

(e) The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.

(f) Must conform to local wind and snow load requirements.

(g) The color of the structure must be the same or similar to the principal structure.

(h) A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.

(i) The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the City Building Official.

(2) Private Garages: No private garage may be built or constructed except those which comply with the following restrictions:

(a) One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.

(b) May not be of greater height than the principal structure.

~~(c) Must be constructed using siding materials that are similar in appearance to the principal structure.~~

(d) The color of the garage must match or be similar to the color of the principal structure.

(e) Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available, the structure may be built using a similar brick, stone, or veneer as approved by the Building Official.

(f) A garage may be designed for a maximum of one bathroom; however, no kitchen, laundry facilities, or living quarters may be constructed.

(3) Storage Buildings: No storage building may be built or constructed except those which comply with the following restrictions:

(a) One storage building may be constructed or placed on a lot serving a principal use.

(b) Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.

c. Signs as permitted in [chapter 111](#)

d. Fences as permitted in [section 115-172](#)

e. 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](#)

f. 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.

- g. 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.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- 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 any unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.~~
- j. 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\(e\)](#).
- k. 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.

(e) *Development requirements.*

- (1) Foundation or basement requirement. All modular homes, manufactured housing units, sectionalized unit homes, site constructed homes, mobile homes, and any other structure used as a residence located in this zone, shall be placed upon basements or permanent perimeter foundations complying with the city's building code. The city building inspector may grant a delay of foundation construction due to adverse winter weather conditions, in such case the foundation shall be completed within 30 days of resumption of permissible construction weather.
- (2) Permit requirements. No mobile home or manufactured housing unit shall be located in this district without a building permit issued by the city building department.
- (3) Permit fees shall be calculated using valuation data adopted by the city for conventional construction.
- (4) Site improvements. All lots in this district shall be serviced by the municipal water supply and sanitary sewer systems and shall be otherwise improved to the requirements of [chapter 113](#), subdivisions.

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

Roll call vote to approve the first reading of Ordinance No. 2784 with the following results:

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

Voting Nay: None.

Motion carried.

- The second reading of Ordinance No. 2781, which will amend the Alliance Municipal Code in regards to minimum lot width and setback requirements for R-1 Districts what the next item for Council's discussion. The following background information what provided to Council.

[The City of Alliance Board of Adjustment has noted that many of the properties in the R-1, Single Family Residential Zoning District contain structures that were built using much smaller setbacks than those built in the R-1a, Single Family Residential Zoning District. The R-1 zoning district mostly covers the older portions of the City which were developed with smaller lots sizes (typically 50' X 140') and smaller setback restrictions.

The proposed revisions to Section 115-98 of the City of Alliance Municipal Code would reduce the minimum lot width from 60' to 50', reduce the side setbacks from 5' to 3', and provide other clarifying language in the Code for the R-1, Single Family Residential Zoning District.

An inventory of nonconforming structures was taken of the east side of the 900 block of Big Horn Avenue and the west side of the 900 block of Cheyenne Avenue by staff while compiling information for the June 23rd Board of Adjustment Meeting. The inventory shows every property having at least one nonconforming structure. The average side setback was approximately 3'. Having such a large number of nonconforming structures reduces the ability of property owners to expand their homes and accessory structures without having to result to unorthodox construction techniques to meet the setbacks designed for the larger lot sizes required in the R-1a Zoning District.

The City of Alliance Planning Commission had a discussion about the proposal and the existing Code at their regular meeting on June 9, 2015 and made recommendations to staff. They then held a public hearing at their regular meeting on July 14, 2015 wherein they voted to recommend that the Alliance City Council approve the ordinance accepting the proposed changes to Section 115-98 of the City of Alliance Municipal Code. The ordinance passed on first reading at the August 18th Council meeting with the request that the Fire Chief express an opinion on the close proximity of properties and the fire implications.]

A motion was made by Jones, seconded by Councilman Seiler to approve the second reading of Ordinance No. 2781 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2781

AN ORDINANCE PERTAINING TO THE R-1, SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT AND AMENDING 115-98; 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 115-98 of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

Sec. 115-98. - R-1, Single-Family Residential District.

(a) *Scope and intent.* This section applies to district R-1. The R-1, Single-Family Residential District is intended to provide a zone consisting primarily of single-family dwellings but which may have recreational, religious, and educational facilities to create a balanced neighborhood. This zone is intended to accommodate older neighborhoods in the community which were developed with smaller lot sizes.

(b) Permitted uses.

- (1) Dwellings, one-family.
- (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
- (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
- (4) Public schools, elementary and high schools, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
- (5) Railroad rights-of-way, not including railroad yards.
- (6) Manufactured homes subject to the following standards:
 - a. The home shall have no less than an 18-foot exterior width;
 - b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;
 - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
 - d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 - e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.

(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) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
- (3) Preschool nurseries and day care centers.
- (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) Funeral homes.
- (6) Bed and breakfasts.

- (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (8) Two-family dwelling.
- (9) Abandoned church or school property as permitted in section 115-174
- (d) Performance standards.
- (1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Minimum Building Separation on Same Lot (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	6,600	50	1	25	25	3	15	30*	6
Accessory building	—	—	—	25	5	3	c		6

*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 25 feet.

- a. Minimum dwelling size: 800 square feet on the ground floor.
- b. Lot coverage: 40 percent of total lot area.
- c. Setback is 20 feet for parking structures with entrances off of a side street; all others 15 feet.
- (2) *Permitted accessory uses.*
 - a. Home occupations as defined in section 115-2 and provided in section 115-171
 - b. One detached garage or other accessory off-street parking structures located in the rear or side yards. Garages and other accessory off-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.

- c. Signs as permitted in chapter 111
- d. Fences as permitted in section 115-172
- e. 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
- f. 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.
- g. 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.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- 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.
- j. 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).
- k. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in section 115-170(e).

(Code 1986, §§ 10-305, 10-305.01, 10-305.01A, 10-305.02; Ord. No. 2422, 11-15-2001; Ord. No. 2490, 4-15-2004; Ord. No. 2581, 10-4-2007; Ord. No. 2697, § 2, 2-2-2012; Ord. No. 2697, § 2, 2-2-2012)

Roll call vote to approve the second reading of amended Ordinance No. 2781 with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was the second reading of Ordinance No. 2782, which will amend the Alliance Municipal Code regarding fence regulations. Council was provided with the following background information:

[Mr. Todd Heldenbrand, owner of Fourth Street Fencing, has proposed a change to Section 115-172 of the City of Alliance Municipal Code currently titled Fences and Vision Clearance. Mr. Heldenbrand proposed updating the Code to include fences with partial fill in the front yard, to increase maximum fence height in front yards, and to allow for modern construction materials. Upon reviewing the Code, Staff noticed that there were not any provisions for fences in Agriculture, Commercial and Industrial Zoning Districts.

