

June 13, 2013

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, JUNE 13, 2013

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

The Alliance City Council met in a Regular Meeting, June 13, 2013 at 8:00 a.m. in the Theater Room at the Knight Museum and Sandhills Center, 908 Yellowstone Avenue. A notice of meeting was published in the Alliance Times Herald on June 6, 2013. 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 June 13, 2013 Regular Meeting of the Alliance, Nebraska City Council at 8:00 a.m. Present were Mayor Feldges, Council Members Benzel, Lewis, Yeager, and Seiler. Also present were City Manager Cox, City Attorney Olsen, and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first item on the agenda was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Seiler to approve the Consent Calendar as follows:

CONSENT CALENDAR – JUNE 13, 2013

1. Approval: Minutes of the Regular Meeting, May 16, 2013 and the Special Meeting, May 30, 2013.
2. Approval: Payroll and Employer Taxes for the period May 11, 2013 through May 24, 2013 inclusive: \$179,080.45 and \$13,051.16 respectively.
3. Approval: Claims against the following funds for the period May 23, 2013 through June 6, 2013: 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; \$236,418.92.

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4. Approval: Resolution No. 13-61 which formally acknowledges that the City of Alliance will accept the duties required by the State of Nebraska to conduct the Heritage Days Parade on 3rd Street which is a designated State Highway. The event will take place on July 20, 2013 beginning at 9:45 a.m. to the conclusion of the parade which will be no later than 12:00 noon. This resolution meets the requirements of LB 589 which was recently passed by the Nebraska Legislature.
5. Approval: The *Request for Reserved or Exclusive Use of City Parks* of the Alliance Jaycees to conduct the annual fireworks display. The Alliance Jaycees would like to once again provide a community fireworks display on Thursday, July 4, 2013 at Laing Lake with their backup rain date being Friday, July 5, 2013. The Jaycees have been issued a Public Firework Display Permit from the Nebraska State Fire Marshal and authorized by Fire Chief Shoemaker. A Certificate of Insurance has been provided by Premier Pyrotechnics, Inc. II Ship Show naming the City of Alliance as an additional insured.
6. Approval: The *Request for Reserved or Exclusive Use of City Streets (Facility)* of the Alliance Area Family YMCA to conduct a sand volleyball league and tournament. The YMCA is requesting the use of the vacant lot currently owned by the City of Alliance, which is in the process of being sold to Western Heritage Credit Union in the 100 block on the west side of Box Butte Avenue. They would like to use the property for their league play on Wednesday nights between July 5 through August 28, 2013 and for a tournament during Heritage Days on July 16 and 17, 2013 between the hours of 5:00 p.m. and 10:00 p.m. The request approval is contingent upon the City of Alliance being named an additional insurance on their liability coverage for the events.
7. Approval: Granting the Special Designated Liquor License Application of D-Head Inc. dba The Gathering Spot, 213 Box Butte Avenue for an additional 25' x 50' outdoor area to their current liquor license for July 19-21, 2013. The beer garden will be in conjunction with the annual Heritage Days activities and cattle fencing will be used to secure the additional area.
8. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of the Alliance Lions Club to conduct Cardboard Boat Races at Laing Lake. The event will be held on July 4, 2013 between 9:00 a.m. and 2:30 p.m. The Lion's Club will be providing the same safety precautions which were required and performed last year. The City of Alliance is in receipt of their Certificate of Insurance naming the City as an additional insured.
9. Approval: A Capital Budget Transfer request from the Alliance Police Department to replace an in-car video camera which experienced an unexpected failure. Police Chief Kiss was successful in obtaining a grant from the Nebraska Office of Highway Safety for the purchase of two cameras, one for our new cruiser and the replacement. As a result of this grant, the City of Alliance will be reimbursed \$7,000.00 of the \$10,852.00 expense. The transfer requested is \$5,426.00 from Grant Contingency 01-31-32-47-792 to Capital Outlay Machinery-Equipment 01-31-32-59-950.

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10. Acknowledgement: The Alliance City Council, at their regular meeting May 17, 2012, approved a Conditional Use Permit to operate a RV Park on a tract of land in the SW ¼, Section 31, Township 25 North, Range 47 of the 6th P.M., Box Butte County, Nebraska which is located on East Kansas Street commonly addressed 304 Woolrich Road. The request was made by Wes and Angy Fancher and was approved with two special conditions: (1) the installation of fire hydrants as required by the Alliance Fire Chief and (2) an annual review by staff to ensure a safe and well kept facility. The Conditional Use Permit was not commenced within twelve months of May 17, 2012 and is now declared inactive.
11. Approval: Resolution No. 13-62 entering into an Interlocal Agreement between Hemingford Rural Fire District; Alliance Rural Fire Protection District; City of Alliance, Nebraska; and the Village of Hemingford, Nebraska; which provides for an agreed property tax rate of .03395 for purposes of the Mutual Finance Organization. The resolution also names the City of Alliance's representative to the Joint Board as Fire Chief Troy Shoemaker, and alternate City Manager J.D. Cox.
12. Approval: The issuance of a Roofing Contractor's License to Lee A. 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.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Terri Friesen with KCOW radio and Deb Dopheide with Keep Alliance Beautiful were present to share the results of the 2013 Green Up/Clean Up Campaign. They presented the City with a \$750.00 donation to use towards the community entryway signage improvements.
- Council next heard from City Clerk Linda Jines as she presented the Service Recovery Program that is currently being utilized by City staff.

City Clerk Linda Jines gave an overview to Council on the goals of the Service Recovery Program that one of the Service Excellence Leadership Teams implemented this year. This program allows City staff to be proactive while helping the citizens of Alliance with any questions or concerns they may have.

- Tourism Director Kevin Howard presented to Council the feasibility of the City taking ownership of Carhenge. The following is an outline of the presentation:

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“Presentation – Consideration of Carhenge Gift

Intro/summary –

Carhenge was built by Jim Reinders during a family reunion in 1987 as a memorial to his father, Herman Reinders.

Thirty-eight automobiles were placed to assume the same proportions as Stonehenge with the circle measuring approximately 96 feet in diameter. Some autos are held upright in pits five feet deep, trunk end down, while those cars which are placed to form the arches have been welded in place. All are covered with gray spray paint. The honor of depicting the heel stone goes to a 1962 caddy.

Friends of Carhenge (Friends) began in 1988 as a crusade to save the popular tourist attraction from the wrecking ball when the sheriff's department was called to a property north of Alliance because "someone" was planting cars in a field there.

Soon the city council got involved as it was within the jurisdictional boundary of the city and ordered the car art torn down. Councilman Paul Phaneuf was instrumental in the fight to Carhenge alive. In September 1989, the Friends of Carhenge began the preservation projects for what is now known worldwide as Carhenge.

Reinders donated the 10 acres of land where Carhenge is located to Friends of Carhenge in 1994, who now owns and maintains it. They have added a paved parking lot, picnic tables, an educational display board, and a gift shop. Additional sculptures have been erected at the site, known as the car art reserve. One of the first sculptures to be added to the car art reserve is a sculpture of a spawning salmon. Since then many other sculptures have been added including Reinders' "Four seasons," "Dino, the Carnastoga," as well as many other smaller sculptures make up the car art preserve.

The attraction's uniqueness, novelty and unusual components continue to draw the attention of film and television production crews. Enthusiasts estimate Carhenge to attract 80,000 tourists from all over the world.

Past action taken

October 5, 1989 - Alliance City Council passed a proclamation urging citizens to contact Friends of Carhenge to offer assistance in their endeavors.

February 15, 1990 - Alliance Planning Commission voted to remove Carhenge from the jurisdiction of the city

June 7, 1990 - Alliance City Council adopted resolution 90-20 declaring Amesbury, England (home of Stonehenge) the twin city of Alliance, Nebraska (home of Carhenge)

Recent Developments

In October of 2011, Friends of Carhenge announced that Carhenge was for sale.

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In May 2012, Friends first approach Kevin Howard and J. D. Cox inquiring if the city might ever consider assuming Carhenge. Board members reported that their volunteers were “tired” but wished to ensure that the attraction endures.

On July 17, 2012, at a hearing before the Nebraska Tax Equalization and Review Commission and subsequent determination on August 17, 2012, the Commission determined that the Friends of Carhenge is not an educational organization, Carhenge is not being used for an education purpose, and Carhenge is not a museum nor historical society. Furthermore, the Commission determined that the gift shop is not used for any kind of educational purpose.

Due to the Commission’s findings, they recommended the Box Butte County Board determine the taxable value of the entire property to be in excess of \$70,973 ascribed to the gift shop and land.

Also in August 2012, the Department of Revenue issued an opinion to the State Tax Equalization Committee that Carhenge would not be exempt from taxes and therefore owed \$1155.

The Friends of Carhenge felt they could not bear the additional costs of paying taxes on the property.

One offer to purchase Carhenge was rejected by the Friends as the buyer was wishing to relocate the cars to another town. To our knowledge, there were no other offers.

On October 30, 2012, a followup meeting between Kevin Howard, J. D. Cox and Friends Board Members to further followup and to discuss possibly approaching Council.

On December 20, 2012, Friends of Carhenge Board Members Marcia Buck, Dave Pearse and Kendra Schott approached the Alliance City Council on the possibility of the City accepting Carhenge as a gift. The City Manager was tasked with project of studying the proposal.

On June 13, 2013, City Staff presents conclusions from due diligence to City Council.

Financial

Cost Payment of City:	\$	0	
Value of Assets	\$	113,000	(Bank Note: \$5,340)

- Profit & Loss -

2012 Revenues:	\$	39,000	
2012 Expenses:	\$	39,000	(includes advertising, payroll, insurance, utilities and other fees).

In addition, when managed with the full wherewithal of the City and its staff, the attraction offers the opportunity to be able to further profits, for example expanded hours of operation, reasonable (and initially limited) landscaping.

Other Considerations

Insurance -

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- √ City has obtained an opinion from insurance (Traveler's);
- √ The City may incur possibly up to an additional \$1000 in annual premiums above what Friends of Carhenge have paid;
- √ At the time of assumption, Traveler's will then determine if an additional engineer's evaluation will be required by underwriting;

Handicap Accessibility –

- √ According to City Engineer (Baker & Associates) and the City Attorney (Simmons-Olsen), handicap accessibility is not an issue.

City Standards-

- √ Pathways
Staff has calculated that materials for pathway to be approximately \$14,000.
- √ Security –
A security system exists already, and Police would swing by occasionally. Alliance Police Department officers are deputized agents of Box Butte County Sheriff.

Utilities-

- √ Electric – PREMA
- √ Water - Confirmed ... Operational Approximately \$1500 per year for testing and mtg. Small sprinkler could be added.
- √ Sewer –Confirmed ... Operational \$0 to \$300 per year for mtc.
- √ Refuse Pickup – Could add
- √ Air/Heat – Confirmed & Operational
- √ Gas Service – Not utilized

Displays-

- √ Friends of Carhenge are planning summer projects to paint cars and place rock inside of the circle

Parking Lot-

- √ Operational and Functional. Could be dragged ... little to no out of pocket.

Gift Shop-

- √ Operational and Function. Would need to hire seasonal/part-time (just as Friends have been doing)

Maintenance/Upkeep/ Clean Up-

- √ Hire part-time seasonal staff
- √ Set up a new storage shed and mower
- √ Relocate "backup" existing mower to the attraction site

Marketing/Education-

- √ Continue with billboards - current agreement with Westco and landowners, update website; print/distribute brochures when current supply runs out

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√ Interpretive displays will come at a later date

Legalities-

- √ A city can own property outside of its corporate limits.
- √ The City can receive gifts of land. Neb Rev St 16-201.
- √ The acceptance of the gift is consistent with our gifting policy.
- √ City can pass ordinances to protect the property and provide for its operation.

Risk

- √ The maximum risk, as mitigated through the City's insurance seems limited with the annual operational costs.
- √ If the City were to decide it wished to abandon the project in the future, the property and inventory could be sold either with the cars or without.

Benefits

- √ Expertise of Departments
- √ Ability to easily hire either seasonal/fulltime and share with another department
- √ Knowledge of Visitors' Bureau to manage and to consider as a part of the greater marketing effort of City

Public Acceptance

- √ Issues with public opposition to the attraction seem to no longer be strong. The City Manager's office, after having talked extensively on the project and heavy newspaper received not one complaint or even concerned and/or neutral interaction with neighbors in the community. All interactions were positive.

MAJOR CON'S

- It will require an investment from the City to clean up the 10 acre area, put in safe pathways, and for future upgrades to the attraction
- There should be an initial, visible improvement as soon as the City takes over to garner neighbor support and start to build the attraction to its potential
- Not all the benefits of Carhenge are visible (the attraction draws visitors to Alliance who spend money in the town)
- Carhenge is a quirky roadside attraction that brings world-wide attention and visitors to the City of Alliance

MAJOR PRO'S

- Very little risk (value of land and of attraction far exceeds the size of the bank note)
- No out of pocket cost of acquisition
- Many positive responses and very little opposition to the City accepting the gift of Carhenge
- After initial clean-up, the area is very low maintenance
- Carhenge is an Economic Engine for Alliance
- Investments will be returned to the city in sales from the Pit Stop, and in increased tax revenue from other businesses as the attraction grows to reach its full potential
- The opportunity to "sell" the other attractions in Alliance to increase the economic impact

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- The potential to grow the attraction and produce more income is a reasonable assumption
- Friends of Carhenge plan to:
 - Put new rock in the circle this summer
 - Paint all cars and displays this summer
- Friends of Carhenge will remain
 - The fund-raising arm of Carhenge
 - To standby and lend their expertise in the interim
- The City does have the option to sell Carhenge in the future (to a developer, etc)
- Possible new supplemental office for Visitors' Bureau

RECOMMENDATION

Based upon the due diligence performed on this matter and the information presented above, it is the recommendation of Staff to accept the gift of Carhenge effective October 1, 2013. Our plan is to bring documents for the City Council to formally consider the matter at an upcoming Council meeting.”

Councilman Yeager questioned the ADA compliance of the pathways if they are surrounded with rock. Kevin stated that they do not have to be ADA compliant as the project was not federally funded.

- A Public Hearing and the first reading of Ordinance No. 2724 was the next agenda item before Council. This Public Hearing was for the approval of the Preliminary Plat and Final Plat of Block 1, Turman Addition to the City of Alliance, Box Butte County, Nebraska. The following background information was provided to Council:

[PROPOSAL: Rick Turman, applicant, and Ronald Michael McCarthy, landowner, are requesting approval of a Preliminary Plat and a Final Plat to subdivide property.

LOCATION: The property is east of 2633 Laramie Drive and north of the terminus of Toedtli Drive South in the SW ¼ of Section 24, T25N, R48W.

ANALYSIS: The request is to create a 1.65 acre parcel from a large parcel leaving an unplatted balance of just over 10 acres. A parcel of more than 10 acres is not considered a subdivision per City Code so that parcel is not included on the Plat. The request cannot be processed as an administrative subdivision as it is currently unplatted and as all public utilities are not in place. There were many unanswered questions regarding infrastructure requirements and the decision was made to act on the Preliminary Plat but not the Final Plat. The Comprehensive Plan does not particularly address this request, but it is not contrary to the Plan.

FEEDBACK: There has been minimal public comment with no objections.

PLANNING COMMISSION RECOMMENDATION (Preliminary Plat):

The Planning Commission met on April 16 to conduct a public hearing and to consider the matter. After hearing the testimony, the Planning Commission voted

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unanimously to recommend approval of the Preliminary Plat, including, waiving the requirements for: relation to established section lines or fractional section lines; direction of surface water drainage; and approximate gradient of streets.

FINDINGS OF FACT:

1. Sufficient information has been submitted to approve the Preliminary Plat;
2. The applicant is advised of the array of issues that must be considered to move forward with a Final Plat.

SUBSEQUENT ACTION: A meeting was subsequently held with the applicants and City Staff, including Community Development, City Engineer, City Manager, City Attorney, Public Works, Water & Sewer and Electrical. The result was a Staff consensus to recommend postponing the installation of the infrastructure and to instead require an agreement whereby the subdivider and future successors waive any rights to protest with respect to construction and special assessments for the improvements in the future. This allows the Public Works Element to be waived and is an acceptable method for guaranteeing the required subdivision improvements in a situation such as this. The Code states that the improvement guarantee shall be secured by one or a combination of the method described therein or other method acceptable to the City Attorney. A decision was also made to take the Final Plat before the Planning Commission and to subsequently take both the Preliminary Plat and Final Plat simultaneously to the Council. Staff also determined that Agate Street should be extended as public right-of-way to the end of the subdivision and that drainage easements should be platted along the north and east sides of the property.

