

July 7, 2015

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JULY 7, 2015

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

The Alliance City Council met in a Regular Meeting, July 7, 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 June 30, 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 July 7, 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 Shaver and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first agenda item was the introduction of the City’s new Electric Superintendent, Ed Tvrs.
- The next agenda item was the approval of the Consent Calendar.

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

CONSENT CALENDAR – JULY 7, 2015

1. Approval: Minutes of the Regular Meeting, June 16, 2015 and the Special Meetings, June 16, 2015 and June 30, 2015.
2. Approval: Payroll and Employer Taxes for the period June 6, 2015 through June 19, 2015 inclusive: \$191,566.76 and \$13,654.46 respectively.

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3. Approval: Claims against all funds of the City of Alliance for the period June 10, 2015 through June 30, 2015 in the amount of \$918,948.02.
4. Approval: The issuance of a Cemetery Certificate to Kerri Benda and Randall L. Benda for the Southeast (SE¼) Lot Fifteen (15), Section Two (2), Block Three (3), Original Plat to the Alliance Cemetery.
5. Approval: The following contractor licenses:

General Contractor	Marathon Construction
Repair & Maintenance	Juan A. Gonzalez dba JJ Roofing
Cement and Masonry	Carmelo Galindo dba CG Masonry
Limited and Specialty	Tri-State Carports
6. Acknowledgement: Receipt of the Annual Report of the Public Library Board Foundation of Alliance, Inc. for the period June 1, 2014 through May 31, 2015.

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.

Council members asked several questions regarding the claims report. Two questions which will require some research were (1) the type of mulch being purchased and (2) the potential need to replace an HVAC unit at the Museum due to the amount of Freon replacement.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- City Manager Cox gave the City Manager's Report which follows in outline form:
 1. Public Transit
 - Operational
 - New Administrative Assistant: Janine Iossi
 - 761-RIDE; 762-RIDE; 762-3596
 - Looking to add Friday services as soon as staff hired
 - Existing four running
 2. Airport
 - Boutique:
 - Commence Service: July 1
 - 3 Flights/Day
 - Hand Out Schedule
 - Chadron: Runway Issue – Begin ~ July 15
 - 1230 Runway Project: Underway

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- TSA remodel of Checkpoint: Underway
 - TSA Inspection of Boutique: Complete today
 - FAA Inspection: 3 small notations made re: construction (location of barricades);
3. Streetscape
- Seeing Progress
 - Obtaining Easement Agreements- Temporary & Permanent
 - Other Documents – Occupying the Right of Way – Completed.
 - Bid Letting: Hoping for October/November
 - Construction: March
4. Nuisances
- 716 Big Horn – Started condemnation following inspection;
 - Abandoned; lots of complaints; city cleaned
 - 208/212 Potash – similar complaints
5. Parkade
- ✓ Identified
 - ✓ Educated
 - Next: Make Contact
6. Planning Commission:
- Setbacks in Residential Neighborhoods
 - Fencing
 - Shipping Containers
7. CRA
- Working on research and preparation
8. Mosquito Spraying
- Researching
9. Economic News:
- Unemployment:
 - Nebraska 2.6% (Lowest in Country; next is North Dakota at 3.1%)
 - Box Butte County 2.2%
10. NCMA Conference
- Thank you!

Upcoming Council:

- July 21 – Bid Award: 2015 Asphalt Construction, 3rd Street Underpass
- The third reading of Ordinance No. 2777 was the next item before Council. Ordinance No. 2777 will approve the rezoning request of Iglesia Bethel to rezone property west of Anthony Avenue and east of Ramblin Road. Council was provided with the following information:

[Iglesia Bethel is requesting the rezone of Part of the Northwest Quarter of Section 35, Township 25 North, Range 48, West of the Sixth Principal Meridian, Lands in Corporate City Limits Parcel No 376, from A, Agriculture to R-1, Single Family Residential.

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The property is located east of Ramblin Road, south of 6th Street and west of Anthony Avenue. The lot size is 437,778 ft² and as such meets the minimum lot size requirements for R-1 Zoning. The proposed rezone will change the front setbacks from 50' to 25', rear setbacks from N/A to 25' for the principal structure and 5' for accessory structures, side setbacks from 10' to 5', and side street setbacks from 50' to 15' for the principle structure and 20' for the accessory structure. The property is currently used for dryland farming and contains no structures. The rezone would not create any nonconforming structures or lot sizes.

The purpose of the rezone is to allow for the development of a church and possibly a residential subdivision on the property. Churches are not Permitted Uses in the A, Agriculture zoning district but are allowed in R-1, Single Family Residential. The development of the lot into a church would promote the creation and expansion of culture in the community. It would also allow for new development in the west side neighborhood. The setbacks created by the rezone would make them more consistent with those in the surrounding residential neighborhoods.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed 46 petitions and as of May 4th, the City had received nine of them back. Four are in favor of the rezone, two were not in favor, and three were disinterested.

