

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, AUGUST 2, 2016

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

The Alliance City Council met in a Regular Meeting, August 2, 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 July 26, 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 August 2, 2016 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager and Council Members Feldges, Korber-Gonzalez, Seiler and Jones. Also present were City Manager Cox, City Attorney Hunzeker and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
• The Consent Calendar was the first matter for Council’s consideration.

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

CONSENT CALENDAR – AUGUST 2, 2016

1. Approval: Minutes of the Regular Meeting, July 19, 2016; Budget Workshop, July 26, 2016 and the Special Meeting, July 26, 2016.
2. Approval: Payroll and Employer Taxes for the period July 2, 2016 through July 15, 2016 inclusive: \$212,485.90 and \$ 15,120.55 respectively.
3. Approval: Claims against the following funds for the period July 13, 2016 through July 26, 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; \$403,746.67.

4. Approval: Capital transfer in the Golf Fund in the amount of \$2,200 from the Capital Outlay-Vehicles Account to the Small Tools, Equipment Account.
5. Approval: The issuance of a Repair & Maintenance Contractor's License to Michael J. Kvamme dba Alliance Builders.
6. Approval: Resolution No. 16-90 authorizing a BizConnect Internet Banking Service Agreement with Sandhills State Bank.
7. For Your Information: The City of Alliance has received notification from the Nebraska Department of Revenue that \$3,642.88 has been requested in refunds with the use of the Nebraska Advantage Act and the Employment and Investment Growth Act to a qualifying business.

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 Jones questioned the late fee and interest charged by First Bank Card in the amount of \$79.19 within the Electric Department fund.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A Conflict Claim reimbursing Councilman Feldges for mileage to attend the Nebraska Municipal League Executive Board Budget Workshop, with the total amount of reimbursement being \$465.00 was the next matter before Council.

A motion was made by Councilman Seiler, seconded by Councilman Jones to approve the conflict claim in the amount of \$465.00 reimbursing Councilman Feldges.

Roll call vote with the following results:

Voting Aye: Jones, Seiler.

Voting Nay: Yeager, Korber-Gonzalez.

Abstaining: Feldges.

Motion failed.

- City Manager Cox gave his City Manager's Report which follows in outline form:
  1. Fire Truck – Additional problems identified; approved moving forward - \$5K
  2. Landfill –
    - a. Ed and I met with SCS Engineers
    - b. Continued NDEQ Compliance
      - i. Installation of Monitoring Wells
      - ii. Striving to obtain re-permitting in 2017
      - iii. NDEQ Inspection expected in Sept
  3. Pool –
    - a. Pipe issues; have to shut down and empty
    - b. One day to dry & cure
    - c. Return to operation hopefully on Thursday
  4. Water/Sewer–
    - a. Water Well #5: VFD being installed; testing this afternoon
    - b. Water Well #7: Surge blocking; completed today; test pumping
    - c. Lift Stations B & C Rehab (in budget): awaiting State approval of plans; preparing bid documents
  5. Hwy 385 – Great news! City's total participation not \$1.1 M, but \$465K.
- A Public Hearing on a proposed amendment to the Zoning Regulations of the Alliance Municipal Code was the next discussion item. The amendment will allow for storage units within a C-1 (Neighborhood Commercial) District with the approval of a Conditional Use Permit. Ordinance No. 2811 has been prepared for Council's consideration which will approve the amendment. Council was provided with the following background information:

[The Alliance City Council at their June 7, 2016 meeting requested that the Planning Commission discuss a code change that would allow storage units in the C-1 zoning district. A property owner has requested a rezone from C-1 Neighborhood Commercial, to C-3 Highway Commercial to allow for the construction and use of private storage units on Lot 1A, Block 9, Lakefield Addition to the City of Alliance.

The Alliance Planning Commission originally recommended the change of zoning at their May 10, 2016 meeting. The City Council agenda of June 7, 2016 included the item at which time the Council asked the Planning Commission to consider adding private storage units as a use in the C-1 Neighborhood Commercial Zoning District rather than rezoning the property. The Council's request was placed on the Planning Commission agenda as a discussion item at their June 14, 2016 meeting.

The Planning Commission discussed the setback requirements between Commercial districts and felt that C-1 setbacks were a better fit for keeping neighborhoods more aesthetically congruent than a rezone to C-3. They also

agreed that it would be in the best interest to add it as a Conditional Use as opposed to a Permitted Use so there would be a review done on any newly proposed storage units to be certain that they would not negatively affect residential neighborhoods.

The City of Alliance Planning Commission met at their regular meeting on July 12, 2016 and held a public hearing for the amendment of Section 115-105 of the Alliance Municipal Code. The Commission voted to recommend that the Alliance City Council amend Section 115-105, titled C-1, Neighborhood Commercial District, adding private storage units as a Conditional Use Permit in said zoning district.]

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 amendment of Zoning Regulations in the Alliance Municipal Code regarding storage units within a C-1 Zoning District” and opened the public hearing at 7:10 p.m.

Brent Kusek, Community Development Director, discussed the amendment and answered questions of Council.

Terry Curtiss, 416 Niobrara Avenue is the attorney representing Mr. Jerry Reynolds, the owner of property located at 25<sup>th</sup> Street and Emerson Avenue. Mr. Curtiss stated Mr. Reynolds desires to construct storage units on this property and in an effort to move forward with his project would request the Council waive three readings of the ordinance.

Hearing no further testimony, the Public Hearing closed at 7:13 p.m.

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve the first reading of Ordinance No. 2811 which Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2811

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTION 115-105 OF THE ZONING REGULATIONS, RELATING TO THE INCLUSION OF STORAGE UNITS AS A CONDITIONAL USE IN A C-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM 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 115-105 shall be amended as follows:

Sec. 115-105. - C-1, Neighborhood Commercial District.

- (a) Scope and intent. This section applies to district C-1. The C-1, Neighborhood Commercial District is intended to provide a zone for the conduct of low impact commercial uses that are solely intended to support the convenience of residents, and activity carried on within, a residential neighborhood.
- (b) Permitted uses.
  - (1) Barbershop.
  - (2) Beauty shop.
  - (3) Convenience food stores.
  - (4) Day care or nursery schools.
  - (5) Library.
  - (6) Pharmacy.
  - (7) Schools and colleges.
  - (8) Health, dental and eye care offices/clinics.
  - (9) Churches, places of worship and religious.
- (c) Conditional uses.
  - (1) Towers, telecommunications facilities, and antennas as permitted in chapter 109.
  - (2) 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.
  - (3) Other uses clearly associated with the intent of the C-1 district.
  - (4) 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.
  - (5) Private storage units.
- (d) Performance standards.
  - (1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
			Front	Rear	Side	Side Street		
Principal structure	None	None	25	25	A	A	30*	6
Accessory building	—	—	25	5	5	20		6

- A. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a district R-1 to C-O inclusive, a side yard of not less than seven feet shall be provided, and a side yard of 15 feet shall be provided on the street side of a corner lot.

\* Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 30 feet

(2) Permitted accessory uses.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. 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.
- d. 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.
- e. Signs as permitted in chapter 111.
- f. Fences as permitted in section 115-172.
- g. 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.
- h. 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.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. 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.
- k. 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).

(3) Additional development standards. The following standards shall not be exceeded by any use in this district.

- a. No wholesale shall be conducted.
- b. No merchandise or equipment shall be stored or displayed outside a building except as follows:

1. Christmas trees and shrubs for sale may be displayed outside a building,
  2. At convenience food stores, gasoline or other motor vehicle fuels may be dispensed at retail to consumers outside a building.
- (4) Automatic credit card and other fuel dispensers. All products shall be sold and all services rendered inside a building, except that motor vehicle fuels may be sold at the dispensing pump if automatic credit card or other automatic type fuel dispensers are in use that do not require the purchaser to enter the store building.
- (5) No harmful noise, smoke, radiation, etc. No noise, smoke, radiation, vibration, or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash, or gas that is toxic, caustic, or obviously injurious to humans or property shall be produced.
- (6) Alcoholic beverage sale for consumption on premises prohibited. Alcoholic beverages shall not be sold for consumption on the premises.

SECTION 2. 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 3. This Ordinance shall be published in pamphlet form, and shall be effective upon its passage and approval.

Roll call vote on the first reading of Ordinance No. 2811 with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing on the Rezoning Request of Antonio Gonzalez was the next agenda item. Following the Public Hearing, Council will consider Ordinance No. 2812 on first reading, which will approve the amendment. Council was provided with the following background information:

[Antonio Gonzales has requested a rezone for a one-acre tract of land from C-3 Highway Commercial to M-1 Light Industrial. The rezone request would allow Mr. Gonzales to maintain his office and facility for his trucking business on the same lot as his existing residence which is not allowed in the C-3 zoning district. *The land is located east of United States Highway 385 and west of the BNSF Railroad tracks on Rock Road. The Legal description is Part of the West ½ of Section 4, Township 24 North, Range 48 West of the 6<sup>th</sup> Principal Meridian. Its County Tax Parcel Number is 070081263.*

The proposed rezone will change the front setback from 25' to 50', the side setbacks from 0' to 10' along the east property line and from 7' to 20' along the west property line as it is bordered by R-1, Single Family Residential, and rear

setbacks remain 15'. With the rezone, the setbacks would become more restrictive than those in their current zoning district. The land is currently used as his trucking business and his residence.

The rezone is necessary to expand his house as it is currently considered a nonconforming use of the property. Nonconforming uses may not be expanded without either correcting the zoning district with which the use lies or with a variance granted by the Board of Adjustment. The owner has chosen to apply for a rezone to M-1 as he feels it is better suited for his current use. The parcel of land to the north, which he owns, adjacent to this parcel is also zoned M-1 as are multiple others in the vicinity. Staff believes that this rezone to M-1 is favorable as it would partially eliminate the pocket of C-3 spot zoning along Rock Road.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed eight petitions and as of July 7, the City had received two of them back in favor of the rezone. One petition was sent to an incorrect address but the subject property was posted with a sign indicating the date, time and place of the public hearing so posting and notification requirements have been met.

At the July 12, 2016 Planning Commission meeting, the Commissioners voted to recommend the approval of the rezone of a portion of land described as a Tract 26, a one-acre parcel located in Part of the West ½ of Section 4, Township 24 North, Range 48 West of the 6<sup>th</sup> Principal Meridian, addressed 6080 Rock Road, County Tax Parcel Number 070081263.]

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 Rezoning Application of Antonio Gonzalez to rezone property at 6080 Rock Road from C-3 (Highway Commercial) to M-1 (Light-Industrial) and opened the public hearing at 7:14 p.m.

Brent Kusek, Community Development Director, discussed the Rezone Application of Mr. Gonzalez and answered questions of Council.

James Weber, 5801 Sarpy Road expressed his concern regarding the existing residential use in an M-1 Zoning District.

Hearing no further testimony, the Public Hearing closed at 7:17 p.m.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Jones to approve the first reading of Ordinance No. 2812 which Clerk Jines read by title and follows in its entirety:

ORDINANCE NO. 2812

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT A PART OF THE WEST ONE-HALF, WEST OF THE RAILROAD, SECTION 4, TOWNSHIP 24 NORTH, RANGE 48, WEST OF THE 6<sup>TH</sup> P.M., TRACT 26, BOX BUTTE COUNTY, NEBRASKA, (COUNTY TAX PARCEL ID NO. 070081263) IS NOW INCLUDED AS AN M-1 (LIGHT INDUSTRIAL) FROM A C-3 (HIGHWAY COMMERCIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

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

115-76. DISTRICT MAP ADOPTED

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

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

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this \_\_\_\_ day of \_\_\_\_\_, 2016, is now the official Zoning District Map.

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

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

Roll call vote on the first reading of Ordinance No. 2812 with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was the first reading of Ordinance No. 2810 which will amend the Classification Plan to include a Community Service Director and a Public Works Director. Council was provided with the following information:

[The attached ordinance will adopt the amended Classification Plan to accomplish two modifications: the reinstatement of the Public Works Director position and the establishment of the Community Services Director.

#### Public Works Director

The Council has formally accepted the resignation of the City Manager. The City Manager has been overseeing many of the streets projects that are in progress. In an effort to provide for the smoothest possible transition and also to provide for the best possible oversight of current projects such as Streetscape, staff is recommending the position of Public Works Director be reestablished with a pay grade of 108.

The reestablishment of this position has actually been planned for some time as staff has contemplated the year-end retirement of long-time employee and current Water Superintendant, Earl Winter. To this point, one current staff member has been grooming for this position and previously served as a Public Works Director in a small South Dakota community.

#### Community Services Director

In June of 2015, as part of the addition of the Public Transit program, the position of "Community Services Director" was crafted and a job description approved. The new position, according to the plan, would be for the person to oversee the City's existing RSVP, Handyman and new Public Transit programs. However, at the time, the person filling the role of RSVP and Handyman Director did not wish to take on the responsibility of Public Transit as she was contemplating retirement. As a result we hired the position of Community Services Administrative Secretary.

At this time, we have now received the official notification of the impending retirement of our RSVP/Handyman Director on September 30, and staff would like to advertise as originally planned for a Community Services Director with a paygrade of 217.

Staff expects some reallocation of hours amongst some departments to occur. Although there may a short overlap of personnel, the overall authorized strength will remain unchanged at 110.77 FTE.

Staff is requesting the waiving of three readings to expedite the appointment of these positions prior to the City Manager's departure to ensure the smoothest possible transition.]

A motion was made by Councilman Jones, seconded by Councilman Korber-Gonzalez to table Ordinance No. 2810 until a new City Manager is hired.

Roll call vote to table Ordinance No. 2810 with the following results:

Voting Aye: Seiler, Feldges.

Voting Nay: Korber-Gonzalez, Jones, Yeager.

Motion carried.

- The review of the proposed 2016-2017 Budget was the next agenda item and Ordinance No. 2813 was before Council on first reading.

The following Budget Highlights were provided to Council:

#### Overall Assumptions and Comments

- Overall Budget. The submitted overall budget ordinance totaled \$48.1 million which is down \$1.9 million from the prior approved budget. The primary difference is related to capital projects and primarily the completion of the large airport runway project.
- Property Taxes. Property valuations increased by an estimated 3% to \$431,237,004 and the property tax levy was maintained at \$0.37777 for the 2016-17 fiscal year budget. The resulting projected increase of \$45,000 results in total property taxes of \$1,536,900 which will partially fund general, fire and airport operating and sinking fund budgets. Public safety levies were eliminated in the current budget in order to bolster revenues for the airport operating fund. (See Tab 21.)
- Local Option Taxes. Local option (city sales) taxes are projected at \$2,000,000. This represents an increase of 1.26% from last year's budget and a 2.30% increase from this fiscal year's anticipated revenues. Estimated reserves at the end of the current fiscal year should be approximately \$70,000. Of the total transfer, \$1,470,000 will become general funds, \$270,000 for street improvements, \$150,000 for capital projects and \$110,000 for economic development (including \$25,000 for Community Redevelopment Authority projects). With over \$575,000 in reserves, the regular LB 840 fund allotment will be redirected to the general fund to avoid property tax increases.
- Enterprise Fees. Enterprise fees transferred to the general fund are maintained at a 12% rate of budgeted enterprise fee revenue. This source will provide approximately \$2,165,000 toward the general fund operations which is a \$23,500 (or 1.1%) increase over the prior year. Amounts will be evaluated and possibly adjusted down toward the end of the fiscal year based on actual general and enterprise fund results. (See Tab 16.)

- Salaries and Benefits. Salaries are budgeted with no cost-of-living adjustment (COLA) compared to the 1.6% included in the prior budget year. This adjustment is consistent with the Social Security COLA (0%) as well as the CPI (.1%) for the calendar year ending December 31, 2015. With anticipated turnover and step increases, this represents a \$16,500 (.3%) increase in salaries. (See Tab 12.) Budgeted Health Care Fund transfers from City operating funds are increased by 12.8% (or \$210,000) with transfers in the current budget at a flat \$18,000 per full-time employee. (See Tab 13.) This number is flexible and may easily be adjusted near the end of the fiscal year based on actual claims experience.
- Authorized strength is decreased by 1.53 FTE from the prior year with an adjustment of the public transit program (-1.04 FTE) and the return of utility customer service staff to pre-transition levels. The public works and community services directors are requested position changes. A part-time parks position is replaced by a full-time position (+.33 FTE) while library page hours are reduced to a .75 FTE. Temporary summer staff funding was increased \$8,000 primarily as the result of an added administrative summer intern as well as increased Carhenge hours. (See Tab 11.)
- Capital Projects. Capital projects of over \$12.4 million are included in the submitted plan representing a decrease from the prior year capital projects of \$13.25 million. The majority of the total consists of major streets projects at over \$4.6 million. Other large projects include the revised parks/transit garage (\$1 million with up to \$640,000 grants); carry forward of the airport taxiway and apron sealcoat (\$820,000) as well as the Laing Lake project (\$431,000 with approximately \$350,000 in grants). Swimming pool reconditioning (\$200,000); municipal hall façade repair (\$125,000); and tennis court walls (\$75,000) are also included in the Capital Projects Fund. Up to \$4 million of new borrowings (bonds and leases) are included in the plan to partially fund street improvements (\$2.5 million); airport runway projects, hangar and loader (\$1 million); and parks/transit garage (\$500,000).

Enterprise capital projects of just over \$3.65 million are included in the plan.

- The Electric Fund is focused on infrastructure improvements with \$1.1 million for the Heartland electric line move; \$700,000 dedicated to urban and rural system rebuilds and improvements and \$350,000 included for phase one of the transition to automated metering.
- The Refuse Fund budget includes \$45,000 toward the ongoing replacement of aging trash receptacles. A total of \$200,000 is included for the landfill for improvements required for permitting along with \$250,000 for a replacement loader.
- The Sewer Fund includes \$400,000 for the replacement of two lift stations with payment from retained earnings.
- The Water Fund includes \$260,000 for water main replacements and moves. An \$80,000 allotment is included in the warehouse budget to expand the yard at the public works facility. (See Tab 7.)
- Contingency "Reserves". Total contingency reserves were decreased to \$350,000 compared to the 2015-16 fiscal year budget of \$630,000. The plan moves \$300,000 of water fund contingencies to budgeted capital expenditures and operating expenses. (See Tab 8.)

- Debt Levels. External debt continues to trend downward with levels expected near \$4.4 million at year end. This allows consideration of an increase by up to \$2.8 million in the upcoming budget depending on the timely completion of projects and the actual new bond issues approved by Council. Possible new funding include \$2.5 million for streets projects; \$1 million for airport projects and \$500,000 for the parks/transit garage. The anticipated debt level at the end of the budget year will be around \$7.3 million with the largest debt of just over \$3 million in the Water Fund and \$2.5 million planned in the Street Fund. As a side note, the highest recent external debt level was just over \$12 million at fiscal year-end 2008. Payments on the internal swimming pool loan between the General and Electric Funds were accelerated in the 2014-15 year with full payment expected in 2017 as well as the final Electric Bond payment in December 2016. (See Tab 8.)
- Utility Rates. Electric rates will increase in April 2017 and refuse rates will increase in October 2016 by the automatic 1% increase implemented by Council in 2012. Water and sewer rates are presently being reviewed by the Nebraska Rural Water Association with a goal of increasing revenues in each fund by approximately \$100,000. These changes most likely will affect both base and usage rates.
- Grants. The City could receive almost \$6.2 million in Federal and State funding and grants within the upcoming fiscal year. The majority (around \$4 million) will be the result of the various roads projects including East Tenth Street and Meadowood Trail projects, the Heartland Expressway-South and the Historic Lighting as a portion of the Phase 2 of Streetscape. A total of \$736,000 is anticipated from FAA toward the taxiway and apron sealcoat project. Up to \$640,000 is allocated by NDOR for the public transit bus barn. Other carryover grant funding of up to \$355,000 will be provided by the Nebraska Department of Environmental Quality, Nebraska Environmental Trust and Upper Niobrara White Natural Resources District for the Laing Lake renovation project. A total of \$346,000 of federal and state funding is expected in relation to the public transit program, including \$87,000 for van/bus replacements. Additionally, \$63,000 in federal and state revenues will assist in funding the school resource officer. Funding for the Handyman Program with RSVP will total \$65,000. (See Tab 19.)
- Special Funding Requests. Staff has recommended special funding in the amount of \$128,100 which is unchanged from the 2015-16 budget. A portion of the local option taxes (\$25,000) has been set aside in the economic development plan as reserve for a potential Community Redevelopment Authority project. Requests by Panhandle Area Development District (\$13,200) and Panhandle Resource Conservation and Development (\$300) are not recommended for funding as well as increases for the Alliance Chamber of Commerce and Box Butte Development Corporation. Payment for the Chamber of Commerce support in the new budget will be funded by transfer from the hotel occupation reserves. (See Tab 24.)

#### Miscellaneous Highlights

- Airport Fund. The taxiway and apron sealcoat project is carried forward from the prior year and is now estimated at \$820,000 (funded 90% by the FAA and 10% from the airport sinking fund and borrowings). The \$450,000 for an additional hangar is included again with actual funding contingent on acceptable cash flow and borrowing options. A replacement loader (funded by lease) is included at \$200,000. Funds are included for

the resurfacing of a portion of the airport road in cooperation with the County and State (reduced to \$50,000 based on a recent \$43,000 estimate); additional building repairs on the airport property. A stock well has been added also to provide for water on leased land.

- Street Fund. The 20% City share of three Federal street projects (East Tenth, Meadowood Trail and Heartland Expressway - South) are now included at a current estimated total of \$635,500. In addition, the second phase of the Box Butte Avenue Streetscape (downtown revitalization) project is forwarded at a cost of \$850,000 including the historic street lighting which is 80% grant-funded. Funding for Streetscape is anticipated through vehicle sales tax and electric funds (a transfer of \$158,800 for lighting). Asphalt and concrete maintenance budgets have been increased to a combined total of \$1,900,000 in anticipation of an aggressive street repair plan suggested by Council. A highway tax revenue bond is included at \$2,500,000 to fund a portion of the projects which exceed the current reserves.
- Golf Course. General operating results of the golf course are relatively unchanged again in the 2016-17 budget. The funding for the golf pro was increased by 2% in accordance with the contract. Capital authority is included for additional parking lot concrete (\$25,000) and irrigation upgrades (\$24,000). The annual transfer from General Fund is \$180,000.
- Retired and Senior Volunteer Program (RSVP) and Handyman. Federal basic funding for the RSVP and handyman programs will remain unchanged for the next fiscal year. With the anticipated change in personnel and the reallocation of health insurance costs, the budgets will remain tight for the upcoming year with the Friends of Box Butte RSVP (a 501(c)(3) corporation) assisting with increased fundraising efforts for both programs. An additional \$5,000 transfer has been planned from the Community Betterment (Keno) Fund.
- Public Transit. The public transit program has been approved by Nebraska Department of Roads for a second year of operation by the City. The base operating budget will be funded by up to \$202,000 in Federal funds; \$57,000 in state funds; \$57,000 in local matches; and \$24,000 in rider fares. A capital expenses are included for the bus barn and van/bus replacements discussed elsewhere.
- Economic Development. Authority is included to pursue community development and housing funding up to \$150,000 in the CDBG Fund. Sales tax revenue of \$110,000 will be transferred to the economic development fund including \$25,000 for Community Redevelopment Authority projects. No additions are included for the LB840 fund other than loan repayments; however, \$300,000 is allowed for potential projects. Three TIF projects will generate around \$200,000 in tax increment payments passed through the redevelopment fund in 2016-17. Only \$25,000 in general funds is dedicated to building demolition; however, the parks/transit garage includes the demolition of another old building owned by the City.

Capital Projects Fund. The capital projects fund will be funded by sales tax revenue in 2016-17 in the amount of \$150,000. These funds (along with reserves) will provide funding of \$200,000 for pool lining; \$125,000 for municipal hall façade repair; \$75,000 for tennis court wall construction; \$45,000 for the final pool debt payment; and the City's

matching portion of the Laing Lake renovation project. Funding for the parks/transit garage will be by lease.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2813 which Clerk Jines read by title and follows in its entirety:

**ORDINANCE NO. 2813**

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, 2016, AND ENDING SEPTEMBER 30, 2017, 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 26, 2016 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 16, 2016, 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, 2016, 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:

	<b>City</b>	<b>MFO</b>	<b>Public Safety</b>	<b>Airport</b>	<b>Airport Reserves</b>	<b>Total</b>
Approved Budget Amount						
County Treasurer's Fee (1%)						
Delinquent Allowance (5%)						
<b>Total Property Tax Request</b>						
Using the following levies						
Approved Mill Levy for 2016						
Based on Assessed Valuation						

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 2016-17.

General	7,408,300
Electric	17,375,800
Refuse	1,595,800
Sewer	927,300
Water	2,277,600
Golf Course	409,600
Airport Operations	2,336,000
Public Transit	409,200
Streets	5,648,600
Handyman Services	55,300
RSVP	88,800
Museum Exhibit	20,000
BID #1 and #2	13,600
HUD/CDBG	150,000
Community Betterment (KENO)	23,200
Economic Development	135,000
LB 840 Fund	303,500
Redevelopment (TIF)	250,000
Sales Tax Fund	2,000,000
Lodging Occupation Tax	216,000
Capital Projects	1,876,000
Public Safety Tax	80,000
State 911 Funds	55,000
General Internal Service	1,361,800
Enterprise Internal Service	607,900
Health Support Internal Service	2,427,000
General Debt Service	43,200
Airport Capital Reserve	30,000
<i>Gross Expenditures</i>	48,124,500

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, \$60,000 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 \$\_\_\_\_\_ for Fiscal Year 2017.

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, 2016.

Roll call vote on the first reading of Ordinance No. 2813 with the following results:

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

Voting Nay: None.

Motion carried.

- Council's next item for discussion was the first reading of Ordinance No. 2814 which will allow the City of Alliance to exceed the Allowable Growth and Basic Allowable Growth for the 2016-17 Fiscal Year by 1%. Council was provided with the following 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 2016-17 fiscal year budget by 1% (or \$63,433) with total restricted funds authority at \$6,565,363.

This does not increase the new fiscal budget, but rather allows the City to increase the unused budget authority for use in future years.]

A motion was made by Mayor Yeager, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2814 which Clerk Jines read by title and follows in its entirety:

#### **ORDINANCE NO. 2814**

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2016-2017 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 \$63,433 and the resulting “unused budget authority” in the adopted budget ordinance is hereby amended to the amount of \$6,565,363.

SECTION 6. Those portions of the existing budget ordinance for 2016-2017 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 2016-2017, 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 first reading of Ordinance No. 2814 with the following results:

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

Voting Nay: None.

Motion carried.

- The third reading of Ordinance No. 2808 which will amend the Alliance Municipal Code and allow dwellings below the ground floor of commercial establishments was the next discussion item. Council was provided with the following background information:

[Box Butte Development Corporation has submitted a letter to the City of Alliance requesting that the City amend Sections 115-106 and 115-107 of the Alliance Municipal Code allowing dwellings below the ground floor of commercial establishments.

The Code as currently stated allows for dwellings above the main floor of commercial establishments in the C-2, Central Business and C-3 Highway Commercial zoning districts.

The dwellings would still be required to meet accessibility, building, egress and fire code requirements. This code change does not exempt these dwelling spaces from meeting the City's adopted building and fire codes.

The City of Alliance Planning Commission met at its regular meeting June 14, 2016 and voted affirmative to recommend to the Alliance City Council the proposed amendment to Sections 115-106 and 115-107 of the Alliance Municipal Code adding dwelling spaces below the ground floor of a commercial business in the C-2 and C-3 zoning districts.]

A motion was made by Councilman Seiler, seconded by Councilman Feldges to approve the third reading of Ordinance No. 2808 which Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2808

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTION 115-106 AND 115-107 RELATING TO SINGLE AND MULTI-FAMILY DWELLINGS ABOVE AND BELOW THE FIRST FLOOR OF A COMMERCIAL ESTABLISHMENT, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM 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 115-106 shall be amended as follows:

Sec. 115-106. - C-2, Central Business District.

- (a) Scope and intent. This section applies to district C-2. The C-2, Central Business District is intended to provide a zone that will accommodate low impact retail and service businesses in those areas of the community that were traditionally developed with no building setback requirements.
- (b) Permitted uses.
  - (1) Retail and wholesale sales establishments, not including adult bookstores.
  - (2) Medical, professional and governmental offices.
  - (3) Public libraries, utility facilities and parks.
  - (4) Eating and drinking establishments.
  - (5) Hotels, motels and other lodging facilities.

- (6) Single and multifamily dwellings above and below the first floor of commercial establishments.
  - (7) Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
  - (8) Theaters, not including adult theaters.
  - (9) Health facilities such as spas.
  - (10) Printers and newspapers.
  - (11) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
  - (12) Building supply stores (indoor display and storage only).
  - (13) Lodges and fraternal orders.
  - (14) Parking lots and facilities.
  - (15) Churches, places of worship and religious.
- (c) Conditional uses.
- (1) Towers, telecommunications facilities, and antennas as permitted in chapter 109.
  - (2) Automobile dealer lots and repair services.
  - (3) Commercial storage units.
  - (4) Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
  - (5) Other uses clearly associated with the intent of the C-2, Central Business District.
  - (6) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (d) Performance standards.
- (1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	0	A	B	0	45
Accessory building	—	—	0	A	B	0	45

A. No rear yard required if adjacent to an alley

B. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a districts R-1 to C-O inclusive

(2) Permitted accessory uses.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartments for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. 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.
- d. 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.
- e. Signs as permitted in chapter 111.
- f. Fences as permitted in section 115-172.
- g. 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.
- h. 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.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. 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.
- k. 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).

SECTION 2. The Alliance Municipal Code at Section 115-107 shall be amended as follows:

Sec. 115-107. - C-3, Highway Commercial District.

- (a) Scope and intent. This section applies to district C-3. The C-3, Highway Commercial District is intended to accommodate commercial businesses that:
  - (1) Require direct access to highways and primary transportation thoroughfares due to the volume of traffic they generate.
  - (2) Cater primarily to the traveling public.

(b) Permitted uses.

- (1) Retail and wholesale sales establishments, not including adult bookstores.
- (2) Medical, professional and governmental offices.
- (3) Public libraries, utility facilities and parks.
- (4) Eating and drinking establishments.
- (5) Hotels, motels and other lodging facilities.
- (6) Single and multifamily dwellings above and below the first floor of commercial establishments.
- (7) Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
- (8) Theaters, not including adult theaters.
- (9) Health facilities such as spas.
- (10) Printers and newspapers.
- (11) Repair shops, indoor only, and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
- (12) Building supply stores (indoor display and storage only).
- (13) Lodges and fraternal orders.
- (14) Parking lots and facilities.
- (15) Automobile dealers, implement dealers and related services.
- (16) Truck parking, truck repair services, and related services.
- (17) Commercial storage units.
- (18) Building, landscaping supplies and yards including well drillers.
- (19) Animal feeds and supply services, not including grain elevators.
- (20) Contractor yards, provided material storage is in the rear yard and screened.
- (21) Swimming pool, commercial.
- (22) Churches, places of worship and religious.

(c) Conditional uses.

- (1) Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds.
- (2) Cemeteries, mausoleums, or crematories for the disposal of the human dead.
- (3) Clubs, fraternal orders, philanthropic organizations.
- (4) Drive-in theaters.
- (5) Golf driving ranges, commercial or illuminated.
- (6) Nursery sales office, building, greenhouse, or area. (Wholesale or retail).

- (7) Towers, telecommunications facilities, and antennas as permitted in chapter 109.
- (8) Recreational vehicle camping facilities.
- (9) Riding stables and tracks.
- (10) Wind-driven electric generators with prior approval of the city electrical engineer.
- (11) Other uses clearly associated with the intent of the C-3 district.
- (12) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.

(d) Performance standards.

(1) Area and bulk regulations.

Use	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	15	A	B	15	35
Accessory building	—	—	15	A	B	15	35

A. No rear yard required if adjacent to an alley, otherwise there shall be a 15-foot setback.

B. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a districts R-1 to C-O inclusive, a side yard of not less than seven feet shall be provided, and a side yard of 15 feet shall be provided on the street side of a corner lot.

(2) Permitted accessory uses.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. 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.

- d. 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.
- e. Signs as permitted in chapter 111.
- f. Fences as permitted in section 115-172.
- g. 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.
- h. 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.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. 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.
- k. 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).

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 published in pamphlet form, and shall be effective upon its passage and approval.

Roll call vote on the final reading of Ordinance No. 2808 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2808 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 Ordinance No. 2809 which will amend the Alliance Municipal Code by including an alternate Planning Commission member. Council was provided with the following background information:

[Community Development staff and the Alliance Planning Commission have recognized the need for an alternate member to fill in during a regular member’s

absence or during the vacancy of a regular member's seat on the Planning Commission.

Nebraska Revised Statute 19-926 allows for the designation of an alternate member of the Planning Commission with the jurisdiction's adoption of code that specifically establishes the position. The proposed code amendment would allow for an alternate who would then be appointed by the City Council in the same manner as a regular member. The Board of Adjustment has provisions for an alternate member to function in the same capacity as being proposed for the Planning Commission. The alternate has been used in the past to meet the requirements for a quorum so that the Board of Adjustment could conduct business.

Staff found that the Planning Commission has, on occasion, failed to have enough members in attendance to constitute a quorum. Without a quorum, the Planning Commission may not conduct business, greatly inconveniencing the people who had items on the agenda and traveled to attend the meeting. The Commissioners agree that being unable to conduct business makes the board appear unprofessional and that the appointment of an alternate member may help prevent the lack of a quorum in the future.

Staff also believes it is in the best interest of the City and any applicants to have as many commissioners in attendance at each meeting as possible including the alternate filling in for an absent member regardless of quorum status. Five commissioners may show up and conduct business, but if one votes no on a recommendation, the proposal does not pass. With more commissioners present, it increases the input and ideas from the board and doesn't require the vote of every commissioner in attendance (quorum of five) to approve agenda items.

The City of Alliance Planning Commission met at their regular meeting on June 14, 2016 and held a public hearing for the amendment to Section 101-25 of the Alliance Municipal Code which would allow for the designation of an alternate member to the Planning Commission. They voted to recommend that the Alliance City Council amend Section 101-25, currently titled *Membership Compensation*, of the Alliance Municipal Code.]

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve the third reading of Ordinance No. 2809 which Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2809

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE TO INCLUDE PROVISIONS IN CHAPTER 101, ARTICLE II, RELATING TO THE PLANNING COMMISSION AND ALLOWING FOR AN ALTERNATE PLANNING COMMISSION MEMBER, 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. Chapter 101, Article II of the Alliance Municipal Code is amended by adding the following language:

ARTICLE II. PLANNING COMMISSION\*

Sec. 101-25. Established.

There is established a city planning commission consisting of nine regular members. An alternate member may be appointed and attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting. Two of the regular members may be residents of the area over which the municipality is authorized to exercise extraterritorial zoning and subdivision regulation. The city manager or designee shall attend and participate in the city planning commission meetings but shall not be entitled to vote on any issue before the city planning commission.

Sec. 101-26. Membership compensation.

All regular members of the commission shall serve without compensation and shall hold no other municipal office except when appointed to serve on the board of adjustment as provided by State Statute.

SECTION 2. 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 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the final reading of Ordinance No. 2809 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2809 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next discussion item was Resolution No. 16-91 which will recommend approval of the Liquor Manager's Application of Jess Wimmer. Council was provided with the following information:

[The City of Alliance is in receipt of the Manager Application of Jess E. Wimmer for WESTCO-Terry Corner C Store, 1639 West 3<sup>rd</sup> Street, Alliance, Nebraska. Mr. Wimmer has not completed the Responsible Beverage Service Training in Nebraska. Police Chief John Kiss completed a background check on Mr. Wimmer and has found no reason to deny the application.]

Mr. Wimmer appeared before Council and answered questions of legal counsel. Mr. Wimmer stated that Westco provided training to all of their employees for alcohol sales during their orientation and that a check list was provided. The store managers are responsible for alcohol ordering. Mr. Wimmer stated he has not completed the State of Nebraska alcohol sales training as of yet, but will take the course at the next offering which is October 6, 2016 for our area.

Councilman Jones made a motion which was seconded by Councilman Korber-Gonzalez to approve Resolution No. 16-91 which follows in its entirety:

#### RESOLUTION NO. 16-91

*WHEREAS*, The City of Alliance has received a notice and copy of a Manager Application for WESTCO-Terry's Corner C Store, 1639 West 3rd Street, Alliance, Nebraska submitted by Jess E. Wimmer; and

*WHEREAS*, City staff has reviewed the application.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Jess E. Wimmer for WESTCO-Terry's Corner C Store, 1639 West 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: Korber-Gonzalez, Seiler, Yeager, Jones, Feldges.

Voting Nay: None.

Motion carried.

- The next matter before Council was consideration of Resolution No. 16-92 which will award the Laing Lake Rehabilitation Contract to Koozer Construction of Alliance, NE. The following background information was provided to Council:

[EA Engineering developed plans and specifications for the Laing Lake rehabilitation project for the City of Alliance. Bid plans and specification packets were sent to four interested bidders. Four bids were received and were opened in the Municipal Building conference room on July 20, 2016 at 2:00 p.m. with the following results:

Contractor	Bid Received	Bid Amount
Koozer Construction - Alliance, NE	07/20/2016	\$294,459.00
K L Wood and Company - Alliance, NE	07/20/2016	\$317,480.00
Peltz Companies - Alliance, NE	07/20/2016	\$387,720.00
Meyers Construction - Broken Bow, NE	07/20/2016	\$393,605.00

EA Engineering reviewed the bids and recommended (with staff concurring) that the project be awarded to Koozer Construction of Alliance, NE. This low bid of \$294,459 is below the budget of \$295,700 as shown in the six line items below. Note that the bid specs and the contract will provide for a potential quantity (and cost) reduction should the City provide some of the work. The resolution provides for the Mayor to also sign the other paperwork and agreement. Work is to commence no later than 60 days following the issuance of the Notice to Proceed, and anticipated later in September.

COMPONENT	NET	NDEQ	UNWNRD *	COA	TOTALS
Planning and Design <i>(Completed)</i>		\$5,900	\$800	\$37,572	\$44,272
<b>Excavation to Final Grading</b>	<b>\$43,100</b>	<b>\$46,000</b>			<b>\$89,100</b>
<b>ADA Accessible Fishing Pier</b>	<b>\$30,200</b>				<b>\$30,200</b>
<b>Shoreline Stabilization</b>	<b>\$69,200</b>	<b>\$10,500</b>			<b>\$79,700</b>
<b>Bottom Sealing</b>	<b>\$57,200</b>				<b>\$57,200</b>
<b>Fill Lines</b>	<b>\$26,300</b>				<b>\$26,300</b>
<b>Site Seeding</b>			<b>\$13,200</b>		<b>\$13,200</b>
<b>Well Purchase</b>				\$25,000	\$25,000
<b>Engineering and Construction Oversight</b>	\$29,000	\$28,000			\$57,000
<b>Project Management</b>				\$8,880	\$8,880
<b>Project Sign</b>				\$500	\$500
<b>TOTALS</b>	<b>\$255,000</b>	<b>\$90,400</b>	<b>\$14,000</b>	<b>\$71,952</b>	<b>\$431,352</b>

Councilman Korber-Gonzalez made a motion which was seconded by Councilman Jones to approve Resolution No. 16-92 which follows in its entirety:

RESOLUTION NO. 16-92

*WHEREAS*, The City of Alliance has successfully received grant funding from the Nebraska Department of Environmental Quality (NDEQ) with the involvement of the Nebraska Environmental Trust Fund (NET) for a Clean Lakes Grant for the Laing Lake Renovation Project; and

*WHEREAS*, With the assistance of EA Engineering, Science, and Technology, Inc., PBC bid plans and specifications were sent to and received from four interested bidders for the Laing Lake Rehabilitation Project; and

*WHEREAS*, The lowest, responsive and responsible bid was received from Koozer Construction Inc., of Alliance, NE in the amount of Two Hundred Ninety-four Thousand Four Hundred Fifty-nine Dollars and no/100ths (\$294,459.00).

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the bid of Koozer Construction Inc., of Alliance, NE in the amount of Two Hundred Ninety-four Thousand Four Hundred Fifty-nine Dollars and no/100ths (\$294,459.00) for the Laing Lake Renovation Project be awarded.

*BE IT FURTHER RESOLVED* that the Mayor is authorized to execute the Contract and Notice of Award for the Laing Lake Renovation Project.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 16-93 was the next issue before Council which will authorize the City of Alliance to enter into an Agreement with the Nebraska Department of Roads for the funding of a transit storage facility. Council was provided with the following background information:

[The City of Alliance has been approved for grant funding which will assist with the construction of a transit bus barn to house fleet and staff for public transit operations at the location of 105 Big Horn. Because the City of Alliance also needs to build a parks shop, the City inquired of NDOR as to whether these two projects could be combined with shared common facilities. The benefit identified for the combining of these projects was that grant funding would offset some of the costs associated with facilities that will be shared by both operations, such as

restrooms, break rooms and a wash bay. Engineers will establish what percentage of these shared spaces the transit operations will use and grant funds will pay for 80% of that cost.

As was previously reported, we received good news when NDOR notified the City of its approval of combining the projects, including the demolition of the old block building on the site, with a not-to-exceed NDOR cost of \$640,000 or 80% of the total project cost, whichever is smaller. The scope of the State funding includes the design and construction of the transit facility.

Expected Process Moving Forward:

Once the agreement is signed, NDOR will assist City staff with advertising for and selecting an architectural and engineering firm. The firm will design the project, develop a more concrete estimate with a cost allocation plan, assist with advertising for the contractor and act as the overseer of the project once under construction. Although we would have the option of having someone from the City oversee the project, NDOR reports that they have found that having the A&E firm involved to do inspections, provide payroll reports to NDOR, etc., is more efficient.

A specific timeline has not yet been developed; however, staff expects that the project will require about 12 months to design, with construction hopefully as early Fall of 2017. During this time, the State and possibly the Federal Highway Administration will review the budget, cost allocations and plans. Once final design is completed and approved, NDOR will assist the City and the A&E firm in advertising for the general contractor. Approval of the attached agreement will allow staff to move forward with selecting an engineer to begin design of the transit facility/parks shop.]

Mayor Yeager made a motion to table Resolution No. 16-93 until the August 16, 2016 Council Meeting. The motion was seconded by Councilman Jones.

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 Resolution No. 16-94 which will authorize the purchase of refuse and yard waste containers from Synder Industries of Lincoln, NE. Council was provided with the following background information:

[The City continues its annual plan to replace aging refuse and yard waste containers. Council authorized a budget \$60,000 in the current fiscal year for the

replacement plan. (Note: This annual replacement budget will be reduced to \$45,000 in the 2016-17 fiscal year.)

Purchasing and Inventory Clerk, Susie Hardin prepared RFQs and issued an invitation for bid on July 11, 2016 for 40 3-yard and 40 2-yard refuse containers along with the necessary lids and hardware. The invitation was published three times on July 11, 18 and 25, 2016. Three bid packages were issued and two were received and reviewed at the bid opening on July 26, 2016 at 10:00 AM at the Public Works Facility conference room. Following is a recap of the two bids from Snyder Industries and Kois Brothers, Inc.

Quantity	Description	Snyder Industries Lincoln, NE	Kois Brothers, Inc. Brighton, CO
20	3-yard blue (grass)	\$11,940	\$15,360
20	3-yard tan (trash)	\$11,940	\$15,360
20	2-yard blue (grass)	\$10,980	\$13,960
20	2-yard tan (trash)	\$10,980	\$13,960
160	HDPE black lids (2) per container	Included	Included
	Shipping	\$ 7,275	Included
	<b>Totals</b>	<b>\$53,115</b>	<b>\$58,640</b>

The budget authority for the purchase is included in the Capital Outlay – Machinery and Equipment account (GL #06-41-42-59-950).]

Councilman Seiler made a motion to approve Resolution No. 16-94, which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

#### RESOLUTION NO. 16-94

*WHEREAS*, The City of Alliance provides refuse collection and disposal to the residents of the City of Alliance; and

*WHEREAS*, The City of Alliance needs to supply additional refuse containers to replace containers that have deteriorated and to distribute additional refuse collection containers in the City; and

*WHEREAS*, The City requested quotes for refuse containers and received quotes from two vendors; and

*WHEREAS*, The bid from Snyder Industries of Lincoln, NE is the lowest responsive, responsible bidder and Staff is recommending the purchase of 20 - 3 cubic yard tan containers, 20 - 3 cubic yard blue containers, 20 - 2 cubic yard tan containers, 20 – 2 cubic yard blue containers and 160 HDPE black lids at their bid price of Fifty-three Thousand One Hundred Fifteen Dollars and no/100ths (\$53,115.00).

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the bid of Snyder Industries of Lincoln, NE is accepted and the contract is awarded for the purchase of refuse containers and lids at the bid price of Fifty-three Thousand One Hundred Fifteen Dollars and no/100ths (\$53,115.00).

*BE IT FURTHER RESOLVED* that the Mayor is authorized to execute the documents associated with this purchase.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The Third Quarter Financial Report was the next matter before Council.

Assistant City Manager/Finance Director Randy Waggener provided an overview of the City's Third Quarter Financial Report ending July 30, 2016.

A motion was made by Councilman Jones, seconded by Councilman Korber-Gonzalez to accept the Third Quarter Financial Report as presented.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was a Board appointment and vacancy announcements.

A motion was made by Councilman Jones, seconded by Councilman Seiler to appoint Terry Johnston to the Golf Advisory Board as President of the Men's Club.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The final item before Council was a closed session for the discussion of a personnel matter.

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

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

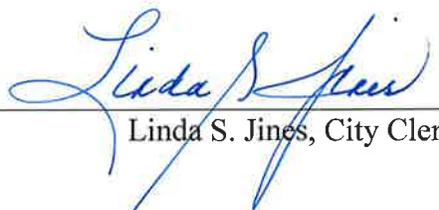
Mayor Yeager announced with five votes in favor, the Council pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, will hold a closed session for the purpose of discussing a personnel matter. City Attorney Hunzeker, City Clerk Jines and Human Resources Director Mayhew were asked to remain for the closed session.

Council entered into closed session at 8:05 p.m. and concluded at 8:54 p.m. at which time Council returned to open session. No action was taken.

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

(SEAL)

  
\_\_\_\_\_  
Ralph Yeager, Mayor

  
\_\_\_\_\_  
Linda S. Jines, City Clerk