

August 21, 2018

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, AUGUST 21, 2018

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

The Alliance City Council met in a Regular Meeting, August 21, 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 August 15, 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 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 Yeager opened the August 21, 2018 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager, Council Members Korber-Gonzalez, Mischnick, Jones and Reynolds. Also present were City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Hoelsing and City Clerk Jines.

- Mayor Yeager announced the Open Meetings Act was available for the public and posted on the north wall of the audience area.
- Council was introduced to our new hires: George Medina, Police Officer and Cheney O'Connor, Street Maintenance Worker.
- 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 – AUGUST 21, 2018

1. Approval: Minutes of the Regular Meeting, August 7, 2018.
2. Approval: Payroll Costs for the period July 14 – 28, 2018: \$225,124.71.

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3. Approval: Claims against the following funds for the period of August 1 – 15, 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: \$1,135,175.79.
4. Approval: Update the roster of the Alliance Volunteer Fire Department by adding Thomas Barrios and Jeffery Jurado.
5. Approval: Resolution No. 18-97 authorizes the City to write-off charges that have remained uncollected over the past year, including balances that remain uncollected by the collection agency and other amounts that have not been collected by the City as of July 31, 2018. The charge-off action removes the items from the active financials of the City but does not limit further collection efforts by the City.
6. Approval: Resolution No. 18-98 authorizes the continuation of the Janitorial Services for the Knight Museum and Sandhills Center for an additional year. The services are being provided by A & J Janitorial for an annual cost of \$10,440.00.
7. Approval: Resolution No. 18-99 authorizes the continuation of the Janitorial Services for Skyview Golf Course for an additional year. The services are provided by L & J Cleaning, Inc. in the amount of \$2,736.00 for a five month service.
8. Approval: The Special Events Request to close Box Butte Avenue for the annual Homecoming Parade. The parade will be held on Friday, October 12, 2018 beginning at 2:00 p.m. and lasting approximately one hour. Line-up for the parade will begin at 1:30 p.m. The parade will start at 16th Street and proceed south to 4th Street. A Certificate of Insurance naming the City as an additional insured has been provided.

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: Yeager, Korber-Gonzalez, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

- Council next conducted a Public Hearing on the proposed 2018-2019 Budget. Following the Public Hearing Ordinance No. 2863 was introduced which contains anticipated and estimated revenues and expenses for the next fiscal year.

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Mayor Yeager 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 proposed 2018-2019 Budget” and opened the public hearing at 7:03 p.m.

Chelsie Herian, Box Butte Development Director, 305 Box Butte Avenue, thanked Council for their continued support with the promotion and development of the Alliance community.

Susan Unzicker, Alliance Chamber of Commerce Director, 305 Box Butte Avenue, thanked Council for their continued support with the promotion and development of the Alliance.

Diane Lurz, Keep Alliance Beautiful Financial Manager thanked Council for the support they show Keep Alliance Beautiful.

Mara Anderson, Alliance Recreation Center Director, 734 W. 11th Street, discussed with Council her desire to partner with the City of Alliance in a variety of programs the Center offers and hopes funding assistance can be available in the future.

Hearing no further testimony, the Public Hearing closed at 7:11 p.m.

A motion was made by Mayor Yeager, seconded by Councilwoman Korber-Gonzalez to approve the second reading of Ordinance No. 2863. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2863

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of the Nebraska R.R.S. 1943, §19-646, has submitted to the City Council a preliminary budget to the City Council at a workshop that was held on July 24, 2018 with a proposed budget being produced thereafter. A public hearing will be held on said proposed budget on August 21, 2018, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2018, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

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	City	MFO	Public Sa	Airpor	Airport Re:	Total
Approved Budget Amount	1,2	1		2		1,6
County Treasurer's Fee (1%)						
Total Property Tax Request	1,2	1		2		1,6

Using the following levies

Approved Mill Levy for 2018

Based on Assessed Valuation

SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2018-19.

General	\$7,624,000
Electric	17,311,800
Refuse	1,787,500
Sewer	1,090,100
Water	2,413,000
Golf Course	454,800
Airport Operations	6,831,500
Public Transit	346,400
Streets	3,033,800
Handyman Services	64,200
RSVP	91,800
Museum Exhibit	14,600
BID #1 and #2	16,000
HUD/CDBG	150,000
Community Betterment (KENO)	20,200
Economic Development	155,000
LB 840 Fund	405,000
Redevelopment (TIF)	850,000
Sales Tax Fund	2,000,000
Lodging Occupation Tax	181,000
Capital Projects Fund	950,000
Public Safety Tax	75,000
State 911 Funds	90,000

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General Internal Service	1,326,600
Enterprise Internal Service	672,300
Health Support Internal Service	2,035,500
General Debt Service	558,600
Airport Capital Reserve	60,000
<i>Gross Expenditures</i>	50,608,700

There is hereby included \$100,000 within the General Fund Budget [City Council Activity], \$10,000 within the General Fund Budget [Police Grant] \$60,000 within the Electric Fund, \$260,000 within the Water Fund, \$25,000 within the Sewer Fund, \$30,000 within the Refuse Fund, \$10,000 within the Airport Fund, \$50,000 and within the Streets Fund; to be known as "Contingency." Expenditures from any Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total Unused Restricted Funds Authority of \$ _____ for Fiscal Year 2018.

SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2018.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was the second reading of Ordinance No. 2864 which will allow the City of Alliance to exceed the Allowable Growth and Basic Allowable Growth for the 2018-19 Fiscal Year Budget by 1%. Council was provided with the following background information:

[The attached ordinance will allow the City of Alliance (with a 75% affirmative vote by Council) to exceed the base allowable growth limitation of the restricted funds authority for the 2018-19 fiscal year budget by 1% (or \$67,952) with total restricted funds authority at \$7,032,981.

This does not increase the new fiscal budget, but rather allows the City to increase the unused budget authority for use in future years.]

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A motion was made by Councilman Korber-Gonzalez seconded by Councilman Reynolds to approve the second reading of Ordinance No. 2864. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2864

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2018-2019 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.

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

SECTION 1. Governmental units are authorized pursuant to State law at Chapter 13, Section 519, to exceed the Allowable Growth (§13-518(1)) and the Basic Allowable Growth (§77-3446) for budgeted restricted funds authority up to an additional one percent, by affirmative vote of the City Council of at least 75%.

SECTION 2. The City Council finds that such limit as provided by Section 13-519 (a) and (b) should be exceeded by one percent.

SECTION 3. An affirmative vote of at least 75% in favor of this increase is hereby cast.

SECTION 4. Section 13-511 allows correction of an adopted budget statement for clerical, mathematical, and accounting errors, which correction does not affect the total amount budgeted by more than one percent or increase the amount required from property taxes. The one percent limit increase is calculated into the current budget statement; however the unused budget authority amount is in need of modification.

SECTION 5. The "total restricted funds authority" with the additional 1% is \$67,951.51 and the resulting "restricted funds authority" in the adopted budget ordinance is hereby amended to the amount of \$7,032,981.19.

SECTION 6. Those portions of the existing budget ordinance for 2018-2019 are amended accordingly.

SECTION 7. The City Treasurer is authorized to make appropriate changes in the submitted forms for computation of the limit for fiscal year 2018-2019, and transmit those changes to the State Auditor's office.

SECTION 8. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- The second reading of Ordinance No. 2865 which will adopt the Classification and Compensation Plans for the 2018-19 Fiscal Year Budget was the next item before Council. The following background information was provided to Council:

[Since the first reading of Ordinance No. 2865 which will adopt the Classification and Compensation Plans, staff is recommending an amendment be made to the Classification Plan. In order to provide succession planning for the City Manager position, we are requesting a position be added to the plan for an Assistant City Manager. We are also requesting the re-titling of the Assistant City Manager/Finance Director to Finance Director with the associated pay grade change from 108 to a 107; as a result of a realignment of responsibilities we are also requesting a pay grade change for the Cultural and Leisure Services Director from a pay grade 107 to a 105.

It is the intension of staff to not penalize the two individuals currently holding these positions as they are currently topped out within the new grades. We are requesting that their wages be frozen at their current rate and there will be no changes or additional increase until their wages fall within the rate of pay for the new classification.

The attached ordinance will adopt the Classification and Compensation Plans that will be incorporated as a part of the 2018-19 FY budget. The Compensation Plan includes three categories: Exempt, Non-Exempt and Fire Employees.

The Classification Plan reflects a 2% Cost of Living Adjustment to the Pay Grids.]

A motion was made by Councilman Korber-Gonzalez to amend Ordinance No. 2865 to add a position of Deputy City Manager at a pay grade 107 for a six month period to the Classification Plan and to modify the Cultural and Leisure Services Director to a pay grade 105 and change the title of the Assistant City Manager/Finance Director to Finance Director at a pay grade 107. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve the second reading of amended Ordinance No. 2865. City Clerk Jines read the ordinance by title which follows in its entirety.