The proposed Code revision would allow for a 50% fill on fences located in the front yard except within the newly defined Fence Vision Triangle at intersections. It would also allow for such fences to be 48” in height in the front yard as opposed to the 36” which is the current limit for split rail fences.

The additions would also provide staff and property owners with guidance on fence construction in the Agriculture, Commercial and Industrial Zoning Districts. The existing language does not have any regulations on height restrictions, fence material, or fence location for these Districts. Staff is also proposing the removal of the Vision Clearance portion of the Code as similar regulations already exist in Section 24-171 of the Municipal Code but with conflicting measurements.

The City of Alliance Planning Commission had a discussion about the existing Code at their regular meeting on June 9, 2015 and made recommendations to staff. They then held a public hearing at their regular meeting on July 14, 2015 wherein they voted to recommend that the Alliance City Council approve the ordinance accepting the proposed changes to Section 115-172 of the City of Alliance Municipal Code. Council approved the first reading of the ordinance at its August 18th meeting with the request to add and clarify the listing of acceptable fencing materials which are now included.]

A motion was made by Jones, seconded by Councilman Seiler to approve the second reading of Ordinance No. 2782 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2782

AN ORDINANCE PERTAINING TO FENCES AND VISION CLEARANCE AND AMENDING 115-172; 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 115-172 of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

Sec. 115-172. - Fences

The erection, construction, or moving of any fence shall comply with the following regulations:

- (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Closed fence means fences constructed in any manner other than open.

Fence means any vertical structure, other than a building or plant material which is for the purpose of obstructing visual observation, or for the purpose of obstructing

pedestrian, automotive or animal movement, or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.

Fence Vision Triangle means the triangle created at the intersection of the front property line and the side street property line. It is created by measuring 25 feet from the intersection along each property line and drawing the hypotenuse between these two points.

Open fence means split rail or one by four inch board with a maximum of three horizontal rails or boards with no vertical boards except supporting posts, or open metal fencing. Privacy slats or any other fencing equipment that may hinder vision will not be considered an open fence.

(2) *General Requirements and Restrictions:*

- a. *Permit required.* No fence shall be erected, constructed, or moved until a permit has been procured from the Community Development Department.
- b. Property owners are required to provide a site layout of the property showing the property dimensions, all existing structures, utility easements, proposed fence location with measurements from property lines, fence height, amount of closed construction, and fence material.
- c. Property owners are responsible for locating property lines prior to any permit being issued.
- d. All fences must be on the applicant's property and not extent beyond any property lines.
- e. Permit holders are responsible for calling Diggers Hotline for locates before digging.
- f. Permit holders are responsible for scheduling a final inspection.
- g. If a permit holder elects to build a fence within a utility easement, over or under any City utility mains or services, the City shall **NOT** be responsible for any repair or replacement of any removed portion of the fence during routine or emergency maintenance. Fences built in such locations shall be designed and constructed in such a way that they are easily removable by the owner when requested by the City.

(3) *Residential and Light Commercial Requirements.* In C-0, C-1, and in all Residential Zoning Districts, no fence shall be erected, constructed, or moved except those which follow these guidelines:

- a. Facing the front property line within 25' of the front property line on an interior lot: An Open Fence or a Closed Fence with no more than 50% closed construction, not exceeding 48 inches in height. The portion of the fence that sits between the front building line of a nonconforming principal structure built into the front yard setback, excluding any porches, patios, or enclosed entryways and the 25' front yard setback may be built using the criteria in 3(e).
- b. Facing the front property line within 25' of the front property line of a corner lot: Any fence constructed within the Fence Vision Triangle must

be an open fence not exceeding 48 inches in height. Fences outside the Fence Vision Triangle may follow the guideline (3)a.

- c. Facing the side yard property line adjacent to the side street on a corner lot: Any fence constructed within the Fence Vision Triangle must be an open fence not exceeding 48 inches in height. Fences outside the Fence Vision Triangle may follow the guideline (3)e.
- d. Facing the interior side yard property line within 25' of the front property line: Any Open or Closed Fence not exceeding 48 inches in height. The portion of the fence that sits between the front building line of a nonconforming principal structure built into the front yard setback, excluding any porches, patios, or enclosed entryways and the 25' front yard setback may be built using the criteria in 3(e).
- e. Fences along all other property lines: May be open or closed. They shall be limited to 84" in height provided that any portion above 72" in height shall not exceed more than 50% closed construction.
- f. All fences shall be constructed of one of the following materials*:
 - 1. Wood not exceeding 12" in width
 - 2. Polyvinyl Chloride (PVC) or other plastics similar in appearance
 - 3. Fiberglass
 - 4. Wrought Iron
 - 5. Wood simulated composite
 - 6. Masonry
 - 7. Galvanized or Vinyl covered chain link, decorative wire, or decorative border fencing
- * Chicken wire, barbed wire, kennel type fencing, and electrically charged fences which must be clearly marked in a conspicuous manner are not permitted except in the rear and side yards in RR zoning.
- g. Fences must be maintained in good repair. The Building Official may order any dilapidated, dangerous, or nonconforming fence to be repaired or removed.

(4) *Heavy Commercial, Industrial, and Ag Fence Requirements:* In C-2, C-3, A, and all Industrial Zoning Districts, no fence shall be erected, constructed, or moved except those that meet the following guidelines:

- a. Fences may not be greater than 96" in height provided any portion of the fence above 72" shall not exceed more than 50% closed construction.
- b. A Closed Fence shall not be allowed within the Fence Vision Triangle (Fences in C-2 are exempt from the Fence Vision Triangle requirements).
- c. In all districts except C-2, barbed wire or similar material may be allowed to construct the portion of the fence greater than 84" in height as long as such wire does not protrude into a public right of way or into the neighboring property. In C-3 districts, the portion of the fence containing barbed wire must be located in the rear or side yard

- d. All fences shall be constructed of one of the following materials:
1. Wood not exceeding 12” in width
 2. Polyvinyl Chloride (PVC) or other plastics similar in appearance
 3. Fiberglass
 4. Wrought Iron
 5. Wood simulated composite
 6. Masonry
 7. Galvanized or Vinyl covered chain link, decorative wire, or decorative border fencing
- * Chicken wire, barbed wire, kennel type fencing, and electrically charged fences which must be clearly marked in a conspicuous manner are not permitted except in the A Agriculture Zoning District or as allowed in the above code.

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. 2782 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was the third reading of Ordinance No. 2780. This will authorize the City of Alliance to exceed the Allowable Growth for the 2015-2016 Fiscal Budget by 1%. Council was provided with the following background information:

[The attached ordinance will allow the City of Alliance (with a 75% affirmative vote by Council) to exceed the base allowable growth limitation of the restricted funds authority for the 2015-16 fiscal year budget by 1% (or \$61,288) with total restricted funds authority at \$6,343,346. This does not increase the new fiscal budget, but rather allows the City to increase the unused budget authority for use in future years. The ordinance passed at the August 4th and 18th Council meetings.]

A motion was made by Jones, seconded by Councilman Seiler to approve the third reading of Ordinance No. 2780 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2780

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2015-2016 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.

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

SECTION 1. Governmental units are authorized pursuant to State law at Chapter 13, Section 519, to exceed the Allowable Growth (§13-518(1)) and the Basic Allowable Growth (§77-3446) for budgeted restricted funds authority up to an additional one percent, by affirmative vote of the City Council of at least 75%.

SECTION 2. The City Council finds that such limit as provided by Section 13-519 (a) and (b) should be exceeded by one percent.

SECTION 3. An affirmative vote of at least 75% in favor of this increase is hereby cast.

SECTION 4. Section 13-511 allows correction of an adopted budget statement for clerical, mathematical, and accounting errors, which correction does not affect the total amount budgeted by more than one percent or increase the amount required from property taxes. The one percent limit increase is calculated into the current budget statement; however the unused budget authority amount is in need of modification.

SECTION 5. The “total restricted funds authority” with the additional 1% is \$61,288 and the resulting “unused budget authority” in the adopted budget ordinance is hereby amended to the amount of \$6,343,346.

SECTION 6. Those portions of the existing budget ordinance for 2015-2016 are amended accordingly.

SECTION 7. The City Treasurer is authorized to make appropriate changes in the submitted forms for computation of the limit for fiscal year 2015-2016, and transmit those changes to the State Auditor’s office.

SECTION 8. 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 third reading of Ordinance No. 2780 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2780 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next agenda item was the third reading of Ordinance No. 2779, which will adopt the 2015-2016 Budget.

A motion was made by Jones, seconded by Councilman Seiler to approve the third reading of Ordinance No. 2779 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2779

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of the Nebraska R.R.S. 1943, §19-646, has submitted to the City Council a preliminary budget. This preliminary budget being submitted to the City Council at a workshop which was held on July 28, 2015 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 18, 2015, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2015, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

	City	MFO	Public Safety	Airport	Airport Reserves	Total
Approved Budget Amount	1,070,700	133,600	118,000	122,000	47,600	1,491,900
County Treasurer's Fee (1%)	10,707	1,336	1,180	1,220	476	14,919
Delinquent Allowance (5%)	53,507	6,665	5,947	6,078	2,392	74,589
Total Property Tax Request	1,134,914	141,601	125,127	129,298	50,468	1,581,408
	0.272104					
Using the following levies	0.271072	0.033950	0.030000	0.031000	0.012100	0.379154

0.033821 0.029886 0.030882 0.012054 0.377716

Approved Mill Levy for 0.379154
 2015 0.377716

Based on Assessed 417,088,739
 Valuation 418,676,703

SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2016.

General	7,617,000
Electric	15,595,600
Refuse	1,428,600
Sewer	871,000
Water	2,082,200
Golf Course	369,700
Airport Operations	8,980,800
Public Transit	350,000
Streets	3,071,600
Handyman Services	62,200
RSVP	80,500
Museum Exhibit	28,200
BID #1 and #2	13,600
Nuisance Cleanup	6,600
HUD/CDBG	150,000
Community Betterment (KENO)	18,200
Economic Development	110,000
LB 840 Fund	303,500
Redevelopment (TIF)	250,000
Sales Tax Fund	1,975,000
Lodging Occupation Tax	227,600
Capital Projects	1,030,000
Public Safety Tax	275,000
State 911 Funds	55,000
General Internal Service	1,338,100
Enterprise Internal Service	679,500
Health Support Internal Service	2,406,300
General Debt Service	43,600
Airport Capital Reserve	550,000
<i>Gross Expenditures</i>	<u>49,969,400</u>

There is hereby included \$125,000 within the General Fund Budget [City Council Activity], \$10,000 within the General Fund Budget [Police Grant] \$60,000 within the Electric Fund, \$340,000 within the Water Fund, \$25,000 within the Sewer Fund, \$15,000 within the Refuse Fund, \$5,000 within the Airport Fund, \$50,000 and within the Streets Fund; to be known as "Contingency." Expenditures from any Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total Unused Restricted Funds Authority of \$91,518.09 for Fiscal Year 2016.

SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2015.

Roll call vote on the third reading of Ordinance No. 2779 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2779 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The first reading of Ordinance No. 2785, which will adopt the Classification and Compensation Plans to be incorporated in the 2016 Budget, was the next agenda item. Council was provided with the following information:

The attached ordinance will adopt the Classification and Compensation Plans that will be incorporated as a part of the 2015-16 FY budget. The Compensation Plan includes five categories: Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire Employees.

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

The position of Public Works Director is being removed to eliminate duplication of management positions.

- The positions of Street Superintendent at pay grade 103 and Water and Sewer Superintendent at pay grade 106 are created with the elimination of the Public Works Director and promotion of the respective foremen.

- The pay grade for the Cultural & Leisure Services Director position will change from 105 to 107 due to the addition of the Public Transit operations and additional essential functions.
- The pay grade for the Electric Superintendent position will change from 108 to 109 due to the addition of the Landfill operations and additional essential functions. The title will change to Electric and Landfill Superintendent.
- The position of Community Services Director reverts to RSVP/Handyman Director.
- The position of Community Services Clerk reverts to RSVP Clerk.
- Increase Electric Apprentice Wages based on comparability study.

The plan includes a 1.6% cost-of-living adjustment which will be effective the first full pay period following October 1, 2015.

A motion was made by Jones, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2785 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2785

AN ORDINANCE ADOPTING REVISED CLASSIFICATION AND COMPENSATION PLANS FOR THE CITY OF ALLIANCE, NEBRASKA.

WHEREAS, Section 16-310 of R.R.S. 1943 authorizes the Mayor and Council to establish the compensation for employees and officers by stating that "The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance;" and,

WHEREAS, The Alliance City Council adopted the Fiscal Year 2015-2016 Budget which included funds for revised Classification/Compensation Plans.

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

SECTION 1. That the attached Classification Schedule for the City of Alliance dated to be effective October 10, 2015 and the attached Compensation Schedules for Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire employees dated to be effective October 10, 2015 are hereby adopted by this reference.

SECTION 2. This Ordinance shall become effective October 10, 2015.

Roll call vote on the first reading of Ordinance No. 2785 with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing on the 2015 property tax request was the next item before Council. Resolution No. 15-75 which will approve the request, has been prepared for Council's

consideration following the Public Hearing. Council was provided with the following background information:

[Following a hearing for public input on the proposed property tax levy, the resolution in the Council packet is scheduled to be considered. Per budget amendment action included in the appropriations ordinance on the current Council agenda and as discussed at the August 18th Council meeting, the City of Alliance has determined to lower the mill levy from \$0.379154 to \$0.377716. The corresponding tax request in the amount of \$1,581,408 will generate an estimated \$1,491,800 in property tax revenue for the City. A formal hearing is required any time the tax request amount changes from one year to another.

