

April 7, 2020

# ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 7, 2020

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

The Alliance City Council conducted a Regular Meeting, April 7, 2020, at 7:00 p.m. via virtual meeting through Zoom, in compliance with Governor Ricketts' Executive Order No. 20-03 due to the COVID-19 pandemic. A notice of meeting was published in the Alliance Times Herald on April 1, 2020. 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.

Mayor Dafney opened the April 7, 2020 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, City Attorney Hoelsing, Finance Director Waggener, and City Clerk Johnson.

- Mayor Dafney read the Open Meetings Act Announcement.
- Frist item on the agenda before Council was the presentation of a Proclamation declaring the week of April 12-18, 2020 as National Public Safety Telecommunications Week. Mayor Dafney acknowledged the following proclamations:

## PROCLAMATION

*WHEREAS;* each day, public safety telecommunicators in Alliance and throughout the nation, answer desperate calls for help, responding with services that save the lives and property of American citizens; and

*WHEREAS;* Americans dial 9-1-1 approximately 240 million times annually seeking help during emergencies, ranging from house fires and automobile accidents to heart attacks and child birth; and

*WHEREAS;* the men and women who answer these calls for help, gather essential information and dispatch the appropriate assistance, which often make the difference between life and death; and

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*WHEREAS*; the work of these “unseen first responders” is invaluable in emergency situations and each of these dedicated men and women deserve our heartfelt appreciation; and

*WHEREAS*; National Telecommunications Week provides an opportunity to honor telecommunicators who serve in the Alliance Police Department.

*NOW, THEREFORE*, the City Council of Alliance, Nebraska, does announce and proclaim to all citizens the week of April 12-18, 2020, as:

#### National Public Safety Telecommunications Week

And encourages all citizens to recognize the accomplishments and contributions of the Public Safety Telecommunicators whose diligence and professionalism keep our City and community safe.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 7<sup>th</sup> day of April in the year of the Lord Two Thousand Twenty.

#### PROCLAMATION

*WHEREAS*, the City of Alliance would like to recognize and celebrate the profession of Linemen and wishes to honor their exemplary services to the City of Alliance and our community; and

*WHEREAS*, Linemen are often first responders during storms and other catastrophic events, working to make a scene safe for the citizens; and

*WHEREAS*, Linemen work with thousands of volts of electricity high atop power lines 24 hours a day, 365 days a year, to keep electricity flowing in our community, and

*WHEREAS*, Linemen work under dangerous conditions, putting their lives on the line every day to construct and maintain the energy our City needs to run to operate.

*THEREFORE, BE IT RESOLVED* that I, Mike Dafney, Mayor of Alliance, do hereby proclaim April 18, 2020, as:

#### National Linemen Appreciation Day

And encourage residents to recognize the hard work and commitment our Linemen do for our City. And encourage everyone to take a moment to thank a line worker for everything they do to keep the lights on, ensuring and enhancing our quality of life.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 7<sup>th</sup> day of April in the year of the Lord Two Thousand Twenty.

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- Next item before Council was the ACE Presentation. The City of Alliance received a Membership Distribution check from ACE in the amount of \$28,272. To date \$210,989 has been returned to the City from ACE. Council presented the following Proclamation:

#### PROCLAMATION

WHEREAS, ACE, the Public Alliance for Community Energy is a community-owned and not-for-profit natural gas supplier made up of 72 Nebraska member communities including the City of Alliance; and

WHEREAS, ACE was formed in 1998 to provide competition in the Choice Gas program in helping natural gas customers get the lowest price possible and keeping money in Nebraska; and

WHEREAS, The mission of ACE is to offer competitive rates and work to keep the cost of natural gas as low as possible for all consumers; and

WHEREAS, The City of Alliance received \$28,272 in revenue return from ACE during March of 2020 with total revenue returns to the City of \$210,989 since the inception of ACE.

NOW, THEREFORE, the City Council of Alliance, Nebraska, encourages the Citizens of Alliance to consider selecting ACE as their natural gas supplier during the Choice Gas selection period which begins April 10<sup>th</sup> and runs through April 23, 2020.

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to accept the ACE Membership Distribution check in the amount of \$28,272.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The Consent Calendar was next on the agenda for Council's consideration. A motion was made by Councilman Mischnick and seconded by Councilman Jones to approve the Consent Calendar as follows:

#### **CONSENT CALENDAR – APRIL 7, 2020**

1. Approval: Minutes of the Regular Meeting, March 17, 2020.
2. Approval: Corrected Costs for the period February 22, 2020 through March 6, 2020: \$301,120.27 and Payroll Costs for a period of March 7, 2020 to March 20, 2020: \$232,311.11.

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3. Approval: Claims against the following funds for the period of March 11, 2020 through March 31, 2020: 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; \$289,947.09.
4. Approval: Issuance of a Cemetery Certificate to Adolfo Lopez Jr. for the East Half (E ½) of Lot Sixteen (16), Section Five (5), Block Twenty-two (22), Fourth Addition to the Alliance Cemetery.
5. Approval: Resolution No. 20-33 approving Change Order No. 3 to the 12.47 kV Distribution Line Rebuilds – Airport Area Project with IES Commercial, Inc. in the amount of \$8,157.69. These additional funds will be credited from the contingency allowance. As a result, the original contract price will decrease from \$366,175.00 to \$358,071.31.
6. Approval: The submittal of the Renewal Application with the Nebraska Department of Revenue (Form 50G) for our KENO operation.
6. Acceptance and Approval: Certificate of Completion for Holsten Addition Public Utility Improvements.
7. For Your Information: The Panhandle Men’s Club Locker Room Renovation Project is almost complete. 80 new lockers have been installed with 55 of them pre-sold at \$200 per locker for five years. All the old lockers have been sold to one individual for \$1,000.
8. For Your Information: Charter Communications is making the following channel lineup change:

Channel	Change	Channel Number	Effective
Bull Dog Shopping Network Launch (Olympusat 3 <sup>rd</sup> Service)	Alive TV Launch (Olympusat): Contracted launch on select and legacy equivalent packages (HD only)	204 or 702	4/3/2020

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.

Councilman Bentley motioned to amend the Consent Calendar with the correction of the March 17, 2020 meeting minutes to reflect the meeting location was at the Alliance Learning Center, 1750 Sweetwater Avenue. The motion was seconded by Councilman Mischnick.

Roll call with the following results:

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

Voting Nay: None.

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Motion carried.

Roll call vote to approve the Consent Calendar as amended:

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

Voting Nay: None.

Motion carried.

- The next agenda item was the first reading of Ordinance No. 2902 which will amend the Alliance Municipal Code in regards to speed limit zones as recommended by the Nebraska Department of Transportation. The following information was provided to Council:

[Nebraska Department of Transportation (NDOT) has recently completed speed studies on US-385, N-2, and N-87. As result, NDOT has made the following recommendations:

Highways 385: 50 mph from 300 feet south of West Kansas Street (south corporate limits) to W. 10<sup>th</sup> Street (north corporate limits)

Highway N-2: 40 mph from Gold Rush Byway to Cody Avenue, 35 mph from Cody Avenue to Toluca Avenue, 30 mph from Toluca Avenue to Yellowstone Avenue, 35 mph from Yellowston Avenue to Flacke Avenue (Highway N-87), and 45 mph from Flack Avenue to 50 feet west of Woolrich Road (south corporate limits).

N-87: 35 mph from 3<sup>rd</sup> Street to 12<sup>th</sup> Street (leave corporate limits) and 45 mph from 400 feet north of 12<sup>th</sup> street (re-enter corporate limits) to 800 feet norht of 12<sup>th</sup> Street (north corporate limits).

NDOT has provided updated plats showing curent corporate limits with the existing speed limit zones and the proposed speed limits for reference. In order for NDOT to proceed with new authoriztions, Council will need to adopt an amended ordinance that include the recommended changes.]

A motion was made by Councilman Reynolds, seconded by Councilman Jones to approve the first reading of Ordinance No. 2902. City Clerk Johnson read the ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2902

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE AT SECTION 26-51 AND REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HEREWITH.

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

SECTION 1. The City Code provides that speed limits within the City shall be those established by the State Statutes at §60-6,186, except as provided in City Code.

SECTION 2. State law allows, at §60-6,190, cities to deviate from the statutory guidelines for speed limits when the deviation is based on engineering and traffic investigation.

SECTION 3. The Alliance Municipal Code, at Section 26-51 is hereby amended as follows:

26-51. Speed limits; exceptions

The Revised Statutes of the State of Nebraska, Section 60-6,186, regulating the speed of vehicles within cities and villages shall be applicable upon all streets except as this section declares and determines, upon the basis of an engineering and traffic investigation, that certain speed regulations shall be applicable upon specified streets or in certain areas. In which event, it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed declared in this section.

(a) The speed limit on all through streets shall be 30 miles per hour except as follows:

- (1) Those portions of Box Butte Avenue which are situated within the business district shall have a speed limit of twenty (20) miles per hour; those portions of Box Butte Avenue from the south line of Sixth Street to the South line of Eighteenth Street shall have a speed limit of twenty-five (25) miles per hour; those portions of Box Butte Avenue from north line of 18<sup>th</sup> Street to the south line of Twenty-fifth Street shall have a speed limit of (30) thirty miles per hour.
- (2) On Cody Avenue from the south line of Third Street to the north line of Kansas Street, (40) forty miles per hour.
- (3) Kansas Street - 45 miles per hour from U.S. Highway 385 to Nebraska Highway 2. The portion situated from Nebraska Highway 2 for a distance of 700 feet to the west shall have a speed advisory of 15 miles per hour.
- (4) Gold Rush Byway (Highway US-385) – (50) Fifty miles per hour from 300 feet south of West Kansas Street (south corporate limits) to West 10<sup>th</sup> Street (north corporate limits).
- (5) Third Street (Highway N-2) – (40) Forty miles per hour from Gold Rush Byway to Cody Avenue, (35) Thirty-five miles per hour from Cody Avenue to Toluca Avenue, (30) Thirty miles per hour from Toluca Avenue to Yellowstone Avenue, (35) Thirty-five miles per hour from Yellowstone Avenue to Flack Avenue (Highway N-87), and (45) Forty-five miles per hour from Flack Avenue to 50 feet west of Woolrich Road (southeast

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corporate limits).

(6) Flack Avenue (Highway N-87) – (35) Thirty-five miles per hour from 3<sup>rd</sup> street to 12<sup>th</sup> Street (leave corporate limits) and (45) Forty-five miles per hour 400 feet north of 12<sup>th</sup> Street (re-enter corporate limits) to 800 feet north of 12<sup>th</sup> Street (north corporate limits).

(b) On all streets in Federal Addition the speed limit shall be 10 miles per hour. On all alleys in Federal Addition the speed limit shall be 5 miles per hour.

SECTION 4. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the first reading of Ordinance No. 2902 with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2901 which will amend the Zoning Regulations within the City of Alliance Municipal Code regarding meat markets and butcher shops was next before Council on second reading. The following information was provided for Council:

[Community Development is in possession of a letter from Dan and Shelly Jordan, and Dave Bussey requesting amendments to Part II of the City of Alliance Municipal Code.

The sections proposed to be amended are 101-63 titled “B” and 101-74 titled “M” of the definitions code, and sections 109-51 titled C-2, Central Business District, 109-52 titled C-3, Heavy Commercial District, 109-53 titled M-1, Light Industrial District, and 109-54 titled M-2, Heavy Industrial District, of the zoning code.

The proposed amendments will add the definitions of *Meat market* and *Butcher shop*, add *Meat market* as a permitted use in the C-2 and C-3 commercial zoning districts, and add *Butcher shop* as a Conditional Use in the C-3, M-1, and M-2 zoning districts.

The applicants propose the amendments in order to allow a facility that takes delivery of live animals, kills, butchers, packs, and sells fresh meat on the same site. The Code doesn’t have anything that would allow this process to take place on the same property. The retail portion would be allowed in the commercial

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districts but the killing, butchering, and packing would not. The killing, butchering, and packing would be allowed in the industrial zoning districts but the retail would not. The applicant has also indicated they are not a full scale slaughterhouse or packing plant and expects to process no more than 30 animals per week.

Staff has prepared two new definitions and zoning code amendments that would allow the proposed land use by way of a Conditional Use Permit in the Heavy Commercial, Light Industrial, and Heavy Industrial zoning districts. The definitions created were written to limit and define the land uses. This was done in cooperation with the applicant to ensure the definition is restrictive enough to make it a suitable land use in the Heavy Commercial zoning district but not restrictive to the point where the business model would be unfeasible.

The City of Alliance Planning Commission met at their regular meeting February 11, 2020 and held a public hearing for the proposed Code amendments. The Commission came to the conclusion that the restrictive nature of the proposed definitions and the Conditional Use Permit process would give the City control and limitation of the size of the butcher shop in the C-3 Commercial District. They recommended the approval of the Code amendments. Staff has received no comments from the public or received any opposition to the proposed code change, therefore is recommending to waive the statutory rule requiring three separate readings of Ordinance No. 2901 in order to proceed with the development.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2901. City Clerk Johnson read the ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2901

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTIONS 101-63, 101-74, 109-51, 109-52, 109-53, AND 109-54 TO ADD THE DEFINITION OF MEAT MARKET AND BUTCHER SHOP, ADD MEAT MARKET AS A PERMITTED USE IN THE C-2 AND C-3 COMMERCIAL ZONING DISTRICTS AND ADD BUTCHER SHOP AS A CONDITIONAL USE IN THE C-3, M-1 AND M-2 ZONING DISTRICTS, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Alliance Municipal Code at Section 101-63 shall be amended as follows:

Sec. 101.63. - B.

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*Banner* means a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind; this does not include flags, emblems, or insignia displayed for noncommercial purposes.

*Barber shop* means a structure, area, or shop where a barber, as licensed by the Nebraska Board of Barber Examiners, for compensation, cuts and dresses hair, shaves and trims beards, and performs related services allowed to be performed by persons licensed under the Nebraska Board of Barber Examiners.

*Barn* means an agricultural building used for the storage of farm products or feed, and the housing of farm animals and equipment.

*Barrel* means a unit of liquid measurement as that term is contemplated and used for licensing purposes under the Nebraska Liquor Control Act, R.R.S. § 53-101 et seq., as amended from time to time.

*Basement* means the story below the first story if the finished floor level directly above is not more than six feet above the average adjoining elevation of the finished grade, such space shall be counted as a story for height regulations if subdivided and used for dwelling purposes other than by a custodian employed on the premises.

*Bed and breakfast* means sleeping accommodations rented on a short term basis, where a morning meal is provided, in a building typically used as a one family dwelling.

*Bicycle pathway* means that portion of a paved right-of-way, whether within a public street or an exclusive travelway, which has been designed in a prescribed manner for exclusive bicycle use.

*Block* means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, or parks, or a combination thereof, but not alleys. In cases where the platting is incomplete or disconnected, the city manager or designee shall determine the outline of the block.

*Boardinghouse* means a building other than a hotel, occupied as a single- housekeeping unit, where lodging and/or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

*Brewery* means any industrial facility that manufactures beer in quantities greater than 20,000 barrels annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises.

*Building* means an enclosed structure, anchored in a permanent manner, and having exterior or party walls and a roof, designed for the shelter of persons, animals, chattels, or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building except that two buildings connected by a breezeway shall be deemed one building.

*Building line* means the horizontal line as measured from any lot line at which a building must be or has been constructed.

*Business Improvement District Act of 1979* means the applicable statute governing first class cities and is hereby adopted by reference.

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*Business office* means any office of a recognized profession, such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others, who, through training and licensure, are qualified to perform services of a professional nature, and other offices used primarily for accounting, corresponding, research, editing and other administrative functions of a profit-making or nonprofit organization, but not including banks or other financial institutions.

*Business services* means establishments engaged in providing services to business offices on a fee or contract basis, including, but not limited to catering services and related food preparation; advertising and public relations; management and consulting services; employment services (including temporary agencies); building security and maintenance services; equipment servicing, rental/leasing and sales; computer and data processing services; communications equipment and services; mailing, photocopying, quick printing and fax services; sale of office supplies; and similar business services, but not including rental, sales or repair of vehicles or heavy equipment.

*Butcher shop* means a place where livestock (including poultry) are killed and butchered on site and the meat is cured, smoked, packed, or otherwise prepared on site for sale, and some or part of the meat is sold on site at retail; provided, however, that all such operations (including slaughter) shall be performed entirely indoors, live animal delivery shall take place only one day a week, all waste material including manure and renderings shall be cleared within two days of killing, such shop shall not hold live animals for more than 24 hours after delivery, and such shop shall be limited to killing a maximum number of 30 animal units per week (see meat market).

SECTION 2. The Alliance Municipal Code at Section 101.74 shall be amended as follows:

Sec. 101-74. - M.

*Mansard* means a roof projection that has an angle of more than 45 degrees and is supported by the building wall.

*Manufactured home* means a factory-built structure which is to be used as a place for human habitation which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels, chassis or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 CFR 3280 et seq., promulgated by the United States Department of Housing and Urban Development. Manufactured home shall include modular homes but not mobile homes.

*Manufacturing* means the mechanical or chemical transformation of materials or substances into new products, whether finished or semi-finished, including the assembling of component parts, the creation of products, the blending of materials, usually for the wholesale market, rather than retail sale.

*Marquee* means a permanent roof-like structure extending from the wall of a building but not actually a part of the building itself and is generally projecting on a horizontal plane.

*Meat market* means a retail shop where meat is sold by a butcher or meat cutter, but where no slaughtering or killing takes place (see butcher shop).

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*Microbrewery* means any industrial facility that manufactures beer in quantities up to 20,000 barrels annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises. Provided, however, at no time shall the accessory use of a microbrewery include growing or harvesting barley or other grain on premises.

*Microdistillery* means any industrial facility that manufactures spirits in quantities up to 10,000 gallons annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises. Provided, however, at no time shall the use or accessory use of a microdistillery include growing or harvesting grains, vegetables, or other mash product on premises.

*Microwinery* means any industrial facility that manufactures wine in quantities up to 30,000 gallons annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises. Provided, however, at no time shall the use or accessory use in a microwinery include growing or harvesting grapes, fruits, or vegetables.

*Mobile home* means a movable or portable structure constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit. (LB 91-1976)

*Mobile home site* means a plot of ground within a mobile home park designed for the accommodation of one mobile home, complete with a pad, all utility hookups, and sufficient off-street parking.

*Mobile Home Park* means any single, planned contiguous development, lot, area, piece, parcel, or plot of ground, park, or site wherein ten or more lots have been designated and improved for the purpose of residential mobile homes.

*Modular home* means any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units, containing facilities for no more than one family, not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities and contains a seal issued by the department of health and human services regulation and licensure prior to May 1, 1998, or by the public service commission on or after May 1, 1998, to be displayed on the modular housing unit as determined by the commission to evidence compliance with State standards.

*Municipal building* means any building or facility used by the city including, but not limited to, utility facilities, well houses, treatment plants, water towers, warehouses, storage buildings, storage garages, offices, treatment plants, auditoriums, and substations. In the name of promoting neighborhood congruity, city staff and council should use their best judgment to make any and all municipal buildings match the general character of the neighborhood in which it is being constructed.

SECTION 3. The Alliance Municipal Code at Section 109.51 shall be amended as follows:

Sec. 109.51. – C-2, Central Business District.

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- (a) *Scope and intent.* The C-2, Central Business District is intended to provide a zone that accommodates low impact retail and service businesses in those areas of the community that were traditionally developed with no building setback requirements.
- (b) *Permitted uses.*
  - (1) Art gallery.
  - (2) Bakery.
  - (3) Banks and credit unions.
  - (4) Bars and saloons.
  - (5) Barber shop.
  - (6) Building supply stores with indoor display and storage only.
  - (7) Business offices.
  - (8) Café.
  - (9) Church.
  - (10) Clubs and fraternal organizations.
  - (11) Colleges and universities.
  - (12) Confectionary store.
  - (13) Convenience food stores.
  - (14) Day care center.
  - (15) Dry cleaners and laundries.
  - (16) Dwellings above and below the ground floor.
  - (17) Fire station.
  - (18) Funeral home.
  - (19) Hair salon.
  - (20) Health, dental, and eye care offices/clinics.
  - (21) Hotels, motels, and other lodging facilities.
  - (22) Library.
  - (23) Meat Market
  - (23) Municipal buildings.
  - (24) Nail salon.
  - (25) Parking lots.
  - (26) Pharmacy.
  - (27) Police station.
  - (28) Preschool.

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- (29) Primary and secondary schools.
  - (30) Printers and newspapers.
  - (31) Public parks and recreation facilities.
  - (32) Pubs.
  - (33) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
  - (34) Restaurants.
  - (35) Retail sales establishments.
  - (36) Spa.
  - (37) Theaters (indoor).
  - (38) Wholesale establishments.
- (c) *Conditional uses.*
- (1) Automobile dealer lots.
  - (2) Commercial recreation establishments.
  - (3) Commercial storage units.
  - (4) Community garage.
  - (5) Craft production facilities.
  - (6) Filling station.
  - (7) Hospital.
  - (8) Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
  - (9) Nursery.
  - (10) Repair garage.
  - (11) Solar energy collector incidental to the principal or accessory use of the property in accordance with chapter 111, division 21.
  - (12) Towers, telecommunications facilities, and antennas as permitted in chapter 111 division 5.
  - (13) Utilities. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (d) *Accessory uses.*
- (1) Apartment for the custodian of a building housing a principal use.
  - (2) Fences as permitted in chapter 111, division 7.
  - (3) Food service and vending machines for tenants only.

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- (4) Home occupations as permitted in chapter 111, division 11.
- (5) Off-street parking and loading serving a principal use in accordance with chapter 111, division 13.
- (6) One trailer, camper, motor home, or boat, incidental to and on the same lot as a principal use, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 111-444.
- (7) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- (8) Pavilion.
- (9) Private garage.
- (10) Signs as permitted in chapter 111, division 19.
- (11) Storage and service areas and buildings serving a principal use on the same lot.
- (12) Television, radio receiving and transmitting equipment, and satellite earth station antennas accessory to a dwelling limited to 60 feet in height.
- (13) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- (14) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

(e) *Performance standards.*

(1) *General requirements.*

Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Maximum Structure Height (feet)	Minimum Building Separation (feet)
0	0	0	45	0

(2) *Setback and size regulations.*

Use	Setbacks (feet)				Required Front Building Line
	Front	Rear	Side	Side Street	
Principal Building	0	a	b	0	0
Accessory Building	0	a	b	0	0

a. No rear yard is required if adjacent to an alley, otherwise 15 feet.

b. No side yard is required except where a side line of a lot in this district abuts upon

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the side line of a lot in a districts Ag to C-1 inclusive, a side yard of not less than seven feet shall be provided.

- (3) See chapter 111, article II for additional height and setback regulations and exceptions.

SECTION 4. The Alliance Municipal Code at Section 109.52 shall be amended as follows:

Sec. 109-52. – C-3, Heavy Commercial District.

Sec. 109-52. - C-3, Heavy Commercial District.

- (a) *Scope and intent.* The C-3, Heavy Commercial District is intended to provide a zone that accommodates more intense commercial businesses that require direct access to highways and primary transportation thoroughfares due to the volume of traffic they generate.

- (b) *Permitted uses.*

- (1) Art gallery.
- (2) Auction house.
- (3) Automobile washing facilities.
- (4) Bakery.
- (5) Banks and credit unions.
- (6) Bars and saloons.
- (7) Barber shop.
- (8) Boat dealership.
- (9) Building supply stores provided any outside storage is located in the rear or side yard.
- (10) Business offices.
- (11) Café.
- (12) Church.
- (13) Clubs and fraternal organizations.
- (14) Colleges and universities.
- (15) Commercial recreation establishments.
- (16) Commercial storage units.
- (17) Community garage.
- (18) Confectionary store.
- (19) Contractor offices provided any outside storage is located in the rear or side yard and screened from view.
- (20) Convenience food stores.
- (21) Craft production facility.

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- (22) Day care center.
- (23) Dry cleaners and laundries.
- (24) Dwellings above and below the ground floor.
- (25) Filling station.
- (26) Fire station.
- (27) Funeral home.
- (28) Hair salon.
- (29) Health, dental, and eye care offices/clinics.
- (30) Hotels, motels, and other lodging facilities.
- (31) Kennel.
- (32) Library.
- (33) Meat Market
- (34) Municipal buildings.
- (34) Nail salon.
- (35) Parcel services.
- (36) Parking lots.
- (37) Pharmacy.
- (38) Police station.
- (39) Preschool.
- (40) Primary and secondary schools.
- (41) Printers and newspapers.
- (42) Public parks and recreation facilities.
- (43) Pubs.
- (44) Railroad right-of-way.
- (45) Repair garage.
- (46) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
- (47) Restaurants.
- (48) Retail sales establishments.
- (49) Spa.
- (50) Theaters (indoor).
- (51) Used vehicle lot.
- (52) Vehicle dealership.

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- (53) Veterinary clinic.
- (54) Wholesale establishments.

(c) *Conditional uses.*

- (1) Amusement parks.
- (2) Animal shelter.
- (3) Apartment hotel.
- (4) Brewery.
- (5) Butcher shop.
- (5) Cemeteries including mausoleums and crematories.
- (6) Commercial stadiums.
- (7) Distillery.
- (8) Drive-in theater.
- (9) Golf course.
- (10) Hospital.
- (11) Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
- (12) Nursery.
- (13) Recreational vehicle camping facilities.
- (14) Riding stable.
- (15) Single family dwelling serving a permitted use provided it shall be located in the rear or side of the same building as the permitted use.
- (16) Solar energy collector incidental to the principal or accessory use of the property in accordance with chapter 111, division 21.
- (17) Towers, telecommunications facilities, and antennas as permitted in chapter 111 division 5.
- (18) Utilities. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (19) Vehicle storage yards but not junk or salvage yards.
- (20) Winery.

(d) *Accessory uses.*

- (1) Apartment for the custodian of a building housing a principal use.
- (2) Fences as permitted in chapter 111, division 7.
- (3) Food service and vending machines for tenants only.

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- (4) Home occupations as permitted in chapter 111, division 11.
- (5) Off-street parking and loading serving a principal use in accordance with chapter 111, division 13.
- (6) One trailer, camper, motor home, or boat, incidental to and on the same lot as a principal use, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 111-444.
- (7) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- (8) Pavilion.
- (9) Private garage.
- (10) Signs as permitted in chapter 111, division 19.
- (11) Storage and service areas and buildings serving a principal use on the same lot.
- (12) Television, radio receiving and transmitting equipment, and satellite earth station antennas accessory to a dwelling limited to 60 feet in height.
- (13) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- (14) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

(e) *Performance standards.*

(1) *General requirements.*

Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Maximum Structure Height (feet)	Minimum Building Separation (feet)
-	-	-	45	0

(2) *Setback and size regulations.*

Use	Setbacks (feet)				Required Front Building Line
	Front	Rear	Side	Side Street	
Principal Building	15	a	b	15	-
Accessory Building	15	a	b	15	-

- a. No rear yard is required if adjacent to an alley, otherwise 15 feet.
- b. No side yard is required except where a side line of a lot in this district abuts upon

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the side line of a lot in districts Ag to C-1 inclusive, a side yard of not less than seven feet shall be provided.

- (3) See chapter 111, article II for additional height and setback regulations and exceptions.

SECTION 5. The Alliance Municipal Code at Section 109.53 shall be amended as follows:

Sec. 109-53. – M-1, Light Industrial District.

- (a) *Scope and intent.* The M-1, Light Industrial District is intended to accommodate most assembly, fabricating, and processing activities which would generally not be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke, and other land uses deemed generally to be more intense than those found in commercial districts.

- (b) *Permitted uses.*

- (1) Auction house.
- (2) Bakery.
- (3) Building supply store.
- (4) Brewery.
- (5) Commercial storage units.
- (6) Community garage.
- (7) Craft production facilities.
- (8) Distillery.
- (9) Filling station.
- (10) Fire station.
- (11) Freight terminals.
- (12) Manufacturing, processing, fabrication, or assembling of commodities.
- (13) Municipal buildings.
- (14) Office.
- (15) Parcel services.
- (16) Parking lots.
- (17) Police station.
- (18) Printers and newspapers.
- (19) Railroad right-of-way.
- (20) Repair garage.
- (21) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.

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- (22) Vehicle washing facility.
- (23) Warehousing and storage of commodities.
- (24) Wholesale establishment.
- (25) Winery.

(c) *Conditional uses.*

- (1) Animal shelter.
- (2) Automobile storage yards but not junkyards.
- (3) Butcher Shop
- (3) Bus storage yard.
- (4) Kennel.
- (5) Solar energy collector facilities (commercial).
- (6) Solar energy collector incidental to the principal or accessory use of the property in accordance with chapter 111, division 21.
- (7) Towers, telecommunications facilities, and antennas as permitted in chapter 111 division 5.
- (8) Truck storage yard.
- (9) Veterinary clinic.

(d) *Accessory uses.*

- (1) Apartment for the custodian of a building housing a principal use.
- (2) Fences as permitted in chapter 111, division 7.
- (3) Food service and vending machines for tenants only.
- (4) Home occupations as permitted in chapter 111, division 11.
- (5) Off-street parking and loading serving a principal use in accordance with chapter 111, division 13.
- (6) One trailer, camper, motor home, or boat, incidental to and on the same lot as a principal use, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 111-444.
- (7) One-family dwelling or mobile home which shall be used exclusively by watchmen or custodians, provided that yard and other requirements of this section shall be met for the dwelling or mobile home as though it were on an individual R-1 zoned lot.
- (8) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- (9) Pavilion.
- (10) Private garage.
- (11) Signs as permitted in chapter 111, division 19.

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- (12) Storage and service areas and buildings serving a principal use on the same lot.
- (13) Television, radio receiving and transmitting equipment, and satellite earth station antennas accessory to a dwelling limited to 60 feet in height.
- (14) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- (15) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

(e) *Performance standards.*

(1) *General requirements.*

Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Maximum Structure Height (feet)	Minimum Building Separation (feet)
-	-	-	45	0

(2) *Setback and size regulations.*

Use	Setbacks (feet)				Required Front Building Line
	Front	Rear	Side	Side Street	
Principal Building	25	15	a	15	-
Accessory Building	25	15	a	15	-

- a. A side yard of no less than ten feet shall be provided except where a side line of a lot in this district abuts upon the side line of a lot in districts Ag to C-1 inclusive, a side yard of not less than 20 feet shall be provided.

(3) See chapter 111, article II for additional height and setback regulations and exceptions.

(f) *Additional performance standards.*

- (1) *[Where conducted.]* All operations shall be conducted within a fully enclosed building or screened yard.
- (2) *Emissions.* Smoke or particulate matter shall not be perceptible at the property line. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans or property at the property line shall be prohibited.
- (3) *Noise level.* The noise level shall not exceed 70 dB at any point along the property line.
- (4) *Storage.* All storage of materials, products, and equipment shall be within a fully enclosed building or in a yard so screened that said materials, products, or equipment are not visible at human eye level within 300 feet of the property line.

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- (5) *Prohibited use.* No use shall be permitted or so operated as to produce or emit:
- a. *[Vibration or concussion.]* Vibration or concussion perceptible without instruments at the property line.
  - b. *Waste.* Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.
  - c. *Fire hazard.* All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the city council.
  - d. *Odor.* The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.
  - e. *Gas emissions.* The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed five parts per million. All measurements shall be taken at the property line.
  - f. *Glare and heat.* All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

SECTION 6. The Alliance Municipal Code at Section 109.54 shall be amended as follows:

Sec. 109-54. – Heavy Industrial District.

- (a) *Scope and intent.* This section applies to district M-2. The M-2, Heavy Industrial District is intended to accommodate assembly, fabricating, and processing activities which could generate vibration, noise, dust, fumes, gas, odor, or smoke. However, no activities that by nature of their operation would be detrimental to the general health, safety and welfare of the general public will be permitted.
- (b) *Permitted uses.*
  - (1) Animal shelter.
  - (2) Auction house.
  - (3) Bakery.
  - (4) Building supply store.
  - (5) Brewery.
  - (6) Cold storage facility.

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- (7) Commercial storage units.
  - (8) Community garage.
  - (9) Craft production facilities.
  - (10) Distillery.
  - (11) Dry cleaners and laundries.
  - (12) Filling station.
  - (13) Fire station.
  - (14) Freight terminals.
  - (15) Grain elevators.
  - (16) Kennel.
  - (17) Machine shop.
  - (18) Manufacturing, processing, fabrication, or assembling of commodities.
  - (19) Municipal buildings.
  - (20) Offices.
  - (21) Parcel services.
  - (22) Parking lots.
  - (23) Police station.
  - (24) Printers and newspapers.
  - (25) Railroad right-of-way.
  - (26) Repair garage.
  - (27) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
  - (28) Vehicle washing facility.
  - (29) Vehicle storage.
  - (30) Veterinary clinic.
  - (31) Warehousing and storage of commodities.
  - (32) Wholesale establishment.
  - (33) Winery.
- (c) *Conditional uses.*
- (1) Adult bookstore.
  - (2) Adult theater.
  - (3) Butcher Shop.
  - (3) Garbage disposal plant.

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- (4) Gun clubs, skeet shoots, or target ranges.
  - (5) Junkyards, providing that no burning of waste material shall be permitted, and the entire yard shall be screened with a closed fence or wall not less than eight feet in height.
  - (6) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel, or similar materials.
  - (7) Packing plant.
  - (8) Rendering.
  - (9) Sanitary landfill.
  - (10) Slaughterhouses and associated stockyards.
  - (11) Solar energy collector facilities (commercial).
  - (12) Towers, telecommunications facilities, and antennas as permitted in chapter 111 division 5.
  - (13) Utilities. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (d) *Accessory uses.*
- (1) Apartment for the custodian of a building housing a principal use.
  - (2) Fences as permitted in chapter 111, division 7.
  - (3) Food service and vending machines for tenants only.
  - (4) Home occupations as permitted in chapter 111, division 11.
  - (5) Off-street parking and loading serving a principal use in accordance with chapter 111, division 13.
  - (6) One trailer, camper, motor home, or boat, incidental to and on the same lot as a principal use, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 111-444.
  - (7) One-family dwelling or mobile home which shall be used exclusively by watchmen or custodians, provided that yard and other requirements of this section shall be met for the dwelling or mobile home as though it were on an individual R-1 zoned lot.
  - (8) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
  - (9) Pavilion.
  - (10) Private garage.
  - (11) Signs as permitted in chapter 111, division 19.
  - (12) Solar energy collector incidental to the principal or accessory use of the property in accordance with chapter 111, division 21.
  - (13) Storage and service areas and buildings serving a principal use on the same lot.

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- (14) Television, radio receiving and transmitting equipment, and satellite earth station antennas accessory to a dwelling limited to 60 feet in height.
- (15) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- (16) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

(e) *Performance standards.*

(1) *General requirements.*

Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Maximum Structure Height (feet)	Minimum Building Separation (feet)
-	-	-	45	0

(2) *Setback and size regulations.*

Use	Setbacks (feet)				Required Front Building Line
	Front	Rear	Side	Side Street	
Principal Building	a	b	c	15	-
Accessory Building	a	b	c	15	-

- a. There shall be a 15 foot setback; however, a setback of no less than 50 feet shall be required along all federal and state highways.
- b. No rear yard is required if the rear of the property is adjacent to an alley or rail right-of-way, otherwise there shall be a 15 foot setback.
- c. A side yard of no less than ten feet shall be provided except where a side line of a lot in this district abuts upon the side line of a lot in districts Ag to C-1 inclusive, a side yard of not less than 20 feet shall be provided.

(3) See chapter 111, article II for additional height and setback regulations and exceptions.

(f) *Additional performance standards.*

- (1) *Emissions.* Smoke, dust, particulate matter, odor, heat, or other effects shall not be produced which will be obviously harmful or injurious to humans or property beyond the property line and shall meet minimum state department of environmental control air quality standards.
- (2) *Noise level.* The noise level shall not exceed 80 dB at any point along the property line.

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- (3) *Storage.* All storage of material, products, and equipment shall be within a fully enclosed building or in a yard so screened that said materials, products, or equipment are not visible at human eye level within 300 feet of the property line.
- (4) *Prohibited use.* No use shall be permitted or so operated as to produce or emit:
- a. *[Vibration or concussion.]* Vibration or concussion perceptible without instruments at the property line.
  - b. *Waste.* Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.
  - c. *Fire hazard.* All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the city council.
  - d. *Odor.* The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.
  - e. *Gas emissions.* The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed five parts per million. All measurements shall be taken at the property line.
  - f. *Glare and heat.* All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

SECTION 7. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

SECTION 8. This Ordinance shall be published in pamphlet form, and shall be effective upon its passage and approval.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2901.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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Roll call to approve Ordinance No. 2901 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Dafney stated, "the passage and adoption of Ordinance No. 2901 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 20-34 which will approve the Cleanup Premises Agreement between the City of Alliance and Vitalix, Inc. was the next agenda item. The following background information was provided to Council:

[Council terminated the lease with Vitalix on October 21, 2019. In order to create a process that is agreeable to both parties, the City and Vitalix negotiated a revised agreement to address future rent payments and clarifies which improvements will be removed and items that are allowed to stay or not to be put back to original condition.

The major provisions of this agreement are as follows:

- Vitalix has until December 31, 2020, to complete cleanup.
- Vitalix will continue to pay rent on all areas of the Premises through the end of year.
- City is reducing rent amount for Lease Area 3 for building #3000 (leased to Jelinek) and then when building #3001 is completed will reduce rent by the full amount for area 3.
- Further rent reductions may be possible as cleanup of other areas occur
- City has released Vitalix from the obligation to fill drainage pit.
- On or before December 31, 2020, all property of Vitalix is to be removed from the Premises, including, but not limited to, equipment, scrap iron, trailers, storage bins, tires, barrels, bricks, and railroad ties.
- Vitalix is required to remove a section of concrete in front of building #3101 and over access road along with filling in the hole left after blue office building removed (this has been completed to staff satisfaction).
- Upon completion of cleanup by Vitalix and approval by City, City will return held funds in the amount of \$49,115.

Staff recommends the approval of this agreement. The new warehouses have been leased for a period of five years. The staff has had multiple phone calls with people looking for warehouse space and is confident that building #3209 will be leased.

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Mr. Jelinek may be interested in the National Weather Service building by the end of this year.

Staff believes that this agreement is in the best interest of the City to do what's necessary to end the relationship with Vitalix, while also mitigating damages by finding new tenants to lease any buildings available. When other areas become open it will be staff's priority to clean, fix, and lease to new tenants.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 20-34 which follows in its entirety:

RESOLUTION NO. 20-34

*WHEREAS*, The City of Alliance operates a municipal airport east of Alliance; and

*WHEREAS*, The City of Alliance terminated the lease with Vitalix, Inc. at the Airport for manufacturing livestock feed and supplements in October 21, 2019; and

*WHEREAS*, Vitalix was required to remove all improvements, fixtures, equipment, inventory or other personal property owned or constructed by Vitalix, Inc. and restore the premises to its original condition within 180 days of termination; and

*WHEREAS*, The City of Alliance recently negotiated a revised agreement with Vitalix, Inc. to outline rental payments for each building and the removal of all improvements, fixtures, equipment, inventory or other personal property owned or constructed by Vitalix, Inc.; and

*WHEREAS*, Both the City of Alliance and Vitalix, Inc. agree to the terms of the cleanup of premises agreement.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Cleanup of Premises Agreement with Vitalix, Inc. specifying the rent for each area and building in addition, the extension to remove all improvements, fixtures, equipment, inventory or other personal property owned or constructed by Vitalix, Inc. and restore the premises to its original condition by December 31, 2020 is hereby approved, and the Mayor is authorized to execute the Agreement on behalf of the City.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Next for Council's consideration was Resolution No. 20-35 which will authorize the City to enter into a Subordination Agreement with Platte Valley Bank regarding Jelinek Custom Cleaning's Economic Development loan. The following information was provided:

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[Jelinek Custom Cleaning, Inc. was provided a \$120,000 construction loan/grant through the City's Economic Development Program in June 2019, following committee review and recommendation. The loan/grant provides for up to \$120,000 (\$60,000 non-forgivable; \$60,000 forgivable) to be disbursed at any time before July 1, 2020 by the City, following the receipt of draw requests by the Program Administrator from Jelinek Custom Cleaning, Inc. Jelinek Custom Cleaning, Inc. has not yet made any draw requests, but anticipates beginning construction of a rail spur (the purpose for which the loan/grant was provided) before July 1, 2020.

Jelinek Custom Cleaning, Inc. refinanced its primary lending in October of 2019, from Farm Credit Services of America, PCA to Platte Valley Bank. Platte Valley Bank has been granted a blanket security interest by Jelinek Custom Cleaning, Inc., and has filed a UCC financing statement in second position to the City's perfected security interest. Farm Credit Services of America, PCA, terminated its UCC financing statement, which was previously understood by the City to be in the first-priority position.

Platte Valley Bank requests that the City subordinate the lien of its security interest to the lien of the security interests of Platte Valley Bank. City staff recommends a subordination, as the City understands it is gap financing that was intended to be in second lien position behind Jelinek Custom Cleaning, Inc.'s primary lender, which is now Platte Valley Bank. The Economic Development Plan Application Review Committee met on March 10, 2020 and has recommended to approve the subordination request with no restrictions.]

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to approve Resolution No. 20-35 which follows in its entirety:

RESOLUTION NO. 20-35

*WHEREAS*, the City of Alliance entered into an Economic Development Assistance Agreement with Jelinek Custom Cleaning, Inc. on June 4, 2019; and

*WHEREAS*, the Agreement provided for a \$60,000 non-forgivable loan and a \$60,000 forgivable grant which was based on employment numbers; and

*WHEREAS*, Pursuant to the Agreement, the accompanying loan documents, and the refinance of Farm Credit Services debt and the release of Farm Credit Services liens, the City of Alliance holds a first lien position certain real estate parcels and personal property assets of Jelinek Custom Cleaning, Inc.; and

*WHEREAS*, Jelinek Custom Cleaning, Inc. has transferred financial institutions from Farm Credit Services to Platte Valley Bank; and

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*WHEREAS*, Platte Valley Bank has requested first lien position as Jelinek Custom Cleaning, Inc.'s primary lender; and

*WHEREAS*, Platte Valley Bank has requested the City enter into a Subordination Agreement on behalf of Jelinek Custom Cleaning, Inc. to provide Platte Valley Bank with a first lien position on the real estate and personal property assets securing the payment and performance of the Jelinek Custom Cleaning, Inc.'s debt under the Agreement; and

*WHEREAS*, the Economic Development Plan Application Review Committee has examined and recommended approval of the subordination request.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance will enter into a Subordination Agreement with Platte Valley Bank.

*BE IT FURTHER RESOLVED* that the Mayor is hereby authorized to execute the Subordination Agreement with Platte Valley Bank.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council's review was Resolution No. 20-36, authorizing the Mayor to sign the contract addendum adding the City of Alliance to the State of Nebraska Fuel Services Agreement. The following information was provided:

[Staff has compared the Voyager fuel card (available through the State of Nebraska procurement officer) and the WEX fuel card (available through the Sourcewell). Both are seen as viable options to replace the current Westco fuel cards with many additional benefits available to the City of Alliance.

Some of the features and benefits of the Voyager fuel cards over the current Westco cards include:

- Wider acceptance at stations other than Westco stations, especially when traveling for City business
- A robust portal allowing finance staff to manage card limits and territories and produce custom reports
- Cards tailored for each vehicle that specify the type of fuel and limit purchases, if necessary
- Security based on the employee level allowing monitoring of purchases by employee

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- A 1.35% rebate on fuel purchases at all stations (local and out-of-town) along with additional discounts negotiated on a local level
- Mobile app available showing locations accepting the card and the current prices.

With the transfer to the Voyager card, the current contracted 5 cent discount per gallon with Westco would end; however, Westco is considering an agreement that would allow them to still discount sales through the Voyager system. Voyager would handle the Federal excise tax waivers. The Voyager cards are processed through US Bank and include 24/7 call center support.

The resolution would authorize the mayor to sign an addendum to add the City of Alliance to the contract already negotiated by the State of Nebraska with US Bank.]

Councilman Mischnick asked staff if there was a location option that is competitive with the state contract. Finance Director Waggener explained the state contract and local rates are comparable. The benefit of the state contract is that the fuel cards can be used at any fueling station rather than just one; and the cards are available to employees to use while traveling. Finance Director Waggener also stated the contract is for two years and we can make adjustments to our fuel purchase options at that time.

A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve Resolution No. 20-36 which follows in its entirety:

#### RESOLUTION NO. 20-36

*WHEREAS*, The City of Alliance contracts a fuel service agreement for the operation of the City of Alliance Municipality; and

*WHEREAS*, The State of Nebraska has an Agreement with U.S. Bank which provides a Fleet Card Program available for use by Political Subdivisions; and

*WHEREAS*, The Alliance City Council believes the use of the Fleet Card Program offered to Political Subdivisions through the State of Nebraska is in the best interest for the City of Alliance.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the contract addendum authorizing the use of Fleet Card Program as negotiated by the State of Nebraska with U.S. Bank.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

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- Resolution No. 20-37 which will authorize staff to enter into an Engineering Agreement with Baker and Associates in the amount of \$23,500 for engineering services related to the Sunken Garden Renovation Project was next for council's consideration. The following background information as provided:

[At the March 5, 2019 Council meeting, Resolution 19-18 was approved which authorized Baker and Associates of Scottsbluff to provide concept planning and design development for the Sunken Garden Rehabilitation Project.

After two public meetings and a community survey, Baker and Associates completed the concept planning and design development phases of the project. These documents were paid for with funds raised in the community and with a Nebraska Department of Economic Development Civic Center and Community Financing Fund (CCCFF) Planning Grant. Because the CCCFF grant is a 1:1 matching grant, \$7,350 of the \$15,000 grant money has been spent to date.

With the \$7,650 CCCFF grant money remaining, the last developmental step is to generate bid documents and specifications. Baker and Associates have created an Engineering Services Agreement to provide bid documents, specifications, and advice related to the bid phase of the project. The cost of these services will be \$23,500. These costs, minus the grant money contribution, would be paid for with funds available in account No. 41-71-71-59-970. There is a budget of \$800,000 dedicated to the project.

Therefore, staff seeks approval of an agreement with Baker and Associates, in the amount of \$23,500 to create construction documents and manage the bidding process for the Sunken Garden Renovation Project. Bids will not be advertised until funding is secured for this project and Council approves moving forward with the bid process. This future action will be brought to Council for consideration when the economic conditions are appropriate.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 20-37 which follows in its entirety:

#### RESOLUTION NO. 20-37

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

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

*WHEREAS*, Baker and Associates has been chosen as the engineers for this project in the amount of Seventy-one Thousand Seven Hundred Dollars and no/100ths (\$71,700) to provide the necessary engineering services which has been itemized into five phases: (1) concept

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planning, (2) design development, (3) construction documents, (4) bidding, and (5) construction administration, testing and inspections for the Sunken Gardens Project; and

*WHEREAS*, Phases 1 – Concept Planning and 2 – Design Development are complete and City Council believes it is best to proceed with Phase 3 – Construction Documents and 4- Bidding of the Sunken Garden Renovation Project; and

*WHEREAS*, An Engineering Services Agreement between Baker and Associates and the City of Alliance to move forward with the project is necessary.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the documents associated with the Engineering Services Agreement with Baker and Associates to complete Phase 3- Construction Documents and Phase 4 – Bidding in the amount of Twenty Three Thousand Five Hundred and no/100ths (\$23,500) for the Sunken Gardens Project.

*BE IT FURTHER RESOLVED* that payment for this service will be made from Account No. 41-71-71-59-970 – Capital Outlay-Other Improvements.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The final agenda item was Resolution No. 20-38 which will add COVID-19 testing and diagnosis with 100% coverage to our employee health insurance plans through March 1, 2021 as required by the Families Coronavirus Response Act. The following information was provided:

[As part of the Federal passage of Families First Coronavirus Response Act, coverage without cost sharing for testing for COVID-19 is required for all enrollees in group health plans. Amendment #1 to the 2020 Restated City of Alliance Medical and Dental Plan adopts language to the Medical Benefits Section to cover at 100% diagnostic tests related to the recent pandemic. It also modifies language to cover Telehealth and other Communication-Based Technology Services for COVID-19 related symptoms.

This amendment is effective March 1, 2020. This Amendment will remain effective for one year, terminating on March 1, 2021. All other sections of the Plan remain unchanged.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve Resolution No. 20-38 which follows in its entirety:

RESOLUTION NO. 20-38

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*WHEREAS*, The City of Alliance offers health insurance to our employees; and

*WHEREAS*, On March 18, 2020 the U.S. Senate adopted the Families First Coronavirus Response Act; and

*WHEREAS*, In order to meet federal regulations, an amendment to the City's current health plan to include COVID-19 testing and diagnosis coverage at 100% is required.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that Amendment No. 1 to the City's employee health insurance plan to cover COVID-19 testing and diagnosis at 100% is approved and becomes effective immediately.

Roll call with the following results:

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

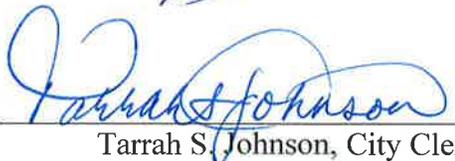
Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:29 p.m.

  
\_\_\_\_\_  
Mike Dafney, Mayor

(SEAL)

  
\_\_\_\_\_  
Tarrah S. Johnson, 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.