

(a) *Airport*. Any area of land or water intended for the landing and takeoff of aircraft, including any related buildings and facilities, that has been designated as a public use airport with Nebraska or with federally approved layout plans, or that is a military airport with military service-approved military layout plans. The Alliance Municipal Airport shall be considered an Airport under the provisions of Chapter 103.

(b) *Airport Hazard*. Any Structure or Tree which obstructs the ground or airspace required for or is hazardous to the use of aircraft in safe landing, takeoff, and maneuvering at an Airport.

(c) *Airport Layout Plan*. A scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an Airport, prepared in accordance with state rules and regulations and federal regulations and guidelines.

(d) *Airport Zoning Act*. The Airport Zoning Act of the State of Nebraska, as amended, Neb. Rev. Stat. § 3-301, *et seq.*

(e) *Approach Zone*. An area of land and air that extends from the end of each Operation Zone, centered along the extended Runway centerline. The dimensions of the Approach Zone are as follows:

(1) For an Existing or Proposed Instrument Runway, the dimensions of an Approach Zone shall be:

(i) *Length*: Ten (10) miles from the end of the Operation Zone, measured along the extended Runway centerline.

(ii) *Width*: One thousand (1,000) feet wide at the end of the Approach Zone nearest the Runway and expanding uniformly on each side to sixteen thousand eight hundred forty (16,840) feet wide at the farthest end of the Approach Zone, centered symmetrically along the extended Runway centerline.

(iii) *Height*: Beginning at the elevation of the Runway end nearest the Approach Zone and rising one (1) foot vertically for every fifty (50) feet horizontally, except the height of the Approach Zone shall not exceed one hundred fifty (150) feet above the Runway end nearest the Approach Zone for the first three (3) miles after the end of the Operation Zone. After three (3) miles from the end of the Operation Zone, the height limit resumes rising one (1) foot vertically for every fifty (50) feet horizontally and continues to the end of the Approach Zone.

(2) For an Existing or Proposed Visual Runway, the dimensions of an Approach zone shall be:

(i) *Length*: Extending from the end of the Operation Zone to the outer limits of the Turning Zone, measured along the extended Runway centerline.

(ii) *Width*: Five hundred (500) feet wide at the end of the Approach Zone nearest the Runway and expanding uniformly on each side to a width of three thousand seven hundred (3,700) feet at a point three (3) miles from the end of the Operation Zone, centered symmetrically along the extended Runway centerline.

(iii) *Height*: Beginning at the elevation of the Runway end nearest the Approach Zone and rising one (1) foot vertically for every forty (40) feet horizontally, except that the height of the Approach Zone shall not exceed one hundred fifty (150) feet above the Runway end nearest the Approach Zone for the first three (3) miles after the end of the Operation Zone.

(f) *Board of Adjustment*. The Board of Adjustment of the City of Alliance, Nebraska.

(g) *City Clerk*. The City Clerk of the City of Alliance, Nebraska.

(h) *City of Alliance*. The City of Alliance, Nebraska, a political subdivision of the State of Nebraska.

(i) *City Manager*. The City Manager of the City of Alliance, Nebraska.

(j) *Electrical Facility*. All overhead electrical lines, including poles, towers, or other supporting structures, owned or operated by an electrical supplier as defined by the Nebraska Revised Statutes, for the transmission or distribution of electrical power to the electrical supplier's customers.

(k) *Existing Nonconforming Use*. Any Structure or Tree, or other use of land or air, which existed or was physically being constructed before the adoption or amendment of Chapter 103, and which was in compliance before the adoption or amendment of Chapter 103, but which became noncompliant with the provisions of Chapter 103 after such adoption or amendment.

(l) *Existing Runway*. Any Instrument or Visual Runway that is paved or made of turf that has been constructed or is under construction on or before January 1, 2015.

(m) *Instrument Runway*. An Existing Runway with precision or non-precision instrument approaches as developed and published by the Federal Aviation Administration or an Existing Runway or Proposed Runway with future precision or non-precision instrument approaches reflected on the Airport Layout Plan. After January 1, 2015, the City of Alliance may not designate an Existing Runway or Proposed Runway as an Instrument Runway if the Runway was not previously designated before January 1, 2015 as such, without obtaining approval of the City Council after public hearing on such designation.

(n) *Notice of Appeal*. A written request for a review by the Board of Adjustment of any order, requirement, decision, or determination of the City Manager and/or designee, specifying the grounds for such review and the mailing address of the appealing party for notice of any proceeding or hearing.

(o) *Operation Zone*. An area of land that is longitudinally centered on each Existing Runway or Proposed Runway that spans the length of a Runway, occasionally extending beyond the ends of the Runway. The dimensions of the Operation Zone are as follows:

(1) *Length*: For all paved Runways, spanning the length of the Runway and extending two hundred (200) feet beyond the ends of each Runway. For all turf Runways, the Operation Zone spans the length of the Runway and begins and ends at the same points where the Runway begins and ends.

(2) *Width*: For all Instrument Runways, the Operation Zone is one thousand (1,000) feet wide, centered symmetrically along the Runway centerline. For all other Runways, the Operation Zone is five hundred (500) feet wide, centered symmetrically along the Runway centerline.

(3) *Height*: The same as the height of a Runway's centerline elevation, or the height of the surface of the ground, whichever is higher.

(p) *Proposed Runway*. An Instrument Runway or a Visual Runway that has not been constructed and is not under construction as of January 1, 2015, but is depicted on the Airport Layout Plan and has been conditionally approved or unconditionally approved by, or submitted for approval from, the Federal Aviation Administration.

(q) *Runway*. A defined area at an Airport that is prepared for the landing and takeoff of aircraft along the area's length.

(r) *Structure*. Any building, transmission line, distribution line, pole, tower, chimney, wire, smokestack, pipe, guy wire, Electrical Facility, antenna, or other object constructed or installed by man.

(s) *Transition Zone*. An area of land and air that spans the Runway and extends outward adjacent to the Operation Zone or Approach Zone at a right angle to the Runway centerline. The dimensions of the Transition Zone are as follows:

(1) *Length*. Spanning the length of the Runway and extending to an area adjacent to the Operation Zone or Approach Zone until the height limitations of the Transition Zone allow the outer limits of the Transition Zone to meet the outer limits of the Approach Zone.

(2) *Width and Height*. Beginning at the height of the adjacent Runway, Approach Zone, or Operation Zone and extending upward at a rate of one (1) foot vertically for every seven (7) feet horizontally, ending at a height of one hundred fifty (150) feet above the highest elevation of the Runway.

(t) *Tree*. All objects of vegetation growth, whether naturally occurring or planted by man.

(u) *Turning Zone.* An area of land and air with inner limits at the centerline of a Runway and with outer limits located at a distance of three miles as a radius from each corner of the Operation Zone of each Runway and connecting adjacent arcs with tangent lines. The Turning Zone does not include any area or land and air within the Approach Zone, Operation Zone, or Transition Zone. The height limit of the Turning Zone is one hundred fifty (150) feet above the highest elevation on the Runway.

(v) *Visual Runway.* A Runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an Airport Layout Plan approved by the Federal Aviation Administration, a military services-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

Sec. 103-3. Airport Hazard Area

(a) An Airport Hazard Area is hereby established. The Airport Hazard Area consists of all Approach Zones, Operations Zones, Transition Zones and Turning Zones of the Alliance Municipal Airport. The dimensions and location of the Airport Hazard Area is more specifically depicted and set out in Exhibit A, incorporated herein by reference. Exhibit A may be amended from time to time by resolution of the City Council of the City of Alliance, if necessary to reflect any subsequent change to the Airport Hazard Area.

(b) Except as otherwise provided by Chapter 103, and except as necessary to airport operations, no Structure or Tree shall be constructed, altered, maintained, or allowed to grow in the Airport Hazard Area so as to project above the height restrictions within the various Zones composing the Airport Hazard Area. Any Structure or Tree projecting above the height restrictions shall be an Airport Hazard. Where two or more Zones composing the Airport Hazard Area cover any one area, the more constricting height restriction shall apply.

(c) The restrictions imposed by Section 103-3(b) of Chapter 103 shall apply to the Airport Hazard Area, notwithstanding the fact that some portions of the Airport Hazard Area lie outside of the City of Alliance's municipal limits. The height restrictions imposed by Section 103-3(b) shall not exceed the boundaries of the Airport Hazard Area.

Section 103-4. Airport Hazards

(a) All Airport Hazards are prohibited. No Airport Hazard shall be built, constructed, planted, allowed to grow, or placed by any person, individual, or entity.

(b) Uses of land and Structures or Trees located within the Airport Hazard Area and in compliance with the height restrictions may nonetheless be considered Airport Hazards. The City of Alliance reserves the right to consider all Structures or Trees within the Airport Hazard Area in compliance with the height restrictions to be Airport Hazards. The determination of whether any Structures or Trees within the Airport Hazard Area are in compliance with the height restrictions are Airport Hazards shall be made after considering whether the Structures or

Trees present a material danger to the safe landing, takeoff, or maneuvering of aircraft or the safety of persons using or near any aircraft.

(c) Uses of land and Structures or Trees located outside the Airport Hazard Area may nonetheless be considered Airport Hazards. The City of Alliance reserves the right to consider all other Structures or Trees outside the Airport Hazard Area to be Airport Hazards. The determination of whether any Structures or Trees outside the Airport Hazard Area are Airport Hazards shall be made after considering whether the Structures or Trees present a material danger to the safe landing, takeoff, or maneuvering of aircraft or the safety of persons using or near any aircraft.

(d) The provisions of Chapter 103 supplement all other comprehensive zoning regulations and land use restrictions. All comprehensive zoning regulations and land use restrictions applicable to areas outside the Airport Hazard Area remain in effect.

Sec. 103-5. Existing Nonconforming Use

(a) The provisions of Chapter 103 shall not require the removal, lowering, or other change or alteration of any Existing Nonconforming Use. The burden of establishing and showing an Existing Nonconforming Use, and the right to continue the same, shall be upon the individual, entity, or person asserting that the Structure or Tree occupies such status.

(b) No Existing Nonconforming Use shall be substantially changed, altered, repaired, or replanted unless a permit for such change, alteration, repair, or replant is obtained under the provisions of Chapter 103. Provided, however, no permit is necessary under this subsection for repairs to any Existing Nonconforming Use if the repair is required by fire, explosion, act of God, or common enemy or if the repairs do not cost more than sixty percent of the fair market value of a Structure, so long as the height of the repaired or replanted nonconforming Structure or Tree does not increase over its preexisting height. A permit may be granted only upon a showing by the applicant that the excess height of the Preexisting Nonconforming Use does not establish or create an Airport Hazard or will not allow the Preexisting Nonconforming Use to become a greater Airport Hazard than it was before the change, alteration, repair, or replant.

(c) An Electrical Facility made nonconforming by the adoption or amendment of Chapter 103 may, without a permit under Chapter 103, be repaired, altered, reconstructed, or replaced if the height of the Electrical Facility is not increased over the preexisting height. Any such repair, alteration, reconstruction, or replacement that increases the height shall require a permit under Chapter 103, and the permit may be granted only upon a showing by the applicant that the excess height of the Electrical Facility will not establish or create an Airport Hazard or will not allow the Electrical Facility to become a greater Airport Hazard than it was before the repair, alteration, reconstruction, or replacement.

(d) An Electrical Facility that has not yet begun construction but has received, before January 1, 2015, zoning approval from the governing entity exercising zoning jurisdiction over

such Electrical Facility, may be constructed and be considered an Existing Nonconforming Use under Section 103-5 of Chapter 103.

(e) The City of Alliance reserves the right to acquire by purchase, grant, or condemnation an air right, aviation easement, or other estate or interest in the property upon which an Existing Nonconforming Use is located, if necessary to effect the purpose of Chapter 103.

Sec. 103-6. Permits and Variances

(a) Before any Preexisting Nonconforming Use can be changed, altered, repaired, or replanted, a permit must be secured from the City Manager and/or designee. No permit shall be granted for any change, alteration, repair, or replant unless the applicant shows that the Structure or Tree does not establish or create an Airport Hazard or the Structure or Tree will not become a greater Airport Hazard than it was before the change, alteration, repair, or replant.

(b) Any person, entity, or individual desiring to build any Structure, plant or permit the growth of any Tree, increase the height of any Structure, or otherwise use property in a manner not in compliance with the provisions of Chapter 103 shall apply to the Board of Adjustment for a variance before building any Structure, planting or permitting the growth of any Tree, or increasing the height of any Structure. Such variance shall be allowed only where the applicant shows all of the following:

(1) Strict compliance to Chapter 103 would produce an undue hardship.

(2) Such hardship is not generally shared by other properties in the vicinity and also subject to Chapter 103.

(3) Such variance will not be of substantial detriment to adjacent property and the purposes of Chapter 103 will not be neglected by the granting of the variance.

(4) Such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

(c) No variance shall be authorized unless the Board of Adjustment finds that the condition or situation of the property concerned, or the intended use of the property, is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to Chapter 103.

(d) The Board of Adjustment or the City Manager and/or designee, as the case may be, may impose reasonable conditions to the granting of a variance or permit that is deemed necessary to accomplish the purposes of Chapter 103. Conditions may include, but are not limited to, requiring the owner of the Structure or Tree to permit the City of Alliance, at the City of Alliance's cost, to install, operate, and maintain such markers and lights necessary to indicate the presence of an Airport Hazard to aircraft using an Airport.

Sec. 103-7. Enforcement

(a) Unless otherwise designated in Chapter 103, the City Manager and/or designee shall be the administrative agency or official charged with enforcing the provisions of Chapter 103, including the power to review and act upon all applications for permits under Chapter 103.

(b) Unless otherwise designated in Chapter 103, the Board of Adjustment shall have and exercise the following powers:

(1) To hear and decide appeals from any final order, requirement, decision, or determination of the City Manager and/or designee in the enforcement of Chapter 103.

(2) To hear and decide any and all special exceptions to the provisions of Chapter 103, if such exceptions are required to be heard by Chapter 103.

(3) To hear and decide all applications for variances from the strict application of Chapter 103.

(c) The concurring vote of four members of the Board of Adjustment shall be necessary to preserve any final order, requirement, decision, or determination of the City Manager and/or designee, or to decide in favor of an applicant for any matter on which an applicant is seeking action from the Board of Adjustment under Sections 103-7(b)(2) and 103-7(b)(3) of Chapter 103.

(d) Each violation of the provisions of Chapter 103 shall constitute a Class IV misdemeanor, and a separate offense shall occur for each day a violation continues. The City of Alliance, Nebraska may institute an action in a court of competent jurisdiction to prevent, correct, or abate any violation of the Airport Zoning Act, Chapter 103, or any other order, ruling, or decision made in connection with the enforcement of the Airport Zoning Act or Chapter 103. The City of Alliance may seek an injunction proper under the facts and circumstances of each case.

Sec. 103-8. Appeal

(a) Any person, entity, or individual aggrieved or taxpayer affected by any final order, requirement, decision, or determination of the City Manager and/or designee in the enforcement of Chapter 103 shall appeal to the Board of Adjustment by filing a Notice of Appeal with the City Clerk and with the Board of Adjustment. The Notice of Appeal shall be filed no later than ten (10) days after the final order, requirement, decision, or determination. Upon filing the Notice of Appeal, the City Manager and/or designee shall transmit to the Board of Adjustment all records and papers related to the matter upon which the appeal is taken. Failure to file a timely Notice of Appeal shall waive the right to appeal any such final order, requirement, decision, or determination of the City Manager and/or designee.

(b) The Board of Adjustment shall set a reasonable time and date for the hearing of all appeals and the hearing of all applications for variance, not to exceed thirty days after the date upon which the Notice of Appeal was filed or the application for variance was submitted. The Board of Adjustment shall give notice of the time and date for hearing to the party appealing the final order, requirement, decision, or determination of the City Manager and/or designee or to the

party applying for a variance. The Board of Adjustment shall render a decision within thirty (30) days of any hearing.

(c) An appeal to the Board of Adjustment under Chapter 103 shall stay any proceeding to further the final order, requirement, decision, or determination of the City Manager and/or designee, unless the City Manager and/or designee certifies to the Board of Adjustment after the Notice of Appeal has been filed that a stay would, in the City Manager's and/or designee's opinion, cause imminent danger to life or property. Where the City Manager and/or designee certifies that the stay would cause imminent danger to life or property, all proceedings will not be stayed unless the Board of Adjustment orders such a stay after notice to the City Manager and/or designee and a showing of due cause for the stay.

(d) In accordance with the Nebraska Revised Statutes, any person, entity, or individual aggrieved, or any taxpayer affected, may obtain judicial review of any decision of the Board of Adjustment by filing a petition in error with the District Court of any county in which a Structure or Tree is subject to such decision. Such petition in error shall allege that the decision of the Board of Adjustment is arbitrary or capricious, illegal, or unsupported by evidence. The City of Alliance may obtain judicial review of any decision of the Board of Adjustment by filing a petition in error with the District Court of any county in which a Structure or Tree is subject to such decision. Such petition in error shall allege that the decision of the Board of Adjustment is arbitrary or capricious, illegal, or unsupported by evidence.

(e) If any provision of Chapter 103 should be declared by any court to be unconstitutional, unenforceable, or invalid, such declaration shall not affect the validity the remainder of Chapter 103, or of Chapter 103 as a whole.

Sec. 103-9. Notice

(a) Notice of any hearing or any final order, requirement, decision, or determination to any person, entity, or individual under Chapter 103 may be provided by any of the following methods:

(1) Personal delivery to the person, entity, or individual.

(2) Sent by first-class mail addressed to the last known address, or in the case of a hearing following a Notice of Appeal, to the address provided on the Notice of Appeal.

(3) If notice cannot be provided personally and if the notice sent by first-class mail is returned showing the notice was not delivered, a copy of the notice may be posted in a conspicuous place on the property to which the hearing or the order, requirement, decision, or determination applies, and if so posted, the notice shall also be published one time in a daily newspaper of general circulation in the City of Alliance. The Notice becomes effective on the first day after notice of such hearing, or of such order, requirement, decision, or determination, is published.

(b) Any notice posted on the property shall be at least eighteen (18) inches in height and twenty four (24) inches in width, with a white background and black letters. It shall contain a description of the matter involving the hearing or the order, requirement, decision, or determination. Any notice published in the daily newspaper shall contain and be addressed to the legal description of the property subject to the hearing, or the order, requirement, decision, or determination, and shall contain a description of the matter involving the hearing, or the order, requirement, decision, or determination.

(c) Any notice of hearing must be delivered, mailed, or published at least ten (10) days before such hearing, unless circumstances require a hearing sooner and all parties have reasonable notice of such expedited hearing.”

SECTION 2. This Ordinance shall be in full force and effect from and after its approval, passage, and publication in pamphlet form as authorized by the Nebraska Statutes, with distribution to be made by making copies available to interested parties at the City of Alliance Office.

SECTION 3. All previously existing ordinances and parts of ordinances under Chapter 103 are repealed.

Roll call vote on the first reading of Ordinance No. 2826 with the following results:

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

Voting Nay: None.

Motion carried.

- Council next discussed the Change Order for the Laing Lake Rehabilitation Project. This item was added as an emergency item to the agenda. Cultural and Leisure Services Director Brown informed Council that following the bid award of the project, it was determined that the break water construction was accidentally omitted from the bid specifications. In order to move forward with the project, Council is requested to approve a change order to the contract for approximately \$18,000. To facilitate the change to the project the City is able to provide compost soil valued at \$10,000. The remainder of the change order may be able to be absorbed within the project as contingencies were put in place for the repair of trails etc., should they be necessary. If we are not able to accomplish this, we will come back to Council for another funding source.

A motion was made by Councilman Jones to proceed with the project to include the break water construction which was omitted from the bid specifications and should additional funding become necessary, the Council will determine another funding source. This approval authorizes the use of compost soil valued at approximately \$10,000 from the City. The motion was seconded by Councilman Seiler.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda items were the second readings of Ordinance No. 2822 and Ordinance No. 2823. Ordinance No. 2822 will revise the City's current water and sewer utility rates and Ordinance No. 2823 will modify the Alliance Municipal Code to reflect the new rate structures and billing policies. Council was provided with the following background:

[Water and sewer rate studies were recently completed by Randy Hellbusch of the Nebraska Rural Water Association at no charge to the City. His recommendations were used as a basis for several suggestions that are before Council for consideration.

Water. Despite water rate adjustments made in 2013-14 and again in 2014-15 (base rate modification of an additional \$1.97 and \$1.50 per month, respectively, plus the annual automatic 1% usage increase), it is apparent that additional increases are prudent for the following reasons:

While the earnings have been positive over the past few years, the water fund has met the recommended bond coverage ratio of 1.50 in only one of the past five years.

Cash flow in the fund has been negative the past three years, primarily due to unusually wet summers and large debt service payments. The utility is dependent upon hot, dry summers to generate adequate cash flow.

One of the City's major users of water has reduced annual consumption by 2.125 million cubic feet over the past couple of years resulting in a negative impact to earnings of \$40,000. Other consumers also continue to implement water-saving measures.

Additional revenues of approximately \$100,000 will be required in the upcoming years in order to cover the suggested tank maintenance program. This program is in lieu of large periodic payments to maintain the City's water tanks.

Cash is reserved only in the hot and dry summers toward water infrastructure replacement that will be necessary within upcoming years. The rate consultant suggested that a \$1.2 million bond issue for main replacements would result in approximately an average increase of \$1.69 per month in order to meet bond payments.

All of these indicators point to a failure of the utility to capture in its base rate the necessary revenue to be able to adequately fund operations in the future.

Sewer. Sewer rates have only increased by the annual automatic 1% since implemented in 2012. Prior to that time a 5% increase was approved in October 2007. Over the past twenty years, the sewer rates have increased an average of .45% per year. An increase is being proposed this year for the following reasons:

While cash flow for the sewer fund was positive in four of the past five years, the annual earnings were negative in all five years due to the levels of depreciation which continues to erode the net equity in the fund.

Cash reserves remain very healthy with over 2 ½ years of reserves; however, the planned upgrades to the lift stations will most likely deplete those reserves.

Since sewer revenues are linked to water usage, the decrease in water consumption continues to adversely affect sewer revenues. For instance, the instance cited in the water narrative above decrease sewer revenues by approximately \$20,000.

Combining Funds. Council directed staff to investigate the possibility of combining the water and sewer enterprise funds given the current opposite financial needs of the two funds in regard to net income and cash flow. Various sources provided insight concerning the idea including bond counsel, bond underwriters, the City's accounting firm and the utilities "expert" at the League. Following is a synopsis of the principle points for Council's consideration:

While some villages have combined water and sewer enterprise funds, none of the sources interviewed could identify any first-class cities with combined funds.

From an accounting perspective, a clean separation of the funds is desired to ensure more accurate cost accounting and establishment of rates. It was suggested by several of the sources that heavy consideration be given to the recommendation of the City's audit firm and that was to maintain the separate funds.

With a combined bond issue, there is an allowance for transfer of funds between the funds included within the issues which would assist in balancing the funds financial needs.

There is a 1925 Nebraska State Statute 16-694 that requires first-class cities to maintain sewer charges in a separate fund used exclusively for the maintenance and repair of the city's sewers.

Council has the ability to vary the percentage of transfer of fees from the various enterprise funds. By reducing the water transfer rate and increasing other transfer fund rates, the general fund transfer could be maintained and the cash flow improved for the water fund (or other enterprise funds, as appropriate).

Based on the professional recommendations, staff would suggest that the enterprise funds be retained as separate funds and rates be set independently and cash flow be adjusted through the change of transfer rates, if necessary.

Rate Recommendations. It was the consensus of the consultant and staff that the revised water rates include standard blocks (or tiers) for all customers. Presently, the first block of water rates for residential and commercial customers is based on the average water usage for the months of December, January and February (as billed in January, February and March). The current average residential usage is 603 which is consistent with national averages for households. Setting the first block at 600 will vastly simplify the verification of water charges as well as the explanation of those charges to customers. The set amount will allow easier modeling of rates into the future. The goal of the water rate changes is to increase revenues approximately \$150,000 to cover the additional tank maintenance expenses as well as recover lost revenues from the large reduction of consumption by one of the top five water consumers.

The consultant and staff also recommend adding a set customer charge and abandoning the current minimum charge for the sewer rates. Using the base rate plus usage rate makes the sewer calculations consistent with the electric and water fund charges, thus simplifying the calculation for customers and staff. The monthly sewer charge will continue to be fixed for a twelve-month period with the usage portion continuing to be based on the actual average water usage for the months of December, January and February (as billed in January, February and March). The goal of the sewer rate changes is to increase revenues approximately \$100,000 to cover the net income shortfall and recover the lost revenues from the consumption reduction of the top water consumer.

Following are three water rate scenarios each generating approximately \$150,000 in additional revenue. Scenario 1 includes a 20% increase in all monthly service charges and a 4% increase in the consumption rate. Scenario 2 generates approximately the same increase in monthly service charges as Scenario 1; however has somewhat smaller percentage changes on the larger meters (varying from 21% down to 16%). Finally, Scenario 3 garners more monthly service charges with a 25% increase and only the 1% annual approved rate increase in the consumption rates. Staff is recommending Scenario 3 as it provides the most revenue stability during years of varying of water consumption and least amount of customer impact during times of high usage.

	Users	Current Rate	Scenario 1			Scenario 2			Scenario 3		
			Proposed Rate	Rate Change	% Inc	Proposed Rate	Rate Change	% Inc	Proposed Rate	Rate Change	% Inc
Services											
5/8 to 1"	3,373	11.36	13.65	2.29	20%	13.75	2.39	21%	14.20	2.84	25%
1 1/2 "	96	24.49	29.40	4.91	20%	28.75	4.26	17%	30.61	6.12	25%
2"	61	48.99	58.80	9.81	20%	57.00	8.01	16%	61.24	12.25	25%
3"	23	81.31	97.60	16.29	20%	94.50	13.19	16%	101.64	20.33	25%
4"	8	104.54	125.45	20.91	20%	121.25	16.71	16%	130.68	26.14	25%
6"	3	154.53	185.45	30.92	20%	179.00	24.47	16%	193.16	38.63	25%
8"	1	220.69	264.85	44.16	20%	255.00	34.31	16%	275.86	55.17	25%
Municipal	60	-	-			-					
Usage Blocks											
<i>Residential/Commercial</i>											
600		1.317	1.370	0.053	4%	1.410	0.093	7%	1.33	0.013	1%
3,500		1.488	1.548	0.060	4%	1.593	0.105	7%	1.50	0.015	1%
2,500		1.832	1.905	0.073	4%	1.961	0.129	7%	1.85	0.018	1%
Over		2.289	2.381	0.092	4%	2.451	0.162	7%	2.31	0.023	1%
<i>Manufacturing</i>		1.281	1.332	0.051	4%	1.372	0.091	7%	1.294	0.013	1%
<i>Industrial</i>		1.431	1.488	0.057	4%	1.532	0.101	7%	1.445	0.014	1%
<i>Municipal</i>		1.072	1.115	0.043	4%	1.147	0.075	7%	1.083	0.011	1%
Examples											
600 R&C		19.26	21.87	2.61	14%	22.21	2.95	15%	22.18	2.92	15%
4,100 R&C		71.34	76.05	4.71	7%	77.97	6.63	9%	74.79	3.45	5%
6,600 R&C		117.14	123.68	6.54	6%	127.00	9.86	8%	121.04	3.90	3%
95,000 Man. 4"		1,321.49	1,390.85	69.36	5%	1,424.65	103.16	8%	1,359.98	38.49	3%
7,000 Municipal		75.04	78.05	3.01	4%	80.29	5.25	7%	75.81	0.77	1%

Following are two sewer rate scenarios each generating approximately \$90,000. The first sets a new base rate of \$2.75 per month with no increase in the usage rate while the second sets a lower base rate of \$2.50 and an increased usage rate of .98 per hundred cubic feet. Staff is recommending the second scenario as it more equally spreads the increases to all rate classes. Volume fluctuations are not as impactful to the sewer fund as the rates are set annually for most consumers based on the winter usage which tends to be quite stable.

Average Usage	Users	Current Charge	Scenario 1 - \$2.75 Base/.961 per 100 cf				Scenario 2 - \$2.50 Base/.980 per 100 cf			
			Projected Charge	Dollar Change	Percent Change	Annual Change	Projected Charge	Dollar Change	Percent Change	Annual Change
100	434	3.37	3.71	0.34	10.1%	1,775.93	3.48	0.11	3.3%	572.88
350	786	3.37	6.11	2.74	81.4%	25,876.69	5.93	2.56	76.0%	24,145.92
600	991	5.77	8.52	2.75	47.7%	32,703.00	8.38	2.61	45.3%	31,085.69
1,000	779	9.61	12.36	2.75	28.6%	25,707.00	12.30	2.69	28.0%	25,146.12
2,500	328	24.03	26.78	2.75	11.4%	10,824.00	27.00	2.98	12.4%	11,709.60
5,000	63	48.05	50.80	2.75	5.7%	2,079.00	51.50	3.45	7.2%	2,608.20
10,000	33	96.10	98.85	2.75	2.9%	1,089.00	100.50	4.40	4.6%	1,742.40
25,000	13	240.25	243.00	2.75	1.1%	429.00	247.50	7.25	3.0%	1,131.00
50,000	4	480.50	483.25	2.75	0.6%	132.00	492.50	12.00	2.5%	576.00
100,000	1	961.00	963.75	2.75	0.3%	33.00	982.50	21.50	2.2%	258.00
150,000	1	1,441.50	1,444.25	2.75	0.2%	33.00	1,472.50	31.00	2.2%	372.00
	3,433		Est. Avg.	2.44			Est. Avg.	2.41		
Annual Revenue		\$ 357,136				\$ 449,460				\$ 445,615

The two recommended rate increases combined would equate to an increase of about \$5.50 per month for the majority of residential customers. As an additional consideration, Council could consider spreading the rate increase over a two-year period. Staff's recommendation in this instance would be to include around two-thirds of the increase in the upcoming year and one-third in the following year. All rates changes would be effective November 1, 2016 to allow three readings of the ordinance.

At the September 4, 2016 Council meeting, staff was instructed to prepare ordinances for the rate changes as recommended by staff. An alternative approach was investigated; however, the final ordinance includes the initial recommended changes. Two ordinances are presented to Council: one reflects the adjusted rates for water and sewer services and the second makes changes in the code to reflect the modifications in the water blocks and the sewer customer charge in lieu of the former minimum charge.]

A motion was made by Councilman Feldges, seconded by Councilman Korber-Gonzalez to approve the second reading of Ordinance No. 2822 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2822

AN ORDINANCE AMENDING WATER RATES AND SEWER RATES REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

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

SECTION 1. Staff has prepared amendments to water rates for submission to the City Council.

SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted. All is hereby amended with an effective date of this ordinance, in the following particulars:

Within the City limits - Residential Urban and Commercial Urban

Block 1	\$1.330 per 100 cubic feet for the first 600 cubic feet
Block 2	\$1.503 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount
Block 3	\$1.850 per 100 cubic feet for the next 2500 cubic feet after Blocks 1 and 2
Block 4	\$2.312 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Outside the City limits - Residential Rural and Commercial Rural

Block 1	\$1.448 per 100 cubic feet for the first 600 cubic feet
Block 2	\$1.636 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$2.015 per 100 cubic feet for the next 2500 cubic feet after Blocks 1 and 2
Block 4	\$2.518 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Manufacturing Rate

Manufacturing Rate is \$1.294 per 100 cubic feet.

Industrial Park Rate

The Industrial Park Rate is \$1.445 per 100 cubic feet.

Municipal Rate

The Municipal Rate is \$1.083 per 100 cubic feet, and will not incur a monthly service charge for each account.

Service Charge

There shall be a monthly service charge for each account serviced by Alliance Municipal Water System in the amount of:

<u>Meter Size</u>	<u>Service Charge</u>	<u>Meter Size</u>	<u>Service Charge</u>
5/8"	\$14.20	3"	\$101.64
3/4"	\$14.20	4"	\$130.68
1"	\$14.20	6"	\$193.16
1-1/2"	\$30.61	8"	\$275.86
2"	\$61.24		

SECTION 3. Staff has prepared amendments to sewer rates for submission to the City Council.

SECTION 4. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted. All is hereby amended with an effective date of this ordinance, in the following particulars:

The total sewer use charges shall consist of two (2) components: a Customer Charge and the Sewer Use Charge:

1. Customer Charge
 - a. Urban \$2.50 per month
Each residential, commercial and industrial user connected to the sewer system within the corporate limits of the City of Alliance, Nebraska.
 - b. Suburban \$2.75 per month
Each residential, commercial and industrial user connected to the sewer system outside of the corporate limits of the City of Alliance, Nebraska.
 - c. Multiple Dwelling Units, Commercial Users, and Mobile Home Courts or Camps
 - (1) For multiple dwelling units or commercial users served jointly by a single meter, the charge shall be \$2.50 (Urban) or \$2.75 (Suburban) times the number of units served by said meter or the Sewer Use Charge, whichever is greater. For mobile home courts or camps, served jointly by a single meter, the charge shall be \$2.50 (Urban) or \$2.75 (Suburban) times the number of units deemed to be the capacity of the court or the Sewer Use Charge, whichever is greater.
 - (2) A dwelling unit shall, for the purposes of this schedule, be defined as a room or rooms in which kitchen facilities are provided, located in the building or structure used by a family as a home or residence of the family.

2. Sewer Use Charge

- a. Urban \$0.980 per 100 cubic feet of water used per month
- b. Suburban \$1.080 per 100 cubic feet of water used per month

Customers that do not have an established sewer use charge will be charged the average sewer charge of other like users.

3. Sanitary Sewer Tap Fee

In order to recover labor and materials for tapping of lines, a tap fee in the amount of \$200.00 shall be charged at the time the City main is tapped.

Tap fees for lines greater than 4 inches will increase at \$50.00 per inch.

4. Minimum Charge per Month

- a. Regardless of how little water is used, there shall be a minimum Sewer Use Charge per month to each user of A.M.S.S., determined by the cost incurred in billing each sewer user, this Minimum Charge per Month is the Customer Charge.
- b. In the case when water service cannot be disconnected by customer request because of an inoperable or broken water curb stop, the minimum Sewer Use charge will be billed to the property owner. Billings continue until repair or replacement of the curb stop is made, the Utility Customer Service Office is notified of the remedy and the disconnection of water service has been accomplished. The Superintendent is directed to provide timely notice to the property owner of the condition that will lead to the minimum billing.

5. Customers Not Connected to A.M.W.S.

The Sewer Use Charge per month for users connected to A.M.S.S. but not connected to A.M.W.S. shall be the average charge of other like users.

6. Exception to Standard Calculation Methods.

- a. When customers change at a given location and A.M.S.S. determines that to compute the Sewer Use Charge for a billing period upon the amount of water used by a customer would be inequitable to the City or the user, an average charge of other like users may be used.
- b. If a customer can demonstrate to A.M.S.S. that a substantial portion of water consumed does not contribute to the sanitary sewer system then that water may be excluded from the Sewer Use Charge Calculation.

Generally, water contributing to the sanitary sewer is metered by the customer separately from other water uses. The configuration must be approved by A.M.S.S. before installation.

All meters must conform to the standard found at 28-450 of the City Code, and may be tested by A.M.S.S. if deemed necessary, at the customer's cost. It shall be the customer's responsibility, or the owner's responsibility, if the owner is not also the customer, to maintain the meter in good repair and safe working order.

7. Inspection Charge

As agreed to prior to issuance of permit.

8. Annual Rate Adjustment

Commencing October 1, 2017 and annually thereafter all sewer customer charges and sewer use rates shall be automatically increased by one percent (1%) for all customers unless larger increases are approved by Council.

SECTION 5. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed.

SECTION 6. This ordinance shall go into effect on billings rendered November 1, 2016 and thereafter.

Roll call vote on the first reading of Ordinance No. 2822 with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Feldges, seconded by Councilman Seiler to approve the second reading of Ordinance No. 2823 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2823

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTIONS 28-263 AND 28-449 RELATING TO WATER SERVICE RATES AND SEWER SERVICE RATES, 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 28-263 shall be amended as follows:

Sec. 28-263. - Water service rates.

(a) As a tariff or water rates based on monthly consumption of each customer from the water distribution system of the city and for services rendered, the following schedules are hereby established:

- (1) Residential, commercial, industrial park, manufacturing, urban and rural rate. Each residential, commercial, industrial park, manufacturing, urban and rural consumer connected to the city water distribution shall be liable and pay for the service charge for the meter and for all water used and consumed at:
 - a. Residential rate. The residential rate will apply to any building which is used as the primary residence and any associated or peripheral use of that primary residence.
 - b. Commercial rate. The commercial rate will apply to any for profit use that does not qualify as manufacturing and is not within the industrial park.
 - c. Manufacturing rate. The manufacturing rate will apply when more than 50 percent of the water purchased is used or directly consumed in processing or manufacturing. The term "processing" or "manufacturing" means an action or series of actions performed on tangible personal property, either by hand or machine, which results in that tangible personal property being reduced or transformed into a different state, quality, form, property or thing. The term "processing" does not include repairing property, building erection, cold storage of food products, or preparation of food for immediate consumption.
 - d. Industrial park rate. The industrial park rate will apply to those customers that are located within an industrial tract like the industrial park to the city.
 - e. Municipal rate. The municipal rate will apply only to services for city facilities and will not include any meter charge.

- (2) Water consumption charges. The billing process shall commence when water service is established. Each residential and commercial customer shall pay the appropriate rate for each 100 cubic feet of water used in each of the applicable blocks. Once a user has used the allotment of water from one block, the water will be billed at the next higher block rate. The usage blocks established are:

Block 1	First 600 cubic feet
Block 2	Next 3,500 cubic feet
Block 3	Next 2,500 cubic feet
Block 4	In excess of 6,600 cubic feet

All water consumption for manufacturing, industrial park and municipal customers will be at a single rate as established by city council.

- (3) Monthly meter charges. The customer's monthly bill shall include a monthly meter charge based on the size of water service to the customer's property. The meter charge is in addition to the water consumption charges assessed under this article.
- (b) Commencing October 1, 2012, and annually thereafter all water rates shall be automatically increased by one percent for all rate and service charges unless increases in excess of one percent are specifically authorized by the city council.

SECTION 2. The Alliance Municipal Code at Section 28-449 shall be amended as follows:

Sec. 28-449. – Same—Schedule.

- (a) Sewer charges. Sewer charges shall be as established by the city. The total sewer use charges shall consist of two components: a customer charge and the sewer use charge.
- (b) Sanitary sewer tap fee. In order to recover labor and materials for tapping of lines, a tap fee in the amount established by the city shall be charged at the time the city main is tapped.
- (c) Minimum charge per month.
 - (1) Regardless of how little water is used, there shall be a minimum sewer use charge per month to each user of AMSS, determined by the cost incurred in billing each sewer user, this minimum charge per month is the customer charge.
 - (2) In the case when water service cannot be disconnected by customer request because of an inoperable or broken water curbstop, the minimum sewer use charge will be billed to the property owner. Billings continue until repair or replacement of the curbstop is made, the utility customer service office is notified of the remedy and the disconnection of water service has been accomplished. The superintendent is directed to provide timely notice to the property owner of the condition that will lead to the minimum billing.
- (d) Customers not connected to AMWS. The sewer use charge per month for users connected to AMSS but not connected to AMWS shall be the average charge of other like users.
- (e) Exception to standard calculation methods.
 - (1) When customers change at a given location and AMSS determines that to compute the sewer use charge for a billing period upon the amount of water used

by a customer would be inequitable to the city or the user, an average charge of other like users may be used.

- (2) If a customer can demonstrate to AMSS that a substantial portion of water consumed does not contribute to the sanitary sewer system then that water may be excluded from the sewer use charge calculation.

Generally, water contributing to the sanitary sewer is metered by the customer separately from other water uses. The configuration must be approved by AMSS before installation. All meters must conform to the standard found at section 28-450 and may be tested by AMSS if deemed necessary, at the customer's cost. It shall be the customer's responsibility, or the owner's responsibility, if the owner is not also the customer, to maintain the meter in good repair and safe working order.

- (f) Inspection charge. As agreed to prior to issuance of permit.
- (g) Annual rate adjustment. Commencing October 1, 2013 and annually thereafter all sewer customer charges and sewer use rates shall be automatically increased by one percent for all customers unless increases in excess of one percent are specifically authorized by the city council.

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 first reading of Ordinance No. 2823 with the following results:

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

Voting Nay: None.

Motion carried.

- The third reading of Ordinance No. 2817 which will approve the Rezone Application of Derek and Shannon Underwood was the next discussion item. Council was provided with the following background information:

[Derek Underwood is requesting a rezone for two, ten-acre tracts of land from R-1a, Single Family Residential to R-R, Rural Residential. He is requesting the rezone so that his current use of the property is no longer non-conforming. The property has historically been used as agriculture, but was zoned for single-family residential.

The land is located north of 25th Street at its intersection with Sweetwater Avenue. The legal description is PT SW1/4 of Section 24, Township 25 North, Range 48 West of the 6th Principal Meridian, Lands in Corporate City Limits, Parcel Numbers 167 and 164. Tax parcel numbers 070205671 and 070157421 addressed 222 East 25th Street.

The proposed rezone will change the front setback from 25 feet to 50 feet, side setbacks from 5 feet to 15 feet, and rear setbacks from 25 feet to 50 feet. With the rezone, the existing house would become a nonconforming structure and require a variance from the Board of Adjustment if ever it were to be expanded.

The rezone is requested as staff and the owner believes that his two, ten-acre tracts of land between the farmland to east and the single family residences to the west, would be better suited for Rural Residential zoning and that Single Family Residential is too restrictive for such large parcels.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed eight petitions and as of August 11th, the City had received three of them back, all in favor of the rezone.

At the August 9, 2016 Planning Commission meeting, the Commissioners voted to recommend the approval of the rezone of a portion of land described as PT SW1/4 of Section 24, Township 25 North, Range 48 West of the 6th Principal Meridian, Lands in Corporate City Limits, Parcel Numbers 167 and 164. Tax parcel numbers 070205671 and 070157421 addressed 222 East 25th Street.]

A motion was made by Councilman Seiler, seconded by Councilman Feldges to approve the third reading of Ordinance No. 2817 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2817

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 SOUTHWEST QUARTER, SECTION 4, TOWNSHIP 25 NORTH, RANGE 48, WEST OF THE 6TH P.M., LANDS IN CORPORATE CITY LIMITS, PARCEL NUMBERS 167 AND 164, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A RR (RURAL RESIDENTIAL) DISTRICT FROM R-1A (SINGLE FAMILY RESIDENTIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

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

115-76. DISTRICT MAP ADOPTED

(c) 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.

(d) 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 4th day of October, 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 final reading of Ordinance No. 2817 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2817 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next matter before Council was the third reading of Ordinance No. 2818 which will amend the Alliance Municipal Code regarding sign regulations within residential districts. The following information was provided to Council:

[Non-illuminated and illuminated signs up to 50 square feet are currently allowed for churches and schools in residential zoning districts. There are other non-residential uses allowed in the residential zoning districts; however, they are not allowed the same flexibility with respect to the size and type of sign. Many city-owned facilities fall in this category and currently have non-conforming signs.

Staff believes that the addition of museums, parks, libraries, public utility facilities and funeral homes will remedy this and make the Code more consistent in that it will allow all uses, other than residential, to have the same provisions for signs.

The Planning Commission was also presented with language that would require illuminated signs in these districts to be dimmed or turned off during certain hours of the night. The Commission concluded that between the hours of 10:00 p.m. and 7:00 a.m., illuminated signs should be operated at 50% or less of their operating intensity and that non-scrolling messages had to be kept on the screen for a minimum of 10 seconds before moving to a new message. These requirements are meant to keep illuminated signs in residential districts from becoming a nuisance to the people that live around them.

The City of Alliance Planning Commission met at their regular meeting on August 9, 2016 and held a public hearing for the amendment of Section 111-14 of the Alliance Municipal Code. They voted to recommend that the Alliance City Council amend Section 111-14, titled *Sign regulations, zoning district regulations*, adding language that would allow more flexible sign requirements for other non-residential uses in residential zoning districts, as well as dimming requirements for illuminated signs in the Residential Zoning Districts.

At the time of the first reading, one of the Council members suggested that possibly there could be consideration of an earlier time, such as 8:00 p.m. for the dimming of illuminated signs; however, there was no motion to amend.]

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve the third reading of Ordinance No. 2818 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2818

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTION 111-14 OF THE ZONING REGULATIONS, RELATING TO SIGN REGULATIONS IN RESIDENTIAL DISTRICTS, 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 111-14 shall be amended as follows:

Sec. 111-14. - Sign regulations, zoning district regulations.

In addition to the general provisions of these regulation signs in the following zoning districts shall be regulated as provided in this section:

- (1) *A, Agricultural District.*
 - a. Signs as provided in subsection (3) of this section.
 - b. One nonilluminated sign listing products, activities or services offered on the premises shall be permitted providing that such sign shall not be more than 50 square feet in area of each side.
 - c. Maximum height, 30 feet.

- (2) *RR, Rural Residential District.*
 - a. Signs as provided in subsection (3) of this section.
 - b. One nonilluminated sign listing products for sale which are produced on the site provided that any such sign be limited to 20 square feet in area of each side.
 - c. Maximum height, 20 feet.

- (3) *R-1, R-1A, R-2 and R-5, Residential Districts.*
 - a. One nonilluminated sign per building, not more than five square feet in area, mounted flat against the wall of the building housing a permitted home occupation.
 - b. Not more than two real estate for sale or rent signs, each not containing more than eight square feet of sign area per side.
 - c. One illuminated, or nonilluminated sign per church, school, museum, library, park, public utility facility, or funeral home not more than 50 square feet in area, on the premises, indicating the name, services or activities therein provided. Illuminated signs in these districts must be dimmed to 50% or less of the daytime intensity and must hold a message for 10 seconds before changing from the hours of 10:00 p.m. and 7:00 a.m.
 - d. One nonilluminated sign per building, not more than 32 square feet in area, showing the names of architects, engineers, builders, or contractors involved in the construction of the premises being constructed, provided such sign shall be removed within ten days after completion of the structure.
 - e. Maximum height for signs in these districts for other than face mounted signs shall be ten feet.

- (4) *R-3, Multifamily Residential District.*
 - a. Signs shall be permitted as allowed in subsection (3) of this section.
 - b. One nonilluminated sign, not more than eight square feet in area shall be permitted at each major building entrance, provided such sign shall be mounted flat against the wall of said building and projecting not more than 12 inches therefrom, and shall be for premises identification only.
 - c. For each complex or cluster of multifamily dwellings, there shall be permitted one major identification sign not more than 50 square feet in area. Such sign may be detached from the building but must conform to the setback requirement of this residential district.

- d. Maximum height for signs in this district except for face mounted signs shall be ten feet.
- (5) *R-4, Mobile Home Park District.*
- a. Signs shall be permitted as allowed in subsection (3) of this section.
 - b. Mobile home park identification sign shall be permitted as allowed in the R-3 zone in subsection (4) of this section, with the same setback requirement as the complex or cluster sign.
 - c. The mobile home park office must be identified with a sign limited to a total area of each side of not more than 32 square feet.
 - d. Maximum height in this district shall be ten feet.
- (6) *C-O, Nonretail District.*
- a. Signs shall be permitted as allowed in subsection (4) of this section.
 - b. Not more than two illuminated signs, not more than 32 square feet in area each, shall be permitted on each office building, provided such sign shall be attached flat against the wall of said building, projecting not more than 12 inches therefrom, and shall indicate only the name of the building or the establishments housed within and shall bear no commercial message.
 - c. Maximum height in this district is controlled by building height as all signs must be face mounted on the building.
- (7) *C-1, Neighborhood Commercial District.*
- a. Signs limited to those listing names of products, activities or services offered on the premises only.
 - b. Signs shall comply with the zoning setback requirements for buildings or structures and are limited to the 30-foot height restrictions of the zoning district.
 - c. Signs may be illuminated and are limited in size to 50 square feet in area of each display side.
 - d. The placement of A-frame or sandwich sign, as may be otherwise allowed pursuant to this subsection or elsewhere, is not prohibited by this section.
- (8) *C-2, Central Business and C-3, Highway Commercial District.*
- a. In these district signs of all types are permitted, subject to a maximum height of 35 feet.
 - b. Signs in the C-3 district shall be subject to the street intersection vision triangle setback, as defined in section 111-1, for all signs not located a minimum of eight feet above the sidewalk or grade level. Sign supports in this triangle area shall be reviewed by the city manager or designee and may be approved or disapproved on the basis of traffic safety. In the C-2 district it is highly desirable to retain clear vision in the intersection vision triangle for the safety of pedestrians and motorists.
 - c. Signs in the central business district may extend over the property line as long as the sign is a minimum of eight feet above sidewalk level and meets the limitations for sign overhang contained in the general provisions section of these regulations.

Placement of A-frame or sandwich signs as may be otherwise allowed pursuant to subsection (7) of this section or elsewhere, is not prohibited by this section.

- d. Signs in these districts shall be limited to a total surface area of 300 square feet of each sign face.

(9) *M-1, M-2 and M-3, Industrial Districts.*

- a. In these districts signs of all types are permitted subject to compliance with the height regulations for the district.
- b. Signs in these districts shall provide a corner vision setback or clearance as prescribed in the general commercial zone.
- c. Signs in these districts shall be limited to 300 square feet in total surface area of each sign face.

- (10) *Regulatory signs.* Regulatory signs of a public safety nature, such as traffic and directional signs installed and maintained by a governmental agency, shall be permitted in any district.

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 final reading of Ordinance No. 2818 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2818 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next agenda item was the third reading of Ordinance No. 2819, which will amend the Alliance Municipal Code to allow one of the five members of the Senior Center Advisory Board to be non-resident of the City residing within Box Butte County. Council was provided with the following background information:

[Members of the Senior Center Advisory Board formally made a request for the City Council to consider altering the membership requirements for the Board.

The Senior Center is a City owned facility, which up until 2014 was leased to another agency to maintain and manage the use of the facility. In 2014 the City discontinued leasing the facility and assumed the management of the Center. To

assist in this endeavor, Council created the Senior Center Advisory Board. Since it is a City facility funded with taxpayer dollars, membership has been restricted to City residents.

The current Board members have requested that at least one seat on the Board be open to residents within Box Butte County inasmuch as the different services being offered within the facility benefit residents within Hemingford and the County at-large. Residents outside of the City limits support the facility and would be a benefit for representation.]

A motion was made by Councilman Korber-Gonzalez , seconded by Councilman Seiler to approve the third reading of Ordinance No. 2819 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2819

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTION 2-330, RELATING TO THE MEMBERSHIP OF THE SENIOR FACILITY ADVISORY BOARD, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Alliance Municipal Code at Section 2-330 shall be amended as follows:

Sec. 2-330. - Senior facility advisory board.

The senior facility advisory board is hereby created. The board shall consist of five members: one member may be a resident of Box Butte County, Nebraska, but all other members shall be residents of the City.

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 effective upon its passage and approval.

Roll call vote on the final reading of Ordinance No. 2819 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2819 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The third reading of Ordinance No. 2820 which will adopt the Classification and Compensation Plans to be incorporated in the 2016-17 Fiscal Year Budget was the next item before Council. The following background information was provided:

[The attached ordinance will adopt the Classification and Compensation Plans that will be incorporated as a part of the 2016-17 FY budget. The Compensation Plan includes three categories: Exempt, Non-Exempt and Fire Employees.

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

- The position of Utilities Administrative Service Director is removed.
- The position of Public Works Director is being added as an additional department and management supervision option.
- The pay grade for Animal Control/Community Services Officer increases from 211 to 213 based on wage survey.
- The pay grade of Administrative Secretary – Community Development is moved from 212 to 214 consistent with modification of the job description that increases responsibilities, knowledge and certification necessary to perform the position.
- The position and pay grade of Administrative Secretary – Administration is removed and reclassified as Deputy City Clerk at pay grade 216. This change is consistent with a new job description with increased responsibilities, knowledge and certification necessary to perform the position.
- The position of Community Services Director is added at pay grade 217 to allow for the reclassification of the RSVP/Handyman Director position (pay grade 214) to include public transit oversight.
- The pay grade for Firefighter EMT increases from 517 to 519 and Assistant Fire Chief from 521 to 523 based on wage survey.]

A motion was made by Councilman Jones, seconded by Councilman Korber-Gonzalez to approve the third reading of Ordinance No. 2820 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2820

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

WHEREAS, Section 16-310 of R.R.S. 1943 authorizes the Mayor and Council to establish the compensation for employees and officers by stating that "The officers and

employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance;" and,

WHEREAS, The Alliance City Council adopted the Fiscal Year 2016-2017 Budget which included funds for revised Classification/Compensation Plans.

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

SECTION 1. That the attached Classification Schedule for the City of Alliance dated to be effective October 8, 2016 and the attached Compensation Schedules for Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire employees dated to be effective October 8, 2016 are hereby adopted by this reference.

SECTION 2. This Ordinance shall become effective October 8, 2016.

Roll call vote on the final reading of Ordinance No. 2820 with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2820 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 16-109 was the next matter for Council's consideration and will authorize the City of Alliance to enter into a Lease Agreement with WNCC for the Powerline School. Council was provided with the following background information:

[The City of Alliance entered a 20-year lease with Western Nebraska Community College (WNCC) in October 2005 which allowed for the offering of a powerline school on property owned by the City located on the east side of the community. The powerline program has been very successful with 100% placement of graduates. WNCC now has the opportunity to expand technical training offerings with potential grant funding. These expanded services would include the addition of equipment and a new facility with increased staff and enrollment.

WNCC was interested in the City either donating the property to WNCC or entering into a long-term lease in order to establish continued commitment to the training efforts and qualify for the grant funding. The City is also supportive of the expansion of operations at the site and instructed staff to propose a 50-year lease agreement with WNCC. City Attorney Adam Hoelsing has been negotiating

with WNCC and will have a proposed lease agreement for Council's consideration.]

Councilman Feldges made a motion to approve Resolution No. 16-109, which was seconded by Councilman Jones.

City Attorney Olsen informed Council of the major changes which have been recommended to the Agreement. He highlighted the one year notice requirement, the removal of trade fixtures, and the lease/purchase arrangement. Council expressed concern regarding the condition of the building once trade fixtures were removed. The expectation is that the building will be left in reasonably good condition so that the building can be easily used by another tenant, understanding normal wear and tear. Mr. Olsen stated he believed the Council's concerns were reasonable and would discuss the matter further with WNCC.

The motion was then withdrawn by Councilmen Feldges and Jones and no action was taken on this item. The matter will be brought back for Council's consideration once input has been received from WNCC.

- Council then took action on a Board appointment and vacancy announcements.

A motion was made by Councilman Seiler, seconded by Councilman Korber-Gonzalez to appoint Dani Carter as the Youth Representative on the Police Advisory Board with a term expiring July 31, 2017.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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, one regular member of the Library Board, one youth ex-officio position on the Library Board and one vacancy on the Alliance Planning Commission for an alternate member.

Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- The last matter before Council was a request by staff for direction on how to proceed with the recruitment of a City Manager.

A motion was made by Councilman Feldges to enter into executive session to discuss the recruitment of a new City Manager further and to protect the reputation and confidentiality of the current City Manager applicants. 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.

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 Olsen, City Clerk Jines, and Interim City Manager Kuckkahn were asked to remain for the closed session.

Council entered into closed session at 8:55 p.m. and concluded at 9:20 p.m. at which time Council returned to open session.

Following the closed session discussion, a motion was made by Councilman Jones, seconded by Council Feldges to seek a consultant to assist with the recruitment in filling the position of City Manager to broaden the pool of qualified candidates.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:22 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk

