

September 18, 2018

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, SEPTEMBER 18, 2018

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

The Alliance City Council met in a Regular Meeting, September 18, 2018 at 7:00 p.m., in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on September 12, 2018. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been provided to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Vice Mayor Korber-Gonzalez opened the September 18, 2018 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Vice Mayor Korber-Gonzalez, Council Members Mischnick, Jones and Reynolds. Also present were City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Hoelsing and City Clerk Jines.

- Vice Mayor Korber-Gonzalez announced the Open Meetings Act was available for the public and posted on the north wall of the audience area.
- The first action by Council was a motion made by Vice Mayor Korber-Gonzalez to excuse Mayor Yeager from the meeting. The motion was seconded by Councilman Mischnick.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

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- The next item on the Council's agenda was the Consent Calendar. A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR –SEPTEMBER 18, 2018

1. Approval: Minutes of the Regular Meeting, September 4, 2018.
2. Approval: Payroll Costs for the period August 25 – September 7, 2018: \$322,273.25.
3. Approval: Claims against the following funds for the period of August 30 – September 12, 2018: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement: \$1,515,138.28.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Jesse (Kent) Griffen and removing Mark Colerick, Michelle Hickox, Marcus Hjersman and Jared Juliano.
5. Approval: Resolution No. 18-106 authorizes the continuation of the Janitorial Services for the Public Work Facility for an additional year. The services are being provided by A & J Janitorial for an annual cost of \$11,388.00
6. Approval and Acceptance: Certificate of City Clerk reporting the results of the retirement committee ballot election for the General Employee Retirement Plan
7. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of the Alliance Chamber of Commerce. The Chamber is requesting the closure of the 300 and 400 blocks of Box Butte Avenue for their annual Halloween downtown Trick or Treating event. The event will be held on Wednesday, October 31, 2018 between 2:30 p.m. to 5:30 p.m. The Chamber indicated that businesses in the 200 and 500 blocks will be participating; however, they are not requesting a street closure for those blocks.
8. Approval: The *Special Events Request Use of Public Facilities, Parks, Streets* of the Alliance Chamber of Commerce for the closure of Box Butte Avenue between 10th and 3rd Streets on Saturday, November 17, 2018. The Chamber will be conducting their Holiday Kick-off Parade with line-up starting at 5:00 p.m. in the 800 and 900 blocks with the parade starting at 5:30 p.m. The parade participants will turn off at 4th Street and Santa will proceed to the 3rd Street Mini Park. A Certificate of Liability Insurance is required naming the City of Alliance an additional insured
9. For Your Information: The City has received notice of the following residential channel lineup changes from Charter Communications:

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CHANNEL	CHANGE	CHANNEL NUMBER	Effective
StartTV Additions	KCNC 2 – StartTV: Basic (AD), Business Class, SBPP Business TV, SBPP B/R Business TV	194	09/07/18

NOTE: City Manager Kuckkahn has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

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

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

- Next for Council was a request from the Pillars for the Park Committee asking that the City move forward with the selection of an engineer for the design of the Central Park Pillar Project at the Committee's expense.

Tami Swearingen, 1233 Grand Avenue, Alliance addressed Council making the request. Ms. Swearingen stated they were now in a financial position to move forward with the design preparation of the project. This would enable the Committee to have a better idea of the funds required for the project. Knowing the cost of the project will allow them to apply for grant funding and establish fundraising goals for the project. The anonymous donor of the matching pledge up to \$250,000 is requiring the project be completed as historically correct as possible.

A motion was made by Councilman Mischnick, seconded by Councilman Reynolds to move forward with the selection of an engineer for the Central Park Pillar Project at the Pillars for the Park Committee's expense.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

- The second reading of Ordinance No. 2869 which will approve the rezoning request of Lee and Elizabeth Fritzler was next on the agenda. Council was provided with the following information:

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[Lee and Elizabeth Fritzler have submitted an application to rezone the southern 4.96 acres of the proposed Fritzler Acres subdivision. They have submitted an application for a Final Plat to combine two tracts of land that are both in different zoning districts. The rezone is to prevent the proposed lot from sitting in two different zoning districts.

The tract proposed to be rezoned is located approximately 300 feet south of the intersection of Cody Avenue and Kansas Street. The area proposed to be rezoned is vacant land, as is the property to the west. The property to north of the west half of the subject property is mostly used for private storage, the property to the north of the east half of the subject property is used as single-family residences and storage. The property to the east is used for junk car storage and the property to the south is a farm field with a pivot on it.

The proposed rezone to M-1 will maintain the same 50-foot front setback that is found in Agriculture zoning. The rear setbacks will go from NA to 15 feet, the side street setbacks shall be reduced from 50 feet to 15 feet and the side setbacks shall be increased from 10 feet to 20 feet on the east side and remain 10 feet along the west. The M-1, Light Industrial zoning district does not have any minimum lot size requirements.

The property is located near the Western Gateway Neighborhood. The Plan draws the boundary at Kansas Street but it is close enough to include it in the Neighborhood since it is also not in the ETJ. This neighborhood is identified as being primarily residential and commercial with some industrial. The north portion of the proposed lot is currently zoned for light industry as are the properties along Kansas Street to the west. The rezone of the rear portion can be argued to be consistent with the zoning and land uses to the west and the current zoning designation of the north part of the proposed lot.

The City of Alliance Planning Commission met at their regular meeting on August 14, 2018 and voted to recommend the City Council approve the rezone of a 4.96-acre tract of land from A, Agriculture to M-1, Light Industrial finding that:

1. The rezone will prevent the proposed parcel from sitting in two different zoning districts.
2. The plat that will follow this rezone is one of the conditions of the Conditional Use Permit.
3. There will not be any nonconforming structures created by the rezone.
4. The lot is adjacent to the West Gateway Neighborhood and the proposed zoning and land use is consistent with the other zoning and land uses in the Neighborhood.]

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A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2869. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2869

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 4.96 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 24 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS A M-1 – LIGHT INDUSTRIAL DISTRICT FROM AN A – AGRICULTURE 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

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

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 18th day of September, 2018, 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.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to suspend the statutory rule requiring three separate readings of Ordinance No. 2869.

Roll call vote to waive the statutory reading with the following results:

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Voting Aye: Mischnick, Korber-Gonzalez, Jones, Reynolds.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2869 on final reading with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Jones, Reynolds.

Voting Nay: None.

Motion carried.

Vice Mayor Korber-Gonzalez stated, "the passage and adoption of Ordinance No. 2869 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Next on Council's agenda was the second reading of Ordinance No. 2870 which will approve the Final Plat of Block 1, Fritzler Acres, a Subdivision of a Part of the Northwest Quarter of Section 4, Township 24 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska. The following background information was provided to Council:

[The City of Alliance is in receipt of an application for a Final Plat from Lee and Elizabeth Fritzler. The Final Plat shows the platting of a 6.07-acre lot. The properties to be combined are located approximately 40 feet southwest of the intersection of Cody Avenue and Kansas Street.

The land is currently zoned A, Agriculture and M-1, Light Industrial. It is bordered by C-3, Highway Commercial to the north, Ag to the south, M-1, to the west, and R-1, Single Family Residential to the east. The property owner is proposing a rezone of the south portion of the proposed lot to M-1 to match the front 1-acre portion of the subdivision. This rezone should be approved before Council approval of the Final Plat.

The front 1-acre lot has a Conditional Use Permit issued by the Council in 2018 for a diesel repair facility and tow yard. The owner would like to use the back portion of the proposed lot for the same use, but it must be platted, rezoned, and an amendment must be made to the CUP to do so. This plat is one of the requirements of the Conditional Use Permit Council approved in March of 2018. The requirement is to clean up the subdivision of land for the rear portion of the proposed lot.

A platting issue was found during the course of preparing for the previously approved Conditional Use Permit. The original plan was to include a 4.96-acre

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tract of land located directly to the south of the subject property. Staff found that in 2013, an irregular subdivision of land was filed at the courthouse, splitting an 11.512-acre tract of land into two tracts. Each tract was under the minimum lot size required by agriculture zoning, which is 10 acres, and the split did not go through the City's subdivision process as required for all land splits where at least one parcel created is smaller than 10 acres.

The City of Alliance Planning Commission met at its regular meeting August 14, 2018 and voted affirmative on a recommendation to the Alliance City Council for the approval of the Final Plat of Block 1, Fritzier Acres, A Subdivision of a Part of the Northwest Quarter of Section 4, Township 24 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, finding that:

1. The plat will fix the irregular subdivision of land.
2. The plat is one of the conditions of the Conditional Use Permit.
3. The shop building already exists so there will not be any negative impact on traffic or utility services.
4. There will not be any nonconforming structures created by the plat.
5. The lot is adjacent to the West Gateway Neighborhood and the land use is consistent with the other land uses in the Neighborhood.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2870. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2870

AN ORDINANCE APPROVING THE FINAL PLAT OF BLOCK 1, FRITZLER ACRES, A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 24 NORTH, RANGE 48 WEST OF THE 6TH P.M., TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has received the application for approval of the Final Plat of Block 1, Fritzier Acres, a Subdivision of a Part of the Northwest Quarter of Section 4, Township 24 North, Range 48 West of the 6th P.M., to the City of Alliance, Box Butte County, Nebraska from Lee and Elizabeth Fritzier.

SECTION 2. The Planning Commission held a public hearing August 14, 2018, and has recommended the approval of the Final Plat of Block 1, Fritzier Acres, a Subdivision of a Part of the Northwest Quarter of Section 4, Township 24 North, Range 48 West of the 6th P.M., to the City of Alliance, Box Butte County, Nebraska.

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SECTION 3. The Final Plat of Block 1, Fritzler Acres, a Subdivision of a Part of the Northwest Quarter of Section 4, Township 24 North, Range 48 West of the 6th P.M., to the City of Alliance, Box Butte County, Nebraska is hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Councilman Jones motioned to suspend the statutory rule requiring three separate readings of Ordinance No. 2870. Councilman Mischnick seconded the motion.

Roll call vote to waive the statutory reading with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Jones, Reynolds.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2870 on final reading with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Jones, Reynolds.

Voting Nay: None.

Motion carried.

Vice Mayor Korber-Gonzalez stated, "the passage and adoption of Ordinance No. 2870 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next item on the agenda was the second reading of Ordinance No. 2871 which will approve the Annexation Petition of Lee and Elizabeth Fritzler. Council was provided the following information:

[Lee and Elizabeth Fritzler submitted a petition letter to the City of Alliance requesting the annexation of the rear 4.96- acres of Fritzler Acres and that it hereafter be included within the City of Alliance Corporate Limits.

The property requested to be annexed is located approximately 300 feet south of the intersection of Kansas Street and Cody Avenue. The portion outside City Limits is proposed to be rezoned M-1, Light Industrial. A rezoning is accompanying the platting process. M-1 is the correct zoning district for the proposed use of the land which has a Conditional Use Permit for a diesel repair facility and tow yard.

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The annexation would allow the expansion of the ETJ south of the City, however, that is not part of this process and staff does not believe it is necessary or desirable at this point in time. No extension of public utilities is proposed or necessary at this point in time.

Transportation within the annexation is Kansas Street. The proposed annexation tract is land locked but the approval of Fritzler Acres will combine it with a tract of land that has direct access to Kansas Street.

The property is located near the Western Gateway Neighborhood. The Plan draws the boundary at Kansas Street but it may be close enough to include in the Neighborhood since it is also not in the ETJ. The Comprehensive Plan recommends the redevelopment and development of the West Gateway Neighborhood, which this annexation borders, to create a more inviting and modern neighborhood in this part of Alliance.

The City of Alliance Planning Commission met at its regular meeting August 14, 2018 and voted to recommend the annexation of the rear 4.96-acres of Fritzler Acres, and that such property be included within Alliance Corporate City Limits, to the City Council, finding that:

1. The proposed and existing land use on Fritzler Acres is not rural in character.
2. The tract is adjacent to the West Gateway neighborhood as identified by the Comp Plan and this annexation would allow development in said neighborhood as identified as a goal in this neighborhood.]

A motion was made by Vice Mayor Korber-Gonzalez, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2871. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2871

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, ANNEXING CERTAIN PROPERTY IN BLOCK 1, FRITZLER ACRES, TO THE CITY OF ALLIANCE WHICH IS SITUATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 24 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. Lee and Elizabeth Fritzler have requested that the following described real estate (the "Real Estate") be included within the corporate limits of the City:

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A tract of land in Block 1, Fritzler Acres to the City of Alliance, Box Butte County, Nebraska, more particularly described as follows:

A 4.96 acre tract of land located in the Northwest Quarter of Section 4, Township 24 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 2. The City of Alliance Planning Commission, in their regular meeting on August 14, 2018 passed a motion recommending the annexation of said property.

