

November 4, 2014

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, NOVEMBER 4, 2014

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

The Alliance City Council met in a Regular Meeting, November 4, 2014 at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on October 28, 2014. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Feldges opened the November 4, 2014 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members, Benzel, Lewis, Seiler and Yeager. Also present were City Manager Cox, Assistant City Manager Waggener, City Attorney Shaver and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- City Manager Cox introduced and welcomed new City of Alliance employees Amber Kelley, Public Safety Dispatcher; and Tyler Wilson, Library Page to the City Council.

Mayor Feldges also introduced Austin Goss with Troop 216, whom is currently working on his Citizenship in the Community Badge.

- The Consent Calendar was the next item to be addressed by Council. Councilman Benzel made a motion, which was seconded by Councilman Lewis to approve the Consent Calendar as follows:

CONSENT CALENDAR – NOVEMBER 4, 2014

1. Approval: Minutes of the Regular Meeting, October 21, 2014.

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2. Approval: Payroll and Employer Taxes for the period October 11, 2014 through October 24, 2014 inclusive: \$166,440.05 and \$12,097.24 respectively.
3. Approval: Claims against the following funds for the period October 16, 2014 through October 30, 2014: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$928,780.49.
4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending September 30, 2014. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Approval: Acceptance of a donation from an Anonymous Donor for a 2011 47" Flat Screen TV for the Senior Center.
6. Approval: Resolution No. 14-121 which provides the authority to modify the Alliance Police Pension Plan to reflect the statutory changes which were recently made by the Nebraska Legislature.
7. Approval: Resolution No. 14-122 which provides the authority to modify the Alliance Personnel Manual to reflect the inclusion of Airport personnel in the On-Call Program.
8. Approval: Resolution No. 14-123 accepting a donation from the Panhandle Men's Club for the purchase of new Tee Boxes.
9. Approval: Resolution No. 14-124 which will authorize the City to re-enter into a Lease with the TSA for space at the Alliance Municipal Airport.
10. Approval: The request of the Alliance Chamber of Commerce to close Box Butte Avenue between 10th Street and 3rd Street to conduct their annual Christmas Parade. The parade will take place on Saturday, December 6, 2014. The lineup will begin at 5:00 p.m. in the 800 and 900 blocks with the parade starting at 5:30 p.m. heading south to 4th Street. Santa will continue to the mini park. The Chamber has provided a Certificate of Liability Coverage for the event.
11. Approval: To release the Irrevocable Letter of Credit from Lucky One, LLC in the amount of \$75,000. The City no longer contracts with Lucky One, LLC to operate our Keno Program in Alliance. We began running our Keno Program with Nebraska Cooperative Government in August of 2010; therefore the Letter of Credit is no longer necessary.
12. Approval: Budget transfer within the General Fund Library Division from (Building Maintenance Materials) Account No. 01-71-77-45-561 to Capital Outlay - Buildings

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Account No. 01-71-77-59-915 in the amount of \$400.00. This is being requested for the HVAC software upgrade.

13. Approval: The issuance of the following Contractor licenses:

HVAC Journeyman	Rick Camacho, Sr. dba CST Mechanical, Inc.
Journeyman Plumber	Rick Camacho, Sr. dba CST Mechanical, Inc. Lucan Palomo dba CST Mechanical, Inc.
Master Plumber	Martin Ramirez dba CST Mechanical, Inc.
Gas Fitter	Rick Camacho, Sr. dba CST Mechanical, Inc.
Limited & Specialty	Anselmo Camacho dba CST Mechanical, Inc. Ricky Camacho, Jr. dba CST Mechanical, Inc.

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.

