

March 17, 2015

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MARCH 17, 2015

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

The Alliance City Council met in a Regular Meeting, March 17, 2015 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 March 10, 2015. 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 Yeager opened the March 17, 2015 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Feldges, Jones, Seiler, and Korber-Gonzalez. Also present were City Manager Cox, Assistant City Manager/Finance Director Waggener, City Attorney Olsen and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- Council had before them two proclamations as their first items of business.

The following proclamation was presented to Kathryn Hood, a representative of the Soroptimist Club in Alliance.

PROCLAMATION

WHEREAS, Soroptimist International of Alliance are business and professional women who strive for human rights for all people and in particular, to advance the status of women by International goodwill and understanding, volunteer action, leadership development, fellowship and diversity; and

WHEREAS, Soroptimist is an international organization for business and professional women who work to improve the lives of women and girls, in local communities and throughout the world, and

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WHEREAS, Over 100,000 Soroptimists in about 120 countries and territories contribute time and financial support to community-based and international projects that benefit women and girls, and

WHEREAS, Soroptimist International of Alliance is one of 24 clubs in the Rocky Mountain Region and part of Soroptimist International of Americas which is a world-wide classified service organization. Locally, we presently have 19 members, who are involved in a variety of local projects, and

WHEREAS, Saluting the valuable contributions of Soroptimist International of Alliance for helping women and girls in Box Butte County by participating in Soroptimist International projects including the Soroptimist Women's Opportunity Awards, Soroptimist Club Grants for Women and Girls, the Soroptimist Workplace Campaign to End Domestic Violence, the Soroptimist Ruby Award, the Soroptimist Violet Richardson Award and Soroptimists STOP Trafficking. Soroptimist International Alliance participates in the Live Your Dream campaign, which encourages all women to live their dreams while helping others to do the same.

NOW, THEREFORE, On behalf of the Mayor and Members of the City Council of the City of Alliance, I do hereby proclaim March 17, 2015 as:

INTERNATIONAL WOMENS DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 17th day of March in the year of the Lord Two Thousand Fifteen.

Bart and Cathy Dye were in attendance to accept the second proclamation which follows in its entirety:

PROCLAMATION

Whereas, the foundation of Box Butte County agriculture – farming and ranching – occurs on nearly 450 agricultural operations representing 670,000 acres of crop and pasture land in the county; and

Whereas, farm and ranch families, symbols of strength and dedicated work ethic, are “Planting Values and Growing Futures” as they supply our regional, state, national and global economies with an abundance of high quality food and fiber goods and products; and

Whereas, farm and ranch families of Alliance are stewards of the land, preserving and enhancing productivity and quality of the lands and natural resources; and

Whereas, Box Butte County has been designated as a “Livestock Friendly County” by the County Commission and the Nebraska Department of Agriculture; and

Whereas, Nebraska's economy, as the 3rd largest agriculture-producing state in the nation, relies on support from many sectors of agriculture – education and youth programs; research,

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technology and rural development; retail, wholesale and commercial agricultural businesses; cooperative and commodity entities; and policy and education groups - ensuring safe and dependable food and fiber; and

Whereas, 2015 marks the 42nd anniversary of National Agriculture Week observances, an effort to raise awareness of the positive contribution agriculture makes in providing the necessary food, feed, fuel and fiber of everyday life;

Now, therefore, we, as members of the Alliance City Council, do hereby proclaim

March 15-21, 2015, as National Agriculture Week

and encourage all citizens to recognize local farm and ranch producers and their agribusiness partners who contribute to the community’s economy and health.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 17th day of March in the year of the Lord Two Thousand Fifteen.

- The Consent Calendar was the next item to be addressed by Council.

Councilman Feldges made a motion, which was seconded by Councilman Seiler to approve the Consent Calendar as follows:

CONSENT CALENDAR – MARCH 17, 2015

1. Approval: Minutes of the Regular Meeting, March 3, 2015 and the Special Meeting, February 26, 2015.
2. Approval: Payroll and Employer Taxes for the period February 14, 2015 through February 27, 2015 inclusive: \$176,251.76 and \$12,441.30 respectively.
3. Approval: Claims against all funds of the City of Alliance for the period February 24, 2015 through March 10, 2015 in the amount of \$1,117,457.72.
4. Approval: The following contractor licenses:

General Contractor	Beckenhauer Construction, Inc. Quality Structures, Inc. KONE, Inc. Tim Weston Construction Houchin Construction Dale Wood Construction, Inc. Cleary Building Corp.
Repair & Maintenance	Kucera Painting, Inc. Steve Steggs
Master HVAC	Jack’s Refrigeration

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Journeyman HVAC Master Plumber	Rasmussen Mechanical Services Jerry's Sheetmetal Snell Services, Inc. (Lon Asselin)
Journeyman Plumber	Snell Services, Inc. (Ralph Burbach) Snell Services, Inc. (Randy Burbach) Snell Services, Inc. (Dominic Murillo)
Limited and Specialty Sign	C&J Steel Erectors Ferguson Signs, Inc.

