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Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$246,137.20.

4. Approval: Resolution No. 13-99 authorizing the City of Alliance to enter into a funding Agreement with the Box Butte Development Corporation. The Agreement documents the services to be provided to the citizens of Alliance for the funding received.
5. Approval: The parade request of the Alliance Chamber of Commerce for the Annual Veterans Day Parade on Saturday, November 9, 2013. The parade will be at 10:00 a.m. with line-up beginning at 9:00 a.m. The route will be on Box Butte Avenue proceeding south between 10th and 4th Streets.
6. Approval: Statement of Support for the Guard and Reserve as an employer.
7. Approval: The issuance of the following Contractor Licenses:

General Contractor	Andy Hendrickson dba Chadron Construction L.L.C. Paul Reed Construction & Supply, Inc.
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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.

- The Council presented two Proclamations; the first declaring the week of September 22nd, 2013 through September 28th, 2013 as National Employer Support of Guard and Reserve Week; the second declaring the week of October 6th, 2013 through October 12th, 2013 as Fire Prevention Week.

PROCLAMATION

WHEREAS; National Guard and Reserve forces comprise nearly half of our nation's military strength, and are essential to American's national security. Reserve Component forces stand ready to answer the call to serve, whether serving alongside active duty counterparts all across the globe or responding to humanitarian crises at home and abroad; and

WHEREAS; Employers provide critical support to members of the National Guard and Reserve; allowing Citizen Warriors to serve whenever the Nation call, often foregoing financial gain and making sacrifices in the process; and

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WHEREAS; Employers support is stronger than ever, more than 41 years after President Richard Nixon authorized the Secretary of Defense to establish the National Committee for Employer Support of the Guard and Reserve (ESGR); and

WHEREAS; Our nation is in debt to the Citizen Warriors departing the comforts of home to ensure our freedoms remain intact. Likewise, America pays special tribute to the commitment of dedicated and supportive employers who continue to make service in the Reserve Components possible.

NOW, THEREFORE, the City Council of Alliance, Nebraska, does announce and proclaim to all citizens the week of September 22 – 28, 2013, as

National Employer Support of the Guard and Reserve Week

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 19th day of September in the year of the Lord Two Thousand Thirteen.

PROCLAMATION

WHEREAS, The City of Alliance is committed to ensuring the safety and security of all those living in and visiting our City; and

WHEREAS, Fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk to fire; and

WHEREAS, Home fires killed more than 2,500 people in the United States in 2011, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 370,000 home fires; and

WHEREAS, Cooking is the leading cause of home structure fires in the United States, where fire departments responded to more than 156,000 annually between 2007 and 2011; and

WHEREAS, Two of every five home fires start in the kitchen and one-third of the reported fires are due to unattended equipment; and

WHEREAS, 57% of reported non-fatal home cooking injuries occurred when victims tried to fight the fire themselves; and

WHEREAS, Children under five, face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, Alliance Residents should remain in the kitchen while frying food, keep a “kid free” zone around cooking areas, and keep combustible items clear of the stovetop; and

WHEREAS, Alliance residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

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WHEREAS, Working smoke alarms cut the risk of dying in reported home fires in half;
and

WHEREAS, Alliance's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Alliance residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, The 2013 Fire Prevention Week theme, "Prevent Kitchen Fires!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE, I Fred Feldges Mayor of Alliance do hereby proclaim October 6-12, 2013 as:

FIRE PREVENTION WEEK

Throughout this City and I urge all the people of Alliance to protect their homes by checking their kitchens for fire hazards and using safe cooking practices during Fire Prevention Week 2013, and to support the many public safety activities and efforts of Alliance's fire and emergency services.

IN WITNESS THEREOF, I have hereunto set my hand this 19th day of September in the year of the Lord Two Thousand and Thirteen.

- City Manger J.D. Cox gave his City Manager's Report in outline form:
 1. Streetscape Update – Phase 1 remains on schedule
 - A. BOW South; Radio Shack South
 - B. 2nd to North of Steph's Studio - West Side of Box Butte – Underway
 - C. North of Steph's Studio to BOW - Coming Next
 2. Senior Center - Internal modifications underway
 - A. Adding two new walls – creation of two offices
 - B. Help for privacy of dispatch
 3. Sturdevant's –
 - A. Demolition Underway
 - B. Rezone Request File (from C2 to C3)
 4. Traffic Problems around Middle School
 - A. Police studying/working with schools
 - B. Handicap parking/
 5. Retail Coach Partnership with BBDC \$15K/City \$5K 2013 & 2014
 - A. What doing about vacancies and filling the retail gap
 6. Rich Otto Lot – 4th & Box Butte
 7. Condemnations/Dangerous Structures/Nuisance Abatement –

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- A. Toad's condemned – Owners have through 8/31
 - B. 716 Big Horn (not yet)
 - C. 105 Big Horn (City Parks Building) -
 - D. Josh Ritchie Property –
 - 8. Schools – Student “Council” Advisors to City
 - 9. Forming a Community Foundation
 - 10. Working with Schools/Tie Students in with Local Govt & Community of Alliance
 - 11. Upcoming Meetings:
 - A. Price Quotes – Demolitions Toads, Parks & Old Electric Buildings
 - B. Planning Commission Rezoning Request – Scott Bolinger –
 - C. Nuisances – Height of Grass Acceptable – 8”
 - D. Library Board: Library Policies
 - E. EDPCAB:LB840 – Boundaries Box Butte County
 - F. Business District – Code calls for a Board ...not currently in place.
 - G. Conversations regarding Local Historic District
- Council next reviewed Ordinance No. 2739, which will adopt the Classification and Compensation Plans. Council was provided with the following background information:

[The attached ordinance will adopt the Classification and Compensation Plans that will be incorporated in the 2013-14 FY budget. The Classification Plan has several adjustments which have been identified in the attached memorandum. The Compensation Plan includes five categories: Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire Employees. The plan includes a 1.7% cost-of-living adjustment which will be effective the first full pay period following October 1, 2013.

The first reading of the ordinance was approved on September 4, 2013. Staff is recommending the statutory required reading of this ordinance on three separate dates be waived.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the second reading of Ordinance No. 2739. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2739

AN ORDINANCE ADOPTING REVISED CLASSIFICATION AND COMPENSATION PLANS FOR THE CITY OF ALLIANCE, NEBRASKA.

WHEREAS, Section 16-310 of R.R.S. 1943 authorizes the Mayor and Council to establish the compensation for employees and officers by stating that "The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance;" and,

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WHEREAS, The Alliance City Council adopted the Fiscal Year 2013-2014 Budget which included funds for revised Classification/Compensation Plans.

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

SECTION 1. That the attached Classification Schedule for the City of Alliance dated to be effective October 11, 2013 and the attached Compensation Schedules for Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire employees dated to be effective October 11, 2013 are hereby adopted by this reference.

SECTION 2. This Ordinance shall become effective October 11, 2013.

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 three readings of Ordinance No. 2739 with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote for the final reading of Ordinance No. 2739 with the following results:

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

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 second reading of Ordinance No. 2740, which will amend the Alliance Municipal Code with regard to water rate revisions. Council was provided with the following background information:

[Council participated in a discussion at the August 21 Council meeting regarding water rates. It is evident that the annual overall automatic 1% increase in rates is not sufficient for the 2013-14 fiscal year based on the following observations:

- Cash flow for the water department has been negative for eight of the past thirteen months with the higher summer revenues required to generate the

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overall profit. Simply stated, the department presently reliant on high summer demand and the conservation rates in order to generate sufficient revenue to break even on operations.

- Large increases in scheduled electric costs necessary for pumping water for the City most likely will more than consume the additional revenue from the scheduled automatic 1% increase in rates.
- Major pending infrastructure upgrades will require funding that is not presently included within the current rate structure.

Three different scenarios for service charge rate adjustments were prepared for Council that should generate between \$90,000 and \$95,000. The scenarios have a different allocation between the various meter sizes with a slightly different impact to consumer groups.

- Scenario 1 – This is the original scenario discussed at the Council meeting on August 21 with changes varying from 7% to 28% or \$2.17 to \$14.40 per month.
- Scenario 2 – This scenario ensures a 25% to 27% increase on the service charge rate for all consumers without respect to maintaining the proportionate increases between meter sizes. Actual rate increases range from \$1.97 to \$40.01 per month.
- Scenario 3 – The final scenario has a greater variance in the percentage increases (22% - 35%); however, maintains more consistency in the proportionate increases between meter sizes. This scenario also establishes a separate base for the one-inch meter which was included in the same pricing as those meters less than one inch. Actual rate increases range from \$1.72 to \$30.01 per month.

The ordinance as originally prepared was based on Scenario 3; however, Council selected the Scenario 2 which is the basis for the current version. As a side note, the 1% increase on consumption rates will generate an additional \$10,000 to \$15,000.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the second reading of Ordinance No. 2740. City Clerk Jines read the Ordinance by title.

ORDINANCE NO. 2740

AN ORDINANCE AMENDING WATER RATES AND REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

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

SECTION 1. Staff from the City's Water and Finance Departments has prepared amendments to water rates for submission to the City Council.

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SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted. All is hereby amended with an effective date of this ordinance, in the following particulars:

Within the City limits - Residential Urban

Block 1	\$1.291 per 100 cubic feet
Block 2	\$1.458 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.796 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.244 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Outside the City limits - Residential Rural

Block 1	\$1.420 per 100 cubic feet
Block 2	\$1.604 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.975 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.468 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Within the City limits - Commercial Urban

Block 1	\$1.291 per 100 cubic feet
Block 2	\$1.458 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.796 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.244 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Outside the City limits – Commercial Rural

Block 1	\$1.420 per 100 cubic feet
Block 2	\$1.604 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.

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Block 3	\$1.975 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.468 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Manufacturing Rate

Manufacturing Rate is \$1.255 per 100 cubic feet.

Industrial Park Rate

The Industrial Park Rate is \$1.403 per 100 cubic feet.

Municipal Rate

The Municipal Rate is \$1.050 per 100 cubic feet, and will not incur a monthly service charge for each account.

Service Charge

There shall be a monthly service charge for each account serviced by Alliance Municipal Water System of.

<u>Meter Size</u>	<u>Service Charge</u>	<u>Meter Size</u>	<u>Service Charge</u>
5/8"	\$9.75	3"	\$70.00
3/4"	\$9.75	4"	\$90.00
1"	\$9.75	6"	\$133.00
1-1/2"	\$21.00	8"	\$190.00
2"	\$42.00		

SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed.

SECTION 4. This ordinance shall go into effect on billings rendered October 1, 2013 and thereafter.

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

Roll call vote to waive three readings of Ordinance No. 2740 with the following results:

Voting Aye: Benzel, Lewis, Feldges.

Voting Nay: Yeager, Seiler.

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Motion failed.

Roll call vote for the second reading of Ordinance No. 2740 with the following results:

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

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.

- Council next discussed the third reading of Ordinance No. 2736, which will amend the Alliance Municipal Code in regard to electric rate revisions. Council was provided with the following background information:

[Council heard a presentation at their May 16, 2013 meeting regarding an electric rate study that was completed by Mr. Phil Euler (Manager of Engineering with Nebraska Municipal Power Pool, known as NMPP). The recommendation as a result of the study was to increase rates on average by 12.2% in October 2013 (which is approximately the equivalent of the one-cent PCA which has been in effect for most of 2013) with an additional 12.2% average increase in April 2014.

The proposal calls for the highest increases in October 2013 of 17.2% for irrigation and security lighting. The increases in the largest revenue-producing categories are 8.2% for residential and 7.3% for large power consumers. April 2014 increases range from the high of 17.2% and 17.3% for the irrigation and security lighting, respectively, to a low of 10.4% for the rural general service demand with a 12.2% increase set for urban residential customers.

The detailed executive summary is attached. These recommendations are under a four-year contract and will be reviewed by NMPP again in two years.

On the second reading, the Ordinance was amended to delay the implementation of the new rates to coincide with the beginning of the winter rates on October 15, 2013.]

A motion was made by Councilman Lewis, seconded by Councilman Feldges to approve the third reading of Ordinance No. 2736 as amended. City Clerk Jines read the Ordinance by title which follows in its entirety:

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ORDINANCE NO. 2736

AN ORDINANCE AMENDING ALL RATE SCHEDULE CLASSIFICATIONS OF ELECTRIC ENERGY RATES AND REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

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

SECTION 1. Staff from the City's Electric and Finance Departments has prepared amendments to all rate schedule classifications of electric energy rates resulting from the findings of the Cost of Service and Rate Design Study conducted by the Nebraska Municipal Power Pool for submission to the City Council.

SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted. All is hereby amended with an effective date of this ordinance, in the following particulars:

RULES AND REGULATIONS GOVERNING SERVICE ON RESIDENTIAL RATE SCHEDULE (CLASS 1)

1. Urban Residential Rates: (within corporate limits)

Monthly Customer Charge	<u>October 15, 2013</u>	<u>April 1 2014</u>
	\$12.00	\$14.00
<u>Summer</u>		
First 600 kWh @	\$.0958 per kWh	\$.1065 per kWh
Excess kWh @	\$.0958 per kWh	\$.1065 per kWh
<u>Winter</u>		
First 600 kWh @	\$.0858 per kWh	\$.0965 per kWh
Excess kWh @	\$.0683 per kWh	\$.0750 per kWh

2. Rural Residential Rates: (outside corporate limits)

Monthly Customer Charge	<u>October 15, 2013</u>	<u>April 1, 2014</u>
	\$16.25	\$19.25
<u>Summer</u>		
First 600 kWh @	\$.0958 per kWh	\$.1065 per kWh
Excess kWh @	\$.0958 per kWh	\$.1065 per kWh

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First 600 kWh @	\$.0858 per kWh	\$.0965 per kWh
Excess kWh @	\$.0683 per kWh	\$.0750 per kWh

RULES AND REGULATIONS GOVERNING SERVICE ON GENERAL SERVICE
RATE SCHEDULE (CLASS 2)

1. General Service Urban Rates Single Phase: (inside corporate limits)

	<u>October 15, 2013</u>	<u>April 1, 2014</u>
Monthly Customer Charge	\$17.15	\$20.00

Summer

All use	\$.09100 per kWh	\$.09985 per kWh
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Winter

All use	\$.08600 per kWh	\$.09485 per kWh
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2. General Service Urban Rates Three Phase: (inside corporate limits)

	<u>October 15, 2013</u>	<u>April 1, 2014</u>
Monthly Customer Charge	\$35.65	\$42.15

Summer

All use	\$.0910 per kWh	\$.09985 per kWh
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Winter

All use	\$.0860 per kWh	\$.09485 per kWh
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3. General Service Rural Rates Single Phase: (inside corporate limits)

	<u>October 15, 2013</u>	<u>April 1, 2014</u>
Monthly Customer Charge	\$19.35	\$22.15

Summer

All use	\$.09555 per kWh	\$.10484 per kWh
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Winter

All use	\$.09030 per kWh	\$.09959 per kWh
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4. General Service Rural Rates Three Phase: (inside corporate limits)

	<u>October 15, 2013</u>	<u>April 1, 2014</u>
Monthly Customer Charge	\$30.25	\$37.15

Summer

All use	\$.09555 per kWh	\$.10484 per kWh
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Winter

All use

\$.09030per kWh

\$.09959 per kWh

RULES AND REGULATIONS GOVERNING SERVICE ON GENERAL SERVICE
DEMAND RATE SCHEDULE (CLASS 3)

1. General Service Demand Urban Rates: (inside corporate limits)

	<u>October 15, 2013</u>		<u>April 1, 2014</u>	
Monthly Customer Charge	\$45.00		\$52.00	
Energy	Summer	Winter	Summer	Winter
	\$0.06980	\$0.05980	\$0.07928	\$0.06928
Demand	Summer	Winter	Summer	Winter
	\$10.00	\$9.00	\$10.00	\$9.00

2. General Service Demand Rural Rates: (outside corporate limits)

	<u>October 15, 2013</u>		<u>April 1, 2014</u>	
Monthly Customer Charge	\$50.00		\$58.00	
Energy	Summer	Winter	Summer	Winter
	\$0.06870	\$0.05670	\$0.07590	\$0.06390
Demand	Summer	Winter	Summer	Winter
	\$15.00	\$10.00	\$15.00	\$11.00

RULES AND REGULATIONS GOVERNING SERVICE ON LARGE POWER RATE
SCHEDULE (CLASS 4)

1. <u>Large Power Rates:</u>	<u>October 15, 2013</u>		<u>April 1, 2014</u>	
Monthly Customer Charge	\$110.00		\$113.00	
Energy	Summer	Winter	Summer	Winter
	\$0.06119	\$0.05119	\$0.06334	\$0.05334
Demand	Summer	Winter	Summer	Winter
	11.50	\$9.50	\$15.00	\$12.00

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RULES AND REGULATIONS GOVERNING SERVICE ON IRRIGATION RATE SCHEDULE (CLASS 5)

<u>Irrigation Rates:</u>	<u>October 15, 2013</u>	<u>April 1, 2014</u>
Customer charge per month	\$50.00	\$51.00
Energy	\$.06260 per kWh	\$.08089 per kWh
Annual Horsepower charges [#]		
No Load Control	\$73.00	\$75.00
Full Load Control	\$12.00	\$12.30

[#] The following annual horsepower charges will be made available at the discretion of the City:

No Load Control	\$73.00	\$75.00
One (1) Day per Week Control	\$61.50	\$63.00
Two (2) Day per Week Control	\$49.00	\$50.25
Three (3) Day per Week Control	\$37.20	\$38.00
Four (4) Day per Week Control	\$24.50	\$25.00
Full Load Control	\$12.00	\$12.30

RULES AND REGULATIONS GOVERNING MUNICIPAL SERVICE RATE (CLASS 6)

Municipal Rates will be charged on the applicable General Service Rates:

SECURITY LIGHT (CLASS 7)

1. Security Light Rates:

<u>Rates - Urban:</u>	<u>October 15, 2013</u>	<u>April 1, 2014</u>
150 W HPS/175 W MV	\$9.38 per month	\$11.00 per month
250 W HPS/MV	\$12.60 per month	\$14.85 per month
400 W	\$19.44 per month	\$22.75 per month

<u>Rates – Rural:</u>		
150 W HPS/175 W MV	\$10.36 per month	\$12.15 per month
250 W HPS/MV	\$13.64 per month	\$16.00 per month
400 W	\$20.57 per month	\$24.00 per month

STREET LIGHTING (CLASS 8)

1. Street Lighting Rates:

<u>Rates :</u>	<u>October 15, 2013</u>	<u>April 1, 2014</u>
All KWh	\$0.0177 per KWh	\$0.1986 per KWh

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SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed.

SECTION 4. This ordinance shall go into effect on meter billings rendered October 15, 2013 and thereafter.

Roll call vote for the final reading of Ordinance No. 2736 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.

