

November 6, 2018

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, NOVEMBER 6, 2018

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

The Alliance City Council met in a Regular Meeting November 6, 2018 at 7:00 p.m., in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on October 31, 2018. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Yeager opened the November 6, 2018 regular meeting of the Alliance, Nebraska City Council. Present were Mayor Yeager, Council Members Korber-Gonzalez, Mischnick, Jones and Reynolds. Also present were City Manager Kuckkahn, Finance Director Waggener, City Attorney Shaver and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- Council was introduced to the City's new employee, Delaney Mayer, Museum Project Support Clerk.
- The next item on the Council's agenda was the Consent Calendar. A motion was made by Councilman Korber-Gonzalez and seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – NOVEMBER 6, 2018

1. Approval: Minutes of the Regular Meeting, October 16, 2018.

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2. Approval: Payroll costs for the period October 6, 2018 through October 19, 2018: \$211,692.23. Corrected payroll costs for the period September 22, 2018 through October 5, 2018 previously reported as \$200,761.45 and it should have been \$324,648.54.
3. Approval: Claims against the following funds for the period of October 11, 2018 through October 31, 2018, General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement: \$446,647.85.
4. Approval: The issuance of the following contractor licenses:

Master HVAC Corp.	Jess Cross dba Northwestern Heating & Cooling Corp.
Gas Fitter Corp.	Jess Cross dba Northwestern Heating & Cooling Corp.
5. Approval: Resolution No. 18-127 designating Jeff Sprock as the City's representative on the Public Alliance for Community Energy (ACE) Board of Directors with Randy Waggener serving as our alternate.
6. Approval: City Manager Kuckkahn's appointment of Sean Ridgeway to the Community Redevelopment Authority (CRA) as a result of the resignation of Seth Covalt. Mr. Covalt has relocated outside of the community and is no longer available to serve.
7. Approval: The acceptance of a donation from the Safeway Foundation to the Alliance Police Department. The donation is of lifesaving gear consisting of advanced rifle rated active shooter/crowd control gear. It is their intent that they will replace this gear every five years at no cost.
8. For Your Information: The City of Alliance has been notified by Charter Communications of the discontinuation of the Nick 2 Channel 108 effective November 22, 2018; and the moving of the POP Package from SPP Tier 2 to SPP EB, channel numbers 92 and 746 effective December 1, 2018.

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

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

Roll call vote with the following results:

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

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Voting Nay: None.

Motion carried.

- Next on the agenda for Council was a conflict claim totaling \$1,981.00 for services relating to the Sidewalk Replacement Program from Reza and G's Construction.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve the conflict claim in the amount of \$1,981.00 for Reza and G's Construction.

Roll call vote with the following results:

Voting Aye: Mischnick, Jones, Yeager, Reynolds.

Voting Nay: None.

Abstaining: Korber-Gonzalez.

Motion carried.

- A Public Hearing on the Rezoning Request of Ackerman Farms Inc. and Brian and Heather Hauptman for Hauptman Acres was the next matter before Council. Following the public hearing, Council introduced Ordinance No. 2874 on first reading which will approve the rezone. Council was provided with the following information:

[Ackerman Farms Inc. and Brian and Heather Hauptman have submitted an application to rezone a 5.67 acre tract of land. They are proposing a Final Plat which combines the unused corner of a pivot with the tract Hauptman's house is on and the lot size requires a rezone.

The minimum lot size in the current zoning district of A, Agriculture, is 10 acres, necessitating the rezone to R-R, Rural Residential which is 2.5 acres.

The property proposed to be rezoned is located approximately one half mile east of the intersection of East 3rd Street and Sunshine Avenue.

The proposed rezone to Rural Residential will maintain the same front setbacks that are found in Agriculture zoning and the existing structures are well out of the side and rear setbacks of 15 feet and 50 feet respectively.

The City of Alliance Comprehensive Plan does not provide much guidance for the development or zoning of property in the Extraterritorial Zoning Jurisdiction. It does not identify this area as a priority for subdivision or annexation.

The City of Alliance Planning Commission met at their regular meeting on October 9, 2018, and voted to recommend the Alliance City Council approve the rezone from A, Agriculture, to R-R, Rural Residential for a 5.67 acre tract of land located

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in the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska, making the following findings of fact:

1. The rezone will prevent the proposed tract from being a nonconforming size; and
2. There will not be any nonconforming structures created by the rezone.]

Mayor Yeager stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Rezoning Request of Ackerman Farms Inc. and Brian and Heather Hauptman and opened the public hearing at 7:04 p.m.

Community Development Director Brent Kusek was in attendance, as was property owner Callan Ackerman, 5801 Otoe Road, Alliance to answer questions from Council.

Hearing additional testimony was offered, the Public Hearing closed at 7:06 p.m.

A motion was made by Councilman Korber-Gonzalez seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2874. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2874

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 TRACT 1, HAUPTMAN ACRES, A SUBDIVISION OF A PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 25 NORTH, RANGE 47 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS A RR - RURAL RESIDENTIAL DISTRICT FROM AN A – AGRICULTURAL DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. Section 115-76 of the Alliance Municipal Code is amended to provide as follows:

115-76. DISTRICT MAP ADOPTED

(a) Boundaries of the districts, as enumerated in section 115-75 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 these regulations 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.

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(b) 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 building inspector, 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 November, 2018, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, 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: Mischnick, Jones, Reynolds, Yeager, Korber-Gonzalez.

Voting Nay: None.

Motion carried.

- The next item on the agenda was a Public Hearing on the Final Plat of Tract 1, Hauptman Acres. Ordinance No. 2875 was introduced on first reading which will approve the Final Plat. The following background information was provided to Council:

[The City of Alliance is in receipt of an application for a Final Plat from Ackerman Farms Inc. and Brian and Heather Hauptman. The Final Plat shows the dedication of a 5.67 acre tract. The property to be subdivided is located approximately one half mile east of the intersection of East 3rd Street and Sunshine Avenue.

The land is currently zoned A, Agriculture. It is surrounded by A, Agriculture. A rezone to R-R will be required before approval of the Final Plat as the proposed tract is under 10 acres. The minimum lot size in A zoning is 10 acres and the minimum size in R-R is 2.5 acres. The property is the corner of a circle pivot and is fallow.

The plat will not create any new nonconforming yards or structures. The required rezone to R-R will change the setbacks as follows: the front and side street setbacks will remain 50', the rear will be 50' and the side will go from 10' to 15'.

The property adjacent to the proposed tract is a single family residence and it sits on a deeded tract. It has never been subdivided even though it is under 10 acres. Staff believes that the deed predates the City enforcement of its subdivision and zoning regulations in the Extraterritorial Zoning Jurisdiction so it was

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“grandfathered in”. With the proposal to sell the 4.26 acres behind the deeded property to the deeded property owner, they have included the deeded property in the new tract so that there is only 1 new tract as opposed to 2.

The Alliance Planning Commission met at its regular meeting October 9, 2018 and found that the Final Plat was satisfactory. They voted yes on a recommendation to the Alliance City Council for the approval of the Final Plat of Tract 1, Hauptman Acres Subdivision, A Subdivision of a Part of the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska.

The Planning Commission made the following findings in their motion:

1. The single family dwelling has been there since the 1800’s and the plat will not have any major impact on utilities or infrastructure;
2. The plat will eliminate the non-conforming deeded tract;
3. There will not be any nonconforming structures created by the plat;
4. The use of this property is allowed in the proposed R-R zoning district.]

Mayor Yeager stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Final Plat Application for Hauptman Acres and opened the public hearing at 7:08 p.m.

Community Development Director Brent Kusek was in attendance to answer questions for Council.

No further testimony was offered, the Public Hearing closed at 7:09 p.m.

A motion was made by Councilman Mischnick seconded by Councilman Jones to approve the first reading of Ordinance No. 2875. City Clerk Jines read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2875

AN ORDINANCE APPROVING THE FINAL PLAT OF TRACT 1, HAUPTMAN ACRES, A SUBDIVISION OF A PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 25 NORTH, RANGE 47 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.

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 Tract 1, Hauptman Acres, a Subdivision of a Part of the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska from Ackerman Farms Inc. and Brian and Heather Hauptman.

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SECTION 2. The Planning Commission held a public hearing October 9, 2019, and has recommended the approval of the Final Plat of Tract 1, Hauptman Acres, a Subdivision of a Part of the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 3. The Final Plat of Tract 1, Hauptman Acres, a Subdivision of a Part of the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska 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: Mischnick, Jones, Yeager, Reynolds, Korber-Gonzalez.

Voting Nay: None.

Motion carried.

- Council next conducted a Public Hearing on the Class C Liquor License Application of Alliance Lodging LLC dba Holiday Inn Express, 1630 Holstein Drive. The following background information was provided to Council:

[The City is in receipt of a Class C Liquor License application from Alliance Lodging LLC, dba Holiday Inn Express, 1630 Holstein Drive. The license application is included in the packet. No disqualifiers came from a background check conducted by the Alliance Police Department.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief's report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.

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9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor then calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from Council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature.
19. After a second, Mayor calls for a vote.]

Mayor Yeager stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Class C Liquor License Application of Alliance Lodging, LLC dba Holiday Inn Express and opened the public hearing at 7:10 p.m.

Alicia Hellwig, a representative of Holiday Inn Express was in attendance to answer questions from staff and Council. She stated that the employees of Holiday Inn Express were currently in the process of becoming trained in alcohol sales by the Nebraska State Patrol program. Legal counsel was uncomfortable that the applicant for the liquor license was not in attendance and is unclear how alcohol sales/service will be monitored and handled correctly.

Hearing no additional testimony, the Public Hearing closed at 7:18 p.m.

A motion was made by Councilman Reynolds seconded by Councilman Jones to approve Resolution No. 18-126 which follows in its entirety:

RESOLUTION NO. 18-126

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

On November 6, 2018 the matter of the Class C Liquor License application of Alliance Lodging LLC, 1630 Holsten Drive, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

Exhibit 1 - Application of Alliance Lodging LLC, 1630 Holsten Drive, Alliance,

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Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984),
Exhibit 3 - Written statement of Police Chief dated October 26, 2018.

Witnesses were sworn and testimony was received in support of the Class C Liquor License at the public hearing on this date from Alicia Hellwig and Police Chief Kiss.

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

Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and demonstrates a willingness and ability to properly manage the liquor license held by Alliance Lodging LLC in conformance to the rules and regulations of the Nebraska Liquor Control Act.

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

1. Completion of the Nebraska State Patrol Alcohol Training Program by all staff.

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

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones to request Alliance Lodging LLC and all future liquor license applications to have a local manager identified and approved by the Nebraska Liquor Control Commission. The motion was seconded by Councilman Reynolds.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- The next item on the agenda was removed from consideration at this time by City Manager Kuckkahn. Resolution Nos. 18-128 which will approve the renewal contracts and rates with the employee health insurance and 18-129 which approves the new employee premiums for calendar year 2019 will be placed on a future agenda.
- Resolution No. 18-130 which approves the request from H & H Sanitation to lease Building No. 2904 at the Alliance Municipal Airport was the next item before Council. Council was provided with the following background information:

[This resolution will approve a Lease Agreement between the City and H & H Sanitation. The Agreement provides that H & H Sanitation pay the City an amount of \$3,600.00 annually. In return, the City agrees to lease Building #2904 which contains 3,072 square feet to be used as storage space.

This lease will be for one year with an option for automatic renewal annually thereafter. The above rate is a fifty percent increase over the last lease amount had the entire building been leased.]

A motion was made by Mayor Yeager, seconded by Councilman Reynolds to approve Resolution No. 18-130 which follows in its entirety:

RESOLUTION NO. 18-130

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

WHEREAS, There are buildings which are available for lease to the public; and

WHEREAS, Building 2904 is vacant; and

WHEREAS, H & H Sanitation has offered to lease Building 2904 under the terms of the Building Lease which is included in the Council's packet; and

WHEREAS, Staff believes that the terms and provisions of the Building Lease Agreement are fair and equitable and in the City's best interest; and

WHEREAS, City Council agrees that it is in the best interest of the City of Alliance and the Alliance Municipal Airport to enter into a one year lease agreement with automatic annual renewals with H & H Sanitation in the initial amount of Three Thousand Six Hundred and No/100ths Dollars (\$3,600.00) per year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to execute, on behalf of the City of Alliance, the Building Lease for Building 2904 with H & H Sanitation.

Roll call vote with the following results:

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

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Voting Nay: None.

Motion carried.

- Council next discussed the potential for adding solar power to our electric power profile. The City received a proposal from Sol Systems and GenPro Energy to install a 1.14 MW-dc solar farm on Airport property.

Councilman Korber-Gonzalez presented the idea of solar energy to the Council. Although this type of power may be more expensive at this time, she feels this alternative could be more financially attractive in the future as the more traditional types of power have cost increases. If the City was interested in this source of power there would be a 2% cap established for solar energy. In the proposal provided there would not be any initial capital costs to the City. Councilman Jones pointed out that there would be connection costs required of the City and converting from dc to ac could be expensive.

Finance Director Waggener stated that MEAN was preparing themselves to handle solar power and would be representing a number of communities in this effort and would be available to assist Alliance if we choose to move forward.

A motion was made by Councilman Reynolds, seconded by Councilman Korber-Gonzalez to instruct staff to continue additional research additional solar power options.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Finance Director Waggener next presented the Fourth Quarter Financial Statement and Dashboards to the Council for acceptance.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve the Fourth Quarter Financial Statement and Dashboards.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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- Board appointments were the final item on Council's Agenda.

A motion was made by Councilman Jones, seconded by Councilman Reynolds to reappoint Becky Maser to the A-1 Downtown Improvement District for an additional three year term expiring, October 31, 2021.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones, seconded by Councilman Reynolds to appoint Marcia Buck to serve on the A-2 Downtown Improvement District for a term which expires October 31, 2020.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

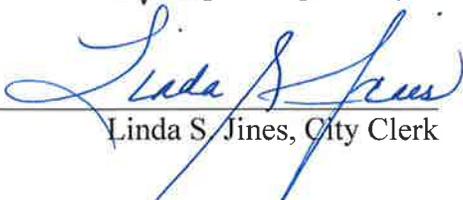
The City currently has vacancies on the Board of Adjustment (2), Downtown Improvement Districts A-2 (2), Economic Development Plan Citizen Advisory Board (2), Housing Authority (1), junior ex-officio member of the Library Board (1), Park and Tree Board (1) and Planning Commission (1). Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:05 p.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk