

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MARCH 5, 2019

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, March 5, 2019, at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on February 27, 2019. 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 publication of the notice to the time of the meeting.

Mayor Dafney opened the March 5, 2019 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, Reynolds and Bentley. Also present were Deputy City Manager Sprock, City Manager Kuckkahn, Finance Director Waggener, City Attorney Shaver and City Clerk Jines.

- Mayor Dafney read the Open Meetings Act Announcement.
- First action for Council was the presentation of a Proclamation declaring the week of March 10 – 17, 2019 as Girl Scout Week. Councilman Bentley presented the following proclamation to many young girls participating in the program:

PROCLAMATION

WHEREAS, March 12, 2019, marks the 107th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and

WHEREAS, Throughout its distinguished history, Girl Scouting has inspired millions of girls and women with courage, confidence and character to make the world a better place; and

WHEREAS, Through Girl Scout Leadership Experience girls develop the skills and lessons that will serve them throughout their lives so that they may contribute to their communities; and

WHEREAS, Girl Scouting takes an active role in increasing awareness for girls of the opportunities in math, science, sports, technology, and many fields of interest that can expand their horizons; and

WHEREAS, More than three million current Girl Scout members nationwide will be celebrating this American tradition, as well as 50 million women who are former Girl Scouts and living proof of the impact of this amazing Movement;

NOW, THEREFORE, on behalf of the Members of the City Council of the City of Alliance, Nebraska, we do hereby applaud the commitment Girl Scouts has made to America's girls and proudly proclaim the week of March 10-17, 2019 as:

GIRL SCOUT WEEK

And hereby applaud the commitment Girl Scouting has made to support the leadership development of America's girls.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 5th day of March in the year of the Lord Two Thousand Nineteen.

- The Consent Calendar was now before the Council. A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR – MARCH 5, 2019

1. Approval: Minutes of the Regular Meeting, February 19, 2019.
2. Approval: Payroll Costs for the period February 9 through February 22, 2019: \$322,079.56.
3. Approval: Claims against the following funds for the period of February 14 through February 27, 2019: 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; \$167,429.05.
4. Approval: Issuance of a Cemetery Certificate for the South Half of the Southeast Quarter (S½SE¼) of Lot Eleven (11), Section Two (2), Block Seventeen (17), Second Addition to the Alliance Cemetery to Timothy A. Wacker.
5. Approval: Resolution No. 19-16 entering into an Addendum Agreement with Panhandle Tree Service for the tree trimming around electric urban lines, rural lines and alleyways in an amount not to exceed \$48,000.
6. For Your Information: Charter Communications is making the following channel lineup change:

Channel	Change	Channel Number	Effective
Fusion (Univision)	Add Fusion to SPP Tier	255, 725	After 3/13/19

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.

- Ordinance No. 2884 which will amend the Alliance Municipal Code with the removal of the establishment of a Golf Course Advisory Board was next before Council. A motion was made by Mayor Dafney to approve the ordinance on first reading. The motion died for lack of a second. No action was taken.
- Next on the agenda for Council's consideration was the second reading of Ordinance No. 2880 which will approve amendments to the Alliance Municipal Code, Part II – Land Development and Planning. Council was provided with the following information:

[City Staff has prepared amendments to all of Part II: Land Development of the Alliance Municipal Code. The proposed amendments will reorganize the Code in such a way that is easier to follow and rewrite portions of it in such a way that make it easier to read, understand, and more effectively communicate the City's requirements and expectations.

The Code has accumulated numerous amendments over the past 100+ years and researching it has been similar to an archaeological exploration of rules and regulations. One of the problems is that at certain times, the City would adopt a new regulation but not remove or amend a section of the old Code to make them consistent or work with each other. The Code also states, quotes, or includes entire sections of State Statutes that have been amended and then our Code is no longer up to date with the current version. Many of these restatements of the State Statutes in our Code have been removed and replaced with references to the statute number so when the State law changes, our Code remains current and does not conflict.

Part II - Land Development and Planning

Chapter 101 – Administration and Enforcement. The definition sections are all proposed to be consolidated and moved to this chapter as they apply to all of Part II - Land Development and Planning, and not just one particular chapter. All of the general statements and regulations that used to be located within each respective chapter that applies to all of Part II have been moved to Chapter 101. These include: how to amend the Code, Board of Adjustment, the jurisdiction of the City in the enforcement of Part II, violations of Part II of the Municipal Code, etc.

Chapter 105 – Building Codes and Contractor Licensing. This chapter adopts the 2015 ICC suite of building and construction codes. The current State minimum is the 2012 ICC codes and we currently operate under the 2009 version. The City

may not adopt a version that is older than the State. This proposed change will bring our construction code into compliance. The State is working on adopting a new code within the next year. The City will have an additional 2 years to adopt whatever the State passes as its minimum building code. Apart from that, this chapter was reorganized as the previous construction code and contractor requirements were confusing and poorly laid out. The contractor requirements were amended to bring them into line with the available testing provided by the ICC for contractors. We propose adding language for building demolition requirements and the removal of the City enforcement of the electrical code (the State of Nebraska enforces electrical code).

Chapter 107 – Subdivision Regulations. Not much new was written into this chapter. Administrative subdivisions and plat vacations are the most notable additions. The chapter was mostly reorganized to provide a step by step process for subdivision approval.

Chapter 109 – Zoning District Regulations. The generic land use types have been replaced with specific names for each land use. Doing this removes any confusion about what the statements mean and possible misinterpretations and application of said statements. The sections that apply to all of Part II of the Code have been moved to Chapter 101 including the definition section. Provisions have been added for the enlargement of legal nonconforming uses. The Code currently allows for expansion but doesn't provide the process for requirements. Solar energy provisions were also added to the Code. The Planning Commission and staff both recommend the removal of the Planned Central Business District as there has never been a board appointed for enforcement and the existing downtown regulations have worked without a board for the past 30 years.

Chapter 111 – Supplemental Zoning Regulations. This is the new depository for zoning regulations and procedures that are unique to the zoning chapter but do not fit in Chapter 109. Most of the chapter is not new and is a collection of regulations moved from other chapters. New regulations include the Agriculture Estate Dwelling Sites and Solar Collectors. The other regulations contain a small number of amendments such as revocation procedures for Conditional Use Permits, allowing shipping containers in commercial and industrial zoning, parking lot paving requirements, and manufactured housing to name a few.

Chapter 113 – Drainage and Flood Damage Prevention. The only new content in this chapter is construction runoff. All other requirements are the same.]

A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve the second reading of Ordinance No. 2880. City Clerk Jines read the ordinance by title which following in its entirety:

ORDINANCE NO. 2880

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA (“ALLIANCE”), AMENDING THE ALLIANCE MUNICIPAL CODE, CHAPTERS 101, 105, 107, 109, 111, 113, AND 115, TO PROVIDE FOR A COMPREHENSIVE UPDATE OF PART II OF THE ALLIANCE MUNICIPAL CODE; REPEALING OTHER ORDINANCES, RESOLUTIONS, AND POLICIES OF THE ALLIANCE MUNICIPAL CODE IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Alliance’s Community Development Department has reviewed the following chapters of the Alliance Municipal Code: Chapter 101, Chapter 103, Chapter 105, Chapter 107, Chapter 109, Chapter 111, Chapter 113, and Chapter 115 (“Part II of the Alliance Municipal Code”). The Alliance Community Development Department has recommended wholesale revisions and amendments to Part II of the Alliance Municipal Code.

SECTION 2. After due consideration of the changes proposed to Part II of the Alliance Municipal Code, and after conducting the public hearing as required by law, the Alliance Planning Commission and the Alliance Community Development Department have recommended amendments and revisions to Part II of the Alliance Municipal Code for the City Council’s consideration. Those revisions are attached hereto, and incorporated by reference as Exhibit A.

SECTION 3. The City Council has conducted a public hearing concerning the proposed amendments and revisions, and finds the revisions contained in Exhibit A are appropriate, promote the general health, safety, morals, and general welfare of the community, are in accordance with Alliance’s comprehensive plan, and should be incorporated into the Alliance Municipal Code.

SECTION 4. In accordance with Exhibit A, the following chapters of the current Alliance Municipal Code are hereby repealed: Chapter 101, Chapter 105, Chapter 107, Chapter 109, Chapter 111, Chapter 113 and Chapter 115.

SECTION 5. In accordance with Exhibit A, the entirety of Exhibit A is hereby adopted into Part II of the Alliance Municipal Code. Part II of the Alliance Municipal Code shall hereafter appear as follows, with Chapter 103 – Airport Zoning not being included in Exhibit A and remaining intact as currently enacted:

- Chapter 101- Administration and Enforcement.
- Chapter 103 – Airport Zoning.
- Chapter 105 – Building Codes and Contract for Licensing.
- Chapter 107 – Subdivision Regulations.
- Chapter 109 – Zoning.

Chapter 111 – Supplemental Zoning Regulations.
Chapter 113 – Drainage and Flood Damage Prevention.

SECTION 6. This ordinance shall be effective April 15, 2019, following its passage, approval, and publication in pamphlet form.

A motion was made by Mayor Dafney, seconded by Councilman Jones to suspend the statutory rule requiring three separate readings of Ordinance No. 2880.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Reynolds, Jones, Bentley.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2880 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Reynolds, Jones, Bentley.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, “the passage and adoption of Ordinance No. 2880 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. 2882 which will amend the Alliance Municipal Code at Chapter 20 – Nuisances was next for Council. The following information was provided to Council:

[City Staff has prepared amendments to Chapter 20 – Nuisances of the Alliance Municipal Code. The proposed amendments will reorganize the Code in such a way that is easier to follow and rewrite portions of it in such a way that make it easier to read, understand, and more effectively communicate the City’s requirements and expectations.

The Code has accumulated numerous amendments over the past 100+ years and researching it has been similar to an archaeological exploration of rules and regulations. One of the problems is that at certain times, the City would adopt a new regulation but not remove or amend a section of the old Code to make them consistent or work with each other. The Code also states, quotes, or includes entire sections of State Statutes that when amended, our Code is no longer up to date with the current version. Many of these restatements of the State Statutes in our Code

have been removed and replaced with references to the statute number so when the State law changes, our Code remains current and does not conflict.

Part I – General Ordinances

Chapter 20 – Nuisances. The definition sections are proposed to be consolidated into one section at the beginning of the chapter as the terms apply to more than just one section. The abatement process is rewritten to include guidelines and procedures for staff from beginning to end. The current Code, most notably the abatement process, is vague and difficult to enforce. Vegetation requirements were moved from Chapter 24 as they fit better with the requirements and abatement procedures in this chapter.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2882. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2882

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA (“ALLIANCE”), AMENDING THE ALLIANCE MUNICIPAL CODE, CHAPTER 20 - NUISANCES; REPEALING OTHER ORDINANCES, RESOLUTIONS, AND POLICIES OF THE ALLIANCE MUNICIPAL CODE IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Alliance’s Community Development Department has reviewed Chapter 20 of the Alliance Municipal Code. The Alliance Community Development Department has recommended wholesale revisions and amendments to Chapter 20 of the Alliance Municipal Code as follows:

CHAPTER 20 – NUISANCES

ARTICLE I. – GENERALLY

Sec. 20-1. – Administration.

The codes here within delegate the administration and enforcement thereof to municipal authorities with a variety of titles. It is hereby declared that the administration and enforcement of said codes of the City shall be the duty and responsibility of the Board of Health and the City Manager by and through such designees as appointed by the Manager for that purpose.

Sec. 20-2. – Prosecution.

The City Attorney shall have the authority to prosecute any person, property owner, or company, found by the Board of Health, the City Manager or appointed designee, to be in violation of any of the provisions of this Chapter.

Sec. 20-3. – Jurisdiction.

The provisions of this Chapter shall apply to the City of Alliance Extraterritorial Zoning Jurisdiction and all territory within the Corporate City Limits unless specifically stated otherwise.

Sec. 20-4. – Board of Health.

- A. Establishment: There is hereby established a City Board of Health which shall act in accordance with this Code and the Nebraska Revised Statutes.
- B. Members: The Board of Health shall consist of five members and be appointed by the City Council. Members shall include the Mayor, who shall serve as Chairperson; the Police Chief, who shall serve as Secretary and Quarantine Officer; a physician who shall serve as a Medical Advisor; the Vice-Mayor of the City Council; and the City Manager. Members shall serve, without compensation, a one-year term of office, unless reappointed, and shall reorganize in June of each year. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board of Health shall constitute a quorum for the purpose of conducting business.
- C. Meeting Time: The Board of Health shall meet a minimum of one time per year in June to reorganize; or at such times as the City Council may designate. Special meetings may be held upon the call of the Chairperson, or any two members of the Board of Health.
- D. Duties: It shall be the duty of the Board to enact rules and regulations which shall have the full force and effect of law, to safeguard the health of the residents of the City. Included in the duties of the Board of Health shall be to enforce said rules and regulations, and to provide fines and punishments for any violations thereof as set by ordinance. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all laws of the State and ordinances of the City relating to matters of sanitation which affect the health and safety of the people. The Board of Health shall regularly inspect such premises and businesses as the City Council may direct. All members of the Board of Health shall be responsible for making such reports and performing such other duties as the City Council may from time to time, designate. No member of the Board of Health shall hold more than one Board of Health position.
- E. Funding: Any funding required by the Board of Health shall be budgeted for during the normal City budgeting process and paid for out of the general fund.

(Code 1986, § 1-707)

State Law reference – Board of health, R.R.S. 1943, § 16-238.

Sec. 20-5. – Definitions.

In this Chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this Section, except when context clearly indicates otherwise. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular; the term "shall" or the term "must" are mandatory and not directory; the term "used for" includes the meaning of the term "designed for" or "intended for."

Abandoned Vehicle: A vehicle, which has been permitted to remain in the following condition:

- A. If left unattended, with no license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
- B. If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;
- C. If left unattended for more than forty-eight hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
- D. If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;
- E. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under Nebraska Revised Statute § 60-1903.01.
- F. If removed from private property by a municipality pursuant to a municipal ordinance; or
- G. If permitted to remain on private property with the permission of the owners of said property, unlicensed or with a current registration obtained according to the laws of the State of Nebraska, for a period in excess of 30 days.

Excluding:

- A. Such vehicles that are kept in a complete enclosed building or which are screened from the public view; provided, that the conditions within the screened off area otherwise do not violate the public health laws, rules, and regulations of this City or which is entirely covered by a tarpaulin to fit the contour of the motor vehicle and securely fastened in place against removal by wind and storm; and, provided, however said covered or screened vehicles may not exceed two in number.
- B. Premises for which a permit has been granted for a salvage or wrecking yard.

- C. Premises on which a licensed motor vehicle dealer or a farm implement dealer conducts business.
- D. Any antique vehicle which is 30 or more years old and is registered as a historical vehicle and licensed as same under the provisions of Nebraska Revised Statutes.
- E. Any vehicle held in connection with a business enterprise properly operated in the appropriate business zone pursuant to law.

Alley: A minor way which is used primarily for utility services and vehicular service access to the back or side of properties otherwise abutting on or adjacent to a street; affording only a secondary means of access to abutting property.

Complaint: Any charge, however informal, to or by the City Manager, designee, or the Board of Health, that any person or agency, private or public, is in violation of one or more of the provisions of this Chapter.

Curb level: The mean level of the curb in front of the lot, or in case of a corner lot, along abutting streets where the mean curb level is the highest.

Curb strip: The area between the property line and the back of the curb and gutter.

Dismantled or wrecked vehicles: Any vehicle or parts thereof on which the engine, wheels or other parts have been removed, altered, damaged or otherwise so treated or allowed to deteriorate so that the motor vehicle is incapable of being driven under its own power; excluding:

- A. Such vehicles and parts thereof that are kept in a completely enclosed building or which is screened from the public view by a fence, trees, or shrubbery; provided, that the conditions within the screened off area otherwise do not violate any public health laws, rules, or regulations of this City; a vehicle which is entirely covered by a tarpaulin or other opaque cover tailored to fit the contour of the motor vehicle and securely fastened in place against removal by wind and storm; provided, however, said motor vehicles may not exceed two in number;
- B. Premises for which a Conditional Use Permit has been granted for a salvage or wrecking yard;
- C. Premises on which a licensed motor vehicle dealer, body shop operator, or repair operator conducts his business;
- D. An antique vehicle which is 30 or more years old and is registered as a historical vehicle and licensed as same under the provisions of R.R.S. 1943, ch. 60, art. 3 (R.R.S. 1943, § 60-301 et seq.).

Extraterritorial zoning jurisdiction (ETJ): The territory, as shown on the official zoning map, adjacent to the corporate limits in which the City is authorized by State Statute to enforce its zoning and other municipal ordinances.

General public nuisance: A condition that arises from the unreasonable, unwarrantable, or unlawful use by a person of his own property, either real or personal, or from his own improper, indecent, or unlawful personal conduct, working an obstruction of or injury to the right of another or of the public, and producing such material annoyance, inconvenience, discomfort, or hurt, that the law will presume resulting damage.

Junk, waste, or scrap: Used, secondhand, worn, or discarded materials including but not limited to, copper, brass, iron, steel, and other metals, paper and related products, rags, rope, rubber tires and other automotive parts, dismantled and wrecked vehicles, rubber debris, glass bottles, and rubbish.

Litter: Trash, rubbish, refuse, garbage, paper rags, ashes, wood, plaster, cement, brick, stone, building rubble, grass, leaves, or worthless vegetation; vehicle or vehicles, machine or machines, or parts of a vehicle or machine that have lost their identity, character, utility, or serviceability as through deterioration, dismantling, or the ravages of time, are inoperable or unable to perform their intended functions, or are cast off, discarded, thrown away or left as waste, wreckage, or junk; plants designated as noxious weeds by the Director of Agriculture pursuant to the Noxious Weeds Act or as designated as such by the County Weed Board, and all other vegetation that is harmful or worthless, or creates a nuisance.

Nuisance: A condition that arises from unreasonable, unwarrantable, or unlawful use by a person of his own property, either real or personal, or from his own improper, indecent, or unlawful personal conduct, working an obstruction of or injury to the right of another or of the public, and producing such material annoyance, inconvenience, discomfort, or hurt, that the law will presume resulting damage.

Ornamental Grass: Grasses that are planted intentionally within a landscape plan or that exists or are planted to be environmentally beneficial, such as for water conservations and storm water absorption.

Private property: Any privately owned property that is not included within the definition of public property as defined in this section.

Private tree: Any woody plant growing on property privately owned.

Public property: Any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property.

Public tree: Any woody plant growing or located on public property.

Right-of-way: Any dedicated street or alley of the City, including that portion which lies between the roadway proper and the platted lot line of private parcels of property, regardless of the location of public sidewalks.

Rubbish: All non-putrescible solid wastes from normal household or living conditions, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin, wood scraps, cans, yard clippings, grass, leaves, tree branches, clothing or litter of any kind.

Sight vision triangle: The triangle created at the intersection of the front property line and the side street property line. It is created by measuring 25 feet from the intersection along each property line and drawing the hypotenuse between these two points.

Street or highway: The entire width between property lines of every thoroughfare or right of way dedicated to the use of the public as a matter of right for purposes of primary access, travel, and transportation.

Vehicle: A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides to transport persons or property, or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, all-terrain vehicle, utility type vehicle, minibike, tractor, buggy, and wagon.

(Code 1986, § 8-101)

Secs. 20-6 – 20-20. – Reserved.

ARTICLE II. – ABATEMENT PROCESS

Sec. 20-21. – Generally.

The process of abatement and removal of nuisances described in this Chapter, excepting abandoned vehicles, shall be carried out according to this Article; however, additional steps may be required by each Article to maintain compliance with State Law and the intent of the code.

Sec. 20-22. – Complaint Investigation.

The City Manager or designee shall be charged with the investigation of all complaints and alleged violations of this code, received in either verbal or written form.

Sec. 20-23. – Hang Tags.

The City Manager or designee shall be permitted to use hang tags to inform the owner or occupant of a property that a nuisance exists before sending a formal notice detailed in Section 20-24. At a minimum, the hang tag shall provide the section of code violated, a contact number for the City, and the date by which it must be abated, provided such time does not exceed 5 days. If, in the opinion of the City Manager or designee, the property is abandoned, vacant, uninhabited, etc., or if it appears abatement will take more than 5 days, the City Manager or designee may begin the formal notification process in Section 20-24 without leaving a hang tag.

Sec. 20-24. – Notice.

Notice shall be given to each owner or the owner's duly authorized agent by personal service or certified mail. If notification by personal service or certified mail is unsuccessful for a period of 14 days, said notice shall be published in a newspaper of general circulation in the City or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. The notice shall:

- A. Describe the nuisance in enough detail to allow the owner or occupant to determine what the nuisance entails and what will effectively abate the nuisance.
- B. Inform the owner that within 5 days of receipt, publication, or posting of the notice, as applicable, the owner or occupant may solicit a hearing with the City Board of Health by filing a written request with the City Clerk.
- C. State that if the owner or occupant does not request a hearing, they are ordered to abate and remove the nuisance within the time required in the notice or the City may:
 - (1) Abate and remove the nuisance(s) and bill the owner for any costs and expenses incurred by the City performing such work; or,
 - (2) Proceed with a Civil Action against the property owner.
- D. State that if any costs and expenses of the work performed by the City are unpaid for two months after such work is done, the City may either:
 - (1) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed; or
 - (2) Recover the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys in a Civil Action against the property owner.

Sec. 20-25. – Board of Health Proceedings:

- A. Hearing: Within 5 days of receipt, publication, or posting of the notice, as applicable, the owner or occupant may request a hearing with the City Board of Health by filing a written request with the City Clerk. Upon the Clerk's timely receipt of a request for a hearing, the Clerk shall notify the owner, the owner's duly authorized agent, or the occupant in writing of the hearing date. At the hearing, the City Attorney and the City department giving the notice shall provide evidence of the nuisance to the Board of Health. Thereafter, the Board of Health shall allow all interested persons an opportunity to be heard regarding the nuisance. The Board of Health may consider any information which it deems relevant and shall make a final determination of the existence or nonexistence of a nuisance.
- B. Post Hearing Order: If, after a hearing, the Board of Health determines that a nuisance exists, the Board shall, by resolution, order the City Manager to provide the owner or occupant with a letter stating that:

- (1) A nuisance indeed exists;
- (2) The owner or occupant is ordered to abate and remove the nuisance in the time allowed in the original notice;

Sec. 20-26. – Abatement.

If the owner or occupant does not request a hearing with the Board of Health as provided for in this Article; or if a hearing was requested and the Board found that a nuisance exists on the property; or a minimum of 14 days has passed after the posting of the property or the publishing of the notice, the owner or occupant shall abate and remove the nuisance as prescribed in the notice within the following time:

- A. Accumulation of junk or litter: 30 days.
- B. Trimming or removal of trees, branches, shrubs, hedges, etc: 10 days.
- C. Weeds, grass, and other worthless vegetation: 5 days.

Sec. 20-27. – Failure to Abate.

If the owner or occupant does not request a hearing as provided for in this Article and fails to abate the nuisance as set forth in the notice, or, if a hearing is requested and the owner or occupant fails to comply with the City's order, given by the Board of Health, to abate and remove the nuisance after the hearing, the City may:

- A. Abate and remove the nuisance(s) and bill the owner for any costs and expenses incurred by the City performing such work; or,
- B. Proceed with a Civil Action against the property owner.

Sec. 20-28. – Recovery of Costs.

If the City abates and removes the nuisance(s) the City Manager or designee shall bill the property owner for all costs incurred by the City in abating said nuisance(s). If the bill remains unpaid for more than two months the City shall:

- A. Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed; or
- B. Recover the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys in a Civil Action against the property owner.

Secs. 20-29 – 20-40. – Reserved.

ARTICLE III. – GENERAL NUISANCES

Sec. 20-41. – Intent.

Other Articles in this Chapter address nuisances arising out of the accumulation of junk and litter, the parking or leaving of abandoned vehicles, and the permitting of the growing of weeds and other rank growth and vegetation. These nuisance regulation areas are deemed to be areas of regulation requiring special attention and therefore are dealt with in separate Articles of this Chapter. The purpose of this Article is to provide for the regulation and abatement of other nuisances in need of regulation and abatement for the public good, but not specifically provided for elsewhere in this Chapter.

(Code 1986, § 8-401)

Sec. 20-42. – Nuisances.

The maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be general public nuisances. It shall be unlawful to maintain, use, deposit, leave or permit any of the acts, omissions, places, conditions and things enumerated as follows:

- A. Any odoriferous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl.
- B. Privies, vaults, cesspools, dumps, pits, or like places which are not securely protected from flies or rats, or which are foul or malodorous.
- C. Filthy, littered or trash-covered cellars, house-yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.
- D. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance.
- E. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by City, nor the dumping of non-putrefying waste in a place and manner approved by the City Manager or designee.
- F. Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.
- G. Stagnant water permitted or maintained on any lot or piece of ground.

H. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the city, or are maintained and kept in such a manner as to be injurious to the public health.

(Code 1986, § 8-403, 8-404)

Secs. 20-43 – 20-60. – Reserved.

ARTICLE IV. – VEGETATION

Sec. 20-61. – Intent.

It is the purpose of this Article to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, bushes, shrubs, and other plants located within the City of Alliance.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 20-62. – Declared Unlawful.

Any violation of this Article shall be considered a nuisance. Property owners shall be responsible for any trees, bushes, shrubs, or landscaping located on private property and in the City easements or rights of way adjacent to any lot or lands, and as such, shall be prosecuted in the same manner as other nuisances.

Sec. 20-63. – Approved Vegetation in Rights of Way.

It shall be unlawful for any person to plant or cause to be planted, any living vegetation, except as approved by the City Manager or designee, in the public rights-of-way of the City. An approved listing of such vegetation shall be maintained by the City Manager or designee.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 20-64. – Utility Lines.

No tree, bushes, or shrubs shall be allowed to grow in such a manner that it shall interfere with any private or public utility line either above or below ground. Any public or private utility authorized to operate within the City's rights-of-way and easements may trim or remove, if necessary, any tree, bush, shrub, or hedge which obstructs its lines, wires, or pipes, including those portions of their systems known as services. Trimming or removal will be done in accordance with the standards of the National Arborist Association.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 20-65. – Emergency Removal.

In the event of an emergency endangering life or property, any person may trim or remove any tree, from the public rights-of-way of the City, but shall, within 24 hours, make a report to the City Manager or designee. Such report shall describe the location, the work done, and the nature of the emergency.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 20-66. – Injuring or defacing trees, bushes, shrubs, or hedges.

It shall be unlawful to injure or deface any tree, bush, shrub, or hedge which is the property of another person or which is located in a public right-of-way.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 24-67. – Trees.

No person shall plant any tree within any public right-of-way in the City without first contacting and obtaining permission from the City Manager or designee, by filing an application in a form designated by the City Manager or designee in accordance with the following:

- A. Application: The applicant shall provide a site plan stating the variety and detailing the proposed location of each tree to be planted within the City right-of-way. The City Manager or designee shall investigate the locality named in the application and shall approve the location of the proposed trees if such placement will, in the opinion of the City Manager or designee, allow the normal growth and development of each tree. Furthermore, approval will only be granted if the applicant has complied with all other applicable sections of this Article.
- B. Varieties approved: The City Manager or designee shall maintain a list of tree varieties permitted to be planted in public rights-of-way in the city.
- C. Planting area: No tree shall be planted in a public right-of-way in a location where sidewalks are constructed or contemplated unless there is a clear space of at least four feet between the back of the curb line and the sidewalk line nearest the street. All trees planted therein shall be centered between the back of the curb line and the sidewalk line nearest the street.
- D. Spacing: All trees planted in any public right-of-way shall be a minimum of 25 feet apart. In the case of a corner lot, all trees planted in a public right-of-way shall also be a minimum of 25 feet from the intersecting property lines as if extended into the right-of-way. Furthermore, in areas of the City which are not platted in a uniform pattern, tree planting in the public rights-of-way shall be as designated by the City Manager or designee in such a manner that traffic vision and public safety are not impaired by improper planting.

- E. Vision Clearance: Branches on trees planted in the intersection vision triangle or in the curb strip shall not be permitted to hang lower than 8 feet above the adjacent curb elevation or 13.5 feet above the roadway surface.
- F. Topping: It shall be unlawful as a normal practice for any person, firm or City department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the trees. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the City Manager or designee.

Sec. 20-68. – Dead Trees.

It shall be unlawful for any property owner to maintain or permit to stand upon the owner's property, a dead tree, the dead part of a tree, a stump, any diseased or damaged tree, any diseased or damaged part of a tree, any healthy tree or part of a healthy tree which is a menace to public safety or which endangers any building or other property.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 20-69. – Bushes, Shrubs, and Hedges.

- A. Height: The height requirements for bushes shrubs and hedges shall be the same as those for fences in Chapter 111, except as otherwise stated in this code.
- B. Adjacent to sidewalk: Bushes, shrubs, and hedges shall not be planted along the interior (property) side of the sidewalk unless the same is planted more than two feet from the sidewalk line. All side yards adjacent to a side street and front yards shall be trimmed or pruned so that they do not overhang any sidewalk.
- C. Corner lot: No bushes, shrubs, or hedges placed within the intersection vision triangle and the triangle extended into the curb strip, shall ever exceed 30 inches in height above the elevation of the adjacent curb, or if no curb elevation is available, above the crown of the roadway surface.
- D. Curb strip: Bushes, shrubs, and hedges shall not be permitted to grow greater than 30 inches in height in the City right-of-way. Any bushes, shrubs, or hedges that are found by the City Manager or designee to be a nuisance by way of impeding vision adjacent to any driveway, sidewalk, or intersection, shall be removed regardless of height.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 20-70. – Weeds, Grass, and Worthless Vegetation.

The owner or occupant of any lot or piece of ground within the City shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of eight inches or more in height of weeds, grasses, or worthless vegetation. Ornamental grasses in excess of eight inches

will be allowed as long as they are maintained and absent of weeds. The owner or occupant shall also keep said property free of any growth of noxious weeds as such noxious weeds may be defined from time to time by the Director of Agriculture pursuant to the Noxious Weed Control Act (R.R.S. 1943, § 3-945.01 et seq.), or as designated by the County Weed Board, regardless of the height of the noxious weeds.

(Code 1986, § 8-301; Ord. No. 2046, 5-7-1992; Ord. No. 2747, § 1, 4-15-2014)

Sec. 20-71. – Sidewalks.

No limb, branch, or foliage of any tree, bush, shrub, or hedge shall overhang, extend, or project into or over any public sidewalk at a height lower than 8 feet. Any branch, which is part of a mature tree and whose base is less than 8 feet from the ground, shall be removed if located in the curb strip or within 2 feet of the sidewalk on private property.

Sec. 20-72. – Streets.

No limb, branch, or foliage of any tree, bush, shrub, or hedge shall overhang, extend, or project into or over any road surface at a height less than 13.5 feet from the crown of said road surface.

Sec. 20-73. – Alleys.

No trees, bushes, shrubs, or hedges shall be permitted to grow in any alleyway. No limb, branch, or foliage of any tree, bush, shrub, or hedge shall overhang, extend, or project into or over the alley surface at a height less than 13.5 feet from the crown of the alley surface.

Sec. 20-74. - Spraying.

The City, through the authorization of the City Manager or designee, may spray or otherwise treat any trees or other growth located in the public rights-of-way. The City shall have the authority to move any personal property which might be damaged by said spray. The City shall not be liable for any damage caused by said spray.

Sec. 20-75. – Removal.

The City may, through the authorization of the City Manager or designee, remove or order the removal by the appropriate property owner, any tree, bush, or shrub located in the public right-of-way which does not comply with City Codes or regulations. All trees, bushes, shrubs, or hedges removed from the public right-of-way shall be completely removed, including the roots and stumps, which shall be removed to a depth of at least six inches. In addition, the City may trim trees planted on the public rights-of-way. Furthermore, the City Manager or designee shall have the authority to order the removal of a tree or part of a tree which is damaging the abutting sidewalk, curb, gutter, or road surface.

(Ord. No. 2794, § 1, 1-5-2016)

Secs. 20-76 – 20-80. – Reserved.

ARTICLE V. – JUNK AND LITTER

Sec. 20-81. – Declared Unlawful.

It shall be unlawful for any property owner or person to allow the accumulation of junk or litter on any property except those granted a Conditional Use Permit allowing them to do so. Such an accumulation is hereby declared to be a nuisance in need of regulation for the public welfare.

(Code 1986, § 8-102)

Sec. 20-82. – Failure to Abate.

Whenever a nuisance exists because of a violation of this Article with regard to junk or litter, and notice has been given in accordance with this code, and the junk or litter is not removed within 30 days, the City shall proceed by a suit in equity in a court of competent jurisdiction to enjoin and abate the nuisance caused by the accumulation of junk or litter, in the manner provided by law.

(Code 1986, § 8-107)

Sec. 20-83. – Sentencing.

Any property owner or person in lawful possession of property who fails or refuses to remove an accumulation of junk or litter as directed by the Board of Health shall be guilty of a Class V Misdemeanor, shall pay any court costs, and a \$100 fine per offense. Each day the property is in violation of this code shall be considered a separate offense.

Sec. 20-84. – Suspended Sentencing.

Upon a conviction for violation of this Article, the presiding judge at their discretion may suspend the sentence for a period of time to be determined by the presiding judge to allow the person convicted of such violation time to voluntarily remove the junk from the property involved. The person upon removal in compliance with the judge's orders will then be subject to payment of court costs only and not to the payment of a fine. Such voluntary removal may consist of signing a voluntary consent to allow the City to haul away and destroy the junk or litter. Said removal at the consent of the owner of the junk or litter shall be at the owner's expense and shall be billed for the service by the City in accordance with this Chapter.

Sec. 20-85. – Owner Not Found.

If, after notice has been given in accordance with Article II, and the owner is still not found and the junk or litter is not removed within 30 days of the posted and published notices given, then the City Police are authorized to have the junk or litter hauled away and the same be destroyed upon authorization by the City Manager or designee. The City Manager or designee shall proceed with placing a lien on the property abated in the total amount of the costs incurred by the City.

(Code 1986, § 8-1016)

Secs. 20-86 – 20-100. – Reserved

ARTICLE VI. – ABANDONED VEHICLES

Sec. 20-101. – Declared Unlawful.

Abandoned vehicles which are located in any part of the City or within the City's Extraterritorial Zoning Jurisdiction, either on private property or public property, are hereby declared to be a public nuisance in need of regulation for the public welfare.

(Code 1986, § 8-202)

State Law reference – Zoning jurisdiction, R.R.S. 1943, § 16-901.

Sec. 20-102. – Impound Lot; Designated.

The City Manager or designee is forthwith instructed to designate an area on City property which is isolated from the view of the public in general, which shall be known as and used by the City as a vehicle impound lot. Vehicles impounded and removed by the City Manager or designee shall be stored, and if not reclaimed or sold, eventually destroyed at this place.

(Code 1986, § 8-208)

Sec. 20-103. – Impound Lot; Use by Public.

The owner of any vehicle may apply to the City Clerk and receive a permit to go upon the impound lot for the purpose of dispositioning their vehicle for disposal. No one shall deposit a vehicle at the impound lot without first obtaining a permit therefor from the City Clerk.

(Code 1986, § 8-209)

Sec. 20-104. – Notice Required.

The City Manager or designee shall give notice of removal for impoundment to the owner of an abandoned vehicle. Notices shall be delivered by certified mail or personally served by a sworn member of the Police Department with a delivery notice signed by the owner. If notification by personal service or certified mail is unsuccessful for a period of 14 days, said notice shall be conspicuously placed on the abandoned vehicle. Such notice shall:

- A. Require removal of said abandoned vehicle from the property within three days of the date of receipt or posting of said notice;
- B. Advise that upon failure to comply with the notice to remove, the City Manager or designee shall undertake such removal with the cost of removal to be levied against the owner; and

C. After 30 days of said vehicles impoundment, the City shall dispose of said vehicle in accordance with Section 20-107 of this code.
(Code 1986, § 8-205)

Sec. 20-105. – Impoundment.

After notice has been given according to this code, the City Manager or designee is hereby authorized to remove or have removed any abandoned vehicle within the City or its ETJ. Such abandoned vehicle shall be impounded until claimed by the owner or for 30 days. Should the abandoned vehicle remain unclaimed for a period of 30 days, said vehicle shall be disposed of in accordance with Section 20-107 of this code.

Sec. 20-106. – Release from Impound.

The owner of any vehicle seized under the provisions of this Article may redeem such vehicle at any time after its removal, but prior to the City obtaining title thereof, upon presenting proof of ownership, a valid registration certificate, and payment to the City Manager or designee of such sum for the expense of removal, storage, impoundment, and any preliminary sale advertising expenses for each vehicle redeemed.

Sec. 20-107. – Disposition of Impounded Vehicles.

Following the expiration of the 30-day impoundment period the following manner of disposition shall apply:

- A. If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In-Transit stickers issued pursuant to Section 60-376 of the Nebraska Revised Statutes, affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of two hundred fifty dollars or less, title shall immediately vest with the City.
- B. Except for vehicles governed by Subsection A, the City shall make an inquiry concerning the last-registered owner of such vehicle as follows:
 - (1) Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
 - (2) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.
- C. The City shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:
 - (1) It will be sold or will be offered at public auction after five days from the date such notice was mailed; or
 - (2) Title will vest with the City thirty days after the date such notice was mailed.

If the agency described in subdivision B(1) or (2) of this Section also notifies the City that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

D. Title to an abandoned vehicle, if unclaimed, shall vest in the City:

- (1) Five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision C(1) of this section;
- (2) Thirty days after the date the notice is mailed if the local authority or state agency will retain the vehicle; or
- (3) If the last-registered owner cannot be ascertained, when notice of such fact is received.

E. Retention by the City: After title to the abandoned vehicle vests with the City pursuant to subsection D of this section, the City may retain for use, sell, or auction the abandoned vehicle. If the City has determined that the vehicle should be retained for use, the City shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the City intends to retain the abandoned vehicle for its use and that title will vest in the City thirty days after the publication.

F. Sale: Any sale by virtue of subsection D of this section shall be by public sale according to the following terms and conditions:

- (1) Notice shall be given of the sale 30 days prior to the sale in a newspaper of general circulation in the City giving the following information:
 - (a) The sale is of abandoned property in the possession of the City.
 - (b) A description of the vehicle, including make, model, and other information which will accurately identify the vehicle.
 - (c) The terms of the sale.
 - (d) The date, time, and place of the sale.
- (2) The vehicle shall be sold to the highest bidder. At the time of payment of the purchase price, the City Manager and designee shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser, and a copy thereof to be filed with the City Clerk. Should the sale for any reason be invalid, the City's liability shall be limited to the return of the purchase price. The purchaser of such vehicle shall also pay, in addition to the purchase price, all expenses incurred by the City under the provisions of this Article.
- (3) Proceeds of Sale: Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the City, shall be held by the City without interest, for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the City.

(Code 1986, § 8-207; Ord. No. 2373, 12-2-1999)

State Law reference – Disposition of proceeds of sale of abandoned vehicle, R.R.S. 1943, § 60-1905.

Secs. 20-108 – 20-120. – Reserved.

SECTION 2. The City Council has considered the proposed amendments and revisions, and finds the revisions contained within this ordinance are appropriate, promote the general health, safety, morals, and general welfare of the community, and should be incorporated into the Alliance Municipal Code.

SECTION 3. In accordance with the new language contained in this ordinance, Chapter 20 of the current Alliance Municipal Code is hereby repealed.

SECTION 4. This ordinance shall be effective April 15, 2019, following its passage, approval, and publication in pamphlet form.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Reynolds, Jones, Bentley.

Voting Nay: None.

Motion carried.

- Resolution No. 19-17 which will approve revised golf rates for the 2019 season was the next matter before Council. The following information was provided for Council's consideration:

[City of Alliance staff has assembled for Council's consideration a recommendation to revise golf usage fees for the 2019 season. Staff reviewed the fees of other area courses to ensure comparability and equity in our proposed fee structure. One of our primary focus areas is to encourage new players to the course. It is our belief that the best method of doing this is to incentivize use by younger players to get them interested in the sport. Golf is a lifelong sport and getting individuals interested at a younger age will assist in our ability to maintain a successful golf course. In this effort, our golf professional suggested several changes in the configuration of some of our rate categories and developed several promotions to encourage course usage during low traffic times. The spreadsheet comparing those fees and listing the proposed fees for 2019 is included for your consideration. The list of proposed specials is also included on that spreadsheet and at the bottom of this narrative.

As part of this effort, staff along with our Golf Professional Jackie Stevens are recommending a change in our Annual Passes/Memberships to the previous "Couples" category. We are continuing to offer this option within the Family category as a "Two Adult" option, along with a variety of other options to better meet the needs of individual families and encourage youth play. The pricing for the "Two Adult" option continues to be based on a "Single" membership rate for the first member and 44% of the single rate for the second member. The "Adult/Child(ren)" options are based on a "Single" adult membership and 65% of a "Child or Student" membership, for each child on the plan. We will also continue

to offer a “Family” membership for those that the whole family are golf enthusiast. This rate structure was developed to better accommodate the households that have one adult golfer and one or more children. Again, we believe our future success at the golf course is to introduce the game at a younger age so we can serve our players for a lifetime.

Golf Professional Stevens is also recommending the following specials which are specifically targeted to increase use of the course during low use times. Staff anticipates these specials will be evaluated annually and revised as usage patterns on the course change. The recommendations for course specials are as follows:

Early Bird	18 holes of golf for the price of 9 holes before 10:00 a.m. every day.
Friday Coupon	Buy one round of golf with a cart rental and get the second round of golf free for someone to join you in the same round. Must have coupon that will be printed in local newspapers.
Tournament Rate	Green fees for non-member event participants is \$18.00 per person.
League Rate	Green fees for league play is \$10.00 per person for 9 holes.

The Golf Course Advisory Board met on February 21st to discuss the proposed changes. The consensus of the Board was the proposed membership categories would better meet the needs of users and would be easily implemented. They also agreed the specials could be used to attract new golfers to our course and increase usage.

In addition to revising the fee structure, Golf Course staff is working to ensure private carts are secure and used appropriately at SkyView Golf Course. Staff is recommending a slight increase in the cart storage fee, which continues to be below the average in the area. We are also recommending that all individuals storing a cart at our course be required to sign an agreement which includes the rules for cart use. A copy of the Agreement is attached for your reference. This form will clarify regulations and allow individuals to stipulate who in their family are allowed to use their cart in their absence.]

A motion was made by Councilman Mischnick to approve Resolution No. 19-17 but died for a lack of a second. No additional action was taken on this matter.

- The next item before Council was Resolution No. 19-18 which will approve Baker and Associates of Scottsbluff, NE as the engineers for the Central Park Sunken Garden Renovation project. The Council was provided with the following information:

[The City of Alliance issued a Request for Qualifications “RFQ” and Bid Proposals for design and construction oversight of structural landscape improvements in the Sunken Gardens on January 9, 2019. The RFQ was advertised in accordance with State Statute. Four firms that the City has previously worked with were mailed the

information directly. The RFQ was opened February 2, 2019 at 2:00 p.m. at the Knight Museum and Sandhills Center. The City received one proposal for the project which was from Baker and Associates.

The Statement of Qualifications submitted by Baker and Associates was reviewed and evaluated by City Manager Rick Kuckkahn, Deputy City Manager Jeff Sprock and Cultural & Leisure Services Director Shana Brown. The group was impressed with the direct relevant experience that Baker and Associates included within their proposal. Baker has successfully completed several similar projects within the Region. Their experience will be beneficial to the project in the Sunken Gardens as they will provide services related to structural evaluation, landscape design and ADA compliance.

In order to properly plan for renovation of the sunken gardens the first two steps are developing a project scope (concept planning) and accessing how to implement the project on existing structures (design development). The concept planning and design development costs are listed on the attached Baker and Associates fee proposal document (\$5,200, and \$9,500). These services are necessary to move forward with the renovation process. Therefore, staff seeks approval to award Baker and Associates \$14,700 to provide concept planning and design development engineering services for the Sunken Gardens Revitalization project. Once concept planning and design development are completed the next planning step is creating construction documents. This will be brought to Council when the economic conditions are appropriate.]

A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve Resolution No. 19-18. City Clerk Jines read the resolution by title as follows:

RESOLUTION NO. 19-18

WHEREAS, The City of Alliance has included the renovation of the Central Park Sunken Gardens into our Capital Improvements Plan; and

WHEREAS, The desire of the renovation is to restore the Central Park Sunken Gardens to its historical appearance using modern materials; and

WHEREAS, Fundraising efforts for this project have been on-going through the efforts of the Pillars for the Park Committee; and

WHEREAS, Sufficient funds have been raised to begin the engineering phase for the renovation of the Central Park Sunken Gardens; and

WHEREAS, The City prepared a Request for Qualifications and Bid Proposal for the design and construction oversight of the project which was advertised and sent to four firms, with one proposal being received from Baker and Associates; and

WHEREAS, Baker and Associates has submitted a proposal in the amount of Seventy-one Thousand Seven Hundred Dollars and no/100ths (\$71,700) to provide the necessary engineering services which has been itemized into five phases: (1) concept planning, (2) design development, (3) construction documents, (4) bidding, and (5) construction administration, testing and inspections for the Sunken Gardens Project; and

WHEREAS, City Council believes it is best to proceed with Phases 1 and 2 at this time in the amount of Fourteen Thousand Seven Hundred and no100ths (\$14,700) in order to move forward with the project and to seek additional funding sources.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the documents associated with the Proposal from Baker and Associates for the necessary engineering services to include Phase 1 - Concept Planning and Phase 2 - Design Development in the amount of Fourteen Thousand Seven Hundred and no100ths (\$14,700) for the Sunken Gardens Project.

BE IT FURTHER RESOLVED that payment for this service will be made from Account No. 41-71-71-59-970 – Capital Outlay-Other Improvements with funds raised by the Pillars for the Parks Committee and placed in the care of the Alliance Park Foundation.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Reynolds, Jones, Bentley.

Voting Nay: None.

Motion carried.

- Next before Council was the presentation of the Audit of the Financial Statements of the City of Alliance for the period of October 1, 2017 through September 30, 2018.

Mr. Terry Galloway of Almquist, Maltzahn, Galloway & Luth, P.C. via telephone reviewed the Financial Statements and Supplementary Information for the fiscal year ending September 30, 2018. He reviewed the three components on the statements 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. At the end of the current fiscal year, the City reported positive balances in all three categories of net position, both for the government as a whole and for its separate governmental and business-type activities. Mr. Galloway also provided a benchmark report which compared Alliance with other communities within the State of Nebraska.

A motion was made by Councilman Jones, seconded by Councilman Reynolds to accept the Audit as presented.

Roll call with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Board appointments and announcements were the next matter before Council.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to appoint LeAnn Placek to serve on the Alliance Housing Authority with a term expiring December 31, 2022.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Reynolds, Jones, Bentley.

Voting Nay: None.

Motion carried.

- A motion was made by Councilman Mischnick, seconded by Councilman Bentley to reappoint Susan Lore to the Senior Facility Advisory Board for a term which will expire February 28, 2022.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Reynolds, Jones, Bentley.

Voting Nay: None.

Motion carried.

The following Board vacancies were announced: One vacancy on the Board of Adjustment, one vacancy on the A-2 Downtown Improvement Board, three vacancies on the Economic Development Plan Citizen Advisory Board, two vacancies on the Housing Authority, one youth representative on the Library Board, one vacancy on the Park and Tree Board, and one vacancy on the Planning Commission. There are also two positions on the Senior Facility Advisory Board, which will be opening the end of February. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- The final item for Council was to acknowledge the resignation of City Manager Rick Kuckkahn.

A motion was made by Mayor Dafney to accept Mr. Kuckkahn's resignation effective April 1, 2019. The motion was seconded by Councilman Mischnick.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Reynolds, Jones, Bentley.

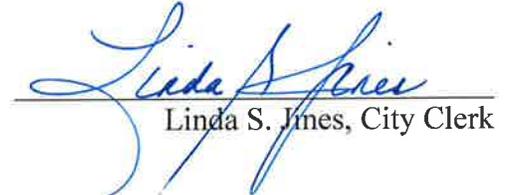
Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:44 p.m.


Mike Dafney, Mayor

(SEAL)


Linda S. Jmes, City Clerk

Complete minutes of the Alliance City Council may be viewed by the public during regular work hours at the City Clerk's Office, 324 Laramie Avenue, Alliance, Nebraska.