

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MARCH 19, 2019

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

The Alliance City Council met in a Regular Meeting, March 19, 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 March 13, 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 the publication of the notice to the time of the meeting.

Mayor Dafney opened the March 19, 2019 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, Bentley and Reynolds. Also present were Deputy City Manager Sprock, City Manager Kuckkahn, Finance Director Waggener, City Attorney Hoelsing and City Clerk Jines.

- Mayor Dafney read the Open Meetings Act Announcement.
- A motion was made by Councilman Mischnick, seconded by Mayor Dafney to move Item J on the Council agenda to follow Item L.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Council was introduced to the new Public Safety Dispatcher, Deb Hunter.
- Next before Council was the presentation of a Proclamation declaring April 2, 2019 as National Volunteer Service Recognition Day.

PROCLAMATION

WHEREAS, Volunteer service is a hallmark of American character, and central to how we meet our challenges; and

WHEREAS, The nation's Leaders are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century, to fighting the opioid epidemic, to responding to the natural disasters, to supporting veterans and military families; and

WHEREAS, National volunteer service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, National volunteer service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, National volunteer service participants increase the impact of the organizations they serve, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, National volunteer service represents a unique partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, National service volunteers demonstrate commitment, dedication, and patriotism that remains with them in their future endeavors; and

WHEREAS, The Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the mayors across the country to recognize the impact of volunteer service on the Mayors Day of Recognition for National Volunteer Service on April 2, 2019.

THEREFORE, BE IT RESOLVED that I, Mike Dafney, Mayor of Alliance, do hereby proclaim April 2, 2019, as National Volunteer Service Recognition Day, and encourage residents to recognize the positive impact of volunteer service; to thank those who serve and give back to their communities.

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

CONSENT CALENDAR –MARCH 19, 2019

1. Approval: Minutes of the Regular Meeting, March 5, 2019.
2. Approval: Payroll Costs for the period February 23, 2019 through March 8, 2019: \$221,682.41.
3. Approval: Claims against the following funds for the period of February 28, 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; \$993,188.42.
4. Acknowledgement: A copy of the Annual Continuing Disclosure Compliance Checklist and the Certification of Training by staff for the handling of the City’s bonding needs.
5. For Your Information: Charter Communications is making the following channel lineup change:

Channel	Change	Channel Number	Effective
Add Pasioness HD	SPP Latino View HD, SBPP Latino View HD	222	After 4/1/19
Add Cine Sony HD	SPP Latino View HD, SBPP Latino View HD	276	After 4/1/19
Add Cheddar HD	SPP Tier 1, SBPP Business TV	157 or 178	By 3/31/19

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.

A motion was made by Councilman Bentley to amend the March 5, 2019 Council minutes by correcting the narrative for the Sunken Gardens Renovation Project to reflect the correct contract amount. The motion was seconded by Councilman Reynolds.

Roll call vote on the correction of the March 5th minutes with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote on the Consent Calendar with the following results:

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

Voting Nay: None.

Motion carried.

- Deputy Manager Sprock provided Council with a summary of events during last week's blizzard and reviewed staff's operation plans during the storm.

Councilman Bentley requested the City Manager to review the City's Personnel Policy for the use of leave when snow closures are declared.

- Ordinance No. 2882 which will amend the Alliance Municipal Code at Chapter 20 – Nuisances was before Council on second reading. Council was provided with the following information:

[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 Bentley 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. 19-19 which will adopt the 2019 Season Pool Rates was the next matter before Council. The following background information was provided to Council:

[Culture & Leisure Services Director Brown is recommending that the City of Alliance alter the private pool rental fee. After consulting with pool staff, she is recommending that the fee be set at \$150.00 per hour. The current rental cost is \$150.00 for a two hour event, which is significantly low in her opinion. In addition, it is recommended that a damage/clean up deposit of \$50.00 be required for every event. That deposit will be refunded in full when the facility is returned to its original condition after the event.

The increase in minimum wage in recent years has increased hourly staffing expenses at the pool. The cost to staff a pool party at the level necessary to meet State standards for one hour is approximately \$80.00. Add to that the 30 minutes of clean up and close up time, and the total staffing cost for a one hour event is approximately \$110.00. Other pools in the community charge \$100 and \$150 for two hours and provide NO staff for the event. In addition, I expect that this increased cost will result in a reduced number of parties, which is an additional advantage for making this price correction.