Terry Johnston, 612 Hudson Avenue, a member of the Panhandle Men's Club, was present and showed Council a sample of the new tee boxes the Men's Club plan on purchasing for the Skyview Golf Course.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

● City Manager Cox gave his City Manager's Report in outline form:

1. James Monroe – Survey/Condition report of all buildings
2. Production Cost Adjustment:
 - Nov: **\$0.00784**
 - Oct: \$0.00658
 - Sept: \$0.00183
 - Aug: \$0.00187
 - July: \$0.00177
 - June: \$0.00317
 - May: \$0.00312
 - April: \$0.00600
 - March: \$0.01000
3. Contacted by Barb Keegan
 - Airport Road project moving forward with NDOR/Game & Parks
 - NDOR completing plans in house
 - Confirmed Games & Parks paying 60% of cost

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- Expected construction: Spring 2015
4. Demolition:
 - 105 Big Horn Parks building is down (\$46,259 + Landfill fees)
 - (Toads 123 Box Butte): \$29,437 + \$24,498 (Landfill fees) = \$53,935
 5. Website updates
 6. Airport/Air Services
 - EAS Contract up: May 31, 2015
 - 2nd Week Nov: Airline Conference @ Montgomery
 - Airlines scheduled to meet with
 - Cape Air
 - Air Choice One
 - Seaport
 - ViaAir
 - Corporate Flight Management
 - PenAir (Requested to meet with us)
 - Boutique (Not attending; but wishes to visit)
 - In May, only had three flights canceled
 - In June, only one is scheduled to be canceled
 - Teaming with Chadron to improve
 7. Library Repairs:
 - COMPLETE - Engineering (\$5600)
 - Final Report: \$1600
 - Bldg Envelope Repairs: \$2000
 - Intrusive Testing: \$2000
 - COMPLETE - Immediate temporary shoring – (\$1200)
 - COMPLETE - Phase 1 - Stabilizing work – (<\$20,000) \$13,500)
 - PENDING - Phase 2 – Excavation on exterior of building – remove pad
 - PENDING: Excavation for determination
 - PENDING: Corrective action
 8. Total Eclipse at Alliance – 8/21/2017
 9. Approved for fourth of five funding parts of Laing Lake project
 - NDEQ Pre-Planning Grant \$5,900 – Approved and already spent
 - City \$71,952 – Approved (+ prior year \$37,572)
 - UNWNRD \$14,000 – Approved InKind Assistance
 - **NDEQ Grant \$84,500 – Approved 10/27/14**
 - NET \$255,000 – Expected notification early 2015
 - Total: \$431,352
 10. Parks
 - Properties are looking good; well mowed; kept up
 - Pile of Leaves – storing “temporarily in a big pile” and the kids love it!

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- Congratulate and thank our staff
 - Well Represents our small town
 - Warm and wonder part of “The Best Hometown in America”
- The next item on the agenda was the first reading of Ordinance No. 2766, which will amend the Alliance Municipal Code regarding the designation of school zones. Council was provided with the following information:

[The City of Alliance has a new educational facility called Little Angels Emanuel Lutheran School. This school is located at 1312 East 10th Street. All schools within the City of Alliance have speed zones at 20 miles per hour except for this school. The attached revised ordinance includes the addition of the following: “(4) Little Angels Emanuel Lutheran School: Tenth Street from the west line of Block 1 of the YMCA Addition to the east line of Lot 4 of the Leo Rosa 2nd Addition.”

The school zone will be marked with yellow school zone signs on each end along with flashing yellow caution lights. These lights will only be active during the school year as well as day time hours as described by the Code.

At this time, the Meadowood Addition has not been included in the speed zone due to the fact that the enrollment shows only one child from that neighborhood and there is no connecting sidewalk.

Staff is recommending the waiving of three readings in order to expedite the implementation of this safety measure.]

A motion was made by Councilman Yeager, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2766 which City Clerk Jines read by title.

Mayor Feldges asked the necessity of the 20 miles per hour limit or if the minimum speed could be increased to 25 miles per hour and if there were alternative options. Council discussed several options regarding the speed limit and the appropriate distance for the school zone designation.

A motion was made by Councilman Lewis, seconded by Councilman Seiler to amend Ordinance No. 2766 in Section 26-52 (a) (4) by changing the language to read from the west line of Block 1 of the YMCA Addition to the east west line of Lot 4 of the Leo Rosa 2nd Addition.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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A motion was made by Councilman Yeager, seconded by Councilman Lewis to suspend the statutory rule requiring three separate readings of Ordinance No. 2766.

Roll call vote to waive the statutory reading with the following results:

Voting Aye: Feldges, Lewis, Yeager, Seiler.

Voting Nay: Benzel.

Motion carried.

Roll call vote to approve amended Ordinance No. 2766 on final reading with the following results:

Voting Aye: Feldges, Lewis, Yeager, Seiler.

Voting Nay: Benzel.

Motion carried.

AMENDED
ORDINANCE NO. 2766

AN ORDINANCE PERTAINING TO SCHOOL ZONES AND AMENDING SECTION 26-52; 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 COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. Section 26-52 of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

Sec. 26-52. - School Zones.

(a) The school zones are described as follows:

- (1) Alliance Middle School, Alliance High School and St. Agnes Academy: Box Butte Avenue from the north line of Tenth Street to the north line of Sixteenth Street; Laramie Avenue from the north line of Tenth Street to the north line of Fourteenth Street; Cheyenne Avenue from the north line of Tenth Street to the north line of Sixteenth Street; Big Horn Avenue from the north line of Tenth Street to the south line of Sixteenth Street; Eleventh Street from the east line of Box Butte Avenue to the west line of Laramie and the from the east line of Toluca Avenue to the east line of Cheyenne; Twelfth Street from the west line of Big

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Horn Avenue to the east line of Box Butte Avenue; Fourteenth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; and Sixteenth Street from the east line of Box Butte Avenue to the west line of Cheyenne Avenue.

- (2) Emerson Elementary School: Dakota Avenue from the south line of Sixth Street to the south line of Ninth Street; Colorado Avenue from the south line of Eighth Street to the south line of Ninth Street; Black Hills Avenue from the south line of Sixth Street to the south line of Ninth Street, Sixth Street from the west line of Platte Avenue to the west line of Dakota Avenue; Seventh Street from the west line of Platte Avenue to the west line of Dakota Avenue.
- (3) Grandview Elementary School: Potash Avenue and Grand Avenue from the north line of Fifth Street to the north line of Seventh Street; from the east line of Mississippi Avenue to the west line of Hudson Avenue; and Seventh Street from the east line of Mississippi Avenue to the west line of Hudson Avenue.
- (4) Little Angels Emanuel Lutheran School: Tenth Street from the west line of Block 1 of the YMCA Addition to the west line of Lot 4 of the Leo Rosa 2nd Addition.

(b) The speed limit within all school zones shall be 20 miles per hour between the hours of 7:00 a.m. and 4:00 p.m. when school is in session.

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

Mayor Feldges stated, “the passage and adoption of Ordinance No. 2766 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The second reading of Ordinance No. 2765, which will amend the Alliance Municipal Code regarding utility deposits, billing cycles and billing due dates was the next agenda item. Council was provided with the following background information:

[The Finance Department has reviewed the policies, code and fees as a part of the service excellence initiative. The goals were to align the policies with current practice; enhance and streamline policy details; address billing delays criticized in City audits; recommend updated fees and update Municipal Code accordingly. The formal utility customer service office policies have remained unchanged since 2006 and most of the current fees and meter deposit rates were set in 1999.

The major policy changes will include the following:

- Hang Tags. Hang tags are a courtesy notice (not specifically mentioned in policy or code) delivered to the residence or business the day prior to disconnect. Initially, the goal was to reduce the number of actual service disconnects. This practice is expensive to the City in terms of employee

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time, vehicle costs and supplies and has become a “crutch” for some residents routinely on the monthly list. Hang tags will be discontinued on December 1, 2014. Staff would be allowed to make courtesy calls to customers who appear on the delinquent list for the first time or where delinquent payments are considered unusual.

- Waivers. Current practice allows customers to request an automatic ten-day extension prior to the delinquent date. Waivers are consistently used by many of the same customers every month to delay payment. The current contracts will be revised and still be allowed for just cause if approved by the Utilities Administration Services Director or his designee. Customers signing waivers through the remainder of the year will be notified of this change. It is proposed that waivers be discontinued as of January 1, 2015.
- Collection Timeline. Due dates will be reduced from one month to two weeks and the disconnect date will be twenty days earlier and set prior to the following month’s billing. (See the attached comparison.) Note that those customers on the City’s automatic payment plan would have later due dates without penalty. This change is proposed for billing cycles after May 1, 2015 in order to provide customers with adequate notice.
- Meter Deposits. It is proposed that meter deposits be increased by \$50 for most all service classes. There would be an allowance to discount meter deposits by \$50 for those customers who enroll on the City’s automatic payment plan and remain in good standing on their accounts. This change is proposed for new deposits beginning May 1, 2015.
- Other Fees. Following are other fee changes being proposed as of May 1, 2015.

Fee	Current	Proposed
Reconnect Fee	30.00	50.00
Reconnect Fee (After Hours)	60.00	100.00
Country Meter Card	30.00	40.00
Late Fee	30.00	40.00
Return Check Fee	None	35.00

The revised utility customer service office policies were approved at the last Council meeting and the revised Municipal Code is attached for second reading.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the second reading of Ordinance No. 2765 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2765

AN ORDINANCE PERTAINING TO UTILITY COLLECTION REMEDIES AND PROCEDURES AND AMENDING SECTIONS 28-19, 28-23, 28-24, 28-26, AND 28-27; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING EXISTING PROVISIONS OF THE ALLIANCE CODE NOT CONSISTENT WITH THIS ORDINANCE.

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

SECTION 1. Sections 28-19, 28-23, 28-24, 28-26, and 28-27 of the Code of Ordinances of the City of Alliance, Nebraska are hereby amended to read as follows:

Sec. 28-19. Security; utility deposits.

- (a) Before metered utility services are connected, or at any time thereafter, the city may require of any utility customer, evidence satisfactory to itself that all bills for utilities rendered will be paid promptly. The city may require any utility customer to maintain on deposit, with the city, an amount sufficient to pay the estimated bills for all utility services provided to the customer. After 24 months of service the customer may make a request for a refund of the customer's deposit. If there have been no late payments during the most recent 24-month history, the deposit will be refunded. Required deposits will not be less than the following amounts for the following classifications:
- (1) Residential users: \$150.00 per meter.
 - a. Without water: \$125.00 per meter.
 - b. Water only: \$100.00 per meter.
 - (2) General service demand and large users.
 - a. With water: \$350.00 per meter.
 - b. Without water: \$250.00 per meter.
 - (3) Apartment complex house meters: \$100.00.
 - (4) Landlord read and leave agreement: \$100.00.
 - (5) Landlords with multiple units (i.e., apartment complexes, mobile homes and more than three houses) who have read and leave agreements must have the specified deposit for every four units.
 - (6) Temporary construction deposit: \$100.00.
 - (7) Water hydrant meters: \$250.00.
- (b) When all charges are not fully paid, the service deposit, in whole or in part, shall be applied against the outstanding charges. Deposit balances remaining in excess of \$1.00 shall be refunded to the customer.
- (c) Deposit amounts specified in (a)(1) and (a)(2) will be discounted by \$50.00 when the user enrolls in the City's direct payment plan. Deposits will be increased by \$50.00 for any user discontinuing direct payments or otherwise removed from the direct payment plan.

(Code 1986, § 4-401; Ord. No. 2350, 3-18-1999)

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Sec. 28-23. Rendering and payment of bills.

- (a) All customers of the city utilities will be billed monthly for services received. All utility bills shall be due and payable when mailed. The monthly billing dates shall be established annually and maintained on file in the utility customer service office.
- (b) All utility billings or notices to any customer from the utility customer service office shall be deemed to have been presented and given when deposited with the U.S. Postal Service and addressed to the last known address of a customer as shown on records at the utility customer service office, or when provided online to customer's electronic account.
- (c) Any billed amount that has not been paid by 4:00 p.m. on the 14th day following the current month's billing date shall be deemed delinquent. If the date set forth in subsection (a) of this section falls on a weekend or holiday, the delinquent date will be the next business day.

(Code 1986, § 4-405; Ord. No. 2265, 2-6-1997; Ord. No. 2350, 3-18-1999; Ord. No. 2370, 9-2-1999)

Sec. 28-24. Past due penalty.

