

July 25, 2013

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, THURSDAY, JULY 25, 2013

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

The Alliance City Council met in a Regular Meeting, July 25, 2013 at 8:00 a.m. at the Alliance Learning Center, 1750 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on July 18, 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 July 25, 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 Handenfeldt, and City Clerk Jines.

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

CONSENT CALENDAR – JULY 25, 2013

1. Approval: Minutes of the Regular Meeting, July 11, 2013.
2. Approval: Payroll and Employer Taxes for the period June 22, 2013 through July 5, 2013 inclusive: \$190,588.71 and \$13,569.57 respectively.
3. Approval: Claims against the following funds for the period July 5, 2013 through July 18, 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; \$460,705.89.

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4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending June 30, 2013. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Approval: Addendum to the Agreement for Contribution with the Chamber of Commerce to extend the current term through September 30, 2013. This will have the Contribution Agreement coincide with the City's fiscal year.
6. Approval: Special Designated Liquor License for Kloch's Liquor LLC to host a wedding reception at the Knight Museum and Sandhills Center on August 31, 2013 starting at 6:00 p.m.
7. Approval: Updating the roster of the Alliance Volunteer Fire Department by adding Samantha Jo Jackson and Timothy Peterson.
8. Approval: Acceptance of a Quitclaim Deed from Dawn "Dede" DeVeny for the East One Half (E1/2) Lot Fourteen (14), Section Eight (8), Block Twenty (20), Third Addition to the Alliance Cemetery and reissue the same to Jeffrey N. DeVeny and Cheryl E. DeVeny.

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.

- City Manager J.D. Cox gave his City Manager's Report in outline form:
  1. Storm – 7/24
    - A. Electric
      - Outage – All repaired and up by 6pm
      - Lightning struck pole on 18<sup>th</sup> Street (between Emerson & Platte); fire
      - Isolated area; Temporary fix
      - Lightning hit another couple of poles outside of town
    - B. Water - Damage - Lightning has caused major damage to Elkhorn well and plant, main Scada radio and possibly more
  2. Sale of Lot Requests:
    - A. Property North of Buchfinck 16<sup>th</sup> to 18<sup>th</sup>

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- B. 2<sup>nd</sup> & Niobrara for vehicles storage; probably not good to sell ...  
public parking
  - 3. Condemnations/Dangerous Structures –  
Toad's condemned on Tuesday
  - 4. Heritage Days - Very Successful & City Staff assisted in a number of  
ways
  - 5. Staffing:
    - A. Reorganization –
      - Community Development:
      - Marlin Johnson resigning
      - Shelbi Matthews on leave
      - Baker & Associates – great job – fairness; consistency –  
accomplished.
      - Working on Community Development
      - Linda Jines provide oversight
      - More to come....
    - B. Water –
      - 3 Employees attending certification
  - 6. NDOR has approved landscaping plans with Kevin Howard for entryway  
beautification
  - 7. Boards:
    - A. Planning Commission:
      - No meeting
    - B. Board of Adjustment (Fire Chief serving)
      - Met Tuesday –
      - Training; Reorientation
      - Needs two members
    - C. Civil Service Commission:
      - Reorientation Meeting on Tuesday
    - D. Board of Health (Mayor, Vice Mayor, CM, Police Chief, & Dr)
      - Appeal scheduled 8/6 @ 1:30
  - 8. Hotel Occupation Taxes have all been paid
  - 9. Alliance is hosting the State Baseball Tournament this weekend
  - 10. August 17<sup>th</sup> the City of Alliance will be hosting the Nebraska State Fly-  
In at the Alliance Municipal Airport
- A Public Hearing and the first reading of Ordinance No. 2733 was the next  
agenda item before Council. This Public Hearing was for the approval of the vacation of  
an alley which runs north and south between Lots 15 and 16, Block 23, Original Town,  
Alliance, Nebraska. The following background information was provided to Council:

[PROPOSAL: Alliance Grocery Kart, Inc. is requesting the City to vacate  
the platted alley lying east of the store building.

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**LOCATION:** The alley lies between Lot 15 and Lot 16, Block 23, Original Town of Alliance.

**ANALYSIS:** Alliance Grocery Kart, Inc. originally desired to vacate this portion of alley to construct a walkway/hallway to connect the existing structure with a proposed structure on the other side of the alley. Alternatively, they would have accepted an easement to construct across the alley. There are existing sewer and gas main lines in the alley and overhead electrical lines.

The possibility of having the Council consider a Local Variance to the Building Code per Section 105-3 of the Municipal Code has been discouraged by the City Building Official, City Engineer and City Attorney.

The current plan involves the applicant paying to relocate the gas line and the sewer line. The Electric Superintendent has confirmed that re-locating electrical service lines should be a minor matter. Merging the parcels will eliminate lot lines and setback issues. Moving the utilities, vacating the alley and merging the parcels will allow a more efficient building design. This proposal does not affect the Long Range Transportation Plan.

**FEEDBACK:** The responses from the public are in favor of the request or disinterested. There are no concerns to the current plan to vacate the alley expressed by City departments or Source Gas.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission met on July 9<sup>th</sup> 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 vacate the alley with the stipulations that:

1. The sewer and gas mains will be re-located at the expense of the applicant;
2. Easements be granted as needed per the requirements of the Sewer & Water Superintendent and Source Gas;
3. Easements for electric service be granted as needed per the requirements of the Electric Superintendent; and
4. The parcels be merged to eliminate lot lines.

**FINDINGS OF FACT:**

1. All utility mains and services will be re-located;
2. The lots will be merged;
3. There will be no need to build across an easement;
4. The properties will be more favorably developed.

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**RECOMMENDATION:**

Approve Ordinance on first reading to vacate the alley between Lots 14 and 16, Block 23, Original Town of Alliance.]

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 vacation of an alley which runs north and south between Lots 15 and 16, Block 23, Original Town, Alliance, Nebraska and opened at 8:16 a.m.

Steve Stumpf, 9011 Muskrat Drive, Beaver Lake, NE, co-owner of the Alliance Grocery Kart, Inc., was present to speak on behalf of the vacation of the alley. He explained to Council their plans and answered questions and concerns of Council.

City Manger Cox requested Mr. Stumpf and his colleagues submit design plans for the sewer line so they may be reviewed to ensure that it will be feasible to have the sewer line removed and relocated.

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

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2733. City Clerk Jines read the Ordinance by title which follows in its entirety:

**ORDINANCE NO. 2733**

AN ORDINANCE OF THE CITY OF ALLIANCE, VACATING THE ALLEY THAT LIES BETWEEN LOTS 15 AND 16, BLOCK 23, ORIGINAL TOWN 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. Alliance Grocery Kart, Inc. has made an application to the City of Alliance to vacate the alley that lies between Lots 15 and 16, Block 23, Original Town to the City of Alliance, Box Butte County, NE alley.

SECTION 2. The purpose of the vacation is to allow the Alliance Grocery Kart, Inc. to expand their facility. The owners of the Alliance Grocery Kart, Inc. will be relocating the gas line and the sewer line which are located in the alley at their expense. Following the vacation the owners will be merging property to allow for an efficient building design.

SECTION 3. The City Council finds it is in the best interest of the City that the alley described above is vacated and that the City of Alliance will not retain ownership.

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SECTION 4. The above-described alley is now vacated.

SECTION 5. This Ordinance shall take effect and be in force following its passage, approval, and publication as required by law.

Roll call vote on the first reading of Ordinance No. 2733 with the following results:

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

Voting Nay: None.

Motion carried.

- Council next conducted a Public Hearing and passed the first reading of Ordinance No. 2734. This Public Hearing was for the approval of the rezoning request of Syndicate Block Company for the property located east of Cody Avenue and north of Kansas Street from C-3 Highway Commercial to M-2 Heavy Industrial. The following background information was provided to Council:

[PROPOSAL: Dan Dickinson, representing Syndicate Block Company, is requesting to rezone property to M-2 Heavy Industrial from C-3 Highway Commercial.

LOCATION: The property is located east of Cody Avenue and north of Kansas Street and is described as part of the SW 1/4 of Section 35, T25N, R48W.

ANALYSIS: The applicant desires to sell this parcel of approximately 12.32 acres, ostensibly for a concrete batching plant. Such use is not allowed in C-3 but is permitted in M-2.

The properties to the east are zoned M-2 and the properties to the north and to the west are zoned C-3. There are four properties to the south zoned R-1 Single Family Residential, but they are bordered by Industrial zoning to the east and to the west. The Comprehensive Plan does not designate future zoning within the City limits so provides limited guidance in this matter.

FEEDBACK: No comments have been received from the public. There are no concerns to the rezone request raised by City Departments.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission met on July 9 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

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rezone to M-2 Heavy Industrial from C-3 Highway Commercial a tract of land described as follows:

Beginning at the southeast corner of Block 6, Syndicate Addition to the City of Alliance, as recorded in the Box Butte County records; thence, on the south line of said block 6, N89°41'48"W to the southwest corner of said Block 6, being a distance of 388.28 feet; thence, on the easterly right-of-way line of Cody Avenue, as dedicated, S00°31'18"W to the northwest corner of a tract of additional right-of-way as recorded on Slide No. 177 of the Box Butte records, being a distance of 1409.71 feet; thence, on the north line of said additional right-of-way, S89°51'41"E to the northeast corner of said addition right-of-way, being a distance of 373.33 feet; thence, on the east line of said southeast quarter and the west line of Hoxworth Addition, as recorded in the Box Butte records, N01°07'49"E for a distance of 1408.78 feet to the point of beginning, containing an area of 12.32 acres, more or less.

**FINDINGS OF FACT:**

1. There is M-2 zoning along more than 1,300 feet of east side of this property;
2. There is C-3 Highway Commercial zoning on two other sides;
3. There is a significant amount of other Industrial Zoning in the general vicinity;
4. The property is near the rail yard;
5. There is good access for trucks to this property from both Kansas Street and from Cody Avenue.

**RECOMMENDATION:** Approve Ordinance on first reading for rezoning of property to M-2 Heavy Industrial.]

Mayor Feldges stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the rezoning request of Syndicate Block Company for the property located east of Cody Avenue and north of Kansas Street from C-3 Highway Commercial to M-2 Heavy Industrial. He opened the public hearing at 8:27 a.m.

Dan Dickinson, 2585 Country Club Road, Gering, NE was present to speak on behalf of the rezoning. He explained to Council the buyer's plans for potentially developing a cement batch plant on the property.

Brian Marchant, General Manager of Croell Redi-Mix, Sundance, WY was present to answer questions or concerns of Council.

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No further testimony was offer and the Public Hearing closed at 8:35 a.m.

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. 2734 with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve the final reading of Ordinance No. 2734. City Clerk Jines read the Ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2734

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 A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 6, SYNDICATE ADDITION TO THE CITY OF ALLIANCE, AS RECORDED IN THE BOX BUTTE COUNTY RECORDS; THENCE, ON THE SOUTH LINE OF SAID BLOCK 6, N89°41'48"W TO THE SOUTHWEST CORNER OF SAID BLOCK 6, BEING A DISTANCE OF 388.28 FEET; THENCE, ON THE EASTERLY RIGHT-OF-WAY LINE OF CODY AVENUE, AS DEDICATED, S00°31'18"W TO THE NORTHWEST CORNER OF A TRACT OF ADDITIONAL RIGHT-OF-WAY AS RECORDED ON SLIDE NO. 177 OF THE BOX BUTTE RECORDS, BEING A DISTANCE OF 1409.71 FEET; THENCE, ON THE NORTH LINE OF SAID ADDITIONAL RIGHT-OF-WAY, S89°51'41"E TO THE NORTHEAST CORNER OF SAID ADDITION RIGHT-OF-WAY, BEING A DISTANCE OF 373.33 FEET; THENCE, ON THE EAST LINE OF SAID SOUTHEAST QUARTER AND THE WEST LINE OF HOXWORTH ADDITION, AS RECORDED IN THE BOX BUTTE RECORDS, N01°07'49"E FOR A DISTANCE OF 1408.78 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 12.32 ACRES, MORE OR LESS IS NOW INCLUDED AS M-2 – HEAVY INDUSTRIAL FROM A C-3 – HIGHWAY COMMERCIAL DISTRICT, AND REPEALING PRIOR SECTIONS.

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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 25th day of July, 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.

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 on the final reading of Ordinance No. 2734 with the following results:

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

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 second reading of Ordinance No. 2732 which grants approval of the Preliminary and Final Plats of Blocks 1 and 2, Blakeman

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Subdivision to the City of Alliance, Box Butte County, Nebraska. The following background information was provided to Council:

[PROPOSAL: Virgil & Geraldine Blakeman are requesting approval of a Preliminary Plat and a Final Plat to subdivide property.

LOCATION: The property is west of Ramblin Road and north of the unconstructed stretch of 6th Street, located in the NW1/4 of the NW1/4 of Section 35, T25N, R48W.

ANALYSIS: The request is to create a one acre parcel that is in the process of being rezoned to M-1, having passed the second reading, leaving a parcel of approximately 3.7 acres. The request cannot be processed as an administrative subdivision as it is currently unplatted and as all public improvements are not in place. 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. No comments were received from City Departments.

PLANNING COMMISSION RECOMMENDATION (Preliminary Plat): The Planning Commission met on June 11<sup>th</sup> to conduct a public hearing and to consider the matter. After hearing the testimony, the Planning Commission voted unanimously to recommend approval of the Preliminary Plat, including, waiving the requirements for: (1) relation to established section lines or fractional section line, (2) direction of surface water drainage and (3) approximate gradient of streets.

**FINDINGS OF FACT:**

1. Sufficient information has been submitted to approve the Preliminary Plat;
2. City Departments have reviewed the request and noted no objections.

FINAL PLAT ANALYSIS: Staff consensus is to recommend waiving the installation or bonding of 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 public improvements in the future.

The future 6<sup>th</sup> Street right-of-way is existing and necessary easements for future development and extensions of services are included on the Plat with a 20 foot wide utility easement along the east side of the properties and a 15 foot wide utility easement along the north side of the properties. The north easement can be expanded if and when the property to the north is proposed for development.

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**PLANNING COMMISSION RECOMMENDATION (Final Plat):**

The Planning Commission met on June 11<sup>th</sup> 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 a 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;
3. Future public interest is secured via the Contract;
4. Development of this area is highly likely.

A Contract has been signed by the Owner whereby the subdivider and future successors waive any rights to protest with respect to construction and special assessments for the public improvements in the future.

**RECOMMENDATION:** Approve Ordinance for the Preliminary and Final Plats of Blocks 1 & 2, Blakeman Subdivision. Council may want to consider waiving the statutory requirement of reading the ordinance on three different dates as the contract for public improvements has been signed and received. By waiving the third reading of this ordinance, council can proceed to take action on the final reading of the rezoning ordinance.]

A motion was made by Councilman Yeager, seconded by Councilman Benzel to approve the second reading of Ordinance No. 2732. City Clerk Jines read the Ordinance by title which follows in its entirety:

**ORDINANCE NO. 2732**

**AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL PLATS OF BLOCKS 1 & 2, BLAKEMAN SUBDIVISION, A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6<sup>TH</sup> P.M., 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 Blocks 1 & 2, Blakeman Subdivision to the City of Alliance, Box Butte County, Nebraska from Virgil and Geraldine Blakeman, as landowners.

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SECTION 2. The Planning Commission held a public hearing June 11, 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 June 11, 2013 and conducted a Public Hearing on the Final Plat of Blocks 1 & 2, Blakeman Subdivision of 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 Blocks 1 & 2, Blakeman Subdivision 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.

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

Roll call vote for the second reading of Ordinance No. 2732 with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2725 approving the Rezoning Request of Virgil and Geraldine Blakeman to rezone a one-acre parcel on the west side of Ramblin Road from R-4 Residential Mobile Home Park to M-1 Light Industrial was the next item for discussion. The following background information was provided to Council:

[PROPOSAL: Virgil & Geraldine Blakeman are requesting to rezone property to M-1 Light Industrial from R-4, Residential Mobile Home Park.

LOCATION: The property is a proposed one acre parcel on the west side of Ramblin Road several hundred feet north of East Sixth Street. If the rezoning is approved the property would need to be subdivided from a parcel

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of approximately 4.7 acres in size in the NW¼ NW¼ of Section 35, T25N, R48W.

**ANALYSIS:** The remainder of the parcel would remain R-4 with the existing mobile home park about 200 feet to the west. Properties to the north and to the south are zoned C-3 Highway Commercial and are undeveloped. Property to the east is zoned R-1 Single Family Residential with established homes and property to the northeast is zoned M-2. The subject property is undeveloped.

The purpose of the rezone is to erect a storage building. As there is already M-2 property essentially adjacent to the property, it is reasonable to consider M District zoning. The area is already a mixture of zoning and land uses. The Comprehensive Plan does not designate future zoning within the City limits so provides limited guidance in this matter.

Access to the property would be from Ramblin Road. The property owners have signed a Contract for Public Improvements which will require the property owner(s) to construct the improvements, including street, curb, gutter, sidewalk, sanitary sewer and water improvements when required by the City.

**FEEDBACK:**

The few written responses include one in support, one disinterested and one in objection due to the proximity of single-family residences and residential zoning, noting concerns about adverse effect on property values. No objections were voiced at the Planning Commission meeting. There were no concerns to the rezone request raised by City departments.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission met on April 16<sup>th</sup> 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 to M-1 - Light Industrial from R-4 - Residential Mobile Home Park approximately one acre of land in the northeast corner of the existing parcel located in part of the NW¼ NW¼ of Section 35, T25N, R48W.

**FINDINGS OF FACT:**

1. There is M-2 Heavy Industrial zoning immediately to the northeast and C-3 Highway Commercial zoning to the north and south;
2. The area is already a mixture of land uses and zoning;
3. There are no voiced objections and only one written objection, and the objecting party is not adjacent to the portion of the parcel proposed for rezoning.

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RECOMMENDATION: Approve Ordinance, as amended on third reading for the rezoning of one acre parcel as described]

A motion was made by Councilman Benzel, seconded by Councilman Yeager to table action on Ordinance No. 2725 until our next meeting.

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. 13-74 which authorizes the City to enter into leases with private businesses located in the airport are to participate in the way finding signage located at the corner of Highway 2 and CR 57. City Manager Cox provided the following background information to Council:

[Summary introduction -

As part of the way finding signage system implementation, the sign at the corner of Highway 2 and CR 57 (airport corner) was identified as in need of updating. This sign serves the businesses located on the airport property as a reference point where to turn to deliver supplies or receive services. Inquiries to the Nebraska Department of Roads (NDOR) prompted the discovery that the existing sign did not have a current permit from the NDOR and as such had been declared illegal. The personnel at the Department of Roads originally indicated that the City would be required to remove the sign.

Background Information -

As City personnel delved into the history of the sign starting in the fall of 2011, it was determined that the sign has been at the corner since the existence of the airfield base. Although it could not be proven, an undated photo (shown above) was located at the Knight Museum from the mid-50s at the time the City took possession of the airport property.

Further investigation in the Box Butte County Courthouse revealed no records regarding the sign nor any filed signed leases for the property. The only record of the sign was in 1998 when the State of Nebraska paid the City of Alliance to move the sign to its present location when NDOR widened Highway 2.

After being supplied with the 1998 sign relocation information, the NDOR decided to consider the sign a nonconforming Class III sign and approved the City's request for a permit the first part of June 2013.

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Staff has received permission from the State of Nebraska and the landowner (Madelyn Boyer) to keep the sign at its present location.

Nebraska Department of Road rules for a nonconforming Class III sign will not allow any changes to the size of the sign. If one support pole fails, it may be repaired; however, if both poles fail, the sign may not be erected again. Permission for any changes to the sign (including lighting fixtures) must be obtained from NDOR. The sign may not be moved or changed in the structure although the panel messages/colors may be changed. A full list of the rules for a Class III nonconforming sign is included in the Council packets.

Cause/Reason-

Because this sign includes for-profit businesses, it cannot be considered a Class ID (official City sign) but must be a Class III (commercial sign) which carries a fee of \$15 every two years. As there is a permit fee required on this sign due to the private businesses included thereon combined with the fact that the City is not allowed to bear the expense for the for-profit businesses, the fee must be ultimately paid by the businesses.

Therefore, City staff has produced a lease for the private businesses on the airport property to provide yearly payments to cover the permit fees and to reimburse the City for production and maintenance of the panels on the sign.

Each of the seven (108" X 20") double-sided panels on the sign will cost \$911. To reimburse the city's cost and to provide for maintenance and upkeep of the signs and to provide funds to replace the signs in the future, staff is proposing a 10-year lease with the businesses at \$150 per year for a full panel and \$75 per year for a half panel with a renewal clause in 10 years. The life expectancy of each sign is expected to be greater than 15 years.

The attached resolution authorizes City staff to obtain signed leases (a draft of which is also included in the packet) from the airport businesses and the mayor to sign the leases on behalf of the City. It will also permit staff to contract to produce and replace the sign panels and bill the Airport businesses. Any requested changes to the initial leases will be brought before Council for approval.

Recommendation – approve resolution authorizing the Mayor to sign the approved leases and for staff to replace sign panels and bill businesses.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-74 which follows in its entirety:

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RESOLUTION NO. 13-74

*WHEREAS*, The City of Alliance owns the Way Finding Sign at Highway 2 and CR 57; and

*WHEREAS*, The City of Alliance is desiring to upgrade this sign to match the recently initiated way finding signage throughout the community; and

*WHEREAS*, The Nebraska Department of Roads oversees the rules and regulations for this type of signage, and since the signage includes for-profit businesses permitting fees are required; and

*WHEREAS*, In order to provide signage to the private businesses, the City has produced an Advertising Sign Lease for the businesses to participate and assign fees.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign Advertising Sign Leases with the current businesses located around the Airport property which desire to continue to be listed at the Way Finding Sign at Highway 2 and CR 57.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 13-75 which awards the Property & Casualty insurance bid to Gregory's Insurance, Inc., in the amount of \$489,617.00. City Manager Cox provided the following information for Council:

[The City of Alliance has contracted with Gregory's Insurance, Inc. since 2011 to provide property and casualty insurance coverage with Traveler's Insurance for the primary insurance package and with Phoenix Aviation for the airport general liability policy. Insurance industry recommendations are that property and casualty coverage be bid every three to five years.

The policy will renew for an additional year on August 1, 2013 at a quoted price of \$489,617. This represents an overall increase of 11.9% over the prior year premium of \$437,419. The largest increases are in employment-related practices liability with a 40% increase and workers compensation with a 15% increase due to the City's recent experiences in these areas.

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Recommendation: approve resolution authorizing the acceptance of the insurance quotation and subsequent underwriting and payment.]

Maladonn Schuman and Marty Peterson, representatives from Gregory's Insurance, Inc. were present to discuss this year's insurance renewal rates.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-75 which follows in its entirety:

RESOLUTION NO. 13-75

*WHEREAS*, The City of Alliance recognizes the importance of purchasing insurance to protect against significant loss which affect the budget and would impact the operation of the City of Alliance; and

*WHEREAS*, The City desires to provide the best protection at the lowest cost to give the taxpayers the most insurance for their taxpayer dollar; and

*WHEREAS*, The City of Alliance entered into a contract with Gregory's Insurance, Inc. to provide Property and Casualty insurance coverages with Traveler's Insurance as the package provider and Phoenix Aviation, who provides the Airport General Liability policy; and

*WHEREAS*, The City's coverages and premiums have been reviewed by Gregory's Insurance, Inc. and they have made a recommendation for the renewal of policies to be effective August 1, 2013.

*NOW THEREFORE BE IT RESOLVED* by the Mayor and City Council of the City of Alliance that the Mayor is authorized to sign a contract for insurance with Gregory's Insurance, Inc. in the amount of Four Hundred Eighty-nine Thousand Six Hundred Seventeen dollars and no/100ths (\$489,617.00).

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The final item on Council's agenda was the announcement of current board vacancies.

Councilman Seiler announced that the City of Alliance continues to have vacancies on the Board of Adjustment, Community Garden Advisory Board, Economic Development Plan Application Review and Citizen Advisory Boards, and Planning Commission. Anyone interested in serving on these Boards should contact the City

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Clerk's Office. Information on all of the City Boards is also available on our web site, [www.cityofalliance.net](http://www.cityofalliance.net).

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:04 a.m."

(SEAL)

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Fred Feldges, Mayor

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Linda Jines, City Clerk