

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 5, 2016

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

The Alliance City Council met in a Regular Meeting, April 5, 2016 at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on March 29, 2016. 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 April 5, 2016 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager and Council Members Feldges, Jones, Korber-Gonzalez and Seiler. Also present were City Manager Cox, City Attorney Olsen and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- Council's first order of business was the introduction of the City's new Apprentice Lineman, Ken Graham.
- Council next presented two proclamations. The first proclamation recognized April 10-16, 2016 as National Public Safety Telecommunications Week and the second proclaimed April 14, 2016 as National Volunteer Service Recognition Day.

Brandy Dahlberg, City of Alliance Public Safety Dispatcher Supervisor, was in attendance to accept the following Proclamation:

PROCLAMATION

WHEREAS; each day, public safety telecommunicators in Alliance and throughout the nation, answer desperate calls for help, responding with services that save the lives and property of American citizens; and

WHEREAS; Americans dial 9-1-1 approximately 240 million times annually seeking help during emergencies, ranging from house fires and automobile accidents to heart attacks and child birth; and

WHEREAS; the men and women who answer these calls for help, gather essential information and dispatch the appropriate assistance, which often make the difference between life and death; and

WHEREAS; Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS; the work of these “unseen first responders” is invaluable in emergency situations and each of these dedicated men and women deserve our heartfelt appreciation; and

WHEREAS; National Telecommunications Week provides an opportunity to honor telecommunicators who serve in the Alliance Police Department; and

NOW, THEREFORE, the City Council of Alliance, Nebraska, does announce and proclaim to all citizens the week of April 10 – 16, 2016, as

National Public Safety Telecommunications Week

and encourages all citizens to recognize the accomplishments and contributions of the Public Safety Telecommunicators whose diligence and professionalism keep our City and community safe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 5th day of April in the year of the Lord Two Thousand Sixteen.

The following proclamation was summarized by Councilman Feldges recognizing the various volunteers within the community:

PROCLAMATION

WHEREAS, volunteer service is a hallmark of American character, and central to how we meet our challenges; and

WHEREAS, the nation’s mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, national volunteer service participants address the most pressing challenges facing our cities, from tutoring students for K-12 success to supporting veterans and military families to providing food distribution assistance to helping communities recover from natural disasters; and

WHEREAS, national volunteer service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national volunteer service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national volunteer service participants increase the impact of the organizations they serve, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national volunteer service represents a unique partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service volunteers demonstrate commitment, dedication, and patriotism that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the mayors across the country to recognize the impact of volunteer service on the Mayors Day of Recognition for National Volunteer Service on April 14, 2016.

THEREFORE, BE IT RESOLVED that I, Ralph Yeager, Mayor of Alliance, do hereby proclaim April 14, 2016, as National Volunteer Service Recognition Day, and encourage residents to recognize the positive impact of volunteer service; to thank those who serve and give back to their communities.

- Council's next order of business was the Consent Calendar.

Councilman Korber-Gonzalez made a motion, which was seconded by Councilman Jones to approve the Consent Calendar and to discuss Resolution No. 16-43 separately.

CONSENT CALENDAR – APRIL 5, 2016

1. Approval: Minutes of the Regular Meeting, March 15, 2016.
2. Approval: Payroll and Employer Taxes for the period February 27, 2016 through March 11, 2016 inclusive: \$181,089.34 and \$12,800.33 respectively.
3. Approval: Claims against the following funds for the period March 9, 2016 through March 30, 2016: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$1,284,569.68.

4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Brandon Williams.

5. Approval: The issuance of the following Cemetery Certificates:

The East Half (E1/2) Lot Seven (7), Section Nine (9), Block Twenty (20), Third Addition to the Alliance Cemetery to Daryl Krejci and Terri Krejci.

The East Half (E1/2) Lot Thirty-six (26), Section Nine (9), Block Twenty (20), Third Addition to the Alliance Cemetery to Eric Lenz.

6. Approval: The issuance of the following Contractor Licenses:

General Contractor	Kelly Strey dba B & C Steel Corporation Javier Corona Sr. dba Corona & Sons Dale Wood dba Dale Wood Construction, Inc. Taylor Vap dba Vap Construction Jim Schoenberger dba Sheehy Construction Co. Larry L. Grant dba SLG Contracting Skinner Tank Company Cleary Building Corp. Shawn Arland dba Morton Buildings
Repair & Maintenance	Cassidy Odean dba Odean Construction LLC Rick Ridenour dba R & A Services Michael L. Johnson dba Skeeter Construction
Master Plumber	Mark Sundberg dba Fresh Start Convenience Stores, Inc. Bill Schlaepfer dba Gering Valley Plumbing Mark V. Sitzman dba Independent P & H Inc. Joe Weber dba Weber Plumbing & Boiler Works Jason Tritle dba Tritle Plumbing, Inc. Leo Tritle dba Tritle Plumbing, Inc.
Gas Fitter	Mark V. Sitzman dba Independent P & H Inc. Joe Weber dba Weber Plumbing & Boiler Works Jason Tritle dba Tritle Plumbing, Inc. Leo Tritle dba Tritle Plumbing, Inc.
Master HVAC	Bill Schlaepfer dba Gering Valley Plumbing Mark V. Sitzman dba Independent P & H Inc.
Sign	Eric Farrar dba Rosenbaum's Signs & Outdoor Advertising, Inc. Michael Ferguson dba Ferguson Signs, Inc.

7. ~~Approval: Resolution No. 16-43 awarding the Motor Fuel Purchase to Westco. The City recently solicited bids for both unleaded fuel and diesel for the City's vehicle fleet.~~
8. Approval: Resolution No. 16-44 authorizing staff to submit a Proposal (application) to the Nebraska Department of Roads for the continuation of the Box Butte County Public Transit Program and to commit financial support in the amount of \$30,000.
9. Approval: Resolution No. 16-45 authorizing staff to enter into a Lease Agreement with Grady Norman for aerial spraying services.
10. Approval: Acceptance of the grant award in the amount of \$2,811.12 from the Family Focus Coalition for support of the School Resource Officer Program. The funds will be utilized to purchase simulation goggles and supporting materials. The acceptance will require a transfer of \$2,700 from the Police Grant Contingency Fund to the School Resource Officer Supply Fund.

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.

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

Councilman Feldges made an inquiry regarding the billing of PIE Consulting for engineering work on the Municipal Building and asked if this was an extension of the study which was conducted by the Rapid City, SD firm. He also asked about the psychological testing for the Police Department and staff stated it was part of the police officer testing process.

Roll call on the amended Consent Calendar with the following results:

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

Voting Nay: None.

Motion carried.

Council now had before them, Item 7 from the Consent Calendar which was Resolution No. 16-43 awarding the Motor Fuel Purchase Contract. Councilman Korber-Gonzalez voiced concerns regarding the issuance of contracts to either Westco or Maverik at this time and made the motion to table the item until more information is gathered. Motion died due to a lack of a second.

A motion was made by Councilman Jones, which was seconded by Councilman Seiler to approve Resolution No. 16-43 awarding the Motor Fuels Purchase Contract to Westco.

Roll call vote on Resolution No. 16-43 with the following results:

Voting Aye: Seiler, Feldges, Yeager, Jones.

Voting Nay: Korber-Gonzalez.

Motion carried.

- Council was next presented a Membership Distribution check from ACE (Public Alliance for Community Energy) in the amount of \$18,160 and signed a proclamation encouraging residents to select ACE as their provider of natural gas.

PROCLAMATION

WHEREAS, ACE, the Public Alliance for Community Energy is a community-owned and not-for-profit natural gas supplier made up of 72 Nebraska member communities including the City of Alliance; and

WHEREAS, ACE was formed in 1998 to provide competition in the Choice Gas program in helping natural gas customers get the lowest price possible and keeping money in Nebraska; and

WHEREAS, The mission of ACE is to offer competitive rates and work to keep the cost of natural gas as low as possible for all consumers; and

WHEREAS, The City of Alliance received \$18,160 in revenue return from ACE during March of 2016 with total revenue returns to the City of \$117,315 since the inception of ACE.

NOW, THEREFORE, the City Council of Alliance, Nebraska, encourages the Citizens of Alliance to consider selecting ACE as their natural gas supplier during the Choice Gas selection period which begins April 15th and runs through April 28th, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 5th day of April in the year of the Lord Two Thousand Sixteen.

- The next agenda item was the second reading of Ordinance No. 2800 which will add a section to the Alliance Municipal Code to allow for an Entertainment District. Council was provided with the following information:

[In 2015, Alliance experienced “Bands on the Bricks” a downtown community event complete with music, bands, food vendors and beer gardens. This series of six events held last year in the 200 block of Box Butte was well received in the community. The sole regret expressed was that folks had to be “corralled” inside of cattle fences rather than being free to roam about the area to dance, etc. Main Street wishes for a more “family environment,” rather than parents having to sit behind fences to enjoy an alcoholic beverage, while their children are elsewhere.

Therefore, as a next evolution of this downtown community experience, Main Street and City Staff have been researching the possibility of establishing an Entertainment District in the same 200 block of Box Butte for their 2016 series, scheduled to run six weeks from July 1 – Aug 5, 2016.

Below are the major highlights:

- Ordinance grants to the City Clerk the power to issue an Entertainment District Permit, who also collects the application fee of \$100, payable within 15 days of approval.
- Permit is valid for 6 years. The renewal carries the same cost.
- Requires plans to show the property, location of buildings, sidewalks, streets, proposed common areas, barriers, and the location and distance to the entertainment venue.
- City Council can impose additional requirements, should it so choose, e.g., access, design, types of business and uses, hours of operation and types of events.
- The use of the area as an Entertainment District is thereafter controlled by Council passing a Resolution that approves an event and closes the street for the specified duration.

We have worked with legal counsel, who in turn, has been in conversation with the Nebraska Liquor Commission and other legal advisors. The proposed Code was amended at the direction of Council to include all Commercial zoning districts after the first reading on March 15, 2016.]

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve the second reading of Ordinance No. 2800 as amended which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2800

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE TO INCLUDE PROVISIONS IN CHAPTER 4 TO AUTHORIZE ENTERTAINMENT DISTRICTS WITHIN THE CITY, SETTING UP REGULATIONS AND PROCEDURES FOR APPLYING FOR AN ENTERTAINMENT DISTRICT, AMENDING OTHER PROVISIONS OF THE MUNICIPAL CODE SO THAT THEY ARE NOT INCONSISTENT, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Chapter 4 of the Alliance Municipal Code is amended by adding the following language:

“Sec. 4-9. Establishment of an Entertainment District.

(a) After a public hearing, the City Council shall have the discretion to designate an area of real property as an Entertainment District and authorize by resolution for the City Clerk to issue an Entertainment District Permit to the common property owner or promotional association where the area of real property:

- (1) includes an Entertainment Venue or proposed boundary line of Entertainment District is within 100 feet of an Entertainment Venue’s primary entrance as determined by the City of Alliance;
- (2) includes one or more Commons Area;
- (3) is under the same common ownership or has been placed under the control of a promotional association; and
- (4) is zoned as any Commercial District.

(b) The City Council may impose additional Entertainment District Permit requirements or restrictions on the real property or operation of business in the Entertainment District to include, without limited to boundaries, barriers, access, design, types of business and uses, hours of operation, and types of events.

(c) The City Clerk is authorized to issue an Entertainment District Permit upon satisfaction of the following:

- (1) The City Council, by resolution, has designated the area of real property as an Entertainment District and has granted the City Clerk the authority to issue an Entertainment District Permit;
- (2) The City Clerk has received payment of the Entertainment District application fee and the Entertainment District Permit fee; and
- (3) The applicant has provided satisfactory documentation to the City Clerk that all requirements or restrictions imposed by the City Council or this Chapter, have been met.

(d) The City Council may amend, suspend, revoke, or may elect not to approve any subsequent renewal application for an Entertainment District designation and issuance of an Entertainment District Permit, if the City Council determines that:

- (1) The Entertainment District and/or Commons Area:
 - (i) Does not meet or has not met the requirements or restrictions under this Chapter, or the terms and conditions of the Entertainment District Permit previously issued by the Clerk;
 - (ii) Is or has been a threat to the health, safety, and/or welfare of the public; and/or
 - (iii) Is or has been a common nuisance; or
- (2) Information in the application is found to be false, misleading, and/or fraudulent.

(e) The City Council may grant the City Clerk authority to extend the City Council's Entertainment District designation without requiring a renewal application to be submitted to and approved by the City Council, as provided by this Chapter, if the permittee continues to be the same property owner or the same promotional association and the permit has not been suspended or revoked for reasons set forth in this Chapter. However, the permittee must appear before the City Council once every six (6) years after the permit has been issued.

(f) The City Council's designation of an area of real property as an Entertainment District shall immediately terminate upon the date of expiration, suspension, or revocation of the Entertainment District Permit.

Sec. 4-10. Commons Area, design requirements.