At the May 12, 2015 Planning Commission meeting, the Commissioners voted to recommend the approval of the rezone of a Part of the Northwest Quarter of Section 35, Township 25 North, Range 48, West of the Sixth Principal Meridian, Lands in Corporate City Limits Parcel No 376, from A, Agriculture to R-1, Single Family Residential.

During the Planning Commission Hearing, members of the audience questioned the layout that Iglesia Bethel had provided as part of their concept. The audience was reminded that the hearing was for a rezone only and not for subdivision of the property. The Board Chairman explained that any questions or comments in regards to lot sizes and layouts would be addressed at a hearing during the subdivision process should Iglesia Bethel choose to do so. Another member of the audience asked about possible deferments for a sanitary sewer installed in 6th Street next to the property, but none were found by City staff in the list of deferred assessments.]

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve the third reading of Ordinance No. 2777 which City Clerk Jines read by title and follows in its entirety.

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ORDINANCE NO. 2777

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48, WEST OF THE SIXTH PRINCIPAL MERIDIAN, LANDS IN CORPORATE CITY LIMITS PARCEL NO. 376, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT FROM AN A (AGRICULTURAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 115-76 of the Alliance Municipal Code is amended to provide as follows:

115-76. DISTRICT MAP ADOPTED

(a) Boundaries of the districts, as enumerated in section 115-75 are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the zoning district map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The city planning commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

(b) When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the building inspector, due consideration being given to location as indicated by the scale of the zoning district map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this 2nd day of June, 2015, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

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 final reading of Ordinance No. 2777 with the following results:

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

Voting Nay: None.

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Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2777 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 15-56 awarding the Property and Casualty insurance bid to Gregory's Insurance in the amount of \$602,271.00 was the next item to be reviewed. Council was provided with the following background information:

[The City of Alliance has contracted with Gregory's Insurance, Inc. since 2011 to provide property and casualty insurance coverage with Traveler's Insurance for the primary insurance package and with Phoenix Aviation through Old Republic Insurance Company for the airport general liability policy. Insurance industry recommendations are that property and casualty coverage be bid every three to five years.

The policy will renew for an additional year on August 1, 2015 at a quoted price of \$602,271. This represents an overall increase of 12% over the prior year premium of \$538,770. A significant change to this policy is the addition of the Public Transit and Handyman Programs. Although the Handyman Program was added last July, the liability insurance was simply absorbed within the current policy. The largest increases are once again the Auto and Workers Compensation coverage. The Auto is a result of our particularly high claim history during the 2013-14 policy term and the addition of the six new public transit vehicles. Our auto deductibles will also increase to \$1,000 each for Comprehensive and Collision coverage. Workers Compensation is based on actual payroll and includes the additional staff for Public Transit and increased payroll. On a positive note our Workers Compensation Experience Modification Factor has decreased from 1.41 to 1.35 for the upcoming year.]

Marty Peterson, 1016 Potash Avenue, representative from Gregory's Insurance was in attendance to answer questions of Council.

A motion was made by Councilman Jones, seconded by Councilman Seiler to approve Resolution No. 15-56 in its entirety:

RESOLUTION NO. 15-56

WHEREAS, The City of Alliance recognizes the importance of purchasing insurance to protect against significant loss which affect the budget and would impact the operation of the City of Alliance; and

WHEREAS, The City desires to provide the best protection at the lowest cost to give the taxpayers the most insurance for their taxpayer dollar; and

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WHEREAS, The City of Alliance entered into a contract with Gregory's Insurance, Inc. to provide Property and Casualty insurance coverages with Traveler's Insurance as the package provider and Phoenix Aviation, who provides the Airport General Liability policy; and

WHEREAS, The City's coverages and premiums have been reviewed by Gregory's Insurance, Inc. and they have made a recommendation for the renewal of policies to be effective August 1, 2015.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to sign a contract for insurance with Gregory's Insurance, Inc. in the amount of Six Hundred Two Thousand Two Hundred Seventy-one dollars and no/100ths (\$602,271.00).

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 15-57 authorizing staff to secure interim financing through First National Bank of North Platte for the payment of the Airport Runway Project. Council was provided with the following information:

[The City has begun receiving progress billings for the construction phase of the Alliance Municipal Airport FAA runway project. The City will be responsible for 10% of the overall cost or approximately \$700,000. While the 90% FAA reimbursement through the Nebraska Department of Aviation is generally received promptly (often before the claims are paid), there may be up to 10% of the project amount retained at the end of the project awaiting the final audits along with the portion of the City's 10% not covered by transfers from the Airport Sinking Fund. The City has budgeted transfers up to \$525,000 from the Sinking Fund which had a balance of \$625,000 prior to the first transfer.

The Finance Director solicited all of the local insured banks along with two brokerage houses to determine preliminary interest in assisting the City with short-term funding of the project. Four banks and both brokerage houses initially responded with the terms as summarized in the table below.

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Terms	FNB	FSB	BOW1	BOW2	SSB	FNCM	AIC
Type of Credit	Line	Line	Line	Line	Line	BAN	BAN
Revolving	No	Either	Yes	Yes	Either	No	No
Anticipated Rate	2.70%	3.75%	1.91%	4.16%	2.72%	.35% to .60%	.35% or .60%
Interest Type	Fixed	Variable	Libor +175	Libor +400	Variable	Fixed	Fixed
Interest Payment Frequency	Monthly	Monthly	Monthly	Monthly	Annual	Semi/Annual	Semiannual
Maximum Term	6 Months	12 Months	12 Months	12 Months	12 Months	6 to 12 Month	6 or 12 Month
Applicable Loan Fees	Waived	None	None	None	None	.925% Discount	.75% Discount
Minimum Finance Charge	None	None	None	None	None	None	None
Prepayment Penalty	None	None	None	None	None	Qtly Call	Qtly Call
Lending Limit	\$297M	\$2.5M	\$250M	\$250M	\$6M		\$10M
Limit Notation	None	Participate	None	None	None	Levy Limit	Levy Limit
Collateral	Revneue Pledge	UCC Filing	UCC Filing	UCC Filing	Unknown	N/A	N/A
Other Requirements	None	None	Relationship	None	None	1-2 Mo Lead	1-2 Mo Lead

1. The Nebraska State Legislature enacted LB152 in the most recent session which establishes the parameters for municipalities to borrow from local insured banks. The legislation stipulates that:
 - a) The City may borrow for the purchase of property, construction of improvements or refinancing of existing debt when,
 - b) The financing through traditional bond financing would be “impractical” or not completed within the time restraints facing the City or
 - c) When the direct financing would result in taxpayer savings over the traditional bond financing.
2. The resolution authorizing the direct financing appear on the agenda of a public meeting prior to approval.
3. The total amount of the indebtedness shall not exceed ten percent (10%) of the municipal budget of the City or approximately \$4.4 million. The City consider proposals from multiple “financial institutions” (specifically excludes credit unions).

Staff is recommending that an application be made to First National Bank of North Platte for a line of credit in the amount of \$4 million for 6 months at the taxable rate of 2.70%. First National has agreed to waive the loan fee and will extend the term if necessary to accommodate the long-term financing of the balance remaining on the project after grant reimbursement and application of airport reserves. This allows the City to borrow only the amount absolutely necessary for the project and is also convenient in that the advances may easily be deposited in the general operating checking accounts that reside at First National. The notes would be dated after August 30, 2015 (the effective date of LB152) allowing full funding of the project prior to the City’s fiscal year-end.]

A motion was made by Councilman Jones, seconded by Councilman Feldges to approve Resolution No. 15-57 in its entirety:

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RESOLUTION NO. 15-57

WHEREAS, Nebraska LB152 authorizes cities of the First Class to borrow money from insured banks up to 10% of their annual budget upon the credit of the City and pledge the credit, revenue, and public property of the City for the payment thereof when borrowing through traditional bonds is not practical or cost-effective; and

WHEREAS, The City may have liquidity needs in respect to the financing of the Alliance Municipal Airport FAA Runway Project; and

WHEREAS, The exact amount of the borrowing and the timing of the advances is not readily known making the issuance of bonds impractical with potentially higher borrowing costs; and

WHEREAS, The City issued requests for quotes and funding options and six responses were received; and

WHEREAS, The preliminary offer which has been received from First National Bank of North Platte for interim financing of Airport for 6 months at a projected fixed interest rate of 2.70% appears to be the quote which is the most advantageous to the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance is authorized to submit applications and enter into an Agreement in the amount of Four Million and No/100ths Dollars (\$4,000,000.00) to finance Airport improvements for 6 months at a projected interest rate of 2.70% with First National Bank of North Platte.

BE IT FURTHER RESOLVED, that the Mayor of the City of Alliance is authorized to sign, on behalf of the City, promissory notes, pledge agreements, and other necessary documents, and renewals or extensions thereof, for the purpose of evidencing a debt to First National Bank of North Platte in the amount of Four Million and No/100ths Dollars (\$4,000,000.00) for Airport improvements for 6 months on the terms set forth herein.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council next conducted a general discussion regarding the current zoning regulations in relation to accessory buildings. Council was provided with the following information:

The current City of Alliance Municipal Code reads as follows regarding accessory structures:

115.98 (d)(2)(b). One detached garage or other accessory off-street parking structures located in the rear or side yards. Garages and other accessory off-

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street parking structures located in R1 through R5 districts shall not be of greater height than the principal residence, and shall be constructed of materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding. If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.

i. 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.

Potential issues identified with the present accessory building codes are:

1. *Alliance Code does not allow for accessory storage buildings greater in size than 150ft².*

A storage building and a garage are separate types of structures. The code defines a garage as “an accessory building which is used primarily for the storage of motor vehicles by the tenants of the building or buildings on the premises.” There is not a definition for storage buildings; however, they are typically garden-type sheds used to store small yard implements or other hobbies. To circumvent the 150ft² limit, residents may place multiple sheds in their back yards.

2. *The garage Code currently requires the siding of the garage to match the existing house.*

Staff experience has been that the most difficult portion of the code to comply with is matching the siding on the house. Many people who live in brick houses have indicated that they cannot afford a brick garage and most are not able to find matching brick. The last time the accessory parking structure code was changed, the goal was to eliminate steel buildings in residential neighborhoods. Local contractors and home owners have commented that if the City’s desire was to prohibit steel buildings in residential neighborhoods, that fact should be stated in the regulations.

3. *The Code does not allow for detached metal carports which have become a prevalent request in the City.*

Sheila Hort, a Building Inspector for the City of Scottsbluff, mentioned they were having a similar problem and ultimately decided to allow the carports with restrictions. A few examples of restrictions are requiring them to be placed in the rear yard, putting a size restriction on them, requiring a certain type of anchoring and a concrete pad underneath.

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Community Development Director Brent Kusek was present and discussed with Council the issues the Building Department is having with the current Accessory Building Regulations as outlined in the Municipal Code. Mr. Kusek discussed storage units, issues with matching siding, especially brick homes and carports. Council discussed among themselves their thoughts on the regulations. They expressed the difficulty in balancing property owner rights with maintaining a neighborhood standard. It was suggested to staff to discuss with the manufacturers of steel buildings their thoughts on being able to provide buildings that would meet the standards which have been established. The regulations currently require matching materials be used in the construction of an accessory building to that of the primary residence. In some cases it was expressed that may not be practical. It was also mentioned that an accessory building is required to have the same pitch as the primary residence and that is not always feasible. Council would like to review proposals for modifying the current regulations to relax these requirements and still be able to maintain a neighborhood standard. Detached carports were also addressed as they are not currently allowed. Some Council members expressed a willingness to allow carports as there appears to be a need and desire within the community; however they would want to have some assurances of quality and safety of the structures. The last component of the discussion was the size limitation of storage units. Currently Alliance limits the size of storage units to 150 sq. ft. The International Building Code (IBC) establishes the size limitation to 200 sq. ft. Council would like to consider increasing our size limitation.

These issues will be forwarded to the Planning Commission by staff for their consideration.

- The next item to be presented to Council was the Dashboard Presentation given by Assistant City Manager/Finance Director Waggener. He reported on the financial trending for Ambulance billings, Building Permit fees, Sales Tax Receipts, Motor Vehicle Sales Tax Receipts, Hotel Occupation, Keno, Electric and Water Usage and Revenues, General Fund Cash and Monthly On-line Billing Payments.

A motion was made by Councilman Feldges, seconded by Councilwoman Korber-Gonzalez to accept the Dashboards as presented.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The final agenda item was board resignations and appointments.

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, a Hispanic Representative on

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the Police Advisory Board, and two youth ex-officio positions on the Library Board. There are also three terms which just expired on the Museum 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.

A motion was made by Councilman Seiler, seconded by Councilman Feldges to accept the resignation of Troy Shoemaker from the Board of Adjustment Board.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, Seconded by Councilman Feldges to appoint Gail Burke to the Museum Board with a term expiring May 31, 2020.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, Seconded by Councilwoman Korber-Gonzalez to appoint Mike Johnson to the Planning Commission with a term expiring December 31, 2015.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Prior to adjourning the meeting Councilman Feldges requested staff address the issue of tree limbs hanging over sidewalks and streets.

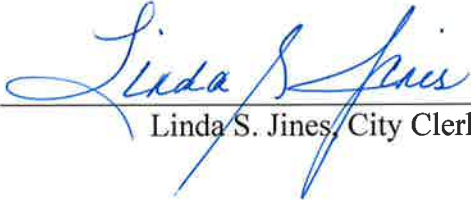
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- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:55 p.m.”

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk

