

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JULY 5, 2016

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

The Alliance City Council met in a Regular Meeting, July 5, 2016 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 June 28, 2016. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Yeager opened the July 5, 2016 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Yeager and Council Members Feldges, Korber-Gonzalez, Seiler and Jones. Also present were City Manager Cox, City Attorney Olsen and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
• The Consent Calendar was the next matter for Council’s consideration.

Councilman Korber-Gonzalez made a motion, which was seconded by Councilman Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR – JULY 5, 2016

1. Approval: Minutes of the Regular Meeting, June 21, 2016.
2. Approval: Payroll and Employer Taxes for the period June 4, 2016 through June 17, 2016 inclusive: \$211,162.87 and \$15,056.42 respectively.
3. Approval: Claims against the following funds for the period June 15, 2016 through June 28, 2016: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$345,788.73.

4. Approval: The issuance of the following Contractor Licenses:
- | | |
|----------------------|--|
| General Contractor | Nick Mathistad dba W.A. Klinger, LLC |
| Repair & Maintenance | John A. Powers dba Rhino Linings of Alliance |
| Master Plumber | Jon M. Aid dba J & M Plumbing, Inc. |
| Groundwork | Tiffany Rietzke dba CenCon of Kansas, LLC |
5. Approval: Resolution No. 16-83 granting a Special Designated License to Dondon Inc. dba Players Sports Bar for a catering event at 203 West 3rd Street on August 11, 2016 between 3:00 p.m. and 9:00 p.m.
6. Approval: Entering into a Sign Lease with Jim Brady for the posting of a Carhenge advertisement on his property near Crawford. The annual rent is \$300.
7. Acceptance: The Certificate of Substantial Completion for the 2015 Alliance Asphalt Overlay Project from Simon Contractors. The original contract was in the amount of \$395,532.00 and a deduction of \$81,352.50 was made as a result of the removal of 18th Street from the project for a new total of \$314,179.50. Based on the Final Billing the project was under the contract amount by \$5,125.22.
8. Acknowledgement: Receipt of the Annual Report of the Public Library Board Foundation of Alliance, Inc. for the period June 1, 2015 through May 31, 2016.

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.

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

Councilman Feldges had questions regarding the location of the well abandonment which was on the claims report. City Manager Cox responded it was the BN Well.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

- City Manager Cox gave his City Manager's Report which follows in outline form:
 1. Fireworks – A number of Nebraska cities are reviewing their rules on fireworks
 2. Motorcycles – Noticeable loud operation of vehicles;
 - Not sufficient clarity & authority to enforce
 - Could add code that would address

(It shall be unlawful for any person to drive a motor vehicle or motorcycle within the city in such a manner that it creates or causes loud, disturbing, unnecessary, or unusual engine noises or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others.)

3. Recycling:

WasteCAP Nebraska & EcoCycle here last week

I attended Atchison Recycling Operations – lots of information, research & materials

4. Municipal Equalization Fund - Up from \$270K to \$298K

5. Bus Barn / Parks Garage

Project: Demolition of Old “Block” Building

Construction of Shared Transit & Parks Barn

Environmental was approved by NSHPO in 3 weeks

Next: Sign agreements and Hire an engineer

6. Announced his resignation as City Manager effective September 5, 2016

- City Manager Cox introduced our new City of Alliance Police Officer, Jeremy Gillespie.
- A Public Hearing to amend the Alliance Municipal Code and allow dwellings below the ground floor of commercial establishments was the next discussion. Following the Public Hearing, Ordinance No. 2808 was introduced which will approve the amendment. Council was provided with the following background information:

[Box Butte Development Corporation has submitted a letter to the City of Alliance requesting that the City amend Sections 115-106 and 115-107 of the Alliance Municipal Code allowing dwellings below the ground floor of commercial establishments.

The Code as currently stated allows for dwellings above the main floor of commercial establishments in the C-2, Central Business and C-3 Highway Commercial zoning districts.

The dwellings would still be required to meet accessibility, building, egress and fire code requirements. This code change does not exempt these dwelling spaces from meeting the City’s adopted building and fire codes.

The City of Alliance Planning Commission met at its regular meeting June 14, 2016 and voted affirmative to recommend to the Alliance City Council the proposed amendment to Sections 115-106 and 115-107 of the Alliance Municipal Code adding dwelling spaces below the ground floor of a commercial business in the C-2 and C-3 zoning districts.]

Mayor Yeager stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the amendment of the Alliance Municipal Code to allow dwellings below commercial establishments” and opened the public hearing at 7:09 p.m.

Brent Kusek, Community Development Director, discussed the amendment and answered questions of Council.

Hearing no further testimony, the Public Hearing closed at 7:12 p.m.

A motion was made by Councilman Feldges, seconded by Councilman Jones to approve the first reading of Ordinance No. 2808 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2808

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTION 115-106 AND 115-107 RELATING TO SINGLE AND MULTI-FAMILY DWELLINGS ABOVE AND BELOW THE FIRST FLOOR OF A COMMERCIAL ESTABLISHMENT, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Alliance Municipal Code at Section 115-106 shall be amended as follows:

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 and below 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) 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.

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.
- 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).

SECTION 2. The Alliance Municipal Code at Section 115-107 shall be amended as follows:

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 and below 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.
 - (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) 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.

- 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).

SECTION 3. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

SECTION 4. This Ordinance shall be published in pamphlet form, and shall be effective upon its passage and approval.

Roll call vote on the first reading of Ordinance No. 2808 with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

- A Public Hearing to amend the Alliance Municipal Code by including an alternate Planning Commission member was the next agenda item. Following the Public Hearing, Ordinance No. 2809 was introduced, which will approve the amendment. Council was provided with the following background information:

[Community Development staff and the Alliance Planning Commission have recognized the need for an alternate member to fill in during a regular member's absence or during the vacancy of a regular member's seat on the Planning Commission.

Nebraska Revised Statute 19-926 allows for the designation of an alternate member of the Planning Commission with the jurisdiction's adoption of code that specifically establishes the position. The proposed code amendment would allow for an alternate who would then be appointed by the City Council in the same

manner as a regular member. The Board of Adjustment has provisions for an alternate member to function in the same capacity as being proposed for the Planning Commission. The alternate has been used in the past to meet the requirements for a quorum so that the Board of Adjustment could conduct business.

Staff found that the Planning Commission has, on occasion, failed to have enough members in attendance to constitute a quorum. Without a quorum, the Planning Commission may not conduct business, greatly inconveniencing the people who had items on the agenda and traveled to attend the meeting. The Commissioners agree that being unable to conduct business makes the board appear unprofessional and that the appointment of an alternate member may help prevent the lack of a quorum in the future.

Staff also believes it is in the best interest of the City and any applicants to have as many commissioners in attendance at each meeting as possible including the alternate filling in for an absent member regardless of quorum status. Five commissioners may show up and conduct business, but if one votes no on a recommendation, the proposal does not pass. With more commissioners present, it increases the input and ideas from the board and doesn't require the vote of every commissioner in attendance (quorum of five) to approve agenda items.

The City of Alliance Planning Commission met at their regular meeting on June 14, 2016 and held a public hearing for the amendment to Section 101-25 of the Alliance Municipal Code which would allow for the designation of an alternate member to the Planning Commission. They voted to recommend that the Alliance City Council amend Section 101-25, currently titled *Membership Compensation*, of the Alliance Municipal Code.]

Mayor Yeager stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the amendment to the Alliance Municipal Code to include an alternate Planning Commission member" and opened the public hearing at 7:14 p.m.

Brent Kusek, Community Development Director, discussed the amendment and answered questions of Council.

Hearing no further testimony, the Public Hearing closed at 7:17 p.m.

A motion was made by Councilman Feldges, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2809 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2809

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE TO INCLUDE PROVISIONS IN CHAPTER 101, ARTICLE II,

RELATING TO THE PLANNING COMMISSION AND ALLOWING FOR AN ALTERNATE PLANNING COMMISSION MEMBER, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Chapter 101, Article II of the Alliance Municipal Code is amended by adding the following language:

ARTICLE II. PLANNING COMMISSION*

Sec. 101-25. ~~Membership compensation~~Established.

There is established a city planning commission consisting of nine regular members. An alternate member may be appointed and attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting. Two of the regular members may be residents of the area over which the municipality is authorized to exercise extraterritorial zoning and subdivision regulation. The city manager or designee shall attend and participate in the city planning commission meetings but shall not be entitled to vote on any issue before the city planning commission.

Sec. 101-26. Membership compensation.

All regular members of the commission shall serve without compensation and shall hold no other municipal office except when appointed to serve on the board of adjustment as provided by State Statute.

SECTION 2. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the first reading of Ordinance No. 2809 with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

- The third reading of Ordinance No. 2804, which will approve the Final Plat for Bomgaars Addition was the next item before City Council. The following information was provided:

[This will be the third reading of Ordinance No. 2804 approving the Final Plat for Bomgaars Addition to the City of Alliance. The Council at our last meeting entered into an Agreement with James Jelinek to address his request for continued access to his farm ground.

Most of the remaining items for completing the Final Plat have been accomplished, we are just waiting for the Improvement Guarantees. Approval of the ordinance should be contingent upon receiving this item. The annexation of the property needs to be addressed in the very near future and Bomgaars has requested to be annexed.

FROM PREVIOUS MEETING

The City of Alliance is in receipt of an application for a Final Plat from James Jelinek as the land owner and Dave Meyer representing Bomgaars, the potential future developer. The Final Plat application is to separate a 5.434 acre tract of land for the development of a new retail store for Bomgaars, the dedication of a 66' wide frontage road and easement for utilities and drainage.

The location of the proposed subdivision is in the Northeast Quarter of the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian. It is located at the southwest corner of the intersection of West 3rd Street, US Highway 385, and Country Club Road.

The property is bordered to the north, west, and south, by A (Agriculture) zoning and to the east by C-3 (Highway Commercial) zoning. The land to be platted is zoned A (Agriculture). The zoning of the unplatted lands being platted should be changed from A to C-3 before the approval of the Final Plat as retail sales establishments are not permitted uses in the A (Agriculture) zoning district and the new lot would be of a nonconforming size.

