

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 16, 2019

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

The Alliance City Council met in a Regular Meeting, April 16, 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 April 10, 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 April 16, 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 City Manager Sprock, Finance Director Waggener, City Attorney Ediger and Deputy City Clerk Krejci.

- Mayor Dafney read the Open Meetings Act Announcement.
- Council was introduced to the City’s new Street Maintenance Worker Terry Monroe.
- The first action for Council was to proclaim April 26th, 2019 as Arbor Day. Councilman Bentley read the following proclamation:

PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees are a source of joy and spiritual renewal; and

WHEREAS, The City of Alliance has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, the City Council of Alliance, Nebraska, does hereby proclaim April 26, 2019 as:

ARBOR DAY

in the City of Alliance, Nebraska, and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program; and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 16th day of April in the year of the Lord Two Thousand Nineteen.

● The Consent Calendar was the next matter before Council. A motion was made by Councilman Bentley, seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – APRIL 16, 2019

1. Approval: Minutes of the Regular Meeting, April 2, 2019 and the Special Meeting, April 10, 2019.
2. Approval: Payroll Costs for the period March 22 through April 5, 2019: \$223,647.07.
3. Approval: Claims against the following funds for the period of March 29 through April 10, 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; \$1,257,017.16.

4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending March 31, 2019. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of fund transfers, meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Approval: Capital Transfer in the amount of \$11,800 within the Golf Course Fund. This will transfer funds remaining from the mower purchase to pay for the purchase and labor of cameras which were to be used at the golf course. This is being requested to pay a bill the City owes to Mobius for equipment and services already received. The cameras will not be utilized at the golf course at this time. If at some point in the future it is determined cameras may be beneficial at the course it will only be done with the joint agreement of the Panhandle Mens' Association and the golf professional.

6. Approval: Issuance of the following Cemetery Certificates:

The West One-Half of Lot One (1), Section Two (2), Block Twenty-two (22), Alliance Cemetery Fourth Addition to Cheryl Dasher.

The West One-Half of Lot Two (2), Section Two (2), Block Twenty-two (22), Alliance Cemetery Fourth Addition to Dan W. King and Sharla K. King.

The West One-Half of Lot Thirty-four (24), Section Nine (9), Block Twenty (2), Third Addition to the Alliance Cemetery to David Lee Mathine and Lee Ann Fiebig Mathine.

7. Approval: The Street Closure Requests of the Route 385 Cruisers for their annual Car Show as part of the Thunder on the Prairie Rod Run and Gravity Races. The required Certification of Insurance naming the City of Alliance as an additional insured has been provided.

The street closures for the Car Show will be on Saturday and Sunday, June 1st and 2nd 7:00 a.m. to 5:00 p.m. and include Yellowstone Avenue between 9th and 10th Streets and 9th Street between Yellowstone and Niobrara Avenues.

The closure for the Gravity Race will be Saturday, June 1st 5:00 p.m. to 7:30 p.m. for 16th Street between Cheyenne and Box Butte Avenue. This location is a change from the last two years but has been reviewed by staff and do not believe it poses any added liability risks from previous years. This event will not conflict with the current baseball schedule.

8. Approval: Resolution No. 19-31 entering into an updated Municipal Finance Organization (MFO) Interlocal Agreement for the Box Butte Fire Protection MFO. The property tax levy remains at .03395; which is the same as when the Agreement originated in 1998. This renewal is the result of the passage of LB 63 which requires (1) the agreement has a duration of three years, (2) all members of the MFO levy the same agreed upon property tax rate within their boundaries for one out of every three tax years covered by the agreement and (3)

all members of the MFO levy no more than such agreed upon property tax rate for the remaining tax years covered by the agreement.

NOTE: City Manager Sprock 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.

- The first reading of Ordinance No. 2883 was the next item for Council. This ordinance will amend the Alliance Municipal Code at Chapter 24 - Rights of Way and Easement. Council was provided with the following information:

[City Staff prepared amendments to Chapter 24 - Rights of Way. The proposed amendments will reorganize the Code in such a way that is easier to follow, understand, and more effectively communicate the City's requirements and expectations.

The definition sections are proposed to be consolidated into 1 section at the beginning of the chapter as the terms apply to more than just one section. The vegetation section was moved to Chapter 20 from Chapter 24. Sidewalk standards, maintenance, and repair requirements are written into the Code. Currently there aren't any thresholds or procedures for sidewalk replacement or comprehensive sidewalk standards.

Staff compared the sidewalk replacement thresholds added to the City's Code to surrounding communities and our proposed thresholds split the difference between the most stringent and the least stringent. With the passing of the proposed Code, Community Development and Public Works will begin rating the sidewalks in town on a scale and work with property owners to replace sidewalks in areas with the most problems.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve the first reading of Ordinance No. 2883. Deputy City Clerk Krejci read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2883

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA ("ALLIANCE"), AMENDING THE ALLIANCE MUNICIPAL CODE, CHAPTER 24 – RIGHTS OF WAY AND EASEMENT; 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 24 of the Alliance Municipal Code. The Alliance Community Development Department has recommended wholesale revisions and amendments to Chapter 24 of the Alliance Municipal Code as follows:

CHAPTER 24 – RIGHTS OF WAY AND EASEMENT

ARTICLE I. – GENERALLY

Sec. 24-1. – Administration.

The codes here within this Chapter 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 City Manager by and through such designees as appointed for that purpose.

Sec. 24-2. – Prohibited Activities.

- A. Defacement: It shall be unlawful for any person to willfully, maliciously, or carelessly injure, change, deface, or destroy any street, sidewalk, building, ditch, drain, curb, curb and gutter, or grade in any public right-of-way or easement.
- B. Encroachment: No person shall place, erect, construct or maintain any sign, sign post, telegraph or other posts or poles, racks, advertisements, or any other device, building, or structure, upon or across any City rights-of-way or easement, except as provided for in Code.
- C. Auctions: It shall be unlawful for any person to sell at public auction on any street, alley, highway or any public grounds, any domestic animal, any goods, wares, and merchandise.

Sec. 24-3. - Vaults, Cavities, or Tunnels in Right of Way.

Existing underground vault space, cavities, or tunnels under public rights of way as part of buildings located within the City are maintained solely at the sufferance of the City. The City reserves the authority to require structural upgrades or removal at the owner's cost, if determined to be in the interest of public safety.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 24-4. – Definitions.

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

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.

Commercial sidewalk: A pedestrian sidewalk which extends from the street right-of-way line to the curb line.

Cul-de-sac: A street having one end open to traffic and the other being terminated by a vehicle turnaround.

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.

Curb sidewalk: A pedestrian sidewalk constructed adjacent to existing curb.

Curb line: The back of, or back face of constructed curbing or combination curb and gutter, designed to delineate the edge of the traveled portion of a roadway surface and to serve as a channel for storm water. Curb lines shall be determined by street right-of-way and roadway paving width standards of the city.

Driveway: An access drive or entrance way to property from a roadway and situated within right of way.

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.

Roadway: That portion of the street right of way used for vehicular traffic between established curb lines, or where no curbs are installed it shall mean that portion of the street which is, or has been, normally and regularly used for vehicular traffic. Where opposing traffic is separated by a median, wall, or other divider totally within the street right-of-way, it shall mean that portion of the right-of-way between curb lines and such dividers.

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.

Standard sidewalk: The pedestrian sidewalk installed in the curb strip and located parallel to and eight inches inside the street right-of-way line.

Street or avenue: 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.

(Ord. No. 2794, § 1, 1-5-2016)

Secs. 24-5 – 24-20. – Reserved.

ARTICLE II. – SIDEWALKS

Sec. 24-21. – Required to Construct.

- A. New Construction: All improvements including but not limited to houses, businesses, structures, and accessory buildings, \$2,500.00 or more in value, shall construct and maintain a sidewalk within the street or streets right-of-way bordering the owner's lot or land, except as provided hereafter.
- B. Renovation: All lots or land currently without sidewalks where said lot or land abuts any street, avenue, or part thereof and doing renovation, rehabilitation, or additions to the building or buildings on said lot or land costing \$2,500.00 or more, as shown on the application for a building permit, verified by an estimate of costs, shall construct and maintain a sidewalk within the street right-of-way bordering the owner's lot or land, except as provided hereafter.
- C. City Council: The City Council may adopt a resolution requiring a sidewalk to be built on any lot, lots, or land currently without buildings, structures, or uses, where the lot, lots, or land are a connector between existing sidewalks on either side of said lot, lots, or land; or on lots that were previously developed with no sidewalk. The property owner of record shall be notified as provided for in this Chapter.

Sec. 24-22. - Exceptions:

- A. Sidewalk Exemption Boundary: Within the following boundaries where the streets and sidewalks were platted in a grid pattern, there shall be contiguous sidewalk on the north side of the east-west streets, except when construction, traffic pattern or public safety dictate construction on both sides of the street and/or the south side. The boundary of such exception shall begin at First Street and Cody Avenue, north to Third Street, east to Black Hills Avenue, north on Black Hills Avenue to Eighth Street, west on Eighth Street to Dakota Avenue, north on Dakota Avenue to Tenth Street, east on Tenth Street to the alley between Black Hills Avenue and Platte Avenue, north to Sixteenth Street, east on Sixteenth Street to Box Butte Avenue, south on Box Butte Avenue to Twelfth Street, east on Twelfth Street to Flack Avenue, south on Flack Avenue to First Street, west on First Street to Cody Avenue. Property owners along the south side of the east-west streets may construct a standard sidewalk if they choose to do so. If a property owner constructs a sidewalk along the south side of an east-west street within this boundary, it must remain in place and be maintained in good repair.
- B. Cul-de-sacs previously developed without sidewalks shall not be required to install sidewalks.

- C. Undue Hardship: Building permits will not be issued without the sidewalk construction as part of the project unless in the judgment of the City Manager or designee the construction of a sidewalk would place an undue hardship on the requesting property owner. An undue hardship is an adversity not experienced by other property owners within the City. The lack of connecting sidewalks is not a hardship.

Sec. 24-23. – Types of Sidewalk.

A. Commercial Sidewalks.

- (1) Commercial walks may be installed upon any street or avenue within the C-0, C-2, C-3, M-1, M-2, or M-3 zoning districts.
- (2) Commercial Walks must be installed and maintained along the following streets or portions thereof:
 - a) West and east sides of Laramie Avenue between Second and Fourth Streets.
 - b) West and east sides of Box Butte Avenue between First and Sixth Streets.
 - c) North side of First Street between Laramie Avenue and Niobrara Avenue.
 - d) South side of Second Street from the west line of Lot 1, Block 28, Original Town, to the east line of Lot 17, Block 27, Original Town.
 - e) North side of Second Street from Laramie Avenue to the east boundary line of Lot 18, Block 22, Original Town.
 - f) South side of Third Street from Toluca Avenue to Niobrara Avenue.
 - g) North side of Third Street from Big Horn Avenue to Niobrara Avenue.
 - h) South side of Fourth Street from the west line of Lot 1, Block 17, Original Town, to Niobrara Avenue.
 - i) North side of Fourth Street from Laramie Avenue to Niobrara Avenue.
 - j) North side of Fifth Street from the west line of Lot 21, County Addition to Niobrara Avenue.
- (3) Where curbs are already installed, commercial walks shall be constructed only with the approval of the City Manager or designee.

B. Curb Sidewalks.

Curb sidewalks shall not be permitted except in the following circumstances:

- (1) If it is replacing an existing curb sidewalk.
- (2) If the property adjacent to the lot already has curb sidewalk.
- (3) In case an area has both standard and curb sidewalk, or some other unusual circumstance, the City Manager or designee shall determine the type of sidewalk to be installed.

C. Standard Sidewalks.

Standard sidewalks shall be considered the minimum required sidewalk type. Portions of this Code may allow or require other types of sidewalks.

(Ord. No. 2794, § 1, 1-5-2016)

Sec 24-24. – Construction Requirements.

A. Width:

- (1) Curb sidewalks must be at least 4 feet wide but are limited to a maximum of 5 feet wide; or it must match the adjacent conforming existing curb sidewalk or standard sidewalk width.
- (2) Standard sidewalks shall be constructed at least 4 feet wide but are limited to a maximum of 5 feet wide unless otherwise allowed; or it must match the conforming standard sidewalk width on the same block.
 - a) Standard walks of six feet in width shall be maintained on the west side of Box Butte Avenue from Sixth Street to Twelfth Street and the east side of Box Butte Avenue from Sixth Street to Tenth Street.
 - b) Schools, museums, and churches may install commercial sidewalks.

B. Thickness: Sidewalks shall be a full 4 inches thick except they shall be thickened to a full 6 inches across driveway entrances.

C. Cross Slope: Cross slope shall be no less than 1:96 but no more than 1:48 upward from the curb side to the property line side. Sidewalk cross slope shall be maintained across driveway entrances.

D. Running Slope: The running slope of a sidewalk shall be no more than 1:20.

E. Exceptions: After receiving a written statement from the adjacent property owner, the City Manager or designee shall be permitted to allow minor variance from C and D of this Section in cases where there are topographic conditions that would prohibit the installation of the sidewalk to code. The written statement shall describe the present conditions in detail and how the exception will not be of detriment to the use of the sidewalk.

Sec. 24-25. – Maintenance.

Sidewalks shall be maintained in good repair by the adjacent property owner.

A. The following requirements shall be used as thresholds for initiating sidewalk repair or replacement. Exceeding any threshold listed below shall require replacement or repair of the sidewalk.

- (1) Vertical Faults: Vertical faults between panels or cracks in the sidewalk shall not exceed $\frac{1}{2}$ ".
- (2) Horizontal Faults: Horizontal gaps shall be filled or the sidewalk replaced when the gap exceeds $\frac{1}{2}$ " for those parallel to the direction of travel and $\frac{3}{4}$ " for gaps perpendicular to the direction of travel.

- (3) Spalling: Degradation of the sidewalk surface shall not exceed ½" depth on 50% or more of a 48" X 48" section of sidewalk.
 - (4) Sidewalk Material: All sidewalks shall be either Portland cement concrete or brick; all other materials shall be replaced.
 - (5) Obstructions: Items such as curb stops, valve boxes, etc., shall not extend more than ½" above or below the finished surface of the sidewalk.
 - (6) Cross Slope: Cross slope shall not be greater than 1:24 and the sidewalk shall not slope towards the property line side.
 - (7) Running Slope: The running slope of the sidewalk outside any intersection ramps shall be no greater than 1:12.
- B. Notification of Substandard Sidewalk: The property owner of record shall be sent a notice by certified mail or personally served. The notice shall include the total amount of sidewalk that is in violation of code, the code subsection being violated, and the time frame for sidewalk repair or replacement. If staff is unable to locate the property owner using certified mail or personally serve them the notice, the property shall be posted with a copy of the notice.
- C. Replacement Time: Property owners shall have 6 months per 75 linear feet of sidewalk identified as substandard to replace said portions of sidewalk. The replacement time shall begin after the property owner receives notification from the City or after the notice is posted on the property if necessary. The City Manager or designee may grant an extension not to exceed 3 months in case of inclement weather.

Sec. 24-26. - Failure to Construct or Maintain.

In the event that the owner of any lot, lots, or land, abutting on any street, avenue, or part thereof shall fail to construct, reconstruct, or repair any sidewalk abutting the owner's lot, lots, or land, within the time and in the manner as directed and required herein after receiving due notice to do so, the City Council may pass a resolution authorizing the City Manager or designee to cause such sidewalk to be constructed, reconstructed, or repaired, and the cost be paid entirely by the property owner of record.

- A. Notice of Construction: The property owner shall be personally served or notified by certified mail of the resolution authorizing the City Manager or designee to cause such sidewalk to be constructed, reconstructed, or repaired, and that the cost of said work shall be paid entirely by the owner. If staff is unable to notify the property owner using certified mail, the subject property shall be posted with a copy of the notice for no fewer than fourteen days.
- B. Construction: Fourteen days after the property owner's receipt of the notice or fourteen days after the property is posted, the City Manager or designee shall cause such sidewalk to be constructed or reconstructed to City standards and upon completion of the sidewalk shall issue an invoice to the property owner payable in two months.

C. Nonpayment: If the cost of the work is unpaid for two months after such work is completed, the City Council may assess the cost of sidewalk construction, reconstruction, or repair against the property by way of assessing it against the property.

D. Notice of Assessment: Fourteen days before levying any assessment against the subject property, the City Council shall:

(1) Publish in a newspaper of general circulation a notice of the intent to levy an assessment on the subject property; the notice shall state at a minimum the assessment amount, the purpose, the date of the completion of the work, the legal description, and the address of the subject property.

(2) Post a copy of the same notice on the subject property.

(3) Personally serve or send a copy of the notice by means of certified mail to the last known address of the property owner of record. The last known address shall be that address listed on the current tax rolls at the time such notice was first published.

E. Fourteen days after the notice is posted, the City shall file a lien at the Box Butte County Clerk's office against the property adjacent to which the sidewalk was installed.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 24-27. – Snow Removal.

A. Removal: It shall be the duty of the owner of every lot or parcel adjacent to a permanent sidewalk to clean off and remove all snow, slush, and ice therefrom within 24 hours after such snow, slush, or ice has fallen, drifted, or accumulated thereon.

B. Snow, slush, or ice shall not be moved from lots, driveways, or adjacent sidewalks into the City streets, alleys, or neighboring lots. Such an offense shall be considered a misdemeanor and punishable by a \$100 fine.

C. Failure to Remove: If, after 24 hours, the lot or parcel owner has failed to make the removal as set out herein, the City Manager or designee shall post the property adjacent to the sidewalk and serve the owner of record with a notice requiring removal within 24 hours of posting or receipt of said notice. The City Manager or designee may cause the sidewalk to be cleared by hiring a contractor or by City employees should the owner fail to comply with the notice.

D. Recovering Costs: The City Manager shall bill the property owner for all costs incurred in clearing the sidewalk. After nonpayment at the end of the two month period, the City Manager may:

(1) Levy an assessment against such property in accordance with Section 24-26 (D); or

(2) Recover such costs in a civil action.

Sec. 24-28. – Liability and Damages.

The owner of the lot, lots, or land shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk abutting said property.

Secs. 24-29 – 24-40. – Reserved.

ARTICLE III. – CURB STRIPS

Sec. 24-41. – Grading.

Grades shall result in a slope of between one-eighth inch and five-eighths inch per foot upward from the curb line to the side of the sidewalk nearest the street. In case of extreme grade changes the City Manager or designee may waive this requirement on an individual basis.

Sec. 24-42. – Obstruction.

No person shall allow any grass, weeds, decorative flowers, bushes, trees, or place any items violating Chapter 20 or items taller than 30 inches in the curb strip. Any bushes, shrubs, hedges, or items 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.

Sec. 24-43. – Paving.

To aid in the installation and maintenance of City utilities in the right-of-way, paving or the installation of any solid surface or solid subsurface material in the curb strip between a standard sidewalk and the back of the curb and gutter is not permitted. This Code does not restrict the paving of commercial sidewalks where allowed.

Sec. 24-44. – Sidewalk.

Sidewalk connecting the front walk of a structure to the curb and gutter shall be allowed in the curb strip with the following limitations:

- A. One per 50' of lot frontage; there shall be a separation of at least 10 feet between sidewalks in front of the same lot.
- B. Shall be no wider than the front walk on the property or ten feet, whichever is less.
- C. It must be placed directly in front of the front walk and function as an extension of the front walk to the curb and gutter.

(Ord. No. 2794, § 1, 1-5-2016)

Secs. 24-45 – 24-60. – Reserved.

ARTICLE IV. – DRIVEWAYS, CURBS, AND GUTTERS

Sec 24-61. – Driveways.

No driveway shall be constructed in the City right of way except those that meet the following minimum requirements.

- A. Sidewalk Cross Slope: The cross slope of a sidewalk shall not change where it crosses the driveway. Slope requirements for sidewalks shall be maintained. Sidewalk crossings that do not meet code requirements for cross slope shall be made to meet such requirements when replacing the driveway or sidewalk.
 - B. Material: All driveways located in the City Right of Way shall be paved with Portland cement concrete pavement.
 - C. Thickness: Driveways shall be a full six inches thick from the curb line to the property line including the portion of sidewalk where it crosses the driveway.
 - D. Width: Minimum and maximum widths of driveways and the location and spacing of driveways shall comply with the zoning regulations in which the adjacent property lies.
- (Ord. No. 2794, § 1, 1-5-2016)

Sec. 24-62. – Curb and Gutter.

- A. Breaking Pavement: It is hereby declared to be unlawful for any person to break paving except by sawing to a depth of at least two inches; provided, however, sawing is not required if the paving is partially granite or if permission is obtained from the Public Works Director to break by means other than sawing.
- B. Curb Cuts: It is not permissible to break the back off of existing curb to create a driveway. Where curb and gutter is removed it shall be removed to the nearest joint from each side of the driveway if the remaining section of curb is less than three feet in length. The flow line of curb and gutter shall be maintained. Construction and expansion joints shall be placed as specified in the City standards.

Secs. 24-63 – 24-80. – Reserved.

ARTICLE V. – EXCAVATION AND OBSTRUCTION

Sec. 24-81. – Excavation Requirements:

- A. Exposed Excavations: No person shall excavate any part of the right of way, any lot or part of a lot and leave the same exposed and open in such manner as to endanger the safety of any person passing along, over, or upon any avenue, street, alley or sidewalk therein.
- B. Safety: Excavations and trenches shall meet the minimum requirements of OSHA 2226 or any other publication hereafter released by OSHA governing trenching and excavation safety.

- C. Lighting: The holder of each permit shall notify the City Manager or designee not later than 1:00 p.m. on each Friday of any excavations that need inspected and are ready to fill. The holder of each permit shall light and maintain, until the following Monday, all excavations not reported by 1:00 p.m. Friday.
- D. Barricades: Any person permitted to do construction or excavation work in any street, avenue, or alley shall provide, at their own expense, substantial barricades with their name clearly marked thereon. These barricades shall be Type 2 of the Manual on Uniform and Traffic Control Devices for streets and highways. In addition to the barricades, sufficient lights shall be used to protect the public.
- E. Tunneling: Tunneling or under cutting is not permitted and if such does occur, the holder of the permit shall be penalized on a square foot basis on all tunneling or under cutting.
- F. Filling: Where any permit is obtained for the excavating in any street, avenue, or alley, which includes the curb strip, all work of replacing paving, filling any trenches or holes, tamping, and reseeding, shall be done by the contractor holding the permit to excavate and shall be done to City standards.
- G. Site Restoration: Replacement of the fill dirt shall be done in a workmanlike manner, so that the area excavated shall be returned substantially to its previous condition. This shall include but not be limited to appropriate tamping, seeding, and the repaving or replacing of sidewalks, roadways, and driveways to City standards.
- H. Nonconforming Paving: Any nonconforming paving removed during excavation may not be replaced as such. All sidewalks and driveways must be constructed to adopted City standards and codes.
- I. Excavations in Curb Strips: Such curb strip area between curb line and lot line is the property of the City and the contractor or other excavator when working in such area shall comply with all applicable provisions of this Code and all appropriate ordinances, resolutions, and rules governing the use of streets, avenues, and alleys.

Sec. 24-82. – Obstructions.

It shall be unlawful for any person to place, leave, or permit to be placed or left, with his/her consent, on any avenue, street, alley, sidewalk, curbstone, gutter, crosswalk, or any public right of way or easement, any truck, trailer, automobile, barrow, hand cart, sleigh, or other vehicle, any fence, lumber, wood, benches, seats, chairs, rubbish, rock, gravel, sand, dirt, animals or any other article, device, or things whatsoever except as follows:

- A. Construction: Obstruction Permits may be issued if the adjacent property has a valid building, mechanical, or plumbing permit procured through the City and the City Manager or designee finds there is no practical way to perform such work without obstructing a portion of the right of way.

- B. Signs: Signs shall only be permitted in the C-2, Central Business District in accordance with the sign code for that specific district.

Secs. 24-83 – 24-100. – Reserved.

ARTICLE VI. – PERMITTING AND CONTRACTORS

Sec. 24-101. – Permitting.

It is hereby declared unlawful for any person, whether operating under a franchise agreement, contract, building, plumbing, or mechanical permit, or any other agreement with the City, to construct any sidewalk, driveway, curb or gutter, to excavate the ground surface or the ground beneath the surface of any street, avenue, or alley, or obstruct any street, avenue, or alley, within the City without a permit therefor from the City Manager or designee issued as follows:

- A. The applicant shall submit an application and a site plan detailing the location, extent, character of the work proposed, the time when it is to be done, and the location and number of barricades to be used, and shall pay an application fee to the City for each permit issued as established by the City Council.
- B. Every application shall be reviewed by or accompanied by the written consent of the Public Works Director before being issued.
- C. Permits issued pursuant to this Article shall be numbered consecutively and be valid for a period of 10 days from their respective issue date, and no work shall be done under any such permit after the expiration of such ten days. Each permit shall contain the name of the person or company authorized to use the same, the time limit within which the permit may be used, and the location and nature of the work to be done.
- D. Supervision: The construction, repair, or reconstruction of all sidewalks, driveways, curbs, and curb and gutter, and any excavations located on public right-of-way shall be under the supervision of the City Manager or some competent person designated by him for that purpose, who shall supervise and inspect all work and materials used therein.
- E. Inspections: The contractor or property owner shall be required to notify the City Manager or designee and request inspections of the work periodically and receive approval of fill and forms prior to placing any concrete. Any work not performed in compliance with this article may be ordered removed and replaced after inspection.

Sec. 24-102. – Contractors.

Except as provided for in code, no person shall hereafter construct, repair, or reconstruct any sidewalk, driveway, curb, or curb and gutter, or break out, remove, cut, or alter any sidewalk, driveway, curb, or curb and gutter, or excavate upon, within, or under any of the streets, avenues, or alleys of the City without first having obtained a contractor's license as

issued in accordance with Part II of this Code. The City shall be privileged to perform such work without the necessity of becoming a licensed contractor.

Sec. 24-103. – Repair by Adjacent Property Owner.

Repair of existing sidewalks and driveways, may be performed by the abutting property owner providing that:

- A. An application for a permit is filed with the City Manager or designee and such permit is issued;
- B. Such work is performed in accordance with all provisions of this Article and adopted City standards;
- C. The repair would result in all of the sidewalk abutting upon any lot or parcel of real estate owned by one owner being placed in good repair;
- D. Driveway repair shall result in the entire driveway between the curb line and property line being placed in good repair.
- E. The person performing the work is the bona fide owner and occupant of the adjacent property.

(Ord. No. 2794, § 1, 1-5-2016)

Sec. 24-104. – Noncompliance.

- A. No Permit: Any person who shall fail or neglect to obtain any permit required by this Chapter, shall be charged a no permit fee for the permit.
- B. Suspension of Contractor License: If the same individual shall violate this Chapter twice within any six-month period they may be found guilty of a misdemeanor; if the individual is a licensed contractor, the contractor's license shall automatically be suspended for a period of 90 days regardless of any prosecution for violating this Code.
- C. Substandard Fill: When it is necessary for the City to remove material unfit for filling any excavation and substitute suitable material, there shall be a charge based on the time required for the removal and replacement of such material as well as a cost per ton of the new fill material.
- D. Back Charges: The charges for replacing any concrete, asphalt, or brick paving, for filling in excavations in any street, avenue, or alley, and tamping the same with a mechanical tamper, or performing any work as required by this Article to restore the right of way to its previous condition, shall be as established by the City and billed to the contractor or person failing to perform such work within the time allowed by the excavation permit.

- E. Nonpayment: Back charges shall be paid within two months and no permit shall be issued to anyone who has an unpaid charge hereunder. Upon nonpayment after a two month period, the City Manager shall suspend the contractor's license for 90 days and recover such costs in a civil action against said contractor or person.

Secs. 24-105 – 24-120. – 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 24 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.

- The next agenda item was the first reading of Ordinance No. 2885 which will approve the request of Mark Wilkinson to rezone Lot 8, Frontier Addition to the City of Alliance from M-2 – Heavy Industrial to C-3 – Highway Commercial. The Council was provided with the following information:

[Wilkinson Development has submitted an application to rezone Lot 8, Frontier Addition to the City of Alliance, Nebraska, from M-2, Heavy Industrial to C-3, Highway Commercial.

The lot proposed to be rezoned is located at the southeast corner of the intersection of West 4th Street and Cody Avenue. It is bordered by R-3, Multifamily Residential to the north, M-2, Heavy Industrial to the east, and C-3, Highway Commercial to the south and west.

The proposed rezone will not change the front, side, or rear setbacks, but the side street setbacks shall be changed from 20 feet to 15 feet. The C-3, Highway Commercial zoning district does not have any minimum lot size requirements. The property owner would like to combine Lot 8 with Lot 7 directly to the south and a rezone is necessary to prevent the proposed lot from sitting in two different zoning districts.

The lot is in the West Gateway Neighborhood. This neighborhood is described as having inconsistent land uses and poor development fill out. A rezone to C-3 from M-2 would help eliminate the future possibility of even more land uses that are inconsistent with the primarily commercial land uses adjacent to West 3rd Street.

The City of Alliance Planning Commission met at a rescheduled meeting on March 26, 2019 and voted to recommend the City Council approve the rezone of Lot 8, Frontier Addition to the City of Alliance, Nebraska, from M-2, Heavy Industrial to C-3, Highway Commercial stating the following findings of fact in their motion:

1. The rezone is supported by the Comprehensive Plan as it would eliminate the Heavy Industrial zoning which is inconsistent with the existing commercial zoning primarily found adjacent to West 3rd Street.
2. The rezone would not create any nonconforming lot sizes or structures.
3. There is adjacent C-3 zoning to the south and west so it would not be a spot zone.]

A motion was made by Councilman Reynolds, seconded by Councilman Jones to approve the first reading of Ordinance No. 2885. Deputy City Clerk Krejci read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2885

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOT 8, FRONTIER ADDITION, BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS A C-3 (HIGHWAY COMMERCIAL) DISTRICT FROM A M-2 (HEAVY INDUSTRIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 109-22 of the Alliance Municipal Code is amended to provide as follows:

109-22. DISTRICT MAP ADOPTED

A. Zoning District Map: Boundaries of the districts, as enumerated in the Zoning Ordinance, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the Zoning District Map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of this Zoning Ordinance as if the same were set forth in full herein. The City Planning Commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

B. Boundaries: When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the City Manager or designee, due consideration being given to location as indicated by the scale of the Zoning District Map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this ____ day of May, is now the official Zoning District Map.

SECTION 2. Previously existing Section 109-22, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2886 and Resolution No. 19-30 were now before Council for consideration. The ordinance will approve the Final Plat for Berean Second Addition and Resolution No. 19-30 will approve a Contract for Public Improvements. Council for provided the following information regarding the requests:

[The City of Alliance is in receipt of an application for a Final Plat from the Berean Fundamental Church of Alliance. The Final Plat shows the dedication of a 2.52 acre tract of land, a 130 foot extension of Colorado Avenue, and a 130 foot extension of the west half of Emerson Avenue.

The property proposed to be subdivided is located south of West 20th Street and west of Emerson Avenue. The church would like to plat the tract and list it for sale with the intent that a developer purchase it and replat it for single-family housing.

The land is currently zoned R-1a, Single Family Residential. It is bordered to the north, east, and south by R-1a and to the west by Agriculture. The zoning is correct for the proposed use and is not required to change.

Water and sanitary sewer were installed in West 20th Street right of way as part of the development of Newberry Addition. Electric, the curb and gutter along Emerson, the paving of Colorado Avenue, and a 20' alley would be the required public improvements on this plat. The church is proposing a contract with the City

to defer and pass the requirement to install these public improvements to the developer or any successive property owners.

The City of Alliance Planning Commission met at a rescheduled meeting March 26, 2019 and found that the Final Plat was satisfactory. They voted affirmative on a recommendation to the Alliance City Council for the approval of the Final Plat of Berean Second Addition to the City of Alliance, Box Butte County, Nebraska, stating the following findings of fact in their motion:

1. The Final Plat is supported by the Comprehensive Plan in that it is proposed to be residential, which is the area's identification in the Plan.
2. There will not be any nonconforming lots created.
3. The current zoning is correct for this type of development.
4. The Infrastructure Development Agreement provides for the installation of the required public improvements at a later time.
5. The Final Plat shows the same lot layout as the Preliminary Plat which was approved by Council and the Planning Commission.]

A motion was made by Councilman Jones, seconded by Councilman Bentley to approve Resolution No. 19-30 which follows in its entirety:

RESOLUTION NO. 19-30

WHEREAS, The Alliance City Council is considering the Final Plat of Berean Second Addition to the City of Alliance, Box Butte County, Nebraska located in the Northwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th P.M.; and

WHEREAS, As part of the platting process a Contract for Public Improvements has been negotiated to ensure the development complies with the requirements of the Alliance Municipal Code; and

WHEREAS, The public improvements included within the Agreement all improvements required by the City, including but not limited to: street, curb, gutter, sidewalk, sanitary sewer, electric, storm sewer/drainage improvements and water improvements; and

WHEREAS, The cost of these improvements shall be deferred by the Berean Fundamental Church to the future developer purchasing the property or any successive property owners; and

WHEREAS, The City of Alliance believes that entering into the Contract for Public Improvements for the Berean Second Addition is in the best interest of the citizens of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to sign on behalf of the City the Contract for Public Improvements between the City and the Berean Fundamental Church all accompanying documents, agreements, and easements.

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 Jones, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2886. Deputy City Clerk Krejci read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2886

AN ORDINANCE APPROVING THE FINAL PLAT OF BEREAN SECOND ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M.

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

SECTION 1. The City of Alliance has received the application for approval of the Final Plat of Berean Second Addition to the City of Alliance, Box Butte County, Nebraska located in the Northwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th P.M. to the City of Alliance, Nebraska from the Alliance Berean Church.

SECTION 2. The Planning Commission held a public hearing March 26, 2019, and has recommended the approval of the Final Plat of Berean Second Addition to the City of Alliance, Box Butte County, Nebraska located in the Northwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th P.M.

SECTION 3. The Final Plat of Berean Second Addition to the City of Alliance, Box Butte County, Nebraska located in the Northwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th P.M is hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council's next item for consideration was the first reading of Ordinance No. 2887 which will amend our current Classification plan. The Council was provided with the following information:

[The Street Department currently houses and operates the refuse collection trucks. Street Maintenance Workers rotate trash duties as one of their responsibilities, rather than a designated employee. This helps ensure the City has an adequate number of trained drivers but has created additional problems for both staff and operations.

Staff recommendation is to:

- Remove refuse driving from the primary duties of Street Maintenance Worker position
- Reinstate the Refuse Collection Driver position
- Transfer refuse collection drivers and equipment to the Landfill and Landfill Supervisor.

This proposal was communicated with effected staff. The staff support the change based on improved consistency between refuse collection and landfill schedules, increase in employee job satisfaction, trash and yard debris separation, vehicle maintenance scheduling and housekeeping of Landfill facilities. This proposal will not increase the City's personnel costs for the Street or Refuse funds.

The timing of this change also corresponds with the retirement of the Landfill Foreman and a current opening for a Street Maintenance Worker that would become Refuse Collection Driver. Both Landfill and Street Department employees will also be able to serve as backup drivers for Refuse Collection.]

A motion was made by Councilman Bentley, seconded by Councilman Reynolds to approve the first reading of Ordinance No. 2887. Deputy City Clerk Krejci read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2887

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

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

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

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

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

SECTION 1. That the Classification Schedule for the City of Alliance dated effective October 6, 2018 is hereby amended and the following stated positions are classified as follows:

	Job Title	Grade
Remove	Deputy City Manager	107
Add	Refuse Collection Driver	214
Change	Landfill Foreman	219220

SECTION 2. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

A motion was made by Councilman Jones to suspend the statutory rule requiring three separate readings of Ordinance No. 2887. Councilman Reynolds seconded the motion.

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

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

Voting Nay: None.

Motion carried.

Roll call vote to adopt Ordinance No. 2887 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. 2887 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 19-32 was the next matter before Council. Resolution No. 19-32 will authorize the purchase of a S650 T4 Bobcat Skid-Steer Loader to be utilized in the Refuse Disposal Department. Council was provided with the following information:

[As part of the 2019-20 CIP budget process, the need for a new skid-steer was identified for landfill operations. Budget authority for this equipment was included in the approved budget (GL# 06-51-55-59-950). Actual funding will be obtained through a loan or bond in accordance with the recommendation included in the 2018 refuse rate study.

Sandberg Implement Inc., Gering, Nebraska will process this purchase using the State of Nebraska Contract #14660-OC in the amount of \$40,971.72. Sandberg Implement will deliver the machine to Alliance at no additional cost. The current skid-steer is a 2010 model with 2,671 hours and will be transferred for use in the Street Department.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve the Resolution No. 19-32 which follows in its entirety:

RESOLUTION NO. 19-32

WHEREAS, The City of Alliance Refuse Disposal Department has a need to replace a Skid-Steer Loader for their operations; and

WHEREAS, Public Works Director Grant is recommending the purchase of a S650 T4 Bobcat Skid-Steer Loader from Sandberg Implement Inc. of Gering, NE; and

WHEREAS, The purchase is in the amount of \$40,971.72 utilizing the State of Nebraska Contract No. 14660-OC; and

WHEREAS, Adequate funding for this purchase was included in this fiscal year budget within the Refuse Disposal Fund Capital Outlay-Machinery and Equipment Account, GL# 06-51-55-59-950; and

WHEREAS, It is the City's intent to secure short term financing for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Mayor Dafney be and hereby is authorized to enter into a contract with Sandberg Implement Inc., of Gering, Nebraska for the purchase of one S650 T4 Bobcat Skid-Steer Loader in the amount of Forty Thousand Nine Hundred Seventy-one Dollars and 72/100ths (\$40,971.72).

BE IT FURTHER RESOLVED, that the City Council is authorizing the purchase from the Refuse Disposal's Capital Outlay – Machinery and Equipment Account No. 06-51-55-59-950 to allow for the purchase of one S650 T4 Bobcat Skid-Steer Loader .

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 19-33 which will add a Class L Liquor License to existing occupation tax requirements was next for Council. The following information was provided to Council:

[The City has a new classification of liquor license this renewal season with Brewery 719. As such we need to add the Class L (Craft Brewery) to our Occupation Tax Schedule. The City is allowed to charge up to twice the State established license fee. Alliance has not revised our occupation taxes for many years. At this time staff is only recommending the addition of the Class L (Craft Brewery) to our schedule. The renewal for all non-Class C licenses is May 1st. Class C licenses renew November 1st. Should Council desire to increase the other classes, it would be recommended to have another resolution prepared for consideration for our next budget year. Attached is a listing of our current liquor licenses holders in Alliance and an area comparison of liquor license occupation taxes for your review.]

A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve the Resolution No. 19-33, which follows in its entirety:

RESOLUTION NO. 19-33

WHEREAS, The City of Alliance makes recommendations to the Nebraska Liquor Control Commission for the issuance of liquor licenses for our community; and

WHEREAS, When liquor licenses are issued by the Nebraska Liquor Control Commission the City processes the licenses to the holders; and

WHEREAS, Nebraska Statutes allow communities to impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the city in any sum not to exceed two times the amount of the license fee required to be paid under the act to obtain such license; and

WHEREAS, Our current occupation tax structure did not include a Brew Pub classification of which now exists within the City; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that the City of Alliance Liquor License Occupation Tax are adopted and approved by Council as set forth herein;

Type of License	Current License Fee	City Occupation Tax
Class A Retail - Beer	\$100.00	\$100.00
Class B Retail – Beer	\$100.00	\$50.00

Class C Retail – Alcoholic	\$300.00	\$500.00
Class CK (incl. catering endorsement)	\$375.00	\$500.00
Class D Alcoholic	\$200.00	\$300.00
Class E - Entertainment	\$300.00	\$0.00
Class I Retail Alcoholic	\$250.00	\$400.00
Class J Beer/Wine Only	\$ 50.00	\$0.00 (exempted by Statute)
Class LK Craft Brewery (incl. catering endorsement)	\$250.00	\$500.00
Special Designated License	\$40.00 per day	\$50.00 per event

BE IT FURTHER RESOLVED that these occupation taxes will be effective with the licenses issued by the Nebraska Liquor Control Commission from this date forward.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Discussion and consideration of the request to accept the termination of the Golf Professional contract was now before Council.

Mayor Dafney made a motion to decline the termination of Jackie Stevens' contract as the SkyView Golf Course Golf Professional and directed staff to advertise for a new Golf Professional and to assume the Cart Rental Agreement with Masek Golf Cart Company. Councilman Bentley seconded the motion.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Board appointments and announcements were now before Council.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to accept the resignation of Walter Halle from the Alliance Planning Commission.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones, seconded by Councilman Reynolds to appoint Evan Mehne to the Alliance Planning Commission with a term ending December 31, 2021.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones, seconded by Councilman Reynolds to appoint Mary Ohrtman to serve on the Alliance Housing Authority with a term expiring December 31, 2021.

Roll call with the following results:

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

Voting Nay: None.

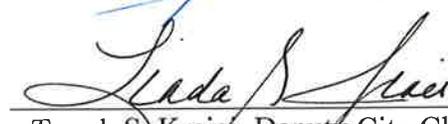
Motion carried.

The following Board vacancies were announced: two on the Board of Adjustment, three on the Economic Development Plan Citizen Advisory Board, one youth representative on the Library Board, and two vacancies on the Park and Tree Board and the alternate position on the Planning Commission. 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.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:27 p.m.

(SEAL)


Mike Dafney, Mayor


Tarrah S. Krejci, Deputy 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.

