone system for 512 Niobrara Avenue, the Regional Law Enforcement Center; and

WHEREAS, Two invitations to bid were issued and two bids were received; and

WHEREAS, The bid of Mobius Communication Company of Hemingford, Nebraska is the only bid that will permit the transfer of telephone calls between the Alliance Police Department and the Box Butte Sheriff's Office and that estimate was Eleven Thousand Four Hundred Eighteen and No/100ths Dollars (\$11,418.00); and

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WHEREAS, Staff obtained one estimate for new office furniture from Nebraska Total Office Products, Alliance, Nebraska and that estimate was Thirteen Thousand Three Hundred Five and No/100ths Dollars (\$13,305.00); and

WHEREAS, Staff obtained one estimate for new office carpet from Strangs Carpet Inc., Alliance, Nebraska and that estimate was Three Thousand Three Hundred Twenty-eight and No/100ths Dollars (\$3,328.00); and

WHEREAS, Staff obtained one estimate for painting from Ed Rhoades, Alliance, Nebraska and that estimate was Two Thousand Eighty-nine and No/100ths Dollars (\$2,089.00); and

WHEREAS, Staff sent out two requests for quotes to connect the Regional Law Enforcement Center to the Police Annex Building with fiber optic but only one company, Mobius Communication Company of Hemingford, Nebraska had the ability to connect the Alliance Police Department and the Box Butte County Sheriff's Office telephone system together and that estimate was Four Thousand Seven Hundred Fifty-two and No/100ths Dollars (\$4,752.00); and

WHEREAS, Staff believes the lowest bids are reasonable and have been made by qualified bidders and are recommending that Council accept the bids of R& J Industries Plus, Inc., and Mobius Communication Company as the lowest, responsive, responsible bidders and approve the purchases from Strangs Carpet Inc., Mobius Communication Company, and Nebraska Total Office in the total amount of Fifty Thousand Two Hundred Five and No/100ths Dollars (\$50,205.00) and include authorization for a five percent (5%) in the field change order.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City Manager is authorized to enter into a contract with R&J Industries Plus, Inc., of Alliance, Nebraska in the amount of Seventeen Thousand Four Hundred Two and No/100ths Dollars (\$17,402.00) for the remodel of the Police Annex Building, and the remodel of the Regional Law Enforcement Center.

BE IT FURTHER RESOLVED, that the City Manager is authorized to enter into a contract with Mobius Communication Company of Hemingford, Nebraska in the amount of Eleven Thousand Four Hundred Eighteen and No/100ths Dollars (\$11,418.00) for the purchase and installation of telephone systems for 511 Niobrara Avenue the Police Annex Building and for 512 Niobrara Avenue the Regional Law Enforcement Center.

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a contract with Mobius Communication Company of Hemingford, Nebraska in the amount of Four Thousand Seven Hundred Fifty-two and No/100ths Dollars (\$4,752.00) to connect the Alliance Police Department and the Box Butte County Sheriff's Office telephone system together with fiber optic.

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a contract with Nebraska Total Office Products, Alliance, Nebraska in the amount of Thirteen

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Thousand Three Hundred Five and No/100ths Dollars (\$13,305.00) for the purchase of new office furniture.

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a contract with Strangs Carpet Inc., Alliance, Nebraska in the amount of Three Thousand Three Hundred Twenty-eight and No/100ths Dollars (\$3,328.00) for replacement of carpet in the Police Annex Building.

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a contract with Ed Rhoades, Alliance, Nebraska in the amount of Two Thousand Eighty-nine and No/100ths Dollars (\$2,089.00) for painting in the Police Annex Building.

BE IT FURTHER RESOLVED that the City Manager is authorized to make in the field change orders not to exceed Five Percent (5%) of the contract prices.

BE IT FURTHER RESOLVED that City staff shall notify the successful bidders and suppliers so that work can proceed according to the bid or estimates as received and funded through the Capital Outlay-Building Fund, Account Number 01-31-31-59-915.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 12-11 which will officially adopt the City's logo and the recommended rules for the use of the logo. City Manager Cox provided the following background information:

[Two actions are proposed in this resolution, the official adoption of the Alliance, Nebraska logo and filing for protection of the "Building the Best Hometown in America" Service Mark.

When City Clerk Linda Jines was researching, she discovered that the logo was never officially adopted. Therefore, this resolution will officially adopt the logo. Please note that the recommended rules for the logo as developed by Visitors Bureau Director Kevin Howard are also included in your packet and are adopted by this resolution.

Secondly, the City Manager will be authorized and supported in the seeking of federal protection of our "Building the Best Hometown in America" slogan/vision through the US Trademark and Patent office.

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There is no cost to adopt the logo, and the cost to research a national service mark filing is estimated at approximately \$1,800. Following Council's approval, I will work through a law firm in Denver that has specialized in patent & trademark work for over 20 years.

Passage of Resolution 12-11, will approve the logo, and will authorize the City Manager to initiate protection of the City's logo and slogan through the filing of a Service Mark.]

Motion by Councilman Yeager, seconded by Councilman Benzel to approve Resolution No. 12-11, which follows in its entirety:

RESOLUTION NO. 12-11

WHEREAS, The City of Alliance desires to adopt an official "Logo" and the slogan "Building the Best Hometown in America";

WHEREAS, Standards have been created in connection with the Logo, and it has been determined that the use of the slogan "Building the Best Hometown in America" should be legally protected in order to provide for this slogan to be exclusive to the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska:

1. The City shall adopt the Logo as provided below and in the attached Logo Standards, which standards are also adopted and incorporated in this Resolution by reference.



2. The City adopts the slogan "Building the Best Hometown in America". In connection with this slogan, the City Manager is authorized to retain legal counsel in order to apply for federal protection of this slogan through the United States Patent and Trademark Office. A filing may also be made with the Secretary of State, if so advised by legal counsel.

3. The expenditure of City funds for the purpose of hiring an attorney licensed to practice before the United States Patent and Trademark Office is authorized.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- Council heard a presentation of the First Quarter Financial Report by Finance Director Randy Waggener.

A motion was made by Councilman Benzel to accept the First Quarter Financial Report as presented. The motion was seconded by Councilman Gonzalez.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda was the announcement of vacancies on the Board of Adjustment, A-1 and A-2 Downtown Improvement Boards, the Economic Development Plan Citizen Advisory Board, the Park and Tree Board and the Planning Commission.
- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:46 p.m."

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk