

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 19, 2016

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

The Alliance City Council met in a Regular Meeting, April 19, 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 April 12, 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 19, 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 Ediger 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 employees: Wayne Davis, Airport Superintendent and Marissa Madero, Account Clerk I.
- Council next presented two proclamations. The first proclamation recognized April 29, 2016 as Arbor Day and the second proclaimed April 30, 2016 as Healthy Kids ® Day.

Councilman Jones read and presented the Arbor Day Proclamation to Park and Tree Board Member Nita Peterson.

PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees are a source of joy and spiritual renewal; and

WHEREAS, The City of Alliance has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, the City Council of Alliance, Nebraska, does hereby proclaim April 29, 2016 as:

ARBOR DAY

in the City of Alliance, Nebraska, and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program; and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 19th day of April in the year of the Lord Two Thousand Sixteen.

Mayor Yeager read the following proclamation, there was no one in attendance to accept on behalf of the Y.M.C.A.

PROCLAMATION

WHEREAS: The Alliance Area Family YMCA, located at 1202 East 10th Street, is hosting their annual Free Healthy Kids Day Community Event on Saturday, April 30, 2016 from 10:00 a.m. to 3:00 p.m.; and

WHEREAS: A strong community can only be achieved when we invest in our kids, our health, our education and our neighbors; and

WHEREAS: Statistics show that over the past three decades, obesity among children have tripled and today approximately one out of every three children in the United States is overweight or obese, and are at high risk of becoming overweight adolescents and adults, placing them at risk of developing chronic diseases such as heart disease and diabetes later in life and are also more prone to develop low self-esteem; and

WHEREAS: Alliance Area Family YMCA is promoting healthy lifestyle habits such as healthy eating and physical activity which can lower the risk of obesity and developmental related issues by organizing a community Healthy Kids Day; and

WHEREAS: The Healthy Kids Day will feature events to promote summer safety with special guests from our Alliance Police Department and Fire Department. Healthy Kids Day will promote “Energy In” such as healthy food stations, information booths and events to promote “Energy Out” such as Family Zumba, Kids Yoga, Tumbling, Obstacle Courses, and lots of family games. Healthy Kids Day will provide opportunity for early Summer Camp registrations for British Soccer, Basketball, Adventure Camp, Jitterbugs Camp, Tennis Camp, Art Camp and All Sports Camps; and

WHEREAS: Healthy Kids Day will inspire kids to carry a spirit of fun and exploration throughout their summer, and give them the tools to keep growing and achieving all year long.

NOW, THEREFORE, The Mayor and City Council of Alliance, NE do hereby proclaim, Saturday, April 30, 2016 as:

Healthy Kids[®] Day

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed at this 19th day of April in the year 2016.

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

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

CONSENT CALENDAR – APRIL 19, 2016

1. Approval: Minutes of the Regular Meeting, April 5, 2016.
2. Approval: Payroll and Employer Taxes for the period March 12, 2016 through March 25, 2016 inclusive: \$175,389.06 and \$12,305.93 respectively; and March 26 through April 8, 2016 inclusive: \$187,938.56 and \$13,332.21 respectively.
3. Approval: Claims against the following funds for the period April 1, 2016 through April 12, 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; \$1,204,000.77.

4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending March 31, 2016. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of fund transfers, meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Approval: The issuance of a Cemetery Certificate to Keith Cameron and Helen Cameron for the East One Half (E1/2) Lot Twenty (20), Section Three (3), Block Twenty-three (23) Alliance Cemetery Fourth Addition.
6. Approval: The issuance of the following Contractor Licenses:

| | |
|----------------------|---|
| General Contractor | Ryan Reynolds dba IX Design Builders Tim Weston dba Tim Weston Construction |
| Repair & Maintenance | Dale Jeske Jr. dba Jeske Lawn Sprinklers |
| Gas Fitter | Cory Harwood dba Black Hills Energy John Dahlberg dba Black Hills Energy Mark Hofman dba Black Hills Energy Seth Hulquist dba Black Hills Energy |
| Master HVAC | Rashid Kadir dba Tessier's Inc. Jesse Henderson dba Black Hills Energy |
| Journeyman HVAC | Cory Harwood dba Black Hills Energy John Dahlberg dba Black Hills Energy Mark Hofman dba Black Hills Energy Seth Hulquist dba Black Hills Energy |
| Limited & Specialty | Dale Jeske Jr. dba Jeske Lawn Sprinklers |
7. Approval: Resolution No. 16-47. The Alliance Jaycees are requesting a Special Designated Liquor License to hold a beer garden as part of the Heritage Days Celebration and will be serving beer. The location is proposed for the Ken and Dale's Restaurant parking lot at 123 East 3rd Street. The event will be held July 14-16, 2016. Securing the area will be accomplished with the use of cattle panels. Wrist bands will be used for all adults, and no minors will be allowed within the area.
8. Approval: Resolution No. 16-48 authorizing City Manager J.D. Cox to enter into a Consulting Agreement with WasteCap Nebraska for the purpose of facilitating the Recycling Collections Feasibility Study-2016. This Study is being funded by the Nebraska Environmental Trust "NET."

9. Approval: Resolution No. 16-50 authorizing staff to enter into a Lease Agreement with Scott Aviation, Inc. for aerial spraying services.
10. Approval: *The Special Events Request for Use of Public Facilities, Parks, or Streets* of The Animal Center on Saturday, June 25, 2016 beginning at 10:00 a.m. The Animal Center will be conducting their annual Doggie Dash, the event which will start at the Immanuel Lutheran School parking lot, proceed east on Otoe Road to CR58, then north ½ mile to The Animal Center. Copies of the request and the Insurance Certificate have been made part of the Council's packet.
11. For Your Information: The City of Alliance has been notified that the Department of Homeland Security, Transportation Security Administration (TSA) that we have been once again approved for the Law Enforcement Officer Reimbursement Program. This will be for a two year period of time, April 1, 2016 through December 31, 2018.

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.

Roll call on the Consent Calendar with the following results:

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

Voting Nay: None.

Motion carried.

- City Manager Cox gave his City Manager's Report which follows in outline form:
 1. 10th Street
 - a. Bids in
 - b. Came in high (+\$620K Over budget)
 2. Rumors about City
 - a. City hard to work with; Hard to get by City Council
 - b. Blocked Walmart - Not true; open to business development
 - c. Blocked Coors – Not true. 1908 ... “hullabaloo by the Temperance Union”
 - d. BNSF met with CM; Not enough infrastructure; so BNSF reducing force – Not true
 - i. Although I do visit from time-to-time with BNSF folks
 3. Public Transit
 - a. Received NDOR communication about a new intercity bus service
 - b. Concept of sharing buses
 - c. When Shana Brown & Janine Iossi met with County on Monday,
 - i. Received support from County,
 - ii. not wishing to share buses

- d. Shana meeting with Hemingford tonight
- e. Conference Call with NDOR Thursday to discuss
- 4. FD
 - a. Aerial Refurbishment – going well
 - i. No unknown issues have come up.
 - ii. Scheduled for paint this week if all goes well at Sutphen.
 - b. New city ambulance is scheduled to be here in June.
- 5. Airport – Heaving on one of the runways
 - a. Need to repair ASAP
 - b. Moving forward (\$6460)
- 6. Nebraska State Museum Assoc meeting at Alliance
 - a. Becci & staff did a great job representing our community
 - b. Heard lots of compliments
- 7. Recycling
 - a. Accepting applications for Recycling Task Force
 - b. Paperwork Training Scheduled – April 20
- 8. CRA
 - a. Scheduling visits to other CRA’s – May 16 & 17

- The next agenda item before Council is the third reading of Ordinance No. 2800 which will modify the Alliance Municipal Code to allow for an Entertainment District for the sale of alcohol during public events. Council was provided with the following background 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 Councilman Feldges, seconded by Councilman Jones to approve the third reading of Ordinance No. 2800. City Clerk Jines read by title as follows:

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.

A motion was made by Councilman Jones to amend Section 4-15 – Definitions within Ordinance No. 2800 on page 6 to:

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 **applies** 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.

The motion was seconded by Councilman Korber-Gonzalez.

Roll call vote on the amendment with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the third reading of Ordinance No. 2800 as amended with the following results:

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

Voting Nay: None.

Motion carried.

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 included 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 applies for and maintains 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.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2800 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Resolution No. 16-49 was next item for discussion. This resolution will adopt the Airport Disadvantaged Business Plan. Council was provided with the following information:

[The Alliance Municipal Airport has included on its Capital Improvement Program through the Federal Aviation Administration (FAA) a number of projects with the Department of Transportation (DOT) funding assistance. Construction projects with over \$250,000 of DOT assistance require that a Disadvantaged Business Enterprise Program be adopted. The City of Alliance has adopted a program and the FAA requires the DBE programs to include goals for three fiscal years. Therefore, our current program has been revised to meet this requirement.]

A motion was made by Councilman Seiler, seconded by Councilman Jones to approve Resolution No. 16-49 which follows in its entirety:

RESOLUTION NO. 16-49

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

WHEREAS, The United States Department of Transportation, Federal Aviation Administration, requires that the City of Alliance adopt a Disadvantaged Business Enterprise Program before the City can receive federal funds; and

WHEREAS, The City of Alliance has plans to utilize United States Department of Transportation assisted contracts at the Alliance Municipal Airport; and

WHEREAS, A proposed Disadvantaged Business Enterprise Program has been provided to the City of Alliance for its review and adoption; and

WHEREAS, The Council believes it is in the best interest of the City of Alliance to adopt the proposed Disadvantaged Business Enterprise Program as included in the Council packets.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Disadvantaged Business Enterprise Program is hereby adopted as the official program of the City of Alliance.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the Disadvantaged Business Enterprise Program for and on behalf of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was the board vacancy announcements.

Mayor Yeager reported 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.

- The last item on the agenda was the establishment of a date to conduct a Special Meeting/Work Session of the Council to review proposed capital purchases, legislative planning and operational strategies.

By consensus the group selected Tuesday, May 10, 2016 beginning at 9:00 a.m. to conduct a Special Meeting/Work Session.

- Councilman Feldges shared with Council his experience at the Bill Signing Ceremony in Lincoln for future road improvements which includes the Heartland Expressway.
- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:27 p.m."

Ralph Yeager, Mayor

(SEAL)

Linda S. Jines, City Clerk