For many years, private rental of the pool was extremely rare and staff simply cancelled the evening open swim for that evening for the private party. In recent years, the private use of the pool has continually increased and accommodating that demand became more difficult. The increased closures for private parties resulted in unreliable hours which aggravated the community. During the 2018 season, pool management focused on providing consistent open swim hours in the evening to allow families to utilize the pool after working hours. Staff began encouraging individuals to host parties and group events during open swim hours rather than hosting private events. This consistency was embraced by the public and the new hours significantly reduced negative feedback.

The City of Alliance Municipal Swimming Pool is utilized extensively during daylight hours for swim lessons and open swim. Management is finding it increasingly difficult to identify, train and certify an adequate number of seasonal lifeguards. Couple that with the challenge of working around the increasingly busy schedules of our young staff, and ensuring adequate staffing levels becomes a real issue. I am hopeful that this price correction will allow the City to better recuperate costs as well as reducing the number of private parties hosted at the pool. Both are positive outcomes as it is vital that we focus staff resources on providing evening swims that better serve the entire community rather than closing the facility for private events.]

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

RESOLUTION NO. 19-19

WHEREAS, The City of Alliance owns and operates a swimming pool for public use; and

WHEREAS, An adjustment in the private rental fee is appropriate to provide for certain specific uses at the pool facilities.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that fees for use of the City's pool facilities for the 2019 swimming season are as follows:

Daily Admission:	
Age 5 and under	\$1.00
Ages 6 to 17	\$3.00
Age 18 and over	\$4.00
Lap Swim	\$1.50
No Swim	\$1.00

Season Pass Fees:	
Ages 17 and under	\$65.00
Ages 17 and up	\$80.00
Household	\$150.00
Lap Swim Only	\$50.00

Private party fee	\$150.00	per hour
Private party deposit	50.00	for damage and/or clean up which will be refundable if requirements are met

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 19-20 which will establish new fees for building permit fee schedule. The following information was provided to Council:

[The City Council passed Ordinance No. 2880 approving the amendments to the Municipal Code Part II – Land Development and Planning at their March 5, 2019 meeting. The changes will take effect April 15, 2019. Community Development has several fees associated with the Code revisions as well as other fees for services provided by personnel such as printing and copying. The proposed fees are not changing in large amounts.

The permit fees stayed relatively the same; the building permit fee schedule was corrected as there was a calculation error on the current schedule but the fees stayed the same. The plumbing and mechanical fees primarily stayed the same except charges were rounded to the nearest \$5.00 increment. So some charges were lowered and some were higher, but not more than \$2.50 either way. For example \$9.50 went to \$10.00; \$11.00 went to \$10.00. This was at the request of several contractors, permit applicants, staff, and recommended by the Planning Commission.

When considering building permit cost increases, staff noted that other communities our size are not currently raising permit fees. They are staying the

same as a means of trying to increase development and rehabilitation in their communities. Staff does not recommend an increase in building permit fees at this point in time, but it should be looked at again in depth in a few years. The Contractor License fees remained mostly the same. The major adjustment was to include the reclassification of contractor types passed in Code.

Fees for zoning items such as subdivisions and rezones are nearly the same except most notably for Administrative Subdivisions. Staff recommends increasing the cost from \$50.00 to \$75.00 to cover the cost of filing the plat at the Courthouse. Currently people have to write two checks when they submit an application. One is for the City and the other is for the filing fee.

The other fees are for services provided by Community Development such as plotter printing, copying, and scanning. Staff was not able to find a schedule for those services. The schedule proposed is based off of the cost of previous scanning and printing jobs performed years ago, as well as a calculation of ink and paper costs per job.]

A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve Resolution No. 19-20. City Clerk Jines read the resolution by title which follows in its entirety:

RESOLUTION NO. 19-20

WHEREAS, The City of Alliance has passed an ordinance adopting the 2015 International Building Codes; and

WHEREAS, Staff has prepared recommended changes to the City of Alliance Building Permit Fees, the Residential and Commercial Plumbing Fees, Residential and Commercial Mechanical Fees and Residential and Commercial Special Inspection and Reinspection Fees; and

WHEREAS, Council believes it is in the best interests of the City to establish and modify the fees as proposed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City of Alliance Building Permit Fees, the Residential and Commercial Plumbing Fees, Residential and Commercial Mechanical Fees and Residential and Commercial Special Inspection and Reinspection Fees are adopted and approved by Council as set forth herein;

Building Permit Fees					
Valuation	Permit Fees		Valuation	Permit Fees	Fee Calculation
Up to \$500	\$14.00		\$15,000	\$148.50	\$108 for the first \$10,000 plus \$8.10 per \$1,000 over \$10,000 up to \$25,000.
\$501 - \$600	\$16.00		\$20,000	\$189.00	
\$601 - \$700	\$18.00		\$25,000	\$229.50	

\$701 - \$800	\$19.75	\$30,000	\$260.50	\$229.50 for the first \$25,000 plus \$6.20 per \$1,000 over \$25,000 up to \$50,000.
\$801 - \$900	\$21.50	\$35,000	\$291.50	
\$901 - \$1,000	\$23.50	\$40,000	\$322.50	
\$1,001 - \$1,100	\$25.50	\$45,000	\$353.50	
\$1,101 - \$1,200	\$27.50	\$50,000	\$384.50	
\$1,201 - \$1,300	\$29.50	\$55,000	\$404.50	\$384.50 for the first \$50,000 plus \$4.00 per \$1,000 over \$50,000 up to \$100,000.
\$1,301 - \$1,400	\$31.25	\$60,000	\$424.50	
\$1,401 - \$1,500	\$33.00	\$65,000	\$444.50	
\$1,501 - \$1,600	\$35.00	\$70,000	\$464.50	
\$1,601 - \$1,700	\$37.00	\$75,000	\$484.50	
\$1,701 - \$1,800	\$39.00	\$80,000	\$504.50	
\$1,801 - \$1,900	\$41.00	\$85,000	\$524.50	
\$1,901 - \$2,000	\$43.00	\$90,000	\$544.50	
\$2,001 - \$3,000	\$50.50	\$95,000	\$564.50	
\$3,001 - \$4,000	\$59.00	\$100,000	\$584.50	
\$4,001 - \$5,000	\$67.00	\$250,000	\$1,034.50	\$584.50 for the first \$100,000 plus \$3.00 per \$1,000 over \$100,000.
\$5,001 - \$6,000	\$75.50	\$500,000	\$1,784.50	
\$6,001 - \$7,000	\$83.50	\$750,000	\$2,534.50	
\$7,001 - \$8,000	\$91.50	\$1,000,000	\$3,284.50	
\$8,001 - \$9,000	\$99.50	\$2,500,000	\$7,784.50	
\$9,001 - \$10,000	\$108.00	\$5,000,000	\$15,284.50	

Other Fees

Item	Fee
Application for Certificate of Occupancy (No fee if building permit fee was over \$25.00)	\$25.00
Demolition	\$25.00
Driveways on Property (only if not included in another permit)	\$25.00
Fence	\$25.00
Paving, Excavation, or Obstruction in Right-of-Way	\$25.00
Structure Moving	\$25.00
Reinspection Fee	\$25.00
No Permit Penalty	\$50.00
No Contractors License	\$50.00

Plumbing Permit Fees

Item	Fee (each item)
Sewer Piping	\$5.00
Toilette	\$5.00

Urinal	\$5.00
Sewer Ejector / Sump	\$10.00
Grease / Industrial Trap	\$5.00
Private Sewer System	\$25.00
Sink / Washbasin	\$5.00
Shower / Bath Tub	\$5.00
Laundry Tub	\$5.00
Dishwasher Plumbing	\$5.00
Clothes Washer Plumbing	\$5.00
Drinking Fountain	\$5.00
UG Sprinkler System	\$5.00
Backflow Device	\$5.00
Water Piping	\$5.00
Fire Sprinkler System	\$25.00
Private Water Well	\$25.00
Permit Fee*	\$10.00

Mechanical Permit Fees

Item	Fee (each item)
Commercial Incinerator	\$50.00
Gas Piping	\$5.00
Water Heater	\$5.00
Boiler	\$25.00
Forced Air Furnace	\$15.00
Heat Pump	\$15.00
Suspended Heater	\$15.00
Wood / Pellet Stove	\$25.00
Fireplace Insert	\$25.00
HVAC Unit	\$20.00
Air Conditioning Unit	\$5.00
Roof Top Unit (RTU)	\$20.00
Evaporative Cooler	\$10.00
Refrigeration Compressor	\$25.00
Room HVAC Unit	\$15.00
Vent/Exhaust Hood	\$10.00

Copying and Printing	
Item	Cost
Drawing Scans	\$0.50 per ft ²
Line Drawing Copies	
Plain Paper	\$0.50 per ft ²
Glossy Paper	\$1.00 per ft ²
Graphic Copies (Few Graphics-Medium Ink Fill)	
Plain Paper	\$1.50 per ft ²
Glossy Paper	\$2.00 per ft ²
Poster Copies (Heavy Ink Fill)	
Plain Paper	\$3.00 per ft ²
Glossy Paper	\$4.00 per ft ²
Regular Copies	
Letter Size Copies and Prints	\$0.25 per page
Legal Size Copies and Prints	\$0.35 per page

* A nonrefundable permit fee shall be added to each Plumbing or Mechanical Permit.

Zoning Fees	
Item	Fee
Variance Application	\$50.00
Administrative Subdivision	\$75.00
Preliminary Plat	\$150.00
Final Plat	\$150.00
Plat Vacation	\$150.00
Conditional Use Permit	\$150.00
Rezone	\$150.00

Contractor License Fees		
Item	Original	Renewal
Basic Building Contractor	\$75.00	\$50.00
Residential General Contractor	\$150.00	\$100.00
General Contractor	\$200.00	\$150.00
Limited & Specialty	\$75.00	\$50.00
Mechanical (Master)	\$75.00	\$50.00
Mechanical (Journeyman)	\$50.00	\$25.00
Plumber (Master)	\$75.00	\$50.00
Plumber (Journeyman)	\$50.00	\$25.00
Gas Pipe Fitter (Master)	\$75.00	\$50.00
Gas Pipe Fitter (Journeyman)	\$50.00	\$25.00
Tree Surgeon	\$100.00	\$75.00
Nursery-Greenhouse	\$50.00	

BE IT FURTHER RESOLVED that these fees will be effective the 15th day of April, 2019.

Roll call vote with the following results:

Voting Aye: Mischnick, Reynolds, Jones, Bentley.

Voting Nay: Dafney.

Motion carried.

- Council next considered Resolution No. 19-21 which would name Richard Andrysik as the City's Special Engineer for the proposed solar photovoltaic installations in Alliance. The following information was provided to Council:

[The Alliance City Council at their regular meeting on December 18, 2018, passed Resolution No. 18-148 authorizing Alliance's participation in a Statewide RFP for the potential construction of a solar farm. Based on interest from five communities (Alliance, Fairbury, Pender, Stuart and West Point) MEAN created an RFP for solar photovoltaic installations in each town. The RFP, which is attached to this narrative, was posted on the MEAN website and advertised in the Alliance Times Herald. The deadline for proposals is 1:30 P.M. CDT, Tuesday, April 23, 2019. The public opening will occur at the same time and take place at the MEAN office in Lincoln.

State Statute requires that a city engineer or an assigned special engineer review the proposals after the opening. MEAN's Distributed Resources and Generation Specialist, Richard Andrysik, has offered to be Alliance's special engineer for this

RFP at no cost. Rich is a certified professional engineer that worked for Lincoln Electric System for 49 years and MEAN for the last 2½ years. Electric Superintendent Kirby Bridge and Deputy City Manager Jeff Sprock have assessed the situation and are comfortable using Rich to review the proposals.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 19-21. City Clerk Jines read the resolution by title which follows in its entirety:

RESOLUTION NO. 19-21

WHEREAS, The City of Alliance is participating in a Statewide Request for Proposals (RFP) for a solar project in Nebraska; and

WHEREAS, The Nebraska Municipal Power Pool, of which we are a member, is preparing a Request for Proposals for a solar project in Nebraska with a handful of other Nebraska cities; and

WHEREAS, Richard Andrysik, P.E. of the Nebraska Municipal Power Pool has offered to serve as the City's Special Engineer at no cost to evaluate the proposals which are received and make a recommendation to the City; and