PLANNING COMMISSION RECOMMENDATION (Final Plat):

The Planning Commission met on May 28 to conduct a public hearing and to consider the matter. After hearing the testimony, the Planning Commission voted unanimously to recommend approval of the Final Plat, including that an Agreement/Contract waiving future protest rights be filed and waiving the requirement for park and/or recreation land.

FINDINGS OF FACT:

1. Extension of future streets and utility easements have been considered and adequately addressed;
2. Drainage concerns have been considered and addressed; and
3. Future public interest is secured via the Agreement/Contract.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the approval of the Preliminary Plat and Final Plat of Block 1, Turman Addition to the City of Alliance, Box Butte County, Nebraska and opened at 8:21 a.m.

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Mick McCarthy, 306 W. 29th Street, thanked Council for their time and efforts. Mr. McCarthy stated he has signed the Contract regarding future improvements which was required to proceed.

Rick Turman, 2633 Laramie Drive, requested the Council waive the statutory requirement to read the Ordinance on three different dates.

No further testimony was offered and the Public Hearing was closed at 8:26 a.m.

A motion was made by Councilman Benzel, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2724. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2724

AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL PLATS OF BLOCK 1, TURMAN ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has received the application for approval of the Preliminary Plat and Final Plat of Block 1, Turman Addition to the City of Alliance, Box Butte County, Nebraska from Rick Turman, as applicant and Ronald Michael McCarthy, as landowner.

SECTION 2. The Planning Commission held a public hearing April 16, 2013, and has recommended the approval of the Preliminary Plat waiving the requirements for: relation to established section lines or fractional section lines; direction of surface water drainage; and approximate gradient of streets.

SECTION 3. The Planning Commission met on May 28, 2013 and conducted a Public Hearing on the Final Plat of Block 1, Turman Addition to the City of Alliance, Box Butte County, Nebraska.

SECTION 4. The Planning Commission has recommended approval of the Final Plat, contingent upon the execution of an Agreement/Contract whereby the subdivider and future successors waive any rights to protest with respect to construction and special assessments for the installation of infrastructure; and the requirement for park and/or recreation land was recommended to be waived.

SECTION 5. The Preliminary Plat and the Final Plat of Block 1, Turman Addition to the City of Alliance, Box Butte County, Nebraska are hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

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

A motion was made by Councilman Benzel, which was seconded by Councilman Lewis to waive the statutory requirement of reading the ordinance on three different dates.

Roll call vote to waive the three readings of Ordinance No. 2724 with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote for the final reading of Ordinance No. 2724 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated the passage and adoption of the ordinance was concurred by a majority of all members elected to Council, he declared it passed, adopted and ordered it published.

- The next matter before Council was the first reading of Ordinance No. 2726. This ordinance will authorize the sale of Lots 1 through 11, Block 28, Original Town, City of Alliance, Box Butte County, Nebraska to Western Heritage Credit Union in the amount of \$75,000.00. The following background information was provided to Council:

[Introduction/Summary

An "Invitation To Bid" (ITB) was prepared and issued and responses received for the sale of City-owned property located in the 100 Block of Box Butte Avenue, west side, 280-feet in length x 140-feet in width, and more particularly described as Lots 1 through 11, Block 28, Original Town Addition, to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof.

The City Council at their May 2, 2013 approved the sale to Western Heritage Credit Union. Representatives of Western Heritage Credit Union made a presentation at the May 16, 2013 City Council meeting and stated they would be purchasing the land for the construction of a new facility which will serve as their headquarters. Due to Federal requirements, a credit union cannot borrow money for construction it must be paid with funds on hand. As a result, the anticipated construction timeline for the new facility is between three and five years.

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The sale of the aforementioned City-owned lot represents the continued efforts to reduce the City's vacant lot inventory and return property to the tax rolls. This sale will stimulate the economic status of the lower Box Butte Avenue area and augment the City's Streetscape and Historic Lighting project by adding an anchor business at the southernmost limits of the Streetscape project area.]

Mayor Fred Feldges excused himself as he has a conflict of interest in this matter.

A motion was made by Councilman Yeager, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2726 which follows in its entirety:

ORDINANCE NO. 2726

AN ORDINANCE AUTHORIZING THE SALE OF LOTS 1 THROUGH 11, BLOCK 28, ORIGINAL TOWN, CITY OF ALLIANCE, BOX BUTTE COUNTY NEBRASKA.

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

SECTION 1. The City of Alliance ("City") owns the following described real estate:

Lots 1 through 11, Block 28, Original Town, City of Alliance, Box Butte County, Nebraska.

SECTION 2. An offer has been made by Western Heritage Credit Union to purchase this real estate for \$75,000.00. The city is willing to accept this offer.

SECTION 3. The Mayor and City Clerk are authorized to sign a contract and deed to convey the above described real estate by Warranty Deed to Western Heritage Credit Union, on the following terms:

- a. The purchase price shall be \$75,000.00, which shall be paid at closing.
- b. Closing of the sale is conditional upon no remonstrance against the sale being filed. Closing shall take place within 30 days after the expiration of the time for filing a remonstrance against the sale or August 15, 2013, whichever occurs first.
- c. All real estate taxes and special assessments shall be prorated to date of closing. The closing costs and owner's title insurance shall be equally divided.

SECTION 4. The Clerk shall, immediately after the passage and publication of this Ordinance, publish notice of the sale and its terms for three consecutive weeks in the Times-Herald.

SECTION 5. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

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A motion was made by Councilman Benzel, which was seconded by Councilman Lewis to waive the statutory requirement of reading the ordinance on three different dates.

Roll call vote to waive the three readings of Ordinance No. 2726 with the following results:

Voting Aye: Lewis, Benzel, Seiler,

Voting Nay: Yeager.

Motion failed.

Roll call vote for the first reading of Ordinance No. 2726 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Yeager.

Voting Nay: None.

Motion carried.

Mayor Feldges returned to participate in the remainder of the meeting.

- A Public Hearing and the first reading of Ordinance No. 2727 was the next agenda item before Council. This ordinance will authorize the rezoning request of Templo Nuevo Amanacer to rezone Lot 9 and Lot 10, Block 6, Simonson's Addition, commonly addressed as 1015 Hudson Avenue. The following background information was provided to Council:

[PROPOSAL: Templo Nuevo Amanacer (Church is requesting to rezone property to C-3 - Highway Commercial from R-3 - Multi-Family Residential.

LOCATION: The property is located at 1015 Hudson Street and is described as Lot 9 and Lot 10, Block 6, Simonson's Addition.

ANALYSIS: Templo Nuevo Amanacer began re-modeling the building on this property last year. The remodel project was put on hold in January when it was determined that they did not have proper plans as required by the State of Nebraska for an "Assembly" use, per Building Code. They did have a receipt and a tag for a building permit; however, there was no evidence of plans. Although a church is an allowed use in R-3, an addition to the front had been constructed that projected about six feet into the required setback. An application for a variance to the setback was an option, but Staff felt that supporting a rezone to C-3 was more appropriate in this situation. A church is allowed in C-3 and the front yard setback is fifteen feet versus the twenty-five feet in R-3.

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The properties to the north and to the east are zoned C-3. The property to the south is zoned C-1 Neighborhood Commercial and all properties to the west are zoned R-1 Single Family Residential. Hudson Street is the divide between commercial and residential uses in this block. The Comprehensive Plan does not designate future zoning within the City limits so provides limited guidance in this matter.

The biggest concern is probably parking requirements, but that would be true regardless of the zoning. The building was used most recently as an office/business and was apparently used as a church in the past. The Code (115-173) states that off-street parking shall only be allowable by permit from the City, although this has apparently not been an actual requirement in policy. Because the use will probably require allowing some of the parking to be on another property or on the street the matter should be on record with the hearing. As the church sits on Lot 10 and as Lot 9 will accommodate most of the parking, it seems appropriate to require that the applicant merge the two parcels through an administrative subdivision.

FEEDBACK: The public responses are in support, ranging from Commercial makes sense, to the property looks better, to disinterested. There are no concerns to the rezone request raised by City Departments.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission met on May 28 to conduct a public hearing and to consider the matter. After hearing the testimony, the Planning Commission voted unanimously to recommend approval of the request to rezone Lots 9-10, Block 6, Simonson's Addition to C-3 - Highway Commercial from R-3 - Multi-Family Residential. (The issuance of a building permit will be contingent upon merging the parcels and submitting an off-street parking plan.)]

FINDINGS OF FACT:

1. There is C-3 - Highway Commercial zoning on two sides and C-1 - Neighborhood Commercial on a third side;
2. This is the only parcel on the block that is not commercial;
3. The historical use of the property has included offices and a church;
4. The public is supportive of the request;
5. The City had permitted the start of the re-construction to use this property as a church;
6. The properties will be merged to insure that the parking area stays with the church;
7. There will be an off-street parking plan approved prior to re-issuance of a building permit.]

Mayor Feldges stated "now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the

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rezoning request of Templo Nuevo Amanacer to rezone Lot 9 and Lot 10, Block 6, Simonson's Addition, commonly addressed as 1015 Hudson Avenue.

The Public Hearing opened at 8:33 a.m. As no testimony was offered the Public Hearing was closed at 8:34 a.m.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2727 which follows in its entirety:

ORDINANCE NO. 2727

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOT 9 AND LOT 10, BLOCK 6, SIMONSON'S ADDITION, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A C-3 – HIGHWAY COMMERCIAL DISTRICT FROM A R-3 – MULTI-FAMILY RESIDENTIAL DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 115-76 of the Alliance Municipal Code is amended to provide as follows:

115-76. DISTRICT MAP ADOPTED

(a) Boundaries of the districts, as enumerated in section 115-75 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.

(b) 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 13th day of June, 2013, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, 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; and the filing and approval of a Final Plat for said property within one year of the passage of this ordinance.

Councilman Benzel stated the original use of the property was a church and questioned why they are required to rezone the property.

City Planner Marlin Johnson stated a rezone was sought by the applicant in order to meet the front yard set back requirements, as they were adding a new front portion to the building.

A motion was made by Councilman Lewis, which was seconded by Councilman Benzel to waive the statutory requirement of reading the ordinance on three different dates.

Roll call vote to waive the three readings of Ordinance No. 2727 with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote for the final reading of Ordinance No. 2727 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated the passage and adoption of the ordinance was concurred by a majority of all members elected to Council, he declared it passed, adopted and ordered it published.

- The next agenda item was a Public Hearing and the first reading of Ordinance No. 2728. The Public Hearing is at the request of Viaero Wireless to amend the zoning regulations to allow wireless telecommunications facilities in all zoning districts. The following background information was for provided for Council's consideration:

[PROPOSAL: Viaero Wireless has made application to amend the zoning regulations to allow wireless telecommunications facilities (WCF) in all zoning districts.

ANALYSIS: The Viaero letter of request, with attachments, combined with a memo sent to the Scottsbluff Planning Commission in regards to their April 8 hearing on the matter should provide a good background for the exact request and

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reasoning. The primary issue involves access to service and access to service providers in residential districts.

The Planning Commission heard and continued the matter at their April 16 hearing, primarily to provide additional opportunity to obtain public input. A special invite for public comment was posted on the City website and on the City Facebook page. Two comments have been received. One was all for the concept to enhance services. The other suggested that the City build a tower and rent the space.

Currently, the Code allows WCFs in Exclusive Agricultural, Rural Residential and all Commercial Districts as a Conditional Use. WCFs are an allowed use in M-1 Light Industrial and M-2 Heavy Industrial Districts, but limited to a height of 100 feet with a setback requirement that equals the height of the tower. In M-3 Railroad Industrial towers are not specifically listed as an allowed use but may be permitted as a Conditional Use. Taller towers or lesser setbacks may be considered and allowed in all Industrial Districts, similar to the Conditional Use permitting of the Viaero tower in a Commercial District on 3rd Street, which exceeds 100 feet in height and has a significantly lesser setback than the height.

All of our residential zones already allow building, structures and premises for public utility services as a Conditional Use. As WCFs are functionally equivalent to a public utility service, though not legally the same, it seems to be a small step to allow these facilities via the same process. This proposal would limit towers in Residential to 75 feet, with exceptions.

This proposal would be to leave the existing WCF uses in most districts as is and specifically add that they may be permitted as a Conditional Use in all Residential Districts. The proposal would require that the facilities already permitted in the Code are held to the same higher standard.

FEEDBACK: The public response has been minimal, with no objections. The only concern raised by other City Departments has been incorporated into the proposed ordinance. The City Manager did hear from former Councilman Dan Kusek, who remembered a lot of negative feedback from the public after the former tall towers went up. During that discussion both Kusek and the City Manager thought perhaps the best way to go would be to require the towers be camouflaged to look like either a pine tree, or a church steeple, or some other nearby thing or structure.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission met on May 28 to conduct a public hearing and to consider the matter. After hearing the testimony, the Planning Commission voted unanimously to recommend approval of the request to amend the ordinance as presented.

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FINDINGS OF FACT:

1. There is a need for high-capacity service in residential areas;
2. All sites in residential areas will require a special review for a Conditional Use Permit;
3. Consideration has been given to lessen potential incompatibility;
4. There have been no objections raised from the public;
5. Input from the public was solicited on the City website and Facebook page;
6. All of our residential zones allow building, structures and premises for public utility services as a Conditional Use and WCFs are functionally equivalent to a public utility service;
7. This Ordinance Amendment will bring the existing portions of the Code where WCFs are allowed to the same higher standards.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the request of Viaero Wireless to amend the zoning regulations to allow wireless telecommunications facilities in all zoning districts.

The Public Hearing opened at 8:39 a.m. No testimony was offered and the Public Hearing was closed at 8:40 a.m.

A motion was made by Councilman Benzel, to approve the first reading of Ordinance No. 2728. Motion died due to a lack of a second. Council took no additional action.

- Ordinance Nos. 2729 and 2730 were the next matters before Council. Ordinance No. 2729 will amend the Alliance Municipal Code by establishing a Board of Appeals for the Property Maintenance Code and Ordinance No. 2730 will amend the Alliance Municipal Code by providing the City of Alliance with more flexibility regarding the collection of condemnation costs with the enforcement of the Property Maintenance Code.

A motion was made by Councilman Yeager, seconded by Councilman Benzel to approve the first reading Ordinance No. 2729 which follows in its entirety:

ORDINANCE NO. 2729

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE PROPERTY MAINTENANCE CODE OF ALLIANCE, DESIGNATING THE BOARD OF HEALTH AS THE BOARD OF APPEALS FOR THE PROPERTY MAINTENANCE CODE OF ALLIANCE, AND REPEALING ANY PRIOR ORDINANCE IN CONFLICT WITH THIS ORDINANCE.

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

SECTION 1. Section 105-255 of the Alliance Municipal Code is created to state:

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“Sec. 105-155. Board of Appeals.

- (a) Any reference to the board of appeals in the in the Property Maintenance Code of Alliance shall refer to the Board of Health, as created under Section 20-1 of the Alliance Municipal Code, and the Board of Health shall act as the appellate body to the extent a board of appeals is created by, and referred to in, the Property Maintenance Code of Alliance.
- (b) The Mayor, as the chairperson of the Board of Health under Section 20-1 of the Alliance Municipal Code, shall serve as the “chairman” of the board of appeals contemplated by the Property Maintenance Code of Alliance.
- (c) The Police Chief, as the secretary of the Board of Health under Section 20-1 of the Alliance Municipal Code, shall serve as the “secretary” of the board of appeals contemplated by the Property Maintenance Code of Alliance.
- (d) A quorum of the Board of Health, as contemplated by the Property Maintenance Code of Alliance, shall consist of a majority of Board of Health members, and the Board of Health shall have the ability to conduct hearings in all cases under the Property Maintenance Code of Alliance where a quorum is present for any hearing.”

SECTION 2. Previously existing sections of Chapter 105, Article IX, and all ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth in this Ordinance are repealed.