- (a) Any past due balance, excluding sales tax, will be charged a one time penalty of ten percent of the delinquent amount. The past due date shall be the day following the delinquent date as defined in Sec.28-23 (c)
- (b) If the date set forth in subsection (a) of this section falls on a weekend or holiday, the past due date will be the next business day.

(Code 1986, § 4-406; Ord. No. 2265, 2-6-1997; Ord. No. 2350, 3-18-1999; Ord. No. 2370, 9-2-1999)

Sec. 28-26. After hours reconnections.

- (a) When a customer requests reconnection after hours by contacting the city police department, the dispatcher will instruct the customer that it is the customer's responsibility to deposit the past due balance and an after-hours reconnection fee in the night deposit at the utility customer service office. This payment may be in any form, unless payment history shows insufficient funds checks have been issued by the customer previously. Any payment by check that comes back as insufficient funds will automatically require the total balance for all billed amounts and the reconnect fee be paid in full by cash, certified check or money order for the current and future disconnects. Failure to make this payment will result in disconnection of services the following working day and an additional reconnect fee will be required to restore services.
- (b) A reconnection fee, must be paid in advance for all restorations of utilities services which can be completed between the hours of 8:00 a.m. to 5:00 p.m. For restoration of service completed after business hours, the fee shall be twice the amount of the regular charge.
- (c) If a disconnected customer currently lives at the account address that has been disconnected and another resident of that address tries to transfer the account in their name, all

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outstanding charges and fees will be due and payable before the account can be transferred into another name.

- (d) If the utility customer service office becomes aware of a customer trying to circumvent these rules and regulations to avoid paying debts and fees that are due, the customer's deposit may be applied immediately to the unpaid balance and action, as noted in section 28-21

(Code 1986, § 4-408; Ord. No. 2350, 3-18-1999)

Sec. 28-27. Delinquent bills, notice required before termination.

Utility service shall not be discontinued to any customer for nonpayment of any delinquent amount unless the utility customer service office first gives notice, as provided in section 28-29, by first class mail or in person to the customer whose service is proposed to be terminated. Notice may be given by first class mail, electronically or by automated phone message and it will be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days, excluding weekends and holidays from the date of the notice. As to any customer who has previously been identified as a welfare recipient to the city by the department of health and human services, such notice shall be by certified mail and notice of such proposed termination shall be given to the department.

(Code 1986, § 4-409; Ord. No. 2350, 3-18-1999)

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 on the second reading of Ordinance No. 2765 with the following results:

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

Voting Nay: None.

Motion carried.

- Council next conducted a Public Hearing to consider the Conditional Use Permit Application of Shawna McConnell for property owned by Good Samaritan. Council was provided with the following information:

[The City of Alliance is in receipt of an application for a Conditional Use Permit from The Good Samaritan Society on behalf of Shawna McConnell. The Conditional Use Permit application is to allow a daycare on the Good Samaritan campus. The proposed location is an unused building addressed 620 Circle A with placement near the northwest corner of the property. The property consists of all of Block 1, First Addition to Federal Addition to the City of Alliance, which is about 5.2 acres in size.

The Good Samaritan Campus is zoned R-3 Multi-family Residential and is currently used as senior living and senior care. Daycare facilities are not a

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permitted use in R-3 zoning districts but are allowed with the approval of a Conditional Use Permit by the Alliance City Council. The property is bordered to the east by R-4 - Mobile Home Residential, to the north and west by C-3 - Highway Commercial and to the south by R-3 - Multi-family Residential.

The City mailed Notification Petitions to the owners within a 300' radius of the property. As of October 10th, the City had received four of the twenty-eight petitions back. All were in favor of the Conditional Use Permit.

Staff believes that the additional land use would not be any more intense than the current land use of senior housing and nursing facility. Staff recommended that daycare parking be in the existing parking lot at the northeast corner of Sixth Street and Flack Avenue to minimize the impact on Seventh Street, Flack Avenue and Sixth Street, and that child pickup and drop off be on the campus for the same reason.

The City of Alliance Planning Commission met at its regular meeting October 14, 2014 and recommended that the City Council approve a Conditional Use Permit for Good Samaritan Society on behalf of Shawna McConnell allowing a daycare on Block 1, First Addition to the City of Alliance, with the following conditions:

1. Approval of all state agencies is kept on file with the City.
2. Daycare staff shall park in the on-campus parking lot.
3. Drop off and pick up shall be done on campus to minimize the impact to traffic on City streets.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Conditional Use Permit Application of Shawna McConnell; and opened the public hearing at 7:58 p.m.

Shawna McConnell, 645 Belmont Street, was present to speak in favor for the Conditional Use Permit. Ms. McConnell states she began daycare services in June 2014 at her current location, 2409 Box Butte Avenue. She is licensed by the State of Nebraska and can care for up to 12 children at any given time. She informed Council that she submitted her application for a Conditional Use Permit so she can transfer her business to the Good Samaritan location. She provides a 24-hour daycare service, and a large number of her clients work at Good Samaritan.

Mark Lagar, Director of Good Samaritan Society, 1604 Emerson Avenue, was also present to speak in favor of the daycare. Mr. Lagar stated there will be no parking issues and having a daycare in their faculty will not only greatly benefit the staff of Good Samaritan, but the entire community with it being a 24-hour daycare. He also stated another positive outcome would be the combining of the generations of the daycare children and the residents of Good Samaritan.

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There being no further testimony, the Public Hearing closed at 8:07 p.m.

A motion was made by Councilman Benzel, seconded by Councilman Seiler to approve Resolution No. 14-125, which follows in its entirety:

RESOLUTION NO. 14-125

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

WHEREAS, The Good Samaritan Society on behalf of Shawna McConnell has requested a Conditional Use Permit for property located at Block 1, First Addition to Federal Addition, Alliance, Box Butte County, Nebraska; commonly addressed as 620 Circle A on the Good Samaritan Campus between 6th and 7th Streets and Boyd and Flack Avenues, to allow for the operation of a daycare facility; and

WHEREAS, The Community Development office has examined the request and finds that the request for a daycare facility in a R-3 – Multi-Family Residential District is appropriate for the granting of a conditional use; and

WHEREAS, The Community Development Director has recommended the granting of the Conditional Use Permit; and

WHEREAS, On the 16th day of October, 2014, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for the Good Samaritan Society; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Conditional Use Permit of the Good Samaritan Society to allow for the development of a daycare facility at Block 1, First Addition to Federal Addition, Alliance, Box Butte County, Nebraska, commonly addressed as 620 Circle A on the Good Samaritan Campus is hereby authorized and approved with the following additional conditions:

1. Approval from the State Agencies be on record with the City of Alliance;
2. Daycare staff shall park in the on-campus parking lot;
3. Drop off and pick up shall be done on campus to minimize the impact to traffic on City Streets.

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BE IT FURTHER RESOLVED, that the Conditional Use Permit shall be presumed inactive if the conditional use is not commenced within twelve months of November 4, 2014.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing to consider the Conditional Use Permit Application of Verizon Wireless for property owned by Ralph Hoxworth was the next agenda item. Council was provided with the following information:

[The City of Alliance is in receipt of an application for a Conditional Use Permit from Ralph Hoxworth on behalf of Jeffrey Skinner for Verizon Wireless. The Conditional Use Permit application is to allow construction of a 158' tall monopole antenna on Block 1, Hoxworth Addition to the City of Alliance. This is a vacant lot situated south and west of the intersection of First Street and Williamette Avenue and is about 4.6 acres in size.

The lot is zoned M-2 - Heavy Industrial and is currently vacant. Communication towers and antennas are not permitted uses in M-2 zoning districts but are allowed with the approval of a Conditional Use Permit by the Alliance City Council. The property is bordered to the north, east, south and southwest by M-2 - Heavy Industrial and to the northwest by C-3 - Highway Commercial.

The lots to the north and northwest are vacant. The lot to the southwest is a concrete batch plant. The lot to the south is a concrete debris repository, and the lot to the east is used for refuse processing and equipment storage. Staff believes that the land use would not be any more intense than the land uses of the occupied surrounding lots. The nearest residential zoned lot is the City of Alliance Softball Complex which is over ¼ mile away from the proposed tower location.

The materials required by Sections 109-21 through 109-32 of the Alliance Municipal Code were present in the application from Verizon Wireless. The tower meets the property line setback provisions and is 300' southwest of the Approach Zone for Runway 12 of the Alliance Municipal Airport.

The City mailed Notification Petitions to the owners within a 300' radius of the property. As of October 10th, the City had received one of the seven petitions back. The petition is in favor of the Conditional Use Permit.

The City of Alliance Planning Commission met at its regular meeting October 14, 2014 and found the material presented to them was satisfactory. They voted yes on a recommendation to the Alliance City Council for the approval of a

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Conditional Use Permit for Ralph Hoxworth on behalf of Verizon Wireless allowing the construction of a 158' monopole antenna on Block 1, Hoxworth Addition to the City of Alliance.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Conditional Use Permit Application of Verizon Wireless; and opened the public hearing at 8:09 p.m.

Jeffery Skinner, 705 SE Cardinal Lane, Waukee, Iowa, was in attendance to speak in favor of the Conditional Use Permit Application as it will allow the placement of a 150' monopole antenna to be placed on the west side of town on property owned by Ralph Hoxworth. He also stated this pole is needed mainly due to the amount of data usage being utilized within this area, not necessarily phone service. Mr. Skinner added this monopole allows for space for two additional services that can be leased by other users.

No further testimony was offered, the Public Hearing closed at 8:16 p.m.

A motion was made by Councilman Lewis, seconded by Councilman Yeager to approve Resolution No. 14-126, which follows in its entirety:

RESOLUTION NO. 14-126

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

WHEREAS, Ralph Hoxworth on behalf of Verizon Wireless has requested a Conditional Use Permit for property located at Block 1, Hoxworth Addition, Alliance, Box Butte County, Nebraska; to allow the construction of a monopole antenna; and

WHEREAS, The Community Development office has examined the request and finds that the request for a monopole antenna in a M-2 – Heavy Industrial District is appropriate for the granting of a conditional use; and

WHEREAS, The Community Development Director has recommended the granting of the Conditional Use Permit; and

WHEREAS, On the 16th day of October, 2014, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit of Ralph Hoxworth for Verizon Wireless; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Conditional Use Permit of Ralph Hoxworth on behalf of Verizon Wireless to allow for the construction of a monopole antenna at Block 1, Hoxworth Addition, Alliance, Box Butte County, Nebraska, is hereby authorized and approved.

BE IT FURTHER RESOLVED, that the Conditional Use Permit shall be presumed inactive if the conditional use is not commenced within twelve months of November 4, 2014.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council next acknowledged an invoice received from Scott Bolinger dba B&A Property Management in the amount of \$9,714.00 for trespassing, theft of personal items and damages to property.

A motion was made by Councilman Seiler, seconded by Councilman Lewis to acknowledge receipt of the claim and for staff to forward Mr. Bolinger's claim to the City's insurance provider.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was the overview and acceptance of the Fourth Quarter Financial Report provided by Assistant City Manager/Finance Director Randy Waggener.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to accept the Fourth Quarter Financial Report as presented.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- The final agenda item was board vacancy announcements.

Councilman Seiler announced the City of Alliance has the following current openings: two vacancies on the A-1 Downtown Improvement Board, one vacancy on the A-2 Downtown Improvement Committee, one vacancy on the Alliance Housing Authority and a school representative on the Police Advisory Board. There are also two youth ex-officio positions on the Library 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.

Councilman Seiler also announced the City will have openings the end of December for either appointments or re-appointments on the Board of Adjustment, Golf Course Advisory Board, Housing Authority, Planning Commission and Police Advisory Board for a hispanic, senior citizen, and religion representative.

- Prior to adjourning Councilman Lewis asked staff to place on a future agenda information for the Council to possibly revisit the garage and carport regulations and the possibility of establishing business improvement districts for both the Flack Avenue area and the 3rd Street area.
- Mayor Feldges stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:56 p.m."


Fred Feldges, Mayor

(SEAL)


Linda S. Jines, City Clerk