WHEREAS, The City Council believes it is in the best interest of our citizens to participate in the Statewide Request for Proposals to determine the best option for the City regarding solar power and to have Richard Andrysik, P.E. serve as the City's Special Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance is authorizing Richard Andrysik, P.E. to serve as the City's Special Engineer to evaluate the Statewide Request for Proposals (RFP) for a solar project in Nebraska and make a recommendation to the City on how best to proceed.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter on the agenda for Council was Resolution No. 19-22 which will delay implementing the 1% electric rate increase scheduled for April 1, 2019 in order for the electric rate study through the Nebraska Municipal Power Pool to be completed. Council was provided the following information:

[The City of Alliance has contracted for an electric rate study through Nebraska Municipal Power Pool (NMPP). Preliminary indications are that minimal rate increases will be necessary in the near future; however, staff has challenged NMPP

to revamp the overall rate structure as a part of the study to address the following electric rate-related issues:

- Primary metering based on level of City support and varying usage levels
- Simplified commercial rate structure that requires less monitoring
- Implementation of demand charges for irrigators and restructure of load control charges after the implementation of the AIM system
- Net metering rates as a result of increased solar production by customers
- Security light rates with the introduction of LED lights and with regard to differing maintenance expectations

The automatic electric rate increase of 1% established by City Code is set for April 1, 2019. Current electric reserves are considered adequate and purchased power costs are expected to decrease for the next year. It has been recommended by NMPP consultants that the annual rate adjustment be moved back to the normal October 1 date that is used by most municipalities. (This modification date was adopted when electric rates were increasing rapidly in order to reduce the use of Production Cost Adjustments - PCAs). Staff is suggesting that any rate adjustment be delayed until October 1 to allow completion of the rate study.]

A motion was made by Councilman Reynolds, seconded by Councilman Jones to approve Resolution No. 19-22. City Clerk Jines read the resolution by title which follows in its entirety:

RESOLUTION NO. 19-22

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

WHEREAS, The City of Alliance has an established rate schedule for electric services which requires an annual 1% rate adjustment; and

WHEREAS, The 1% rate adjustment is provided for in the Alliance Municipal Code within Section 28-159; and

WHEREAS, Staff is recommending bypassing the April 1st 1% adjustment this year as we anticipate the completion of an electric rate study in the near future.

WHEREAS, Purchase power costs are expected to decrease for the next year which may eliminate the need for the 1% increase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the annual 1% electric rate adjustment provided in Section 28-159 of the Municipal Code be omitted for the April 1, 2019 effective date.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 19-24 which will approve Change Order No. 2 in the amount of \$18,275.00 to the K.L. Wood and Company, LLC contract for the reconstruction of Building No. 3000 on the Airport property was next for Council. The following information was provided for Council:

[The City of Alliance entered into a contract with K.L. Wood and Company in May of 2018 to reconstruct Airport Storage Building #3000. This Change Order adds the removal and replacement of 2,150 square feet of existing building floor. The change order will also change the substantial and final completion dates to August of 2019.

These changes are necessary because it has been determined the melted plastic in that area likely contributed to the damage of the concrete floor along with some equipment damage during the demolition process. Travelers is covering the cost to replace the 2,150 square feet area of the slab since it was likely damaged from the recent fire and melting of the plastic on top of that damaged area.

The original contract amount was \$530,115. Change Order No. 1 decreased that price by \$1,500 and this Change Order will increase it by \$18,275.]

A motion was made by Councilman Jones, seconded by Councilman Reynolds to approve Resolution No. 19-24. City Clerk Jines read the resolution by title which follows in its entirety:

RESOLUTION NO. 19-24

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

WHEREAS, Storage Building No. 3000 which is owned by the City of Alliance and leased to Vitalix was destroyed in a storm on June 12, 2017; and

WHEREAS, Invitations to Bid for the Reconstruction of Storage Building No. 3000 were published and bids were opened; and

WHEREAS, The contract was awarded to K. L. Wood and Company, LLC of Alliance, Nebraska in the amount of Five Hundred Thirty Thousand One Hundred Fifteen and no/100ths (\$530,115.00) which included the base bid and alternates 1 through 7; and

WHEREAS, As the result of a subsequent fire and clean-up operations damage occurred to the cement pad which needs to be replaced prior to erecting the building.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Change Order No. 2 to the Storage Building #3000 Reconstruction

Contract with K.L. Wood and Co., LLC with an increase in the amount of Eighteen Thousand Two Hundred Seventy-five Dollars and no/100th (\$18,275.00) hereby be approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign Change Order No. 2 increasing the final contract amount to Five Hundred Forty-six Thousand Eight Hundred Ninety Dollars and no/100th (\$546,890.00).

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Board appointments, resignations and announcements were the last item on the agenda for Council.

A motion was made by Mayor Dafney, seconded by Councilman Reynolds to appoint Robert Mischnick to serve on the Senior Facility Advisory Board with a term expiring 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 is also one position left 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.

- Resolution No. 19-23 which authorizes entering into an Employment Contract with Jeffrey Sprock to serve as the City Manager for the City of Alliance was now before Council for consideration. The following information was provided to Council:

[Our current City Manager Rick Kuckkahn submitted his resignation at the March 5th Council meeting and his last day of employment with the City will be March 29th. At this time, it is appropriate to consider offering Deputy City Manager Jeffrey Sprock the City Manager position. Sprock began his duties with the City on

November 1, 2018 with the expectation that he would serve under Kuckkahn as Deputy City Manager to assist in the transition, and he would have the opportunity to be promoted to the City Manager position.

The City Attorney has drafted a contract for Sprock with his input (see attached). The agreement establishes a six month probationary period for Sprock as City Manager and provides the Council the ability to review Sprock's performance every month, when requested. The following list are the highlights of the Agreement:

- Sprock may not seek outside employment without Council approval;
- Council may terminate Sprock's employment at any time without cause;
- Sprock will be provided a \$300 per month car allowance, mileage may be submitted after exceeding 200 miles on a single trip;
- Sprock will receive the normal benefits of a City employee;
- Sprock will receive 40 hours sick leave and 80 hours vacation leave at the initiation of the contract;
- Sprock will have the option to direct and invest his retirement benefits in the ICMA retirement program at the same contribution level as other City employees; and
- Sprock's starting salary as City Manager will be \$84,000 annually.

If terminated without cause, Sprock's severance during the probationary period is four months' salary with benefits. After the probationary period, his severance is six months' salary with benefits. Please see the attached contract for further details.]

Councilman Mischnick motioned pursuant to Section 84-1410 Reissue Revised Status of Nebraska 1943, that the Alliance City Council finds it necessary to enter into a closed session for the protection of the public interest to discuss and negotiate the employment contract of Jeffry Sprock. The motion was seconded by Mayor Dafney.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 7:31 p.m. and ended at 8:00 p.m.

A motion was made by Councilman Jones to amend the proposed Employment Contract with Jeffry Sprock as follows:

Paragraph 1.d. During probationary period, performance review at the discretion of the Council, rather than once per month.

- Paragraph 2.c. If terminated without cause during the probationary period, 2 months' severance pay with benefits.
- Paragraph 2.c. If terminated without cause after the probationary period, 4 months' severance pay with benefits.
- Paragraph 2.b.i. Upon April 1, 2019, 40 hours sick leave and 40 hours vacation leave, and thereafter accruing leave according to normal leave practices applicable to all full-time employees.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Benzel, seconded by Councilman Reynolds to approve Resolution No. 19-23. City Clerk Jines read the resolution by title which follows in its entirety:

RESOLUTION NO. 19-23

WHEREAS, The City Council of Alliance, Nebraska, desires to extend an offer of employment to Jeffry Sprock to act as City Manager for the City of Alliance; and

WHEREAS, City staff and Jeffry Sprock have negotiated a written agreement which is consistent with the offer of employment extended by City Council to him; and

WHEREAS, Jeffry Sprock has approved the terms of the written agreement which is currently before Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Jeffry Sprock shall be hired with an effective date of April 1, 2019 as the City Manager for the City of Alliance, Nebraska. The written contract of employment which accompanies this Resolution is approved by City Council and the Mayor and City staff are authorized to execute the contract on behalf of the City of Alliance.

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 8:05 p.m.


Mike Dafney, Mayor

(SEAL)


Linda S. Jines, 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.