Also, enclosed for Council's information is a copy of the Box Butte County Assessor's certification of taxable value which has been set at \$418,676,703 representing an increase of 1.99% over last year's valuation of \$410,520,412.]

Mayor Yeager 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 property tax request and opened the public hearing at X:XX p.m.

Hearing no further testimony, the public hearing closed at X:XX p.m.

contract be awarded to the firm for an additional five years.]

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-75 which follows in its entirety:

RESOLUTION NO. 15-75

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the City of Alliance passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, A special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, It is in the best interests of the City of Alliance that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE BE IT RESOLVED, By the Mayor and Council of the City of Alliance, Nebraska, that the Council, by a majority vote, set the 2015 tax year request at \$1,581,414 and the City Clerk is hereby authorized and directed forthwith to forward a certified copy of this resolution to the County Clerk of Box Butte County, to allow Box Butte County Board of Equalization to levy the necessary taxes on or before October 15, 2015 and set the appropriate levy.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 15-76 which adopts the Total Authorized Strength Document. Council was provided with the following background information:

[The attached resolution provides direction to the City Manager for the hiring of City employees by adopting the Total Authorized Strength document. The document lists the number of employees by department for the 2015-16 fiscal year. The authorized strength will increase 9.45 FTEs from the prior year budgeted authorized strength of 97.33 to 106.77 for the upcoming fiscal year. The primary increase of 8.18 FTEs results from the addition of the public transit service. Other changes include addition of the school resource officer (pending grant approval) and deletion of the public works director with increases of .47 for parks worker (correction of prior year deletion in error), .51 for transitional utility office clerk and .21 for museum staffing.

The total authorized seasonal and temporary budgeted wages is \$193,000 which is increased by \$44,500 from the prior budget. This increase is primarily the result of the change in minimum wage from \$7.25 to \$9.00 (\$33,000 of the increase) and additional hours allowed at Carhenge and Knight Museum. The temporary staff is the equivalent of approximately 10.25 FTEs.]

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-76 which follows in its entirety:

RESOLUTION NO. 15-76

WHEREAS, The City of Alliance utilizes the Council-Manager form of government, in which the City Manager acts as the Chief Executive Officer for the City; and

WHEREAS, The City Manager, appointed by the City Council and serving at their pleasure, is responsible for planning, organizing, staffing, directing, coordinating, researching, and budgeting the operations of the City in order to implement Council policies in an efficient and effective manner; and

WHEREAS, To implement the policies of the City Council the City Manager has to be able to hire the necessary employees to fulfill the obligations of the City of Alliance to the citizens of Alliance; and

WHEREAS, The City of Alliance needs to account for, track and budget the expenditures for employees; and

WHEREAS, The budget is directly related to the number of employees that are authorized to be hired by the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City approve and adopt the "Total Authorized Strength" as follows:

September 1, 2015

General Fund			
<u>Administration</u>			<u>Fire</u>
City Manager	1.00	Fire Chief	1.00
City Clerk	0.50	Firefighter/EMT	1.00
Exec Admin Asst/Public Info Officer	1.00	Temporary Wages (\$1,000)	
Administrative Secretary	1.00	Total	2.00
Total	3.50		
		<u>Ambulance</u>	
<u>Police Administration</u>		Assistant Fire Chief	1.00
Police Chief	1.00	Firefighter/EMT	1.00
Police Lieutenant	1.00	Total	2.00
Executive Secretary	1.00		
Total	3.00	<u>Animal Control</u>	
		Animal Cont/Comm Service Officer	0.75
<u>Police Operations</u>		Total	0.75
Police Sergeants	4.00		
Police Officers I & II	11.00	<u>Facility Maintenance</u>	
Total	15.00	Public Works Director	0.00
		Facilities Maintenance Worker	1.00
<u>Police Support Services</u>		Total	1.00
Public Safety Dispatch Supervisor	1.00		
Public Safety Dispatchers	5.00	<u>Library</u>	
Total	6.00	Cultural & Leisure Services Director	0.10
		Administrative Secretary	0.10
<u>Code Enforcement & Nuisance Abatement</u>		Library Director	1.00
Building and Code Inspector	1.00	Librarians	
Administrative Secretary	0.50	Children's/Youth Services	1.00
Animal Cont/Comm Service Officer	0.25	Outreach/Adult Services	0.63
Total	1.75	Technical Services	1.00
		Library Clerks	1.00
<u>Community Development</u>		Library Pages	1.00
Community Development Director	0.50	Total	5.83
Administrative Secretary	0.50		
Total	1.00	<u>Museums</u>	
		Cultural & Leisure Services Director	0.30
<u>Cemetery</u>		Administrative Secretary	0.30
Cultural & Leisure Services Director	0.10	Museum Director	1.00
Administrative Secretary	0.07	Museum Assession Clerk	0.67
Cemetery Maintenance Worker	1.00	Museum Collection Clerk	0.67
Seasonal Wages (\$18,000)		Museum Project Support Clerk	0.67
Total	1.17		
		<u>Swimming Pool</u>	

September 1, 2015

Cultural & Leisure Services Director	0.10
Administrative Secretary	0.20
Seasonal Wages (\$70,000)	
Total	0.30

Cook	0.25
Seasonal Wages (\$5,000)	
Total	3.86

Parks

Cultural & Leisure Services Director	0.30
Administrative Secretary	0.25
Parks Foreman	1.00
Parks Maintenance Workers	3.67
Seasonal Wages (\$36,000)	
Total	5.22

Tourism and Carhenge

Visitors Bureau Director	1.00
Seasonal Wages (\$16,000)	
Total	1.00

Total General Fund (Excl. Internal Services)	53.38
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General Fund-Internal Services

Finance

Assistant City Mgr/Finance Director	1.00
Account Clerk II	2.00
Account Clerk I	0.30
Total	3.30

Personnel

Human Resource Director	1.00
Account Clerk I	0.20
Total	1.20

Technology

Community Development Director	0.50
Total	0.50

Total Internal Services	5.50
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Risk Management/Legal

City Clerk	0.50
Total	0.50

Total General Fund and Internal Services	58.88
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Enterprise Funds

Electric Administration

Electric and Landfill Superintendent	0.85
Administrative Secretary	0.33
Total	1.18

Refuse Collection

Street Superintendent	0.10
Refuse Collection Drivers	2.00
Total	2.10

Electric Transmission

Scada Management	1.00
Seasonal Wages (\$5,000)	
Total	1.00

Refuse Disposal

Electric and Landfill Superintendent	0.15
Landfill Supervisor	1.00
Landfill Operator	1.00
Landfill Baler Operator Clerk	2.00
Seasonal Wages (\$5,000)	
Total	4.15

Electric Urban Distribution

Electric Line Crew Chief	0.55
Electric Journey Line Worker	1.65
Electric Line Apprentice	1.65
Total	3.85

Water Distribution

Water/Sewer Maintenance Workers	3.25
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September 1, 2015

Electric Rural Distribution

Electric Line Crew Chief	0.45
Electric Journey Line Worker	1.35
Electric Line Apprentice	1.35
Total	3.15

Sewer

Water and Sewer Superintendent	0.50
Water/Sewer Maintenance Worker	1.00
Administrative Secretary	0.17
Seasonal Wages (\$5,000)	
Total	1.67

Administrative Secretary	0.17
Seasonal Wages (\$5,000)	
Total	3.42

Water Treatment

Water and Sewer Superintendent	0.50
Water/Sewer Maintenance Worker	0.75
Total	1.25

Total Enterprise Funds (Excl. Internal Services)	21.77
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Enterprise Fund-Internal Services

Utility Customer Service

Utilities Admin. Services Director	1.00
Computer Operator	1.00
Customer Service Clerk II	1.00
Customer Service Clerk I	1.13
Total	4.13

Warehouse

Inventory Purchasing Clerk	1.00
Total	1.00

Total Enterprise Internal Services	6.13
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Meter Reading

Meter Readers	1.00
Total	1.00

Other Funds

Airport

Airport Manager	1.00
Airport Maintenance Superintendent	1.00
Airport Maintenance Worker I	1.00
Total	3.00

Public Transit

Cultural & Leisure Services Director	0.05
RSVP/Handyman Director	0.10
RSVP/Handyman Clerk	0.05
Admin. Assistant – Comm. Services	0.90
Driver-Dispatcher	7.08
Total	8.18

Golf

Cultural & Leisure Services Director	0.05
Administrative Secretary	0.08
Golf Course Superintendent	1.00
Golf Course Maintenance Worker II	1.00
Seasonal Wages (\$15,000)	

Streets

Street Superintendent	0.90
Street Maintenance Workers	4.00
Administrative Secretary	0.33

September 1, 2015

Total	2.13	Seasonal Wage (\$11,000)											
		Total	5.23										
<u>RSVP</u>													
RSVP/Handyman Director	0.70	Total Other Funds											
RSVP/Handyman Clerk	0.25												
Admin. Assistant – Comm. Services	0.05												
Total	1.00												
<u>Handyman</u>													
RSVP/Handyman Director	0.20	<table border="0"> <tr> <td>General Fund</td> <td style="background-color: yellow;">53.38</td> </tr> <tr> <td>General Fund Internal Services</td> <td style="background-color: yellow;">5.50</td> </tr> <tr> <td>Enterprise Funds</td> <td style="background-color: yellow;">27.90</td> </tr> <tr> <td>Other Funds</td> <td style="background-color: yellow;">19.99</td> </tr> <tr> <td>Total</td> <td style="border-top: 1px solid black; border-bottom: 1px solid black; background-color: yellow;">106.77</td> </tr> </table>		General Fund	53.38	General Fund Internal Services	5.50	Enterprise Funds	27.90	Other Funds	19.99	Total	106.77
General Fund	53.38												
General Fund Internal Services	5.50												
Enterprise Funds	27.90												
Other Funds	19.99												
Total	106.77												
RSVP/Handyman Clerk	0.20												
Admin. Assistant – Comm. Services	0.05												
Total	0.45												

BE IT FURTHER RESOLVED that the City Manager is authorized to hire employees for the City of Alliance as set forth in the “Total Authorized Strength.”

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 15-77 recommending the approval of Nicolas J. Harris’s Manager’s Application for Fresh Start, was the next agenda item. Council was provided with the following background information:

[The City of Alliance is in receipt of the Manager Application of Nicholas J. Harris for Fresh Start Convenience Stores, Inc., 610 East 3rd Street, Alliance, Nebraska. Mr. Harris has completed the Responsible Beverage Service Training in Nebraska and Police Chief John Kiss completed a background check on Mr. Harris.]

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-77 which follows in its entirety:

RESOLUTION NO. 15-77

WHEREAS, The City of Alliance has received a notice and copy of a Manager Application for Fresh Start Convenience Stores Inc., 610 East 3rd Street, Alliance, Nebraska submitted by Nicholas J. Harris; and

WHEREAS, City staff has reviewed the application.

September 1, 2015

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Nicholas J. Harris for Fresh Start Convenience Stores Inc., 610 East 3rd Street, Alliance, Nebraska is hereby recommended for approval to the Nebraska Liquor Control Commission.

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Nebraska Liquor Control Commission of this Council decision.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 15-78 authorizing the City of Alliance to enter into a Firm Electric Service Contract with Western Area Power Administration was the next discussion item. Council was provided with the following background information:

[Approval of this resolution will ensure our lowest cost source of energy from the Western Area Power Administration ("WAPA") will be in place for another 30 years, beginning October 1, 2024. The new contracts for service October 1, 2024 through September 30, 2054. The allocations that are shown below for the new period reflect our current allocations.

Note that as WAPA is required by law to make available to as many participants as possible, there is a small chance that our allocations could be reduced by 1% or less in 2024, 2034 and 2044.

As our WAPA Current assignment is to MEAN many other cities already have approved this agreement. In fact, as WAPA energy is the lowest cost of most cities' portfolios, it was actually the cities which requested this early locking in of this source of energy for the long term. Additionally, should the cost ever increase, there is a provision for our city to "opt-out" in that case. There are several documents included in addition to the main contract, including Attachments:

- A: Display what energy will be delivered (and also show below)
- B: The maximum, if necessary if had to cut capacity – buy and pass through
- C: Not applicable to the City of Alliance.

MONTHLY ENERGY

SEASONAL ENERGY

September 1, 2015

<u>Winter Season</u>	(kWh)	(%)
October	591,847	16.9
November	591,847	16.9
December	647,880	18.5
January	630,370	18.0
February	497,292	14.2
March	<u>542,818</u>	<u>15.5</u>
TOTAL WINTER SEASON ENERGY:	3,502,054	100

	<u>MONTHLY ENERGY</u>	<u>PERCENT OF SEASONAL ENERGY</u>
<u>Summer Season</u>	(kWh)	(%)
April	753,083	14.6
May	789,190	15.3
June	907,826	17.6
July	1,134,782	22.0
August	907,826	17.6
September	<u>665,395</u>	<u>12.9</u>
TOTAL SUMMER SEASON ENERGY:	5,158,102	100

Mr. Bob Langenberger from WAPA plans to be available by cell phone to answer any additional technical questions.

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-78 which follows in its entirety:

RESOLUTION NO. 15-78

September 1, 2015

BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Mayor Ralph Yeager is hereby authorized to execute for and on behalf of the City of Alliance, Nebraska, the attached Contract No. 14-RMR-2546 with the Western Area Power Administration, which was duly presented to the City Council and which Contract is hereby approved.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution Nos. 15-79, 15-80 and 15-81. These resolutions will amend and restate the General, Police and Fire pension programs. Council was provided with the following background information:

[In December 2014, City of Alliance staff sent four Requests for Qualifications to review of the City's three retirement plan documents: General, Police and Fire. The City received two responses and ultimately awarded the contract to Baird Holm, LLC of Lincoln, Nebraska. Baird Holm provides regular counsel to a large number of cities and political subdivisions in Nebraska on matters involving retirement plans. The City's plans were last modified January 5, 2012 adopting amendments that were required at the time due to changes in Federal law.

The restated plan documents include all amendments necessary to bring the Plans into conformance with the changes in the tax laws through December 31, 2014, as well as any interim amendments that have been adopted for the plans since they were last restated on January 1, 2010. Additionally, these amended and restated plan documents incorporate changes to the plan that were recommended by Baird Holm in order to comply with Nebraska statutes including those related to the police officer and firefighter retirement system for cities of the First Class. Provisions were also modified to provide clarification or to remove potential ambiguities and conflicts in the amended provisions of the plans. Sections were updated to ease administration of the plans and language was modified to reflect the governmental status of our plans.

The effective date will be September 1, 2015, the date the plans are approved by Council.]

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-79 which follows in its entirety:

RESOLUTION NO. 15-79

September 1, 2015

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that:

1. That in order to adopt the amendments required for tax-qualified retirement plans under the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree, and Employer Recovery Act of 2008, the Small Business Jobs Act of 2010, the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, the Moving Ahead for Progress in the 21st Century Act, the American Taxpayer Relief Act of 2012, the Highway and Transportation Funding Act of 2014, the Cooperative and Small Employer Charity Pension Flexibility Act, and all other tax laws enacted since the Plan was last amended, as such laws apply to government plans, and to make certain other amendments to the City of Alliance General City Employees Pension Plan (the "Plan") as required by applicable tax laws and regulations, the Plan shall be, and it hereby is, amended and restated effective January 1, 2015, in the form of the Plan document submitted at this meeting and by this reference made a part of this resolution.
2. That the City confirms and ratifies that the City shall, until this resolution is repealed or superseded, assume and pay the mandatory contributions made by each employee to the Plan as a pick up contribution pursuant to Section 414(h) of the Internal Revenue Code, and the contributions so picked up shall be treated as employer contributions in determining the federal and state income tax treatment of such amounts.
3. That the Mayor and other appropriate elected officials and officers of the City of Alliance shall be, and they hereby are, authorized to do any and all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of any document or amendment which may be necessary or appropriate to amend, restate, and administer the aforesaid Plan, including such actions as may be necessary or appropriate to achieve and maintain tax qualification of the aforesaid Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-80 which follows in its entirety:

RESOLUTION NO. 15-80

September 1, 2015

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that:

4. That in order to adopt the amendments required for tax-qualified retirement plans under the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree, and Employer Recovery Act of 2008, the Small Business Jobs Act of 2010, the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, the Moving Ahead for Progress in the 21st Century Act, the American Taxpayer Relief Act of 2012, the Highway and Transportation Funding Act of 2014, the Cooperative and Small Employer Charity Pension Flexibility Act, and all other tax laws enacted since the Plan was last amended, as such laws apply to government plans, and to make certain other amendments to the City of Alliance Police Officers Retirement Plan (the "Plan") as required by applicable tax laws and regulations, the Plan shall be, and it hereby is, amended and restated effective January 1, 2015, in the form of the Plan document submitted at this meeting and by this reference made a part of this resolution.
5. That the City confirms and ratifies that the City shall, until this resolution is repealed or superseded, assume and pay the mandatory contributions made by each employee to the Plan as a pick up contribution pursuant to Section 414(h) of the Internal Revenue Code, and the contributions so picked up shall be treated as employer contributions in determining the federal and state income tax treatment of such amounts.
6. That the Mayor and other appropriate elected officials and officers of the City of Alliance shall be, and they hereby are, authorized to do any and all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of any document or amendment which may be necessary or appropriate to amend, restate, and administer the aforesaid Plan, including such actions as may be necessary or appropriate to achieve and maintain tax qualification of the aforesaid Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-81 which follows in its entirety:

RESOLUTION NO. 15-81

September 1, 2015

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that:

7. That in order to adopt the amendments required for tax-qualified retirement plans under the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree, and Employer Recovery Act of 2008, the Small Business Jobs Act of 2010, the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, the Moving Ahead for Progress in the 21st Century Act, the American Taxpayer Relief Act of 2012, the Highway and Transportation Funding Act of 2014, the Cooperative and Small Employer Charity Pension Flexibility Act, and all other tax laws enacted since the Plan was last amended, as such laws apply to government plans, and to make certain other amendments to the City of Alliance Firefighters Retirement Plan (the "Plan") as required by applicable tax laws and regulations, the Plan shall be, and it hereby is, amended and restated effective January 1, 2015, in the form of the Plan document submitted at this meeting and by this reference made a part of this resolution.
8. That the City confirms and ratifies that the City shall, until this resolution is repealed or superseded, assume and pay the mandatory contributions made by each employee to the Plan as a pick up contribution pursuant to Section 414(h) of the Internal Revenue Code, and the contributions so picked up shall be treated as employer contributions in determining the federal and state income tax treatment of such amounts.
9. That the Mayor and other appropriate elected officials and officers of the City of Alliance shall be, and they hereby are, authorized to do any and all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of any document or amendment which may be necessary or appropriate to amend, restate, and administer the aforesaid Plan, including such actions as may be necessary or appropriate to achieve and maintain tax qualification of the aforesaid Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 15-82 which will award the 2015 Alliance Street Repair Project to Peltz Companies of Alliance, NE. Council was provided with the following background information:

The City of Alliance prepared and advertised an Invitation for Bid for its annual street concrete removal and replacement projects with bids opened at 11:00 AM

September 1, 2015

on Thursday, August 20, 2015. The areas included in the invitation for bid were as follows:

- West Kansas Street (200' west of Creswell Place)
- South Potash Avenue (175 LF curb and gutter beneath the BNSF underpass)
- West 18th Street (various segments of curb and gutter)

Two bids were received and checked for accuracy and verified as correct by our engineers. The lowest, responsive and responsible bidder was Peltz Companies in the amount of \$77,875. The majority of the project will be completed and paid from the 2015-16 Concrete Street Repairs budget which has a total of \$300,000 allotted for such improvements.

The contract includes a 30-day completion requirement with damages assessed at \$300 per day. Weather days are allowed and are to be agreed upon by the City and the Contractor. The goal is for construction to begin September 14, 2015 with completion in 30 calendar days. It is recommended that the City's project manager be given authority to approve change orders in the field not to exceed 5%.

M.C. Schaff and Associates will administer the project for an estimated amount of \$15,000 (depending on trips and inspections).

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-82 which follows in its entirety:

RESOLUTION NO. 15-82

WHEREAS, The City of Alliance has authorized competitive quotes to obtain bids for the 2015 Alliance Street Repair Project; and

WHEREAS, Two (2) responses were received; and

WHEREAS, The bid of Peltz Companies of Alliance, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of \$77,875.00, which is based on the Scope of Work outlined in the Invitation To Bid; and

WHEREAS, Based on the type of work being completed, there be an additional allowance to the contract of up to five percent (5%) for change orders in the field should they be necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the contract for the 2015 Alliance Street Repair Project is hereby awarded to Peltz Companies of Alliance, Nebraska in an amount of Seventy-seven Thousand Eight Hundred Seventy-five and No 100ths Dollars (\$77,875.00) to be paid from Account No. 24-41-41-44-472.

September 1, 2015

BE IT FURTHER RESOLVED, that there be an additional allowance to the contract of up to five percent (5%) \$3,894.00 for change orders in the field should they be necessary.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that work can proceed according to the bid specifications.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 15-83 which will grant staff to make an application for a Feasibility Grant from the Nebraska Environmental Trust. Council was provided with the following background information:

[Currently, Keep Alliance Beautiful (“KAB”) provides recycling services and education to the community of Alliance. As most know, earlier this year, in January, KAB actually went through a shutdown of recycling after a series of events occurred. This shutdown, although temporary, brings into question the viability of a small organization being able to provide these services over the long-term.

With that as backdrop, now an effort is underway to look forward to long-term and future recycling viability in Alliance and Box Butte County (as well as the panhandle). It appears that long-term viability may instead lie with the organization that provides landfill and trash pickup services – the City, but diverting items from landfill perhaps savings could be realized. As a result, Councilmember Pasha Korber-Gonzalez and City Manager J. D. Cox have been researching and exploring how to best move forward. Additionally, Councilmember Korber-Gonzalez has extensive experience and background in recycling, even conducting a feasibility study while serving as Recycling Programs Director with KAB in 2007.

As a result of this background and exploration, proposed is a two-pronged approach:

1. Conduct a feasibility study of recycling; and
2. Implementation.

Following initial discussions and review of the 2007 study, City representatives reached out to the Nebraska Environmental Trust (“NET”) for advice and consultation. NET, which is funded through the Nebraska Lottery, was established in 1992 to conserve, enhance and restore the natural environments of Nebraska. By funding significant grants, NET funds the following areas: Habitat, Surface and Ground Water, Waste Management, Air Quality & Soil Management.

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During discussions with NET grant representatives it became apparent that there is possibly great interest in Alliance for this type of funding, especially as NET folks brought up to the City officials that a “Hub & Spoke” opportunity may exist for Alliance. More to the point, the geographic and central location within Nebraska’s panhandle, may allow an operation to be set up in Alliance where other communities could bring their various recycling commodities and there would be enough quantity to justify and make the operation feasible. It became fairly clear during the course of these discussions that there are significant grant opportunities available for both prongs (feasibility study as well as implementation).

Additionally, City representatives have also had discussion and correspondence with WasteCap Nebraska. As background, this organization is “a statewide, member based, 501(c)(3) non-profit organization providing education, training and services to help businesses and communities reach their full potential through practices that support economic, environmental and societal priorities. Their mission is to eliminate waste in Nebraska. WasteCap Nebraska’s goals are to serve as a comprehensive resource for business best practices and recognition in sustainability; to educate stakeholders about the value of sustainable businesses and communities; to help communities on the path to zero waste; and to provide the most complete directory of resources for materials reduction, reuse and recycling in Nebraska. The proposed study will incorporate a plan to utilize WasteCap Nebraska as a consulting partner and resource, recognized by NET, in the feasibility study.

In addition, City representatives have also had discussions with both the new director of Keep Alliance Beautiful (“KAB”) Kathy Worley as well as the organization’s board of directors. Currently, the recycling services provided in Alliance are done so under the direction of KAB. The proposed feasibility study will explore the long-term possibility of transitioning recycling to the City, with KAB continuing to partner with the City and perform recycling education. The KAB Board voted last week to support a partnership with the City to explore this same feasibility study.

NET Feasibility Grant Application (Phase 1 of 2)

1. The grant application, due by September 8, that is being submitted is to provide funding of a feasibility study of approximately \$40,000, with local match of approximately half from in-kind City contribution of time by Councilmember Korber-Gonzalez and City Manager Cox, as well as approximately \$15,000 in cash.
2. While the goals of the recycling efforts include the extension of life of landfill by diverting items from landfill into recycling and to provide for long-term viability of the community and region, some of the questions being explored by the grant include:

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3. Should the City of Alliance consider adding Recycling collection and processing services?
4. Can the City acquire a building to house recycling collection and processing operations?
5. Can the City establish commodity markets for recycling materials and project to generate revenue? What is the estimated volume of recyclable materials that can be collected?
6. What benefits will the landfill operations see from the addition of recycling collection and processing services?
7. Is there opportunity to establish "Hub & Spoke" recycling collection services that will reach out to communities within the Nebraska Panhandle region to increase commodity volumes and potential revenues?

Anticipated Outcomes of the Grant include:

- Tours of local property for hosting potential operations;
- Tours of other communities (of similar size or of similar operation); as examples of successful recycling collection operations
- The appointment of a local recycling task force is anticipated to advise and consult with the opportunities.
- Identification of short-term and long-term goals (including curb-side or block-side pickup);
- Identification of possible transition plan (from KAB to the City);
- Consideration of newer landfill disposal solutions (such as "pay as you throw");
- Consideration of alleyway (illegal) dumping solutions through expanded waste management opportunities]

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-83 which follows in its entirety:

RESOLUTION NO. 15-83

WHEREAS, The City of Alliance desires to apply for a grant through Nebraska Environmental Trust in partnership with Keep Alliance Beautiful and WasteCap Nebraska; and

WHEREAS, The application will be in the name of the City of Alliance and under the City of Alliance tax identification; and

WHEREAS, The grant application will be to provide funding for a Feasibility Study which will explore the following areas: (1) the City adding recycling collection to our services, (2) facilities for recycling collection, (3) the establishment of commodity markets and the revenues which may be derived, (4) benefits of recycling to the landfill, and (5) feasibility of a regional recycling program; and

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WHEREAS, The grant being applied for is valued at \$60,000 which requires a local match, of which a large portion will be met with in-kind services from Councilmember Korber-Gonzalez and City Manager Cox, leaving approximately \$15,000 in cash being required; and

WHEREAS, City Council believes that applying for this grant is in the best interest of the citizens of Alliance and Box Butte County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that authorization is granted for the City of Alliance to apply for a grant through Nebraska Environmental Trust in partnership with Keep Alliance Beautiful and WasteCap Nebraska to conduct a Feasibility Study for recycling services.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 15-84 authorizing staff to proceed with the Landfill baler repairs using Solid Waste Equipment of Omaha, NE, was the next agenda item. Council was provided with the following information:

[The City of Alliance purchased a new two-ram baler from International Baler Corporation of Jacksonville, FL in 2009 for \$414,125. There has been little maintenance on the baler since its installation and it is now in need of substantial repairs.

The manufacturer has recommended either Recovery Systems Co., Inc. (RSC) of Hopkins, MN or Solid Waste Equipment Company, Inc. (SWECO) of Omaha, NE as area vendors capable of making necessary repairs. Both companies have been on site to evaluate the baler and the City has received estimates from RSC in the amount of \$70,929.04 and SWECO in the amount of \$68,591.43. In review of the estimates, SWECO's labor rates are approximately 3% lower and because of the closer proximity, the travel expenses are less making up most of the difference between the two bids. Neither of the estimates include freight and delivery charges (estimated at \$6,800) or repair of the conveyor belt and both estimates are subject to change based upon actual findings as the repairs are completed. SWECO provided an estimate of an additional \$70,000 plus freight IF replacement of the cylinder is required.

A budget of \$70,000 has been included in the 2015-16 fiscal year budget with possible payment of 50% of material costs yet in the current fiscal year. The resolution also includes allowance for freight charges plus a 10% change order

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allowance. Further Council approval will be required if the cylinder replacement is required.]

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-84 which follows in its entirety:

RESOLUTION NO. 15-84

WHEREAS, The City of Alliance owns and operates the Alliance Landfill; and

WHEREAS, Repairs are need to be made to the landfill baler unit; and

WHEREAS, The City has received two quotes from businesses recommended by the manufacturer of the baler unit for the necessary repairs; and

WHEREAS, The quote of Solid Waste Equipment Company "SWECO" of Omaha, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of \$68,591.43, plus freight (estimated at \$6,800.00) which is based on the inspection of the baler unit; and

WHEREAS, Based on the type of work being completed, there be an additional allowance to the contract of up to ten percent (10%) for change orders in the field should they be necessary.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the quote of Solid Waste Equipment Company "SWECO" of Omaha, Nebraska in an amount of Sixty-eight Thousand Five Hundred Ninety-one and 43/100ths Dollars (\$68,591.43) to be paid from Account No. 06-51-55-59-950 be accepted.

BE IT FURTHER RESOLVED, that there be an additional allowance to the contract of up to ten percent (10%) for change orders in the field should they be necessary and an estimated \$6,800.00 for freight charges.

BE IT FURTHER RESOLVED, that City staff shall notify the successful bidder so that work can proceed according to the bid specifications.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 15-85 authorizing staff to proceed with the Landfill dozer repairs was the next agenda item. Council was provided with the following information:

[The Alliance Municipal Landfill currently owns a 34 year-old Caterpillar D7G dozer that has been inoperable for several months. The 1980 unit was purchased

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in 1996 with almost 8,700 hours and now has estimated hours between 20,000 and 25,000 hours (the gauge was replaced once and is presently inoperable).

The loss of the dozer has greatly impacted the ability of landfill personnel to efficiently accumulate dirt used for covering of the trash. Instead of being able to fill the scraper in one pass with the use of the dozer pushing the scraper the process is now taking three or four passes to fill the scraper without getting stuck. Over the next four to five years, the City will be preparing a new landfill cell and will require extensive use of a dozer to complete the project. The City has rented a dozer for a month in order to move fill dirt necessary to avoid NDEQ fines.

A proposal to lease a new John Deere Dozer 850K WH was presented at the February 2, 2015 Council meeting where Staff was encouraged to consider other alternatives. At its July 21, 2015 meeting, Council approved a resolution to authorize Nebraska Material Handling Corporation (NMC) of Gering, Nebraska to complete repairs on the dozer in the amount of \$45,653 (plus another \$2,000 in transportation costs) for the repair of the dozer which is already in their possession.

NMC has started repairs on the dozer and has identified additional necessary repairs, specifically extra parts and labor for the final drives. The original quote was for a seal only on the right final drive and included more parts for the left final drive. NMC has now determined that the gears and bearings in the left final drive are in need of replacement. The right final drive has not yet been checked; however, current evidence indicates that the right should not require as many parts but does require removal of the cab. The estimate for the final drive repairs is \$28,690 for the repair of the left final drive and \$35,000 for the right final drives. These should be high estimates as all parts are included and NMC could possibly find some used castings to reduce the costs of repairs with permission of the City.

The proposed repairs should extend the life of the dozer another five years during which time the City can plan for its replacement. It is possible that the majority of the costs of the dozer repair could be paid from the current fiscal year budget.]

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve Resolution No. 15-85 which follows in its entirety:

RESOLUTION NO. 15-85

WHEREAS, The City of Alliance owns and operates a licensed landfill; and

WHEREAS, The use of a dozer is required for the operation of the landfill to provide cover dirt on the current landfill cell and to prepare a new cell for future use; and

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WHEREAS, Our current 1980 Caterpillar D7G dozer is in need of repair and is currently not operational; and

WHEREAS, The City accepted a quote from Nebraska Material Handling Corporation (NMC) of Gering, NE in the amount of \$45,653 to make the necessary repairs in hopes to extend the life of our current dozer for an estimated five years; and

WHEREAS, While repairs were being made, additional necessary repairs were identified, specifically extra parts and labor for the final drives: the left drive is estimated at \$28,690, and the right drive is estimated at \$35,000 due to the need to remove the cab; and

WHEREAS, Staff is recommending a 5% change order allowance, should it be necessary, in order to continue with repairs as scheduled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to proceed with the additional repairs to the final drives in addition to the initial repair of the 1980 Caterpillar D7G dozer by Nebraska Material Handling Corporation (NMC) of Gering, NE with the left drive estimated at \$28,690, and the right drive estimated at \$35,000 due to the need to remove the cab.

BE IT FURTHER RESOLVED that Council is authorizing a 5% change order allowance should it be necessary to continue with repairs as scheduled.

BE IT FURTHER RESOLVED payment is authorized from the Refuse Disposal Capital Outlay-Machines and Equipment Account No. 06-51-55-59-950 where there are sufficient funds for this service.

Roll call vote with the following results:

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

Voting Nay: None.

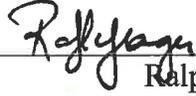
Motion carried.

- Council next conducted a general discussion regarding electrical service disconnects and reconnects. Council advised staff to follow the policy as written.
- The final agenda item was vacancy announcements.

Mayor Yeager announced that the City of Alliance has the following openings at this time: two vacancies on the Board of Adjustment, one vacancy on the A-1 Downtown Improvement Board, two youth ex-officio positions on the Library Board and a Hispanic representative on the Police Advisory Board. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

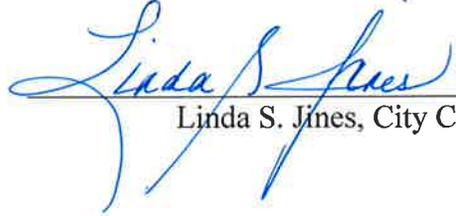
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- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:39 p.m."



Ralph Yeager, Mayor

(SEAL)



Linda S. Jines, City Clerk