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

A motion was made by Councilman Benzel, which was seconded by Councilman Lewis to waive the statutory requirement of reading the ordinance on three different dates.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the final reading of Ordinance No. 2729 with the following results:

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

Voting Nay: None.

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Motion carried.

Mayor Feldges stated the passage and adoption of the ordinance was concurred by a majority of all members elected to Council, he declared it passed, adopted and ordered it published.

A motion was made by Councilman Yeager, seconded by Councilman Seiler to approve the first reading Ordinance No. 2730 which follows in its entirety:

ORDINANCE NO. 2730

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE PROPERTY MAINTENANCE CODE OF ALLIANCE, ALLOWING FOR COLLECTION OF CONDEMNATION COSTS FROM THE PROPERTY OWNER BY CIVIL ACTION, AND REPEALING ANY PRIOR ORDINANCE IN CONFLICT WITH THIS ORDINANCE.

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

SECTION 1. Section 105-256 of the Alliance Municipal Code is created to state:
“Sec. 105-156. Collection of Costs.

- a) Whenever the Property Maintenance Code of Alliance allows for the collection of costs by charging the costs against the real estate upon which the condemned structure is located and by establishing a lien upon such real estate, it shall also alternatively allow for the collection of costs by proceeding against the owner of the real estate with a civil action in any court of competent jurisdiction.”

SECTION 2. Previously existing sections of Chapter 105, Article IX, and all ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth in this Ordinance are repealed.

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

A motion was made by Councilman Benzel, which was seconded by Councilman Lewis to waive the statutory requirement of reading the ordinance on three different dates.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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Roll call vote on the final reading of Ordinance No. 2730 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated the passage and adoption of the ordinance was concurred by a majority of all members elected to Council, he declared it passed, adopted and ordered it published.

- The next agenda item was the first reading of Ordinance No. 2731 which would amend the Alliance Municipal Code and grant the City of Alliance the authority to require structural upgrades or removal of underground vault space or cavities under public sidewalks at the owner's expense, if determined to be in the interest of public safety. Council was provided with the following background information:

[Introduction/Summary

As a part of the Streetscape project, three vaults were identified along the two project corridors, on the East and South side of Newberry's, on the West side of Rhodes and the old Dollar General, and on the East side of Heritage VI mall with a possible extension to the business to the south.

BACKGROUND INFORMATION

Cause/Reason

In consideration of the upcoming Streetscape project, extra attention was given to those areas that could be the source of structural challenges occurring during the sidewalk replacement. Staff consulted other cities' personnel as to how this matter was handled and the City of Grand Island shared copies of their ordinance. Attorney Kent Hadenfeldt has reviewed, commented, prepared and recommended that we consider an ordinance that pertains to the entire City, not just to the business improvement district, much as the City of Grand Island has done.

The Ordinance very simply gives the City the authority to require that the owners complete (at the owner's expense) structural upgrades or removal of vaults should it be in the interest of public safety.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve the first reading Ordinance No. 2731 which follows in its entirety:

ORDINANCE NO. 2731

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, PERTAINING TO UNDERGROUND VAULT OR CAVITY SPACE UNDER PUBLIC SIDEWALKS AND

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AMENDING CHAPTER 24 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF ALLIANCE TO ADD SECTION 24-9 RELATING TO VAULT SPACE OR CAVITIES UNDER PUBLIC SIDEWALKS, PROVIDING FOR AN EFFECTIVE DATE; REPEALING EXISTING PROVISIONS OF THE ALLIANCE CODE NOT CONSISTENT WITH THIS ORDINANCE.

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

SECTION 1. Chapter 24, Article I of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

“Section 24-9. Vaults or Cavities Under Sidewalks.

Underground vault space or cavities under public sidewalks as part of buildings located within the City are maintained solely at the sufferance of the City. The City reserves the authority to require structural upgrades or removal at the owner’s cost, if determined to be in the interest of public safety.”

SECTION 2. All Ordinances or parts of Ordinances, passed and approved prior to passage, approval, and publication of this Ordinance and conflict herewith are now repealed.

SECTION 3. This ordinance shall take effect upon its passage and approval.

A motion was made by Councilman Lewis, which was seconded by Councilman Benzel to waive the statutory requirement of reading the ordinance on three different dates.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on Ordinance No. 2731 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Feldges stated the passage and adoption of the ordinance was concurred by a majority of all members elected to Council, he declared it passed, adopted and ordered it published.

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- Resolution No. 13-69 authorizing the City of Alliance to enter into a Cooperative Agreement with the South Dakota Department of Agriculture Wildland Fire Division. This Agreement designates Alliance Municipal Airport as a Single Engine Aircraft Tank base. The following background information was provided to Council:

[The South Dakota Fire Suppression Division was awarded a “cross boundary” Federal grant from the United States Forest Service several years ago. This grant allowed South Dakota to receive funds to establish a number of SEAT bases in South Dakota and Nebraska. The established bases allow for a more rapid, initial attack on wildfires in a wider geographical area in a more efficient, cost-effective manner. Alliance Municipal Airport has been chosen as one of the sites for a SEAT Base.

The first step in a SEAT Base stationed at the Airport is to enter into a Cooperative Agreement with the South Dakota Department of Agriculture Wildland Fire Division. The agreement states that Wildland Fire will purchase and deliver the necessary fire suppression supplies to the Airport and provide labor to install tanks. The agreement also allows the ownership to be transferred to other parties or to the City as determined by Wildland Fire. If ownership is transferred to any party other than the City, the City has the right to approve or deny continued operation on its property. The City’s obligation under the agreement is to provide Wildland Fire access to its property as well as utilities during installation. The City will also provide room for training within the City or its Airport. No fees will be charged to Wildland Fire for its use of property or utilities.

Originally the City would also be signing a lease with South Dakota, however with the signing of LB 634 last week, the second step will be to enter into a lease agreement with the Nebraska Forest Service for a parcel of ground located at the Airport. The lease will be subject to a rental fee, utility fees, and the requirements under the Airport Minimum Standards.

The cost to the City for this project will be incurred in providing water to the selected site on the Airport. The site chosen is on the east side of the Maintenance Shop at the airport which does not have a water main. A number of options are being researched as to how to access water economically while providing the necessary supply to meet the demand.

In summary, this a great opportunity for the City of Alliance to expand airport services and assist in area firefighting efforts with the majority of costs assumed through Federal funding.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the Resolution No. 13-69 which follows in its entirety:

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RESOLUTION NO. 13-69

WHEREAS, The City of Alliance, Nebraska owns and operates the Alliance Municipal Airport; and

WHEREAS, The South Dakota Department of Agriculture Wildland Fire Division desires to have the City of Alliance serve as a Single Engine Aircraft Tank (SEAT) base at the City's Airport; and

WHEREAS, The SEAT base allows for a more rapid, initial attack on wildfires in a wider geographical area in a more efficient, cost-effective manner; and

WHEREAS, The Agreement provides that Wildland Fire will purchase and deliver the necessary fire suppression supplies to the Airport and provide labor to install the tanks; and

WHEREAS, The City of Alliance will be required to provide water to the SEAT base at the Airport which is proposed to be on the east side of the Maintenance Shop..

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Mayor Fred Feldges is hereby authorized to enter into the Cooperative Agreement with the South Dakota Department of Agriculture Wildland Fire Division.

Jim Strain, State of South Dakota, was present to answer any questions the Council may have regarding this matter. Mr. Strain indicated he was currently working with the communities of Valentine and Chadron in Nebraska, and Rapid City and Pierre in South Dakota on similar arrangements.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing on the Conditional Use Permit application of Marshall and Starla Endsley for the operation of a bed and breakfast in a R-1 Single Family Residential District. Resolution No. 13-63 grants approval of the Conditional Use Permit application. Council was provided with the following background information:

[PROPOSAL: Marshall and Starla Endsley are requesting a Conditional Use Permit for operation of a bed and breakfast in a District R-1 Single Family Residential Zone.

LOCATION: The property is located at 1232 Box Butte Avenue and is described as All of Lots 2 & 3, N 32.06' of Lot 4, Block 7, Box Butte Addition.

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ANALYSIS: The applicants' desire to operate a small-volume bed and breakfast from their home. They intend to have a maximum occupancy of four guests. The proposed plan may not require approval of the State Fire Marshal's Office and the Department of Health, depending upon the actual use.

The primary concerns will probably be potential impact from a couple of extra vehicles. The property is large and the home is five bedrooms which would allow for a larger number of family members than the number of occupants the operation proposes. There is more than sufficient off-street parking available. One non-illuminated sign is allowed, not more than five square feet in area, mounted flat against the wall of the building.

FEEDBACK: The public responses are all in support or disinterested. No comment has been received from other City Departments.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission met on May 28 to conduct a public hearing and to consider the matter. After hearing the testimony, the Planning Commission voted unanimously to recommend approval of the Conditional Use Permit for operation of a bed and breakfast with the following conditions:

1. Any required approval from the State Agencies be on record with the City of Alliance; and
2. Maximum guest occupancy shall be four people.

FINDINGS OF FACT:

The Municipal Code (115-138 through 115-143) states that a Conditional Use Permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support a number of conclusions. The findings are as follows:

1. The use should not be any more intense than a large family occupying the residence;
2. The use should not adversely affect the welfare or convenience of the public; Box Butte Avenue is a busy business corridor and traffic artery;
3. No one has submitted evidence that the use will cause substantial injury to the value of other property in the neighborhood;
4. The nature, size and scope of the Conditional Use will not dominate the neighborhood or prevent development of neighboring properties; the neighborhood has established residences and is near schools and parks;
5. Parking needs should not exceed those of the existing residence on a large property;
6. The property is already developed and will have no impact on existing utilities;
7. The Chief of Police and the Public Works Superintendent have not noted any concerns about traffic hazards or congestion.]

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Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the approval of the Conditional Use Permit application of Marshall and Starla Endsley for the operation of a bed and breakfast in a R-1 Single Family Residential District .

The Public Hearing opened at 8:56 a.m.

Starla Endsley, 1223 Box Butte Avenue was present to speak on behalf of the Bed and Breakfast.

No further testimony was offered and the Public Hearing was closed at 9:04 a.m.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-63 which follows in its entirety:

RESOLUTION NO. 13-63

WHEREAS, The City of Alliance, through its Community Development Department regulates building and zoning within the City of Alliance and the two mile jurisdiction; and

WHEREAS, Marshall and Starla Endsley have requested a Conditional Use Permit for All of Lots 2 and 3, and the north 32.06’ of Lot 4, Block 7, Box Butte Addition to the City of Alliance, Box Butte County, Nebraska to allow for a Bed and Breakfast business; and

WHEREAS, The Community Development office has examined the request and finds that the request to allow for the development of a Bed and Breakfast business in an R-1 – Single Family Residential District is appropriate for the granting of a conditional use; and

WHEREAS, On the 28th day of May, 2013, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for Marshall and Starla Endsley; and

WHEREAS, The Planning Commission voted to approve the Conditional Use Permit and forward the request for the Conditional Use Permit to the City Council for their review and consideration.

WHEREAS, The City Council has reviewed the request and determined that it is in the best interest of the City of Alliance and consistent with the zoning rules and regulations to grant a Conditional Use Permit for Marshall and Starla Endsley.

NOW, THEREFORE, BE IT RESOLVED that the Conditional Use Permit of Marshall and Starla Endsley for All of Lots 2 and 3, and the north 32.06’ of Lot 4, Block 7, Box Butte Addition to the City of Alliance, Box Butte County, Nebraska to allow for a Bed and Breakfast business is hereby authorized and approved with the additional conditions that any required approval from State agencies be on record with the City of Alliance and the maximum guest occupancy shall be four people.

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BE IT FURTHER RESOLVED, that the Conditional Use Permit shall be presumed inactive if the conditional use is not commenced within twelve months of June 13, 2013.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 13-64 which awards K.L. Wood and Company of Alliance, NE the bid for Schedule A and Schedule B of Phase I of the Streetscape Project in the amount of \$485,741.00. Council was provided with the following background information:

[Introduction/Summary

Upon direction of the Council at its April 25, 2013 meeting, Invitation To Bid (ITB) documents were prepared and issued and responses received for the Box Butte Avenue Historical Lighting and Streetscape (Phase One) project. Project limits (Schedules) for Phase One as included in the Bid are as follows:

Base Bid:	Schedule A:	200 Block of Box Butte
Alternate Bid Items:	Schedule B:	Third Street – One-Hundred Block, East and West to alley
	Schedule C:	Fourth Street – One-Hundred Block, East and West to alley
	Schedule D:	Newberry Vault

Background Information

The City of Alliance authorized a total of \$1,511,034 in the 2012-13 budget for the Downtown Streetscape and Historical Lighting with the details as follow:

Downtown Streetscape & Revitalization	\$1,065,000
City Match for Participating Historical Lighting	158,807
State Match for Participating Historical Lighting	<u>287,227</u>
Total Project Authorized for 2012-2013	<u>\$1,511,034</u>

The engineer's estimates for the Project from Baker and Associates dated February 25, 2013 were as follows:

Phase 1 Costs	\$ 448,045
Phase 2 Costs	<u>720,036</u>
Grand Total Cost Estimates	\$1,168,081

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The original project bid of \$590,163 from K.L. Wood was rejected at the April 5 Council meeting.

Three Invitations (ITB) were delivered and only one response was received. The received bid responses was publicly opened and read on May 21, 2013 at 2:00 PM. The sole and lowest most responsive and responsible bidder is K.L. Wood and Company of Alliance, Nebraska. The table below depicts the received bid as compared to Baker and Associates, Inc. Engineers Probable Costs Estimate as well as City Project Budget for both Phase One and Two:

PHASE ONE – DESCRIPTION	ENGINEERS ESTIMATE	K.L. WOOD BID
Schedule A	416,302.00	401,897.00
Schedule B	79,211.50	83,844.00
Schedule C	57,951.00	60,628.00
Schedule D	16,280.00	40,710.00
Totals:	569,744.50	587,079.00
City 2012-13 Project Budget – Phase One and Two (see details following)		1,511,034.00
Phase One Costs per K.L. Wood Bid		-587,079.00
Remaining 2012-13 Budget for Phase Two		923,955.00
Engineers Probable Costs Estimate for Phase Two		981,077.00
Projected Difference		-57,122.00

NOTE: A Light fixture alternate would allow a cost reduction opportunity when using a Metal Halide (MID) lamp versus an LED lamp. Cost for ten LED lamped light fixtures of \$104,000 versus ten MID lamped light fixtures at \$67,000 represents a cost reduction opportunity of \$37,000. A memo from Larry Heinrich is included in the Council packet that details a comparison of the LED and MID lamps and the expected payback from cost savings using LED.

Summary of Past Action Taken

March 7, 2013 City Council Meeting - Authorization to bid project

April 5, 2013 City Council Meeting - Rejection of bids and authorization to re-bid project

Analysis of Options

Staff is recommending approval of Schedule A and a portion of Schedule B including the 200 block of Box Butte (east and west sides) and only the south side of Third Street.

This approach allows the completion of contiguous portions of the project at this time.

The concern is that completion of the remaining side streets and especially the Newberry vault could result in costs in excess of the authorized budget for the entire Streetscape Project. Depending on the actual bids obtained later this fall for the completion of the 300 and 400 blocks of Box Butte, supplemental projects can be authorized for side streets upgrades based on remaining budget authority. The suggested Council action is for approval of Schedules A and B with the understanding that a change order will be pursued

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(and later brought back to Council for approval) to reduce the scope of Schedule B as set forth above.]

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve Resolution No. 13-64 which follows in its entirety:

RESOLUTION NO. 13-64

WHEREAS, The City of Alliance solicited bids for the construction of street lighting, concrete sidewalks and curb and gutter for the Box Butte Avenue Lighting and Site Improvements for Phase I of the Streetscape Project; and

WHEREAS, Phase I of the Streetscape Project includes work in the general area of Box Butte Avenue between 2nd and 4th Streets; and

WHEREAS, The City of Alliance received one bid from K. L. Wood and Company of Alliance, NE for this project which included four Schedules:

Base Bid: Schedule A – 200 Block of Box Butte
 Alternates: Schedule B – 3rd Street (100 Block, east and west to alley)
 Schedule C – 4th Street (100 Block, east and west to alley)
 Schedule D – Newberry Vault; and

WHEREAS, Staff believes it will be in the best interest of the City of Alliance to award Schedule A and Schedule B to K. L. Wood and Company of Alliance, NE in the amount of \$485,741.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the bid received for the Box Butte Avenue Lighting and Site Improvements – Phase I of the Streetscape Project from K. L. Wood and Company of Alliance, NE be accepted for Schedule A - \$401,897.00 and Schedule B - \$83,844.00 for a total amount of \$485,741.00.

Brett Meyer, representative from Baker and Associates was present to answer questions of Council.

Eric Lenz, Public Facilities Director gave an outline to Council on the process to begin this Phase of the Streetscape Project. He gave an estimated completion date of December 2013.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Feldges.

Voting Nay: Yeager, Seiler.

Motion carried.

- Resolution No. 13-65 granting permission to Historic Main Street to raise funds to make improvements by selling on the City's behalf, the old street lighting fixtures from Box Butte

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Avenue and the Adirondack chairs. The following background information was provided to Council:

[Historic Main Street Manager, Deborah Feller, has asked permission for Historic Main Street to assist with the disposal of the existing downtown streetlights (after they are replaced during the Streetscape project) and about two dozen Adirondack chairs presently in storage at the library. The street lamps and chairs would be sold via several creative methods and the proceeds used toward the purchase of three proposed electronic signs for the kiosk at the corner of Box Butte Avenue and Third Street. The proposal would include the renovation necessary to support the electronic signs and create a historic appearance to the kiosk. A local club has already offered \$1,000 toward the purchase price of the sign.

Legal staff has reviewed the request and while there are numerous implications with donating the streetlights and chairs to Historic Main Street, the City may allow the organization to assist with the disposal of the lights and chairs with the proceeds being used to benefit the City's downtown area. Staff supports the concept as presented.]

Deborah Feller, Historic Main Street Manager, was present and provided Council an outline of Historic Main Street, Chamber of Commerce, and Visitor Bureau's goals and ideas to increase the livelihood of downtown. Their main goal is to keep the public informed and what great opportunities our community has to offer.

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve Resolution No. 13-65 which follows in its entirety:

RESOLUTION NO. 13-65

WHEREAS, The City of Alliance has a Gifts, Bequests, and Memorials Policy which was adopted by the City Council in August of 2006; and

WHEREAS, As part of the Policy, any person or entity wishing to raise funds for use in city-owned facilities must received consent of the City Council before beginning fund raising specific to any City facility, project, or property; and

WHEREAS, Historic Main Street is requesting permission to raise funds for the purchase of three electronic 17" x 9'3" signs to replace three sides of the existing Information signage on the kiosk at the corner of Box Butte Avenue and 3rd Street; and

WHEREAS, As part of this fundraising effort, Historic Main Street would like to sell the existing street lamps on Box Butte Avenue when they are replaced with the new Streetscape designs and the Adirondack chairs which were commissioned by the City and currently in storage.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Historic Main Street is hereby given permission to fund raise for the

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purchase of electronic signs and upgrading of the City owned kiosk at 3rd Street and Box Butte Avenue.

BE IT FURTHER RESOLVED that Historic Main Street will also be allowed to act as the City's agent and sell the old street light fixtures as they become available, and the Adirondack chairs currently be stored by the City of Alliance, with the funds going towards the purchase of electronic signs and upgrading of the City owned kiosk at 3rd Street and Box Butte Avenue.

John McGhehey, 1803 Box Butte Avenue, stated he was not in favor of the street lighting fixtures being re-utilized within the parks system, as was suggested by one of the Councilmembers.

Roll call vote with the following results:

Voting Aye: Lewis, Seiler, Yeager, Feldges.

Voting Nay: Benzel.

Motion carried.

- The next agenda item for discussion was Resolution No. 13-66 which awards the replacement of the Library roof to Wildcat Roofing Co. in the amount of \$67,724.00. Council was provided with the following background information:

[The Library Learning Center 2012-13 budget includes funds for roof replacement. The amount budgeted for this project is \$75,000. Invitation to Bid 71-77_3-2013 for the replacement of the Library Learning Center Roof was issued March 13, 2013. Below is a bid tab detailing the bids that were opened April 2, 2013 at the Knight Museum & Sandhills Center.

Roofing Company	Bid Received	Bid Amount
Wildcat Roofing	4/2/2013	\$57,574.00
Tri-State Roofing	4/2/2013	\$69,850.00
Drury Brothers	4/2/2013	\$82,911.25
Fisher Roofing	4/2/2013	\$83,080.00
Weathercraft Co. of Scottsbluff	4/2/2013	\$85,630.00
Lang Roofing	3/28/2013	\$95,275.00

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Staff recommends the bid be awarded to Wildcat Roofing in the amount of \$67,724. This amount includes an additional \$10,150 to upgrade to Malarkey Legacy shingles. This upgrade in roofing material is advised because the location of the Alliance Learning Center has proven to make the building extremely vulnerable to high winds and storm damage. Several contractors recommended the shingle upgrade in their bids inasmuch as the Malarkey Legacy is a 30-year rated, rubber-modified asphalt shingle which should provide additional resistance to wind and hail damage.

Several references were included as a part of the bid package from Wildcat Roofing. Those references have been contacted and positive feedback was received regarding quality of work by Wildcat Roofing. The bid includes a five-year warranty on workmanship.

Due to extensive damage to the existing roof, the City of Alliance will receive \$59,407.01 from insurance to offset the cost of this project. The 2012-13 budget includes \$75,000 to replace the roof at the Library Learning Center. Completion of this project will not require the use of the full budgeted amount and will allow funding of limited door and window replacement and landscape edging/mulch at the Library Learning Center.]

A motion was made by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 13-66 which follows in its entirety:

RESOLUTION NO. 13-66

WHEREAS, The Alliance Library/Learning Center is owned and operated by the City of Alliance; and

WHEREAS, The Alliance Library/Learning Center received roof damage due to a wind storm which now requires the replacement of the roof; and

WHEREAS, The City of Alliance advertised for roofing services and received six bids with the lowest, responsive and responsible bid being received from Wildcat Roofing Company in the amount of \$57,574.00; and

WHEREAS, Staff is recommending the bid be awarded to Wildcat Roofing Company with an upgrade to Malarkey Legacy shingles in the amount of \$10,150.00 for a total of \$67,724.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Wildcat Roofing Company be awarded the Alliance Library/Learning Center roof project in the amount of \$67,724.00 which includes the upgrade to Malarkey Legacy shingles.

Roll call vote with the following results:

Voting Aye: Lewis, Feldges, Benzel.

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Voting Nay: Yeager, Seiler.

Motion carried.

- The next matter for Councils consideration was Resolution No. 13-67 approving the Supplemental Agreement No. 1 to the Preliminary Engineering Services Agreement with Baker and Associates for the Streetscape Project. City Manager Cox provided the following background information:

[Introduction/Summary

The attached Supplemental Agreement Number One between the City of Alliance and Baker and Associates, Inc. is to include additional National Environmental Policy Act (NEPA) documentation to aid in the production of final construction plans and specifications for the Box Butte Avenue Historical Lighting and Streetscape project.

Background Information

The Nebraska Department of Roads (NDOR) has oversight of Federal Aid Transportation projects for Local Public Agencies (LPA) including Alliance. The process requires a number of specific steps to be followed before funding is authorized and appropriated. The creation of a resolution for the execution of this Engineering Services Agreement, Supplement Number One is one of the necessary steps.

Following is a recap of the engineering costs under the Agreement and Supplement:

Original Agreement	\$85,822.38
Supplemental Agreement	<u>5,145.75</u>
Current Total	<u>\$90,968.13</u>

Past Action Taken

The Engineering Services Agreement, Supplement Number One is a supplement to the second of four major agreements for the Federal Aid Transportation Projects as detailed below:

1. Project Program Agreement between the City and NDOR
2. Preliminary and Final Design Engineering Agreement between the City and Engineer
3. Construction Services Agreement between the City and Contractor
4. Construction Engineering Agreement between the City and Engineer
5. The Project Program Agreement was approved by Council April 14, 2011 with the original Engineering Agreement being approved May 17, 2012.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-67 which follows in its entirety:

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RESOLUTION NO. 13-67

WHEREAS, City of Alliance and Baker & Associates, Inc. have previously executed a Preliminary Engineering Services Agreement (BK1270) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds; and

WHEREAS, City of Alliance understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

WHEREAS, City of Alliance and Baker & Associates, Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Fred Feldges, Mayor of the City of Alliance, Nebraska is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 1 between the City of Alliance and Baker & Associates, Inc.