(a) A Commons area within an Entertainment District shall be an outdoor area not less than 4,500 square feet in size, be located on real property, and closed to vehicular traffic when used as a Commons Area. A Commons Area may be extended onto property owned by the City of Alliance if approved by the City Council.

(b) A Commons Area shall have limited pedestrian accessibility by the use of a fence or other barrier that is sufficient to provide limited or close access and is either permanent or semi-permanent, and is a minimum of 36 inches tall. Entrances and exits located on the real property shall not exceed sixteen (16) feet in width and shall be designed with the ability to reduce or close access. The number and size of entrances and exits shall be approved by the City Council, and may vary between Entertainment Districts.

(c) A Commons Area shall be used as a place for outdoor dining and entertainment events.

(d) The City Council may impose additional requirements or restrictions upon the Commons Area to include, but not be limited to, boundaries, barriers, access, design, types of businesses and uses, hours of operation and events.

Sec. 4-11. Entertainment District designation and Entertainment District permit; application.

(a) An application for an Entertainment District designation and Entertainment District permit shall be made and executed under oath by the owner of the real property or by a member or members of a Promotional Association if the real property is owned by two or more persons, not under common ownership and the Promotional Association has been granted written authority to use the real property for such a purpose.

(b) An application for an Entertainment District designation and Entertainment District Permit shall be submitted to the City Clerk along with a nonrefundable application fee of \$100.00 and shall include:

- (i) A drawing showing the real property and location of all buildings, sidewalks, streets, proposed Commons Area, barriers, and location and distance to the Entertainment Venue; and
- (ii) A copy of a written notice to the neighboring property owner(s) of the application for designation of an Entertainment District and evidence of receipt of such notice

- by the neighboring property owners. At a minimum, the notice shall provide the applicants contact information and the drawing referred to in (i) above; and
- (iii) Any other information required by the City of Alliance on forms provided by the City Clerk.

(c) Upon receipt of the completed application and application fee, the City Clerk shall forward the application to the City Council, and the City Clerk shall schedule the application on the City Council agenda for approval or denial of designation and authority to issue an Entertainment District Permit.

(d) An Entertainment District designation and Entertainment District Permit shall not become effective until an Entertainment District Permit fee of \$100.00 has been paid to the City Clerk. The permit fee shall not be refundable. The applicant shall have sixty (60) days from the date of the City Council's approval to make such payment, or the application shall be deemed withdrawn by the applicant.

Sec. 4-12. Entertainment District designation and Entertainment District permit; additional terms.

(a) The permittee shall have a continuous duty to provide written notification to the City Clerk of any change of ownership of the real property within the Entertainment District or legal status of the Promotional Association at least thirty (30) days prior to the effective date of the change.

(b) An Entertainment District designation and Entertainment District Permit shall be valid for a period of six (6) years from the date of issuance of the Entertainment District Permit by the City Clerk except if the Entertainment District Permit is revoked for cause by the City Council, the designation or permit shall expire immediately.

(c) The City of Alliance may conduct investigations, reviews and/or hearings related to the Entertainment District Designation and/or Entertainment District Permit.

(d) A permittee who fails to renew the Entertainment District Permit before the expiration date shall be considered to be operating without a valid designation and permit. Alcoholic liquor shall be unlawful in any area previously designated as a Commons Area unless proper licenses and/or permits are obtained. Failure to prohibit alcoholic liquor in the area previously designated in a Commons Area will result in immediate closure of the area by the City of Alliance or other appropriate law enforcement action determined by the City of Alliance.

(e) At all times, the real property contained within the boundaries of the Entertainment District shall be in compliance with federal, state and local laws including but not limited to zoning, fire prevention, building, plumbing and electrical.

(f) It shall be unlawful for permittee and/or the owner of the real property contained in the boundaries of the Entertainment District to violate any of the conditions and restrictions contained in this Chapter or the Entertainment District permit.

Sec. 4-13. Entertainment District designation and permit; modifications.

(a) Prior to commencing any exterior building or Commons Area modifications, additions or demolition, the permittee shall make application under oath for approval of the changes on forms provided by the City Clerk and shall include:

- (i) A drawing reflecting any proposed changes to the buildings, sidewalks, streets, Commons Area, or barriers.
- (ii) A copy of written notices provided by the permittee to neighboring property owners. The permittee shall provide a written notice along with the permittee's contact information and a drawing showing proposed changes as set forth in (i) above. Evidence of receipt of the notice by the neighboring property owners shall be included with the application.

(b) The City Clerk shall forward the application to the City Council who shall issue an amended Entertainment District Permit to reflect the permittee's changes, except where:

- (i) The permittee is requesting to increase the size or location of the Commons Area, entrances/exits of the Commons Area, or to increase the boundaries of the Entertainment District;
- (ii) A neighboring property owner objects to the permittee's proposed changes, in which event the City Clerk shall schedule the application on the City Council agenda and forward the application to the City Council for approval or denial, and authority to issue an amended Entertainment District Permit.

Sec. 4-14. Entertainment District designation and permit; renewals.

(a) No earlier than six (6) months and no later than sixty (60) days prior to the expiration of the designation of the Entertainment District Permit, permittee may apply for a renewal of the Entertainment District designation and issuance of a new permit. Any renewal application received outside of these time requirements will either be returned to the permittee or treated as a new application.

(b) A renewal application for the Entertainment District designation and issuance of a new Entertainment District permit shall be made under oath on a form provided by the City Clerk and in the same manner prescribed for the original application. A renewal application and application fee of \$100.00 shall be submitted to the City Clerk. The application fee is not refundable. The renewal application shall also include:

- (i) A detailed summary of the complaints received by the permittee. Unless otherwise specified by the City of Alliance, the summary shall be for at least a two (2) year period to the date of the renewal application;
- (ii) A list of events held in the Commons Area over the past two (2) years;
- (iii) A copy of a written notice to the neighboring property owners of the application for designation of an Entertainment District and evidence of receipt of such notice by the neighboring property owners. At a minimum, the notice shall provide the applicant's contact information and a drawing of the proposed Entertainment District showing location of buildings and any proposed Commons Area.

(c) The City Clerk shall forward the application to the City Council for review and decision. If previously authorized by the City Council, the City Clerk may extend the City Council's Entertainment District designation for a period of six (6) years and issue a new Entertainment District Permit. Otherwise, the City Clerk shall schedule the application on the City Council agenda for approval or denial of designation and authority to issue a new Entertainment District Permit.

(d) A permit fee of \$100.00 for the new Entertainment District Permit shall be paid within fifteen (15) business days following the City Clerk's or City Council's approval, or the renewal application shall be deemed withdrawn by the permittee. The permit fee shall not be refundable. The effective date of the renewal designation in the new Entertainment District Permit shall be the date following the expiration of the previous designation and permit.

Sec. 4-15. Definitions.

Commons Area shall mean an area: (a) within the Entertainment District designated by the local governing body, (b) shared by authorized licensees with Entertainment District licenses; (c) abutting the licensed premises of such licensees; (d) having limited pedestrian accessibility by use of a physical barrier, either on a permanent or temporary basis; (e) closed to vehicular traffic when used as a Commons Area.

Commons Area may include any area with a public right-of-way if the area otherwise meets the requirements of this Chapter.

Entertainment District shall mean an area of real property designated and permitted by the City Council pursuant to this Chapter whereby the Nebraska Liquor Control Commission may issue an annual Entertainment District license pursuant to the Nebraska Liquor Control Act to allow retail licenses, craft brewery, licensees, and/or micro distillery licensees to share in the use of one or more Commons Areas.

Entertainment Venue shall mean a real property open to the public to view or participate in live arts or theatrical performances, concerts or other live entertainment events. An Entertainment Venue shall not be a residence, hotel or other lodging facility, a facility primarily used for private events, school, a movie theater, or other similar facility or business where live entertainment is not the primary focus.

Promotional Association shall mean an association legally formed pursuant to the laws of the State of Nebraska which is organized for the purpose of applying for and maintaining an Entertainment District Designation and Permit. The Promotional Association must have authority to manage and control Commons Area where liquor licenses may be issued and any events that occur within the Commons Area, or events requiring a Special Event Permit or Special Designated Liquor License.”

SECTION 2. All other ordinances or parts of ordinances in conflict herewith are repealed. Provided, however, this ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time this ordinance becomes effective.

SECTION 3. This Ordinance shall become effective upon its passage and approval and publication shall be in pamphlet form.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- City Manager Cox gave his City Manager's Report which follows in outline form:
 1. Hwy 385:
 - a. Winning bidder: Werner Construction
 - b. Meet & Greet for Utilities today
 - c. Construction starting is under consideration; possibly from the South
 2. Landfill:
 - a. Conveyor Belt Being installed now;
 - b. Operational this week;
 - c. One more piece to be installed
 3. Recycling
 - a. Accepting applications for Recycling Task Force
 - b. Formal Approval by NET – Expected April 7
 - c. Paperwork Training Scheduled – Scheduled April 20
 4. CRA
 - a. Meeting/Training – Tomorrow with Rick Ediger
 - b. Scheduling visits to other CRA's
 5. Public Transit
 - a. Received a letter commitment from BBGH
 6. Alliance Park Foundation - As has been our focus for the last year or so, we are trying to get our local youth out in our parks and show them what our beautiful public spaces have to offer!
 - a. Planning an event geared toward kids (preschool-5th grade) and their families
 - b. Going from Station to Station:
 - Start at Laing Lake and introduce the participants to disc golf
 - Taught the basics of disc golf and letting them play a couple of holes
 - Next, they will go to the Laing Lake – will have a scope and some binoculars
 - Shown the different birds that use the area.
 - Provide with information on fishing regulations at the lake.
 - Next, take the Snake Creek Trail to Central Park
 - Play “Snake Creek Trail Bingo” on the way.

- Pictures of different things along the trail on a bingo card for them to find.
 - Their next stop will be the horseshoe pits in Central Park
 - They will play a few rounds and learn from a pro! (Sid Dubs)
 - And finally, to the conservatory
 - where we will have a game of “find the parrot” and a tour.
 - c. APF is really excited about this event and hope to get lots of kids and their families out to enjoy our parks!
 - d. They will be holding a drawing for kids who participate at each of the stations.
 - e. They will be giving away a set of disc golf discs, a pair of binoculars, a fishing pole and a set of horseshoes – all things they can use in our parks!
 - f. This is a free event
 - g. Saturday, April 16th from 1:00-3:00 in the afternoon.
- The next item before Council was the third reading of Ordinance No. 2798 which proposes two modifications to the Electric Utility Section of the Alliance Municipal Code. Council was provided with the following information:

[Staff is recommending to Council the consideration of two changes to the Alliance Municipal Code Utilities Chapter – Electric System. The first amendment recommendation would be to remove Section 28-161 (j) Load Management Credits for Air Conditioning Units.

~~(j) — *Load management credits for air conditioning.* Customers participating in the summer air conditioning load management program will be given a monthly billing credit during the summer season, as established by the mayor and city council, for the summer season months. To be eligible to enroll for this credit, the device being controlled must have a controlled load of three kilo-volt amperes (kVA) or greater. Customers to this service must install a radio switch furnished by AMES. Load control credit per kilo-volt amperes (kVA) of interruptible load, as established by the city.~~

This recommendation is being made as it is no longer economically beneficial to the City to offer this credit. In order to provide this service the City needs to upgrade our transmitters due to the FCC radio frequency rule change. The City has nineteen (19) customers utilizing this service which totaled \$800 in credits last year. Of those 19 services, 4 are City accounts and 1 is the County which received more than half of the credit. The load factor being controlled no longer has a significant impact to warrant the upgrade.

The second amendment recommendation is to modify Section 28-168. Security light (class 7).

Sec. 28-168. - Security light (class 7).

Security light (class 7) rates are as follows:

(1) Security lighting; urban and rural. Available to all customers served by the city, when the City Manager, or designated representative determines the current infrastructure can accommodate the service. Rates include fixture, energy

and maintenance of an existing AMES {Alliance Municipal Electric Service} ~~or~~ customer provided pole. Any new pole placement or ~~replacement~~ maintenance will be at the customers' expense.

(2) *Security light rates. Security light rates shall be as established by the city.* The City billed 417 security light accounts which generated approximately \$110,000 in revenue during the last fiscal year. The current issue is that some of the security lights are not located on City property/easements or City-owned poles. Under the proposed changes, the City would continue to offer the service to the accounts on public property and poles. It is our recommendation to discontinue providing equipment and maintenance for security lights which are on private property and poles not owned by the City for liability reasons. Our present records do not differentiate between public and private security lighting accounts. Each account site will need to be visually inspected to determine the status. If this amendment is approved, accounts will be correctly identified and account holders of privately-owned security lights will be notified that maintenance will no longer be provided to the account. The account holder can then decide if they want to continue the account under the security light class knowing that maintenance is not included within the rate or move it to another metered rate class. The security light rates have also been included in your background material.]