5. Approval: To renew the CenturyLink Line Volume Plan Agreement for telephone line and long-distance services for three years at the same rates (\$24.99 to \$27.99). This agreement presently includes 29 lines at the Police Department and other areas not serviced by Allo Communications. The discounted plan allows removal of lines from the plan during the 36-month term as long as a minimum of ten lines remain.
6. Ratification: The purchase of new transformers from Dutton-Lainson in the amount of \$71,463.49 to place in our inventory. This purchase was expedited due to an immediate need for an electric extension for a new service.
7. Acknowledge and Approve: The filing of two grant applications by the Friends of RSVP to United Way for a portion of the community funding match requirement for the Handyman and RSVP Programs .

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: Feldges, Seiler, Korber-Gonzalez, Jones, Yeager.

Voting Nay: None.

Motion carried.

- Conflict Claims, which were the travel expenses Councilmembers incurred while attending the Nebraska League of Municipalities Mid-Winter Conference were the next items for consideration.

A motion was made by Councilman Yeager, seconded by Councilman Jones to approve mileage reimbursement in the amount of \$460.00 to Councilman Feldges.

Roll call vote with the following results:

Voting Aye: Seiler, Jones, Yeager, Korber-Gonzalez.

Voting Nay: None.

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Abstaining: Feldges.

Motion carried.

Councilman Seiler made a motion to approve mileage reimbursement in the amount of \$460.00 to Councilman Jones. The motion was seconded by Councilman Feldges.

Roll call vote with the following results:

Voting Aye: Seiler, Feldges, Yeager, Korber-Gonzalez.

Voting Nay: None.

Abstaining: Jones.

Motion carried.

A motion was made by Councilman Feldges to approve mileage and parking reimbursement in the amount of \$446.00 to Councilman Seiler. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

Voting Aye: Feldges, Jones, Yeager, Korber-Gonzalez.

Voting Nay: None.

Abstaining: Seiler.

Motion carried.

- City Manager Cox gave his City Manager's Report which follows in outline form:

1. Recycling Update

- Councilmember Korber-Gonzalez and I met with KAB Staff
- KAB working on solution
- KAB working on board

2. Airport Concerns

- Great Lakes served 90 day notice letter
- Terry Weisgerber resigning

3. Meetings with Contractors

- Effort to address any problems or concerns

4. 10th Street Property Acquisition:

- Both sidewalk and the pathway are tied in as one
- Awaiting two properties
- Sent "10-day letters"

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- Residents Sweetwater to Flack: when/what
 - 5. Public Transportation: Continues to be concern about lack of Friday service
 - Last meeting Mayor requested staff pursue an RFP
 - Staff has met
 - Working on
 - 6. Budget & Strategic Planning
 - Budget schedule ... enclosed in your MyBoardPacket
 - Strategic Planning Session around 4/28?
 - Staff conducting goal & initiative setting
 - 7. Upcoming Council:
 - 4/7: ACE Distribution Payment
 - 4/7: Comp Plan Update (Add Energy Component)
 - 4/7: Contract Bid Awards (janitorial, tree trimming)
 - 8. Upcoming Calendar:
 - 7:00 am 4/23: Joint City/County Museum
- The next agenda item was the first reading of Ordinance No. 2770 which will amend the Alliance Municipal Code with regard to the A-1 and A-2 Downtown Improvement Boards' ability to expend their funds. Council was provided with the following information:

[The City of Alliance Municipal Code establishes two Business Improvement Districts (A-1 and A-2). The current Code limits the use of revenue to very specific items included in the "charter" at the time of the creation of the Districts that are more restrictive than those allowed by Nebraska State Statute (19-4019). Use of A-1 BID revenue is limited to creation of public parking and off-street parking facilities; provision of handicapped-accessible public restrooms; purchase and upkeep of bicycle racks and Christmas lighting and decorations. Use of A-2 BID revenue is limited to maintenance of flowers and shrubs in islands and pods; maintenance of ornamental lighting fixtures; and litter control including maintenance of trash receptacles and trash disposal.

The Nebraska Statute details ten broad uses for revenue generated in business improvement districts as follows:

- 1) The acquisition, construction, maintenance, and operation of public off-street parking facilities for the benefit of the district area;
- 2) Improvement of any public place or facility in the district area, including landscaping, physical improvements for decoration or security purposes, and plantings;
- 3) Construction or installation of pedestrian shopping malls or plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, bus stop shelters, lighting, benches or other seating furniture, sculptures, trash receptacles, shelters, fountains, skywalks, and pedestrian and vehicular overpasses and underpasses, and any useful or necessary public improvements;

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- 4) Leasing, acquiring, constructing, reconstructing, extending, maintaining, or repairing parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement, in the district area;
- 5) Creation and implementation of a plan for improving the general architectural design of public areas in the district;
- 6) The development of any public activities and promotion of public events, including the management and promotion and advocacy of retail trade activities or other promotional activities, in the district area;
- 7) Maintenance, repair, and reconstruction of any improvements or facilities authorized by the Business Improvement District Act;
- 8) Any other project or undertaking for the betterment of the public facilities in the district area, whether the project be capital or noncapital in nature;
- 9) Enforcement of parking regulations and the provision of security within the district area; and
- 10) Employing or contracting for personnel, including administrators for any improvement program under the act, and providing for any service as may be necessary or proper to carry out the purposes of the act.