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AMENDED ORDINANCE NO. 2865

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

WHEREAS, Section 16-310 of R.R.S. 1943 authorizes the Mayor and Council to establish the compensation for employees and officers by stating that "The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance;" and,

WHEREAS, The Alliance City Council adopted the Fiscal Year 2018-2019 Budget which included funds for revised Classification/Compensation Plans.

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

SECTION 1. That the attached Classification Schedule for the City of Alliance dated to be effective October 6, 2018 and the attached Compensation Schedules for Exempt, Non-Exempt and Fire employees dated to be effective October 6, 2018 are hereby adopted by this reference.

SECTION 2. This Ordinance shall become effective October 6, 2018.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was the first reading of Ordinance No. 2866 which will amend the current fiscal year Classification Plan by adding an Assistant City Manager. Staff is requesting the waiving of three readings in order to move forward with the hiring process for this position. Council was provided with the following information:

[The attached ordinance will adopt the amended Classification Plan for the current fiscal year to add the position of Assistant City Manager. The City Manager in order to put into place a succession plan for his departure would like to hire an Assistant City Manager at a Pay Grade 107. This will allow him to mentor/train an individual for a period of time, depending upon their qualification and skills for a smooth transition. As you are aware, the hiring for this position is in process and we would like to have the position authorized in this fiscal year in order to move forward.]

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A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2866 with the title of Assistant City Manager being changed to Deputy City Manager. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2866

AN ORDINANCE ADOPTING A REVISED CLASSIFICATION PLAN FOR THE CITY OF ALLIANCE, NEBRASKA.

WHEREAS, Section 16-310 of R.R.S. 1943 authorizes the Mayor and Council to establish the compensation for employees and officers by stating that "The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance;" and,

WHEREAS, The Alliance City Council adopted the Fiscal Year 2017-2018 Budget which included funds for a revised Classification Plan.

WHEREAS, The City Manager is requesting that certain positions be modified to the Classification Plan of the City of Alliance.

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

SECTION 1. That the Classification Schedule for the City of Alliance dated effective October 7, 2017 is hereby amended and the following stated positions are classified as follows:

	Job Title	Grade
Add	Deputy City Manager	107

SECTION 2. 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 Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2866.

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

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2866 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2866 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The first 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 Korber-Gonzalez, seconded by Councilman Mischnick to approve the first 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
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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	-	-	-
White Goods	10.83	11.21	11.60

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White Goods w/Freon	27.31	28.27	29.26
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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.

Matthew Pelton appeared in person and Vita Quinn via telephone representing SCS Engineering, Omaha, Nebraska and addressed Council regarding the proposed refuse rates. SCS Engineering completed a rate study for the City's refuse collection and landfill services. Both provided an overview of the FY 2019 Revenue Sufficiency Analysis with a PowerPoint presentation providing the background, objectives, key issues, data, and results. Two scenarios were provided with the recommendation that the Council adopt a 3.5% rate adjustment in both the 2018/19 and 2019/20 fiscal years.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next item on the agenda was the third reading of Ordinance No. 2860 regarding Electric Primary Metering. Council was provided with the following background information:

[At the last Council meeting staff was provided direction to prepare language to require primary metering customers to participate at a 50% cost share for the purchase and installation of transformation equipment and appurtenances. In order to move forward with this amendment to the Municipal Code the Council will need to:

1. Make a motion to bring Ordinance No. 2860 off the table for consideration.
2. Vote to fail Ordinance No. 2860.
3. Approve the first reading of Ordinance No. 2868

The following is the information provided at previous meetings:

Section 28-161(f) of the City of Alliance Municipal Code addresses primary metering within the City of Alliance Electric System (AMES). The current Code is somewhat unclear as to when this metering will be used, as well as who will pay for, install and maintain said equipment. The current wording of the Code has led to various interpretations and discussions that require Code revision and clarification.

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Current Code states that “primary metering shall be used where transformation equipment and appurtenances are customer owned and maintained and may be used at the convenience of AMES.” Staff is concerned that this wording is too general and open for incorrect interpretation and that it may not be applicable to current large power users.

The revised Code that was proposed would stipulate that primary metering would only be used when deemed necessary by AMES based on the size of the customer’s electrical load and usage with a minimum of 2,000-amp secondary load required. All transformation equipment and appurtenances for primary metering would be purchased, installed and maintained at the expense of the City with access rights stipulated. References to discounts were removed from Code inasmuch as the customer no longer would stand the cost of the maintaining the equipment and electric rates for large power users are already discounted. On the third reading, Council directed staff to investigate the proposed code further.

Staff consulted Phil Euler from Nebraska Municipal Power Pool (NMPP) as to common practices regarding the installation and maintenance of primary metered line and equipment. It was suggested that the primary meter installations could mirror existing City Code in regard to line extensions which includes free up to 100 feet of line for urban installs and 650 feet for rural installs and a 50/50 cost share of all other installation costs. In the case of expansions eligible for economic incentives, the cost of the infrastructure could be included in reimbursable program expenses. The customer would be billed for 50% of their estimated cost prior to the start of the project. Maintenance of the equipment would be at the expense of the customer; however, the City could assist if requested on a contracted basis. This approach allows electric rates to be set for all users based strictly on usage without the need to factor in the maintenance cost of the primary metered line. Adoption of this cost share and maintenance plan would meet the immediate needs of the City and could be reviewed and refined as a part of the electric rate study to be completed prior to April 2019.]

Councilman Korber-Gonzalez made a motion to removed Ordinance No. 2680 from the table and bring it forward for Council’s consideration. The motion was seconded by Councilman Reynolds.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Jones to approve the final reading of Ordinance No. 2860. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2860

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE SECTION 28-161 TO AMEND THE PROVISIONS RELATED TO PRIMARY METERING AND THE COST OF INSTALLATION, EQUIPMENT AND MAINTENANCE, AND REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE THAT ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Section 28-161, of the City of Alliance, Nebraska Municipal Code is hereby amended in its entirety the following:

“Sec. 28-161. General terms and conditions, all rates.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Summer season means the four billing periods beginning with the third cycle in June and ending with the second cycle in October, or from the first billing after June 15 and ending with the last billing before October 15.

Winter season means the eight-billing periods not included in the summer season

(b) **Production cost adjustment.** The rates and the billings for the service rendered hereunder may be adjusted administratively, with city council approval, from month to month to reflect the change in production cost adjustments charged by the city's suppliers. The monthly adjustment may be increased to reflect system losses as calculated for the previous calendar year.

(c) **Tax clause.** The rates may be increased administratively by the amount of any new or increased tax or fee imposed and levied on the transmission, distribution, production or sale of electricity.

(d) **Special terms and conditions.**

(1) Special service requirements, if available, will be billed on an actual cost basis by AMES.

(2) AMES shall supply one electric service to a property at one point of delivery designated by the electric superintendent. For installation of additional electric services to a property,

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the customer or owner shall pay AMES an installation fee equal to the total cost of installing the service equipment except for the meter as supplied by AMES. Distribution from the point of delivery to points of use on the customer's premises shall be the responsibility of the property owner.

- (3) When electric service is measured through more than one meter, the consumption registered on each meter will be billed separately unless installation is at the convenience of AMES and is approved by the electric superintendent. When a portion of a residential dwelling is used for commercial purposes, the residential rate shall apply provided:
- a. The service is all taken from one meter;
 - b. The residential load exceeds the commercial load, as determined by AMES.

In all other cases the residential and commercial service will be separately metered and billed under the applicable rate, or all service to the premises will be billed under the applicable general service rate.

- (4) Single apartments will be considered residential property and residential rates shall apply.
- (5) Apartment building house meters will be considered commercial and the general service rates shall apply.
- (e) *Power factor adjustment.* The customer will be expected to maintain a power factor of 95 percent lagging or better. If the measured power factor is lower than this, the customer will be given 90 days to correct. If the power factor is not corrected, the monthly bill shall be increased by the ratio of 0.95 divided by the actual power factor expressed in decimals.
- (f) *Primary metering.* Primary metering shall be used only when deemed necessary by AMES based on the size of the customer's electrical load and usage. To be considered for primary metering the customer must have a minimum 2,000-amp secondary load. All transformation equipment and appurtenances for primary metering shall be purchased, installed and maintained at the expense of AMES. Said transformation equipment and appurtenances shall be owned by AMES and may be used and accessed at the convenience of AMES.
- (g) *Additional equipment or transformation charge.* The customer shall pay AMES an installation fee for installing equipment or transformers in excess of the required capacity as determined by AMES. Said fee shall be equal to the cost of the requested equipment or transformation, less the estimated cost of the needed equipment. AMES shall own and maintain all equipment thereafter.
- (h) *Restoration of service.* Any customer making a request for restoration of electric service within a 12-month period, in the same name or same customer, at the same address shall pay a restoration charge as established by administrative policy. This charge shall be paid prior to reconnection.

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(i) *Fluctuating loads.* Customer operating equipment having highly fluctuating loads, large instantaneous demand or equipment which generates interference or harmonics as determined by AMES shall be required to pay all nonbetterment costs of isolating the loads from the balance of the AMES system so that the load will not unduly interfere with service on the AMES lines. In addition, customers who fail to provide adequate corrective equipment shall be required to own and maintain his own transformers and other acceptable isolation equipment.

SECTION 2: This Ordinance shall become effective upon its passage, approval and publication, and shall be in pamphlet form

Brian Jelinek, 178 West 21st Street, Alliance addressed Council and stated the cost of establishing a new business is very expensive. He believes that historically the City has absorbed the costs of primary metering and would like the City to thank about the economic development benefits for providing the service.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick.

Voting Nay: Yeager, Korber-Gonzalez, Reynolds.

Motion failed, Ordinance No. 2860 did not pass.

The Council then had before them the first reading of Ordinance No. 2868 which will amend the Alliance Municipal Code in regards to primary metering which provides for a sharing of costs between the City and the customer.

A motion was made by Mayor Yeager, seconded by Councilman Korber-Gonzalez to approve the first reading of Ordinance No. 2868. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2868

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE SECTION 28-161 TO AMEND THE PROVISIONS RELATED TO PRIMARY METERING AND THE COST OF INSTALLATION, EQUIPMENT AND MAINTENANCE, AND REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE THAT ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Section 28-161, of the City of Alliance, Nebraska Municipal Code is hereby amended in its entirety the following:

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“Sec.28-161. General terms and conditions, all rates.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Summer season means the four billing periods beginning with the third cycle in June and ending with the second cycle in October, or from the first billing after June 15 and ending with the last billing before October 15.

Winter season means the eight-billing periods not included in the summer season

(b) **Production cost adjustment.** The rates and the billings for the service rendered hereunder may be adjusted administratively, with city council approval, from month to month to reflect the change in production cost adjustments charged by the city's suppliers. The monthly adjustment may be increased to reflect system losses as calculated for the previous calendar year.

(c) **Tax clause.** The rates may be increased administratively by the amount of any new or increased tax or fee imposed and levied on the transmission, distribution, production or sale of electricity.

(d) **Special terms and conditions.**

(1) Special service requirements, if available, will be billed on an actual cost basis by AMES.

(2) AMES shall supply one electric service to a property at one point of delivery designated by the electric superintendent. For installation of additional electric services to a property, the customer or owner shall pay AMES an installation fee equal to the total cost of installing the service equipment except for the meter as supplied by AMES. Distribution from the point of delivery to points of use on the customer's premises shall be the responsibility of the property owner.

(3) When electric service is measured through more than one meter, the consumption registered on each meter will be billed separately unless installation is at the convenience of AMES and is approved by the electric superintendent. When a portion of a residential dwelling is used for commercial purposes, the residential rate shall apply provided:

a. The service is all taken from one meter;

b. The residential load exceeds the commercial load, as determined by AMES.

In all other cases the residential and commercial service will be separately metered and billed under the applicable rate, or all service to the premises will be billed under the applicable general service rate.

(4) Single apartments will be considered residential property and residential rates shall apply.

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- (5) Apartment building house meters will be considered commercial and the general service rates shall apply.
- (e) *Power factor adjustment.* The customer will be expected to maintain a power factor of 95 percent lagging or better. If the measured power factor is lower than this, the customer will be given 90 days to correct. If the power factor is not corrected, the monthly bill shall be increased by the ratio of 0.95 divided by the actual power factor expressed in decimals.
- (f) *Primary metering.* Primary metering shall be used only when deemed necessary by AMES based on the size of the customer's electrical load and usage. To be considered for primary metering the customer must have a minimum 2,000-amp secondary load. All transformation equipment and appurtenances for primary metering shall be purchased and installed by AMES with the customer paying 50% of the actual costs. AMES will extend any warranties on the equipment that are provided to AMES by the vendor. Maintenance on the equipment will be provided by AMES to the customer at actual cost of labor and equipment. AMES must have unencumbered access to all primary metering equipment.
- (g) *Additional equipment or transformation charge.* The customer shall pay AMES an installation fee for installing equipment or transformers in excess of the required capacity as determined by AMES. Said fee shall be equal to the cost of the requested equipment or transformation, less the estimated cost of the needed equipment. AMES shall own and maintain all equipment thereafter.
- (h) *Restoration of service.* Any customer making a request for restoration of electric service within a 12-month period, in the same name or same customer, at the same address shall pay a restoration charge as established by administrative policy. This charge shall be paid prior to reconnection.
- (i) *Fluctuating loads.* Customer operating equipment having highly fluctuating loads, large instantaneous demand or equipment which generates interference or harmonics as determined by AMES shall be required to pay all nonbetterment costs of isolating the loads from the balance of the AMES system so that the load will not unduly interfere with service on the AMES lines. In addition, customers who fail to provide adequate corrective equipment shall be required to own and maintain his own transformers and other acceptable isolation equipment.

SECTION 2: This Ordinance shall become effective upon its passage, approval and publication, and shall be in pamphlet form.

Roll call vote with the following results:

Voting Aye: Yeager.

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

Motion failed, Ordinance No. 2868 did not pass.

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- A Public Hearing on the Class C Liquor License Application of BW Gas & Convenience Retail, LLC dba Yesway #1170 was the next item on the agenda. Following the Public Hearing, Council reviewed Resolution No. 18-100 which will recommend denial of the Application. Council was provided with the following information:

[The City is in receipt of a Class C liquor license application from BW Gas & Convenience Retail LLC, 610 East 3rd Street. The license application is included in the packet. Due to insufficient information the City of Alliance Police Department was unable to conduct a background check on the application. The City also has significant concerns regarding the on premises sale of alcohol at this location which will be allowed with a Class C Liquor License.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application and checklist for 53-132, the Police Chief's report was unable to be completed due to the lack of information within the application.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the Council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor then calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from Council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature.
19. After a second, Mayor calls for a vote.]

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Mayor Yeager 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 Class C Liquor License Application of BW Gas and Convenience Retail, LLC dba Yesway #1170, 610 East 3rd Street, Alliance and opened the public hearing at 8:26 p.m.

City Clerk Jines identified the following exhibits for the hearing:

- Exhibit 1 - Application of BW Gas and Convenience Retail, LLC dba Yesway #1160, 610 East 3rd Street, Alliance
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).

Councilman Reynolds made a motion to accept Exhibits 1 and 2 into the record. Councilman Mischnick seconded the motion.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

The Mayor Yeager swore in Corrine Barnes, acting manager for Yesway #1170.

City Attorney Hoelsing questioned Ms. Barnes regarding her previous experience with alcohol sales. Ms. Barnes replied she had served as a manager for a previous employer and has taken the alcohol training courses from the Nebraska State Patrol. She currently has five clerks under her at Yesway and all have also received the Nebraska State Patrol training. When asked about the Class C application versus a Class D application she was unaware of the reasoning or how it would work in the current location. She also reported the business is in the process of obtaining a new surveillance system.

No additional testimony was offered and the Public Hearing closed at 8:34 p.m.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Mischnick to approve Resolution No. 18-100 which follows in its entirety.

RESOLUTION NO. 18-100

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

On August 21, 2018 the matter of the Class C Liquor License application of BW Gas & Convenience Retail LLC, 610 East 3rd Street, Alliance, NE, came on for consideration by the Council.

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The following exhibits were offered and received:

- Exhibit 1 - Application of BW Gas & Convenience Retail LLC, 610 East 3rd Street, Alliance
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).

Witnesses were sworn and testimony was received in support of the Class C Liquor License at the public hearing on this date from Corrine Barnes.

Upon consideration of the evidence and the criteria to be considered by the City Council pursuant to law, the City Council finds as follows:

The City is unclear if the Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has not met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and the City does not know if the applicant demonstrates a willingness and ability to properly manage the liquor license held by BW Gas & Convenience Retail LLC in conformance to the rules and regulations of the Nebraska Liquor Control Act.

The City has strong concerns regarding the on-premises sale of alcohol in a convenience store which will be allowed with a Class C Liquor License.

Due to the application containing the wrong manager information the Police Chief was unable to conduct a proper interview of the application. Once this was identified with the Nebraska Liquor Control Commission the correct information was not received in a timely manner to meet the Nebraska Liquor Control Commission's timeline restrictions and they were unable to grant an extension.

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class C Liquor License Application of BW Gas & Convenience Retail LLC at the premise described in the application not be approved at this time until the applicant can be interviewed by the City's Chief of Police to discuss their operations.

City Clerk shall transmit a copy of this Resolution to the Commission.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- Next before Council was Resolution No. 18-101 which will amend the City of Alliance Employee Personnel Manual within the areas of retirement benefits, vacation leave, smoking, electronic communication and internet use, social media and media contact. Council was provided with the following information:

[Human Resource Director Carla Mayhew is proposing the following updates to the City of Alliance Personnel Manual. The proposed changes has been reviewed and approved by the City's legal counsel.

Summary of Changes

- 13.3 Retirement Benefits reflects IRS and plan document provisions requiring mandatory participation for eligible general plan employees.
- 14.3 Removes vacation as the mandated leave used during this absence.
- 15.12 Smoking Policy now includes electronic nicotine delivery systems (vaping/e-cigarettes) as prohibited by policy.
- 16.4 Electronic Communication and Internet Use incorporates language from the Technology Policy that should be located in the Personnel Manual.
- 16.5 Adopts Social Media language from a SHRM model to expand our policy and provide appropriate guidance beyond the 16.4 Electronic Communication and Internet Use.
- 16.6 Media Contact is a new policy providing guidance on making official public statements.]

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Reynolds to approve Resolution No. 18-101 which follows in its entirety.

RESOLUTION NO. 18-101

WHEREAS, The City of Alliance is revising certain Personnel Policies; and

WHEREAS, The proposed policy revisions have been reviewed by management and legal staff; and

WHEREAS, The following Policies are proposed to be revised and made part of the Personnel Policies of the City of Alliance:

- 13.3 Retirement Benefits
- 14.3 Vacation Leave
- 15.12 Smoking
- 16.4 Electronic Communication and Internet Use
- 16.5 Social Media
- 16.6 Media Contact

and

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WHEREAS, City Council has reviewed the proposed Policies and finds them appropriate for the needs of the Employees of the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance Personnel Policies set forth herein, are hereby approved, and adopted effective September 1, 2018, as the Policy of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 18-102 which will authorize a capital fund transfer for the Airport for improvements to the parking lot was the next item before Council. Council was provided with the following information:

[Staff is anticipating the expansion of the 2018 overlay project with Simon Contractors to include the airport parking lot. The parking lot is oxidized and has a number of cracks large enough to put a person's foot in. The parking lot could be eligible for funding by the FAA and has been on the airport's capital improvement plan for over ten years; however, it will only be allowed after all necessary projects are completed on the airfield and thus it continues to get moved out on the FAA's plan and is not scheduled any time in the near future.

City staff recommends taking advantage of the current asphalt pricing under the streets overlay contract to resurface the airport parking lot through a change order. The project cost is estimated at \$70,000 with adequate budget authority in the current fiscal plan. Current airport projects may require borrowing to meet cash needs.]

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve Resolution No. 18-102 which follows in its entirety.

RESOLUTION NO. 18-102

WHEREAS, The City has determined that the Airport parking lot should be improved by overlaying with asphalt; and

WHEREAS, The City issued a Request for Bids for the 2018 Alliance Overlay Project and awarded the bid to Simon Contractors of Scottsbluff, NE; and

WHEREAS, Simon Contractors is willing to extend their pricing to include the Airport parking lot which is expected to cost approximately \$70,000; and

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WHEREAS, Funding for this project will require a capital fund transfer of \$25,000 from the Airport Division Runway Rejuvenation Account to the Capital Outlay – Other Improvements Account.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that staff is authorized to move forward with including the Airport parking lot improvements as part of the 2018 Alliance Overlay Project with Simon Contractors.

BE IT FURTHER RESOLVED the capital funds transfer from the Airport Runway Rejuvenation Account No. 22-41-43-56-911 to the Capital Outlay – Other Improvements Account No. 22-41-43-59-970 in the amount of \$25,000 is authorized.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Board appointments and announcements were the final agenda items.

The City has received an application from Scott Moller to be re-appointed to the Economic Development Plan Application Review Committee.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to reappoint Scott Moller to the Economic Development Plan Committee with a new term set to expire June 30, 2022.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The City currently has vacancies on the Board of Adjustment (2), Downtown Improvement Districts A-1 (3) and A-2 (3), 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.

Prior to adjourning the meeting Councilman Mischnick asked if Ordinance No. 2868 could be reconsidered.

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A motion was made by Mayor Yeager to reconsider Ordinance No. 2868 on first reading. Councilman Jones seconded the motion.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve Ordinance No. 2868 on first reading. City Clerk Jines read the ordinance by title, which follows in its entirety.

ORDINANCE NO. 2868

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE SECTION 28-161 TO AMEND THE PROVISIONS RELATED TO PRIMARY METERING AND THE COST OF INSTALLATION, EQUIPMENT AND MAINTENANCE, AND REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE THAT ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Section 28-161, of the City of Alliance, Nebraska Municipal Code is hereby amended in its entirety the following:

“Sec.28-161. General terms and conditions, all rates.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Summer season means the four billing periods beginning with the third cycle in June and ending with the second cycle in October, or from the first billing after June 15 and ending with the last billing before October 15.

Winter season means the eight-billing periods not included in the summer season

(b) *Production cost adjustment*. The rates and the billings for the service rendered hereunder may be adjusted administratively, with city council approval, from month to month to reflect the change in production cost adjustments charged by the city's suppliers. The monthly adjustment may be increased to reflect system losses as calculated for the previous calendar year.

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- (c) *Tax clause.* The rates may be increased administratively by the amount of any new or increased tax or fee imposed and levied on the transmission, distribution, production or sale of electricity.
- (d) *Special terms and conditions.*
- (1) Special service requirements, if available, will be billed on an actual cost basis by AMES.
 - (2) AMES shall supply one electric service to a property at one point of delivery designated by the electric superintendent. For installation of additional electric services to a property, the customer or owner shall pay AMES an installation fee equal to the total cost of installing the service equipment except for the meter as supplied by AMES. Distribution from the point of delivery to points of use on the customer's premises shall be the responsibility of the property owner.
 - (3) When electric service is measured through more than one meter, the consumption registered on each meter will be billed separately unless installation is at the convenience of AMES and is approved by the electric superintendent. When a portion of a residential dwelling is used for commercial purposes, the residential rate shall apply provided:
 - a. The service is all taken from one meter;
 - b. The residential load exceeds the commercial load, as determined by AMES.

In all other cases the residential and commercial service will be separately metered and billed under the applicable rate, or all service to the premises will be billed under the applicable general service rate.
 - (4) Single apartments will be considered residential property and residential rates shall apply.
 - (5) Apartment building house meters will be considered commercial and the general service rates shall apply.
- (e) *Power factor adjustment.* The customer will be expected to maintain a power factor of 95 percent lagging or better. If the measured power factor is lower than this, the customer will be given 90 days to correct. If the power factor is not corrected, the monthly bill shall be increased by the ratio of 0.95 divided by the actual power factor expressed in decimals.
- (f) *Primary metering.* Primary metering shall be used only when deemed necessary by AMES based on the size of the customer's electrical load and usage. To be considered for primary metering the customer must have a minimum 2,000-amp secondary load. ~~All~~ All ~~transformation~~ transformation equipment and appurtenances for primary metering shall be purchased and installed by AMES with the customer paying 50% of the actual costs of labor and equipment. AMES will extend any warranties on the equipment that are provided to AMES by the vendor. Maintenance on the equipment will be provided by AMES to the customer at actual

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cost of labor and equipment. AMES must have unencumbered access to all primary metering equipment.

(g) *Additional equipment or transformation charge.* The customer shall pay AMES an installation fee for installing equipment or transformers in excess of the required capacity as determined by AMES. Said fee shall be equal to the cost of the requested equipment or transformation, less the estimated cost of the needed equipment. AMES shall own and maintain all equipment thereafter.

(h) *Restoration of service.* Any customer making a request for restoration of electric service within a 12-month period, in the same name or same customer, at the same address shall pay a restoration charge as established by administrative policy. This charge shall be paid prior to reconnection.

(i) *Fluctuating loads.* Customer operating equipment having highly fluctuating loads, large instantaneous demand or equipment which generates interference or harmonics as determined by AMES shall be required to pay all nonbetterment costs of isolating the loads from the balance of the AMES system so that the load will not unduly interfere with service on the AMES lines. In addition, customers who fail to provide adequate corrective equipment shall be required to own and maintain his own transformers and other acceptable isolation equipment.

SECTION 2: This Ordinance shall become effective upon its passage, approval and publication, and shall be in pamphlet form.

Motion by Councilman Jones seconded by Councilman Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2868.

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

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2868 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2868 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published. "

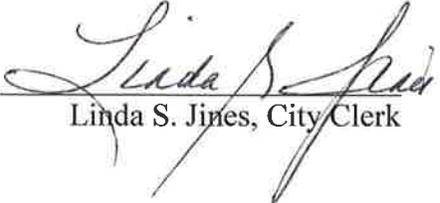
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- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:54 p.m."



Ralph Yeager, Mayor

(SEAL)



Linda S. Jines, City Clerk