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Feldges to approve the third reading of Ordinance No. 2798 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2798

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY REMOVING SECTION 28-161 (j) LOAD MANAGEMENT CREDITS FOR AIR CONDITIONING UNDER THE GENERAL TERMS AND CONDITIONS, ALL RATES; MODIFYING SECTION 28-168 SECURITY LIGHT (CLASS 7), REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Alliance Municipal Code at Section 28-161 shall be amended as follows:

Sec. 28-161. General terms and conditions, all rates.

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

Summer season means the four billing periods beginning with the third cycle in June and ending with the second cycle in October, or from the first billing after June 15 and ending with the last billing before October 15.

Winter season means the eight-billing periods not included in the summer season.

(b) *Production cost adjustment.* The rates and the billings for the service rendered hereunder may be adjusted administratively, with city council approval, from month to month to reflect the change in production cost adjustments charged by the city's suppliers. The monthly adjustment may be increased to reflect system losses as calculated for the previous calendar year.

(c) *Tax clause.* The rates may be increased administratively by the amount of any new or increased tax or fee imposed and levied on the transmission, distribution, production or sale of electricity.

(d) *Special terms and conditions.*

(1) Special service requirements, if available, will be billed on an actual cost basis by AMES.

(2) AMES shall supply one electric service to a property at one point of delivery designated by the electric superintendent. For installation of additional electric services to a property, the customer or owner shall pay AMES an installation fee equal to the total cost of installing the service equipment except for the meter as supplied by AMES. Distribution from the point of delivery to points of use on the customer's premises shall be the responsibility of the property owner.

(3) When electric service is measured through more than one meter, the consumption registered on each meter will be billed separately unless installation is at the convenience of AMES and is approved by the electric superintendent. When a portion of a residential dwelling is used for commercial purposes, the residential rate shall apply provided:

- a. The service is all taken from one meter;
- b. The residential load exceeds the commercial load, as determined by AMES.

In all other cases the residential and commercial service will be separately metered and billed under the applicable rate, or all service to the premises will be billed under the applicable general service rate.

(4) Single apartments will be considered residential property and residential rates shall apply.

(5) Apartment building house meters will be considered commercial and the general service rates shall apply.

(e) Power factor adjustment. The customer will be expected to maintain a power factor of 95 percent lagging or better. If the measured power factor is lower than this, the customer will be given 90 days to correct. If the power factor is not corrected, the monthly bill shall be increased by the ratio of 0.95 divided by the actual power factor expressed in decimals.

(f) Primary metering. Primary metering shall be used where transformation equipment and appurtenances are customer owned and maintained and may be used at the convenience of AMES. Billings derived from primary metering data shall be reduced 1.5 percent for transformer losses and an additional two percent if all transformation is owned and maintained by the customer.

(g) Additional equipment or transformation charge. The customer shall pay AMES an installation fee for installing equipment or transformers in excess of the required capacity as determined by AMES. Said fee shall be equal to the cost of the requested equipment or transformation, less the estimated cost of the needed equipment. AMES shall own and maintain all equipment thereafter.

(h) Restoration of service. Any customer making a request for restoration of electric service within a 12-month period, in the same name or same customer, at the same address shall pay a restoration charge as established by administrative policy. This charge shall be paid prior to reconnection.

(i) Fluctuating loads. Customer operating equipment having highly fluctuating loads, large instantaneous demand or equipment which generates interference or harmonics as determined by AMES shall be required to pay all nonbetterment costs of isolating the loads from the balance of the AMES system so that the load will not unduly interfere with service on the AMES lines. In addition, customers who fail to provide adequate corrective equipment shall be required to own and maintain his own transformers and other acceptable isolation equipment.

SECTION 2. The Alliance Municipal Code at Section 28-168 shall be amended as follows:

Sec. 28-168. - Security light (class 7).

Security light (class 7) rates are as follows:

(1) *Security lighting; urban and rural.* Available to all customers served by the city, when the City Manager, or designed representative determines the current infrastructure can accommodate the service. Rates include fixture, energy and maintenance of an existing AMES pole. Any new pole placement or maintenance will be at the customers' expense.

(2) *Security light rates.* Security light rates shall be as established by the city.

SECTION 3. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

SECTION 4. 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 third reading of Ordinance No. 2798 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. 2798 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Resolution No. 16-46 authorizing staff to proceed with an application for Federal assistance for the Airport Seal Coat of Asphalt Taxiways/Aprons was next item for discussion. This resolution will also authorize an amendment to the current Agency Agreement with the Nebraska Department of Aeronautics. Council was provided with the following information:

[The City Council approved on January 19, 2016 the Consultant Agreement with M.C. Schaff & Associates to perform the engineering services. Council also approved the Agency Agreement with the Nebraska Department of Aeronautics on March 4, 2014. Due to the Federal Aviation Administration (FAA) recommending the Sponsor initiate actions for construction, an amendment to the Agency Agreement is necessary. The amendment changes the Project No. CO4 to Project No. 3-31-003-018-2016.

The grant application is one of the final steps in the process and an important step as it indicates that the Airport Sponsor (City of Alliance) is willing to proceed with this project. The proposed project will consist of sealing cracks, placing a rejuvenation sealer on the existing bituminous surface and applying new pavement markings on the taxiway and aprons. Part of this project will now include minor repairs to the existing taxiway pavement prior to the seal coat. Some areas only need the asphalt removed and replaced while in other areas the concrete panels have “heaved” under the asphalt and will require replacement.

The cost for the seal coat project has been placed in the current fiscal budget with the initial estimated cost of \$400,000, with the City of Alliance’s 10% match of \$40,000. Recent estimated engineering costs are \$700,000 as a result of the increased costs for mobilization, crack and concrete repairs. This project is expected to be bid in April with the Bid Opening the first week in May. The project is expected to be completed in mid-July and August of this year.]

A motion was made by Councilman Jones, seconded by Councilman Feldges to approve Resolution No. 16-46 which follows in its entirety:

RESOLUTION NO. 16-46

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

WHEREAS, As a result of age and natural deterioration the taxiways and aprons are in need of rejuvenation; and

WHEREAS, The Nebraska Department of Aeronautics, granted an Application Request for a State Aid Project for Bituminous Seal Coat and New Pavement Markings for Taxiways and Apron Areas, identified as Project No. 3-31-0003-018-2016 ; and

WHEREAS, The City of Alliance finds it is in the City's best interest to submit an Application for Federal Assistance which requires several Certification documents; and

WHEREAS, Completing this step will indicate that the City of Alliance is willing to proceed with Project No. 3-31-0003-018-2016; and

WHEREAS, The City of Alliance entered into an Agency Agreement with the Nebraska Department of Aeronautics to act as the Airport Sponsor's agent for this project (formerly known as Project No. C04 and now as Project No. 3-31-0003-018-2016); and

WHEREAS, The Federal Aviation Administration has recommended the City initiate the actions for construction for this project, which now requires an amendment to the Agency Agreement to reflect this change.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance shall submit an Application for Federal Assistance which requires several Certification documents for Project No. 3-31-0003-018-2016.

BE IT FURTHER RESOLVED that if the City receives the grant, the Mayor is authorized to accept the grant on behalf of the City of Alliance and sign the necessary documentation to receive and accept the U.S. Department of Transportation – Federal Aviation Administration grant to make improvements to the Airport taxiways/aprons as outlined.

BE IT FURTHER RESOLVED that the Agency Agreement between the City of Alliance and the Nebraska Department of Aeronautics is amended to reflect the Project No. change to 03-31-0003-018-2016.

Roll call vote with the following results:

Voting Aye: None.

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

Motion failed.

- The final agenda item was a board appointment and vacancy announcements.

Julie Olsen was appointed to the Park and Tree Board with a term expiring February 28, 2018 by ballot receiving four votes: Korber-Gonzalez, Yeager, Seiler, Feldges.

The City has the following openings at this time: two vacancies on the Board of Adjustment; one vacancy on the A-2 Downtown Improvement Board; one vacancy on the Alliance Housing Authority, two youth ex-officio positions on the Library Board, one vacancy on the Park and Tree Board, and one vacancy on the Planning Commission. Anyone interested in serving on these Boards should contact the City Clerk's Office. The City is also looking to create a new Recycling Feasibility Study Advisory Committee and we are currently accepting applications. Anyone interested in serving on a City Board, should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- Councilman Korber-Gonzalez requested that in the future staff do a more thorough job in providing Council all of the pertinent information on an agenda item. She was uncomfortable with the motor fuels contracting process and believes a better outcome could have occurred if all the information was researched prior to coming before Council.
- Councilman Seiler thanked the Family Focus Coalition for the contributions to the School Resource Officer Program.
- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:52 p.m."

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk