

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, FEBRUARY 19, 2019

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

The Alliance City Council met in a Regular Meeting, February 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 February 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 February 19, 2019 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, 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.
- The first action by Council was a motion made by Mayor Dafney to excuse Councilman Bentley from the meeting. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

Voting Aye: Dafney, Jones, Mischnick, Reynolds.

Voting Nay: None.

Motion carried.

- Next before Council was the presentation of a Proclamation declaring the week of February 16-23, 2019 as FFA Week. Councilman Mischnick made the presentation to several members of the Alliance Chapter.

PROCLAMATION

WHEREAS, FFA and agricultural education provide a strong foundation for the youth of America and the future of the food, fiber and natural resources systems; and

WHEREAS, FFA promotes premier leadership, personal growth and career success among its members; and

WHEREAS, Agricultural education and FFA ensure a steady supply of young professionals; to meet the growing needs in the science, business and technology of agriculture; and

WHEREAS, the FFA motto- "learning to do, doing to learn, earning to live, living to serve"- gives direction of purpose to these students who take an active role in succeeding in agricultural education; and

WHEREAS, FFA promotes citizenship, volunteerism, patriotism and cooperation.

THEREFORE, I do hereby designate the week of February 16-23, 2019 as FFA Week.

- Councilman Reynolds presented the Proclamation declaring the month of March as Problem Gambling Awareness Month.

PROBLEM GAMBLING AWARENESS MONTH

WHEREAS, there are individuals and families in our community adversely affected by problem gambling; and

WHEREAS, compulsive gambling is often hidden from family members, social services and mental health professionals; and

WHEREAS, compulsive gambling often occurs in combination with other disorders such as chemical dependency and depression; and

WHEREAS, it is important to raise awareness of the warning signs of compulsive gamblers and connect them with professional help.

NOW, THEREFORE, I, Mike Dafney, Mayor of Alliance, Nebraska, do hereby proclaim March 2019, as "Problem Gambling Awareness Month" and urge citizens to learn more about the consequences of problem gambling and help available through the Nebraska Gamblers Assistance Program.

- The Consent Calendar was the next matter to be addressed by Council. A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR – FEBRUARY 19, 2019

1. Approval: Minutes of the Regular Meeting, February 5, 2019.
2. Approval: Payroll Costs for the period January 26, 2019 through February 8, 2019: \$214,353.87.
3. Approval: Claims against the following funds for the period of February 1 through February 13, 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; \$1,090,857.40.
4. Approval: Update to the Alliance Volunteer Fire Department roster by adding Tylor King and removing Annalyssa Dusatko and Jennifer Hinman.
5. Approval: The issuance of the following Contractor licenses:

Tree Surgeon	Sterling Stinson dba Stinson's Tree Services
	Bob MaLone dba Pests Go, LLC
6. For Your Information: The City has received notification from NMPP Energy of the Official Notice of Revised Rates for the MEAN Wind Resource Pool, Revised Rates for Service Schedule M (Bulk Power Participants) which go into effect on April 1st and the new rates for the Interconnection Policy. The documents have been made part of the packet for your review.

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: Dafney, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

- Council next conducted a public hearing on the proposed amendments to Part II – Land Development with the Alliance Municipal Code. Following the public hearing, Council addressed Ordinance No. 2880 on first reading. Council was provided with the following information:

[City Staff has prepared amendments to all of Part II: Land Development of the Alliance Municipal Code. The proposed amendments will reorganize the Code in

such a way that is easier to follow and rewrite portions of it in such a way that make it easier to read, understand, and more effectively communicate the City's requirements and expectations.

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

Part II - Land Development and Planning

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

Chapter 105 – Building Codes and Contractor Licensing. This chapter adopts the 2015 ICC suite of building and construction codes. The current State minimum is the 2012 ICC codes and we currently operate under the 2009 version. The City may not adopt a version that is older than the State. This proposed change will bring our construction code into compliance. The State is working on adopting a new code within the next year. The City will have an additional 2 years to adopt whatever the State passes as its minimum building code. Apart from that, this chapter was reorganized as the previous construction code and contractor requirements were confusing and poorly laid out. The contractor requirements were amended to bring them into line with the available testing provided by the ICC for contractors. We propose adding language for building demolition requirements and the removal of the City enforcement of the electrical code (the State of Nebraska enforces electrical code).

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

Chapter 109 – Zoning District Regulations. The generic land use types have been replaced with specific names for each land use. Doing this removes any confusion about what the statements mean and possible misinterpretations and application of

said statements. The sections that apply to all of Part II of the Code have been moved to Chapter 101 including the definition section. Provisions have been added for the enlargement of legal nonconforming uses. The Code currently allows for expansion but doesn't provide the process for requirements. Solar energy provisions were also added to the Code. The Planning Commission and staff both recommend the removal of the Planned Central Business District as there has never been a board appointed for enforcement and the existing downtown regulations have worked without a board for the past 30 years.

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

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

Mayor Dafney stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the proposed amendments to the Alliance Municipal Code Part II - Land Development and Planning. The public hearing was opened at 7:07 p.m.

No testimony was offered by the public, the Public Hearing closed at 7:08 p.m. Community Development Director Kusek reviewed the major changes which have been offered for Council's consideration. The Alliance Planning Commission has completed a comprehensive review of the materials as it had been before them on five occasions.

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

ORDINANCE NO. 2880

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

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

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

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

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

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

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

- A. Chapter 101- Administration and Enforcement.
- B. Chapter 103 – Airport Zoning.
- C. Chapter 105 – Building Codes and Contract for Licensing.
- D. Chapter 107 – Subdivision Regulations.
- E. Chapter 109 – Zoning.
- F. Chapter 111 – Supplemental Zoning Regulations.
- G. Chapter 113 – Drainage and Flood Damage Prevention.

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

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

- Ordinance No. 2881 which will amend Chapter 20, Nuisances and Chapter 24, Right of ways, of the Municipal Code was next for Council. This item was pulled by staff and will be addressed at a future Council meeting.
- Ordinance No. 2879 updating the Municipal Code regarding Unarmed Sports was next before Council on third reading.

A motion was made by Councilman Reynolds, seconded by Councilman Jones to approve the third reading of Ordinance No. 2879. City Clerk Jines read the ordinance by title which following in its entirety:

ORDINANCE NO. 2879

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE SECTION 18-413 TO AMEND THE PROVISIONS RELATED TO UNARMED SPORTS, AND REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE THAT ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Section 18-413. - Restrictions, within Article X. – Unarmed Sports of the City of Alliance, Nebraska Municipal Code is hereby amended in its entirety the following:

Unarmed Combat sports and unarmed combat competitions, which mean those activities and events under the direction, management, control, and jurisdiction of the Nebraska State Athletic Commission, are prohibited in the law enforcement jurisdiction of the city, unless the sports or competitions' promoters, managers, seconds, contestants, attending physicians, referees, matchmakers, judges, timekeepers, and other persons subject to licensure are properly registered, licensed, and permitted by the state athletic commissioner, pursuant to R.R.S. 1943, §§ 81-8,128-81-8,142.01 and all applicable regulations as may exist from time to time.

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

Roll call with the following results:

Voting Aye: Mischnick, Dafney, Reynolds, Jones.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, “the passage and adoption of Ordinance No. 2879 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- A Public Hearing on the City of Alliance One and Six Year Street Improvement Plans was next before Council. Resolution No. 19-15 will grant approval and authorize submittal of the Plans to the State of Nebraska Board of Public Roads, Classifications and Standards. The following information was provided for Council:

[The City is required to prepare and submit an annual street plan to the Nebraska Board of Public Roads no later than March 1 for the previous calendar year. The Planning Commission at its January 29, 2019 meeting reviewed and approved recommending the attached proposed One and Six Year Street Program to Council. Public Works Director Ross Grant prepared the report as the City’s certified streets superintendent. Ross Grant will attend to review the proposed plan.]

Mayor Dafney 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 City of Alliance One and Six Year Street Improvement Plans and opened the public hearing at 7:28 p.m.

No testimony was offered and the Public Hearing was closed at 7:29 p.m. Public Works Director Grant reviewed the plans with the City Council and provided a history of the street improvements which have been completed over the last three years.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve Resolution No. 19-15. The resolution follows in its entirety:

RESOLUTION NO. 19-15

WHEREAS, The Nebraska law requires that the City of Alliance develop and file with the Board of Public Roads Classifications and Standards, a long range six year plan of highway, road and street improvements; and

WHEREAS, Such plan must be extended annually on or before the anniversary date; and

WHEREAS, City staff has prepared a One and Six Year Plan to meet these legal requirements; and

WHEREAS, The City published and held a public hearing on February 19, 2019; and

WHEREAS, The plan was submitted to Council and examined by the City Council at a regular meeting conducted on February 19, 2019; and

WHEREAS, Council believes the plan is appropriate and should be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the One and Six Year City Street Improvement Plan prepared by the City of Alliance Street Department is hereby approved and the City staff is authorized to forward the Plan to the Board of Public Roads Classifications and Standards.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

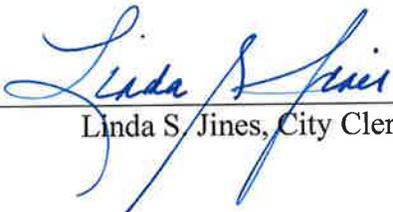
- The final agenda item was board announcements.

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

Meeting adjourned at 7:37 p.m.

(SEAL)


Mike Dafney, Mayor


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.

