

May 3, 2012

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MAY 3, 2012

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

The Alliance City Council met in a Regular Meeting, May 3, 2012 at 7:00 p.m., in the Alliance Library/Learning Center Meeting Rooms, 1750 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on April 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 May 3, 2012 Regular Meeting of the Alliance, Nebraska City Council at 7:01 p.m. Present were Mayor Feldges, Council Members Yeager, Benzel, Gonzalez and Seiler. Also present were City Attorney Olsen and City Clerk Jines. City Manager Cox was absent due to illness.

- Mayor Feldges read the Open Meetings Act Announcement.
- Sam Mundt was introduced as the newly hired Landfill Clerk Baler Operator.
- The next item on Council's agenda was the Consent Calendar, which follows in its entirety.

CONSENT CALENDAR – MAY 3, 2012

1. Approval: Minutes of the Regular Meeting, April 16, 2012.
2. Approval: Payroll and Employer Taxes for the period March 31, 2012 through April 13, 2012 inclusive: \$166,650.78 and \$11,828.56 respectively.

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3. Approval: Claims against the following funds for the period April 12, 2012 through April 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; \$726,553.61.
4. Approval: The US Junior Chamber of Commerce-Alliance Jaycees are requesting a Special Designated Liquor License to hold a beer garden as part of the Heritage Days Celebration. The location is proposed for the Ken and Dale's Restaurant parking lot at 123 East 3rd Street and will not require the closure of the alleys surrounding the property as has been done in the past. The event will be held Thursday, July 19, 2012 through Saturday, July 21, 2012. Securing the area will be accomplished with the use of cattle panels.
5. Approval: Cub Scout Troop 207 is requesting the closure of 14th Street between Box Butte and Sweetwater Avenues. The Troop will be conducting the "Cub Car" Race which is for non-motorized carts which are building and driven by the scouts. The event is scheduled for Saturday, May 12, 2012 between 1:00 and 5:00 p.m. The Troop has provided the required Certification of Insurance which names the City of Alliance as an additional insured.
6. Approval: The Request of the Route 385 Cruisers for their 12th Annual Car Show and Rod Run events on Saturday, June 2nd and Sunday, June 3rd. The Club would once again like to host their dance at the Airport within a hangar, with alcohol being catered by the VFW. The car show will be held in Central Park and the Club is requesting the street closure of Yellowstone Avenue between 9th and 10th Streets and 9th Street between Yellowstone and Niobrara Avenues.
7. Approval: The Alliance Spartans would like to donate a "TUFFframe" outdoor tensioned batting cage system to be erected at Bower Baseball Field. The value of the system is approximately \$4,600, not including shipping. The proposed gift meets the City's Gift Policy guidelines as it will become the permanent property of the City. Cultural and Leisure Services Director Brown will be recommending approximately \$10,000 be placed in next year's budget for permanent fencing with a concrete border around the structure for security; however, the gift is not contingent upon the installation of fencing.
8. Approval: The issuance of a Cemetery Certificate to Kyle and Cassie Raney for the South Half of the Northeast Quarter (S1/2 NE1/4) of Lot Sixteen (16), Section Two (2), Block Seventeen (17), Second Addition to the Alliance Cemetery.
9. Approval: The issuance of the following Contractor Licenses:

General Contractor	Javier Corona dba Corona & Son's Sampson Construction Co., Inc.
Repair & Maintenance Contractor	Todd Heldenbrand dba 4 th Street Fencing Ryan Reynolds dba IX Design Builders

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Doyle Spradlin dba Hometown Roofing
 Matthew LaBine dba Aspen Exteriors, Inc.
 Urbano Moreno dba Moreno Construction

Journeyman Plumber

Tom Fletcher dba T&T Services
 Curt Plooster dba Culligan Water Conditioning
 Bill Schlaepfer dba Gering Valley Plumbing
 Jon Aid dba J&M Plumbing Inc.

Master HVAC & Gas Fitter

Todd Heldenbrand dba 4th Street Fencing
 Bill Schlaepfer dba Gering Valley Plumbing

Limited & Specialty

Todd Heldenbrand dba 4th Street Fencing
 Lee Anderson dba Wildcat Roofing

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.

A motion was made by Councilman Benzel to approve the Consent Calendar as presented. The motion was seconded by Councilman Seiler.

Motion by Councilman Benzel, seconded by Councilman Gonzalez to remove Item 7 – which is the acceptance of an outdoor tensioned batting cage system from the Alliance Spartans from the Consent Calendar for separate consideration.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Gonzalez questioned the payment to Cover Jones Motor Company from the Municipal Building Fund. Staff reported the funding for the vehicle was made as approved by Council; this vehicle is being shown within Municipal Building as it is the general use fleet vehicles for employees traveling out of town. Councilman Gonzalez also questioned the payment to K. L. Wood for crack sealing. Staff reported the City was providing the blowing out of the street cracks and K. L. Wood was actually doing the sealing of the cracks.

Mr. Jason Howard, G-9 Trailerville, addressed Council and provided information regarding the “Cub Car” Race which is being held by Cub Scout Troop 207 and explained the need for the street closures.

Mr. Mike McGinnis, 1512 West 3rd Street reported on the street closure request of the Route 385 Cruisers for their 12th Annual Car Show and Rod Run. He also announced that the Sugar Valley Rally was also making a stop in Alliance during this event.

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Roll call vote on the revised Consent Calendar with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Benzel, seconded by Councilman Seiler to table Item 7 from the Consent Calendar; the acceptance of an outdoor tensioned batting cage system from the Alliance Spartans to the May 17, 2012 City Council meeting. The delay is being requested to review what will be needed to ensure the security of the equipment to prevent damage and to maintain in safe working order.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Feldges read the following proclamation in honor of Drinking Water Week.

PROCLAMATION

WHEREAS, Water is our most valuable natural resource; and

WHEREAS, Only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, Any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, We are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, Each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

NOW, THEREFORE, I Fred Feldges, Mayor of Alliance, do hereby proclaim May 6 through 12, 2012 as:

DRINKING WATER WEEK

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The proclamation was presented to Water Superintendent Mike Hulquist.

- Finance Director Randy Waggener presented the 2nd Quarter Financial Report.

A motion was made by Councilman Benzel, which was seconded by Councilman Gonzalez to accept the 2nd Quarter Financial Report as presented.

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 Ordinance No. 2702, implementing a two hour parking restriction around the Central Park Fountain. The following written background information was provided by City Manager Cox:

[ORDINANCE 2702 – 2nd READING / TRAFFIC IMPROVEMENTS – FOUNTAIN AREA

This ordinance would restrict parking to 2 hours in the area nearby the fountain, specifically the west one-half block on the north side of Tenth Street between Niobrara and Sweetwater and the east side of Niobrara Avenue between Tenth and Eleventh.

At the last Council meeting, the ordinance to update the traffic “improvements” in the fountain area was withdrawn pending staff updates to remove/update provisions to the prohibited parking measures of Section 3-202 of the Code. Of concern had been the inability of emergency vehicles to travel through and respond to emergencies due to the narrower width areas and parking on both sides of Sweetwater, which also causes extreme congestion during major events at the football stadium or park. However, following the Council meeting, our attorneys found that the City Manager (delegated through our Police Department) had sufficient authority in the Code to take those measures necessary to temporarily make parking or traffic changes necessary to ensure the orderly flow of traffic – especially for special events. Therefore, the previous update to Section 3-203 was removed.

Remaining in the proposed Ordinance 2702, is language to address the issues of permanently parked vehicles blocking the view of the fountain. To address this issue, the proposed ordinance as written would: Restrict parking around the fountain to two hours for the north side of 10th Street from Sweetwater to Niobrara and the east side of Niobrara in front of the fountain. In order to increase the public’s viewing of the fountain, staff is recommending that a two hour parking limitation be implemented for a half block on the north side of 10th Street and the east side of Niobrara Avenue in front of the fountain for viewing purposes.

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Below are the current restrictions listed in the Section 3-203 “Limited Time Parking in Designated Places,” with the proposed addition being the final bullet.

- *Box Butte Avenue from the north line of First Street to the south line of Sixth Street;*
- *Laramie Avenue from the north line of Third Street to the north line of Fourth Street;*
- *Third Street from the west line of Niobrara Avenue to the east line of Cheyenne Avenue;*
- *Fourth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;*
- *Fifth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;*
- *Laramie Avenue north of Fourth Street for two parking spaces on the east side of the street and three parking spaces on the west side of the street.*
- *No person shall park a vehicle for a period of time longer than 15 minutes, or 30 minutes, in a parking space or spaces in the municipal parking lot located southwest of the Library/Learning Center, Lot 1, Block 1, Library/Attendance Center Addition, which time-limited spaces are plainly marked, painted on the curb or posted.*
- *No person shall park a vehicle for a period of time longer than 15 minutes in a parking space, or spaces, on Box Butte Avenue, which time-limited spaces are plainly marked, painted on the curb, or posted.*
- *No person shall park a vehicle between the hours of 6:00 p.m. to 6:00 a.m. on the east side of the 400 block of Niobrara Avenue from the north line of Fourth Street to a point 87 feet north of the north line of Fourth Street in the parking space or spaces which are plainly marked, painted on the curb, or posted.*
- *No person shall park a vehicle for a period of time longer than two hours in a parking space or spaces, for the west one-half block on the north side of Tenth Street between Niobrara and Sweetwater and the east side of Niobrara Avenue between Tenth and Eleventh, which time-limited spaces are plainly marked, painted on the curb or posted.]*

Motion by Councilman Benzel, seconded by Councilman Seiler, to approve Ordinance No. 2702 on second reading. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2702

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, CONCERNING PARKING, AMENDING §3-203 TO REGULATE PARKING AND DESIGNATE LIMITED TIME PARKING IN PLACES ADJACENT TO THE FOUNTAIN ON TENTH STREET AND NIOBRARA AVENUE; AND REPEALING PRIOR SECTIONS.

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

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SECTION 1. Section 3-203 of the Alliance Municipal Code is amended to provide as follows:

§3-203. LIMITED TIME PARKING IN DESIGNATED PLACES.

No person shall park a vehicle for a period of time longer than twelve minutes at any time from Monday through Friday of any week between the hours of eight o'clock a.m., and six o'clock p.m., and between the hours of eight o'clock a.m. and nine o'clock p.m. on Saturdays, holidays excepted (a) the posted area in front of the U. S. Post Office building located on the northeast corner on Box Butte Avenue and Fourth Street; and (b) no vehicle shall be parked more than two hours on the following described streets:

Box Butte Avenue from the north line of First Street to the south line of Sixth Street;

Laramie Avenue from the north line of Third Street to the north line of Fourth Street;

Third Street from the west line of Niobrara Avenue to the east line of Cheyenne Avenue;

Fourth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;

Fifth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;

Laramie Avenue north of Fourth Street for two parking spaces on the east side of the street and three parking spaces on the west side of the street.

No person shall park a vehicle for a period of time longer than 15 minutes, or 30 minutes, in a parking space or spaces in the municipal parking lot located southwest of the Library/Learning Center, Lot 1, Block 1, Library/Attendance Center Addition, which time-limited spaces are plainly marked, painted on the curb or posted.

No person shall park a vehicle for a period of time longer than 15 minutes in a parking space, or spaces, on Box Butte Avenue, which time-limited spaces are plainly marked, painted on the curb, or posted.

No person shall park a vehicle for a period of time longer than two hours in a parking space or spaces, for the west one-half block on the north side of Tenth Street between Niobrara and Sweetwater Avenues and the east side of Niobrara Avenue between 10th and 11th Streets, which time-limited spaces are plainly marked, painted on the curb or posted.

No person shall park a vehicle between the hours of 6:00 p.m. to 6:00 a.m. on the east side of the 400 block of Niobrara Avenue from the north line of Fourth Street to a point 87 feet north of the north line of Fourth Street in the parking space or spaces which are plainly marked, painted on the curb, or posted.

SECTION 2. Previously existing Section 3-203, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

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SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter before Council was the second reading of Ordinance No. 2703, amending the Municipal Code zoning regulations to allow churches within commercial districts. City Manager Cox provided the following written background information:

[ORDINANCE - 2nd READING – ALLOWING CHURCHES IN COMMERCIAL DISTRICTS
Approval of this ordinance would allow churches – with stipulations – to locate in any of our Commercial Zones (C0: Commercial Office; C1: Neighborhood Commercial; C2: Central Business District; C3: Heavy Commercial).

At the last Council meeting, a public hearing was held (twice) in which testimony was heard supporting the measure and even a request by the Pastor of the Heartland Baptist Church to process and waive the three readings. However, in questioning the Church did not appear have a property lined up to utilize, and expediting the matter would have seemed to have had no benefit. The Council did advance the measure to the second reading.

Below is information presented in the previous packet concerning this matter.

Proposed is an ordinance to change our Municipal Code to allow churches within commercial districts. Presently, churches are not allowed in commercial districts due to our code being written prior to the legislature updating state law that provides for an orderly way and stipulations concerning the location of the sale of liquor and churches.

This matter was brought to our attention a while back when a church was searching for a location and was frustrated by the constraints of lack of parking in residential neighborhoods, and not being able to locate in commercial areas. Staff began researching the matter and took the issue to the Planning Commission for study and review. The Planning Commission at its March 13, 2012 meeting unanimously approved a code text change that added #4:

10-311.01. DISTRICT C-O, PERMITTED USES

1. Professional, governmental and business office buildings.
2. Health, dental and eye care offices/clinics.
3. Day care facilities.

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4. Churches, places of worship and religious assemblies

Further, this recommendation occurred prior to our attorneys having completed their review of the State law and our local ordinance. Following this review they opined that language in parentheses was not necessary, in light of the fact that State law had apparently changed since our ordinance was enacted. That opinion follows: *“If the Church moves in to a building that is within the 150’ restricted area, the establishment is protected in the first part of the statute as long as it has been there two years. If a liquor establishment moves into a building that is within 150’ of an established church, the church will be given notice and hearing on the issue. There is a Federal law that requires us as a City with regard to our zoning to treat churches the same as non-churches. If a church wanted to locate right next to the Players Sports Bar, it would be prevented by our permitted use condition and they would have to ask the Commission to hold a hearing, when a non- church would not have to follow that process. It seems to us that the state statute covers it.”*

Below is the excerpt from State Statute 53-177, and shows the new paragraph (2) which was referenced above.

53-177. Sale at retail; restrictions as to locality.

(1) Except as otherwise provided in subsection (2) of this section, no license shall be issued for the sale at retail of any alcoholic liquor within one hundred fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children. This prohibition does not apply (a) to any location within such distance of one hundred fifty feet for which a license to sell alcoholic liquor at retail has been granted by the commission for two years continuously prior to making of application for license, (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935, or (c) to a college or university in the state which is subject to section [53-177.01](#).

(2) If a proposed location for the sale at retail of any alcoholic liquor is within one hundred fifty feet of any church, a license may be issued if the commission gives notice to the affected church and holds a hearing as prescribed in section [53-133](#).

Therefore the ordinance prepared with the concurrence of staff, continues we believe, the original intent of the Planning Commission but without the “extra” language in the parentheses. The intent of the recommendation was to permit churches in commercial areas. I believe that intent has been upheld with the slight language revision.

Approval of this ordinance would allow churches – with stipulations – to locate in any of our Commercial Zones (C0: Commercial Office; C1: Neighborhood Commercial; C2: Central Business District; C3: Heavy Commercial).]

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Motion by Councilman Gonzalez, seconded by Councilman Benzel to approve Ordinance No. 2703 on second reading. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2703

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SPECIFYING THE AREAS OF ZONING AND AMENDING THE MUNICIPAL CODE TO ALLOW FOR CHURCHES AS A PERMITTED USE IN COMMERCIALY ZONED AREAS C-0, C-1, C-2 AND C-3, TO INCLUDE CHURCHES, PLACES OF WORSHIP AND RELIGIOUS ASSEMBLIES; REPEALING EXISTING PROVISIONS OF THE 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 10-311.01 of the Alliance Municipal Code is amended to provide as follows:

10-311.01. DISTRICT C-O, PERMITTED USES

1. Professional, governmental and business office buildings.
2. Health, dental and eye care offices/clinics.
3. Day care facilities.
4. Churches, places of worship and religious assemblies.

No equipment, material or vehicle other than motor passenger cars shall be stored outside a building in this district.

SECTION 2. Section 10-312.01 of the Alliance Municipal Code is amended to provide as follows:

10-312.01. DISTRICT C-1, PERMITTED USES

1. Barber shop.
2. Beauty shop.
3. Convenience food stores.
4. Day care or nursery schools.
5. Library.
6. Pharmacy.
7. Schools and colleges.
8. Health, dental and eye care offices/clinics.
9. Churches, places of worship and religious.

SECTION 3. Section 10-313.01 of the Alliance Municipal Code is amended to provide as follows:

10-313.01. DISTRICT C-2, PERMITTED USES

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1. Retail and wholesale sales establishments, not including adult book stores.
2. Medical, professional and governmental offices.
3. Public libraries, utility facilities and parks.
4. Eating and drinking establishments.
5. Hotels, motels and other lodging facilities.
6. Single and multi-family dwellings above the first floor of commercial establishments.
7. Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
8. Theaters, not including adult theaters.
9. Health facilities such as spas.
10. Printers and newspapers.
11. Repair shops - indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
12. Building supply stores (indoor display and storage only).
13. Lodges and fraternal orders.
14. Parking lots and facilities.
15. Churches, places of worship and religious.

SECTION 4. Section 10-314.01 of the Alliance Municipal Code is amended to provide as follows:

10-314.01. DISTRICT C-3, PERMITTED USES

1. Retail and wholesale sales establishments, not including adult book stores.
2. Medical, professional and governmental offices.
3. Public libraries, utility facilities and parks.
4. Eating and drinking establishments.
5. Hotels, motels and other lodging facilities.
6. Single and multi-family dwellings above the first floor of commercial establishments.
7. Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
8. Theaters, not including adult theaters.
9. Health facilities such as spas.
10. Printers and newspapers.
11. Repair shops - indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
12. Building supply stores (indoor display and storage only).
13. Lodges and fraternal orders.
14. Parking lots and facilities.
15. Automobile dealers, implement dealers and related services.
16. Truck parking, truck repair services, and related services.
17. Commercial storage units.
18. Building, landscaping supplies and yards including well drillers.
19. Animal feeds and supply services, not including grain elevators.
20. Contractor yards, provided material storage is in the rear yard and screened.
21. Swimming pool – commercial
22. Churches, places of worship and religious assemblies.

SECTION 5. Previously existing sections 10-311.01, 10-312.01, 10-313.01, 10-314.01,

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and 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 6. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Motion by Councilman Gonzalez, seconded by Councilman Benzel, to waive the statutory requirement of reading the ordinance on three separate dates.

Roll call vote on Ordinance No. 2703 with the following results:

Voting Aye: Benzel, Gonzalez.

Voting Nay: Feldges, Seiler, Yeager.

Motion Failed.

Roll call vote on the second reading of Ordinance No. 2703 with the following results:

Voting Aye: Gonzalez, Feldges, Seiler, Benzel.

Voting Nay: Yeager.

Motion carried.

- Ordinance No. 2704, approving the rezoning request of Wes and Angy Fancher was the next item before Council. The following written information was prepared by City Manager Cox for Council's consideration:

[This Ordinance would rezone approximately 15 acres located at 304 Woolrich Rd that was formerly a City Landfill and Zone M2 (Heavy Industrial) to C3 (Highway Commercial), at the request of owners Wes and Angy Fancher.

The Fanchers wish to put in a Recreational Vehicle Camping facility, which would be allowed in a C3 with a Conditional Use Permit, but is not allowed in an M2. According to Interim Planning Director Kevin Kubo, the proposed change would not be in conflict with the current Comprehensive Plan. The only impact of the change of zoning that have been identified to this point is the expected increase in traffic activity in and out of the facility. Additionally, the Fire Chief is requiring fire hydrants be installed.

On March 13, 2012, the Planning Commission met and reviewed this proposal. Of all of the interested parties within 300 feet around the 304 Woolrich location, only one response was received – and it indicated “disinterested.” The Planning Commission unanimously passed this measure.

It is my understanding that the Fanchers would like to get approval and have the RV Park installed and ready to go prior to the tourism season. As they will also be required to

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expedited. Staff concurs, and is recommending if there are no objections raised at the City Council's Public Hearing, that the statutory three readings be waived.]

A motion was made by Councilman Yeager to approve Ordinance No. 2704 on second reading. The motion was seconded by Councilman Seiler. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2704

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT PART OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 25 NORTH, RANGE 47 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A C-3 HIGHWAY COMMERCIAL DISTRICT FROM AN M-2 HEAVY INDUSTRIAL DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 10-302 of the Alliance Municipal Code is amended to provide as follows:

10-302. DISTRICT MAP ADOPTED

Boundaries of the districts, as enumerated in Article 3 of these regulations, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the Zoning District Map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The City Planning Commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the Building Inspector, due consideration being given to location as indicated by the scale of the Zoning District Map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this 16th day of April, 2012, is now the official Zoning District Map.

SECTION 2. Previously existing Section 10-302, and 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 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

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Wes Fancher, 204 Woolrich Road, addressed Council and requested the waiving of three readings of this ordinance so he could move forward with his project. Staff informed Mr. Fancher that we were still awaiting the recommendation of the Planning Commission for the Conditional Use Permit which is required prior to beginning operation. Mr. Fancher was informed that conducting a third reading will not cause a delay.

Roll call vote on the second reading of Ordinance No. 2704 with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2705, approving a lot sale to Thomas and Tammy Fletcher was the next item before Council.

Motion by Councilman Seiler, seconded by Councilman Gonzalez to approve Ordinance No. 2705 on second reading. City Clerk Jines read the ordinance by title, which follows in its entirety:

ORDINANCE NO. 2705

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF LOT 2, BLOCK 2; GROVEFIELD ADDITION, AN ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

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

SECTION 1. The City of Alliance has received an offer from Thomas R. Fletcher and Tammy L. Fletcher, to purchase the following described real estate:

Lot 2, Block 2, Grovefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska, in the amount of \$8,884.75.

SECTION 2. The real estate is not used in the operation of public utilities, and is not a state armory for the use of the State of Nebraska or the State Armory, as provided in §16-201 R.R.S. Neb. 1943.

SECTION 3. The City Clerk shall cause notice of this sale to be published as required by law. If, within the time prescribed by law, a legally sufficient remonstrance against the sale has not been filed, the Mayor and City Clerk are by this ordinance authorized to execute and deliver to the purchaser the City's quitclaim deed for the herein described property upon payment of the purchase price provided for herein and in the Agreement for Sale of Real Estate.

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Remonstrance against such sale is defined as a petition signed by legal electors of Alliance, Nebraska, equal in number to thirty percent (30%) of the electors voting at the last regular municipal election. Said petition shall be filed with the governing body of the City within thirty days (30) of the passage and publication of this Ordinance. In the event a remonstrance is received which is legally sufficient, said property shall not then, nor within one year thereafter, be sold.

SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 12-32, authorizing the City to enter into an Interlocal Cooperation Agreement for the sharing of a Professional Comprehensive Planner was the next item on Council's agenda. The following written background information was provided by City Manager Cox:

[This resolution would approve an Interlocal Agreement between the City of Alliance and the City of Scottsbluff to share a professional planner.

The purpose of the agreement is for the cities to achieve high quality planning services at an economical cost to both cities. It is difficult for either city to justify a full-time individual to serve in this role, notwithstanding one with experience. Yet, both cities desire to have high quality part-time service, thus the shared position idea was hatched.

The arrangements call for the planner to be in Alliance two days per week, every week. It is intended for the person to have regular office hours in Alliance so that I, staff, and the public, may know when to interact with the person. I anticipate the person providing continual review and update of the Comprehensive Plan, Growth and Development planning, exploring historic preservation and standards, and in general assisting staff with guidance in Community Development, along with other related duties. Additionally, we will work with the person to set a schedule such that he/she may be able to attend the semi-monthly Leadership Team meetings, monthly Planning Commission meetings and semi-monthly Council meetings.

The position will report to the City Managers of both cities, but for payroll purposes will be hired by the City of Scottsbluff, who in turn will bill Alliance for 2/5 of the planner's salary and benefits. Scottsbluff will calculate and bill Alliance two times per year.

In working out the arrangements for this position, Scottsbluff City Manager Rick Kuckkahn and I have agreed that flexibility and willingness to cooperate is tantamount to

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the success of the position. Additionally, he and I will work cooperatively to recruit, hire, evaluate and in general encourage the success of the person filling the position. So, while our agreement calls for the person to be Alliance two times per week, both parties are agreeable to be flexible in this general arrangement.

Additional flexibility is built into the arrangement in that the two City Managers may agree and signoff on amendments to the Agreement, provided the amendments are not substantial in nature. Substantial amendments would be brought to both Councils for approval.

The agreement will commence upon signing by both parties, and will continue through the end of both cities' fiscal years September 30, whereupon it will automatically renew for a one year period.

Following consideration by the City of Alliance on May 3, the City of Scottsbluff will take up this same measure at their May 7 meeting.]

Motion by Councilman Benzel seconded by Councilman Gonzalez to approve Resolution No. 12-32, which follows in its entirety:

RESOLUTION NO. 12-32

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

1. Pursuant to the Interlocal Cooperation Act ("Act") found at Neb. Rev. Stat. §13-801, two or more public entities may enter into an agreement for joint or cooperative action to make the most efficient use of their taxing authority and powers. The Act enables cities to cooperate with each other on the basis of mutual advantage and in this case, to provide a comprehensive planner, as well as other services.
2. The City Council of the City of Alliance has reviewed an Interlocal Cooperation Agreement for the sharing of a professional comprehensive planner with the City of Scottsbluff, Nebraska. After review, the City Council has determined it is in the City of Alliance's best interest to enter into the Interlocal Cooperation Agreement.
3. This resolution authorizes the City of Alliance to enter into an Interlocal Cooperation Agreement for the sharing of a professional comprehensive planner. The City Council determines the Interlocal Cooperation Agreement should be and now is authorized and approved. The City Council directs the Mayor to sign the Interlocal Cooperation Agreement with the City of Scottsbluff, Nebraska, to provide for the sharing of a professional comprehensive planner.
4. This resolution shall be in full effect following its passage and approval.

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Roll call vote with the following results:

Voting Aye: Benzel, Gonzalez, Feldges, Seiler.

Voting Nay: Yeager.

Motion carried.

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

Motion by Councilman Seiler, seconded by Councilman Gonzalez to appoint Lori Bates to serve on the Temporary Community Garden Committee.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Motion by Councilman Seiler, seconded by Councilman Benzel to appoint Vickie Mattox to serve on the Alliance Planning Commission for a term expiring December 31, 2013.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:22 p.m."

Fred Feldges, Mayor

(SEAL)

Linda S. Jines, City Clerk