BE IT FURTHER RESOLVED the City of Alliance is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

NDOR Project Number: ENH-6257(2)

NDOR Control Number: 51453

NDOR Project Description: Box Butte Ave Historic Lighting

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Seiler, Feldges.

Voting Nay: Yeager.

Motion carried.

- Resolution No. 13-68 authorizing Mayor Feldges to sign the Federal Funds Purchase Program Supplemental Agreement No. 1 on the City's behalf, was the next item for Council's review. The following information background information was provided to Council:

[The Federal Funds Purchase Program (FFPP) was established in 2011 to provide a way for the Nebraska Department of Roads (NDOR) to purchase federal funds currently used by cities. The current Federal Transportation Bill (MAP-21 or Moving Ahead for Progress in the 21st Century Act) eliminated the Highway Bridge Program (HBP) funding category which the current signed agreement specified as eligible funding therein. The Department of Roads intended to replace the Highway Bridge Program funds from other Federal funding categories

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allowing the continuance of funding for City repair and non-routine maintenance of bridges.

The recommended supplement allows for the change in funding methods and adds the necessary stipulations regarding bridge inspection standard compliance. Execution of the supplement agreement allows the City to continue to be eligible to receive distribution of State cash designated for bridge repair and maintenance, if and when appropriate.]

A motion was made by Councilman Seiler, seconded by Councilman Lewis to approve Resolution No. 13-68 which follows in its entirety:

RESOLUTION NO. 13-68

WHEREAS, In 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as “the Original Agreement”) that provided for the State to purchase at a discount LPA’s share of certain Surface Transportation Program Funding (hereinafter referred to as “STP”) and the Highway Bridge Program (hereinafter referred to as “HBP”) federal-aid funds that had been available to Nebraska LPAs; and

WHEREAS, Later in 2012, the Federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and

WHEREAS, The parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other Federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, It has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues; and

WHEREAS, The City of Alliance and the Nebraska Department of Roads (NDOR) wish to enter into Supplemental Agreement No.1 setting out the necessary modifications to the Original Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, by this resolution, hereby authorizes Fred Feldges, Mayor of the City of Alliance, Nebraska to sign the Federal Funds Purchase Program Supplemental Agreement No. 1 between the City of Alliance and the NDOR.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- The next agenda item before Council was Resolution No. 13-70 authorizing Mayor Feldges to sign the necessary documents in order to complete the funding to Box Butte Development Corporation for assistance pursuant to the Economic Development Plan, for the purchase of approximately 32 acres of real estate. Council was provided with the following background information:

[Introduction/Summary

To accommodate the new industrial park being proposed by BBDC in conjunction with a grant received from the Nebraska Department of Economic Development (NDED), it is necessary to release a LB 840 lien on property owned by Tridako. BBDC now has a potential buyer for a portion of the land.

Background Information

A lien was placed on a parcel of 55.23 acres of land (including both improved property and unimproved land) in conjunction with a LB 840 loan funded for Tridako Company in September 2008.

The map of the proposed industrial park appears on the right. With the top being north, the southwest corner shows the current development that houses the Perrin and Tridako operations. This tract of 9.52 acres includes all of the improvements while the other 45.71 acres have not been improved.

A 14.47 acre parcel of land was released at the direction of Council to secure the \$75,000 initial loan to BBDC earlier this year.

In order for the development of the new industrial park to proceed, the Kochs and their related business interests must have clear title allowing sale of the remaining tract (31.24 acres) to BBDC. Once the transfer is completed, BBDC will in turn develop the land with the NDED financial assistance and then be able to sell the lots to expanding companies. The City of Alliance will maintain a security interest behind the first lien of First National Bank in the developed tract including 9.52 acres and the industrial improvements housing the operations for Perrin and Tridako.

The Tridako LB840 loan originated in September 2008 with an advance of \$200,000, including \$100,000 as forgivable if the specified employment levels were reached and maintained. The Tridako loan is current at this time with a remaining balance of \$165,000. The final status of the forgivable loan can not be determined until after 12/31/2013.

Further History & Information

As shown below, the total BBDC industrial park grant application was for \$647,400, with one-half the amount (or \$323,700) coming from local LB840

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Funds. City attorneys have issued an opinion that this use of funds is consistent with State law as well as our local Economic Development Plan 2012-2022. In the grant application, a location near Perrin Mfg. was identified as a possible site for future development. It was also cited as ideal for any trade related to manufacturing, transportation or value added agriculture. The site has both the rail and highway accessibility and is in close proximity to the Alliance Municipal Airport as well as agricultural land.

ORIGINAL DED APPROVED GRANT PROJECT

Activity	SBDF	Matching Funds	Total Funds	Sources of Matching
Land and Building Acquisition	125,000	125,000	250,000	LB840
Building Construction or Rehab				
Public Fac. & Improvements				
Site Preparation				
Streets	37500	37500	75000	LB840
Storm Sewers				
Sanitary Sewers	11500	11500	23000	LB840
Natural Gas				
Water Source/Well Distribution	129,700	129700	259,400	LB840
Electrical Substation / Distribution				
Telecommunications				
Infrastructure Dev -other Planning				
Engineering				
Others -describe	20000	20000	40000	LB840
TOTAL	\$323,700	\$323,700	\$647,400	

History of Council Action

Following is a recap of the Council action beginning at the bottom with the project approvals on 5/17/2012:

6/14/13	City	Payment	If EDPARC & Council Approve -Up to \$286,200	
6/13/13	Council	Consider	Lien Release - 31.24 Acres on Previous Tridako Loan	
6/03/13	EDPARC	Approved	Lien Release - 31.24 Acres on Previous Tridako Loan	Unanimous
3/22/13	City	Payment	Issued for \$75,000	Ck # 88847
3/21/13	Council	Approved	Lien Release - 14.47 Acres on Previous Tridako Loan	Res 13-33
3/15/13	EDPARC	Approved	Lien Release - 14.47 Acres on Previous Tridako Loan	Unanimous
5/17/12	Council	Approved	\$75,000 Loan for 15 Acres (Funds Advanced)	Res 12-36
5/17/12	Council	Approved	\$286,200 Loan for 35 Acres (Advance Pending)	Res 12-37

Cause/Reason

On June 3, the Economic Development Program Application Review Committee (EDPARC) met and voted unanimously (4-0) to recommend to City Council that sufficient collateral value exists on the developed SW lot to secure the

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approximately \$100,000 lien and that the remaining 35-acre parcel be re-conveyed back to the Dan and Patricia Koch so that they can be sold to BBDC.

Staff concurs and agrees with this finding by the EDPARC.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-70 which follows in its entirety:

RESOLUTION 13-70

WHEREAS, The voters of the City of Alliance approved an Economic Development Plan which had been adopted by the City Council in 2001 and in 2010, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738; and

WHEREAS, The application of Box Butte Development Corporation (“BBDC”) has been approved for assistance pursuant to the Economic Development Plan, to purchase approximately 32 acres of real estate to be developed for use by a qualifying business pursuant to the requirements of the Economic Development Plan; and

WHEREAS, In order for the City to complete the transaction with Box Butte Development Corporation a Partial Deed of Reconveyance is required.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to sign the Partial Deed of Reconveyance for property owned by Dan A. Koch and Patricia L. Koch, as husband and wife, and Tridako, Ltd. and Perrin Manufacturing, Inc.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The final discussion items on Council’s agenda were board appointments.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to appoint Ralph Rhoads to serve on the Planning Commission for a term expiring December 31, 2015.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Lewis to appoint Byron J. Reed to the temporary Community Garden Board for the 2013 season.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to reappoint Richard A. Robb to serve on the Economic Development Plan Application Review Committee with a new term expiring June 30, 2016.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Lewis to reappoint John McGhehey to serve on the Economic Development Plan Application Review Committee with a new term expiring June 30, 2016.

Roll call vote with the following results:

Voting Aye: Yeager, Lewis, Feldges, Seiler, 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 10:08 a.m.”

(SEAL)

Fred Feldges, Mayor

Linda Jines, City Clerk