

**ALLIANCE, NEBRASKA
CITY COUNCIL MEETING
School Board Meeting Room
1604 Sweetwater Avenue
June 21, 2007 - 7:00 p.m.
AGENDA**

■ **Call to Order**

■ **Roll Call**

■ **Open Meetings Act Announcement**

For the public's reference a copy of the Open Meetings Law has been posted on the north wall of this room in the audience area. This posting complies with the requirements of the Nebraska Legislature.

■ **Invocation**

A. **Introduction of Kayla Batt, Miss Nebraska Outstanding Teen**

B. **Consent Calendar**

C. **Ordinance No. 2571 - First Reading**

Municipal Code Amendment - Weapons on City Owned Property

Ordinance No. 2571 which declares the possession or presence of firearms or dangerous weapons on various properties owned by the City of Alliance unlawful is before Council on first reading. At our last regular meeting Council discussed the ordinance and took no action at that time. City Attorney Dobrovlny met with Councilman Benzel and Concealed Weapons Instructor Guy Hielscher regarding this matter and developed alternate language for the proposed ordinance. Since this ordinance is before Council on first reading no amendments are necessary for the new language; however, for Council's convenience all changed language is identified using the strike-out and redline method.

D. **Ordinance No. 2570 - Second Reading**

Homestead Rezoning

At our last meeting Council conducted a public hearing on the rezoning of property located in the west part of Homestead Addition from RP-5 (Single Family Mobile Home) to R-1A (Single Family Residential) at which time no testimony was offered. Ordinance No. 2570 is now before Council on second reading. The Alliance Planning Commission at their regular meeting, May 8, 2007 recommended approval of the rezoning request. A copy of the staff report, map, and Planning Commission minutes have been made part of the Council packet for your review.

E. **Ordinance No. 2572 - Second Reading**

Richard and Aimee Otto/Land Purchase

Ordinance No. 2572 is before Council on second reading. This ordinance will authorize the sale of Lots 17 and 18, Block 10, Original Town to Richard T. Otto and Aimee A. Otto in the amount of \$7,000.00. A *draft* Real Estate Purchase Agreement has been included which invites Council to set the conditions of the sale. Staff has included one condition within the agreement which states "Buyer shall abide by all applicable building and safety codes, and all Uniform Codes which are applicable and have been adopted by Seller at the time of the Buyer's construction, as well as zoning and land use regulations which apply to the property purchased at the time of construction." Also enclosed for Council's review is a copy of the Box Butte County Assessor's record of the property proposed for sale.

F. **Ordinance No. 2569 - Second Reading**

Municipal Code Amendment/Unarmed Sports Regulations

Ordinance No. 2569 is before Council on second reading. This Ordinance will amend the Alliance Municipal Code at Chapter 2, Article 11 regarding Unarmed Sports. The Nebraska Legislature has recently passed LB 471, which authorizes the State Athletic Commissioner to regulate mixed martial arts. Since the first reading of the Ordinance on May 17, 2007 staff has reviewed the ordinance and made some proposed changes for Council's consideration. The changes are noted in the ordinance using the redlining and strike-out method. If Council approves of the changes, an amendment needs to be made to the ordinance incorporating the new language. City Attorney Dobrovolny has prepared a memorandum for Council's benefit which has been included in the packet, along with a copy of LB 471 and the City's Conditional Use Permit provisions.

G. **Resolution No. 07-79 - D-Head Special Designated License Request**

Resolution No. 07-79 will grant a Special Designated License to The Gathering Spot, 213 Box Butte Avenue for a beer garden to be located behind their premises on the parking lot of Ken and Dale's Restaurant. At our last meeting, Council approved the closure of a section of the alley directly behind the establishment between the hours of 3:00 p.m. and 1:00 a.m. on July 19th, 20th, and 21st. The request indicates two outdoor access gates, one of the north side within the alley, the other on the south side within the alley. Staff is suggesting Council only approve the north entrance. The resolution has been prepared to only allow the one entrance, if that is not the desire of Council an amendment will need to be made. City Manager Caskie has prepared a memorandum on this subject which has been made part of your packet.

H. **Resolution No. 07-80 - Airport Building Lease Agreement/Dale Johnson**

Resolution No. 07-80 will approve a month to month Building Lease with Dale Johnson dba PST Automotive for a portion of Building No. 3219 located at the Alliance Municipal Airport. Staff will be working on developing a Leasing Policy for properties located at the Alliance Municipal Airport which is anticipated to be presented to the Council late this year. The Leasing Policy is necessary due to the City of Alliance acquiring the airport property back from the Alliance Airport Authority.

I. **Resolution No. 07-81 - Acceptance of Wildlife/Security Fence at the Airport**

Resolution No. 07-81 accepts the Airport Wildlife/Security Fence Project as built, and authorizes the final payment to be made. When the "as built" were being prepared by the design, engineering and surveying firm for the project, an error was found in the location of one corner of the fence. This error causes the fence to encroach into the Runway Protection Zone. City Attorney Dobrovolny is requesting the City receive from both the Nebraska Department of Aeronautics (NDA) and the Federal Aviation Administration (FAA) their written approval of the project with the determination that no remedial action is needed prior to our acceptance of the project. This project was completed utilizing a grant with the majority of the funding provided by the FAA and the NDA.

J. **Resolution No. 07-82 - 3rd Street Underpass**

Resolution No. 07-82 authorizes staff to enter into negotiations with the State of Nebraska and the Burlington Northern Santa Fe Railway to lower the City's costs for the 3rd Street Underpass Project. As the Agreement is presently prepared the City will be responsible for 20% of the project which is equal to \$1,067,085 of the estimated project total of \$5,335,424. Currently the City's Federal STP Funds are committed to the 10th Street Project and are not available to fund the 3rd Street Underpass Project.

K. **Resolution No. 07-83 - Adoption of Capital Improvement and Capital Equipment Plans**

This resolution will adopt the Capital Improvement and Capital Equipment Plans for fiscal year 2007-2008. The Alliance Planning Commission at their regular meeting February 20, 2007 approved and recommended the Plans to the City Council. These plans are used as tools in the preparation of the annual appropriations bill (budget).

L. **Board Resignation**

The City of Alliance is in receipt of a resignation from John D. Dietrich from the Alliance Planning Commission. Mr. Dietrich's term was scheduled to expire December 31, 2007. A copy of his resignation has been included in Council's packet for review.

The City also has one vacancy on the Board of Adjustment with a term expiring December 31, 2007; one vacancy on the A-1 Downtown Improvement Board expiring October 31, 2008; one vacancy on the Economic Development Plan Application Review Committee which requires the appointment of a citizen expiring May 16, 2011; two vacancies on the Economic Development Plan Citizen Advisory Board, one which requires an accountant expiring January 31, 2008, the other a business owner expiring January 31, 2010; one vacancy on the Alliance Housing Authority expiring December 31, 2011; one vacancy on the Museum Board expiring May 31, 2012, and two vacancies on the Alliance Planning Commission expiring December 31, 2007 and December 31, 2009.

■ **Adjournment**

Respectfully submitted,

Linda S. Jines
City Clerk