Promotion of the downtown business districts is not specifically detailed in the current Code; however, in practice funds have been budgeted from the A-1 District revenues dating back to at least the late 1990s for promotional activities of Historic Main Street. The A-1 and A-2 Boards have expressed the desire to expand promotional efforts in the downtown districts and have included “promotion” as a key goal in their 2014-15 goals and objectives. Inasmuch, the Boards voted unanimously at their February 24th meeting to recommend that the City Council amend City Code to adopt the same uses as permitted in State Statute. In light of a pending promotional opportunity discussed in a separate resolution before the City Council, the Boards are respectfully requesting the waiving of three readings of the proposed ordinance.]

A motion was made by Councilman Seiler, seconded by Councilman Feldges to approve the first reading of Ordinance No. 2770. City Clerk Jines read the ordinance by title as follows:

ORDINANCE NO. 2770

AN ORDINANCE PERTAINING TO LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS; OCCUPATION TAX GENERALLY AND AMENDING SECTIONS 18-34 AND 18-39; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING EXISTING PROVISIONS OF THE ALLIANCE CODE NOT CONSISTENT WITH THIS ORDINANCE.

Main Street Director Holly Heath, 1430 Buchfinck Avenue, Alliance addressed Council regarding this matter. Ms. Heath requested the Council to waive three readings of the Ordinance in order for Main Street/Chamber of Commerce to take advantage of a large monetary discount

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being offered by Annie Creek Productions. Annie Creek Productions is offering training and assistance is securing a summer concert series to take place in downtown Alliance.

Council discussed their desire to at least go to a second reading prior to granting approval of the ordinance to allow for public input. There was also some discussion regarding the amount being charged by Annie Creek Productions for this service and the need to go outside of the community for talent.

Susan Unzicker, Executive Director of the Alliance Chamber of Commerce, addressed Council and stated Annie Creek Productions has the connections for larger well known bands that draw larger crowds.

City Attorney Olsen suggested Council amend the current proposed Ordinance to limit the modification to the A-1 Downtown Improvement Board at this time. Amending the ordinance will allow Council to proceed in a timely manner in order to address the specific request. He has some concerns that each of the Boards were created for two similar but separate purposes and granting them both the same authority could present a problem.

Motion by Councilman Feldges, which was seconded by Councilman Korber-Gonzalez to amend Ordinance No. 2770 to reflect a modification only in Section 18-34 for the inclusion of *“The development of any public activities and promotion of public events, including the management and promotion and advocacy of retail trade activities or other promotional activities, in the district area.”*

Roll call vote to amend Ordinance No. 2770 with the following results:

Voting Aye: Feldges, Seiler, Korber-Gonzalez, Jones, Yeager.

Voting Nay: None.

Motion carried.

AMENDED ORDINANCE NO. 2770

AN ORDINANCE PERTAINING TO LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS; OCCUPATION TAX GENERALLY AND AMENDING SECTIONS 18-34 AND 18-39; 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 18-34 of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

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Sec. 18-34. Same—Use of revenue.

The revenue derived from the district shall be used for any one or more of the purposes as detailed in Nebraska State Statute R.R.S. 1943, § 19-4015 et seq. for the following:

- (1) The creation and implementation of a plan to furnish adequate public parking facilities within the district;
- (2) The creation and implementation of a plan to acquire, construct, maintain and operate off street parking facilities for the benefit of the district;
- (3) Public restroom facilities that are handicapped accessible;
- (4) Bicycle racks;
- (5) New Christmas lighting and decorations to be used within the district;
- (6) The development of any public activities and promotion of public events, including the management and promotion and advocacy of retail trade activities or other promotional activities, in the district area.

SECTION 2. ~~Section 18-39 of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:~~

~~Sec. 18-39. Same—Use of revenue.~~

~~The revenue derived from the district shall be used for any one or more of the purposes as detailed in Nebraska State Statute R.R.S. 1943, § 19-4015 et seq.~~

~~SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.~~

Roll call vote on the first reading of amended Ordinance No. 2770 with the following results:

Voting Aye: Feldges, Seiler, Korber-Gonzalez, Jones, Yeager.

Voting Nay: None.

Motion carried.

- The next agenda item was the first reading of Ordinance No. 2771 which will amend the City of Alliance's Classification Plan. Council was provided with the following background information:

[The Finance Department will have a vacant full-time Customer Service Clerk position as of April 3, 2015. The position is presently shared between the Utility Customer Service and Accounting areas and Staff is recommending the hiring of two part-time employees. The Utility Customer Service Clerk I position would be at 25 hours per week and the proposed Account Clerk I position would be scheduled at 20 hours per week. This will allow each new employee to receive

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part-time employee benefits (paid holidays, vacation and sick leave on a pro-rata basis). There will be ample budgeted funds to cover the additional .13 hours as full-time benefits will cease and starting wages will be at a lower rate. This change will also allow the new employees to focus on their diverse assigned work areas. The revised Authorized Strength of the City increases by .13 FTE to 97.46 FTE.

The attached ordinance will adopt the amended Classification Plan to add the Account Clerk I position and the attached resolution will update the title on the Authorized Strength document. Staff is requesting waiving of three readings to allow posting of the position to expedite the hiring process.]

A motion was made by Councilman Feldges, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2771. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2771

AN ORDINANCE ADOPTING A REVISED CLASSIFICATION PLAN 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,

WHEREAS, The Alliance City Council adopted the Fiscal Year 2014-2015 Budget which included funds for a revised Classification Plan.

WHEREAS, The City Manager is requesting that a certain position be added to the Classification Plan of the City of Alliance.

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

SECTION 1. That the Classification Schedule for the City of Alliance dated effective October 11, 2014 is hereby amended and the following stated position is classified as follows:

Job Title	Grade
Account Clerk I	210

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 first reading of Ordinance No. 2771 with the following results:

Voting Aye: Feldges, Seiler, Korber-Gonzalez, Jones, Yeager.

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Voting Nay: None.

Motion carried.

- Council next discussed Ordinance No. 2768 which will amend the Alliance Municipal Code to allow publicly owned and operated community buildings, public museums, public libraries and churches in Rural Residential Zoning Districts. Ordinance No. 2768 is before Council on second reading and will approve the amendment. Council was provided with the following information:

[Iglesia Bethel requested the City of Alliance to consider adding churches as a Permitted Use in Section 115-97 of the City Municipal Code dealing with Rural Residential Districts. The church is anticipating an expansion in the near future and was considering the purchase of property around the outer areas of the City limits that are zoned Rural Residential. Properties in the Rural Residential District are typically larger in size than their other Residential and Commercial counterparts. This makes the property more attractive for the church as it would allow for future expansion should their congregation needs change.

Churches are permitted uses in all other types of residential and commercial zoning in Alliance. There is already a church in the Rural Residential Zoning District along Emerson Avenue and it does not appear to have had a negative impact on the intent of the zoning district. Churches in rural residential types of zoning are not uncommon. Churches are allowed in rural residential types of zoning in Scottsbluff, Sidney, North Platte, McCook and Nebraska City, among others. Conforming Lots in Rural Residential areas are required to be a minimum 2.5 acres which is enough for a large structure, such as a church building and its necessary appurtenances such as parking lots, and allows for future expansion.

Legal opinion is that there is no reason a church could not be included in Rural Residential Zoning. As a matter of fact, the Religious Land Use and Institutionalized Person Act requires that churches be treated the same as non-religious assemblies and institutions. So anywhere the City allows a community center, theater or other facility for non-religious assembly, it must allow a church.

The City of Alliance Planning Commission held a public hearing for the addition of churches as permitted uses in the Rural Residential Zoning District at their regular February 10th, 2015 meeting. The Planning Commission recommended adding “publicly owned and operated community buildings, public museums, public libraries” along with churches for two reasons to the Rural Residential District code. Their first reason for adding all Permitted Uses was to keep the language the same as it is in the other residential zoning districts and the second is to avoid adding other Uses identified at a later date.

The City of Alliance Planning Commission voted to recommend and staff concurs that the Alliance City Council amend Section 115-97 of the Alliance Municipal

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Code, titled RR, Rural Residential District, adding “publicly owned and operated community buildings, public museums, public libraries, and churches” as Permitted Uses.]

A motion was made by Councilman Feldges, seconded by Councilman Korber-Gonzalez to approve the second reading of Ordinance No. 2768, which title was read by Clerk Jines and the ordinance follows in its entirety:

ORDINANCE NO. 2768

AN ORDINANCE PERTAINING TO THE RURAL RESIDENTIAL (RR) ZONING DISTRICT AND AMENDING 115-97; 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 115-97 of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

Sec. 115-97. RR, Rural Residential District.

- (a) *Scope and intent.* This section applies to district RR. The RR, Rural Residential District is intended to provide a transition from agriculture and ranching to low density residential development. This district is intended to accommodate larger residential estates with accompanying agricultural uses that do not conflict with residential uses.
- (b) *Permitted uses.*
- (1) Animals, except the number of animals shall not exceed a density of more than 1.0 animal units per acre.
 - (2) Dwellings, one-family.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks.
 - (4) Railroad rights-of-way not including railroad yards.
 - (5) Stable, private.
 - (6) Publicly owned and operated community buildings, public museums, public libraries and churches.
- (c) *Conditional uses.*
- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
 - (2) Towers, telecommunications facilities, and antennas as permitted in chapter 109.

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- (3) Reservoirs, wells, towers, filter beds, or water supply plants.
- (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (5) Confinement of animal units where the density of units exceeds the allowable standard described in this section or where any other animal unit condition not described in [section 115-96](#) is proposed.
- (6) Wind-driven electric generators with prior approval of the city electrical engineer.
- (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.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size	Minimum Lot Width	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	2½ acres	150 feet	1	50	50	15	50	30	6
Accessory building	—	—	—	50	5	5	5	30	—

Minimum dwelling size: 800 square feet.

(2) *Permitted accessory uses.*

- a. Sheds.
- b. Garages.
- c. Barns.
- d. Silos.
- e. Home occupations in conformance with [section 115-171](#)
- f. Signs as permitted in [chapter 111](#)
- g. 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](#)
- h. Fences as permitted in [section 115-172](#)

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- i. 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.
- j. 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.
- k. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- l. 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).
- m. 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.

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. 2768 with the following results:

Voting Aye: Feldges, Seiler, Korber-Gonzalez, Yeager.

Abstain: Jones*.

Voting Nay: None.

Motion carried.

*Councilman Jones stated he abstained from voting as he is on the Board of the non-conforming church.

- The second reading of Ordinance No. 2769 which will amend the current electric rates as recommended by Phil Euler with the Nebraska Municipal Power Pool, was the next item for Council's consideration. Council was provided with the following information:

[Mr. Phil Euler (Manager of Engineering with Nebraska Municipal Power Pool, known as NMPP) has completed a review for the midpoint of the four-year rate study contract with NMPP and will be present to review the information. The recommendation as a result of the study is to increase rates on average by 9% on May 1, 2015 with average increases of 1% projected in subsequent years beginning April 1, 2016. The proposed rate changes for 2015 are proposed for May 1, 2015 to allow for three readings of the ordinance. As a result, the authorized PCA of one cent will remain in affect for the month of April.

The recommended rates are impacted by the following assumptions:

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- Energy consumption is projected to increase annually by 1.4%.
- The proposed rates encompass special MEAN assessments (RITA and PEAs) from the past as well as the revised purchased power rate increases as a result of MEAN's recent wholesale rate restructuring. Greater percentage increases are noted in the customer charge with generally smaller percentage increases in the energy rates.
- Transfers to General Fund are limited to a maximum increase of 1% per year with the overall contribution rate decreasing from 12% to 10% over the next five years.
- Anticipated capital budgets were included in the model at about one-half of the total. Debt is included for funding of the anticipated automated remote metering system and may be necessary if actual capital projects are more aggressive than in the past.
- Minimum cash reserves are maintained in accordance with debt covenants as well as recommended standards.

The detailed executive summary is attached. The proposal calls for the highest increases in May 2015 of 12.2% for Rural Three Phase and 12.0% for Irrigation. The increases in the largest revenue-producing categories are 8.7% for Urban Residential and 10.1% for Large Power consumers. April 2016 increases range from the high of 2.0% for the Irrigation to a low of .4% for Security Lights.]

A motion was made by Councilwoman Korber-Gonzalez, seconded by Councilman Feldges to approve the second reading of Ordinance No. 2769. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2769

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

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

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

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

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

1. Urban Residential Rates: (within corporate limits)

Monthly Customer Charge	<u>May 1, 2015</u>	<u>April 1, 2016</u>
	\$18.00	\$18.90
<u>Summer</u>		
First 600 kWh @	\$.1082 per kWh	\$.1082 per kWh
Excess kWh @	\$.1082 per kWh	\$.1082 per kWh
<u>Winter</u>		
First 600 kWh @	\$.1082 per kWh	\$.1082 per kWh
Excess kWh @	\$.0882 per kWh	\$.0882 per kWh

2. Rural Residential Rates: (outside corporate limits)

Monthly Customer Charge	<u>May 1, 2015</u>	<u>April 1, 2016</u>
	\$24.80	\$26.30
<u>Summer</u>		
First 600 kWh @	\$.1082 per kWh	\$.1082 per kWh
Excess kWh @	\$.1082 per kWh	\$.1082 per kWh
<u>Winter</u>		
First 600 kWh @	\$.1082 per kWh	\$.1082 per kWh
Excess kWh @	\$.0882 per kWh	\$.0882 per kWh

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

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

	<u>May 1, 2015</u>	<u>April 1, 2016</u>
Monthly Customer Charge	\$22.25	\$22.25
<u>Summer</u>		
All use	\$.10760 per kWh	\$.10860 per kWh
<u>Winter</u>		
All use	\$.10760 per kWh	\$.10860 per kWh

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2. General Service Urban Rates Three Phase: (inside corporate limits)

	<u>May 1, 2015</u>	<u>April 1, 2016</u>
Monthly Customer Charge	\$53.00	\$54.00
<u>Summer</u>		
All use	\$.10760 per kWh	\$.10860 per kWh
<u>Winter</u>		
All use	\$.10760 per kWh	\$.10860 per kWh

3. General Service Rural Rates Single Phase: (outside corporate limits)

	<u>May 1, 2015</u>	<u>April 1, 2016</u>
Monthly Customer Charge	\$24.50	\$27.00
<u>Summer</u>		
All use	\$.11080 per kWh	\$.10860 per kWh
<u>Winter</u>		
All use	\$.11080 per kWh	\$.10860 per kWh

4. General Service Rural Rates Three Phase: (outside corporate limits)

	<u>May 1, 2015</u>	<u>April 1, 2016</u>
Monthly Customer Charge	\$53.60	\$53.80
<u>Summer</u>		
All use	\$.11410 per kWh	\$.11570 per kWh
<u>Winter</u>		
All use	\$.11410 per kWh	\$.11570 per kWh

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

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

	<u>May 1, 2015</u>		<u>April 1, 2016</u>	
Monthly Customer Charge	\$59.25		\$59.25	
Energy	Summer	Winter	Summer	Winter
	\$.08910	\$.08410	\$.08690	\$.08690
Demand	Summer	Winter	Summer	Winter
	\$9.00	\$9.00	\$9.00	\$9.00

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

Monthly Customer Charge	<u>May 1, 2015</u>		<u>April 1, 2016</u>	
	\$63.30		\$65.00	
Energy	Summer	Winter	Summer	Winter
	\$.07940	\$.07940	\$.08050	\$.08050
Demand	Summer	Winter	Summer	Winter
	\$12.00	\$12.00	\$12.00	\$12.00

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

1. <u>Large Power Rates:</u>	<u>May 1, 2015</u>		<u>April 1, 2016</u>	
Monthly Customer Charge	\$120.00		\$125.00	
Energy	Summer	Winter	Summer	Winter
	\$.06960	\$.06960	\$.07060	\$.07060
Demand	Summer	Winter	Summer	Winter
	\$13.00	\$13.00	\$13.00	\$13.00

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

<u>Irrigation Rates:</u>	<u>May 1, 2015</u>	<u>April 1, 2016</u>
Customer charge per month	\$60.00	\$73.00
Energy	\$.09260 per kWh	\$.09260 per kW
Annual Horsepower charges [#]		

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

	Summer/Winter	Summer/Winter
No Load Control	\$84.00	\$84.00
One (1) Day per Week Control	\$70.60	\$70.60
Two (2) Day per Week Control	\$56.30	\$56.30
Three (3) Day per Week Control	\$42.60	\$42.60
Four (4) Day per Week Control	\$28.00	\$28.00
Full Load Control	\$13.75	\$13.75

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RULES AND REGULATIONS GOVERNING MUNICIPAL SERVICE RATE (CLASS 6)

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

SECURITY LIGHT (CLASS 7)

1. Security Light Rates:

<u>Rates - Urban:</u>	<u>May 1, 2015</u>	<u>April 1, 2016</u>
150 W HPS/175 W MV	\$11.65 per month	\$11.70 per month
250 W HPS/MV	\$15.75 per month	\$15.80 per month
400 W \$24.15 per month	\$24.25 per month	
 <u>Rates – Rural:</u>		
150 W HPS/175 W MV	\$12.90 per month	\$12.95 per month
250 W HPS/MV	\$17.00 per month	\$17.10 per month
400 W \$25.45 per month	\$25.55 per month	

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

SECTION 4. This ordinance shall go into effect on meter billings rendered May 1, 2015 and thereafter.

Council requested staff to confirm, prior to the third reading, that the rates listed for General Service Rural Rates Single Phase were listed correctly for the April 1, 2016 effective date.

Roll call vote on the second reading of Ordinance No. 2769 with the following results:

Voting Aye: Feldges, Seiler, Jones, Korber-Gonzalez, Yeager.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 15-21 which proposes a rate increase for ambulance services which will bring our rates to the same level as the Alliance Rural Fire Protection District. Council was provided with the following information:

[The City of Alliance last updated its ambulance billing rate schedule with Resolution No. 10-13 (A) on February 4, 2010. It has been customary for the City to update its billing rate schedule every five (5) years. The City has in the past also considered it reasonable that there should be rate uniformity with the ambulance billing rate schedule of the Alliance Rural Fire Protection District.

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The Alliance Rural Fire Protection District Board of Directors approved an increase to their ambulance billing rate schedule on February 17, 2015 which will be effective on April 1, 2015.

Therefore, the Fire Chief is recommending that City Council take action to increase the ambulance rate schedule for the operation of the City of Alliance ambulance service to mirror that of the Alliance Rural Fire Protection District.

	Service	Current Rate	Proposed Rate	National Rate of Range
1.	Basic Life Support Non-Emergency	\$430.00	\$530.00	\$425.00-\$1,070.00
2.	Basic Life Support Emergency	\$575.00	\$675.00	\$470.00-\$1,177.00
3.	Advanced Life Support Non-Emergency	\$685.00	\$785.00	\$600.00-\$1,205.00
4.	Advanced Life Support Emergency 1	\$730.00	\$830.00	\$650.00-\$1,390.00
5.	Advanced Life Support Emergency 2	\$760.00	\$860.00	\$730.00-\$1,820.00
6.	Assess & Release, No Transport	\$150.00	\$150.00	\$100.00-\$150.00
7.	Mileage (per mile rate)	\$14.00	\$17.00	\$13.00-\$20.00

A motion was made by Councilman Yeager, seconded by Councilman Jones to approve Resolution No. 15-21 which follows in its entirety:

RESOLUTION NO. 15-21

WHEREAS, The City of Alliance operates an ambulance service that is licensed to provide both Advanced Life Support (ALS), and Basic Life Support (BLS) services; and

WHEREAS, The existing City ambulance billing rate schedule was last updated February 4, 2010, and the cost of providing such emergency services have increased; and

WHEREAS, Medicare, Medicaid and some Insurance Companies pay based on reasonable and customary rates so it is reasonable that there should be rate uniformity between the costs of calls made for the rural area and for the City of Alliance area; and

WHEREAS, The Alliance City Council has authority to establish rates for the use of the City ambulance service.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the following fees are hereby established for use of City ambulance service:

- BLS Non-Emergency:.....\$530.00
- BLS Emergency:.....\$675.00
- ALS Non-Emergency:\$785.00
- ALS Emergency Level I:\$830.00
- ALS Emergency Level II:.....\$860.00
- Assess and Release, No Transport:.....\$150.00
- Mileage Fee Per Loaded Patient Mile:.....\$17.00

BE IT FURTHER RESOLVED, that these fees shall be effective April 1, 2015.

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Roll call vote with the following results:

Voting Aye: Feldges, Seiler, Jones, Korber-Gonzalez, Yeager.

Voting Nay: None.

Motion carried.

- Resolution No. 15-22 which will authorize the purchase of a 2015 Ford Transit Van in the amount of \$22,006 to be utilized within the Community Development/GIS Department was the next matter for Council's consideration. Council was provided with the following information:

[Staff is proposing the replacement of a 2001 Ford Crown Victoria currently used jointly by the MIS/GIS and Community Development Departments.

Background

This vehicle update would serve as a much-needed replacement following a series of poor functioning vehicles that have circulated through the Community Development Department, including a 1991 Chevrolet Astro van and a 1992 Ford Ranger in addition to the current 2001 Ford Crown Victoria.

The 1991 Chevrolet Astro was sold at a City auction in 2010. It is believed to have been sold because of persistent issues with the van. The transmission would skip second gear shifting from first to third and vice versa. It also had a short in the electrical system that would drain the battery requiring jump starting. The van was primarily used by GIS as a vehicle to move and store tools and equipment as well as transportation. After the sale of the van, all of the equipment and tools were moved in to the Municipal Building.

The 1992 Ford Ranger was sold for \$1,350 in the summer of 2013 as it was evaluated as being in very poor condition. The passenger seat was not properly bolted in place and would tilt when going around corners or stopping. The pickup was rusting through the floorboard and smelled of burning oil when warm. It was the Building Inspector's primary mode of transportation.

The car currently in use by the Community Development/GIS Department is a 2001 Ford Crown Victoria that was replaced as the City travel car in 2012 by a Ford Fusion. At the time that the Crown Victoria was transferred to Community Development it had over 150,000 miles and had started using oil. Since then, staff has replaced the fuel pump and blend door actuator at the City Fleet garage; the front rotors and brakes have been replaced as have the tires which are second hand from old police cruisers. The windshield has a large crack in it and the hood release latch no longer retracts to its proper position. The car is starting to rust on

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the roof and has over 160,000 miles on it. A more reliable and more functional replacement for the Crown Victoria is being requested.

Passenger space was desired at the time the 2014-2015 budget was being prepared so it could function as a backup for the City travel car. The City of Sidney uses a Ford Explorer as their building inspection vehicle. It provides enough room for four passengers and inspection equipment.

However, with the replacement and repurposing of the Chief of Police's old car as a backup travel car, a vehicle with four passengers seating is no longer considered necessary. After re-evaluating the needs and seeking to find a lower cost alternative to a midsize SUV but with similar cargo carrying characteristics, Staff proposes the Crown Victoria's replacement with a half-ton van.

Recommended Solution

A van will offer portability, protection, and secure storage for tools and equipment currently stored in various locations throughout the Municipal Building. These tools and equipment were once stored in the Astro van for easy, on-site accessibility. If the use of tools were required, the vehicle already at the job site would have everything available out of the back of the van. MIS also recommends a vehicle with enough room to deliver computers and monitors without removing them from their original packing material. This is desired as taking machines out of their packaging can result in damage during transport. Because of the differences in tasks and jobs of each department, a vehicle that is versatile enough to meet the needs of both departments is requested.

Vehicle	State of Nebraska Bid
2015 Ford Transit Connect XL	\$22,725
2015 Ford Transit XL	\$22,006
2015 Ford Explorer (Non PPV)	\$26,997

The 2014-15 budget includes \$28,000 for a replacement vehicle for the Crown Victoria (Capital Outlay-Vehicles G/L 51-17-17-59-960). Staff is recommending the purchase of a 2015 Ford Transit XL from Anderson Ford of Lincoln, NE based on the State of Nebraska bid for \$22,006. (The Cover-Jones Motor Co. bid was \$22,471.) This amount is \$5,994 under the \$28,000 that was budgeted, and \$9,929 under MSRP. This price includes a dealer-installed crash rack to safely separate the front occupant area from the rear cargo area and drop ship charges to Alliance from Lincoln.]

A motion was made by Councilman Seiler, seconded by Councilwoman Korber-Gonzalez to approve Resolution No. 15-22 which follows in its entirety:

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RESOLUTION NO. 15-22

WHEREAS, The City of Alliance Community Development and MIS/GIS Departments have an immediate need to replace a 2001 Ford Crown Victoria; and

WHEREAS, Staff is recommending the purchase of a 2015 Ford Transit Van in the amount of \$22,006 from Anderson Ford of Lincoln, NE utilizing the State of Nebraska bid; and

WHEREAS, The vehicle price includes the installation of a dealer-installed crash rack to safely separate the front occupant area from the rear cargo area and the drop ship charges to Alliance from Lincoln; and

WHEREAS, Funding for this purchase was included within the 2014-15 Annual Budget and is within the authorized amount.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager J.D. Cox be and hereby is authorized to enter into a contract with Anderson Ford of Lincoln, NE for the purchase of a 2015 Ford Transit Van in the amount of Twenty-two Thousand Six Dollars and no/100ths (\$22,600).

BE IT FURTHER RESOLVED, that the City Council is authorizing the purchase will be funded from Account No. 51-17-17-59-960.

Councilman Feldges inquired if the travel vehicles could be used for this purpose. City Manager Cox responded that the travel vehicles were used frequently and would not be available for this purpose and do not fit the need of this Department.

Council was also informed that the bid price of this vehicle provided for drop shipping to Alliance through the local Ford Dealer.

Roll call vote with the following results:

Voting Aye: Seiler, Jones, Korber-Gonzalez, Yeager, Feldges.

Voting Nay: None.

Motion carried.

- The next agenda item before Council was Resolution No. 15-23, which will authorize the use of \$5,000 from the Airport Contingency Funds for the repair of the snow blower at the Alliance Municipal Airport. Council was provided with the following background information:

[The Alliance Airport owns a 2003 International Kodiak Northwestern Snow Blower that is an essential piece of equipment during snow removal operations because it allows the snow to be blown beyond the safety area of the runways. Unfortunately, during the big snow storm in the first week in February, the blower rotor ceased operation. The issue is with the shaft that turns the rotor that picks up and blows the snow. The shaft has two different parts requiring repair: the

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front drive shaft can be rebuilt by Kodiak and the rear drive unit must be sent to the manufacturer through Kodiak.

The total estimate to repair the blower drive system is \$11,600. The Airport budget is very tight and eight different line item operating budget transfers would be necessary to accumulate the funds required with the potential for operating budget overages later in the fiscal year. Staff is requesting the use of Airport Contingency (GL 22-41-43-47-791) funds in the amount of \$5,000.]

A motion was made by Councilman Feldges, seconded by Council Jones to approve Resolution No. 15-23 which follows in its entirety:

RESOLUTION NO. 15-23

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

WHEREAS, The Airport has experienced a maintenance issue with the 2003 International Kodiak Northwestern Snow Blower which is an essential piece of equipment needing to be repaired immediately; and

WHEREAS, There does not exist adequate funding within this fiscal year budget to make the estimated repairs to the snow blower; and

WHEREAS, Staff is requesting the use of \$5,000 from the Airport Contingency Fund to be transferred to the NRCNTSVC – Vehicle Repair Maintenance Account.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the use of \$5,000 from the Airport Contingency Fund is hereby authorized to be transferred to Account No. 22-41-43-44-482 for the repair of the 2003 International Kodiak Northwestern Snow Blower.

Roll call vote with the following results:

Voting Aye: Seiler, Jones, Korber-Gonzalez, Yeager, Feldges.

Voting Nay: None.

Motion carried.

- The final agenda items were board vacancy announcements and a board appointment.

Councilman Jones announced that the City of Alliance has the following current openings: one vacancy on the A-1 Downtown Improvement Board, one vacancy on the Planning Commission, one opening on the Senior Facility Advisory Board and a Hispanic 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.

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The City of Alliance received two applications for one vacancy on the Senior Facility Advisory Board. A motion was made by Councilman Korber-Gonzalez which was seconded by Councilman Feldges to re-appoint Peter A. Taylor to serve on the Senior Facility Advisory Board with a term expiring February 28, 2018.

Roll call vote with the following results:

Voting Aye: Feldges, Jones, Yeager, Seiler, Korber-Gonzalez.

Voting Nay: None.

Motion carried.

- The final item before Council was a Closed Session to discuss a litigation matter.

Councilman Feldges moved pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that the Alliance City Council hold a closed session for the purpose of discussing a litigation matter. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

Voting Aye: Feldges, Seiler, Yeager, Jones, Korber-Gonzalez.

Voting Nay: None.

Motion carried.

Mayor Yeager announced with five votes in favor, the Council pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that the Alliance City Council will hold a closed session for the purpose of discussing a litigation matter. City Manager Cox, Assistant City Manager/Finance Director Waggener, City Attorney Olsen, Special Legal Counsel Pigsley (by telephone) and City Clerk Jines were asked to remain for the closed session.

Following a brief five minute recess Council and City Manager Cox entered into closed session at 8:43 p.m. The session concluded at 10:02 p.m.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 10:03 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk

