

May 2, 2013

ALLIANCE CITY COUNCIL

REGULAR MEETING, THURSDAY, MAY 2, 2013

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

The Alliance City Council met in a Regular Meeting, May 2, 2013 at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on April 25, 2013. 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 Feldges opened the May 2, 2013 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members Benzel, Lewis, Yeager, and Seiler. Also present were City Manager Cox, City Attorney Olsen, and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The first agenda item the introduction of new City of Alliance employees Sheryl Taylor and Kressa Hansen. Sheryl is the City's new RSVP Clerk and Kressa is a new Police Officer for the Alliance Police Department.
- The next agenda item was the Consent Calendar. Councilman Benzel made a motion, which was seconded by Councilman Lewis to approve the Consent Calendar as follows:

CONSENT CALENDAR – MAY 2, 2013

1. Approval: Minutes of the Regular Meeting, April 18, 2013.
2. Approval: Payroll and Employer Taxes for the period March 30, 2013 through April 12, 2013 inclusive: \$191,800.81 and \$12,056.26 respectively.
3. Approval: Claims against the following funds for the period April 11, 2013 through April 25, 2013: General, General Debt Service, Trust and Agency, Street, Electric,

May 2, 2013

Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$717,106.07.

4. Approval: Community Garden Application Form, Agreement and Rules and Regulations.
5. Approval: The Request of the Route 385 Cruisers for their 13th Annual Car Show and Rod Run events on Saturday, June 1st and Sunday, June 2nd. The car show will be held in Central Park and the Club is requesting the street closure of Yellowstone Avenue between 9th and 10th Streets and 9th Street between Yellowstone and Niobrara Avenues.
6. Approval: The *Request for Reserved or Exclusive Use of City Streets* for The Animal Center on Saturday, June 8, 2013 beginning at 10:30 a.m. The Animal Center will be conducting their annual "Doggie Dash," the event will start at the former Skateland parking lot, proceed east on Otoe Road to CR58, then north ½ mile to The Animal Center. Copies of the request and the Insurance Certificate have been made part of the Council's packet.
7. Approval: To issue the following contractor licenses:

General Contractor

Beckenhauer Construction, Inc.
Ray Hasman/Jay Dubs dba R&J Industries Plus,
Inc.
Juan S. Acosta dba Acosta Roofing & Construction
Weston Construction
Ron Sparks Constructions
Dale Wood Construction
Walter Mischnick Contractors and Builders Inc.
Peltz Construction, Inc.
Rob Pearce dba Quality Structures, Inc.
Sampson Construction Company, Inc.
O'Brien Re-Restorations LLC

Repair & Maintenance Contractor

Stephan D. Steggs
Doug Fritzler dba Fritzler Construction
Tod Heldenbrand dba 4th Street Fencing, Heating &
Cooling
Doyle Spradlin dba Hometown Roofing
Dale Jeske Jr. dba Jeske Lawn Sprinklers
Steve Fehlhafer dba Fehlhafer Construction

May 2, 2013

Master Plumber	Bill Schlaepfer dba Gering Valley Plumbing & Heating, Inc. Oswaldo R. Beraun dba Beraun's Plumbing & Heating Company Joe Weber dba Weber Plumbing & Boilerworks Leo Tritle dba Tritle Plumbing, Inc. Jason Tritle dba Tritle Plumbing, Inc. Jon M. Aid dba J & M Plumbing Inc. Jeffery Weber dba J & V Drain & Sewer
Gas Fitter	Randy Coleman dba Source Gas Oswaldo R. Beraun dba Beraun's Plumbing & Heating Company Joe Weber dba Weber Plumbing & Boilerworks Leo Tritle dba Tritle Plumbing, Inc. Jason Tritle dba Tritle Plumbing, Inc.
Master HVAC	Randy Coleman dba Source Gas Bill Schlaepfer dba Gering Valley Plumbing & Heating, Inc.
Roofer	Forrest S. Rose Jr. dba Tri-State Roofing
Limited & Specialty	Dale Jeske Jr. dba Jeske Lawn Sprinklers Protex Central Inc. Charles Hamm dba C & J Steel Erectors
Sign	Thomas R. Cozad dba Creative Signs by Cozad

8. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending March 31, 2013. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.

NOTE: City Manager Cox 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.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Feldges, Seiler, Yeager.

Voting Nay: None.

Motion carried.

May 2, 2013

- Next Council presented three proclamations. The first recognizing Public Service Recognition Week, May 5th through May 11th, 2013; the second recognizing Drinking Water Week, May 5th through May 11th; and the third proclaiming May as Foster Care Month.

PROCLAMATION

WHEREAS; Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation functioning; and

WHEREAS; Public employees are hired to not only fill a job, but take oaths that they will do it the best they are able; and

WHEREAS; Many public servants, including police officers, firefighters and military personnel, risk their lives each day in service to the public and others commit countless hours to provide basic and leisure services to citizens improving their quality of life and the community; and

WHEREAS; Public servants include police officers and firefighters . . . landfill operators and elected officials . . . librarians and safety inspectors . . . utility and street workers . . . and countless other occupations. Day in and day out they provide the diverse services needed by the American people of their government with efficiency and integrity; and

WHEREAS; These public servants, at every level, provide continuity that would be impossible without them in a democracy and ensures that the quality of life in America, and the City of Alliance, is the best it can be. These public employees are the ones who, with the help and support of every neighbor, work every day to promote our community vision; “Building the Best Hometown in America.”

NOW, THEREFORE, the City Council of Alliance, Nebraska, does announce and proclaim to all citizens the week of May 5 – 11, 2013, as

Public Service Recognition Week

And encourages all citizens to recognize the accomplishments and contributions of government employees at all levels — federal, state, county and city and requests that you show your support by thanking them when you interact with them this week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 2nd day of May in the year of the Lord Two Thousand Thirteen.

PROCLAMATION

WHEREAS, Water is our most valuable natural resource; and

WHEREAS, Only tap water delivers public health protection, fire protection, support for

May 2, 2013

our economy and the quality of life we enjoy; and

WHEREAS, Any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety, is in some way related to access to safe water; and

WHEREAS, We are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, Each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

NOW, THEREFORE, I Fred Feldges, Mayor of Alliance, do hereby proclaim May 5 through 11, 2013 as:

DRINKING WATER WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 2nd day of May in the year of the Lord Two Thousand Thirteen.

PROCLAMATION

WHEREAS, The family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities and our State; and

WHEREAS, All young people in foster care need a meaningful connection to a caring adult who becomes a supportive and lasting presence in their lives; and

WHEREAS, Foster, kinship and adoptive families, who open their homes and hearts and support children whose families are in crisis, play a vital role in helping children and families heal and reconnect thereby launching young people into successful adulthood; and

WHEREAS, Dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families; and

WHEREAS, There are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care “system” is only as good as those who choose to be part of it.

NOW, THEREFORE, I, Fred Feldges, Mayor of Alliance, do hereby proclaim May as:

FOSTER CARE MONTH

May 2, 2013

and urge all citizens to come forward and do something positive that will help *change a lifetime* for children and youth in foster care.

● The City Manager's Report was the next matter before Council. City Manager J.D. Cox presented the following information:

- WAPA Problem
 - City allowed to repair
 - Planned Outage on Sunday, May 5 at 5 a.m. for less than one hour
 - Replace WAPA Jumper
 - Repair of a PT (Potential Transformer)
- Strategic Planning - Community Forum
- Public Service Recognition
- Senate Update:
 - LB643 (Height of Grass/weeds) –
 - 5/1: Presented to Governor
 - 5/1: Legislature Approved 44-1-4
 - 4/19 - On the Legislature consent calendar for Friday!
 - LB377 (LNM bill – hope moves) –ownership of roads with annexation
 - 5/1: Presented to Governor
 - 5/1: Legislature Approved 46-0-3
 - LB153 (Community & Civic Center Financing Act)
 - 4/24: Approved into Law by Governor
 - 4/18: Presented to Governor
 - 4/18: Legislature Approved 45-0-4
 - LB634 (Wildfire Control Act) {Lynn will discuss below }
 - 3/27: Placed on Select File
 - South Dakota cross-border grant
 - With amendments that included Chadron & Valentine
 - Alliance is being proposed
 - Emergency Clause – Becomes law as soon as implemented
 - Phase 1: Alliance – State of South Dakota
 - Phase 2: Transfer from State of South Dakota to Nebraska
- Airport News ... Lynn Placek
 - FAA Approval
 - SEAT Project

● A Public Hearing and the first reading of Ordinance No. 2725 was the next agenda item before Council. This Public Hearing was for the rezoning request of Virgil and Geraldine Blakeman to rezone a one-acre parcel on the west side of Ramblin Road several hundred feet north of East 6th Street from R-4 (Residential Mobile Home Park) to M-1 (Light Industrial). The following background information was provided to Council:

[PROPOSAL: Virgil & Geraldine Blakeman are requesting to rezone property to M-1 Light Industrial from R-4, Residential Mobile Home Park.

May 2, 2013

LOCATION: The property is a proposed one acre parcel on the west side of Ramblin Road several hundred feet north of East Sixth Street. If the rezone is approved the property would need to be subdivided from a parcel of approximately 4.7 acres in size in the NW ¼ NW ¼ of Section 35, T25N, R48W.

ANALYSIS: The remainder of the parcel would remain R-4 with the existing mobile home park about 200 feet to the west. Properties to the north and to the south are zoned C-3 Highway Commercial and are undeveloped. Property to the east is zoned R-1 Single Family Residential with established homes and property to the northeast is zoned M-2. The subject property is undeveloped.

The purpose of the rezone is to erect a storage building. As there is already M-2 property essentially adjacent to the property, it is reasonable to consider M District zoning. The area is already a mixture of zoning and land uses. The Comprehensive Plan does not designate future zoning within the City limits so provides limited guidance in this matter.

Access to the property would be from Ramblin Road. The bigger concern might be the requirements to subdivide. Although there is access to sewer and water by running lines across the applicants' property and creating easements, the subdivision regulations might trigger onerous infrastructure requirements unless they are waived or placed on a hold through an "Agreement" to not protest future development costs. Of particular concern in regards to the subdivision regulations is that the public right-of-way that runs along the south side of the greater parcel as a future East Sixth Street does not have a constructed road or sidewalks, etc.

If approved, the rezone will only become effective upon the filing of an approved Plat. The approval should also limit the rezone to the one acre, plus or minus, as noted in the rezone request.

FEEDBACK:

The few written responses include one in support, one disinterested and one in objection due to the proximity of single-family residences and residential zoning, noting concerns about adverse effect on property values. No objections were voiced at the Planning Commission meeting. There were no concerns to the rezone request raised by City Departments.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission met on April 16 to conduct a public hearing and to consider the matter. After hearing the testimony, the Planning Commission voted unanimously to recommend approval of the request to rezone to M-1 Light Industrial from R-4 Residential Mobile Home Park approximately one acre of land in the northeast corner of the existing parcel located in part of the NW ¼ NW ¼ of Section 35, T25N, R48W. The rezone is contingent upon the filing of an approved Plat for said acreage and not effective until such time.

May 2, 2013

FINDINGS OF FACT:

There is M-2 Heavy Industrial zoning immediately to the northeast and C-3 Highway Commercial zoning to the north and south;
The area is already a mixture of land uses and zoning;
There are no voiced objections and only one written objection, and the objecting party is not adjacent to the portion of the parcel proposed for rezoning.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the Rezoning Application of Virgil and Geraldine Blakeman.

The Public Hearing opened at 7:26 p.m. Mr. Blakeman, 6090 Rock Road addressed Council and stated he was anticipating the construction of a storage building and a small workshop for his son. No further testimony was offered and the Public Hearing was closed at 7:28 p.m.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the first reading of Ordinance No. 2725 which follows in its entirety:

ORDINANCE NO. 2725

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT A ONE ACRE TRACT OF LAND ON THE WEST SIDE OF RAMBLIN ROAD, SEVERAL HUNDRED FEET NORTH OF EAST 6TH STREET WHICH IS A PART OF THE NW1/4 OF THE NW1/4 OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A M-1 – LIGHT INDUSTRIAL DISTRICT FROM A R-4 - RESIDENTIAL MOBILE HOME PARK DISTRICT, AND REPEALING PRIOR SECTIONS.

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

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

115-76. DISTRICT MAP ADOPTED

Boundaries of the districts, as enumerated in section 115-75 are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the zoning district map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The city planning commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if

May 2, 2013

the exact location of such lines is not clear, it shall be determined by the building inspector, due consideration being given to location as indicated by the scale of the zoning district map. This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this ____ day of _____, 2013, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law; and the filing and approval of a Final Plat for said property within one year of the passage of this ordinance.

Roll call vote for the first reading of Ordinance No. 2725 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Yeager, Feldges.

Voting Nay: None.

Motion carried.

- The next agenda item was a Public Hearing on the Conditional Use Permit application of Panhandle Coop and Resolution No. 13-49 approving the placement of two wells on property in the vicinity of Madison Road and CR 61. The following background information for provided for Council's consideration:

[PROPOSAL:

Panhandle Coop Association is requesting a Conditional Use Permit for wells in a District M-2 – Heavy Industrial Zone.

LOCATION:

The location of the non-potable well will be several hundred feet south of Madison Road and approximately 500 feet west of County Road 61. The location of the potable well will be just south of Madison Road approximately 1,000 feet west of County Road 61. The property is described as part of the NE ¼ of Section 22, T25N, R48W.

ANALYSIS:

The potable well may not need a Conditional Use Permit as it is a domestic well to serve an office building. However, it seems logical to include it in the review of the non-potable well that will serve the industrial use of the property for clarity. The City Water and Sewer Superintendent must approve of all wells and does recommend approval of the Conditional Use Permit for both wells. The potable well will produce less than 50 gallons per minute and the well to serve in the fertilizer mixing process will be capable of producing 200-300 gallons per minute.

May 2, 2013

The applicant has obtained approval of a permit from NRD for the high capacity well. Though all completed wells are required to be registered; only those designed to pump 50 gallons per minute or more require a permit from the State, per a conversation with NRD staff in Chadron.

FEEDBACK:

There are essentially no responses from the public regarding this request.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission met on April 16 to conduct a public hearing and to consider the matter. After hearing the testimony, the Planning Commission voted unanimously to recommend approval of the Conditional Use Permit for the two wells on the property.

FINDINGS OF FACT:

1. The property is zoned Heavy Industrial and the non-potable well is a rational accessory use;
2. The domestic well is relatively low capacity and accessory as well;
3. The well is more than 1,000 feet from an existing municipal well;
4. The City Water and Sewer Superintendent supports the request;
5. NDR has approved a permit for the non-potable well and the domestic well is an allowed use and will be registered as well.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the Conditional Use Permit application of Panhandle Coop.

The Public Hearing opened at 7:39 p.m. Mr. Greg France, a representative of Panhandle Coop Association, 730 19th Street, Gering, NE stated he was available to answer questions of Council. His company will be utilizing the potable well for the office space, and the non-potable well in the operation of the fertilizer plant.

No further testimony was offered and the Public Hearing was closed at 7:40 p.m.

A motion was made by Councilman Benzel, seconded by Councilman Yeager to approve Resolution No. 13-49 which follows in its entirety:

RESOLUTION NO. 13-49

WHEREAS, The City of Alliance, through its Community Development Department regulates building and zoning within the City of Alliance and the two mile jurisdiction; and

WHEREAS, Panhandle Coop Association has requested a Conditional Use Permit on part of the NE¼ of Section 22, Township 25 North, Range 48, West of the 6th P.M. in Alliance, Box Butte County, Nebraska to allow for two wells: a non-potable well several hundred feet south of

May 2, 2013

Madison Road and approximately 500 feet west of County Road 61, and a potable well just south of Madison Road approximately 1,000 feet west of County Road 61; and

WHEREAS, The Community Development and the Water Department staff have examined the request and finds that the request to allow for the wells in an A – Agricultural Zoned District is appropriate for the granting of a conditional use permit; and

WHEREAS, The Planning Director has recommended the granting of the Conditional Use Permit; and

WHEREAS, On the 16th day of April, 2013, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for the Panhandle Coop Association; and

WHEREAS, The Planning Commission voted to approve the Conditional Use Permit and forward the request for the Conditional Use Permit to the City Council for their review and consideration.

WHEREAS, The City Council has reviewed the request and determined that it is in the best interest of the City of Alliance and consistent with the zoning rules and regulations to grant a Conditional Use Permit for Panhandle Coop Association.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Alliance, Nebraska that the Conditional Use Permit of the Panhandle Coop Association to allow for two wells: a non-potable well several hundred feet south of Madison Road and approximately 500 feet west of County Road 61; and a potable well just south of Madison Road approximately 1,000 feet west of County Road 61 on part of the NE¹/₄ of Section 22, Township 25 North, Range 48, West of the 6th P.M., Alliance, Box Butte County, Nebraska, is hereby authorized and approved.

Roll call vote on Resolution No. 13-49 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Yeager, Feldges.

Voting Nay: None.

Motion carried.

- A Public Hearing on the Conditional Use Permit application of First Christian Church and Resolution No. 13-50 approving the operation of a daycare center in a R-1 District (Single Family Residential) was the next matter on the agenda. City Manager Cox provided the following background information:

[PROPOSAL: First Christian Church is requesting a Conditional Use Permit for operation of a daycare center in a District R-1 Single Family Residential Zone.

May 2, 2013

LOCATION: The property is located at 912 Box Butte Avenue.

ANALYSIS: The Community Action Partnership of Western Nebraska Migrant and Seasonal Head Start desires to operate a licensed child development center and preschool on the property. Hours of operation would be from 6AM to 4PM from June through October and they would serve a maximum of 28 children. Staff will park at the Church, which will lessen any impact from on-street parking.

The operation will require approval of the State Department of Social Services, the State Fire Marshall's Office and the Department of Health.

The primary concerns that the State does not address will probably be potential impact on neighboring properties and pick-up and drop-off activities. The applicant has indicated that the children will arrive on a bus that will drop them off and pick them up in the driveway, not on Box Butte Avenue.

FEEDBACK:

Written public comment varies; a handful of notification petitions support the request, two note objections due to parking and traffic concerns and two note concerns about decrease property values, as well as noise. No objections were voiced at the Planning Commission meeting.

The Chief of Police expressed some concerns about potential impact on traffic. No comment has been received from other Departments.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission met on April 16 to conduct a public hearing and to consider the matter. After hearing the testimony, the Planning Commission voted unanimously to recommend approval of the Conditional Use Permit for operation of a daycare center with the following conditions:

1. Approval from the State Agencies be on record with the City of Alliance;
2. Staff will park at the Church;
3. Hours of operation shall be limited to 5AM to 7PM on Monday through Friday;
4. The facility shall be seasonal running from May through November; and
5. The Conditional Use shall be reviewed by the Planning Commission prior to a second year of operation at which time the Planning Commission may administratively approve another year or require that the matter go through a public hearing process prior to continuance.

FINDINGS OF FACT:

The Municipal Code (10-2003) states that a Conditional Use Permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support a number of conclusions. The findings are as follows:

1. The use should not be any more intense than schools which are an allowed use in R-1;

May 2, 2013

2. The use should not adversely affect the welfare or convenience of the public; Box Butte Avenue is a busy business corridor and traffic artery; the use will be weekday only and not at night;
3. No one has submitted evidence that the use will cause substantial injury to the value of other property in the neighborhood and the home will be occupied instead of left in a state of disrepair;
4. The clients will be dropping off and picking up children in single vehicle;
5. Staff will park at the Church to minimize parking concerns;
6. The property is already developed and will have no impact on existing utilities;
7. The Chief of Police noted concerns; however, the delivery of children by one vehicle and the parking of Staff off-site should satisfy the concerns. The Public Works Superintendent did not note any concerns about traffic hazards or congestion.]

Mayor Feldges stated “now is the date, time, and place to conduct a Public Hearing to hear support, oppositions, criticism, suggestions, or observations of the taxpayers relating to the Conditional Use Permit application of First Christian Church.

The Public Hearing opened at 7:42 p.m.

Marge Thompson, 1507 Toluca Avenue, addressed Council and informed them that the First Christian Church is seeking to host the Migrant School Program and was requesting a Conditional Use Permit for this purpose. The Church parsonage located at 912 Box Butte Avenue has been vacant since October, 2012 and a new minister has not been selected at this time. By hosting this program, this will allow the Church to provide upgrades to the facility.

No further testimony was offered and the Public Hearing was closed at 7:48 p.m.

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve Resolution No. 13-50 which follows in its entirety:

RESOLUTION NO. 13-50

WHEREAS, The City of Alliance, through its Community Development Department regulates building and zoning within the City of Alliance and the two mile jurisdiction; and

WHEREAS, The First Christian Church has requested a Conditional Use Permit property located at Lot 7, Block 3, Second County Addition, Alliance, Box Butte County, Nebraska; commonly addressed as 912 Box Butte Avenue, to allow for the operation of a daycare facility; and

WHEREAS, The Community Development office has examined the request and finds that the request for a daycare facility in a R-1 – Single Family Residential District is appropriate for the granting of a conditional use; and

May 2, 2013

WHEREAS, The Planning Director has recommended the granting of the Conditional Use Permit; and

WHEREAS, On the 16th day of April, 2013, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for the First Christian Church; and

WHEREAS, The Planning Commission voted to approve the Conditional Use Permit and forward the First Christian Church's request for the Conditional Use Permit to the City Council for their review and consideration.

WHEREAS, The City Council has reviewed the request and determined that it is in the best interest of the City of Alliance and consistent with the zoning rules and regulations to grant a Conditional Use Permit for the First Christian Church.

NOW, THEREFORE, BE IT RESOLVED that the Conditional Use Permit of the First Christian Church to allow for the development of a daycare facility at Lot 7, Block 3, Second County Addition, Alliance, Box Butte County, Nebraska, commonly addressed as 912 Box Butte Avenue is hereby authorized and approved with the following additional conditions:

1. Approval from the State Agencies be on record with the City of Alliance;
2. Staff will park at the Church;
3. Hours of operation shall be limited to 5:00 a.m. to 7:00 p.m., Monday through Friday;
4. The facility shall be seasonal running from May through November; and
5. The Conditional Use shall be reviewed by the Planning Commission prior to the second year of operation at which time the Planning Commission may administratively approve another year or require that the matter go through a public hearing process prior to continuance.

BE IT FURTHER RESOLVED, that the Conditional Use Permit shall be presumed inactive if the conditional use is not commenced within twelve months of May 2, 2013.

Roll call vote on Resolution No. 13-50 with the following results:

Voting Aye: Benzel, Lewis, Seiler, Yeager, Feldges.

Voting Nay: None.

Motion carried.

- Council next reviewed Resolution No. 13-52 authorizing staff to prepare a Purchase Agreement with Western Heritage Credit Union and an Ordinance authorizing sale of land located on the west side of the 100 Block of Box Butte Avenue; Lots 1 through 11, Block 28, Original Town to the City of Alliance. The following background information was prepared for Council's review:

May 2, 2013

Introduction/Summary

“Invitation To Bid” (ITB) documents were prepared and issued and responses received for the sale of City-owned property located in the 100 Block of Box Butte Avenue, west side, 280-feet in length x 140-feet in width, and more particularly described as Lots 1 through 11, Block 28, Original Town Addition, to the City of Alliance, Box Butte County, Nebraska, according to the recorded plat thereof.

Background Information

Number of ITB Documents Issued: Three (3)

Number of ITB Responses Received: Three (3)

On March 21, 2013, ITB documents were issued for the sale of the aforementioned City-owned lot located in the 100 block of Box Butte Avenue. On April 23, 2013 at 2:00 p.m., the received bid responses were publicly opened and read. The highest most responsive and responsible bidder is Western Heritage Credit Union of 103 East 1st Street, Alliance, Nebraska. The table below depicts a summary of the received bids:

BIDDER	AMOUNT
Western Heritage Credit Union Alliance, Nebraska	\$75,000
Brandon Wilcox, D.D.S. Alliance, Nebraska	\$38,500
Roger Reed Hemingford, Nebraska	\$5,000

Attached as a portion of this Council Narrative are the Invitation To Bid Documents and photocopies of the received bids.

Cause/Reason

The Bid Award and Real Estate sale of the aforementioned City-owned lot represents the continued efforts to reduce the City’s vacant lot inventory and return property to the tax rolls. This sale will stimulate the economic status of the lower Box Butte Avenue area and augment the City’s Streetscape and Historic Lighting project by adding an anchor business at the southernmost limits of the Streetscape project area.]

May 2, 2013

Mayor Feldges announced that he has a conflict of interest on this item as he is the Chairman of the Supervisory Committee to Western Heritage Credit Union.

Councilman Benzel made the motion to excuse Mayor Feldges from the meeting during the discussion and potential action on Resolution No. 13-52, Sale of Property, in the 100 block of Box Butte Avenue. Motion was seconded by Councilman Yeager.

Roll call vote with the following results:

Voting Aye: Benzel, Lewis, Yeager, Seiler.

Voting Nay: None.

Motion carried.

Councilman Lewis made a motion which was seconded by Councilman Benzel to approve Resolution No. 13-52 which follows in its entirety:

RESOLUTION NO. 13-52

WHEREAS, The City of Alliance owns Lots 1 through 11, Block 28, Original Town, Alliance, Box Butte County, Nebraska; and

WHEREAS, The City of Alliance desires to reduce the City's vacant lot inventory and return property to the tax rolls; and

WHEREAS, An Invitation to Bid was issued for the sale of the property with three bids being received; and

WHEREAS, Western Heritage Credit Union was the highest bidder in the amount of \$75,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that staff is authorized to prepare a Purchase Agreement for the sale of Lots 1 through 11, Block 28, Original Town, Alliance, Box Butte County, Nebraska to Western Heritage Credit Union in the amount of \$75,000.00.

Dr. Brandon Wilcox, 807 Cheyenne Avenue appeared before Council and expressed his interest in purchasing the property. Dr. Wilcox stated he was ready to construct a building in the very near future.

Council discussed the possibility of placing conditions on a proposed Purchase Agreement such as a timeframe to require the initiation of construction and a completion date. The Council would also like to incorporate a clause for the return/sale of the property back to the City if the construction requirements cannot be met.

Roll call vote on Resolution No. 13-52 with the following results:

May 2, 2013

Voting Aye: Benzel, Lewis, Seiler, Yeager.

Voting Nay: None.

Motion carried.

- Council next conducted a general discussion regarding the impact of illuminated signs in Residential Districts with no action being taken at this time. City Council was provided the following background information:

[ISSUES:

There has been public feedback regarding the impact of illuminated signs in Residential Districts with specific reference to the illuminated sign at 1024 Box Butte Avenue. Further investigation of the Code has revealed signage limitations that have not been consistently applied and that may otherwise be outdated or unreasonable.

ANALYSIS:

Review of this matter following the public comment brought several Code issues to “light”:

1. City Code 10-1107.03 (c) presently allows “one illuminated or non-illuminated sign per church or school, not more than fifty square feet in area, on the premises, indicating services or activities therein provided.
2. A sign permit was obtained for the illuminated sign at the church located at 1024 Box Butte Avenue in an R-1 District; however, the pre-existing sign should have been removed, as only one sign is allowed per Code.

The primary issue at hand is the concern regarding the impact of illuminated signs in Residential Districts. Issues that follow when reviewing this section of Code include the limitation on size, type and number of signs for schools and churches located in residential areas.

PLANNING COMMISSION:

The Planning Commission agreed that the matter was minor as there are few signs (especially illuminated) in Residential Districts; however, the “only one sign” language is not being strictly enforced. Therefore, the Commission is willing to take action on the matter if so directed by the Council.

DESIRED ACTION: A discussion directed at what is in the best interest of the City regarding limitations for illuminated signs in residential areas and possibly expanded to include the evaluation of all illuminated signs or the entire sign code (all types, sizes, numbers and locations).]

May 2, 2013

Following a short discussion City Council recommended forwarding this matter to the Alliance Planning Commission for their review and recommendation.

- Finance Director Randy Waggener provided an overview of the financial status of the City of Alliance during the most recent fiscal quarter, January 1, 2013 through March 31, 2013.

Motion by Councilman Lewis, seconded by Councilman Benzel to accept the Financial Statement as presented:

Roll call vote with the following results:

Voting Aye: Lewis, Feldges, Seiler, Yeager, Benzel.

Voting Nay: None.

Motion carried.

- The next matter for Council's approval were Board Vacancies.

A motion was made by Councilman Seiler, which was seconded by Councilman Benzel to re-appoint Jazmin Pruneda to serve as a Youth Representative on the Library Board for a new term expiring June 30, 2015.

Roll call vote with the following results:

Voting Aye: Lewis, Feldges, Seiler, Yeager, Benzel.

Voting Nay: None.

Motion carried.

Councilman Seiler announced the City still has vacancies on the Board of Adjustment, Economic Development Plan Application Review and Citizen Advisory Boards, Community Garden Board, and Planning Commission. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- The final agenda item before Council was the recommendation from staff to extend the Landfill Amnesty Days to Wednesday, May 8th 2013. Originally, Council passed Resolution No. 13-24 at their March 7, 2013 meeting, establishing Landfill Amnesty Week to be April 30th through May 4th, 2013. Due to recent extreme weather conditions the City endured, staff is making the recommendation to extend the Landfill Amnesty Days.

A motion was made by Councilman Benzel which was seconded by Councilman Seiler to extend Landfill Amnesty Days to May 8, 2013.

May 2, 2013

Roll call vote with the following results:

Voting Aye: Lewis, Feldges, Seiler, Yeager, Benzel.

Voting Nay: None.

Motion carried.

- Mayor Feldges stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:04 p.m.”

(SEAL)

Fred Feldges, Mayor

Linda Jines, City Clerk

May 2, 2013

THIS PAGE INTENTIONALLY LEFT BLANK.