- Council next reviewed the third reading of Ordinance No. 2737, which will amend the Alliance Municipal Code with regard to refuse rate revisions. Council was provided with the following background information:

[The Council heard a presentation at their July 11, 2013 meeting regarding a refuse rate study that was completed by Mr. Phil Euler (Manager of Engineering with Nebraska Municipal Power Pool, known as NMPP). The recommendation as a result of the study was to continue with the previously Council approved annual 1% increase for collection rates and to increase disposal rates at the landfill by an average of 5.9% for each of the next two years.

The automatic 1% increase will result in residential collection rates of \$16.84 per month for the upcoming fiscal year and a rate of \$17.00 beginning in October 2014. Commercial collection rates will be \$83.65 for the 2013-14 fiscal year and \$84.50 the following year.

The landfill disposal rates will increase on average 5.9% with varying rate changes based on the type of materials. For the upcoming year, percentage changes range from increases at the highest of 8.1% and 8.3% for construction and demolition materials and shingles, respectively, to small decreases of 1% or less in passenger tires, appliances and metal. October 2014 increases range from 3.2% for brush to 8.9% for fill. The majority of landfill revenue is generated through the municipal solid waste category which will increase 5.7% in each of the next two years.

The detailed executive summary is attached. These recommendations are under a four-year contract and will be reviewed by NMPP again in two years.]

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A motion was made by Councilman Yeager, seconded by Councilman Benzel to approve the second reading of Ordinance No. 2737. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2737

AN ORDINANCE AMENDING DISPOSAL RATES FOR SOLID WASTE AND REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

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

SECTION 1. Staff from the City's Refuse and Finance Departments has prepared amendments to disposal rates for solid waste resulting from the findings of the Cost of Service and Rate Design Study conducted by the Nebraska Municipal Power Pool for submission to the City Council.

SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted. All is hereby amended with an effective date of this ordinance, in the following particulars:

		October 1, 2013	October 1, 2014
Rate Class	Existing Rate	Rates	Rates
Residential – City	\$16.67	\$16.84	\$17.00
Commercial – City	82.82	83.65	84.50
Disposal Fee Types			
Ashes	45.45	48.10	51.00
Brush	15.15	15.50	16.00
Construction and Demolition	45.45	48.75	52.70
Contaminated Soil	75.75	80.50	86.00
Fill	12.12	12.85	14.00
Grass	-	-	-
Leaves	-	-	-
Metal	18.18	18.00	19.00
Municipal Solid Waste	47.98	50.38	53.25
Non-baleable MSW	75.75	80.50	86.00
Pallet	18.18	19.25	20.60
Shingles	45.45	48.75	52.70
Soil	-	-	-
Tire – Truck and Tractor	15.15	16.00	16.85
Tire – Amnesty	-	-	-

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Tire – Over 16”	8.08	8.00	8.50
Tire – Passenger	5.05	5.00	5.25
Weeds	-	-	-
White Goods	10.10	10.00	10.50
White Goods w/Freon	25.25	25.00	26.50

SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed.

SECTION 4. This ordinance shall go into effect on billings rendered October 1, 2013 and thereafter.

Roll call vote for the first reading of Ordinance No. 2737 with the following results:

Voting Aye: Benzel, Lewis, Yeager, Feldges, 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 was the final reading of Ordinance No. 2733 which will approve the vacation of an alley between Lots 15 and 16, Block 23, Original Town, Alliance, Nebraska. Council was provided with the following background information:

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

LOCATION: The alleyway lies between Lot 15 and Lot 16 of Block 23 of the Original Town of Alliance.

ANALYSIS: Alliance Grocery Kart, Inc. originally desired to vacate this portion of alleyway 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 Electrical Superintendent has confirmed that re-locating electrical

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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 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 Electrical 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.

The first reading of the ordinance was on July 25, 2013 and the second reading was on August 6, 2013. The third reading was delayed until such time as satisfactory plans were submitted to and reviewed by the City for the relocation of the sewer lines.

UPDATE 9/10/13

The plans have been reviewed by the Sewer & Water Superintendent and approved by NDEQ, thus allowing the ordinance to proceed to the third and final reading.]

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

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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.

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 final reading of Ordinance No. 2733 with the following results:

Voting Aye: Benzel, Lewis, Yeager, Seiler, 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 first reading of Ordinance No. 2728 was the next item for Council's review. Ordinance No. 2728 will amend the zoning regulations to allow wireless telecommunications facilities in all zoning districts. Council was provided with the following background information:

[PROPOSAL: Viaero Wireless has made application to amend the zoning regulations to allow wireless telecommunications facilities (WCF) in all zoning districts. This ordinance was originally presented to Council at the June 13, 2013

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Council meeting and was allowed to die for lack of a second. A Viaero representative will be on hand to answer questions for the Council.

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 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.

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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.

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.]

A motion was made by Councilman Yeager, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2728. City Clerk Jines read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2728

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA PERTAINING TO WIRELESS COMMUNICATION FACILITIES AND AMENDING CHAPTER 109 MISCELLANEOUS RESTRICTIONS, ARTICLE II COMMUNICATIONS ANTENNAS OF THE CODE OF ORDINANCES OF THE CITY OF ALLIANCE, NEBRASKA TO ADD SECTIONS 109-36 THROUGH 109-38 RELATING TO WIRELESS COMMUNICATION FACILITIES, PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING EXISTING PROVISIONS OF THE ALLIANCE CODE NOT CONSISTENT WITH THIS ORDINANCE.

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

SECTION 1. Chapter 109, Article II of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

“Sec. 109-36. Wireless Communications Facilities; Intent and Purposes.

The purpose of the Wireless Communications Facilities (WCF) regulations is to encourage and promote wireless communications coverage for all areas of the City while minimizing the visual, environmental and neighborhood impacts. The goals include providing personal wireless services throughout the City quickly, effectively and efficiently while ensuring

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that basic matters such as FAA, FCC and Airport Zoning requirements are met as well as addressing security, decommissioning and preferred locations.

More preferred locations include commercial, industrial and agricultural areas and less preferred locations include residential areas. More preferred locations in residential areas include public lands, proximity to existing overhead utility corridors and proximity or attachment to existing structures that might assist with screening.

All WCF shall be constructed and administrated according to the terms of this Article.

Sec. 109-37. Definitions.

The following words, terms and phrases, when used in this Article shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Antenna(s) means any exterior device designed and intended for telephonic, radio, data, internet or television communications through the sending and/or receiving of electromagnetic waves. For purposes of this Article the term "antenna" shall not include an antenna used by an amateur radio operator nor an antenna or satellite dish used for the private or non-commercial reception of television or radio signals as referred to in Sec. 109-21 of this Code.

Antenna Height means the vertical distance from natural grade to the top of all appurtenances.

Antenna Support Structure means any building or structure other than a tower which can be used for location of telecommunications facilities.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

PWS means Personal Wireless Service Provider, which means a personal wireless service facility owner, operator, lessee or any officer or employee thereof.

Towers means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers.

Utility Sublot means a lot that may be smaller than the minimum allowed in a District or otherwise out of standard compliance. A Utility Sublot must have legal vehicular access. Water may be allowed for property maintenance, but there shall be no sewer service allowed.

WCF means Wireless Telecommunications Facility.

WCF Site means a tract or parcel of land that contains the personal wireless service facilities including any antenna, support structure, accessory building and parking, and may include other uses associated with and ancillary to personal wireless services.

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Sec. 109-38. Zoning.

(a) Antennas in all Zoning Districts may be allowed by administrative review when attached to existing structure, including roof-tops, building faces, water tower or existing utility structure provided the Antenna does not exceed 12 feet in height above the existing structure and blends in with said structure.

(b) This Article recognizes two types of Towers associated with PWS: those up to 75 feet in height, which are constructed primarily for local distribution and reception of wireless signals; and those greater than 75 feet in height, which are constructed primarily for the concentration and transmission of signals to and from other Towers, and which are now excepted from the Supplemental Regulations found in Article VI Sec. 115-170 of this Code.

(c) Towers of any height shall be a conditionally permitted use by special review in A Exclusive Agricultural, RR Rural Residential and all Commercial and Industrial zones.

(d) Except as noted in Sec. 109-38 (d), Towers over 75 feet in height shall not be affected by the sections set forth in this Article.

(e) Towers no greater than 75 feet in height shall be a conditionally permitted use by special review in all Zones, except where current zoning permits towers as a use by right. However, allowances may be made to Towers exceeding 75 feet in height if such Towers must be extended due to local circumstances or to accommodate co-location by other service providers. The following conditions shall apply to Towers in this Article.

1. Applications for Conditional Use Permits (CUP) shall include the following: The legal description of the parcel upon which the PWS facilities are to be located; a survey of the parcel by a licensed surveyor; a scaled site plan clearly indicating the location, type and height of proposed tower; adjacent land uses and zoning; adjacent roadways and proposed means of access. The site plan shall indicate the antenna, antenna support structure, building, fencing, buffering and all other items required in this Article.

2. There are more preferred areas for Towers and less preferred areas for Towers. More preferred areas include; parks, public lands, proximity to existing overhead utility corridors and proximity to what might be termed "shadow" structures, such as churches, schools and public facilities, especially those that are multi-story. Less preferred areas might include subdivisions that are wholly served by underground utilities.

3. Towers, where possible, shall be constructed on existing utility easement and rights-of-ways, subject to existing utility restrictions, such as areas where underground utilities are required.

4. Towers may be constructed on private land; as a permanent easement, as a land rental arrangement or on a lot owned by the PWS. Creation of a Utility Sublot will not be subject to minimum lot size as set forth in Chapter 113 of the City Code, but will be subject to access requirements and no water service.

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5. Required setbacks will be determined on individual site bases through review of each Conditional Use Permit (“CUP”). Collapsible tower design may be required in certain instances.
6. Towers may be built on municipal land subject to the CUP process and subject to such legal and administrative contracts as deemed appropriate and necessary.
7. Towers may be required to blend in and enhance compatibility with adjacent land uses as reasonably feasible.
8. Towers must be enclosed and secured by a chain-link fence or equivalent, of a minimum of six feet in height, however an appropriate privacy-type fence may be required to improve compatibility in residential neighborhoods. Anti-climb protection must be installed to prevent, to the extent possible, unauthorized access. The security fence must enclose all components of the site, including footings, guy wires (if present), cabinets, equipment building and back-up generator. No property line setbacks are automatically required for such Towers, however, the security fence enclosure must be adequate for the safe access and maintenance of the Tower and its equipment.
9. PWS must provide evidence that proposed Towers have met all applicable regulations, including local Airport Zoning, the FAA and the FCC prior to construction and be Compliant with E-911 Public Safety Access Point. PWS must also submit an airport obstruction evaluation/airport airspace analysis (FAA Form 7460-1) aeronautical study to FAA for determination of Tower obstruction to aviation operations. An FAA approved airspace analysis report shall be submitted to the zoning administrator prior to any Tower construction commencing.
10. No PWS shall act to exclude any other PWS from using the same facility, building, structure or location. PWSs shall cooperate in good faith to achieve co-location of facilities and equipment with other PWSs.
11. Upon request by the City, a PWS shall provide evidence why co-location is not feasible.
12. Any Tower approved in this Article must be maintained in a manner consistent with generally accepted industry practices. A Tower may be inspected at any time, subject to approved access by the PWS, to insure the safety of the general public. Any deficiencies in structure or operation shall be promptly remedied.
13. The property shall be maintained in a reasonable manner and be kept weed free; options can include rock, mulch, landscaping and maintenance or any combination thereof.
14. A PWS or its successors or assigns shall promptly remove a Tower and return a Tower site to its pre-construction conditions, should a Tower be decommissioned or otherwise deemed unnecessary or unusable.”

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

SECTION 3. This Ordinance shall take effect upon its passage, approval.

Roll call vote on the first reading of Ordinance No. 2728 with the following results:

Voting Aye: None.

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

Motion failed.

- Resolution No. 13-96 which authorizes the use of \$5,000 from the Community Betterment Fund Contingency Account for the support of the Retired Senior Volunteer Program activities, was the next agenda item for discussion. Council was provided with the following background information:

[The Alliance Retired and Senior Volunteer Program (RSVP) operates under the umbrella of the City of Alliance and has operated since 1973 (just celebrated 40 years). The City designates funds from the Community Betterment (KENO) Fund to supplement the Federal Grant received through the Corporation for National and Community Service (CNCS). City contributions were at the \$10,000 level in 2000 and were raised to \$13,000 in 2006 and to \$18,000 (the current level) in 2009. The current Federal grant is approved for \$32,866 with an extra \$1,500 for training and computer upgrades. Fundraising efforts (such as the annual chicken noodle dinner and the recent quilt raffle) along with special donations account for the remaining revenues of the organization. Over the years, Box Butte County and more recently Box Butte General Hospital have provided funding. (See the attached table and graph.) Recent year budgets have included a greater reliance on fundraising and donations.

The expense budget for RSVP includes provision for 1.5 FTE including the full-time RSVP Director and the part-time RSVP clerk. The salaries and benefits costs of \$55,500 for 2012-13 account for 70% of the total expense budget (excluding the in-kind component).

Cash reserves have trended downward over the years and it is projected that the program will be overdrawn approximately \$5,000 at fiscal year-end without special action. While there has recently been a 501(c)(3) corporation formed (Friends of Box Butte County RSVP) to assist with fundraising efforts, the strategies remain in the planning stages. Fundraising efforts usually require several years to build momentum since businesses must build any donations into their annual budget. For the first time in 2013, RSVP was eligible for funding through United Way because of the new fundraising "arm". There are plans to

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heighten awareness of the value of RSVP in the community and to implement the fundraising strategy early in the coming fiscal year.

Several solutions were presented for the current year cash shortage including:

- an advance of a portion of next year's funding,
- a short-term loan to be repaid from fundraising efforts,
- a one-time injection of additional cash,
- an increase in the annual funding level,
- or a combination of the alternatives.

As mentioned above, RSVP's goal is to increase the fundraising efforts in the upcoming years and not to request an increase in the City's annual funding level. Staff believes that the advancement of fundraising efforts RSVP has planned for 2014 and beyond should allow a sustained program without future additional funding or reduction of staff. Therefore, Staff is recommending a one-time injection of cash up to \$5,000 before the end of the current fiscal year. These funds would be authorized from the Community Betterment Fund Contingency (GL 33-21-27-47-791) which was budgeted at \$20,000 for 2012-13.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 13-96, which follows in its entirety:

RESOLUTION NO. 13-96

WHEREAS, The City of Alliance has been the sponsor of the Alliance Retired and Senior Volunteer Program (RSVP) since 1973; and

WHEREAS, Funding for this program is through a Federal Grant received through the Corporation for National and Community Service which is supplemented by the City of Alliance with the use of Community Betterment Funds and fundraising efforts; and

WHEREAS, The RSVP has experienced a shortfall in the fundraising revenues this current fiscal year; and

WHEREAS, Steps have been actively taken through the establishment of a 501(c)(3) corporation – Friends of Box Butte County RSVP to improve their ability for fundraising; and

WHEREAS, RSVP is requesting the one-time injection of \$5,000.00 to meet their current revenue needs for this fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Five Thousand Dollars (\$5,000.00) shall be transferred from the Community Betterment Fund Contingency Account (33-21-27-47-791) to support the RSVP activities.

BE IT FURTHER RESOLVED that the Finance Director is authorized to make the transfer from the Community Betterment Fund Contingency Account into the appropriate line items of the RSVP division's budget.

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Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council reviewed Resolution No. 13-97, which authorizes the renewal of the City's health insurance program, as well as the dental, vision, transplant and life insurance programs. Council was provided with the following background information:

[Staff has successfully negotiated a renewal of the City's health insurance programs with Regional Care Inc. (RCI). The current carrier, American National Life Insurance Company has proposed a very favorable renewal rate that reflects an approximate 13% to 15% decrease in premiums. As a result, staff is proposing to provide the same level of coverage for City employees and their families with no premium changes for the upcoming year.

As you may recall, the City of Alliance self-insures health insurance coverage and purchases re-insurance for claims in excess of \$30,000 per covered individual. In the proposed renewal, the actual premiums (hard dollar cost) have lowered, along with the requirement to fund for actual medical claims (soft dollar cost). The total decrease for both hard and soft dollar expenses reflects an overall 13% to 15% reduction.

The new insurance premiums will take effect on October 1, 2013.]

A motion was made by Councilman Yeager, seconded by Councilman Seiler to approve Resolution No. 13-97, which follows in its entirety:

RESOLUTION NO. 13-97

WHEREAS, The City of Alliance has engaged in a process of evaluating its current health care benefit plans offered to employees; and

WHEREAS, Various options and proposals have been considered by staff and the City's Third-Party Administrator, and staff has recommended the options contained herein; and

WHEREAS, The City of Alliance has received a proposal to renew its contract with the Third-Party Administrator, Regional Care Incorporated; and

WHEREAS, The City of Alliance has received a renewal proposal to continue our contract with the reinsurance carrier, American National Life Insurance Company (ANTX), as set forth herein; and

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WHEREAS, The proposals provide for three options from which benefit eligible employees may choose, which have varying deductibles and out-of-pocket expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the contract proposal with Regional Care Incorporated for Third-Party Administrator is hereby approved.

BE IT FURTHER RESOLVED, Monthly premium payments per employee for reinsurance provided by American National Life Insurance Company (ANTX) effective October 1, 2013, shall be as follows:

Specific Single Premium	\$ 96.03
Specific Family Premium	\$ 279.97
Aggregate Premium	\$ 16.79
Transplant Coverage	
Single	\$ 7.54
Family	\$ 20.95
Vision Coverage	
Single	\$ 8.16
Family	\$ 21.49
Life Insurance	
Single	\$ 7.25
Family	\$ 9.00

BE IT FURTHER RESOLVED, administrative service fees to Regional Care, Incorporated, shall be \$32.25 monthly per covered employee, effective October 1, 2013.

BE IT FURTHER RESOLVED, the City of Alliance shall make monthly payments into its Health Support Fund, effective October 1, 2013 for a wellness program as follows:

Per Single Employee	\$ 21.00
Per Family Employee	\$ 42.00

BE IT FURTHER RESOLVED, the City of Alliance shall make monthly payments into its Health Support Fund, effective October 1, 2013 for a dental program as follows:

Per Single Employee	\$ 17.98
Per Family Employee	\$ 59.34

BE IT FURTHER RESOLVED, the City of Alliance shall make monthly payments into its Health Support Fund, effective October 1, 2013 for payment of medical claims as follows:

Per Single Employee	\$ 701.60
Per Family Employee	\$1,874.75

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 13-98 which will ratify the mobilization of O'Malley Drilling, Inc. of Blair, NE as contractor to drill six monitoring wells or the landfill as required by NDEQ as part of the five-year landfill permit and authorizes the payment of \$33,000.00 to the firm. Council was provided with the following background information:

[The Nebraska Department of Environmental Quality (NDEQ) is requiring six additional monitoring wells as stipulation of the issuance of the five-year landfill permit in 2012. This requirement is the result of lower water tables and the movement of detectable contaminants. The six wells will be located on property owned by the City of Alliance (2 wells), Western Potatoes (2 wells), Wesley Fancher (1 well) and Andy Jonas Trust (1 well). Access agreements have been reviewed by legal counsel and will be completed by each of the landowners prior to drilling. SCS Aquaterra has expedited the project with driller mobilization set for September 16 and completion expected prior to the end of the current fiscal year.

Engineering fees for the project are already approved under a master services agreement with SCS Aquaterra in 2011. Competitive bidding was completed by the engineering firm with the low bid of \$33,000 from O'Malley Drilling, Inc. of Blair, Nebraska for the six monitoring wells, including the driller's fee and subcontractor markup. Total estimated cost of the project is \$59,000.

The cost of these monitoring wells was not specifically included in the 2012-13 budget; however, was included in the 2013-14 budget at \$60,000. Landfill budgeted capital funds in the amount of \$95,000 remain unspent in the 2012-13 fiscal year as it was not possible to arrange for contractors to complete remodeling projects on buildings located at the landfill.

In response to the NDEQ request to expedite the monitoring well project and the desire to utilize budgeted capital funds for 2012-13, the City Manager has authorized the project to be initiated. The attached resolution will ratify the completion of the monitoring well drilling within the current fiscal year and transfer some of the building remodel projects to the next fiscal year.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-98, which follows in its entirety:

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RESOLUTION NO. 13-98

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

WHEREAS, The Nebraska Department of Environmental Quality is requiring six additional monitoring wells as stipulation of the issuance of the five-year Landfill Permit; and

WHEREAS, The City's Engineer, SCS Aquaterra has received competitive bids for the drilling of the six monitoring wells and is recommending O'Malley Drilling, Inc. of Blair, NE in the amount of \$33,000.00; and

WHEREAS, In order for the City to finance this project to meet the Nebraska Department of Environmental Quality timeframe, staff is recommending switching two capital projects between fiscal years (1) moving the monitoring wells to this current year and (2) moving the landfill building remodeling project to next fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that O'Malley Drilling, Inc. of Blair, NE be awarded the six monitoring wells drilling project in the amount of Thirty-three Thousand and no/100 Dollars (\$33,000.00) from Account No. 06-51-55-59-970.

BE IT FURTHER RESOLVED that staff is authorized to switch the landfill monitoring wells project and the landfill remodeling building project between fiscal years.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council conducted a general discussion regarding the firework regulations within the City of Alliance. Council was provided with the following background information:

[The Council did not take action nor provide guidance on a revised code ordinance presented on February 6, 2012. Continued issues over the past two years have prompted City Staff to request consideration of the fireworks topic, again. The Fire Chief has provided the following statistics relating to firework-related calls:

- 2011 - 9 fires resulting in \$5,000 in property damage including City restrooms and dumpsters
- 2012 - 11 fires resulting in \$500 in property damage to trees in the City park and 1 citation for discharge after July 4

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- 2013 - 5 fires resulting in \$1,000 in property damage including City dumpsters. An August 17 discharge of a Chinese lantern resulted in a tree fire on private property

Following are points for consideration at the Council meeting:

Discharge Safety – There presently are no guidelines prohibiting unsafe discharge of fireworks and other explosives. Suggested additions to code as unlawful acts include discharge:

- From or into a motor vehicle
- At or near any person or into any group of persons
- Into or upon premises of another person without express permission

City Property – The City has experienced consistent property damage each firework “season”. There are no limitations regarding discharge of fireworks on City property including City recreational facilities or parks or public streets, highways and sidewalks. Special allowance in Code and/or permits is recommended for approved public fireworks displays.

Restricted Types of Fireworks – Code presently forbids the sale or discharge of a lengthy list of fireworks; however, the Chinese sky lantern, which is not included on the list, has recently gained popularity and has created fire and safety issues for the City.

Discharge Dates – Discharge of fireworks is allowed in the State of Nebraska Statutes from June 24th through July 5th, unless otherwise modified by resolution of the Mayor or City Council. The City of Alliance is presently more restrictive allowing discharge of fireworks from June 25th through July 5th. (Note however, times are not specified in the current code for discharge on July 5th.) There is no provision for discharge of fireworks on New Years Eve, which is allowed by State Statute.

The Fire Chief has suggested that the City set sales and discharge dates from June 25 through July 4 with the possible more restrictive language added regarding the types of fireworks allowed (specifically excluding the Chinese sky lanterns) and the exclusion of discharge of fireworks in City recreational facilities or parks.

Current Alliance Municipal Code

ARTICLE VII. FIREWORKS

Sec. 22-175. Prohibited; nonapplicability.

It shall be unlawful for any person to manufacture, display, sell, offer for sale, give away, keep, store, use, start, discharge, set off, ignite or explode, or cause to be manufactured, displayed, sold, offered for sale, given away, kept, stored, used, started, discharged, set off or exploded, any firecracker, Roman candle, squib, fire

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balloon, signal light, torpedo, flash light, composition, pinwheel, colored flare, firework, colored fire composition whatsoever designed or intended to produce visible or audible pyrotechnic display, blank cartridge pistol, toy cannon, or any other device for the exploding of the articles above specified, provided that nothing in this section shall apply to:

- 1.) Sparklers, toy pistols or toy pistol caps;
- 2.) The possession of pyrotechnics which are in transportation to points outside the city;
- 3.) The possession or transportation of such pyrotechnics held by wholesale dealers for sale and shipment in unbroken packages to points or places outside the city;
- 4.) The sale, storage, or use of railroad track torpedoes or other signaling devices used by railroads;
- 5.) The sale, storage or use of flashlight compositions by photographers or dealers in photographic supplies;
- 6.) Pyrotechnic displays on Independence Day, or on the occasion of other public celebrations or festivals, if the person conducting such pyrotechnic display shall first have applied for and have been granted by resolution of the mayor and city council permission to conduct such display;
- 7.) The sale and use of fireworks, as defined and permitted by state statute, between June 24 and July 5 each year dates and during time periods authorized by state statute as modified by resolution of the mayor and city council;
- 8.) The use of blank cartridge pistols at sporting events by authorized persons; or
- 9.) The use of blank cartridge pistols or other pyrotechnics by a person designated by the city manager or designee to implement the waterfowl management policy.

(Code 1986, § 6-403; Ord. No. 2025, 6-20-1991; Ord. No. 2374, 12-16-1999; Ord. No. 2672, 2-3-2011)

Sec. 22-176. Illegal discharge of fireworks.

It shall be unlawful to discharge any illegal fire works as defined by state statute within the city.

(Code 1986, § 6-403.01)

State law reference— Fireworks defined, R.R.S. 1943, § 28-1241 et seq.

Sec. 22-177. Legal dates, times and age restrictions for discharging fireworks; permit required.

It shall be unlawful to discharge any fireworks as defined and permitted by state statute, prior to June 25, and after July 5 and at any time other than the dates and times specifically authorized by state statute and as modified by resolution of the mayor and city council.

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- a. Fireworks may be legally discharged between the hours of 9:00 a.m. and 10:00 p.m. on June 25 to July 2; and between the hours of 9:00 a.m. and 12:00 midnight on July 3 and July 4.
- b. The use or possession of fireworks by any person under 12 years of age is prohibited unless direct supervision is provided by a person 18 years of age or older.
- c. The city manager or designee shall issue a permit allowing the sale of fireworks during permitted periods for that calendar year under the following standards:
- d. Proof of fireworks license from the state fire marshal under state administrative code title 157, chapters 2 and 4, permissible fireworks list and licensing requirements, 2000 International Fire Code, Fireworks;
- e. Sale and retail display with storage in type 5 magazine 3301.1.3, 3301.2.3, 3302 and 3308.11.

(Code 1986, § 6-403.02; Ord. No. 2445, 5-16-2002; Ord. No. 2374, 12-16-1999; Res. No. 0045, 6-1-2000; Res. No. 02-33, 6-6-2002)

FOOTNOTE(S):

State Law reference— Fireworks, R.R.S. 1943, §§ 28-1239.01, 28-1241 et seq.; authority relative to fireworks, R.R.S. 1943, § 16-227.

Selected Nebraska State Statutes

28-1239.01. Fireworks display; permit required; fee; sale of display fireworks; regulation.

(1) No person shall conduct a public exhibition or display of display fireworks without first procuring a display permit from the State Fire Marshal. Such application for a display permit shall be accompanied by a fee of ten dollars to be deposited in the State Fire Marshal Cash Fund.

(2) No display fireworks shall be sold or delivered by a licensed distributor to any person who is not in possession of an approved display permit. Sales of display fireworks to persons without an approved display permit shall be subject to sections 28-1213 to 28-1239.

28-1241. Fireworks; definitions.

As used in sections 28-1239.01 and 28-1241 to 28-1252, unless the context otherwise requires:

(1) Distributor means any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks either as a jobber or as a retailer or both;

(2) Jobber means any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail;

(3) Retailer means any person engaged in the business of making sales of fireworks at retail to consumers or to persons other than distributors or jobbers;

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- (4) Sale includes barter, exchange, or gift or offer therefore and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee;
- (5) Fireworks means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of consumer or special fireworks set forth by the United States Department of Transportation in Title 49 of the Code of Federal Regulations;
- (6)(a) Consumer fireworks means any of the following devices that (i) meet the requirements set forth in 16 C.F.R. parts 1500 and 1507, as such regulations existed on January 1, 2010, and (ii) are tested and approved by a nationally recognized testing facility or by the State Fire Marshal:
- (A) Any small firework device designed to produce visible effects by combustion and which is required to comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission set forth in 16 C.F.R., as such regulations existed on January 1, 2010;
- (B) Any small device designed to produce audible effects such as a whistling device;
- (C) Any ground device or firecracker containing fifty milligrams or less of explosive composition; or
- (D) Any aerial device containing one hundred thirty milligrams or less of explosive composition.
- (b) Class C explosives as classified by the United States Department of Transportation shall be considered consumer fireworks.
- (c) Consumer fireworks does not include:
- (i) Rockets that are mounted on a stick or wire and project into the air when ignited, with or without report;
- (ii) Wire sparklers, except that silver and gold sparklers are deemed to be consumer fireworks until January 1, 2014;
- (iii) Nighttime parachutes;
- (iv) Fireworks that are shot into the air and after coming to the ground cause automatic ignition due to sufficient temperature;
- (v) Firecrackers that contain more than fifty milligrams of explosive composition; and
- (vi) Fireworks that have been tested by the State Fire Marshal as a response to complaints and have been deemed to be unsafe; and
- (7) Display fireworks means those materials manufactured exclusively for use in public exhibitions or displays of fireworks designed to produce visible or audible effects by combustion, deflagration, or detonation. Display fireworks includes, but is not limited to, firecrackers containing more than one hundred thirty milligrams of explosive composition, aerial shells containing more than forty grams of explosive composition, and other display pieces which exceed the limits for classification as consumer fireworks. Class B explosives, also known as 1.3G explosives, as classified by the United States Department of Transportation in 49 C.F.R. 172.101, as such regulation existed on January 1, 2010, shall be considered display fireworks. Display fireworks shall be considered an explosive as defined

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in section 28-1213 and shall be subject to sections 28-1213 to 28-1239, except that display fireworks may be purchased, received, and discharged by the holder of an approved display permit issued pursuant to section 28-1239.01.

28-1242. Unlawful throwing of fireworks; penalty.

(1) A person commits the offense of unlawful throwing of fireworks if he or she throws any firework, or any object which explodes upon contact with another object: (a) From or into a motor vehicle; (b) onto any street, highway, or sidewalk; (c) at or near any person; (d) into any building; or (e) into or at any group of persons.

(2) Unlawful throwing of fireworks is a Class III misdemeanor.

28-1249. Sale of consumer fireworks; limitations.

It shall be unlawful to sell any consumer fireworks at retail within this state, outside the limits of any incorporated city or village. Consumer fireworks may be sold at retail only between June 24 and July 5 and between December 28 and January 1 of each year.]

Staff was instructed to prepare a legislative document regarding fireworks for Council's consideration at a future meeting.

- Council conducted a general discussion regarding the location, dates and times of future Council meetings. No action was taken.
- The final item on Council's agenda was a board appointment.

A motion was made by Councilman Seiler, which was seconded by Councilman Yeager to appoint Clay Messersmith to serve on the Board Adjustment for a term expiring December 31, 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 Yeager to appoint Clay Messersmith to serve on the Economic Development Plan Citizen Advisory Board for a term expiring December 31, 2016 .

Roll call vote with the following results:

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

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Voting Nay: None.

Motion carried.

Councilman Seiler announced that the City of Alliance continues to have vacancies on the Community Garden Advisory Board and Economic Development Plan Application Review. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:37 p.m."

(SEAL)

Fred Feldges, Mayor

Linda Jines, City Clerk