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Sec. 115-103. R-5, Single-Family Residential Mobile Home District.

- (a) *Scope and intent.* This section applies to district R-5. The R-5, Single-Family Residential Mobile Home District is intended to provide for the location of mobile homes on lots owned by the mobile home owner in a traditional single-family residential subdivision setting.
- (b) *Permitted uses.*
- (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Railroad rights-of-way, not including railroad yards.
 - (6) Mobile home on individually owned lots.
- (c) *Conditional uses.*
- (1) 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.
 - (2) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
 - (3) Abandoned church or school property as permitted in section 115-174
- (d) *Performance standards.*
- (1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	7,000	(a)	1	25	25	5	15	30	6
Accessory Building	—	—	—	25	5	5	20	—	6

- a. Minimum lot dimensions and lot exceptions

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1. Minimum lot dimensions: Minimum lot dimensions in district R-5 shall be 60 feet wide by 130 feet deep curvilinear platted lots shall have the minimum lot width at the front building setback line and shall contain the minimum lot area.
 2. The planning commission and city council may approve previously platted lots not meeting the minimum dimensions of this section if said lots meet the minimum setback requirements and the minimum lot area of 7,800 square feet. Such approval shall be on an individual lot basis.
- b. Minimum dwelling size.
1. One bedroom: 570 square feet.
 2. Two bedroom: 700 square feet.
 3. Three bedroom: 850 square feet.
 4. Four bedroom: 1,020 square feet.
- c. The minimum mobile home width in this district shall be 14 feet.
- d. No R-5 district shall be created which contains less than five acres of contiguous area.

(2) *Permitted accessory uses.*

- a. Home occupations as defined in section 115-2 and provided in section 115-171
- b. One detached garage or other accessory off-street parking structures located in the rear or side yards. Garages and other accessory off-street parking structures located in R1 through R5 districts shall not be of greater height than the principal residence, and shall be constructed of materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding. If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.
- c. Signs as permitted in chapter 111
- d. Fences as permitted in section 115-172
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- f. 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.
- g. 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.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed

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areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.

- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, 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 115-170(e).
- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

(e) *Development requirements.*

- (1) Foundation or basement requirement. All modular homes, manufactured housing units, sectionalized unit homes, site constructed homes, mobile homes, and any other structure used as a residence located in this zone, shall be placed upon basements or permanent perimeter foundations complying with the city's building code. The city building inspector may grant a delay of foundation construction due to adverse winter weather conditions, in such case the foundation shall be completed within 30 days of resumption of permissible construction weather.
- (2) Permit requirements. No mobile home or manufactured housing unit shall be located in this district without a building permit issued by the city building department.
- (3) Permit fees shall be calculated using valuation data adopted by the city for conventional construction.
- (4) Site improvements. All lots in this district shall be serviced by the municipal water supply and sanitary sewer systems and shall be otherwise improved to the requirements of chapter 113, subdivisions.

Sec. 115-104. C-O, Commercial Office District.

- (a) *Scope and intent.* This section applies to district C-O. The C-O, Commercial Office District is intended to provide a zone for the conduct of low impact commercial office and health services uses. The low impact developments within this zone are viewed as an ideal buffer between residential land uses and heavier commercial or industrial uses.
- (b) *Permitted uses.*
 - (1) Professional, governmental and business office buildings.
 - (2) Health, dental and eye care offices/clinics.
 - (3) Day care facilities.
 - (4) Churches, places of worship and religious assemblies.

No equipment, material or vehicle other than motor passenger cars shall be stored outside a building in this district.

- (c) *Conditional uses.*

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- (1) Clubs and fraternal organizations.
 - (2) ~~Radio, television and microwave towers~~ Towers, telecommunications facilities, and antennas as permitted in chapter 109.
 - (3) 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.
 - (4) Funeral home.
 - (5) Hospital.
 - (6) Pharmacy.
 - (7) Other uses clearly associated with the intent of the C-O, Commercial Office District.
 - (8) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
			Front	Rear	Side	Side Street		
Principal Structure	None	None	25	25	A	A	30*	6
Accessory Building	—	—	25	5	5	20		6

Note-

A. There shall be a side yard on each side of a building not less than ten percent of the width of the lot; except that such side yard shall not be less than five feet and need not be more than 50 feet and except side yard setbacks adjacent to platted streets shall be at least 20 feet.

*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 30 feet.

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.

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- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- e. Signs as permitted in chapter 111
- f. Fences as permitted in section 115-172
- g. 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.
- h. 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.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, 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 115-170(e).

Sec. 115-105. C-1, Neighborhood Commercial District.

- (a) *Scope and intent.* This section applies to district C-1. The C-1, Neighborhood Commercial District is intended to provide a zone for the conduct of low impact commercial uses that are solely intended to support the convenience of residents, and activity carried on within, a residential neighborhood.
- (b) *Permitted uses.*
 - (1) Barbershop.
 - (2) Beauty shop.
 - (3) Convenience food stores.
 - (4) Day care or nursery schools.
 - (5) Library.
 - (6) Pharmacy.
 - (7) Schools and colleges.
 - (8) Health, dental and eye care offices/clinics.

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(9) Churches, places of worship and religious.

(c) *Conditional uses.*

- (1) ~~Radio, television and microwave towers~~ Towers, telecommunications facilities, and antennas as permitted in chapter 109.
- (2) 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.
- (3) Other uses clearly associated with the intent of the C-1 district.
- (4) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
			Front	Rear	Side	Side Street		
Principal structure	None	None	<u>25</u>	<u>25</u>	A	A	30*	6
Accessory building	—	—	<u>25</u>	5	5	<u>20</u>		6

A. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a district R-1 to C-O inclusive, a side yard of not less than seven feet shall be provided, and a side yard of 15 feet shall be provided on the street side of a corner lot.

*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 30 feet

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

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- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
 - e. Signs as permitted in chapter 111
 - f. Fences as permitted in section 115-172
 - g. 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.
 - h. 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.
 - i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
 - k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, 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 115-170(e).
- (3) *Additional development standards.* The following standards shall not be exceeded by any use in this district.
- a. No wholesale shall be conducted.
 - b. No merchandise or equipment shall be stored or displayed outside a building except as follows:
 - 1. Christmas trees and shrubs for sale may be displayed outside a building,
 - 2. At convenience food stores, gasoline or other motor vehicle fuels may be dispensed at retail to consumers outside a building.
- (4) *Automatic credit card and other fuel dispensers.* All products shall be sold and all services rendered inside a building, except that motor vehicle fuels may be sold at the dispensing pump if automatic credit card or other automatic type fuel dispensers are in use that do not require the purchaser to enter the store building.
- (5) *No harmful noise, smoke, radiation, etc.* No noise, smoke, radiation, vibration, or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash, or gas that is toxic, caustic, or obviously injurious to humans or property shall be produced.
- (6) *Alcoholic beverage sale for consumption on premises prohibited.* Alcoholic beverages shall not be sold for consumption on the premises.

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Sec. 115-106. C-2, Central Business District.

- (a) *Scope and intent.* This section applies to district C-2. The C-2, Central Business District is intended to provide a zone that will accommodate 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) Retail and wholesale sales establishments, not including adult bookstores.
 - (2) Medical, professional and governmental offices.
 - (3) Public libraries, utility facilities and parks.
 - (4) Eating and drinking establishments.
 - (5) Hotels, motels and other lodging facilities.
 - (6) Single and multifamily dwellings above the first floor of commercial establishments.
 - (7) Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
 - (8) Theaters, not including adult theaters.
 - (9) Health facilities such as spas.
 - (10) Printers and newspapers.
 - (11) 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.
 - (12) Building supply stores (indoor display and storage only).
 - (13) Lodges and fraternal orders.
 - (14) Parking lots and facilities.
 - (15) Churches, places of worship and religious.
- (c) *Conditional uses.*
- (1) ~~Radio, television and microwave towers~~ Towers, telecommunications facilities, and antennas as permitted in chapter 109.
 - (2) Automobile dealer lots and repair services.
 - (3) Commercial storage units.
 - (4) Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
 - (5) Other uses clearly associated with the intent of the C-2, Central Business District.
 - (6) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (d) *Performance standards.*
- (1) *Area and bulk regulations.*

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Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	0	A	B	0	45
Accessory building	—	—	0	A	B	0	45

A. No rear yard required if adjacent to an alley

B. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a districts R-1 to C-O inclusive

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartments for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- e. Signs as permitted in chapter 111
- f. Fences as permitted in section 115-172
- g. 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.
- h. 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.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.

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- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, 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 115-170(e).

Sec. 115-107. C-3, Highway Commercial District.

- (a) *Scope and intent.* This section applies to district C-3. The C-3, Highway Commercial District is intended to accommodate commercial businesses that:
- (1) Require direct access to highways and primary transportation thoroughfares due to the volume of traffic they generate.
 - (2) Cater primarily to the traveling public.
- (b) *Permitted uses.*
- (1) Retail and wholesale sales establishments, not including adult bookstores.
 - (2) Medical, professional and governmental offices.
 - (3) Public libraries, utility facilities and parks.
 - (4) Eating and drinking establishments.
 - (5) Hotels, motels and other lodging facilities.
 - (6) Single and multifamily dwellings above the first floor of commercial establishments.
 - (7) Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
 - (8) Theaters, not including adult theaters.
 - (9) Health facilities such as spas.
 - (10) Printers and newspapers.
 - (11) 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.
 - (12) Building supply stores (indoor display and storage only).
 - (13) Lodges and fraternal orders.
 - (14) Parking lots and facilities.
 - (15) Automobile dealers, implement dealers and related services.
 - (16) Truck parking, truck repair services, and related services.
 - (17) Commercial storage units.
 - (18) Building, landscaping supplies and yards including well drillers.
 - (19) Animal feeds and supply services, not including grain elevators.
 - (20) Contractor yards, provided material storage is in the rear yard and screened.
 - (21) Swimming pool, commercial.

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(22) Churches, places of worship and religious.

(c) *Conditional uses.*

- (1) Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds.
- (2) Cemeteries, mausoleums, or crematories for the disposal of the human dead.
- (3) Clubs, fraternal orders, philanthropic organizations.
- (4) Drive-in theaters.
- (5) Golf driving ranges, commercial or illuminated.
- (6) Nursery sales office, building, greenhouse, or area. (Wholesale or retail).
- (7) ~~Radio, television and microwave towers~~ Towers, telecommunications facilities, and antennas as permitted in chapter 109.
- (8) Recreational vehicle camping facilities.
- (9) Riding stables and tracks.
- (10) Wind-driven electric generators with prior approval of the city electrical engineer.
- (11) Other uses clearly associated with the intent of the C-3 district.
- (12) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.

(d) *Performance standards.*(1) *Area and bulk regulations.*

Use	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	15	A	B	15	35
Accessory building	—	—	15	A	B	15	35

A. No rear yard required if adjacent to an alley, otherwise there shall be a 15-foot setback.

B. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a districts R-1 to C-O inclusive, a side yard of not less than seven feet shall be provided, and a side yard of 15 feet shall be provided on the street side of a corner lot.

(2) *Permitted accessory uses.*

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- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- e. Signs as permitted in chapter 111
- f. Fences as permitted in section 115-172
- g. 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.
- h. 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.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, 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 115-170(e).

Sec. 115-108. M-1, Light Industrial District.

- (a) *Scope and intent.* This section applies to district M-1. 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.
- (b) *Permitted uses.*
 - (1) Manufacturing, processing, fabrication, or assembling of any commodity except junk or salvage.
 - (2) Warehousing, wholesaling and storage of any commodity except junk or salvage.
 - (3) Freight terminals and parcel services.
 - (4) Offices.

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- (5) Public utility facilities.
- (6) One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrially-zoned districts provided that yard and other requirements of this section shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.
- (7) Private storage units as defined in section 115-2
- ~~(8) Structures such as communications towers and poles.~~

(c) *Conditional uses.*

- (1) Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds.
- (2) Drive-in theaters.
- (3) Golf driving ranges, commercial or illuminated.
- (4) Reservoirs, wells, towers, filter beds, or water supply plants.
- (5) Wind-driven electric generators with prior approval of the city electrical engineer.
- (6) Other uses clearly associated with the intent of the M-1, Light Industrial District.
- (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (8) Towers, telecommunications facilities, and antennas as permitted in chapter 109.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	50	15	A	<u>20</u>	45
Towers	—	—	B	B	B	B	100
Accessory building	—	—	50	15	A	<u>20</u>	45

A. A side yard shall be provided on each side of a building or unit group of buildings, and no side yard shall be less than ten feet. A side yard abutting a zoned residential lot shall be not less than 20 feet.

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~~B. A communications tower or similar structure shall follow the required setbacks for a principle structure, except that such structure shall not encroach into the airport hazard area or approach zones and such structure shall be set back from all property lines at a distance equal to or greater than its height.~~

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- e. Signs as permitted in chapter 111
- f. Fences as permitted in section 115-172
- g. 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.
- h. 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.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, 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 115-170(e).

(3) *Additional performance standards.*

- a. All operations shall be conducted within a fully enclosed building.
- b. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within 300 feet of the property line.

(4) *Noise level restricted.* The noise level shall not exceed 70 dB(a) at any point along the property line, as certified by letter or affidavit from an engineer.

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- (5) *Smoke or particulate matter.* 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.
- (6) *Prohibited use.* No use shall be permitted or so operated as to produce or emit:
 - a. Vibration or concussion perceptible without instruments at the property line.
 - b. 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. Gases. 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.

Sec. 115-109. M-2, 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) Manufacturing, processing, fabrication, or assembling of any commodity.
 - (2) Warehousing, wholesaling and storage of any commodity.
 - (3) Freight terminals and parcel services.
 - (4) Offices.
 - (5) Public utility facilities.

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- (6) One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrial-zones provided that yard and other requirements of this section shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.
 - (7) Private storage units as defined in section 115-2
 - ~~(8) Structures such as communications towers and poles.~~
 - (98) Bus, truck and vehicle parking/storage lots.
 - (109) Dog pounds, kennels and animal shelters.
 - (140) Warehousing and bulk commodity product storage.
- (c) *Conditional uses.*
- (1) Auto salvage and junk yards, providing that no burning of waste material shall be permitted, and the entire storage or salvage yard shall be screened with a solid fence or wall not less than eight feet in height.
 - (2) Gun clubs, skeet shoots or target ranges.
 - (3) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided, however, that no conditional use permit shall be issued until and unless the location, site plan, and method of operation, including necessary structures, have been submitted to and approved in writing by the council after report from the planning commission.
 - (4) Refuse dumps.
 - (5) Reservoirs, wells, towers, filter beds, or water supply plants.
 - (6) Sewage, refuse, garbage disposal plants or sanitary fills.
 - (7) Other uses clearly associated with the intent of the M-2 district.
 - (8) Adult bookstores and theaters.
 - (9) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
 - (10) Towers, telecommunications facilities, and antennas as permitted in chapter 109.
- (d) *Performance standards.*

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(1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	A	B	C	<u>20</u>	45
Towers	—	—	D	D	D	D	100
Accessory building	—	—	A	15B	C	<u>20</u>	45

- A. 15 feet, except that a setback of not less than 50 feet shall be provided along all federal and state highways.
- B. No rear yard required if adjacent to an alley, otherwise there shall be a 15-foot setback.
- C. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a districts R-1 to C-O inclusive, a side yard of not less than seven feet shall be provided, and a side yard of 15 feet shall be provided on the street side of a corner lot.
- ~~D. A communications tower or similar structure shall follow the required setbacks for a principle structure, except that such structure shall not encroach into the airport hazard area or approach zones and such structure shall be set back from all property lines at a distance equal to or greater than its height.~~

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- e. Signs as permitted in chapter 111

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- f. Fences as permitted in section 115-172
 - g. 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.
 - h. 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.
 - i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
 - k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, 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 115-170(e).
- (3) *Additional performance standards.*
- a. 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 would meet minimum state department of environmental control air quality standards.
 - b. Noise produced shall not exceed 80 dB(A) at the property line.
 - c. When viewed from immediately abutting residentially zoned property, all storage of material, products or equipment shall be within a fully enclosed building or in an open 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.* No use shall be permitted or so operated as to produce or emit the following:
- a. Vibration or concussion perceptible without instruments at the property line.
 - b. 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

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classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.

- e. Gases. 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.

Sec. 115-110. M-3, Railroad Industrial District.

- (a) *Scope and intent.* This section applies to district M-3. The intent of an M-3, Railroad Industrial District is to accommodate activities associated with the operation of the railroad industry.
- (b) *Permitted uses.*
 - (1) Rail car storage and switching yards.
 - (2) Rail car and engine repair and maintenance facilities.
 - (3) Rail car loading and unloading facilities.
 - (4) Offices.
 - (5) Public utility facilities.
 - (6) One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrially-zoned provided that yard and other requirements of this section shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.
 - (7) Indoor and outdoor storage of associated railroad building materials such as ties, rail, etc.
- (c) *Conditional uses.*
 - (1) Other uses clearly associated with the intent of the M-3 district.
 - (2) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
 - (3) Towers, telecommunications facilities, and antennas as permitted in chapter 109.

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(d) *Performance standards. Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	50	<u>20</u>	A	<u>20</u>	45
Towers	—	—	B	B	B	B	100
Accessory building	—	—	50	<u>20</u>	A	<u>20</u>	45

A. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a district R-1 to C-O inclusive, a side yard of not less than seven feet shall be provided, and a side yard of 15 feet shall be provided on the street side of a corner lot.

~~B. A communications tower or similar structure shall follow the required setbacks for a principle structure, except that such structure shall not encroach into the airport hazard area or approach zones and such structure shall be set back from all property lines at a distance equal to or greater than its height.~~

(e) *Additional performance standards.*

- (1) 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 would meet minimum state department of environmental control air quality standards.
- (2) Noise produced shall not exceed 80 dB(A) at the property line.
- (3) When viewed from immediately abutting residentially zoned property, all storage of material, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within 300 feet of the property line.
- (4) No use shall be permitted or so operated as to produce or emit:
 - a. Vibration or concussion perceptible without instruments at the property line.
 - b. 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.

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- 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. Gases. 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.
- (f) *Permitted accessory uses.*
- (1) Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
 - (2) Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
 - (3) Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
 - (4) Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
 - (5) Signs as permitted in chapter 111
 - (6) Fences as permitted in section 115-172
 - (7) 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.
 - (8) 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.
 - (9) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - (10) Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.

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- (11) A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, 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 115-170(e).

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

Roll call vote to approve the first reading of Ordinance No. 2758 with the following results:

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

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2763, which will amend the current water rates being charged by the City of Alliance was the next agenda item. Council was provided with the following information:

[Council was alerted to the need to adjust the base water meter service charges during their Budget Workshop on July 21 and again at the first budget reading on August 5. It continues to be apparent that the annual overall automatic 1% increase in rates is not sufficient for the 2014-15 fiscal year based on the following observations:

- Cash flow for the Water Department has continued to be negative for seven of the past thirteen months with higher summer usage revenues required to generate enough funding to cover the operating costs of the Water Department.
- The base service charge adjustments implemented last October along with increased water meters generated have resulted in approximately \$105,000 in additional base revenues for the twelve months ending July 31, 2014. Over the same period, water consumption is down approximately 14% resulting in an almost \$185,000 decrease in usage revenues. The fiscal year net loss through July is just over \$350,000 or around \$24,000 less than the same time last year.
- Major pending upgrades on the aging infrastructure will require funding that is not presently included within the current rate structure.

Staff is proposing base rate changes for residential customers of \$1.50 per month and the automatic 1% increase in usage rates. Commercial, industrial, manufacturing and municipal rates will be adjusted by the same percentages as residential. The proposed increase would generate between approximately \$75,000 in additional base charges and \$10,000 in usage revenue.]

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A motion was made by Councilman Seidler, seconded by Councilman Yeager to approve the first reading of Ordinance No. 2763 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2763

AN ORDINANCE AMENDING WATER RATES AND REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

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

SECTION 1. Staff from the City's Water and Finance Departments has prepared amendments to water rates for submission to the City Council.

SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted. All is hereby amended with an effective date of this ordinance, in the following particulars:

Within the City limits - Residential Urban

Block 1	\$1.304 per 100 cubic feet
Block 2	\$1.473 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.814 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.266 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Outside the City limits - Residential Rural

Block 1	\$1.434 per 100 cubic feet
Block 2	\$1.620 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.995 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.493 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Within the City limits - Commercial Urban

Block 1	\$1.304 per 100 cubic feet
Block 2	\$1.473 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.814 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.266 per 100 cubic feet for any amount over Blocks 1, 2, and 3

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Outside the City limits – Commercial Rural

Block 1	\$1.434 per 100 cubic feet
Block 2	\$1.620 per 100 cubic feet for the next 3500 cubic feet after the Block 1 amount.
Block 3	\$1.995 per 100 cubic feet for the next 2500 cubic feet after base usage and Blocks 1 and 2
Block 4	\$2.493 per 100 cubic feet for any amount over Blocks 1, 2, and 3

Manufacturing Rate

Manufacturing Rate is \$1.268 per 100 cubic feet.

Industrial Park Rate

The Industrial Park Rate is \$1.417 per 100 cubic feet.

Municipal Rate

The Municipal Rate is \$1.061 per 100 cubic feet, and will not incur a monthly service charge for each account.

Service Charge

There shall be a monthly service charge for each account serviced by Alliance Municipal Water System in the amount of:

<u>Meter Size</u>	<u>Service Charge</u>	<u>Meter Size</u>	<u>Service Charge</u>
5/8"	\$11.25	3"	\$80.50
3/4"	\$11.25	4"	\$103.50
1"	\$11.25	6"	\$153.00
1-1/2"	\$24.25	8"	\$218.50
2"	\$48.50		

SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed.

SECTION 4. This ordinance shall go into effect on billings rendered October 1, 2014 and thereafter.

Roll call vote to approve the first reading of Ordinance No. 2763 with the following results:

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

Voting Nay: None.

Motion carried.

- The second reading of Ordinance No. 2756, which will approve the rezoning request of Dean and Lois Osborn, to rezone Lots 7 and 8, Block 4, Fairview Addition to the City of

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Alliance from R-1 (Single Family Residential) to R-3 (Multi-Family Residential) was the next agenda item. Council was provided with the following information:

[Dean and Lois Osborn are requesting the rezone of Lot 7 - 8, Block 4, Fairview Addition to the City of Alliance, addressed 403 and 407 Grand Avenue, from R-1 Single-Family Residential to R-3 Multi-Family Residential. The property is located on the northeast corner of the intersection of Fourth Street and Grand Avenue.

The property meets the minimum lot size requirements for R-3 Zoning. The setbacks would not change in a rezone from R-1 to R-3 and as such would not create any new nonconforming structures. The property is bordered by R-1 zoning to the east, west, south, and north. Off street, onsite parking will be provided for each family dwelling unit. The purpose of the rezone is to allow for the sale, renovation and rental the existing apartments on the property which have been vacant for more than one year. The land use of Multi-Family Residential would have been grandfathered in when the property was rezoned R-1 Single-Family Residential.

Nonconforming uses are allowed to continue until it is stopped for a period of one year or if 90% of the assessed value of the structure is destroyed. In such an occurrence, the property must be brought in to conformance with its current zoning. A rezone of the lot would allow the owner to resume the Multi-Family Residential land use on the lot. If the lot were not allowed to be rezoned, the existing apartments on the lot could not be utilized as Multi-Family Dwellings are not allowed in the R-1 zoning district.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed 51 petitions and as of July 3rd, the City had received seven of them back. Three are in favor of the rezone, three were not in favor, and one was disinterested.

At the July 8, 2014 Planning Commission meeting, the Commissioners voted to recommend the approval of the rezone of Lot 7-8, Block 4, Fairview Addition to the City of Alliance, from R-1, Single-Family Residential, to R-3, Multi-Family Residential, and that City Staff inquire about a stop sign at the intersection of Fourth Street and Grand Avenue.

The purchaser of the property has requested the Council waive the third reading as they would like to complete the sale and begin remodeling.]

A motion was made by Councilman Seiler, seconded by Councilman Benzel to approve the second reading of Ordinance No. 2756 which City Clerk Jines read by title and follows in its entirety.

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ORDINANCE NO. 2756

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOTS 7 AND 8, BLOCK 4, FAIRVIEW ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A R-3 (MULTI-FAMILY RESIDENTIAL) DISTRICT FROM A R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

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

115-76. DISTRICT MAP ADOPTED

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

(b) When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the building inspector, due consideration being given to location as indicated by the scale of the zoning district map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this 5th day of August, 2014, 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.

Mayor Feldges asked Police Chief Kiss if additional traffic control could be accomplished at the intersection next to this property. Police Chief Kiss responded that stop signs were recently installed to provide control at this intersection.

A motion was made by Councilman Benzel and seconded by Councilman Lewis to waive the statutory requirement of three readings of the ordinance of separate dates:

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Roll call vote to waive three separate readings:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve the final reading of Ordinance No. 2756 with the following results:

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

Voting Nay: None.

Motion carried.

- The second reading of Ordinance No. 2757 which will authorize the rezoning request of the City of Alliance to rezone Carhenge from A (Agriculture) to R-R (Rural Residential) was the next agenda item. Council was provided with the following information:

[City staff has initiated the rezone for part of the South ½ of the South ½ of the West ½ of the West ½ of the Northwest ¼ of Section 18, Township 25N, Range 47 West of the 6th Principal Meridian, addressed 2151 County Road 59, otherwise known as Carhenge, from A-Agriculture to R-R Rural Residential. The property is located on the east side of County Road 59/Nebraska State Highway 87, approximately 2.5 miles north of the intersection of East 10th Street and Flack Avenue.

With the passing of Ordinance 2752, the City expanded its two mile Extraterritorial Jurisdiction bringing Carhenge into the City's Zoning Jurisdiction. Parks are not Permitted Uses within Agriculture zoning and as such, any expansion of Carhenge or any accessory structures on the property would not be allowed without a variance or a future rezone. City Staff recommends rezoning Carhenge to bring the zoning into alignment with the current land use to allow for any renovations or expansion that may be planned for the site in the future.

Nonconforming uses are not allowed to be expanded without a variance from the Board of Adjustment or without bringing the land use into conformance with its current zoning. The nonconforming use is allowed to continue until it is stopped for a period of one year or if 90% of the assessed value of the structure is destroyed. In such an occurrence, the property must be brought in to conformance with its zoning.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed six petitions and as of July 3rd, the City had

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received only one response. The petition was not in favor of the rezone as they thought the City was rezoning their property. Staff reached out to the land owner and explained the situation at which time they indicated they were in favor of the rezone.

At the July 8, 2014 Planning Commission meeting, the Commissioners voted to recommend that the Alliance City Council approve the rezone of 2151 County Road 59 from A, Agriculture, to R-R, Rural Residential.]

A motion was made by Councilman Yeager, seconded by Councilman Benzel to approve the second reading of Ordinance No. 2757 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2757

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 25 NORTH, RANGE 47 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A RR (RURAL RESIDENTIAL) DISTRICT FROM AN A (AGRICULTURE) 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

(c) 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.

(d) When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the building inspector, due consideration being given to location as indicated by the scale of the zoning district map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this 5th day of August, 2014, is now the official Zoning District Map.

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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.

Councilman Benzel made a motion to suspend the statutory requirement of three separate readings of the ordinance on different dates. The motion was seconded by Councilman Lewis.

Roll call to suspend three readings:

Voting Aye: Benzel.

Voting Nay: Lewis, Feldges, Seiler, Yeager.

Motion failed.

Roll call vote to approve the second reading of Ordinance No. 2757 with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing and the second reading of Ordinance No. 2760 which will approve the 2014-2015 Proposed Budget was the next discussion item.

Mayor Feldges stated “now is the date, time and place to conduct a Public Hearing on the proposed 2014-2015 Budget, is there anyone present to speak in support, opposition, criticism, suggestions or observations of taxpayers relating to the following proposed budget.” The public hearing was opened at 7:30 p.m.

Dan Kusek, 1436 Black Hills Avenue addressed Council and requested that when establishing the levy for the next fiscal year, that the Council not take the windfall. He preferred the Council to establish the levy to coincide with the dollar request. Mr. Kusek encouraged Council to not take advantage of the increased valuation, as a large number of homeowners experienced large increases in the personal property valuations which will automatically increase their property taxes.

Assistant City Manager Waggener presented Council with Original Proposed Property Tax Request along with three options for consideration to establish the levy based on the Box Butte County Assessor’s valuation statement which was just received. The options are as follows:

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Original Proposed Property Tax Request**FY 2014-15**

Fund	Request	Budget	Levy
General Fund	\$ 1,139,950	\$ 1,075,425	0.281999
Bond Fund	\$ -	\$ -	-
MFO Fund	\$ 137,239	\$ 129,471	0.033950
Public Safety Fund	\$ 121,272	\$ 114,408	0.030000
Airport Fund	\$ 127,335	\$ 120,127	0.031500
Airport Sinking Fund	\$ 50,530	\$ 47,670	0.012500
Totals	\$ 1,576,326	\$ 1,487,100	0.389949

Est. Assessed Value \$ 404,239,242 3.50%
 Prior Year Actual \$ 390,569,316

Revised Property Tax Request Based on Amount**FY 2014-15**

Fund	Request	Budget	Levy
General Fund	\$ 1,137,275	\$ 1,072,901	0.277033
Bond Fund	\$ -	\$ -	-
MFO Fund	\$ 139,372	\$ 131,483	0.033950
Public Safety Fund	\$ 123,156	\$ 116,185	0.030000
Airport Fund	\$ 127,261	\$ 120,058	0.031000
Airport Sinking Fund	\$ 49,262	\$ 46,474	0.012000
Totals	\$ 1,576,326	\$ 1,487,100	0.383982

Actual Assessed Value \$ 410,520,412 5.11%

Revised Property Tax Request Based on Mill Levy**FY 2014-15**

Fund	Request	Budget	Levy
General Fund	\$ 1,157,663	\$ 1,092,128	0.281999
Bond Fund	\$ -	\$ -	-
MFO Fund	\$ 139,371	\$ 131,483	0.033950
Public Safety Fund	\$ 123,156	\$ 116,185	0.030000
Airport Fund	\$ 129,314	\$ 121,994	0.031500
Airport Sinking Fund	\$ 51,315	\$ 48,411	0.012500
Totals	\$ 1,600,819	\$ 1,510,200	0.389949

Actual Assessed Value \$ 410,520,412 5.11%

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**Revised Property Tax Request Based on Prior Mill Levy
FY 2014-15**

Fund	Request	Budget	Levy
General Fund	\$ 1,117,042	\$ 1,053,813	0.272104
Bond Fund	\$ -	\$ -	-
MFO Fund	\$ 139,371	\$ 131,483	0.033950
Public Safety Fund	\$ 123,156	\$ 116,185	0.030000
Airport Fund	\$ 127,261	\$ 120,058	0.031000
Airport Sinking Fund	\$ 49,673	\$ 46,861	0.012100
Totals	\$ 1,556,504	\$ 1,468,400	0.379154

Actual Assessed Value \$ 410,520,412 5.11%

No additional testimony was offered, and the Mayor closed the Public Hearing at 7:56 p.m.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the second reading of Ordinance No. 2760 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2760

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of the Nebraska R.R.S. 1943, §19-646, has submitted to the City Council a preliminary budget. This preliminary budget being submitted to the City Council at a workshop which was held on July 21, 2014 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 19, 2014, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2014, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

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	City	MFO	Public Safety	Airport	Airport Reserves	Total
Approved Budget Amount	1,075,400	129,500	114,400	120,100	47,700	1,487,100
County Treasurer's Fee (1%)	10,754	1,295	1,144	1,201	477	14,871
Delinquent Allowance (5%)	53,796	6,444	5,728	6,034	2,353	74,355
Total Property Tax Request	<u>1,139,950</u>	<u>137,239</u>	<u>121,272</u>	<u>127,335</u>	<u>50,530</u>	<u>1,576,326</u>
Using the following levies	0.281999	0.033950	0.030000	0.031500	0.012500	0.389949
Approved Mill Levy for 2015	0.389949					
Based on Assessed Valuation	404,239,242					

SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2015.

General	6,816,000
Electric	14,420,700
Refuse	1,296,100
Sewer	446,300
Water	1,862,900
Golf Course	377,200
Airport Operations	7,964,100
Streets	2,738,900
Handyman Services	56,200
RSVP	80,300
Museum Exhibit	28,100
BID #1 and #2	16,100
Nuisance Cleanup	6,600
HUD/CDBG	150,000
Community Betterment (KENO)	38,200
Economic Development	85,000
LB 840 Fund	303,500
Redevelopment (TIF)	255,700
Sales Tax Fund	1,850,000
Lodging Occupation Tax	203,700
Capital Projects	580,000
Public Safety Tax	90,000
State 911 Funds	50,000

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General Internal Service	1,229,200
Enterprise Internal Service	572,300
Health Support Internal Service	1,811,100
General Debt Service	43,600
Airport Capital Reserve	525,000
<i>Gross Expenditures</i>	43,896,800

There is hereby included \$161,000 within the General Fund Budget [City Council Activity], \$10,000 within the General Fund Budget [Police Grant] \$60,000 within the Electric Fund, \$50,000 within the Water Fund, \$25,000 within the Sewer Fund, \$15,000 within the Refuse Fund, \$5,000 within the Airport Fund, \$50,000 within the Streets Fund; and \$20,000 within the Community Betterment Fund; to be known as "Contingency." Expenditures from any Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total Unused Restricted Funds Authority of \$90,110.80 for Fiscal Year 2015.

SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2014.

Based on the review of levy options which were previously submitted, Councilman Benzel made a motion to establish the levy at 0.379154 which matches our prior year request. The motion was seconded by Councilman Lewis.

Roll call vote on establishing the levy amount to be requested by the City of Alliance as follows:

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

Voting Nay: None.

Motion carried.

Assistant City Manager Waggener presented thirteen proposed budget amendments for incorporation into the final budget ordinance. The amendments are listed below and those being recommended to adjust for actual valuation will be adjusted to reflect the previously approved levy of 0.379154:

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Fund	Full Account No	Account Title	Original	Change	Adjusted	Comments
01	01-00-00-31-111	Real and Personal Tax	1,075,400	(2,500)	1,072,900	Adjust for Actual Valuation
01	01-37-37-31-112	Property Taxes/MFO	129,500	2,000	31,500	Adjust for Actual Valuation
22	22-41-43-31-111	Real and Personal Tax	120,100	(100)	120,000	Adjust for Actual Valuation
28	28-61-67-39-991	Cont(To)/From Fund Balance	1,800	(1,800)	-	Delete Fund Balance Included in Error
28	28-61-68-39-992	Cont(To)/From Fund Balance	4,400	(4,400)	-	Delete Fund Balance Included in Error
37	37-00-00-31-122	Property Tax Relief	5,700	(5,700)	-	Transferred to Tax Increment Payment
37	37-61-69-31-123	Tax Increment Payments	250,000	5,700	255,700	Transferred from Property Tax Relief
41	41-00-00-37-771	Grants	340,000	15,000	355,000	Increase for Possible UNWNRD Grant
42	42-00-00-31-155	Public Safety Tax	114,400	1,800	116,200	Adjust for Actual Valuation
69	69-00-00-31-111	Real and Personal Tax	47,700	(1,200)	46,500	Adjust for Actual Valuation
		Totals	39,827,300	8,800	39,836,100	

Fund	Full Account No	Account Title	Original	Change	Adjusted	Comments
01	01-71-71-59-970	Capital Outlay-Other Impr.	25,000	35,000	60,000	Bower Park Irrigation Forwarded
22	22-41-43-43-331	Professional Engineering Svcs	-	30,000	30,000	Airport Water Study Forwarded
41	41-71-71-59-970	Capital Outlay-Buildings	370,000	20,000	390,000	Laing Lake Cost Adjustment
		Totals	43,896,800	85,000	43,981,800	

		Net Cash Flow	(4,069,500)	(76,200)	(4,145,700)	
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Council conducted a lengthy discussion on whether to move forward the Airport Water Study from this budget year to our next fiscal budget year. Councilman Benzel feels strongly that this expenditure would be a waste of money and believes staff has the expertise to make a determination on the issue. Councilman Benzel was reassured this is simply addressing the budget authority and the issue would come back before Council for a final determination.

Roll call vote on the proposed amendments to the budget as follows:

Voting Aye: Benzel, Lewis, Feldges, Seiler.

Voting Nay: Yeager.

Motion carried.

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Roll call vote to approve the second reading of Ordinance No. 2760 with the following results:

Voting Aye: Feldges, Benzel, Lewis, Seiler.

Voting Nay: Yeager.

Motion carried.

- The next agenda item was the second reading of Ordinance No. 2761, which will authorize the City to exceed the Allowable Growth and Basic Allowable Growth for the 2014-2015 Fiscal Year Budget by 1%. Council was provided with the following background information:

[The attached ordinance will allow the City of Alliance (with a 75% affirmative vote by Council) to exceed the base allowable growth limitation of the restricted funds authority for the 2014-15 fiscal year budget by 1% (or \$59,216) with total restricted funds authority at \$6,128,837. This does not increase the new fiscal budget, but rather allows the City to increase the unused budget authority for use in future years.]

A motion was made by Councilman Yeager, seconded by Councilman Seidler to approve the second reading of Ordinance No. 2761 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2761

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2014-2015 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.

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

SECTION 1. Governmental units are authorized pursuant to State law at Chapter 13, Section 519, to exceed the Allowable Growth (§13-518(1)) and the Basic Allowable Growth (§77-3446) for budgeted restricted funds authority up to an additional one percent, by affirmative vote of the City Council of at least 75%.

SECTION 2. The City Council finds that such limit as provided by Section 13-519 (a) and (b) should be exceeded by one percent.

SECTION 3. An affirmative vote of at least 75% in favor of this increase is hereby cast.

SECTION 4. Section 13-511 allows correction of an adopted budget statement for

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clerical, mathematical, and accounting errors, which correction does not affect the total amount budgeted by more than one percent or increase the amount required from property taxes. The one percent limit increase is calculated into the current budget statement; however the unused budget authority amount is in need of modification.

SECTION 5. The “total restricted funds authority” with the additional 1% is \$59,216 and the resulting “unused budget authority” in the adopted budget ordinance is hereby amended to the amount of \$6,128,837.

SECTION 6. Those portions of the existing budget ordinance for 2014-2015 are amended accordingly.

SECTION 7. The City Treasurer is authorized to make appropriate changes in the submitted forms for computation of the limit for fiscal year 2014-2015, and transmit those changes to the State Auditor’s office.

SECTION 8. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote to approve the second reading of Ordinance No. 2761 with the following results:

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

Voting Nay: None.

Motion carried.

● The next matter before Council was the first reading of Ordinance No. 2762 which will adopt the Classification and Compensation Plans to be incorporated in the City’s 2015 budget. Council was provided with the following information:

[The attached ordinance will adopt the Classification and Compensation Plans that will be incorporated as a part of the 2014-15 FY budget. The Compensation Plan includes five categories: Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire Employees.

The Classification Plan has only three changes from the most recent version approved by Council:

- The positions of Assistant Electric Superintendent and Electric Service Crew Chief are being removed to eliminate duplication of management positions.
- The pay grade for the Electric Superintendent is being reduced from 111 to 108 to more closely align internally with other department managers, as well as externally with 1st Class cities in our array.

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The plan includes a 1.5% cost-of-living adjustment which will be effective the first full pay period following October 1, 2014.]

A motion was made by Councilman Lewis, seconded by Councilman Benzel to approve the first reading of Ordinance No. 2762 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2762

AN ORDINANCE ADOPTING REVISED CLASSIFICATION AND COMPENSATION PLANS FOR THE CITY OF ALLIANCE, NEBRASKA.

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

WHEREAS, The Alliance City Council adopted the Fiscal Year 2014-2015 Budget which included funds for revised Classification/Compensation Plans.

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

SECTION 1. That the attached Classification Schedule for the City of Alliance dated to be effective October 11, 2014 and the attached Compensation Schedules for Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire employees dated to be effective October 11, 2014 are hereby adopted by this reference.

SECTION 2. This Ordinance shall become effective October 11, 2014.

A motion was made by Councilman Lewis to waive the statutory requirement of three readings of the ordinance on separate dates. The motion was seconded by Councilman Benzel.

Voting Aye: Feldges, Benzel.

Voting Nay: Seiler, Yeager, Lewis.

Motion failed.

Roll call vote to approve the first reading of Ordinance No. 2762 with the following results:

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

Voting Nay: None.

Motion carried.

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- The next agenda item was Resolution No. 14-92 which authorizes the City of Alliance to enter into Supplemental Agreement No. 1 with the Nebraska Department of Roads for the 10th Street, Box Butte to Flack Avenues Project. Council was provided with the following information:

[Council approved Resolution 11-78 on June 21, 2011 authorizing the Mayor to sign the LPA Program Agreement with the Nebraska Department of Roads (NDOR) and committing local funds for the East Tenth Street from Box Butte Avenue to Flack Avenue paving project. The City's portion of the costs was estimated at \$335,500 in the original agreement. Subsequent to that date, Federal funding was capped at \$1,265,600 with the enactment of MAP-21 and the City's portion is now estimated at \$411,900 based on the original estimated total of \$1,677,500. If final bids exceed the original estimate, the City would be responsible for funding everything over the Federal cap.]

The Supplemental Agreement 1 is necessary to document the reduction in Federal funding and increased financial responsibility of the City in order to allow continuation of the construction project on East Tenth Street. Additional funds have been added to the carryover budget authority with a total of \$435,000 included in the 2014-2015 fiscal year budget.]

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 14-92 which follows in its entirety:

RESOLUTION NO. 14-92

WHEREAS, The City of Alliance and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BM1136 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds; and

WHEREAS, The City of Alliance understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS, The City of Alliance and NDOR wish to enter into Supplemental Project Program Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Mayor Fred Feldges is hereby authorized to sign the attached Project Program Supplemental Agreement No. 1 between the City of Alliance and the NDOR.

BE IT FURTHER RESOLVED the City of Alliance is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number: URB-6254(7)

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NDOR Control Number: 51490

Project Location: 10th Street, Box Butte – Flack Avenues

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 14-93, authorizing the use of \$7,800.00 from the City Council's Contingency Fund for replacement of exterior windows at the Senior Center was the next agenda item. Council was provided with the following background information:

[The City of Alliance received ACE funds in the amount of \$8,002.49 in March 2014. At the April 1, 2014 Council meeting, Staff proposed that those funds be earmarked for building improvements (specifically replacement of exterior windows) at the Alliance Senior Center which came under City management in on March 1, 2014. Because the window replacement project was not anticipated and budgeted within the current fiscal year, Staff is requesting transfer of spending authority from the Council Contingency Fund (GL account 01-10-10-47-791) to Building Capital Outlay (GL account 01-71-72-59-915).

The City of Alliance requested bids from five contractors and the lowest bid was received from Thompson Glass of Scottsbluff, NE. Total project cost will be \$7,800.]

A motion was made by Councilman Seiler, seconded by Councilman Lewis to approve Resolution No. 14-93 which follows in its entirety:

RESOLUTION NO. 14-93

WHEREAS, The City of Alliance owns and operates the Alliance Senior Center located at 212 Yellowstone Avenue; and

WHEREAS, The Senior Center facility is in need of building improvements with the replacement of exterior windows; and

WHEREAS, The building improvements were not anticipated and budgeted within the current fiscal year as the facility did not come under the City's management until March 1, 2014; and

WHEREAS, The City received ACE funds in the amount of \$8,002.49, with said funds being proposed for this purpose; and

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WHEREAS, Staff is recommending the use of \$7,800.00 from the City Council's Contingency Fund to cover the expenses for the improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, to authorize the transfer of \$7,800.00 from the City Council's Contingency Fund (GL account 01-10-10-47-791) to Building Capital Outlay (GL account 01-71-72-59-915).

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council next discussed Resolution No. 14-94, which will award the Golf Course Waterline Replacement Project to K.L. Wood and Company, LLC in the amount of \$142,000.00.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve Resolution No. 14-94 which follows in its entirety:

RESOLUTION NO. 14-94

WHEREAS, The City of has issued an Invitation to Bid for the Golf Course Waterline Replacement pursuant to Bid Number 040-072-12; and

WHEREAS, Two (2) responses were received to the Invitation; and

WHEREAS, K.L. Wood and Company, LLC of Alliance, Nebraska appears to be the lowest, responsive, and responsible bid in the amount of \$142,000.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign the contract for Bid Number 040-072-12 awarding to K.L. Wood and Company, LLC of Alliance, Nebraska in an amount of One Hundred Forty-two Thousand and no/100ths (\$142,000) to be paid from Account No. 08-52-52-55-911.

BE IT FURTHERED RESOLVED, that there be an additional allowance to the contract of up to five percent (5%) for change orders in the field should they be necessary.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.