The City of Alliance Planning Commission met at its regular meeting May 10, 2016 and held a public hearing at which time Terry Curtiss, acting as a representative of the land owner, requested the item be tabled until the issue of the owner's use of the access to his farming operation is resolved. They closed the public hearing and voted to table the item and to reconvene at a special meeting on May 24, 2016. At which time they voted to affirm a recommendation to the Alliance City Council for the approval of the Final Plat of Bomgaars Addition to the City of Alliance contingent on the addition of signature lines for the property owner in the dedication portion of the plat, the submittal of a streetlight plan, the submittal of public improvement guarantees, a petition letter asking the City to annex the subdivision, and that the Council discuss the possibility of an agreement or statement indicating to the current

property owner that the City does not have any intentions of placing weight restrictions on the frontage road keeping him from his field to the south. Said subdivision of land is described as Lands in the Northeast Quarter of the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska.]

A motion was made by Councilman Feldges, seconded by Councilman Seiler to approve the third reading of Ordinance No. 2804 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2804

AN ORDINANCE APPROVING THE FINAL PLAT OF BOMGAARS ADDITION TO THE CITY OF ALLIANCE, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., CITY OF ALLIANCE, COUNTY OF BOX BUTTE, STATE OF NEBRASKA.

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

SECTION 1. The City of Alliance has received the application for approval of the Final Plat of Bomgaars Addition to the City of Alliance, situated in the Northeast Quarter of the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th P.M., City of Alliance, County of Box Butte, State of Nebraska, from Dave Meyer representative of Bomgaars.

SECTION 2. The Planning Commission held a public hearing May 10, 2016, to consider the Final Plat, and after such hearing, tabled action until a Special Meeting on May 24, 2016 and then recommended approval of the Final Plat and said Plat is now submitted to the City Council for approval.

SECTION 3. The subdivision regulations of the City of Alliance contained in the Municipal Code, require the City Council by ordinance to adopt the final plat of any proposed subdivision within the City of Alliance.

SECTION 4. The City Council finds that the Final Plat contains the information required by Section 113-114 of the Alliance Municipal Code, which is relevant to this request.

SECTION 5. The City approval of this Plat is contingent upon the fulfillment of the requirement that an improvement guarantee and agreement for security be signed by the developer of the property, Dave Meyer, Bomgaars and approved by the City Engineer (Community Development Director) and the City Attorney, and all conditions required by the Planning Commission have been met.

SECTION 6. The City Council finds that the Final Plat of Bomgaars Addition to the City of Alliance, situated in the Northeast Quarter of the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th P.M., City of Alliance, County of Box Butte, State of

Nebraska, is hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by city code and state law within 30 days of the receipt of the improvement guarantee and agreement for security. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 7. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the final reading of Ordinance No. 2804 with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2804 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

A motion was made by Councilman Feldges to authorize Mayor Yeager to execute the required documentation associated with Bomgaars Final Plat. The motion was seconded by Councilman Korber-Gonzalez.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Seiler, Jones, Feldges.

Voting Nay: None.

Motion carried.

- Ordinance No. 2806 which will approve the new language for the Municipal Code with regard to the use of shipping containers was the next agenda item. Council was provided with the following information:

[Community Development staff and the Alliance Planning Commission have recognized the need for code that specifically deals with shipping containers within the City of Alliance. The Municipal Code does not have any language that regulates the use or placement of shipping containers.

This Code focuses on the requirements for the containers specifically on residential and light commercial (C-0, C-1, and C-2) properties and provides general guidelines for all other zoning districts.

The Code will allow containers to be used on residential properties for two specific uses. As long as a Building Permit exists for the lot, the container is allowed to house construction material, tools, etc. and may also be used for moving with the issuance of a Zoning Permit. The proposed Code maintains these uses in residential and light commercial neighborhoods while eliminating the possibility of the containers to be used as long term storage.

The most common use for these containers in commercial and industrial districts is construction and storage. They are used by contractors for material and equipment storage and shipment. The proposed Code has provisions written into it that allow these containers on heavy commercial and industrial properties with general requirements keeping them out of setbacks, rights of way, and easements.

State Statute 19-904.01 provides the legislative body with the ability to terminate a nonconforming use. Staff has documented two of these containers in residential districts at this time. The Planning Commission did not find it a worthwhile endeavor to formulate a specific time in which to require the preexisting use of these two containers to cease.

The City of Alliance Planning Commission met several times to draft a code that works as intended and is enforceable by staff. They held a discussion about the proposal at their regular meeting on June 9, 2015 and made recommendations to staff. Hoping for input from the public, they then held a public hearing at their regular meeting on July 14, 2015 wherein they finalized a draft copy. Staff did not believe this draft was enforceable on industrial and some commercial properties. They held another public hearing at the May 10, 2016 Planning Commission meeting where they recognized the difficulties with enforcement. They then changed the Code and recommended that the Alliance City Council add Section 115-175, titled *Shipping Containers* to the Alliance Municipal Code.]

A motion was made by Councilman Seiler, seconded by Councilman Feldges to approve the third reading of Ordinance No. 2806 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2806

AN ORDINANCE PERTAINING TO THE USE OF SHIPPING CONTAINERS AND ADDING SECTION 115-175 WITHIN THE ZONING REGULATIONS OF THE ALLIANCE MUNICIPAL CODE; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING EXISTING PROVISIONS OF THE ALLIANCE CODE NOT CONSISTENT WITH THIS ORDINANCE.

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

SECTION 1. Section 115-175 of the Code of Ordinances of the City of Alliance, Nebraska is hereby added to read as follows:

Sec. 115-175. – Shipping Containers.

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Shipping Container shall mean any container, which may otherwise be known as a container, freight container, ISO container, shipping container, hi-cube container, box, sea container, or container van, designed to store and move materials and products across various modes of the intermodal freight transportation system.

(2) *General Restrictions.* Shipping Containers in all Zoning Districts:

- a. May be placed in the front yard setback only if being used for moving or relocating purposes.
- b. May not be placed in the Fence Vision Triangle as defined in Section 115-172 of the Alliance Municipal Code.
- c. Must be kept out of easements, public rights-of-way, and setbacks except as otherwise provided for in this code.

(3) *Residential and Commercial Requirements.* In all Residential zoning districts and in the C-1, C-0 and C-2 Commercial districts no Shipping Container shall be allowed except as herein provided:

- a. *Moving:* A Shipping Container may be allowed on a developed lot, if used for moving purposes, for a period of 30 days after the issuance of a zoning permit. If additional time is required the applicant may apply for one 30 day extension.
- b. *Construction:* Shipping Containers may be placed on a lot without a zoning permit if it is incidental to the permitted construction activities on the same lot. The Shipping Container must be removed with the completion of the project or expiration of the building permit.

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 on the final reading of Ordinance No. 2806 with the following results:

Voting Aye: Korber-Gonzalez, Seiler, Yeager, Jones, Feldges.

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2806 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The third reading of Ordinance No. 2807 which will amend Chapter 28 of the Alliance Municipal Code regarding electric services was the next item on the agenda. Council was provided with the following information:

[Chapter 28 of the City of Alliance Municipal Code addresses utility services within the City and surrounding areas. The current Code is somewhat unclear in regard to assumption of costs in relation to new electric services, service upgrades and line extensions. The wording and interpretation of the current Code has led to large credits offered by the City toward electric projects and minimal recapture of associated costs.

Current Code

The current credits are based on the three-year estimate of customer revenues based on the anticipated rate class which is difficult to establish and explain to customers and burdensome to administer with limited cost sharing. The Code did not allow for any adjustment if actual consumption varied from the estimated levels. For example in a recent fiscal year, only 11% of total costs were collected from customers on nineteen electric projects with a total cost just over \$400,000. Although the current practice is seen as consistent with the traditional concept of “public power”, it places a large burden on all rate payers and allows heavily subsidized line extensions and services with no guaranty of future revenues. Also, the line was blurred between line extensions and service installations with the waiver in the past of revenues that should have been collected by the City.

Proposed Code

Staff feels that it is important that the cost born by new customers as well as the existing ratepayers be fair. In other words, it is also important to strike the right balance so that that the rest of the ratepayers do not have to subsidize an unfair portion of the costs for a new large customer. The revised Code accomplishes the following objectives:

- Defines urban and rural service, new service, service upgrade and line extension serving as a basis for establishing cost sharing.
- Clarifies that all electric projects involving electric service and line extensions are subject to the preapproval of the City of Alliance in regard to type of service (overhead or underground) and specification of materials.
- Establishes that the customer is generally responsible for 100% of the costs with the exception of the following:

- Urban line extensions of less than 100 feet and rural line extensions of less than 660 feet which the City assumes all costs.
- Credit of 50% of actual costs of longer line extensions. (The credit is waived if the service is not energized within six months of completion of the installation.)
- Upgrades some of the equipment specifications included in the Code.]

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Feldges to approve the third reading of Ordinance No. 2807 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2807

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY WITHIN CHAPTER 28 – UTILITIES, ARTICLE III, ELECTRIC SYSTEM, SECTIONS 28-65, 28-81, 28-83, 28-84, 28-85, 28-88, 28-89, 28-90, 28-91, 28-94, 28-95, AND 28-97; REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. The Alliance Municipal Code at Section 28-65 shall be amended as follows:

Sec. 28-65. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alliance Municipal Electric System (AMES) means the city manager, electric superintendent, employees or representatives or any combination of the persons mentioned within this definition.

Code means the National Electrical Code as adopted by the city and the 2007 edition of the National Electrical Safety Code.

Customer, subscriber, user, or consumer includes and refers to any individuals, developers, firms, agencies or corporations who may be a consumer of or an applicant for electric service.

Line Extension means a continuation of AMES existing electric distribution system as required to serve a proposed customer load.

New Service means a new run of conductors and associated hardware from the AMES' power distribution system to the point of connection at customer's premises.

Notice to AMES means the written or verbal notice or application addressed to: electric superintendent, the Utility Customer Service Office or AMES, P.O. Box D, Alliance, Nebraska 69301.

- (1) Nothing written in this article shall be interpreted to or place upon AMES any duty, obligation, or responsibility to install, maintain, or make repair (other than metering devices such as meters, current transformers, potential transformers or any AMES installed electrical equipment on the customer's premises or private property) on the customer's side of the point of delivery of electrical energy. This shall be the point the wires of AMES first attach to any building, structure, device or URD termination on the customer's premises or property.
- (2) No representative or employee of AMES shall have any right to promise, commit, or agree to anything not authorized by these rules and regulations. Written notice must be presented to the city manager for consideration of authorization to delete or deviate from these rules and regulations.

Rural Service means outside of the City's corporate limits.

Service Upgrade means a change to the existing conductors and/or equipment for delivering energy from electric utility to customer premises being served.

Urban Service means inside the City's corporate limits.

SECTION 2. The Alliance Municipal Code at Section 28-81 shall be amended as follows:

Sec. 28-81. - Point of delivery and service entrance.

- (a) It shall be the sole responsibility of each prospective customer to obtain from AMES information as to the point at which AMES will provide service to the customer's premises, and thereafter to wire said premises in accordance with such information. AMES shall have no responsibility, duty or obligation to furnish service at any point other than that designated by the electric superintendent.
- (b) The point of delivery of all electric energy furnished by AMES to any customer shall be at the point where the wires of AMES first attach to any building, structure, device or wiring belonging to the customer. At such point AMES will attach its wires to approved devices. All approved structural brackets or framework required for attaching service wires to the customer's premises shall be furnished and installed by the customer at the customer's sole risk, cost and expense with the approval of AMES.

SECTION 3. The Alliance Municipal Code at Section 28-83 shall be amended as follows:

Sec. 28-83. - Same—Charges.

The customer shall pay 100% of the cost of any special installation, including labor, material and equipment costs, necessary to meet the customer's particular requirement for service other than standard voltages, or for the supply of closer voltage regulation or uninterrupted service than required by standard practice of AMES.

SECTION 4. The Alliance Municipal Code at Section 28-84 shall be amended as follows:

Sec. 28-84. - Length and type of electric service.

The length and type (either overhead or underground) of electric service wires which will be run to a residential, commercial or industrial customer will be established by AMES based on the wire size required, site conditions and normal service characteristic at customer's expense.

SECTION 5. The Alliance Municipal Code at Section 28-85 shall be amended as follows:

Sec. 28-85. - Installation of service.

- (a) AMES will permit the installation of service at any point on a building, residential or commercial, so long as the service wires and installation conform to the code. AMES will not be required to build additional line facilities in order to reduce customer wiring costs to serve a prospective customer when existing lines can be used. Where services are installed which will require the service wires to overhang the roof, the weatherhead shall be located at a sufficient height above the roof to permit code clearance between the roof and service conductors.
- (b) All overhead service wires carrying nominal voltages which supply single-phase or three-phase service shall be run from the point of delivery to the service switch and protective cabinet in continuous rigid metallic conduit which shall enter and be made fast to the protective cabinet by means of bushings and locknuts. AMES may at its option, if construction requirements warrant, permit the use of current transformers for electric metering when the service provides for a commercial or industrial load. All underground services shall be approved by AMES. All wires over which service is rendered at 600 volts or higher shall also be run in continuous rigid metallic conduit or schedule 80 PVC duct and shall terminate in terminators of proper electrical rating.
- (c) All service wires shall conform, in size and in conductivity, to all requirements of the code and in no case shall service wires be smaller or have lower conductivity than approved by the code.

SECTION 6. The Alliance Municipal Code at Section 28-88 shall be amended as follows:

Sec. 28-88. - Grounding of secondary and service wires.

All installations shall be grounded at the meter locations. The ground wire shall be continuous through those electric meter backs which have only one ground connector. The size of the ground wire and the method of installation thereof shall be in accordance with the code.

SECTION 7. The Alliance Municipal Code at Section 28-89 shall be amended as follows:

Sec. 28-89. - Service connection.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Service connection.

- (1) The term "service connection" means that portion of the distribution system installed for the particular use of any given customer, to-wit, that portion of the distribution system extending from the nearest pole or underground facility to the point of delivery, (i.e., to the first point of attachment to a building, device, wiring or other structure on the customer's premises).
 - (2) The term "service connection" does not include any lines, poles or facilities located on streets, alleys, public places or rights-of-way of AMES.
- (b) AMES shall own all service connections.
- (c) All underground services shall be code-approved insulated and/or shielded cable properly protected by metal conduit, schedule 40 or schedule 80 PVC, and shall terminate in an approved conduit, cable pothead, or other means as approved by AMES. The cable shall be protected with metallic conduit for a ten-foot length on any pole, an approved attachment bracket shall be installed by the customer for mounting of the conduits or adequately protected by schedule 80 PVC and a ten-foot length of PVC guard from ground level.
- (d) AMES inspections of these services must be completed before services will be energized.

SECTION 8. The Alliance Municipal Code at Section 28-90 shall be amended as follows:

Sec. 28-90. - Line Extension policy.

- (a) *Aerial construction line extension.*
- (1) *Single-phase for permanent, class 1, 2 or 3 nonseasonal loads.* Customer will pay actual costs in excess the credit as allowed in Sec. 28-90 (d), with 50 percent of

the estimated cost paid prior to beginning of construction and the balance upon completion.

- (2) *Single-phase for seasonal loads (including irrigation recirculation systems).*
 - a. Customer will pay actual costs in excess of the credit as allowed I Sec. 28-90 (d), with 50 percent of the estimated cost paid prior to the beginning of construction and the balance upon completion.
 - b. Motors up to and including 7.5 horsepower on seasonal loads are to be single phase (rural lines).
- (3) *Three-phase for class 2, 3, 4 or irrigation.*
 - a. Customer will pay actual costs in excess of the credit as allowed in Sec. 28-90 (d) for construction or conversion from single phase, with 50 percent of the estimated cost paid prior to beginning of construction and the balance upon completion.
 - b. Center pivot irrigation system. The customer will be responsible for installing buried secondary service from transformer pole to pump location.
- (4) *Relocation of poles at the request of the customer.* The customer shall pay for all costs involved in relocating existing poles, transformers and equipment.
- (5) *Temporary line extensions.* Any temporary extension for use of construction, temporary power, or any other uses; customer will be charged labor, equipment and materials, plus 25 percent material handling charge to construct and salvage said extension. Salvage material, other than customers', will be retained by the city.

(b) *Underground construction for extensions from aerial system at primary voltage.*

- (1) *Single-phase to all service classifications seasonal or nonseasonal loads.* The customer shall pay actual costs in excess of the credit as allowed in Sec. 28-90 (d), with 50 percent of the estimated cost paid prior to beginning of construction and the balance upon completion.
- (2) *Three phase for all service classifications.*
 - a. The customer shall pay actual costs in excess of the credit as allowed in Sec. 28-90 (d), with 50 percent of the estimated cost paid prior to beginning of construction and the balance upon completion.
 - b. If three-phase construction or single-phase conversion is required to extend aerial distribution to point of contact with underground, the extension conditions applicable to aerial extension shall apply as to any added costs.

Note—Subsection (b) of this section is to be interpreted as extending the line described in subsection (a) of this section from the AMES aerial distribution to transformers installed in close proximity to residence or commercial establishment for aesthetic or convenience of customer's load.

- (3) *Three-phase for irrigation.* Customer will pay actual costs in excess of the credit as allowed in Sec. 28-90 (d), with 50 percent of the estimated cost paid prior to beginning of construction and the balance upon completion.

- (4) *Temporary URD extensions.* All approved temporary underground extensions will be at the customer's sole expense and risk, including metering at a point on AMES distribution system.
 - (5) *Secondary services.* Services that are 600 volts and below from transformer installed on pole or individual pad-mount transformer:
 - a. Customer shall pay all URD costs, 50 percent of the estimated cost must be paid prior to beginning of construction and the balance upon completion.
 - b. Temporary services will be at customer's full expense, material, equipment and labor, to nearest existing distribution point.
- (c) *New areas by developers: service single- and/or three-phase systems.*
- (1) The developer shall pay all actual costs of aerial or URD systems.
 - (2) The developer shall install or cause to be installed all secondary services (120/240 volt three-wire) from transformer, pedestal or buried junction boxes installed as a part of the URD system.
 - (3) Any relocation, after initial installation, of any URD facility shall be at the expense of the developer or others.
- (d) *Allowable electric extension credits*
- (1) A credit of 50% of actual costs (including labor, equipment and materials) will be allowed for all extensions, where indicated elsewhere in Sec. 28-90.
 - (2) The credit is waived if the service is not energized within 6 months after completion.
 - (3) City assumes full actual costs of line extensions less than 100 feet for urban service and 650 feet for rural service.

SECTION 9. The Alliance Municipal Code at Section 28-91 shall be amended as follows:

Sec. 28-91. Line extension.

- (a) AMES will extend its electric distribution system along roadways dedicated for public use or within the confines of utility easements wherever the electric superintendent considers it most desirable to locate such extensions. Extensions may be made either overhead or underground on such a basis as AMES determines to be economically and physically feasible. The applicant or group of applicants for an extension of the electric distribution system shall, as a part of the consideration of AMES extending its electric distribution system, execute and deliver without cost to AMES such easement indentures as in the opinion of AMES are or may be required at the time the extension is made or may be required in the future to extend its electric distribution system to an applicant or group of applicants located adjacent to the premises to be served by such extension. The applicant or group of applicants may also be required to contribute, in advance, that part of the estimated cost of construction in excess of the amount which, as provided in the line extension policy adopted by the city council.
- (b) AMES may not be required to set poles on or extend wires across lots or property owned by persons other than the applicant for electric service.

- (c) AMES shall not be required to extend its distribution system underground but may extend its distribution system when a contiguous group of customers or developers in a platted subdivision request the same. Such underground extensions shall be made on a basis as the electric superintendent determines to be economically and physically feasible.

SECTION 10. The Alliance Municipal Code at Section 28-94 shall be amended as follows:

Sec. 28-94. - Power installations.

- (a) Before purchasing any motor or power consuming appliance to be supplied from the system of AMES or before installing any power service, the customer or prospective customer should confer with AMES concerning such motor, other power consuming appliance or starting or controlling equipment therefor which the customer proposes to purchase or install. AMES specifically reserves and shall have the right to specify the character, type, voltage, frequency and phase of any power installation to be served from its system.
- (b) AMES will not install separate meters for single-phase lighting and power service unless the connected single-phase load is in excess of 7.5 horsepower.
- (c) All three-phase motors shall be served at voltages as approved by AMES.
- (d) Any motor or other power consuming appliance with a rating of 10 horsepower or more must have inherent characteristics or must be equipped with such starting or controlling device, a soft-start system, as will limit the starting current under all conditions to a value not exceeding three times the full load running current; however, these requirements may be waived for such period of time if AMES determines there is no adverse effect on the quality of services afforded other customers. Capacitors of adequate size will be installed on the above installations at the customer's expense, if not within the acceptable power factor limits, before service will be supplied by AMES. Starting or controlling devices shall follow the requirements of IEE Standard 519-1992 under HARMONIC GUIDELINES.

SECTION 11. The Alliance Municipal Code at Section 28-95 shall be amended as follows:

Sec. 28-95. - Transformer installation and transformer vaults.

- (a) Where a customer's electrical load is such that it cannot be served properly from a conventional service connection and where adequate and suitable space for installation of transformers in an adjacent street or alley is not available, the customer shall furnish and set apart, without charge, a space on the premises which, in the opinion of AMES, shall be satisfactory and adequate for the installation.
- (b) Where a customer's electrical load is such that, in the opinion of AMES, a vault inside the customer's building is required or needed for installation of transformers, the customer shall furnish and set apart, without charge, a space inside the building which, in the opinion of AMES, shall be satisfactory and adequate for the installation. The customer

shall, at his sole cost and expense, construct and prepare the vault in conformity with all rules, regulations and requirements of the code and shall furnish and install all bus work, conduits, disconnecting devices and hardware in said vault.

- (c) AMES will provide, furnish and install transformers at the customer's cost for electric service from its distribution system of normal distribution voltages. Electric service with underground distribution shall be furnished and installed, or caused to be so, in compliance with AMES requirements by the customer at his sole cost and expense. Upon completion and acceptance the distribution line shall become the property of AMES.

SECTION 12. The Alliance Municipal Code at Section 28-97 shall be amended as follows:

Sec. 28-97. - Aerial or underground estimated costs.

- (a) Cost estimates for preliminary plats will be furnished to developers/owners for planning purposes on request. They will be given an estimated cost for the electric aerial or underground system for a subdivision, trailer park or planned unit development after meeting the following requirements:
- (1) Furnish the electric department with two copies of the final approved subdivision plat.
 - (2) Furnish the number, size, and location of points of service at which electric service is requested.
- (b) When the developer/owner requests the actual construction of the project be started, a payment of 50 percent of the quoted estimated cost will be required. This partial payment need only be paid on the portion of the electric system which is to be constructed and not necessarily on the whole subdivision project provided said portion is suitable for partial electric service. Quoted estimated costs will include main feeders, primaries and streetlights as shown on the approved utility plat. Changes or modifications requiring additions to the quoted estimated cost shall be at the expense of the developer or owners.

SECTION 13. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

SECTION 14. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote on the final reading of Ordinance No. 2807 with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Jones, Feldges, Seiler.

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2807 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- A Public Hearing on the Class C Liquor License of Alliance Grocery Kart, Inc. was the next agenda item. Council was provided with the following background information:

[The City is in receipt of a Class D liquor license application from Alliance Grocery Kart, Inc., 207 East 3rd Street. The license application is included in the packet. No disqualifiers came from a background check conducted by the Alliance Police Department.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief's report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor the calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature.
19. After a second, Mayor calls for a vote.]

Mayor Yeager stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Class C Liquor License Application of Alliance Grocery Kart, Inc. and opened the public hearing at 7:25 p.m.

City Clerk Jines identified the Exhibits before Council: Exhibit 1 – Application, Exhibit 2 – Checklist for Section 53-132 R.R.S., and Exhibit 3 – Police Chief’s Report.

A motion was made by Councilman Korber-Gonzalez to accept the Exhibits identified by City Clerk Jines. The motion was seconded by Councilman Seiler.

Roll call to accept the exhibits with the following results:

Voting Aye: Yeager, Feldges, Seiler, Jones, Korber-Gonzalez.

Voting Nay: None.

Motion carried.

Mayor Yeager swore in Rebecca Maser and Police Chief Kiss as individuals to testify regarding the application of the liquor license.

Rebecca Maser, 932 Black Hills Avenue, was in attendance representing the Alliance Grocery Kart. Mrs. Maser acts as the General Manager of the store and spoke in favor of the recommendation for approval of the liquor license and discussed her reasoning to transfer from a Class D License to a Class C License.

Police Chief Kiss reviewed the background check he completed and reported no issues with recommending the approval of the liquor license.

Hearing no further testimony, the public hearing closed at 7:31 p.m.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Seiler to approve Resolution No. 16-84 which follows in its entirety:

RESOLUTION NO. 16-84

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

On July 5, 2016 the matter of the Class C Liquor License application of Alliance Grocery Kart, Inc., Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

Exhibit 1 - Application of Alliance Grocery Kart, Inc., 207 East 3rd Street, Alliance

- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984).
Exhibit 3 - Written statement of Police Chief Kiss dated June 27, 2016.

Witnesses were sworn and testimony was received in support of the Class C Liquor License at the public hearing on this date from Rebecca Maser. Police Chief Kiss testified on behalf of the City of Alliance.

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

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

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

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class C Liquor License Application of Alliance Grocery Kart, Inc. at the premise described in the application be approved with the following conditions:

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

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

Roll call vote with the following results:

Voting Aye: Feldges, Korber-Gonzalez, Yeager, Seiler, Jones.

Voting Nay: None.

Motion carried.

- The next matter before Council was consideration of Resolution No. 16-85 which will approve the Construction Engineering Services Task Order Agreement with M.C. Schaff & Associates. The following background information was provided to Council:

[The Nebraska Department of Roads has forwarded to the City of Alliance the Construction Engineering Services Task Order Agreement. This Agreement is between the City of Alliance and M.C. Schaff & Associates for the 10th Street, Box Butte to Flack project. This is a Federal-Aid project identified as Project No. URB-6254(7), which is being administered by the Nebraska Department of Roads as our Responsible Charge. The payment for this project will be based on actual work performed up to a maximum not to exceed amount of \$267,242.76. A complete copy of the Agreement along with the Scope of Services (Exhibit A),

the Fees and Payments (Exhibit B) and Insurance Requirements (Exhibit C) are attached for Council's reference.]

Councilman Jones made a motion which was seconded by Councilman Feldges to approve Resolution No. 16-85 which follows in its entirety:

RESOLUTION NO. 16-85

WHEREAS, The City of Alliance is developing a transportation project for which it intends to obtain Federal funds; and

WHEREAS, The City of Alliance as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with 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 M.C. Schaff & Associates, Inc. wish to enter into a Professional Construction Engineering Services Agreement to provide construction engineering services for the Federal-aid project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to sign the attached construction engineering services agreement between the City of Alliance, Nebraska and M.C. Schaff & Associates, Inc. for NDOR Project Number URB-6254(7), NDOR Control Number 51490, NDOR Project Description: 10th Street, Box Butte to Flack.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Seiler, Jones, Feldges.

Voting Nay: Yeager.

Motion carried.

- The next item before Council was Resolution No. 16-86 which will award the Streetscape Project to K.L. Wood & Co., LLC in the amount of \$991,137.50. Council was provided with the following background information:

[The Nebraska Department of Roads as the Responsible Charge for the Streetscape Project opened bids on June 30th for this project. One bid was received which was from K.L. Wood & Co., LLC. The bid was in the amount of \$991,137.50 which was below the engineer's estimate and includes concrete pavement, landscaping, electrical and general items. The State has recommended awarding the bid at this time. In the event NDOR elects to reject any or all bids on this project, they will withdraw our resolution. The resolution also approves the final plans and specifications that were used in the bidding process for this project.]

Councilman Feldges made a motion to approve Resolution No. 16-86, which was seconded by Councilman Jones. The resolution follows in its entirety:

NO. 16-86

RESOLUTION

WHEREAS there has been signed by the City of Alliance on the 14th day of April, 2011, and the State on the 18th day of May, 2011, an agreement providing for the construction of a Federal Aid City Project at the following location: between Box Butte between Third Street and Fifth Street

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as FNH-6257(2) and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State, on behalf of the City received bids for the construction of this project based on the final plans and specifications on June 30, 2010, at which time 1 bids were received for the construction of the proposed work, and

WHEREAS, the following contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

K. L. Wood & Co., LLC, Alliance, NE
Concrete Pavement, Landscaping, Electrical General Items: \$921,137.50

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Alliance, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above mentioned contractor(s) for the items of work listed, to whom the contract(s) should be awarded.
3. The Council hereby approves of the final plans and specifications that were used in the bidding process for this project.
4. The Council hereby authorizes the Mayor to sign the contract(s) with the above mentioned Contractor(s) for the above mentioned work on behalf of the City.

DATED THIS 5th DAY OF July A.D. 2011

CITY OF ALLIANCE

ATTIES I:
Linda P. Seiler
(City Clerk)

Ryan J. Jones
(Mayor)
Council Member Feldges

Moved the adoption of said resolution.

Roll Call: 5 yea. 0 nay.

Resolution adopted, signed and billed as adopted.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Jones, Feldges, Seiler.

Voting Nay: None.

Motion carried.

- The last item on the agenda were Board Announcements.

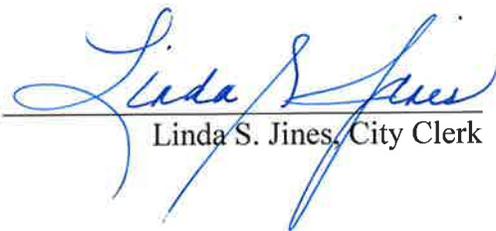
The following Board openings were announced: two vacancies on the Board of Adjustment; one vacancy on the A-2 Downtown Improvement Board; one vacancy on the Alliance Housing Authority, and two youth ex-officio positions on the Library Board, two vacancies on the Museum Board, one vacancy on the Park and Tree Board and one vacancy on the Alliance 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

- Prior to adjourning Councilman Jones requested staff to research the possibility of implementing a tree removal assistance program.
- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:40 p.m."



Ralph Yeager, Mayor

(SEAL)



Linda S. Jines, City Clerk

