



December 19, 2013

Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$311,367.09.

4. Approval: The issuance of the following Cemetery Certificates:

The Northwest Quarter (NW1/4) Lot Nine (9), Section Two (2), Block Seventeen (17), Second Addition to the Alliance Cemetery to Steven O'Leary.

The West One Half (W1/2) Lot Twenty-four (24), Section One (1), Block Twenty-two (22) and the Northwest Quarter (NW1/4) Lot Twenty-three (23), Section One (1), Block Twenty-two (22) to Keith Schoeneman and Teresa Schoeneman.

The West One Half (W1/2) Lot Twenty-two (22), Section One (1), Block Twenty-two (22) and the Southwest Quarter (SW1/4) Lot Twenty-three (23), Section One (1), Block Twenty-two (22) to Gene Schoeneman and Marilyn Schoeneman.

5. Approval: Resolution No. 13-115 authorizing Change Order No. 1 to the IES Commercial, Inc. Contract for the Switchgear Installation and Feeder Upgrades at Cody Substation. A complete explanation of the items necessitating the change order have been included in the packet for Council's review.
6. Approval: Resolution No. 13-116 which re-states our Agreement with the City of Scottsbluff for "Responsible Charge" services for the Box Butte Avenue Historic Lighting Project (State's portion through the grant). The Agreement continues with the City of Scottsbluff but limits the project to 60 hours or March 1, 2014, whichever should occur first.
7. Approval: Resolution No. 13-117 will approve the acceptance of a Tree Donation in the amount of \$250.00 from Mr. Andy Bartling. Mr. Bartling has placed no restrictions on the placement of the donated tree/trees.
8. Approval: Granting permission to use the Alliance Area Fire/Emergency Center and serve alcohol for the Annual Bosses Night to be held in on Friday, February 7, 2014 and approval of Resolution 13-118 authorizing a Special Designated License to the Alliance Volunteer Fire Department for their annual Bosses Night on February 7, 2014. A copy of the request has been included in the Council's packet.

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: Benzal, Lewis, Feldges, Seiler, Yeager.

Voting Nay: None.

Motion carried.

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- City Manager J.D. Cox gave his City Manager's Report which is shown in outline form:
  1. Condition of streets and snow removal process
  2. Senior Services, Inc. –
    - A. Many Concerns regarding the direction of senior programs
    - B. Shana & I to have meeting with Users of Facility and stakeholders to discuss best way to move forward with the delivery of services;
    - C. Meeting scheduled for January 7 immediately after lunch
  3. Thank You from Chadron
  4. Demolition Ordered – Condemned Garage at 716 Big Horn
  5. Streetscape Phase 1 Update –
    - A. East Side- Complete
    - B. West Side-Complete
    - C. Christmas lights on streetlights & trees
    - D. Ribbon Cutting – January 14<sup>th</sup> @ 2pm
    - E. Photos of Businesses in front of store fronts
    - F. Historic Main Street, Businesses & Contractor – Fantastic job!
    - G. Contractor – KL Wood also did a really nice job
  6. Streetscape Phase 2 Update – Schedule is still in works
    - A. Scottsbluff approved Responsible Charge (Perry Mader)
      - CM taking to Council recommendation through Final Design Process
    - B. Several decorative streetlights no longer working
      - Rather than paying to fix and later removing;
      - Scheduled removal of streetlights (Especially non-working)
    - C. Other possible option for construction
  7. Interviews Building Inspector – this week!
  8. Adirondack Chairs – Sold 3 on Monday!
  9. Maverick– Filing of preliminary & final plat with Planning Commission in January
  10. Great Lakes Schedule
  11. Upcoming Meetings:
    - A. January
      - Height of Grass/Weeds
      - Paperless Agendas & Tablet Use (Demo first)
      - Demolition Projects
      - Landfill Rates Discussion
      - Parks Report
      - Community Garden Ideas & Direction
  12. Upcoming Calendar:
    - January 7 after Lunch      Senior Center Meeting
    - January 14 @ 2pm          Ribbon Cutting - Streetscape
    - January 17 evening:        Employee Banquet

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- The next matter before Council was the third reading of Ordinance No. 2743 which will amend the Alliance Municipal Code with regard to fireworks. Council was provided with the following background information:

[The Council discussed the current fireworks code on February 6, 2012 and again September 19, 2013. The attached recommended ordinance is as a result of the discussion at the November 7, 2013 meeting when Council directed Staff to clarify what the term “near” means regarding the discharge of fireworks and exclude streets and parkade from any restrictions.

Issues over the past two years have prompted City Staff to request consideration of the modification of the fireworks code. The Fire Chief 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
- 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 that were considered at the September 19<sup>th</sup> Council meeting along with the suggested modifications to the Code:

**Discharge Safety** – There presently are no guidelines in City Code prohibiting unsafe discharge of fireworks and other explosives. Suggested limitation of acts as presently stipulated as unlawful in State Statute.

**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. It is recommended that fireworks by the general public be prohibited on City recreational property to lessen property damage. Concerns with obstruction or littering of public streets, highways and sidewalks are addressed by other portions of City Code and State Statute.

**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. For this reason it is suggested that the sky lanterns and similar fireworks be added as an additional prohibited firework.

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Discharge Dates – Discharge of fireworks is allowed in the State of Nebraska Statutes from June 24<sup>th</sup> through July 5<sup>th</sup>, 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 25<sup>th</sup> through July 5<sup>th</sup>. (Note however, times are not specified in the current code for discharge on July 5<sup>th</sup>.) There is no provision for discharge of fireworks on New Years Eve, which is allowed by State Statute. The Code as presented in the modified form allows discharge from June 25<sup>th</sup> through July 4<sup>th</sup> with provision for the City Manager to authorize discharge on July 5<sup>th</sup> in certain instances.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the third reading of Ordinance No. 2743. City Clerk Jines read the Ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2743

AN ORDINANCE OF THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, AMENDING SECTION 22-175 OF CHAPTER 22, ARTICLE VII; PROHIBITED; NONAPPLICABILITY; AMENDING SECTION 22-177; LEGAL DATES, TIMES, AND AGE RESTRICTIONS FOR DISCHARGING FIREWORKS; PERMIT REQUIRED; AND ADOPTING SECTION 22-178; DISCHARGE OR RELEASE OF SKY LANTERN OR FIRE BALLOON; AND TO REPEAL ANY OTHER CONFLICTING SECTIONS AND ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO PROVIDE FOR PUBLICATION OR POSTING AS REQUIRED BY LAW.

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

SECTION 1: Section 22-175 shall state:

- (a) It shall be unlawful for any person to manufacture, display, sell, offer for sale, give away, use, start, discharge or explode, or cause to be manufactured, displayed, sold, offered for sale, given away, used, started, discharged, or exploded, any Firework.
- (b) The provisions of the immediately preceding subsection shall not apply to:
  - (1) Non-wire 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;

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- (6) Pyrotechnic displays on the occasion of 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 between June 24 and July 4 each year, during time periods authorized by state statute as modified by resolution of the mayor and city council, or by another section of this Article;
- (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.

(c) The terms Firework or Fireworks in this Article shall refer to “Consumer Fireworks” as they are defined and amended by Chapter 28, Article 12 of the state statutes.

SECTION 2: Section 22-177 shall state:

(a) It shall be unlawful to discharge any Firework as defined and permitted by state statute, prior to June 25, and after July 4 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.

(b) 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. The City Manager or his or designee may authorize in writing the discharge of Fireworks between 9:00 a.m. and 12:00 midnight on July 5 if, in the discretion of the City Manager or his or her designee, sufficient circumstances warrant an extension of the holiday celebration, provided that no Firework may be discharged on July 5 without the written authorization of the City Manager or his or her designee.

(c) 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.

(d) 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:

- (1) 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, as per the current International Fire Code, Fireworks as adopted by the City;
- (2) Sale and retail display with storage in type 5 magazine 3301.1.3, 3301.2.3, 3302 and 3308.11.

(e) At no time shall it be lawful to discharge a Firework in any manner that is unsafe or dangerous to persons or property, including but not limited to the discharge of a Firework

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from or into a moving vehicle or other mechanism of transportation, at or near a person or group of persons, into or upon any residence, premises, building, or construction, or in any other manner prohibited by Nebraska Revised Statute § 28-1242 as now constructed or hereafter amended.

(f) At no time shall it be lawful to discharge a Firework into or upon any City property unless the City has granted a special permit for such discharge.

SECTION 3: Section 22-178 shall state:

(a) Nothing in this Article shall allow the discharge or release, at any time, of a sky lantern, fire balloon, or other device constructed of collapsible paper and designed to rise slowly into the sky by the use of a slow-burning interior flame, similar to the design of a hot-air balloon.

(b) Sky lantern or fire balloon shall also refer to any device with a flame that continuously burns for over one minute and is designed to reach an elevation of at least 50 feet from the ground.

SECTION 4: Any ordinance or any part thereof in conflict with this ordinance is hereby repealed to the extent of such conflict.

SECTION 5: This ordinance shall be in full force and effect after its passage, approval, and publication according to law.

SECTION 6: If any portion or provision of this ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such portion or provision shall not affect any of the remaining provisions of this ordinance, the intention being that the same be severable.

Roll call vote on the final reading of Ordinance No. 2743 with the following results:

Voting Aye: Lewis, Feldges, Benzal, 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 published.

● Resolution No. 13-119 authorizing Bank of the West, Farmers State Bank, First National Bank North Platte, Great Western Bank, Nebraska Public Agency Investment Trust, Sandhills State Bank, State Farm Bank and Wells Fargo Bank to be depositories for the City of Alliance was the next matter before Council.

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A motion was made by Councilman Lewis, seconded by Councilman Seiler to approve Resolution No. 13-119, which follows in its entirety:

RESOLUTION NO. 13-119

*WHEREAS*, Nebraska Revised Statute §16-712 through §16-716 list the specific requirements for the Deposit of City Funds, and;

*WHEREAS*, The law requires a resolution of the Mayor and City Council authorizing the City Treasurer to purchase Certificates of Deposit from and make time deposits in banks selected as depositories of the City Funds, and;

*WHEREAS*, Bank of the West, Farmers State Bank, First National Bank North Platte, Great Western Bank, Nebraska Public Agency Investment Trust, Sandhills State Bank, State Farm Bank and Wells Fargo Bank; of Alliance, Nebraska have proposed security arrangements for deposited City Funds in accordance with Nebraska law.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of the City of Alliance, Nebraska, that the City Treasurer, acting on behalf of the City of Alliance, Nebraska, is hereby authorized to make purchases of Certificates of Deposit from and to make time deposits in the Bank of the West, Farmers State Bank, First National Bank North Platte, Great Western Bank, Nebraska Public Agency Investment Trust, Sandhills State Bank, State Farm Bank and Wells Fargo Bank in accordance with their proposals and the appropriate Nebraska Statutes in effect at the time of this Resolution.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Board vacancies were the final agenda item.

A motion was made by Councilman Seiler, which was seconded by Councilman Yeager to reappoint Greg Bruegger as a full member to the Board of Adjustment with a term to expire December 31, 2016.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to designate Troy Shoemaker, a current member of the Board of Adjustment as the new alternate.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Lewis to reappoint Tim Garwood to the Economic Development Citizen Advisory board with a term to expire December 31, 2016.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler to vote by ballot for the appointment of the new member for the Golf Advisory Board due to more than one interested applicant. The motion was seconded by Councilman Lewis.

Roll call vote with the following results:

Voting Aye: Lewis, Feldges, Seiler.

Voting Nay: Yeager, Benzel.

Motion failed.

Ballots were submitted by each Councilmember. By unanimous vote, Vern Lubash was reappointed to the Golf Advisory Board with a term to expire December 31, 2016.

A motion was made by Councilman Seiler, which was seconded by Councilman Yeager to reappoint Vickie Stenson-Mattox to the Planning Commission with a term to expire December 31, 2016.

Roll call vote with the following results:

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

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Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, which was seconded by Councilman Yeager to reappoint Jeralee Wangler as the Social Services Representative for Police/Citizen Advisory Board with a term to expire December 31, 2015.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Seiler announced that the City of Alliance continues to have vacancies on the Economic Development Plan Citizens Advisory Board, the A-2 Downtown Improvement District, Planning Commission and a homemaker representative on the Police Advisory Board. 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](http://www.cityofalliance.net).

- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:43 p.m."

(SEAL)

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Fred Feldges, Mayor

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Linda Jines, City Clerk