SECTION 3. The Real Estate is contiguous or adjacent to the existing corporate limits of the City, is urban or suburban in character, and does not constitute agricultural land which is rural in character.

SECTION 4. The Real Estate is annexed to and included within the corporate limits of the City of Alliance, Nebraska, and thereafter shall be and remain a part of such City for all purposes whatsoever as of the effective date of this Ordinance.

SECTION 5. The map describing the Corporate Limits as provided for in Section 1-5 of the Alliance Municipal Code is amended to provide for the addition of the Real Estate to the corporate limits of the City.

SECTION 6. The owners, occupants and users of such tracts of land shall be entitled to all of the rights and privileges, and be subject to all laws, ordinances, rules and regulations of such City. Such owners, occupants and users shall receive substantially the benefits of other owners, occupants and users of land within such City as soon as practicable and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal and water service shall be adopted as provided in Neb Rev. Stat. §16-120.

SECTION 7. The cost of extending all City services to the property will be the sole responsibility of the developer.

SECTION 8. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are repealed.

SECTION 9. This Ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

A motion was made by Councilman Jones, seconded by Councilman Reynolds to suspend the statutory rule requiring three separate readings of Ordinance No. 2871.

Roll call vote to waive the statutory reading with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Jones, Reynolds.

Voting Nay: None.

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Motion carried.

Roll call vote to approve Ordinance No. 2871 on final reading with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Jones, Reynolds.

Voting Nay: None.

Motion carried.

Vice Mayor Korber-Gonzalez stated, “the passage and adoption of Ordinance No. 2871 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. 2867 was the next matter before Council. This Ordinance will approve revised rates for the Refuse Collection and Landfill Divisions. The following background information was provided to Council:

[The City engaged SCS Engineering to complete a rate study for the refuse collection and landfill services. Representatives of SCS will be available during the meeting to discuss their suggestions. The completed study summary is included in the attached document. It recommends a 3.5% increase for the next two fiscal years followed by a return to the normal 1% increase in following years. The increase is deemed necessary primarily to fund statutory changes at the landfill and the servicing and replacement of aging landfill equipment.]

A motion was made by Councilman Mischnick, seconded by Councilman Reynolds to approve the third reading of Ordinance No. 2867. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2867

AN ORDINANCE AMENDING DISPOSAL RATES FOR SOLID WASTE AND 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 from the City’s Refuse and Finance Departments has prepared amendments to disposal rates for solid waste resulting from the findings of the Cost of Service and Rate Design Study conducted by the SCS Engineers 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:

		October 1, 2018	October 1, 2019
Rate Class	Existing Rate	Rates	Rates
Residential – City	\$17.51	\$18.12	\$18.75
Commercial – City (3 yard container)	87.06	90.11	93.26
Commercial – City (1.5 yard container)	44.57	46.13	47.74
Disposal Fee Types			
Ashes	52.55	54.39	56.29
Brush	16.48	17.06	17.66
Construction and Demolition	54.30	56.20	58.17
Contaminated Soil	88.61	91.71	94.92
Fill	14.42	14.92	15.44
Grass	-	-	-
Leaves	-	-	-
Metal	19.57	20.25	20.96
Municipal Solid Waste	54.86	56.78	58.77
Non-baleable MSW	88.61	91.71	94.92
Pallet	21.23	21.97	22.74
Shingles	54.30	56.20	58.17
Soil	-	-	-
Tire – Truck and Tractor	17.36	17.97	18.60
Tire – Amnesty	-	-	-
Tire – Over 16”	8.77	9.08	9.40
Tire – Passenger	5.40	5.59	5.79
Weeds	-	-	-

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White Goods	10.83	11.21	11.60
White Goods w/Freon	27.31	28.27	29.26

SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed.

SECTION 4. This ordinance shall go into effect on billings rendered October 1, 2018 and thereafter.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

Vice Mayor Korber-Gonzalez stated, “the passage and adoption of Ordinance No. 2867 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Council next conducted a Public Hearing amending the Conditional Use Permit application of Lee and Elizabeth Fritzler. Resolution 18-107 will amend the Conditional Use Permit to operate a diesel repair and maintenance shop and vehicle tow yard. The following information was provided to Council:

[The City of Alliance is in receipt of an application for an amendment of a Conditional Use Permit from Lee and Elizabeth Fritzler for 1319 West Kansas Street.

The property is zoned M-1, Light Industrial and is currently used for personal storage. Repair Shops are not a Permitted Use in M-1 districts but may be allowed with the approval of a Conditional Use Permit by the Alliance City Council if they find that the proposed use is within the intent of the zoning district. The lot is bordered by M-1 on the west, C-3, Highway Commercial, to the north, R-1, Single Family Residential, to the east, and A, Agriculture, to the south.

Staff believes that the land use would not be any more intense than other uses allowed by right in the same district such as freight terminals, machine shops, and manufacturing facilities. The applicant informed staff that the intent is not to turn the tow yard into a salvage yard and that vehicles are removed from the property as soon as possible.

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A platting issue was found during the course of preparing for the February Planning Commission public hearing. The original plan was to include a 4.96 acre tract of land located directly to the south of the 1 acre property. Staff found that in 2013, an irregular subdivision of land was filed with the Box Butte County Clerk, splitting an 11.512 acre tract of land into two tracts. Each tract was under the minimum lot size required by Ag zoning, which is 10 acres, and the split did not go through the City's subdivision process as required for all land splits where at least one parcel created is smaller than 10 acres. The applicant decided to go through the CUP process for the front tract only. They are working through the rezone and final platting process and are requesting an amendment to the CUP to include the rear 4.96 acres of the property in the Conditional Use Permit.

The Alliance Planning Commission met at their regular meeting August 14, 2018 and voted to recommend that the City Council approve a Conditional Use Permit for 1319 West Kansas Street, known as Block 1, Fritzler Acres, a Subdivision in the Northwest Quarter of Section 4, Township 24 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, allowing a diesel repair and maintenance shop and towing yard, finding that the application meets all the requirements in Section 115-140 of the Alliance Municipal Code. The following conditions were included with the recommendation:

1. The property be kept clear of debris and clutter and not allow the accumulation of junk and litter.
2. The approval of the associated rezone, final plat, and annexation are complete before approval of this CUP.]

Vice-Mayor Korber-Gonzalez stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the amended Conditional Use Permit Application of Lee and Elizabeth Fritzler and opened the public hearing at 7:17 p.m.

Community Development Director Kusek provided an overview of the request for Council. No additional testimony was offered and the Public Hearing closed at 7:18 p.m.

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve Resolution No. 18-107 which follows in its entirety:

RESOLUTION NO. 18-107

WHEREAS, The City of Alliance, through its Community Development Department regulates building and zoning within the City of Alliance and the two mile jurisdiction; and

WHEREAS, Lee and Elizabeth Fritzler have requested a Conditional Use Permit for Block 1, Fritzler Acres, a Subdivision of a part of the Northwest Quarter of Section 4, Township 24 North, Range 48 West of the 6th P.M., Lands in Corporate City Limits, to allow for a diesel repair and maintenance ship, and vehicle tow yard; and

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WHEREAS, The Community Development office has examined the request and finds that the request to allow for a diesel repair and maintenance shop, and vehicle tow yard in a M-1, Light Industrial Zoning District is appropriate for the granting of a conditional use; and

WHEREAS, The Community Development Director has recommended the granting of the Conditional Use Permit; and

WHEREAS, On the 14th day of August, 2018, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for Lee and Elizabeth Fritzier; and

WHEREAS, The Planning Commission voted to approve the Conditional Use Permit and forward the Fritzier's request for the Conditional Use Permit to the City Council for their review and consideration.

WHEREAS, The City Council has reviewed the request and determined that it is in the best interest of the City of Alliance and consistent with the zoning rules and regulations to grant a Conditional Use Permit to Lee and Elizabeth Fritzier.

NOW, THEREFORE, BE IT RESOLVED that the Conditional Use Permit of Lee and Elizabeth Fritzier to allow for a diesel repair and maintenance shop, and vehicle tow yard on Block 1, Fritzier Acres to the City of Alliance, Nebraska (1319 West Kansas Street), is hereby authorized and approved with the following conditions:

- (1) The property must be connected to the City's sanitary sewer system.
- (2) The property be kept clear of debris and clutter and not allow the accumulation of junk and litter.
- (3) A review the operation will be required annually to ensure conditions are continuing to be met.

BE IT FURTHER RESOLVED, that the Conditional Use Permit shall be presumed inactive if the conditional use is not commenced within twelve months of September 18, 2018.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

- Resolution No. 18-108 was next on the agenda for Council. This Resolution will approve the LB840 Application from Western Potato, Inc. The following information was provided to Council:

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[At the August 15, 2018 City's Economic Development Plan Application Review Committee (EDPARC) meeting, the Committee voted unanimously to recommend to City Council approval of a LB840 Application of Western Potato, Inc. to expand their operations by building new potato warehouse facilities. The proposal meets the requirements of the City as it is a qualifying business within the definition of the Economic Development Plan.

The Committee has recommended approval of a \$10,000 forgivable loan over a five-year period, and \$190,000 non-forgivable loan at 2% interest over ten years. The recommendation is based on the employment of one additional employee.]

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve Resolution No. 18-108 which follows in its entirety:

RESOLUTION NO. 18-108

WHEREAS, The voters of the City of Alliance approved an Economic Development Plan which had been adopted by the City Council in 2001 and in 2010, pursuant to the authority of Nebraska Revised Statutes 18-2701 through 18-2738;

WHEREAS, An Application Review Committee has been appointed by the City Council pursuant to law to review applications for assistance under the Economic Development Plan;

WHEREAS, The Economic Development Plan is funded by a portion of City sales tax which was also approved by the voters in 2001 and in 2007;

WHEREAS, The application of Western Potato, Inc. has been received for assistance pursuant to the Economic Development Plan, and it is a qualifying business pursuant to the requirements of the Economic Development Plan;

WHEREAS, The Application Review Committee has approved the application of Western Potato, Inc. and recommended to the Program Administrator that the project be approved;

WHEREAS, The Program Administrator has accepted the recommendation of the Application Review Committee, and recommends that the City Council approve the project;

WHEREAS, The Economic Development funds in the project requesting assistance are not the sole or primary funding source; and

WHEREAS, The City Council finds that Western Potato, Inc. is a qualifying business and that this allocation of funds does not exceed the limitations of Section 18-2717 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the application of Western Potato, Inc. for assistance from the Economic Development Fund pursuant to the Local Option Municipal Economic Development Act is

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hereby approved. Funding will be provided in the amount of \$190,000 as a Non-Forgivable Loan, and \$10,000 as a Forgivable Loan.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute on behalf of the City the Economic Development Assistance Agreement between the City of Alliance and Western Potato, Inc.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

- Next on the agenda for Council was Resolution No. 18-109 which will amend the Police Policy 63.1 – Ride A Long Program. Council was provided with the following information:

[The Alliance Police Department has reviewed Police Policy 63.1, Ride A-Long Program. This policy was originally established in March 1998. The policies within the Police Department are reviewed every three years in order to maintain a constant update and ensure that all laws and ordinances and general issues are covered nationwide.

Attached you will find a revised Policy 63.1 with recommended changes to ensure that this program is best utilized for its purpose. The Alliance Police Department has had individuals ride with officers for recruiting purposes, as well as, community policing goals.

Police Chief Kiss strongly recommends the proposed modification to Policy 63.1.]

A motion was made by Councilman Jones, seconded by Councilman Reynolds to approve Resolution No. 18-109 which follows in its entirety:

RESOLUTION NO. 18-109

WHEREAS, The City of Alliance Police Department maintains a Policy and Procedure Manual which has been adopted by the Alliance City Council; and

WHEREAS, The Alliance Police Department desires to update our current Ride A-Long Policy; and

WHEREAS, The City Council believes it is in the best interest of the City of Alliance to update Policy 63.1 as recommended by the Police Chief.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance Police Department Policy 63.1 - Ride A-Long Program is hereby modified as recommended by the Police Chief and will be effective September 19, 2018.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

- The next item for review was Resolution No. 18-110 which authorizes the City enter into an Agreement with Volaire Aviation Consulting for the soliciting of essential air services for the City of Alliance. Council was provided with the following information:

[The U.S. Department of Transportation will be soliciting proposals from carriers to provide Essential Air Service at Alliance and/or Chadron late this year. The current contract with Boutique Air expires on May 31, 2019 and a new contract period begins June 1, 2019.

Staff would like to do their due diligence to ensure we have the best airline to provide service to our community. Alliance Municipal Airport worked with Sixel Consulting Group in 2015 to obtain interest from airlines and was pleased to have four carriers interested in providing air service to Alliance. Staff would like to work with the same consultant based in Denver but who now operates under Volaire Aviation Consulting.]

A motion was made by Councilman Mischnick, seconded by Councilman Reynolds to approve Resolution No. 18-110 which follows in its entirety:

RESOLUTION NO. 18-110

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

WHEREAS, The U.S. Department of Transportation will be soliciting bids for an airline carrier to provide Essential Air Service for Alliance; and

WHEREAS, The contract with our current carrier, Boutique Air expires on May 31, 2019; and

WHEREAS, Staff is recommending the City enter into a Consulting Services Agreement with Volaire Aviation Consultants to assist us with this process; and

WHEREAS, The Mayor and City Council deem it expedient to employ Volaire Aviation Consulting to assist staff with this solicitation of an airline carrier to provide Essential Air Services at the Alliance Municipal Airport.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign a Consultant Services Agreement between Volaire Aviation Consultants and the City of Alliance to assist in the Essential Air Service airline carrier recruitment.

Vice Mayor Korber-Gonzalez expressed concerns regarding the use of the consultant and how the process was handled in the previous review of carriers.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

- Resolution No. 18-111 which will authorize the City to enter into a State Grant Agreement with the Nebraska Department of Transportation Aeronautics Division was next matter for Council's consideration. The following information was provided to Council:

[The Alliance Municipal Airport has been working on the rehabilitation of Runway 8/26 that will occur next summer. The Airport had a chance last year to apply for a state matching grant to cover up to 2% of the project costs. State funds have been approved for this project in the amount of \$55,494.00. This a great opportunity for the City of Alliance to obtain funds to help with our matching 10% portion of this project.]

A motion was made by Vice Mayor Korber-Gonzalez, seconded by Councilman Mischnick to approve Resolution No. 18-111 which follows in its entirety:

RESOLUTION NO. 18-111

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

WHEREAS, The City of Alliance will be conducting an Airport Rehabilitation Project, identified as Project No. 3-31-0003-020-2018; and

WHEREAS, The Nebraska Department of Transportation – Aeronautics Division is acting as the City of Alliance Municipal Airport's agent for the Airport Rehabilitation Project, identified as Project No. 3-31-0003-020-2018; and

WHEREAS, The Nebraska Department of Transportation – Aeronautics Division has provided the City with a State Grant Agreement for execution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance shall enter into a State Grant Agreement with the Nebraska Department of Transportation – Aeronautics Division for Project Number 3-31-0003-

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020 for the purpose of obtaining state financial aid in the development of the Alliance Municipal Airport and that such an agreement shall be as set forth below.

BE IT FURTHER RESOLVED that the Mayor of the City of Alliance is hereby authorized and directed to execute said State Grant Agreement on behalf of the City of Alliance, and the City Clerk is hereby authorized and directed to attest said execution.

BE IT FURTHER RESOLVED that said Agreement, referred to herein, is inserted in full and attached herewith and made a part hereof as Exhibit "O".

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

- The next item on the agenda was Resolution No. 18-112 which authorizes the purchase of a sewer camera and trailer. Council was provided with the following background information:

[As part of the 2019 CIP budget process the need for a sewer camera and trailer was identified for the Sewer Department. Funds for this equipment were included in the 2018-19 approved budget. Nebraska Environmental Products has a current contract (022014-EVS) with Sourcewell (NJPA) for the necessary equipment. The total purchase price of the camera and trailer is \$130,190.91. The City budgeted \$150,000 in the Capital Outlay-Machinery, Equipment Account No. 07-52-58-59-950 for this purchase. Once ordered, it will take approximately 90 days for delivery.]

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve Resolution No. 18-112 which follows in its entirety:

RESOLUTION NO. 18-112

WHEREAS, The City of Alliance owns and operates the Sewer System; and

WHEREAS, The Sewer Department has the need for a sewer camera and trailer; and

WHEREAS, The City secured a quote for a from the National Joint Powers Alliance in the amount of One Hundred Thirty Thousand One Hundred Ninety Dollars and 91/100th (\$130,190.91); and

WHEREAS, The purchase of the Envirosight Rovver X Camera System and 14' trailer would be through Nebraska Environmental Products; and

WHEREAS, Adequate funds are available for this purchase from the Sewer Capital Outlay-Machines and Equipment Account No. 07-52-58-59-950.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager Kuckkahn be and hereby is authorized to enter into a purchase agreement with Nebraska Environmental Products through the National Joint Powers Alliance for a Envirosight Rovver X Camera System and 14' trailer in the amount of One Hundred Thirty Thousand One Hundred Ninety Dollars and 91/100th (\$130,190.91).

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 18-113 which authorizes the purchase of a new street sweeper. Council was provided with the following information:

[As part of the 2019 CIP budget process the need for a Street Sweeper was identified for the Streets Department. Funds for this equipment were included in the 2018-19 approved budget. Rose Equipment, Inc. has a current contract (122017-GEP) with Sourcewell (NJPA) for the appropriate equipment. The total purchase price of the street sweeper is \$225,631. The City budgeted \$240,000 in the Capital Outlay-Machinery, Equipment Account No. 24-41-41-59-950 for this purchase. Once ordered, the delivery is expected to take 90-120 days. The City does plan on trading in our current street sweeper as part of this purchase; however the value has yet to be determined.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve Resolution No. 18-113 which follows in its entirety:

RESOLUTION NO. 18-113

WHEREAS, The City of Alliance maintains the streets within the corporate limits; and

WHEREAS, The Street Department has the need for a new street sweeper; and

WHEREAS, The City secured a quote for a M3 Mechanical Sweeper from the National Joint Powers Alliance in the amount of Two Hundred Twenty-Five Thousand Six Hundred Thirty-one Dollars and no/100th (\$225,631.00); and

WHEREAS, The purchase of the M3 Mechanical Sweeper would be through Rose Equipment, Inc.; and

WHEREAS, Adequate funds are available for this purchase from the Streets Capital Outlay-Machines and Equipment Account No. 24-41-41-59-950.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager Kuckkahn be and hereby is authorized to enter into a

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purchase agreement with Rose Equipment, Inc. through the National Joint Powers Alliance for a M3 Mechanical Sweeper in the amount of Two Hundred Twenty-Five Thousand Six Hundred Thirty-one Dollars and no/100th (\$225,631.00).

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

- Board appointments and announcements were the final agenda item.

A motion was made by Councilman Mischnick, seconded by Councilman Reynolds to reappoint Rich Arndt to the A-1 Downtown Improvement Board for a term expiring October 31, 2020.

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Mischnick, seconded by Vice Mayor Korber-Gonzalez to reappoint Patricia Johnston to the A-1 Downtown Improvement Board for a term expiring October 31, 2020.

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Mischnick, seconded by Councilman Reynolds to appoint Mikayla Randolph to the A-2 Downtown Improvement Board for a term expiring October 31, 2020.

Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to reappoint Brenda McDonald to the EDP Application Review Committee for a term expiring June 30, 2022.

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Voting Aye: Korber-Gonzalez, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

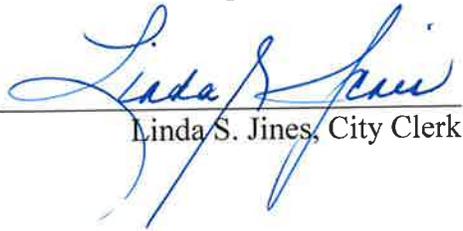
The City currently has vacancies on the Board of Adjustment (2), Downtown Improvement Districts A-1 (1) and A-2 (2), Economic Development Plan Citizen Advisory Board (2), Housing Authority (1), junior ex-officio member of the Library Board (1), Park and Tree Board (1) and Planning Commission (1). Anyone 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.

- Vice Mayor Korber-Gonzalez stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:35 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk

