

intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).

- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- (e) Design criteria.
- (1) Height and area regulations. Mobile home parks may be developed only in the R-4 zone districts where this use is permitted in accordance with the following requirements:
 - a. Park area. The park has a minimum site area of 217,800 square feet or five acres with a minimum of ten developed mobile home lots.
 - b. Complies to state and municipal regulations. The park complies with all state and municipal licensing procedures, health, zoning, plumbing, electrical, building, fire prevention and all other applicable zoning ordinances and regulations of the city.
 - (2) Distance between structures. Any portion of a mobile, or manufactured home, excluding the tongue, shall not be located closer than ten feet side to side, eight feet end to side, or six feet end to end horizontally from any other mobile or manufactured home or community building. No mobile home shall be located closer than 25 feet to any exterior property line.
 - (3) Design requirements.
 - a. The request for this use shall specify the location and legal description of such proposed mobile home park and a plan of the park to include property dimensions, interior roads, proposed mobile home sites, sanitary utility lines and other improvements.
 - b. The park is properly landscaped, in the opinion of the planning commission, so as not to constitute a nuisance to other residence.
 - c. Mobile homes in such parks shall be limited to use for residential purposes, except for the mobile home park office.
 - d. Entrances to a mobile home park shall have direct connections to an improved public street and shall be designed to allow free movement of traffic on any adjacent public street.
 - e. The design of private drives serving mobile home parks shall conform to all minimum street paving and width standards and shall have proper curb and gutter design.
 - f. Utilities shall adhere to municipal utility spacing standards.

Sec. 115-103. - R-5, Single-Family Residential Mobile Home District.

- (a) Scope and intent. This section applies to district R-5. The R-5, Single-Family Residential Mobile Home District is intended to provide for the location of mobile homes on lots owned by the mobile home owner in a traditional single-family residential subdivision setting.
- (b) Permitted uses.

- (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Railroad rights-of-way, not including railroad yards.
 - (6) Mobile home on individually owned lots.
- (c) Conditional uses.
- (1) 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.
 - (2) 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.
 - (3) Abandoned church or school property as permitted in section 115-174.
 - (4) Hair salons and barber shops with the following restrictions in addition to those found in Article V of this code:
 - i. Two paved off street parking spaces must be provided in the rear or side yard except parking shall not be allowed in side yards adjacent to the side street on a corner lot. Removal of one vehicle to move another is not allowed.
 - ii. Limited to one operator.
 - iii. Patronage must be by appointment only.
 - iv. Structures must be maintained or constructed to be similar in character and appearance to single or two family dwellings in the surrounding neighborhood by the use of colors, materials, construction techniques, lighting, and signs.
- (d) Performance standards.
- (1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	7,000	(a)	1	25	25	5	15	30	6
Accessory Building	—	—	—	25	5	5	20	—	6

- a. Minimum lot dimensions and lot exceptions.
1. Minimum lot dimensions: Minimum lot dimensions in district R-5 shall be 60 feet wide by 130 feet deep curvilinear platted lots shall have the minimum lot width at the front building setback line and shall contain the minimum lot area.
 2. The planning commission and city council may approve previously platted lots not meeting the minimum dimensions of this section if said lots meet the minimum setback requirements and the minimum lot area of 7,800 square feet. Such approval shall be on an individual lot basis.
- b. Minimum dwelling size.
1. One bedroom: 570 square feet.
 2. Two bedroom: 700 square feet.
 3. Three bedroom: 850 square feet.
 4. Four bedroom: 1,020 square feet.
- c. The minimum mobile home width in this district shall be 14 feet.
- d. No R-5 district shall be created which contains less than five acres of contiguous area.
- (2) Permitted accessory uses.
- a. Home occupations as defined in section 115-2 and provided in section 115-171.
 - b. Detached accessory structures:
 1. Carports: No carport may be built or constructed except those which comply with the following restrictions:

- i. One carport or private garage may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. Metal carports must be placed in the rear yard.
 - iii. Must be placed on a concrete pad at least four inches thick.
 - iv. Maximum roof peak height of ten feet as measured from the concrete pad.
 - v. The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.
 - vi. Must conform to local wind and snow load requirements.
 - vii. The color of the structure must be the same or similar to the principal structure.
 - viii. A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.
 - ix. The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the city building official.
2. Private garages: No private garage may be built or constructed except those which comply with the following restrictions:
- i. One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
 - ii. May not be of greater height than the principal structure.
 - iii. The color of the garage must match or be similar to the color of the principal structure.
 - iv. Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available, the structure may be built using a similar brick, stone, or veneer as approved by the building official.
 - v. A garage may be designed for a maximum of one bathroom; however, no kitchen, or living quarters may be constructed.
3. Storage buildings: No storage building may be built or constructed except those which comply with the following restrictions:
- i. One storage building may be constructed or placed on a lot serving a principal use.
 - ii. Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.
- c. Signs as permitted in chapter 111.

- d. Fences as permitted in section 115-172.
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas serving a principal use on the same lot, provided that any unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

(e) Development requirements.

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

SECTION 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 second reading of amended Ordinance No. 2825 with the following results:

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

Voting Nay: None.

Motion carried.

- The second reading of Ordinance No. 2826 which will amend the Airport Zoning section to change the restrictions and requirements in regards to Airport Hazard Zoning within the Municipal Code, was the next item before Council. Council was provided the following information:

[The State of Nebraska passed LB 140 requiring jurisdictions with an airport to adopt airport hazard zoning. The Airport Zoning Act previously applied only to structures and hazards within three miles of an airport's boundary; however, LB 140 significantly expanded structures and hazards subject to the Airport Zoning Act to include those within ten-mile zones (defined as "approach zones") that extend from both ends of a runway. The changes to zoning were required due to advances in technology such as instrument approach with GPS. City staff has created a topographical map to identify the approach zones for its airport and has determined those approach zones extend into Sheridan, Garden and Morrill counties in addition to Box Butte County.

The Airport Zoning Act applies to all political subdivisions that have an approach zone within its zoning jurisdiction. Thus, if they were not already, Sheridan, Garden, Morrill and Box Butte counties are all now subject to the Airport Zoning Act because of the Alliance Municipal Airport and the counties must adopt regulations. When multiple jurisdictions are involved, the Airport Zoning Act allows all jurisdictions to form a joint airport zoning board specifically for the purpose of adopting the required zoning regulations. Upon inquiring with the four counties involved, only one county was interested in the joint board. For this reason, staff recommends the City of Alliance work independently on airport zoning.

The City Council appointed the City's Planning Commission to recommend the boundaries of zones mandated by the Act. The City of Alliance Planning Commission met at their regular meeting on September 13, 2016 and held a public hearing for the amendment of Chapter 103 of the Alliance Municipal Code. They voted to recommend to the Alliance City Council amending Chapter 103, titled *Airport Zoning*, bringing our Code into compliance with the airport zoning requirements as detailed by LB 140.]

A motion was made by Councilman Seiler, seconded by Councilman Korber-Gonzalez to approve the second reading of Ordinance No. 2826 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2826

AN ORDINANCE PERTAINING TO AIRPORT ZONING, REPEALING CHAPTER 103 OF THE CODE OF ORDINANCES OF THE CITY OF ALLIANCE, NEBRASKA, ENACTING PROVISIONS FOR CHAPTER 103 OF THE CODE OF ORDINANCES OF THE CITY OF ALLIANCE, NEBRASKA, PROVIDING FOR AN EFFECTIVE DATE, REPEALING ANY AND ALL EXISTING PROVISIONS OF THE CODE OF ORDINANCES NOT CONSISTENT WITH THIS ORDINANCE, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL.

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

SECTION 1. The entirety of Chapter 103 of the Code of Ordinances of the City of Alliance, Nebraska amended to read as follows:

“Chapter 103 – Airport Zoning

Sec. 103-1. Intent and Purpose

The provisions of Chapter 103 are intended to provide a safe use of Airports and to prevent the creation or establishment of a hazard that is a public nuisance and obstructs the ground or airspace required for the safe flight, takeoff, and landing of aircraft at Airports. The provisions of Chapter 103 shall apply to all land within the Airport Hazard Area, whether or not within the municipal limits of the City of Alliance.

Sec. 103-2. Definitions

The following definitions shall apply to the provisions of Chapter 103 unless other definitions are provided within Chapter 103.

(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 second reading of Ordinance No. 2826 with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda items were the third 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. Background information for both water and sewer rates were included in the prior two Council meeting packets.

Three water rate scenarios, each generating approximately \$150,000 in additional revenue, were provided. Staff recommended Scenario 3 (25% increase in monthly service charges and 1% increase in consumption rates) 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.

Two sewer rate scenarios, each generating approximately \$90,000 additional sewer revenue, were provided. Staff recommended Scenario 2 (with a \$2.50 base rate and increased usage rate of .98) 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.

The two recommended rate increases combined would equate to an increase of about \$5.50 per month for the majority of residential customers. 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.

NOTE: Staff is requesting amendment on the third reading of the rural water consumption rates to reflect the discussed 1% increase in rates and maintain the integrity of a 10% spread between urban and rural rates.]

A motion was made by Mayor Yeager, seconded by Councilman Feldges to approve the third reading of Ordinance No. 2822 as recommended to reflect the change of the rural water consumption rates, 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	\$1.463 per 100 cubic feet for the first 600 cubic feet
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Block 2	\$1.653 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$2.035 per 100 cubic feet for the next 2500 cubic feet after Blocks 1 and 2
Block 4	\$2.543 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 final reading of amended Ordinance No. 2822 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 amended Ordinance No. 2822 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

A motion was made by Mayor Yeager, seconded by Councilman Feldges to approve the third 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 final reading of Ordinance No. 2823 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. 2823 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 16-127 was the next matter for Council's consideration and will authorize the City of Alliance to enter into an Agreement with M.C. Schaff & Associates for engineering services related to the Kansas Street grading project. Council was provided with the following background information:

[In July of 2016, BNSF and the City of Alliance met and agreed some temporary work was necessary in the ditch north of Kansas Street contiguous to BNSF property. This area has been subject to a collection of sedimentation and debris for a number of years. The Manager of Engineering for BNSF and the City Manager for the City of Alliance agreed that the work would be completed by the City of Alliance and the cost would be reimbursed by BNSF. The City is currently preparing an Agreement to formalize the reimbursement arrangements with BNSF.

A preliminary quote was received from one local contractor and the total cost requires that we complete the bidding process. Quotes for engineering costs were requested from two different firms with M.C. Schaff and Associates being the lowest and most complete. This quote includes survey work, writing bid specifications and bid opening oversight. Staff believes it is in the City's best interest to move forward with the engineering services in order to not delay this very necessary project.]

Councilman Korber-Gonzalez made a motion to approve Resolution No. 16-127, which was seconded by Councilman Seiler. The resolution follows in its entirety:

RESOLUTION NO. 16-127

WHEREAS, Ditch grading work needs to be completed along Kansas Street between Gate 2 and Mississippi Avenue; and

WHEREAS, The City of Alliance and Burlington Northern Santa Fe Railroad (BNSF) are partnering to accomplish the project; and

WHEREAS, The City of Alliance will engineer and contract the services and BNSF will reimburse the City for all of the associated expenses; and

WHEREAS, M.C. Schaff & Associates, Inc. has submitted a proposal in the amount of Five Thousand Six Hundred Forty Dollars and no/100ths (\$5,640) to perform the preliminary survey, bid plans and specifications, construction documents and bidding the grading of the ditch section on the north side of Kansas Street from Gate 2 at the BNSF Maintenance yard to Mississippi Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City Manager is authorized to sign the documents associated with the Proposal from M.C. Schaff & Associates, Inc. for the preliminary survey, bid plans and specifications, construction documents and bidding the grading of the ditch section on the north side of Kansas Street from Gate 2 at the BNSF Maintenance yard to Mississippi Avenue.

BE IT FURTHER RESOLVED that payment for this service will be made from Account No. 24-41-41-43-331, Professional Engineering Services.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 16-128 which will authorize the City of Alliance to move forward with the recruitment of a consulting firm for executive search services of a City Manager. Council was provided with the following background information:

[At our last meeting, Council approved staff pursuing the services of a consultant to assist with broadening the pool of qualified candidates for the City Manager vacancy. A Request for Qualifications and Bid Proposals has been prepared for Council's approval. Staff is bringing this back to Council for final approval to ensure we are requesting the correct services on Council's behalf.]

Councilman Jones made a motion to approve Resolution No. 16-128, which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

RESOLUTION NO. 16-128

WHEREAS, The City of Alliance is seeking to hire a new City Manager; and

WHEREAS, The City Council desires to have assistance in obtaining a pool of candidates from which to hire; and

WHEREAS, Staff has prepared a Request for Statement of Qualifications and Bid Proposals for a City Manager Executive Search to broaden the list of qualified applicants to fill the position of City Manager.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to proceed with a Request for Statement of Qualifications and Bid Proposals to assist in obtaining a pool of candidates from which to hire a City Manager.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was Resolution No. 16-129 which will authorize the City of Alliance to secure the services of an engineering firm to assist with projects of a smaller scope. Council was provided with the following background information:

[The City of Alliance would once again like to secure the services of a Professional Engineer for various miscellaneous projects throughout the organization which may be required from time to time. Staff believes the best method of achieving these services is to issue a Request for Qualifications and Bid Proposals. By doing so, we will be able secure professional engineering services to be available when issues come up that require engineering assistance.]

Councilman Feldges made a motion to approve Resolution No. 16-129, which was seconded by Councilman Seiler. The resolution follows in its entirety:

RESOLUTION NO. 16-129

WHEREAS, The City of Alliance desires to obtain the services of an engineering firm to provide engineering and professional services on an as needed basis; and

WHEREAS, The Mayor and City Council deem it expedient and beneficial to contract engineering and professional services on an as needed basis for various miscellaneous projects throughout the organization ; and

WHEREAS, Staff has prepared a Request for Statement of Qualifications and Bid Proposals for Professional Engineering services relating to design, construction oversight, surveying, streets, sewer, water, drainage and other smaller scale projects requiring professional engineering expertise; and

WHEREAS, The City Council believes it is in the best interest of the City to have these services available which have been preapproved should the need arise.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to proceed with a Request for Statement of Qualifications and Bid Proposals for Professional Engineering services relating to design, construction oversight, surveying, streets, sewer, water, drainage and other smaller scale projects requiring professional engineering expertise.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A board resignation and board vacancy announcements were now before Council.

Councilman Seiler announced the resignation of Lori Curtiss from the Senior Facility Advisory Board. He also reported the following board 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, one vacancy on the Alliance Planning Commission for an alternate member and one vacancy on the Senior Center Advisory Board.

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

- The final item before Council was the performance evaluation of City Clerk Jines. 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 the job performance evaluation of City Clerk Jines; and that the Council finds the closed session is necessary to prevent needless injury to the reputation of City Clerk Jines, and she has not requested a public hearing. The motion was seconded by Councilman Feldges.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Council and City Clerk Jines entered into closed session at 7:35 p.m. The closed session concluded at 7:47 p.m. at which time Council returned to open session.

A motion was made by Councilman Korber-Gonzalez, which was seconded by Councilman Jones to authorize a \$500.00 bonus to City Clerk Jines following a positive performance evaluation.

Roll call vote with the following results:

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

Voting Nay: None.

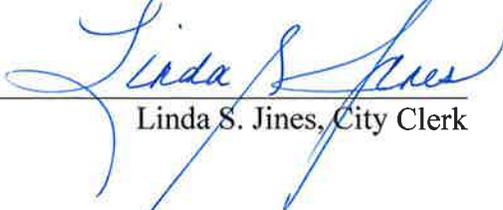
Motion carried.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:48 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk