

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, OCTOBER 4, 2007

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

The Alliance City Council met in a Regular Meeting, October 4, 2007 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 27, 2007. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Kusek opened the October 4, 2007 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Kusek, Council Members Dickenson, Benzel, Rowley, and Yeager. Also present were City Manager Caskie, Interim City Attorney Miller and City Clerk Jines.

- Mayor Kusek read the Open Meetings Act Announcement.
- The Consent Calendar was the first item on Council’s agenda.

Motion by Councilman Dickenson, seconded by Councilman Benzel to approve the Consent Calendar which follows in its entirety:

CONSENT CALENDAR - OCTOBER 4, 2007

1. Approval: Minutes of the Regular Meeting, September 27, 2007.
2. Approval: Payroll and Employer Taxes for the period August 24, 2007 through September 7, 2007, inclusive; \$140,920.24 and \$9,996.94 respectively.
3. Approval: Claims against the following funds for September 27, 2007 through October 1, 2007; 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: \$318,788.20.

4. Approval: The issuance of the following contractor licenses:

Roofing. Robert Carlos Rojas dba Rojas Roofing

General Contractor. Dana D. Daniels dba Advance Air

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

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley, Yeager.

Voting Nay: None.

Motion carried.

- The next item to come before Council was the presentation of two proclamations and a plaque.

Councilman Benzel read the proclamation for Public Power Week which follows in its entirety:

Proclamation
Public Power Week
October 7 - 13, 2007

City of Alliance Electric Department Helps Our Community in Powerful Ways

WHEREAS, we, the citizens of Alliance, Nebraska place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, the *Alliance Electric Department* provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, the *Alliance Electric Department* is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, the *Alliance Electric Department* is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place in which to live and work;

NOW, THEREFORE BE IT RESOLVED: that the *Alliance Electric Department* will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1911, the year when the utility was created to serve all the citizens of Alliance; and

BE IT FURTHER RESOLVED: that the week of October 7 - 13, 2007, be designated the **21st Annual Public Power Week** in order to honor the *Alliance Electric Department* for its contributions to the community and to make its consumer-owners, policy makers, and employees more aware of its contributions to their well-being and how it makes their lives powerful; and

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power and recognition that the *Alliance Electric Department* is good for customers, business, the community and the nation.

The proclamation was presented to Electric Superintendent Lawrence Heinrich.

Councilman Dickenson read the proclamation for Lights on After School which follows in its entirety:

LIGHTS ON AFTER SCHOOL

WHEREAS, KIDS' "ALLIANCE" stands firmly committed to quality after school programs and opportunities because they:

- Provide safe, challenging, and engaging learning experiences that help children develop social, emotional, physical and academic skills.
- Support working families by ensuring their children are safe and productive after the regular school day ends.
- Build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families and adults.
- Engage families, schools and community partners in advancing the welfare of our children

WHEREAS, KIDS' "ALLIANCE" has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality after school programs are key to helping our children become successful adults; and

WHEREAS, Lights on After school, the national celebration of after school programs held this year on October 18, 2007, promotes the importance of quality after school programs in the lives of children, families and communities; and

WHEREAS, More than 28 million children in the U.S. have parents who work outside the home, and 14.3 million children have no place to go after school; and

WHEREAS, Many after school programs across the country are facing funding shortfalls so severe that they are being forced to close their doors and turn off their lights.

WHEREAS, KIDS' "ALLIANCE" urges the citizens of Alliance to ensure that every child has access to a safe, engaging place where the lights are on after school

NOW, THEREFORE, on behalf of the Alliance City Council I hereby proclaim the October 18, 2007 to be

"LIGHTS ON AFTER SCHOOL"

And that the Alliance City Council enthusiastically endorses Lights on After school and is committed to innovative after school programs and activities that ensure that the lights stay on and the doors stay open for all children after school.

The proclamation was presented to Dave Ocken, Bev Twogood, Ricki Stewart, Jackie Haas, Bailey Stewart, Jensen Curtiss, Wyatt, Sandy, and Bridget Blankenship.

A plaque was presented to retiring Fire Chief David McCarty for 35 years of outstanding service in fire safety. City Manager Pam Caskie acknowledged his role in implementing the ALS service in the Alliance community.

- The third reading of Ordinance No. 2581 amending the Municipal Code - Zoning Definitions, Abandoned Church or School Conversion, and Condition Use Application procedures was the next item for Council's consideration.

Motion by Councilman Yeager, seconded by Councilwoman Rowley to approve Ordinance No. 2581 on third reading. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2581

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE AT CHAPTER 10, ARTICLE 3, SECTIONS 305.01.A, 306.01.A, 307.01.A, 308.01.A, 309.01.A, 310.01.A, AND ADDING ARTICLE 21, REGARDING THE REGULATION OF THE USE OF AN ABANDONED CHURCH OR SCHOOL STRUCTURE IN "R" RESIDENTIAL ZONING DISTRICTS AS A CONDITIONAL USE SUBJECT TO CERTAIN EXPRESS STANDARDS AND CRITERIA, AND REPEALING EXISTING PROVISIONS OF CITY CODE NOT CONSISTENT HERewith.

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

SECTION 1. The City of Alliance has adopted a zoning code which provides regulations

for the controlled development and use of areas within the City’s zoning jurisdiction.

SECTION 2. The City of Alliance does not currently have any regulations for the use of prior church and school buildings which are located in “R” residential zoning districts.

SECTION 3. There are church and school buildings in the City of Alliance which are no longer being used for the purpose of either a church or a school.

SECTION 4. Staff from the Building and Zoning Department has prepared amendments to referenced portions of Chapter 10 of the Alliance Municipal Code regarding the regulation of the uses of prior church and school buildings which are located in “R” residential zoning districts as a conditional use subject to certain express standards and criteria, for submission to the City Council.

SECTION 5. 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 therefore be adopted. Chapter 10 of the Alliance Municipal Code, Article 3, is hereby amended, and Article 21 is hereby added, with an effective date of this ordinance, in the following particulars:

10.305.01.A. CONDITIONAL USES

- 9. Abandoned church or school property as permitted at Article 21 hereof.

10.306.01.A. CONDITIONAL USES

- 8. Abandoned church or school property as permitted at Article 21 hereof.

10.307.01.A. CONDITIONAL USES

- 8. Abandoned church or school property as permitted at Article 21 hereof.

10.308.01.A. CONDITIONAL USES

- 12. Abandoned church or school property as permitted at Article 21 hereof.

10.309.01.A. CONDITIONAL USES

- 3. Abandoned church or school property as permitted at Article 21 hereof.

10.310.01.A. CONDITIONAL USES

- 3. Abandoned church or school property as permitted at Article 21 hereof.

ARTICLE 21

ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS

10-2101 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, PURPOSE AND INTENT

The abandoned church or school building use regulations contained herein are intended to control the use of prior church and school buildings which are located in “R” residential zoning districts as a conditional use subject to certain express standards and criteria as permitted herein.

10-2102 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, DEFINITIONS

For the purposes of these regulations the following words shall have the meanings listed hereafter.

1. “Business Services”: Establishments engaged in providing services to business offices on a fee or contract basis, including, but not limited to catering services and related food preparation; advertising and public relations; management and consulting services; employment services (including temporary agencies); building security and maintenance services; equipment servicing, rental/leasing and sales; computer and data processing services; communications equipment and services; mailing, photocopying, quick printing and fax services; sale of office supplies; and similar business services, but not including rental, sales or repair of vehicles or heavy equipment.
2. “Business or Professional Offices”: Any office of a recognized profession, such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents and others, who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing and other administrative functions of a profit-making or non-profit organization, but not including banks or other financial institutions.
3. “Church”: A building, other than a dwelling, used by a religious denomination for worship, which may include, as accessory uses, rooms for religious education, social, recreational activities, administrative offices and day nurseries.
4. “Commercial School”: An establishment providing non-academic training, vocational, trade or cultural arts educational courses and programs.
5. “Community Center”: A facility operated by a government agency or non-profit organization to provide one (1) or more of the following services to the general public: social, health, educational, recreational, nutritional, counseling or leisure activities.
6. “Conditional Use” As defined at Article 20 of this Chapter
7. “Conference Center”: A facility used on a regular basis for corporate, professional, educational or community organization meetings and seminars involving a published program or agenda and a registration fee and that may include on-site catering facilities for the conferees.
8. “Day Care Center”: A facility located within a building, or part of a building, that

is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

9. "Gross Floor Area" The sum of the horizontal areas of all floors of a principal building or buildings on the same lot, measured between exterior faces of walls.
10. "Manufacturing": The mechanical or chemical transformation of materials or substances into new products, whether finished or semi-finished, including the assembling of component parts, the creation of products, the blending of materials, usually for the wholesale market, rather than retail sale.
11. "Net Floor Area" The total floor area of a building that is designed for tenant occupancy or that is accessible to customers, clients of the general public, excluding storage areas, equipment rooms, food preparation areas and common areas such as halls, corridors, stairwells, elevator shafts, restrooms, interior vehicular parking and loading areas and similar common areas, expressed in square feet and measured from the centerline of joint partitions and exteriors of outside walls.
12. "Offices, Business or Professional": See "Business or Professional Offices".
13. "Principal Use": The primary or predominant use to which a property is devoted and to which all other uses are accessory.
14. "Retail Sales": Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, but not including the manufacturing or processing of any products.
15. "School": A private institution or an accredited public institution, having regular sessions and offering elementary and secondary instruction or associate, bachelor or higher degrees in the several branches of learning required by the State of Nebraska.
16. "Theater": An establishment, other than an adult business, inside a completely enclosed building, devoted to showing movies and/or live dramatic or musical performances.
17. "Training Center": A facility used on a regular basis by a business, public agency or non-profit organization to provide training or re-training in specialized vocational or trade skills for employed, under-employed or unemployed clients. Provided that such training does not violate any provisions of the City Code.

10-2103 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, ABANDONED CHURCH OR SCHOOL DEFINED

A church or school, as defined herein, shall be considered to be abandoned if the denomination, school district or private agency responsible for operating the church or school provides written documentation that the church or school is no longer feasible for its original purpose and that serious efforts to market the property for use as another church or school or another permitted use by right in the Zoning District have been exhausted.

10-2104 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, SUBJECT TO

The following uses may be authorized, subject to the conditional use permit process as defined in Article 20 of this Chapter.

1. The proposed re-use of the abandoned church or school property shall be limited to one (1) or more of the following uses:
 - a. Business or Professional Offices
 - b. Business Services
 - c. Commercial School
 - d. Community Center
 - e. Conference Center
 - f. Day Care Center
 - g. Theater
 - h. Training Center

2. The above listed uses shall only be authorized in an existing church or school building. If the rehabilitation of the existing building is found to be economically infeasible and the building is proposed to be demolished, the vacant property shall not be used for the construction of a new building housing any of the above listed conditional uses. After demolition of the existing building, the vacant property shall only be used for a use authorized as a permitted use in that Zoning District.

10-2105 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, ADDITIONS, ALTERATIONS, AND IMPROVEMENTS

There shall be no addition to the existing building without Planning Commission review and approval by the City Council. Any other alternations or improvements to the structure shall comply with all applicable regulations of the "R" District in which it is located, and with the City of Alliance Building Codes.

10-2106 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, RETAIL SALES

There shall be no retail sales to the general public as a principal use on the premises, other than those authorized as Business Services, as defined by this Chapter. Retail sales of small quantities of supplies essential to the operation of a commercial school or training center, as defined by this Chapter, may be offered as an accessory use. Retail sales of non-alcoholic refreshments to trainees or patrons of a conference center, commercial school, training center, approved event, or theater may also be offered.

10-2107 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, MANUFACTURING, PROHIBITED

There shall be no manufacturing, as defined by this Chapter, on the premises.

10-2108 ABANDONED CHURCH OR SCHOOL BUILDING USE

REGULATIONS, HAZARDOUS MATERIALS

The storage, use, and disposal of any flammable or hazardous materials shall comply with the Alliance Fire Code and all applicable regulations of the Nebraska Department of Environmental Quality (NE DEQ) and the U.S. Environmental Protection Agency (EPA).

10-2109 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, TRAFFIC CONTROL

Ingress, egress, and traffic circulation on the site shall be designed to minimize the impacts on neighboring residential properties. Designated off-street parking may be required. Proposals for receipt of deliveries by truck shall be evaluated to determine the safety of the truck parking and unloading area, its compatibility with adjacent residential uses and the impact of its location on the free flow of traffic on the public street.

10-2110 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, FENCES AND VISION CLEARANCE

All side and rear property lines adjacent to a single family dwelling shall be screened by a closed fence as permitted in Article 9, or a compact evergreen hedge which meets the same height requirements as a closed fence, and vision clearance as defined at 10-905.

10-2111 ABANDONED CHURCH OR SCHOOL BUILDING USE REGULATIONS, OFF-STREET PARKING

1. The following table shall be used as a guideline by the Planning Commission and City Council in determining the number of off-street parking spaces required for each of the proposed uses:

<u>PROPOSED USE</u>	<u>NUMBER OF SPACES</u>
Business or Professional Offices	3.5-5.5 spaces for each 1000 s.f. of gfa
Business Services	1 space for each 250 s.f. of gfa
Commercial School, Conference Center, or Training Center	1 space for each employee plus 1 space for each 3 seats in an auditorium or meeting room; 1 space for each 300 s.f. of office space; and 1 space for each 75 s.f. of net floor area in a dining room or cafeteria
Community Center	30% of seating capacity in an auditorium, gymnasium or activities/meeting room; 1 space for each 300 s.f. of office or counseling area; 1 space for each 75 s.f. of net floor area in a dining room or cafeteria
Day Care Center	1 space for each employee
Theater	30% of seating capacity

gfa = gross floor area
s.f. = square feet

2. In the event that the required parking cannot be met on the site of the church or school, the Planning Commission or the City Council may approve on-street or other public parking to meet part of the total required spaces or may approve off-site parking within a reasonable distance of the site, subject to submission of evidence of a long-term lease agreement with the landowner.

SECTION 6. 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 7. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the final reading of Ordinance No. 2581 with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley, Yeager.

Voting Nay: None.

Motion carried.

Mayor Kusek stated, "the passage and adoption of Ordinance No. 2581 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 for Council's review was Resolution No. 07-110 relating to the renewal of the Employee Health Insurance Plan.

Motion by Councilwoman Rowley, seconded by Councilman Dickenson to approve Resolution No. 07-110 which follows in its entirety:

RESOLUTION NO. 07-110

WHEREAS, The City of Alliance has engaged in a process of evaluating its current healthcare benefit plans offered to employees; and

WHEREAS, Various options and proposals have been considered by staff and the City's Third-Party Administrator, and staff has recommended the options contained herein; and

WHEREAS, The City of Alliance has received a proposal to renew its contract with the Third-Party Administrator, Regional Care Incorporated, as set forth herein; and

WHEREAS, The City of Alliance has received a proposal to contract with the reinsurance

carrier, Perico Life Insurance Company, as set forth herein; and

WHEREAS, The proposals provide for three options from which benefit eligible employees may choose, labeled Option A, Option B, and Option C, which have varying deductibles and out-of-pocket expenses, and which Schedules of Benefits are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the contract proposal with Regional Care Incorporated for Third-Party Administrator is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and Council of the City of Alliance, Nebraska hereby approve the proposed contract with Perico Life Insurance Company, a reinsurance carrier.

BE IT FURTHER RESOLVED, that the Schedules of Benefits packages to be offered to employees will be Option A, Option B, and Option C, which are attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, the following monthly employee contribution levels are established effective January 1, 2008:

Plan A	Single	\$ 56.00
	Family	\$160.00
Plan B	Single	\$ 10.00
	Family	\$ 30.00
Plan C	Single	No Contribution; \$50.00/month paid to an Employee Health Savings Account
	Family	No Contribution; \$50.00/month paid to an Employee Health Savings Account

BE IT FURTHER RESOLVED, Monthly premium payments per employee for reinsurance provided by Perico Life Insurance effective October 1, 2007, shall be as follows:

Specific Single Premium	\$ 74.02
Specific Family Premium	\$154.29
Aggregate Premium	\$10.61
Transplant Coverage	
Single	\$4.89
Family	\$11.24

BE IT FURTHER RESOLVED, administrative service fees to Regional Care, Incorporated, shall be \$21.85 monthly per covered employee, effective October 1, 2007.

BE IT FURTHER RESOLVED, the City of Alliance shall make monthly payments into its Health Support Fund, effective October 1, 2007 for a wellness program as follows:

per single employee \$21.00
per family employee \$42.00

BE IT FURTHER RESOLVED, the City of Alliance shall make monthly payments into its Health Support Fund, effective October 1, 2007 as follows:

per single employee \$ 577.37
per family employee \$1,375.32

City Clerk Jines gave a brief presentation explaining the options available for employee healthcare benefits plans.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley, Yeager.

Voting Nay: None.

Motion carried.

- The last item before Council was an executive session for the purpose of discussing swimming pool litigation.

Mayor Kusek motioned pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943 that the Alliance City Council hold a closed session for the purpose of discussing swimming pool litigation and asked City Manager Caskie, City Clerk Jines and Steve Olson to attend the session. Mayor Kusek excused City Attorney Miller from the closed session. The motion was seconded by Councilman Dickenson.

Roll call vote with the following results:

Voting Aye: Kusek, Dickenson, Benzel, Rowley, Yeager.

Voting Nay: None.

Motion carried.

The closed session began at 7:30 p.m. and ended at 8:45 p.m.

- Mayor Kusek stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:46 p.m.”

Dan Kusek, Mayor

(SEAL)

Linda S. Jines, City Clerk