

September 18, 2014

- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
  - h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
  - i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
  - j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
  - k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- (3) *Additional development standards.* The following standards shall not be exceeded by any use in this district.
- a. No wholesale shall be conducted.
  - b. No merchandise or equipment shall be stored or displayed outside a building except as follows:
    - 1. Christmas trees and shrubs for sale may be displayed outside a building,
    - 2. At convenience food stores, gasoline or other motor vehicle fuels may be dispensed at retail to consumers outside a building.
- (4) *Automatic credit card and other fuel dispensers.* All products shall be sold and all services rendered inside a building, except that motor vehicle fuels may be sold at the dispensing pump if automatic credit card or other automatic type fuel dispensers are in use that do not require the purchaser to enter the store building.
- (5) *No harmful noise, smoke, radiation, etc.* No noise, smoke, radiation, vibration, or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash, or gas that is toxic, caustic, or obviously injurious to humans or property shall be produced.
- (6) *Alcoholic beverage sale for consumption on premises prohibited.* Alcoholic beverages shall not be sold for consumption on the premises.

**Sec. 115-106. C-2, Central Business District.**

- (a) *Scope and intent.* This section applies to district C-2. The C-2, Central Business District is intended to provide a zone that will accommodate low impact retail and service businesses in those areas of the community that were traditionally developed with no building setback requirements.
- (b) *Permitted uses.*

September 18, 2014

- (1) Retail and wholesale sales establishments, not including adult bookstores.
  - (2) Medical, professional and governmental offices.
  - (3) Public libraries, utility facilities and parks.
  - (4) Eating and drinking establishments.
  - (5) Hotels, motels and other lodging facilities.
  - (6) Single and multifamily dwellings above the first floor of commercial establishments.
  - (7) Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
  - (8) Theaters, not including adult theaters.
  - (9) Health facilities such as spas.
  - (10) Printers and newspapers.
  - (11) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
  - (12) Building supply stores (indoor display and storage only).
  - (13) Lodges and fraternal orders.
  - (14) Parking lots and facilities.
  - (15) Churches, places of worship and religious.
- (c) *Conditional uses.*
- (1) Towers, telecommunications facilities, and antennas as permitted in chapter 109.
  - (2) Automobile dealer lots and repair services.
  - (3) Commercial storage units.
  - (4) Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
  - (5) Other uses clearly associated with the intent of the C-2, Central Business District.
  - (6) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (d) *Performance standards.*

September 18, 2014

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	0	A	B	0	45
Accessory building	—	—	0	A	B	0	45

A. No rear yard required if adjacent to an alley

B. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a districts R-1 to C-O inclusive

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartments for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- e. Signs as permitted in chapter 111
- f. Fences as permitted in section 115-172
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed

September 18, 2014

areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.

- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).

**Sec. 115-107. C-3, Highway Commercial District.**

- (a) *Scope and intent.* This section applies to district C-3. The C-3, Highway Commercial District is intended to accommodate commercial businesses that:
  - (1) Require direct access to highways and primary transportation thoroughfares due to the volume of traffic they generate.
  - (2) Cater primarily to the traveling public.
- (b) *Permitted uses.*
  - (1) Retail and wholesale sales establishments, not including adult bookstores.
  - (2) Medical, professional and governmental offices.
  - (3) Public libraries, utility facilities and parks.
  - (4) Eating and drinking establishments.
  - (5) Hotels, motels and other lodging facilities.
  - (6) Single and multifamily dwellings above the first floor of commercial establishments.
  - (7) Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
  - (8) Theaters, not including adult theaters.
  - (9) Health facilities such as spas.
  - (10) Printers and newspapers.
  - (11) Repair shops, indoor only, and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
  - (12) Building supply stores (indoor display and storage only).
  - (13) Lodges and fraternal orders.
  - (14) Parking lots and facilities.
  - (15) Automobile dealers, implement dealers and related services.
  - (16) Truck parking, truck repair services, and related services.
  - (17) Commercial storage units.
  - (18) Building, landscaping supplies and yards including well drillers.
  - (19) Animal feeds and supply services, not including grain elevators.
  - (20) Contractor yards, provided material storage is in the rear yard and screened.

September 18, 2014

- (21) Swimming pool, commercial.
- (22) Churches, places of worship and religious.

(c) *Conditional uses.*

- (1) Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds.
- (2) Cemeteries, mausoleums, or crematories for the disposal of the human dead.
- (3) Clubs, fraternal orders, philanthropic organizations.
- (4) Drive-in theaters.
- (5) Golf driving ranges, commercial or illuminated.
- (6) Nursery sales office, building, greenhouse, or area. (Wholesale or retail).
- (7) Towers, telecommunications facilities, and antennas as permitted in chapter 109.
- (8) Recreational vehicle camping facilities.
- (9) Riding stables and tracks.
- (10) Wind-driven electric generators with prior approval of the city electrical engineer.
- (11) Other uses clearly associated with the intent of the C-3 district.
- (12) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	15	A	B	15	35
Accessory building	—	—	15	A	B	15	35

A. No rear yard required if adjacent to an alley, otherwise there shall be a 15-foot setback.

B. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a districts R-1 to C-O inclusive, a side yard of not less than seven feet shall be provided, and a side yard of 15 feet shall be provided on the street side of a corner lot.

(2) *Permitted accessory uses.*

September 18, 2014

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- e. Signs as permitted in chapter 111
- f. Fences as permitted in section 115-172
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).

**Sec. 115-108. M-1, Light Industrial District.**

- (a) *Scope and intent.* This section applies to district M-1. The M-1, Light Industrial District is intended to accommodate most assembly, fabricating and processing activities which would generally not be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
- (b) *Permitted uses.*
  - (1) Manufacturing, processing, fabrication, or assembling of any commodity except junk or salvage.
  - (2) Warehousing, wholesaling and storage of any commodity except junk or salvage.
  - (3) Freight terminals and parcel services.
  - (4) Offices.

September 18, 2014

- (5) Public utility facilities.
- (6) One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrially-zoned districts provided that yard and other requirements of this section shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.
- (7) Private storage units as defined in section 115-2

(c) *Conditional uses.*

- (1) Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds.
- (2) Drive-in theaters.
- (3) Golf driving ranges, commercial or illuminated.
- (4) Reservoirs, wells, towers, filter beds, or water supply plants.
- (5) Wind-driven electric generators with prior approval of the city electrical engineer.
- (6) Other uses clearly associated with the intent of the M-1, Light Industrial District.
- (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (8) Towers, telecommunications facilities, and antennas as permitted in chapter 109.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	50	15	A	<u>20</u>	45
Accessory building	—	—	50	15	A	<u>20</u>	45

A. A side yard shall be provided on each side of a building or unit group of buildings, and no side yard shall be less than ten feet. A side yard abutting a zoned residential lot shall be not less than 20 feet.

(2) *Permitted accessory uses.*

September 18, 2014

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
  - b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
  - c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
  - d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
  - e. Signs as permitted in chapter 111
  - f. Fences as permitted in section 115-172
  - g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
  - h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
  - i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
  - j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
  - k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- (3) *Additional performance standards.*
- a. All operations shall be conducted within a fully enclosed building.
  - b. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within 300 feet of the property line.
- (4) *Noise level restricted.* The noise level shall not exceed 70 dB(a) at any point along the property line, as certified by letter or affidavit from an engineer.
- (5) *Smoke or particulate matter.* Smoke or particulate matter shall not be perceptible at the property line. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans or property at the property line shall be prohibited.
- (6) *Prohibited use.* No use shall be permitted or so operated as to produce or emit:
- a. Vibration or concussion perceptible without instruments at the property line.

September 18, 2014

- b. Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.
- c. Fire hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the city council.
- d. Odor. The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.
- e. Gases. The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed five parts per million. All measurements shall be taken at the property line.
- f. Glare and heat. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

**Sec. 115-109. M-2, Heavy Industrial District.**

- (a) *Scope and intent.* This section applies to district M-2. The M-2, Heavy Industrial District is intended to accommodate assembly, fabricating and processing activities which could generate vibration, noise, dust, fumes, gas, odor or smoke. However, no activities that by nature of their operation would be detrimental to the general health, safety and welfare of the general public will be permitted.
- (b) *Permitted uses.*
  - (1) Manufacturing, processing, fabrication, or assembling of any commodity.
  - (2) Warehousing, wholesaling and storage of any commodity.
  - (3) Freight terminals and parcel services.
  - (4) Offices.
  - (5) Public utility facilities.
  - (6) One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrial-zones provided that yard and other requirements of this section shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.
  - (7) Private storage units as defined in section 115-2
  - (8) Bus, truck and vehicle parking/storage lots.

September 18, 2014

- (9) Dog pounds, kennels and animal shelters.
- (10) Warehousing and bulk commodity product storage.

(c) *Conditional uses.*

- (1) Auto salvage and junk yards, providing that no burning of waste material shall be permitted, and the entire storage or salvage yard shall be screened with a solid fence or wall not less than eight feet in height.
- (2) Gun clubs, skeet shoots or target ranges.
- (3) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided, however, that no conditional use permit shall be issued until and unless the location, site plan, and method of operation, including necessary structures, have been submitted to and approved in writing by the council after report from the planning commission.
- (4) Refuse dumps.
- (5) Reservoirs, wells, towers, filter beds, or water supply plants.
- (6) Sewage, refuse, garbage disposal plants or sanitary fills.
- (7) Other uses clearly associated with the intent of the M-2 district.
- (8) Adult bookstores and theaters.
- (9) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (10) Towers, telecommunications facilities, and antennas as permitted in chapter 109.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	A	B	C	<u>20</u>	45
Accessory building	—	—	A	15B	C	<u>20</u>	45

A. 15 feet, except that a setback of not less than 50 feet shall be provided along all federal and state highways.

B. No rear yard required if adjacent to an alley, otherwise there shall be a 15-foot setback.

September 18, 2014

- C. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a districts R-1 to C-O inclusive, a side yard of not less than seven feet shall be provided, and a side yard of 15 feet shall be provided on the street side of a corner lot.

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- e. Signs as permitted in chapter 111
- f. Fences as permitted in section 115-172
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).

(3) *Additional performance standards.*

- a. Smoke, dust, particulate matter, odor, heat, or other effects shall not be produced which will be obviously harmful or injurious to humans or property beyond the property line and would meet minimum state department of environmental control air quality standards.
- b. Noise produced shall not exceed 80 dB(A) at the property line.
- c. When viewed from immediately abutting residentially zoned property, all storage of material, products or equipment shall be within a fully enclosed building or in an

September 18, 2014

open yard so screened that said materials, products or equipment are not visible at human eye level within 300 feet of the property line.

- (4) *Prohibited.* No use shall be permitted or so operated as to produce or emit the following:
- a. Vibration or concussion perceptible without instruments at the property line.
  - b. Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.
  - c. Fire hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the city council.
  - d. Odor. The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.
  - e. Gases. The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed five parts per million. All measurements shall be taken at the property line.
  - f. Glare and heat. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

**Sec. 115-110. M-3, Railroad Industrial District.**

- (a) *Scope and intent.* This section applies to district M-3. The intent of an M-3, Railroad Industrial District is to accommodate activities associated with the operation of the railroad industry.
- (b) *Permitted uses.*
- (1) Rail car storage and switching yards.
  - (2) Rail car and engine repair and maintenance facilities.
  - (3) Rail car loading and unloading facilities.
  - (4) Offices.
  - (5) Public utility facilities.
  - (6) One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrially-zoned provided that yard and

September 18, 2014

other requirements of this section shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.

- (7) Indoor and outdoor storage of associated railroad building materials such as ties, rail, etc.

(c) *Conditional uses.*

- (1) Other uses clearly associated with the intent of the M-3 district.
- (2) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (3) Towers, telecommunications facilities, and antennas as permitted in chapter 109.

(d) *Performance standards.* Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	50	<u>20</u>	A	<u>20</u>	45
Accessory building	—	—	50	<u>20</u>	A	<u>20</u>	45

A. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a district R-1 to C-O inclusive, a side yard of not less than seven feet shall be provided, and a side yard of 15 feet shall be provided on the street side of a corner lot.

(e) *Additional performance standards.*

- (1) Smoke, dust, particulate matter, odor, heat, or other effects shall not be produced which will be obviously harmful or injurious to humans or property beyond the property line and would meet minimum state department of environmental control air quality standards.
- (2) Noise produced shall not exceed 80 dB(A) at the property line.
- (3) When viewed from immediately abutting residentially zoned property, all storage of material, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within 300 feet of the property line.
- (4) No use shall be permitted or so operated as to produce or emit:
  - a. Vibration or concussion perceptible without instruments at the property line.

September 18, 2014

- b. Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.
  - c. Fire hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the city council.
  - d. Odor. The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.
  - e. Gases. The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed five parts per million. All measurements shall be taken at the property line.
  - f. Glare and heat. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.
- (f) *Permitted accessory uses.*
- (1) Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
  - (2) Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
  - (3) Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
  - (4) Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
  - (5) Signs as permitted in chapter 111
  - (6) Fences as permitted in section 115-172
  - (7) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
  - (8) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
  - (9) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.

September 18, 2014

- (10) Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- (11) A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).

SECTION 2. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote to approve the final reading of Ordinance No. 2758 with the following results:

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2758 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Council next discussed and acted on the third reading of Ordinance No. 2763, which will amend the current water rates being charged by the City of Alliance. Council was provided with the following information:

[Council was alerted to the need to adjust the base water meter service charges during their budget workshop on July 21 and again at the first budget reading on August 5. It continues to be apparent that the annual overall automatic 1% increase in rates is not sufficient for the 2014-15 fiscal year based on the following observations:

- Cash flow for the water department has continued to be negative for seven of the past thirteen months with higher summer usage revenues required to generate enough funding to cover the operating costs of the Water Department.
- The base service charge adjustments implemented last October along with increased water meters generated have resulted in approximately \$105,000 in additional base revenues for the twelve months ending July 31, 2014. Over the same period, water consumption is down almost 14% resulting in an almost \$185,000 decrease in usage revenues. The fiscal year net loss

September 18, 2014

through July is just over \$350,000 or around \$24,000 less than the same time last year.

- Major pending upgrades on the aging infrastructure will require funding that is not presently included within the current rate structure.

Staff is proposing base rate changes for residential customers of \$1.50 per month and the automatic 1% increase in usage rates. Commercial, industrial, manufacturing and municipal rates will be adjusted by the same percentages as residential. The proposed increase would generate between approximately \$75,000 in additional base charges and \$10,000 in usage revenue.]

A motion was made by Councilman Yeager, seconded by Councilman Lewis to approve the third reading of Ordinance No. 2763 which Acting City Clerk Johnson read by title and follows in its entirety.

ORDINANCE NO. 2763

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.

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	\$1.304 per 100 cubic feet
Block 2	\$1.473 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.814 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.266 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Outside the City limits - Residential Rural

Block 1	\$1.434 per 100 cubic feet
Block 2	\$1.620 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.995 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.493 per 100 cubic feet for any amount over Blocks 1, 2, and 3

September 18, 2014

## Within the City limits - Commercial Urban

Block 1	\$1.304 per 100 cubic feet
Block 2	\$1.473 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.814 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.266 per 100 cubic feet for any amount over Blocks 1, 2, and 3

## Outside the City limits – Commercial Rural

Block 1	\$1.434 per 100 cubic feet
Block 2	\$1.620 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.995 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.493 per 100 cubic feet for any amount over Blocks 1, 2, and 3

## Manufacturing Rate

Manufacturing Rate is \$1.268 per 100 cubic feet.

## Industrial Park Rate

The Industrial Park Rate is \$1.417 per 100 cubic feet.

## Municipal Rate

The Municipal Rate is \$1.061 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 in the amount of:

<u>Meter Size</u>	<u>Service Charge</u>	<u>Meter Size</u>	<u>Service Charge</u>
5/8"	\$11.25	3"	\$80.50
3/4"	\$11.25	4"	\$103.50
1"	\$11.25	6"	\$153.00
1-1/2"	\$24.25	8"	\$218.50
2"	\$48.50		

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, 2014 and thereafter.

Roll call vote to approve the final reading of Ordinance No. 2763 with the following results:

September 18, 2014

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

Mayor Feldges stated, "the passage and adoption of Ordinance No. 2763 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The third reading of Ordinance No. 2762 which will adopt the Classification and Compensation Plans to be incorporated in the City's 2015 budget was the next matter for Council consideration. Council was provided with the following information:

[The attached ordinance will adopt the Classification and Compensation Plans that will be incorporated as a part of the 2014-15 FY budget. The Compensation Plan includes five categories: Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire Employees.

The Classification Plan has only three changes from the most recent version approved by Council:

- The positions of Assistant Electric Superintendent and Electric Service Crew Chief are being removed to eliminate duplication of management positions.
- The pay grade for the Electric Superintendent is being reduced from 111 to 108 to more closely align internally with other department managers, as well as externally with 1<sup>st</sup> Class cities in our array.

The plan includes a 1.5% cost-of-living adjustment which will be effective the first full pay period following October 1, 2014. ]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the third reading of Ordinance No. 2762 which Acting City Clerk Johnson read by title and follows in its entirety.

### **ORDINANCE NO. 2762**

#### **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,

September 18, 2014

WHEREAS, The Alliance City Council adopted the Fiscal Year 2014-2015 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, 2014 and the attached Compensation Schedules for Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire employees dated to be effective October 11, 2014 are hereby adopted by this reference.

SECTION 2. This Ordinance shall become effective October 11, 2014.

Roll call vote to approve the final reading of Ordinance No. 2762 with the following results:

Voting Aye: Feldges, Benzel, Lewis, Yeager.

Voting Nay: None.

Motion carried.

Mayor Feldges stated, "the passage and adoption of Ordinance No. 2762 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next agenda item was Resolution No. 14-106 which authorized the continuance of a Production Cost Adjustment factor not to exceed \$0.01 per kWh on electric bills through September 30, 2015. Council was provided with the following information:

[The City of Alliance has been notified of three special adjustments to costs of purchased electric power as provided Municipal Energy Assistance of Nebraska (MEAN) that will add \$365,225.20 to electric power costs during the next fiscal year.

The first adjustment is the City of Alliance's responsibility under the "Regulatory, Independent Transmission System Operator and Transmission Adjustment" (RITA). Southwest Public Power (SPP) alleged MEAN improperly "tagged" network paths thus resulting in violations of the Federal Energy Regulatory Commission's (FERC) approved tariff. The RITA is the result of an almost \$6.3 million settlement between MEAN and SPP. Alliance's portion of the settlement is \$339,747.23 (\$67,949.40 annually) which is being paid to MEAN monthly over five years and payments began in April 2014.

The second adjustment is the result of MEAN's implementation of a Pooled Energy Adjustment (PEA) which is used to recover average monthly costs of energy in excess of monthly budgeted costs. The PEA costs for the period April

September 18, 2014

through September 2013 were payable from July 2014 through December 2014 with an adjusted total of \$97,558.85 remaining to be paid by December 2014.

The third adjustment is the result of a 2014 revenue shortfall by MEAN created by decreased demand (about 15% under projections) and increased power costs. Approximately \$2.1 million (or 6.5%) will be assessed to the member cities between November 2014 and March 2015 with the City of Alliance's portion currently estimated at \$199,716.97.

These costs were not incorporated into the rate study completed by Nebraska Municipal Power Pool (NMPP) in 2013 that served as the basis for electric rates approved by Council in the form of Ordinance 2736 on September 19, 2013. Based on the historic usage over the past five years, an average Production Cost Adjustment of just over three-tenths of a cent per kWh should generate sufficient funds to fund the known RITA and PEA costs for the next twelve months. The PCA would result in an additional monthly charge of less than \$2.00 on the average residential billing.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 14-106 which follows in its entirety:

RESOLUTION NO. 14-106

*WHEREAS*, The City of Alliance provides electrical services to residents, businesses and others through the Alliance Municipal Electric System; and

*WHEREAS*, The City of Alliance is a member of the Municipal Energy Agency of Nebraska (MEAN); and

*WHEREAS*, The City of Alliance received billings from MEAN that demonstrate the cost of electricity purchased has increased and added additional cost to wholesale rates; and

*WHEREAS*, The City Council believes it is in the best interest of the City to approve administrative adjustments to billings for electrical services to reflect the additional charges as production costs.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that pursuant to the Alliance Municipal Code, Section 28-161 (b) that the City Manager be authorized to employ a Production Cost Adjustment of up to \$0.01 per kWh, starting October 1, 2014 and ending September 30, 2015.

Roll call vote with the following results:

Voting Aye: Feldges, Benzel, Lewis.

Voting Nay: Yeager.

Motion carried.

September 18, 2014

- Council next conducted a general discussion regarding Laing Lake as to whether to continue to fill the lake to maintain its current level, or discontinue filling the lake so the water level may lower naturally due to the upcoming improvements to be initiated the summer of 2015.

It was determined by consensus to stop filling Laing Lake and to let it drain naturally.

- The next agenda item was to discuss the City's Sidewalk Replacement Participation Program. The following background material was provided for Council's consideration.

[As was previously discussed, the City of Alliance received an application from Box Butte County dated August 25, 2011 for the Sidewalk Replacement Program. At that time, the Program provided for a 50/50 cost share. Subsequent September 6, 2011 minutes of the County Commissioners reflect payment approval of the County's 50% share (\$8,818.33); however, the check was never issued to the City and the project was not completed.

The City amended the Sidewalk Replacement Program via Resolution 13-101 on October 3, 2013 which provided for payment of \$200 per cubic yard by the City, but limited the participation for commercial businesses to a total of \$1,000. The County Commissioners resurrected the sidewalk project discussions at the two most recent joint meetings with the expectation that the City honor the original participation agreement. There is ample budget authority remaining in the current budget to fund the project as originally planned, without impacting the availability of funds to residents in 2014-2015 budget year.

Upon further reflection, City staff has given some consideration toward going ahead and honoring the previous commitment made by the Street Superintendent in 2011. Doing so, would make much needed improvements to the sidewalk and would certainly be at a much reduced cost to the City than if we were continuing our streetscape project further north.

City staff would like to receive guidance from Council on how best to handle this matter. If Council were to wish to proceed in honoring the \$8,818.33 commitment, staff would like to request that this matter be wrapped up yet this budget year, and time remains to approve that payment at the September 30, 2014 Council meeting.]

Council discussed the previous steps which have been taken with Box Butte County. No action was taken at this time. City Manager Cox stated staff will prepare a resolution authorizing the completion of City's participation with the sidewalk proposal.

- The final agenda item was board vacancy announcements.

With there being no board appointments, Mayor Feldges announced that the City of Alliance continues to have vacancies on the Community Garden Advisory Board, one vacancy

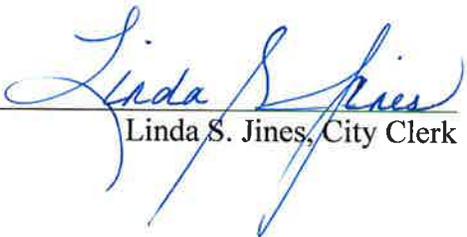
September 18, 2014

on the A-1 Downtown Improvement District Board, a School Representative on the Police Advisory Board and one vacancy on the Economic Development Plan Citizen 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 8:18 p.m."

  
\_\_\_\_\_  
Fred Feldges, Mayor

(SEAL)

  
\_\_\_\_\_  
Linda S. Jines, City Clerk