

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, AUGUST 16, 2016

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

The Alliance City Council met in a Regular Meeting, August 16, 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 August 9, 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 August 16, 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 Assistant City Manager/Finance Director Waggener, City Attorney Hoelsing and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- The first agenda item was the introduction of new Account Clerk I, Donna Giger.
- The Consent Calendar was the next matter for Council’s consideration.

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

CONSENT CALENDAR – AUGUST 16, 2016

1. Approval: Minutes of the Regular Meeting, August 2, 2016.
2. Approval: Payroll and Employer Taxes for the period July 16, 2016 through July 29, 2016 inclusive: \$208,688.55 and \$14,763.13 respectively.
3. Approval: Claims against the following funds for the period July 27, 2016 through August 10, 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; \$1,594,308.28.

4. Approval: The issuance of a Master HVAC Contractor's License to Dennis Condon dba AB Refrigeration, Inc.
5. Approval: Resolution No. 16-95 authorizes the City to write-off charges that have remained uncollected over the past year, including balances that remain uncollected by the collection agency and other amounts that have not been collected by the City as of July 31, 2016. The charge-off action removes the items from the active financials of the City but does not limit further collection efforts by the City.
6. Approval: The Special Events Request to close Box Butte Avenue for the annual Homecoming Parade. The parade will be held on Friday, September 9, 2016 beginning at 2:30 p.m. and lasting approximately one hour. Line-up for the parade will begin at 1:30 p.m. The parade will start at 16<sup>th</sup> Street and proceed south to 4<sup>th</sup> Street. A Certificate of Insurance naming the City as an additional insured will be provided at least one week prior to the event.

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.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Assistant City Manager Waggener gave the City Manager's Report which follows in outline form:
  1. J.D.'s Farewell Reception will be Thursday, August 25<sup>th</sup> from 4:00 to 6:00 p.m. at the Knight Museum and Sandhills Center.
  2. Airport Seal Coat Project Pre-construction meeting is on August 22<sup>nd</sup>. Start date has moved back to September 6<sup>th</sup>. Original start date was August 29<sup>th</sup>
  3. Streetscape start date is set for September 6<sup>th</sup>, with the engineering contract on this agenda and proceed to work notice to follow shortly. The east side of the 300 block of Box Butte will be completed within about one month this Fall with the remainder of the 300 and 400 blocks in the Spring.
  4. Purple Wave auction of about 30 surplus items including eight vehicles will be advertised within the next month.

5. Well No. 7 at the Wellfield is pulled at this time. The estimated cost to repair and reinstall is \$18,438.25. A request for Water Distribution contingency funds will be included on the next Council agenda.
  6. The Police Department bike auction is set for Saturday, September 17<sup>th</sup> from 8:00 a.m. through noon.
  7. Water and sewer rate recommendations are being reviewed and will be presented to Council at the next meeting as a discussion item. New rates in excess of the automatic 1% increase as of October 1 would become effective November 1.
- Council was next presented with a request from the Senior Center Advisory Board to alter the residency requirement for serving on the Board.

Beth Bourn, 1230 Robin Avenue, is an active board member on the Senior Center Advisory Board and explained the board members desire to extend the opportunity to Box Butte County residents to serve on the Board. They are recommending that one position of the five positions be allowed to be a non City resident, living within Box Butte County.

Council directed staff to move forward with this request and present the appropriate legislative document at the September 6, 2016 meeting.

- A Public Hearing on a proposed amendment to the Economic Development Plan was the next matter before Council. Ordinance No. 2815 has been prepared for Council's consideration which will approve the amendment. Council was provided with the following background information:

[Council is required to conduct a public hearing in order to amend the Economic Development Plan. Our current Economic Development Plan which was approved by the voters is in effect until March 31, 2022. The amendment being recommended is to add a Workforce Housing Plan component which will allow housing as an allowable use for funding within the Economic Development Plan. Traditionally, this was limited to low to mid income housing programs. With the recent passage of LB1059 this has been opened up to include market rate housing.

The Economic Development Plan Citizen Advisory Board recently met and has recommended to Council the passage of an ordinance adding a Workforce Housing Plan to the Economic Development Plan. Should Council concur and adopt the ordinance, it will then be sent to the Economic Development Plan Application Review Board to establish guidelines for the use of funding for housing projects, which in turn will come back to Council for approval.

Staff believes this is a positive step in providing additional tools and possible funding to improve our opportunities for development in the housing area.]

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 Economic Development Plan to include a Workforce Housing Plan component” and opened the public hearing at 7:12 p.m.

No testimony was offered, the Public Hearing closed at 7:13 p.m.

A motion was made by Mayor Yeager, seconded by Councilman Jones to approve the first reading of Ordinance No. 2815 which Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2815

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE ALLIANCE ECONOMIC DEVELOPMENT PLAN TO PROVIDE FOR A WORKFORCE HOUSING PLAN, 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 City Council, has by Ordinance, adopted an Economic Development Plan (the "Plan"), which was effective as of April 1, 2012.

SECTION 2. The Citizen Advisory Committee has recommended an amendment to the Plan as provided for in this Ordinance, and the City Council has held a public hearing on the recommended amendment.

SECTION 3. Section III.B. of the Plan is amended to add the following eligible economic activity:

11) Grants or loans for the construction or rehabilitation for sale or lease of housing as part of a Workforce Housing Plan, as provided for below.

SECTION 4. Section IV.A.9) of the Plan describing qualifying businesses is amended by deleting the existing language and substituting the following:

9) Construction and/or rehabilitation of housing.

SECTION 5. The following new Section V. is added to the Plan:

5. Workforce Housing Plan:

“Workforce Housing Plan” means a program to construct or rehabilitate single-family housing or market rate multi-family housing which is designed to address a housing shortage that impairs the ability of the City to attract new businesses or impairs the ability of existing businesses to recruit new employees. In connection with the Workforce Housing Plan:

In November 2014, Hanna:Keelan Associates, P.C. completed for the City a Community Housing Study with Strategies for Affordable Housing (the "Housing Study"). The Housing Study found that the current housing stock in the City, including both single-family and market rate multi-family housing, was deficient with a need for larger, more affordable housing units to meet the demand of families, as well as a need for housing rehabilitation for homes that are cost effective for such activity.

The Workforce Housing Plan is intended to include all single-family housing and market rate multi-family housing. No special provisions for housing for persons of low or moderate income are provided for.

Due to the lack of available housing within the City, existing businesses have difficulty in recruiting new employees. The Plan encouraged the creation of a Housing Partnership in order to take the lead role to design and implement a Workforce Housing Assistance Program for local major employers to become directly involved with assisting their employees in securing appropriate and affordable housing, with the eventual goal of becoming homeowners in Alliance.

The Plan provided that there is a need for expanded housing options that include safe, decent and affordable housing and rehabilitation or demolition of distressed housing structures. Future housing activities should be directed towards providing the local workforce and first-time homebuyers with a variety of housing options through both new construction and the moderate- or substantial rehabilitation of current housing stock.

SECTION 6. The existing Sections V through XI of the Plan shall be renumbered as Sections VI through XII. Except as modified by the above Amendment, all other portions of the Plan shall remain in effect.

SECTION 7. This Ordinance was approved by a two-thirds vote of the members of the City Council. 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. 2815 with the following results:

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

Voting Nay: None.

Motion carried.

- A request to consider Ordinance No. 2810 which will amend the Classification Plan was the next item for Council's consideration. Council was provided with the following information:

[Staff is proposing the positions of Community Services Director and Water/Sewer Foreman be approved. In order to accomplish this, several steps will be required of Council:

A motion will need to be made to remove Ordinance No. 2810 from the table for reconsideration.

1. Council will need to introduce the ordinance and then move to amend to remove Public Works Director and add Water/Sewer Foreman.
2. Staff is requesting the waiving of the ordinance on three different dates.
3. If the ordinance is adopted, a motion to amend Resolution No. 16-15 (authorized strength) will need to be approved to change RSVP/Handyman Director on Other Funds to Community Services Director and add Water/Sewer Foreman at 0.50 in both the Sewer Fund and the Water Treatment Fund.

#### Water/Sewer Foreman

With the upcoming retirement of long-time employee and current Water and Sewer Superintendent, Earl Winter, at year end, we have recently had an employee of the department successfully complete the State certification process for Water Operator 2. The State of Nebraska requires that we have at least one certified Water Operator 2 for the City. Previously, only Mr. Winter maintained this certification. Thus, when the employee passed his certification, he also became eligible to fill the role of Water/Sewer Foreman. The succession planning currently envisioned would place the employee in good position to be able to at least manage the department upon the aforementioned retirement.

#### Community Services Director

In June of 2015, as part of the addition of the Public Transit program, the position of "Community Services Director" was crafted and a job description approved. The new position, according to the plan, would be for the person to oversee the City's existing RSVP, Handyman and new Public Transit Programs. However, at the time, the person filling the role of RSVP and Handyman Director did not wish to take on the responsibility of Public Transit as she was contemplating retirement. As a result we hired the position of Community Services Administrative Secretary.

We have now received the official notification of the impending retirement of our RSVP/Handyman Director on September 30, and staff would like to advertise as originally planned for, a Community Services Director with a paygrade of 217.

Staff expects some reallocation of hours amongst some departments to occur. Although there may be a short overlap of personnel, the overall authorized strength will remain unchanged at 110.77 FTE. Staff is requesting the waiving of three readings to expedite the appointment of these positions prior to the City Manager's departure to ensure the smoothest possible transition.]

A motion was made by Councilman Korber-Gonzalez to bring Ordinance No. 2810 back before Council on first reading. The motion was seconded by Councilman Feldges.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Seiler, seconded by Councilman Feldges to approve the first reading of Ordinance No. 2810 which Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2810

AN ORDINANCE ADOPTING A REVISED CLASSIFICATION PLAN 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 2015-2016 Budget which included funds for a revised Classification Plan.

WHEREAS, The City Manager is requesting that certain positions be added to the Classification Plan of the City of Alliance.

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

SECTION 1. That the Classification Schedule for the City of Alliance dated effective October 10, 2015 is hereby amended and the following stated position is classified as follows:

Job Title	Grade
Public Works Director	108
Community Services Director	217

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

A motion was made by Councilman Korber-Gonzalez to amend Ordinance No. 2810 by removing Public Works Director. The motion was seconded by Councilman Feldges.

Roll call vote with the following results:

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

Voting Nay: Seiler.

Motion carried.

A motion was made by Councilman Korber-Gonzalez to suspend the statutory rule requiring three separate readings of Ordinance No. 2810. The motion was seconded by Councilman Feldges.

Roll call vote to waive the statutory reading of Ordinance No. 2810 with the following results:

Voting Aye: Feldges, Yeager, Korber-Gonzalez.

Voting Nay: Seiler, Jones.

Motion failed.

Roll call vote to approve amended Ordinance No. 2810 on first reading with the following results:

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

Voting Nay: None.

Motion carried.

A motion was then made by Councilman Feldges, seconded by Councilman Korber-Gonzalez to amend the Authorized Strength document - Resolution No. 16-15 to include Water/Sewer Foreman.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 16-103 which will approve the Easement Transfer Agreement between the City of Alliance and Terry J. Peltz and Yvette M. Peltz. Following the Resolution, the first reading of Ordinance No. 2816 was also considered which would allow for the vacation of a portion of Agate Street. Council was provided with the following information:

[It has come to the attention of City staff that during the underground electric line rebuild in Lakefield, the utility was not placed entirely within any easement or

right-of-way owned by the City. Two of the tracts of land where the utilities were installed outside the easement and right-of-way were recently sold. The new owner of the property suspected that the electric utility was installed on private property. This was confirmed by a survey conducted which shows all of the utilities in relationship to existing property lines, easements, and right-of-ways. Terry Peltz, being the new property owner, has discussed the problem with City staff and desires to work with the City to correct the matter.

The south tract of land, which Peltz also owns, dead ends an undeveloped portion of Agate Street as platted on Turman Addition to the City of Alliance. The extension of Agate Street was intended to provide access for future subdivision of the property east of Turman Addition. Peltz is planning on developing the tract of land with a new house. Peltz is also in the process of rezoning the tract from R-1A, Single Family Residential to RR, Rural Residential which requires at least 2.5 acre parcels of land. This development and possible rezone of the tract will effectively cut off future development to the east making the paving of Agate Street east of its current extent unnecessary. Staff is proposing the vacation of the portion of Agate Street dedicated on Turman Addition, which is the part east of where it is currently paved. The City will then retain the property, and trade it with Peltz for the easement the City needs for the electric utility.

The agreement provides a storm sewer easement for the ditch already present in the Agate Street ROW; a new easement that will take care of the portion of the electric utility installed on Lands of Peltz; the vacation of the portion of Agate Street east of its existing paving; and the trade of said portion of ROW for the easement.

If the Council is agreeable to this correction method, the agreement will need to be approved, prior to consideration of the ordinance.]

Councilman Jones made a motion to approve Resolution No. 16-103, which was seconded by Councilman Feldges. The resolution follows in its entirety:

#### RESOLUTION NO. 16-103

*WHEREAS*, The City of Alliance has underground electric lines that have been placed outside of our current utility easement; and

*WHEREAS*, In an effort to correct the easement error the City desires to enter in to an Agreement with the property owners of the land the utility lines are placed; and

*WHEREAS*, Terry J. Peltz and Yvette M. Peltz, the owners of the property have consented to enter into an Easement Transfer Agreement with the City; and

*WHEREAS*, City Council believes it is in the best interest of the City of Alliance to enter into the Easement Transfer Agreement with Terry J. Peltz and Yvette M. Peltz.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Easement Transfer Agreement between the City of Alliance and Terry J. Peltz and Yvette M. Peltz is approved.

*BE IT FURTHER RESOLVED* that the Mayor is hereby authorized to execute the Easement Transfer Agreement.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones to approve the first reading of Ordinance No. 2816. The motion was seconded by Councilman Feldges. City Clerk Jines read the ordinance by title which follows in its entirety.

#### ORDINANCE NO. 2816

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, VACATING THAT PORTION OF AGATE STREET RIGHT-OF-WAY LOCATED IN BLOCK 1, TURMAN ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, COMPRISING A STRIP OF LAND APPROXIMATELY 50' BY 60' BY 100' BY 66', AND RESERVING TO THE CITY OF ALLIANCE, NEBRASKA TITLE TO THE REAL ESTATE AFTER THE RIGHT-OF-WAY IS VACATED.

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

SECTION 1. The City of Alliance, Nebraska (the "City"), has entered into an Easement Transfer Agreement (the "Agreement") with Terry J. Peltz and Yvette M. Peltz ("Peltz"). In the Agreement, the City promises to convey to Peltz, for valuable consideration, the following described real property currently owned by the City as a portion of the right-of-way for Agate Street (the "Real Estate"):

Beginning at the southeast corner of Lot 1, Block 12, Lakefield Addition to the City of Alliance, Box Butte County, Nebraska, as platted, thence on the south line of said Lot 1, along a 190.00 feet radius curve to the right, supporting a central angle of 15°27'00", Chord being South 48°23'05" West for 51.08 feet, and Arc Distance of 51.23 feet to a point on the northerly extension of the east line of Lot 2, Block 13, said Lakefield Addition; thence South 34°00'14" East on said northerly extension to the Northeast Corner of said Lot 2, being a distance of 60.00 feet; thence on the north line of Block 1, Turman Addition to the City of Alliance, Box Butte County, Nebraska, along a 250.00 feet radius curve to the left, supporting a central angle of 23°07'01", an arc distance of 100.87 feet, to the

north corner of said Block 1; thence North 79°20'33" West a distance of 66.70 feet to the southeast corner of said Lot 1 and the Point of Beginning.

SECTION 2. To convey the Real Estate, the right-of-way owned by the City must first be vacated.

SECTION 3. Wherefore the City finds it in the best interest of the City that the right-of-way be vacated, and the right-of-way described as the Real Estate in Section 1 above is now vacated. Title, however, to the Real Estate is reserved by the City pursuant to Neb. Rev. Stat. § 16-611(1), so that it may be conveyed upon the terms and conditions of the Agreement.

SECTION 4. This Ordinance shall take effect and be in force following its passage, approval, publication as required by law, and filing with the register of deeds of Box Butte County, Nebraska.

Roll call vote on the first reading of Ordinance No. 2816 with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing on the proposed 2016-2017 Budget was the next agenda item. Following the public hearing the Council will consider Ordinance No. 2813 which will approve the Budget for second reading.

The following Budget Highlights were provided to Council:

#### Overall Assumptions and Comments

- Overall Budget. The submitted overall budget ordinance totaled \$48.1 million which is down \$1.9 million from the prior approved budget. The primary difference is related to capital projects and primarily the completion of the large airport runway project.
- Property Taxes. Property valuations increased by an estimated 3% to \$431,237,004 and the property tax levy was maintained at \$0.37777 for the 2016-17 fiscal year budget. The resulting projected increase of \$45,000 results in total property taxes of \$1,536,900 which will partially fund general, fire and airport operating and sinking fund budgets. Public safety levies were eliminated in the current budget in order to bolster revenues for the airport operating fund. (See Tab 21.)
- Local Option Taxes. Local option (city sales) taxes are projected at \$2,000,000. This represents an increase of 1.26% from last year's budget and a 2.30% increase from this fiscal year's anticipated revenues. Estimated reserves at the end of the current fiscal year should be approximately \$70,000. Of the total transfer, \$1,470,000 will become general

funds, \$270,000 for street improvements, \$150,000 for capital projects and \$110,000 for economic development (including \$25,000 for Community Redevelopment Authority projects). With over \$575,000 in reserves, the regular LB 840 fund allotment will be redirected to the general fund to avoid property tax increases.

- Enterprise Fees. Enterprise fees transferred to the general fund are maintained at a 12% rate of budgeted enterprise fee revenue. This source will provide approximately \$2,165,000 toward the general fund operations which is a \$23,500 (or 1.1%) increase over the prior year. Amounts will be evaluated and possibly adjusted down toward the end of the fiscal year based on actual general and enterprise fund results. (See Tab 16.)
- Salaries and Benefits. Salaries are budgeted with no cost-of-living adjustment (COLA) compared to the 1.6% included in the prior budget year. This adjustment is consistent with the Social Security COLA (0%) as well as the CPI (.1%) for the calendar year ending December 31, 2015. With anticipated turnover and step increases, this represents a \$16,500 (.3%) increase in salaries. (See Tab 12.) Budgeted Health Care Fund transfers from City operating funds are increased by 12.8% (or \$210,000) with transfers in the current budget at a flat \$18,000 per full-time employee. (See Tab 13.) This number is flexible and may easily be adjusted near the end of the fiscal year based on actual claims experience.
- Authorized strength is decreased by 1.53 FTE from the prior year with an adjustment of the public transit program (-1.04 FTE) and the return of utility customer service staff to pre-transition levels. The public works and community services directors are requested position changes. A part-time parks position is replaced by a full-time position (+.33 FTE) while library page hours are reduced to a .75 FTE. Temporary summer staff funding was increased \$8,000 primarily as the result of an added administrative summer intern as well as increased Carhenge hours. (See Tab 11.)
- Capital Projects. Capital projects of over \$12.4 million are included in the submitted plan representing a decrease from the prior year capital projects of \$13.25 million. The majority of the total consists of major streets projects at over \$4.6 million. Other large projects include the revised parks/transit garage (\$1 million with up to \$640,000 grants); carry forward of the airport taxiway and apron sealcoat (\$820,000) as well as the Laing Lake project (\$431,000 with approximately \$350,000 in grants). Swimming pool reconditioning (\$200,000); municipal hall façade repair (\$125,000); and tennis court walls (\$75,000) are also included in the Capital Projects Fund. Up to \$4 million of new borrowings (bonds and leases) are included in the plan to partially fund street improvements (\$2.5 million); airport runway projects, hangar and loader (\$1 million); and parks/transit garage (\$500,000).

Enterprise capital projects of just over \$3.65 million are included in the plan.

- The Electric Fund is focused on infrastructure improvements with \$1.1 million for the Heartland electric line move; \$700,000 dedicated to urban and rural system rebuilds and improvements and \$350,000 included for phase one of the transition to automated metering.

- The Refuse Fund budget includes \$45,000 toward the ongoing replacement of aging trash receptacles. A total of \$200,000 is included for the landfill for improvements required for permitting along with \$250,000 for a replacement loader.
  - The Sewer Fund includes \$400,000 for the replacement of two lift stations with payment from retained earnings.
  - The Water Fund includes \$260,000 for water main replacements and moves. An \$80,000 allotment is included in the warehouse budget to expand the yard at the public works facility. (See Tab 7.)
- Contingency “Reserves”. Total contingency reserves were decreased to \$350,000 compared to the 2015-16 fiscal year budget of \$630,000. The plan moves \$300,000 of water fund contingencies to budgeted capital expenditures and operating expenses. (See Tab 8.)
- Debt Levels. External debt continues to trend downward with levels expected near \$4.4 million at year end. This allows consideration of an increase by up to \$2.8 million in the upcoming budget depending on the timely completion of projects and the actual new bond issues approved by Council. Possible new funding include \$2.5 million for streets projects; \$1 million for airport projects and \$500,000 for the parks/transit garage. The anticipated debt level at the end of the budget year will be around \$7.3 million with the largest debt of just over \$3 million in the Water Fund and \$2.5 million planned in the Street Fund. As a side note, the highest recent external debt level was just over \$12 million at fiscal year-end 2008. Payments on the internal swimming pool loan between the General and Electric Funds were accelerated in the 2014-15 year with full payment expected in 2017 as well as the final Electric Bond payment in December 2016. (See Tab 8.)
- Utility Rates. Electric rates will increase in April 2017 and refuse rates will increase in October 2016 by the automatic 1% increase implemented by Council in 2012. Water and sewer rates are presently being reviewed by the Nebraska Rural Water Association with a goal of increasing revenues in each fund by approximately \$100,000. These changes most likely will affect both base and usage rates.
- Grants. The City could receive almost \$6.2 million in Federal and State funding and grants within the upcoming fiscal year. The majority (around \$4 million) will be the result of the various roads projects including East Tenth Street and Meadowood Trail projects, the Heartland Expressway-South and the Historic Lighting as a portion of the Phase 2 of Streetscape. A total of \$736,000 is anticipated from FAA toward the taxiway and apron sealcoat project. Up to \$640,000 is allocated by NDOR for the public transit bus barn. Other carryover grant funding of up to \$355,000 will be provided by the Nebraska Department of Environmental Quality, Nebraska Environmental Trust and Upper Niobrara White Natural Resources District for the Laing Lake renovation project. A total of \$346,000 of federal and state funding is expected in relation to the public transit program, including \$87,000 for van/bus replacements. Additionally, \$63,000 in

federal and state revenues will assist in funding the school resource officer. Funding for the Handyman Program with RSVP will total \$65,000. (See Tab 19.)

- Special Funding Requests. Staff has recommended special funding in the amount of \$128,100 which is unchanged from the 2015-16 budget. A portion of the local option taxes (\$25,000) has been set aside in the economic development plan as reserve for a potential Community Redevelopment Authority project. Requests by Panhandle Area Development District (\$13,200) and Panhandle Resource Conservation and Development (\$300) are not recommended for funding as well as increases for the Alliance Chamber of Commerce and Box Butte Development Corporation. Payment for the Chamber of Commerce support in the new budget will be funded by transfer from the hotel occupation reserves. (See Tab 24.)

### Miscellaneous Highlights

- Airport Fund. The taxiway and apron sealcoat project is carried forward from the prior year and is now estimated at \$820,000 (funded 90% by the FAA and 10% from the airport sinking fund and borrowings). The \$450,000 for an additional hangar is included again with actual funding contingent on acceptable cash flow and borrowing options. A replacement loader (funded by lease) is included at \$200,000. Funds are included for the resurfacing of a portion of the airport road in cooperation with the County and State (reduced to \$50,000 based on a recent \$43,000 estimate); additional building repairs on the airport property. A stock well has been added also to provide for water on leased land.
- Street Fund. The 20% City share of three Federal street projects (East Tenth, Meadowood Trail and Heartland Expressway - South) are now included at a current estimated total of \$635,500. In addition, the second phase of the Box Butte Avenue Streetscape (downtown revitalization) project is forwarded at a cost of \$850,000 including the historic street lighting which is 80% grant-funded. Funding for Streetscape is anticipated through vehicle sales tax and electric funds (a transfer of \$158,800 for lighting). Asphalt and concrete maintenance budgets have been increased to a combined total of \$1,900,000 in anticipation of an aggressive street repair plan suggested by Council. A highway tax revenue bond is included at \$2,500,000 to fund a portion of the projects which exceed the current reserves.
- Golf Course. General operating results of the golf course are relatively unchanged again in the 2016-17 budget. The funding for the golf pro was increased by 2% in accordance with the contract. Capital authority is included for additional parking lot concrete (\$25,000) and irrigation upgrades (\$24,000). The annual transfer from General Fund is \$180,000.
- Retired and Senior Volunteer Program (RSVP) and Handyman. Federal basic funding for the RSVP and handyman programs will remain unchanged for the next fiscal year. With the anticipated change in personnel and the reallocation of health insurance costs, the budgets will remain tight for the upcoming year with the Friends of Box Butte RSVP

(a 501(c)(3) corporation) assisting with increased fundraising efforts for both programs. An additional \$5,000 transfer has been planned from the Community Betterment (Keno) Fund.

- Public Transit. The public transit program has been approved by Nebraska Department of Roads for a second year of operation by the City. The base operating budget will be funded by up to \$202,000 in Federal funds; \$57,000 in state funds; \$57,000 in local matches; and \$24,000 in rider fares. A capital expenses are included for the bus barn and van/bus replacements discussed elsewhere.
- Economic Development. Authority is included to pursue community development and housing funding up to \$150,000 in the CDBG Fund. Sales tax revenue of \$110,000 will be transferred to the economic development fund including \$25,000 for Community Redevelopment Authority projects. No additions are included for the LB840 fund other than loan repayments; however, \$300,000 is allowed for potential projects. Three TIF projects will generate around \$200,000 in tax increment payments passed through the redevelopment fund in 2016-17. Only \$25,000 in general funds is dedicated to building demolition; however, the parks/transit garage includes the demolition of another old building owned by the City.

Capital Projects Fund. The capital projects fund will be funded by sales tax revenue in 2016-17 in the amount of \$150,000. These funds (along with reserves) will provide funding of \$200,000 for pool lining; \$125,000 for municipal hall façade repair; \$75,000 for tennis court wall construction; \$45,000 for the final pool debt payment; and the City's matching portion of the Laing Lake renovation project. Funding for the parks/transit garage will be by lease.]

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 Proposed 2016-2017 Budget” and opened the public hearing at 7:39 p.m.

Chelsie Herian, BBDC Executive Director; Holly Heath, BBDC Assistant Director and Main Street Director; and Ellen Dillon, BBDC Board President came before Council and requested an additional \$3,500 be included in the City's budget for the operating expenses of Box Butte Development Corporation.

Susan Unzicker, Chamber of Commerce Director also came before Council and asked if she could provide any additional information regarding the Chamber's request for increased funding.

Hearing no further testimony, the Public Hearing closed at 7:49 p.m.

A motion was made by Councilman Feldges, which was seconded by Councilman Seiler to approve the second reading of Ordinance No. 2813. Clerk Jines read the ordinance by title.

Councilman Jones made a motion to amend Ordinance No. 2813 as proposed by Finance Director Waggener. The motion was seconded by Councilman Seiler.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

AMENDED ORDINANCE NO. 2813

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, 2016, AND ENDING SEPTEMBER 30, 2017, 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 26, 2016 and a proposed budget was produced. A public hearing will be held on said proposed budget on August 16, 2016, 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, 2016, 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:

	<b>City</b>	<b>MFO</b>	<b>Public Safety</b>	<b>Airport</b>	<b>Airport Reserves</b>	<b>Total</b>
Approved Budget Amount	1,103,832	138,118	0	244,096	50,853	1,536,900
County Treasurer's Fee (1%)	11,039	1,381	0	2,441	508	15,369
Delinquent Allowance (5%)	55,191	6,905	0	12,205	2,544	76,845
<b>Total Property Tax Request</b>	<b>1,170,062</b>	<b>146,405</b>	<b>0</b>	<b>258,742</b>	<b>53,905</b>	<b>1,629,114</b>

Using the following levies	.271327	.033950	0.00000	.060000	.012500	0.377777
Approved Mill Levy for 2016	0.377777					
Based on Assessed Valuation	431,237,004					

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 2016-17.

General	7,418,300
Electric	17,375,800
Refuse	1,595,800
Sewer	927,300
Water	2,277,600
Golf Course	409,600
Airport Operations	2,336,000
Public Transit	409,200
Streets	5,648,600
Handyman Services	55,300
RSVP	88,800
Museum Exhibit	20,000
BID #1 and #2	13,600
HUD/CDBG	150,000
Community Betterment (KENO)	23,200
Economic Development	135,000
LB 840 Fund	303,500
Redevelopment (TIF)	250,000
Sales Tax Fund	2,000,000
Lodging Occupation Tax	216,000
Capital Projects	1,876,000
Public Safety Tax	80,000
State 911 Funds	55,000
General Internal Service	1,361,800
Enterprise Internal Service	607,900
Health Support Internal Service	2,427,000
General Debt Service	43,200
Airport Capital Reserve	30,000

*Gross Expenditures*

48,134,500

There is hereby included \$125,000 within the General Fund Budget [City Council Activity], \$10,000 within the General Fund Budget [Police Grant] \$60,000 within the Electric Fund, \$60,000 within the Water Fund, \$25,000 within the Sewer Fund, \$15,000 within the Refuse Fund, \$5,000 within the Airport Fund, \$50,000 and within the Streets 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 \$87,549.20 for Fiscal Year 2017.

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, 2016

A motion was made by Councilman Feldges to authorize \$3,500 be reduced from the Community Redevelopment Authority and transferred to Box Butte Development Corporation. BBDC Executive Director Herian once again came before Council and stated she would prefer that Council consider lowering her \$10,000 from her special projects budget and transfer to her operating budget. She stated she would hate to see the CRA budget cut as they were just beginning their program. Councilman Feldges withdrew his motion.

Roll call vote on the second reading of Ordinance No. 2813 as amended with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was the second reading of Ordinance No. 2814 which will allow the City of Alliance to exceed the Allowable Growth and Basic Allowable Growth for the 2016-17 Fiscal Year by 1%. Council was provided with the following 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 2016-17 fiscal year budget by 1% (or \$63,433) with total restricted funds authority at \$6,565,363.

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 Feldges, seconded by Councilman Korber-Gonzalez to approve the second reading of Ordinance No. 2814 which Clerk Jines read by title and follows in its entirety:

**ORDINANCE NO. 2814**

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2016-2017 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 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 \$63,433 and the resulting “unused budget authority” in the adopted budget ordinance is hereby amended to the amount of \$6,565,363.

SECTION 6. Those portions of the existing budget ordinance for 2016-2017 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 2016-2017, 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 on the second reading of Ordinance No. 2814 with the following results:

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

Voting Nay: None.

Motion carried.

- The second reading of Ordinance No. 2811 which will approve the proposed amendment to the Zoning Regulations of the Alliance Municipal Code was the next matter for consideration. The amendment will allow for storage units within a C-1 (Neighborhood Commercial) District with the approval of a Conditional Use Permit. Council was provided with the following background information:

[The Alliance City Council at their June 7, 2016 meeting requested that the Planning Commission discuss a Code change that would allow storage units in the C-1 zoning district. A property owner has requested a rezone from C-1, Neighborhood Commercial, to C-3, Highway Commercial to allow for the construction and use of private storage units on Lot 1A, Block 9, Lakefield Addition to the City of Alliance.

The Alliance Planning Commission originally recommended the change of zoning at their May 10, 2016 meeting. The City Council agenda of June 7, 2016 included the item at which time the Council asked the Planning Commission to consider adding private storage units as a use in the C-1, Neighborhood Commercial Zoning District rather than rezoning the property. The Council's request was placed on the Planning Commission agenda as a discussion item at their June 14, 2016 meeting.

The Planning Commission discussed the setback requirements between Commercial districts and felt that C-1 setbacks were a better fit for keeping neighborhoods more aesthetically congruent than a rezone to C-3. They also agreed that it would be in the City's best interest to add it as a Conditional Use as opposed to a Permitted Use so there would be a review done on any newly proposed storage units to be certain that they would not negatively affect residential neighborhoods.

The Planning Commission met at their regular meeting on July 12, 2016 and held a public hearing for the amendment of Section 115-105 of the Alliance Municipal Code. The Commission voted to recommend that the Alliance City Council amend Section 115-105, titled C-1, Neighborhood Commercial District, adding private storage units as a Conditional Use Permit in said zoning district.]

A motion was made by Councilman Seiler, seconded by Councilman Feldges to approve the seconds reading of Ordinance No. 2811 which Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2811

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTION 115-105 OF THE ZONING REGULATIONS, RELATING TO THE INCLUSION OF STORAGE UNITS AS A CONDITIONAL USE IN A C-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT,

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 115-105 shall be amended as follows:

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.
  - (9) Churches, places of worship and religious.
- (c) Conditional uses.
  - (1) 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.
  - (5) Private storage units.
- (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

- 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.
- 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.

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 published in pamphlet form, and shall be effective upon its passage and approval.

Roll call vote on the second reading of Ordinance No. 2811 with the following results:

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

Voting Nay: None.

Motion carried.

- Council next considered the second reading of Ordinance No. 2812, which will approve the Rezoning Request of Antonio Gonzalez. Council was provided with the following background information:

[Antonio Gonzales has requested a rezone for a one-acre tract of land from C-3 Highway Commercial to M-1 Light Industrial. The rezone request would allow Mr. Gonzales to maintain his office and facility for his trucking business on the same lot as his existing residence which is not allowed in the C-3 zoning district. *The land is located east of United States Highway 385 and west of the BNSF Railroad tracks on Rock Road. The Legal description is Part of the West ½ of Section 4, Township 24 North, Range 48 West of the 6<sup>th</sup> Principal Meridian. Its County Tax Parcel Number is 070081263.*

The proposed rezone will change the front setback from 25' to 50', the side setbacks from 0' to 10' along the east property line and from 7' to 20' along the west property line as it is bordered by R-1, Single Family Residential, and rear setbacks remain 15'. With the rezone, the setbacks would become more restrictive than those in their current zoning district. The land is currently used as his trucking business and his residence.

The rezone is necessary to expand his house as it is currently considered a nonconforming use of the property. Nonconforming uses may not be expanded without either correcting the zoning district with which the use lies or with a variance granted by the Board of Adjustment. The owner has chosen to apply for a rezone to M-1 as he feels it is better suited for his current use. The parcel of land to the north, which he owns, adjacent to this parcel is also zoned M-1 as are multiple others in the vicinity. Staff believes that this rezone to M-1 is favorable as it would partially eliminate the pocket of C-3 spot zoning along Rock Road.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed eight petitions and as of July 7, the City had received two of them back in favor of the rezone. One petition was sent to an incorrect address but the subject property was posted with a sign indicating the date, time and place of the public hearing so posting and notification requirements have been met.

At the July 12, 2016 Planning Commission meeting, the Commissioners voted to recommend the approval of the rezone of a portion of land described as a Tract 26, a one-acre parcel located in Part of the West ½ of Section 4, Township 24 North, Range 48 West of the 6<sup>th</sup> Principal Meridian, addressed 6080 Rock Road, County Tax Parcel Number 070081263.]

A motion was made by Mayor Yeager, seconded by Councilman Korber-Gonzalez to approve the second reading of Ordinance No. 2812 which Clerk Jines read by title and follows in its entirety:

## ORDINANCE NO. 2812

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT A PART OF THE WEST ONE-HALF, WEST OF THE RAILROAD, SECTION 4, TOWNSHIP 24 NORTH, RANGE 48, WEST OF THE 6<sup>TH</sup> P.M., TRACT 26, BOX BUTTE COUNTY, NEBRASKA, (COUNTY TAX PARCEL ID NO. 070081263) IS NOW INCLUDED AS AN M-1 (LIGHT INDUSTRIAL) FROM A C-3 (HIGHWAY COMMERCIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

BE IT ORDAIED 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 \_\_\_\_ day of \_\_\_\_\_, 2016, 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.

Councilman Jones made a motion, which was seconded by Councilwoman Korber-Gonzalez to suspend the statutory rule requiring three separate readings of Ordinance No. 2812.

Roll call vote to waive the statutory reading with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to adopt Ordinance No. 2812 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2812 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- The next item was Resolution No. 16-96 which will recommend approval of the Liquor Manager's Application of Natasha Keane. Council was provided with the following information:

[The City of Alliance is in receipt of the Manager Application of Natasha Keane for WESTCO-KC's Short Stop, 2420 Box Butte Avenue, Alliance, Nebraska. Ms. Keane has not completed the Responsible Beverage Service Training in Nebraska. Police Chief John Kiss completed a background check on Ms. Keane and has found no reason to deny the application.]

Councilman Korber-Gonzalez made a motion which was seconded by Councilman to Jones table Resolution No. 16-96 until the September 6, 2016 meeting due to Ms. Keane's absence.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 16-97 which will authorize the Mayor to enter into contract for Interim City Manager Services was the next matter. Council was provided with the following background information:

[City staff has negotiated an Agreement with Rick Kuckkahn to provide interim City Manager services for Alliance. Mr. Kuckkahn has recently provided city management services to the City of Scottsbluff, NE. He comes highly

recommended for this position and is very excited to serve and assist our community. The Agreement stipulates that he will begin providing direct management effective September 6<sup>th</sup>, which will dovetail with Mr. Cox's departure, ensuring no lapse in coverage. Mr. Kuckkahn has agreed to provide services to Alliance until such time as a new City Manager is hired and begins their duties.]

Councilman Jones made a motion which was seconded by Councilman Korber-Gonzalez to approve Resolution No. 16-97 which follows in its entirety:

RESOLUTION NO. 16-97

*WHEREAS*, The City of Alliance is in need of an interim City Manager to serve until a new City Manager is hired and available to work; and

*WHEREAS*, An Agreement has been prepared establishing the terms and conditions of the services required between the City of Alliance and Rick Kuckkahn; and

*WHEREAS*, Mr. Kuckkahn has valuable experience in the City Management field and has been found to be a competent and effective manager.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that Rick Kuckkahn shall be contracted to provide interim City Manager services, as provided in the Agreement.

*BE IT FURTHER RESOLVED* that the Mayor is hereby authorized to sign the Agreement on behalf of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution Nos. 16-98 and 16-93 were the next issues before Council. Resolution No. 16-98 will authorize the City to make an application for funding to the NDOR and Resolution No. 16-93 will authorize the City to enter into an Agreement with the NDOR for the funding of a transit storage facility. Council was provided with the following background information:

[In order to complete the documentation requirements with the Nebraska Department of Roads a resolution is required authorizing the City's request for funding.

The City of Alliance has been approved for grant funding which will assist with the construction of a transit bus barn to house fleet and staff for public transit operations at the location of 105 Big Horn Avenue. Because the City of Alliance

also needs to build a parks shop, the City inquired of NDOR as to whether these two projects could be combined with shared common facilities. The benefit identified for the combining of these projects was that grant funding would offset some of the costs associated with facilities that will be shared by both operations, such as restrooms, break rooms and a wash bay. Engineers will establish what percentage of these shared spaces the transit operations will use and grant funds will pay for 80% of that cost.

As was previously reported, we received good news when NDOR notified the City of its approval of combining the projects, including the demolition of the old block building on the site, with a not-to-exceed NDOR cost of \$640,000 or 80% of the total project cost, whichever is smaller. The scope of the State funding includes the design and construction of the transit facility.

Once the agreement is signed, NDOR will assist City staff with advertising for and selecting an architectural and engineering firm. The firm will design the project, develop a more concrete estimate with a cost allocation plan, assist with advertising for the contractor and act as the overseer of the project once under construction. Although we would have the option of having someone from the City oversee the project, NDOR reports that they have found that having the A&E firm involved to do inspections, provide payroll reports to NDOR, etc., is more efficient.

A specific timeline has not yet been developed; however, staff expects that the project will require about 12 months to design, with construction hopefully as early Fall of 2017. During this time, the State and possibly the Federal Highway Administration will review the budget, cost allocations and plans. Once final design is completed and approved, NDOR will assist the City and the A&E firm in advertising for the general contractor. Approval of the attached agreement will allow staff to move forward with selecting an engineer to begin design of the transit facility/parks shop.]

Councilman Feldges made a motion which was seconded by Councilman Jones to approve Resolution No. 16-98 which follows in its entirety:

#### RESOLUTION NO. 16-98

*WHEREAS*, There are Federal funds available under Section 5311 of the Federal Transit Act, American Reinvestment and Recovery Act (ARRA) and for the Nebraska Public Transportation Assistance Program; and

*WHEREAS*, The Box Butte County Public Transit Program operated by the City of Alliance desires to apply for said funds to build a new bus barn in Alliance; and

*WHEREAS*, The available ARRA funds will be provided at 100% Federal and Section 5311 funds will be provided at 80% Federal and 20% local match.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that an application for funding to be used towards the construction of a new bus barn within the City of Alliance is hereby authorized for submittal to the Nebraska Department of Roads.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Feldges made a motion which was seconded by Councilman Jones to approve Resolution No. 16-93 which follows in its entirety:

#### RESOLUTION NO. 16-93

*WHEREAS*, The Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23 United States Code, and other Federal statutes administered by the Federal Transit Administration; and

*WHEREAS*, The Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project; and

*WHEREAS*, An agreement by the City of Alliance for Federal financial assistance is sought for the planning and construction of a bus transit storage and maintenance facility (Project) will impose certain obligations upon the City of Alliance, including to provide the local share of the Project cost; and

*WHEREAS*, The City of Alliance has all annual certifications to the Federal Transit Administration required for the Project.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the Agreement as Contractor with the Nebraska Department of Roads as Department for said Federal funds.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 16-99 which will award the Heartland Expressway Electric Line Reconstruction Project to Ward Electric of Longmont, CO. Council was provided with the following background information:

[The Nebraska Department of Roads (NDOR) has requested that the City of Alliance move five miles of distribution power line and one mile of transmission line that follows US Highway 385 from 3<sup>rd</sup> Street south for approximately five miles. This move is required as part of the Heartland Expressway expansion of Highway 385.

The City of Alliance advertised bids on July 20, 27 and August 3 and opened bids on August 5, 2016. Western Plains Engineering was present for the bid opening and also reviewed the bids received. There were four bids received as follows:

<b>Bidder</b>	<b>Locations</b>	<b>Bid Amount</b>
Govert Powerline Services, LLC	Newell, SD	\$513,678.58
Ward Electric	Longmont, CO	\$606,246.10
Intermountain Electric	Rock Springs, WY	\$645,561.97
Brink Constructors, Inc.	Rapid City, SD	\$979,538.42

The engineer's estimate for the job was \$814,157.11 and Council previously approved the Electric Department to purchase material for the project which is scheduled to begin September 6, 2016 with a completion date of December 31, 2016. Western Plains Engineering has recommended awarding the bid to Ward Electric of Longmont, CO and disqualifying Govert Powerline Services due to the submission of an incomplete bid that did not consider the full retirement cost.

Funding for this project will come from the Rural Rebuilds account (GL#05-51-54-53-948) with the major portion of the payments expected in the 2016-17 fiscal year.]

Councilman Seiler made a motion to approve Resolution No. 16-99, which was seconded by Councilman Feldges. The resolution follows in its entirety:

#### RESOLUTION NO. 16-99

*WHEREAS*, The City of Alliance is required to relocate electric lines for the Heartland Expressway Project; and

*WHEREAS*, The City working with our engineers prepared a Bid Invitation which included the plans and specifications for the Heartland Expressway Line Relocation which were advertised; and

*WHEREAS*, Four (4) responses were received to our Bid Invitation; and

*WHEREAS*, The bid of Govert Powerline Services LLC of Newell, SD which appeared to be the lowest bid, was rejected due to an incomplete bid with reference to the line retirement component; and

*WHEREAS*, The second lowest bid of Ward Electric of Longmont, CO appears to be the lowest, responsive, and responsible bid in the amount of Six Hundred Six Thousand Two Hundred Forty-six Dollars and 10/100ths (\$606,246.10).

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, the Mayor is authorized to enter into a contract with Ward Electric of Longmont, CO for the Heartland Express Line Relocation Project subject to terms and conditions of the bid.

*BE IT FURTHER RESOLVED*, that the Electric Superintendent is authorized to make field change orders not to exceed five percent (5%) of the total contract amount without further Council approval.

*BE IT FURTHER RESOLVED*, that the Mayor is authorized to execute the contract associated with this project.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution Nos. 16-100 and 16-101 were the next agenda items before Council. Resolution No. 16-100 will approve an updated Personnel Manual and Resolution No. 16-101 will approve an update to the current Controlled Substance Policy. Council was provided with the following information:

[Staff has prepared two resolutions for Council's consideration. The first will adopt the revised version of the City of Alliance Personnel Manual. The second will adopt the new Federal Motor Carrier Safety Administration (FMSCA) Controlled Substances and Alcohol Use and Testing Policy. The second resolution should only be approved if the first resolution is adopted.

The following is a summary of the proposed changes and the new additions to the Personnel Manual which was prepared by Carla Mayhew, Human Resources Director. Following the Personnel Manual summary is an outline of the Federal Motor Carrier Safety Administration (FMSCA) Controlled Substances and Alcohol Use and Testing Policy.

In this revision, there have been a number of minor and significant changes. The layout and order to the handbook has been rearranged to follow the lifecycle of employment. It also incorporates the City's Mission, Vision and Goals as well as TEAM concept and adds additional definitions and sections for better understanding. (Suggestions for improvement of any portion of the City's services are encouraged and welcome. New ideas relating to safety, efficiency, public relations, employer-employee relations or any other subject which might increase the taxpayer's dollar value are always in order.)

Some of the *New Policies* Include:

- 3.1 Work Rules, Policies and Expectations
- 4.4 Veterans Preference
- 11.2 Business Hours and Work Period (Address flexibility for exempt employee scheduling also see 11.9 B – only track hours of leave use on timesheet)
- 11.3 Volunteer Activities
- 11.5 Nursing Mothers
- 13.5 Employee Assistance Program
- 15.3 Emergency Plans and Building Evacuation and 15.4 Fire Procedures
- 15.5 On-Call vehicles may need to remain on City premises
- 15.6 Adopts Motor Vehicle Driving History standard as recommended by Traveler's Insurance and also currently used in pre-employment processes.
- 15.7 Adopts driving safety rules which prohibit cell phone use and texting while driving.
- 15.9 New provision regarding right to search
- 15.11 Smoking should be in locations minimized from public view
- 15.12 Drug Free Work-Place, Substance Abuse and Drug Testing Policy is incorporated to reflect the current practices.
- 15.13 Weapons are prohibited while at work
- 16.4 Addresses Electronic Communication and Internet Use and 16.5 talks about Social Media

*Updated Policies* Include:

- 4.1 Hiring – Address the creation of promotional positions
- 4.5 Employment of Family Members – Updated to reflect state statute
- 6.2 Performance Evaluations - 60/180 Days
- 7.6 Workplace Harassment and Conflict more extensive and descriptive
- 8.3 Types of Disciplinary Action (Improved description of each type of discipline)
- 10.2 Complaint Policy (Streamline process)
- 12.13 Travel Training Reimbursement (Follow current practice and changed single/multi day travel)

- 14.10 Family Medical Leave – Provides more explanation of federal policy and requires use of sick, floating holiday and compensatory time before going unpaid. Also, 14.11 – Leave without pay outside FMLA provisions was updated to allow for additional time allowable by the City Manager.
- 14.12 Return to Work- Updated to reflect current practice for medical release

Additional Benefits: Recognizing additional pay for employees that are working outside of normal hours and during less than ideal times.

- Call Back – If called, increased to a minimum of two hours at *time and a half* (was two hours at straight time) (11.10)
- On-Call – If called, increased to a minimum of two hours at *time and a half* (was one hour at straight time) (12.11)
- Holiday Pay – If work on holiday, paid for hours worked at *time and one half* in addition to the holiday pay. (Was at straight time only for hours worked on holiday) (14.1)
- Time paid at *time and half* or “a premium” doesn’t count towards overtime calculation.  
*If an employee works 4 hours after being called back (4 x 1.5 = 6 + 8 = 14 hours paid – However, only 12 hrs towards overtime)*

Other Changes: Recognizing a consistent practice across departments and following best practices.

- Use of Leave use does not count as hours worked for purpose of overtime calculation except for designated holidays (12.10 A) (If an employee takes 4 days of vacation and works 10 hours on the last day, they did not earn 2 hours of overtime. Vacation leave will be reduced by 2 hours (or employee paid at straight time for hours worked over 40)
- Working outside of classification will increase current wages by 5% (rather than 10%) in recognition of the temporary additional duties.
- Only accumulate compensatory time if greater than one hour, otherwise it’s paid out the pay period it is earned if less than an hour. (12.10 B)
- Compensatory time will be limited to a max of 60 hours (40 hours worked); after max accrual, overtime will be paid or time will be flexed.

Federal Motor Carrier Safety Administration (FMCSA) Controlled Substances and Alcohol Use and Testing Policy Update

This policy restates the City’s Federal Motor Carrier Safety Administration (FMCSA) Misuse of Alcohol and Use of Controlled Substances Policy. The Policy was originally adopted in October 5, 2001. The purpose of this policy, in addition to Federal regulations, is to establish a program designed to help prevent accidents and injuries resulting from the misuse of controlled substances by drivers of commercial motor vehicles. This document also serves as educational material that explains the requirements of the City of Alliance’s policies and procedures with respect to meeting the FMCSA alcohol and drug testing requirements. Upon approval, covered employees will receive a copy of these materials.

In this policy, employees will be able to:

1. The identity of the person designated by City of Alliance to answer driver questions about the materials. *DER - Page 2*
2. (2) The categories of drivers who are subject to the provisions of this policy; *APPLICABILITY Page 2*
3. Have sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with the policy; *PERIOD OF THE WORK DAY – Page 4*
4. Specific information concerning driver conduct that is prohibited by this policy; *SECTION B – PROHIBITIONS – Page 6*
5. The circumstances under which a driver will be tested for alcohol and/or controlled substances under this policy including post-accident testing under 382.303(d); *SECTION C - TESTS REQUIRED – Page 9*
6. The procedures that will be used to test for the presence of alcohol and controlled substances;  
“Attachment A” – Page 19
7. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy; *REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST – Page 6*
8. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences; *REFUSAL TO SUBMIT – DEFINED – Page 7*
9. The consequences for drivers found to have violated Section B of this policy, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under 49 CFR part 40, Subpart O; *SECTION D – CONSEQUENCES FOR DRIVERS ENGAGING IN SUBSTANCE USE – RELATED CONDUCT – Page 15*
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; *OTHER ALCOHOL-RELATED CONDUCT – Page 6*

Mayor Yeager made a motion to approve Resolution No. 16-100, which was seconded by Councilman Seiler. The resolution follows in its entirety:

#### RESOLUTION NO. 16-100

*WHEREAS*, City staff has prepared a revised personnel manual to provide for administration of the employer-employee relations for the City of Alliance; and

*WHEREAS*, The City Council has reviewed the revised personnel manual and finds it to be in conformity with the needs of the City of Alliance; and

*WHEREAS*, The City Council finds that the revised personnel manual should be adopted as personnel policy for the City of Alliance.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the revised personnel manual presented to the City Council is hereby approved, and is adopted as the personnel policy of the City of Alliance as of August 27, 2016.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager made a motion to approve Resolution No. 16-101, which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

#### RESOLUTION NO. 16-101

*WHEREAS*, City staff has restated the City's Federal Motor Carrier Safety Administration (FMCSA) Misuse of Alcohol and Use of Controlled Substances Policy; and

*WHEREAS*, The City's Federal Motor Carrier Safety Administration (FMCSA) Misuse of Alcohol and Use of Controlled Substances Policy was originally adopted on October 5, 2001; and

*WHEREAS*, The City Council has reviewed the revised Federal Motor Carrier Safety Administration (FMCSA) Misuse of Alcohol and Use of Controlled Substances Policy and finds it to be in conformity with the needs of the City of Alliance; and

*WHEREAS*, The City Council finds that the revised Federal Motor Carrier Safety Administration (FMCSA) Misuse of Alcohol and Use of Controlled Substances Policy should be adopted as policy for the City of Alliance.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the revised Federal Motor Carrier Safety Administration (FMCSA) Misuse of Alcohol and Use of Controlled Substances Policy personnel manual presented to the City Council is hereby approved, and is adopted as the policy of the City of Alliance as of August 27, 2016.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 16-102 which will approve the Construction Engineering Services Task Order Agreement between the City of Alliance and M.C. Schaff & Associates for the Box Butte Avenue Historic Lighting Project. The following 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 Box Butte Avenue Historic Lighting (Streetscape) project. This is a Federal-Aid project identified as Project No. ENH-6257(2), 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 \$191,808.67. 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 Korber-Gonzalez made a motion to approve Resolution No. 16-102. The motion was seconded by Councilman Jones. The resolution follows in its entirety:

#### RESOLUTION NO. 16-102

*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 ENH-6257(2), NDOR Control Number 51453, NDOR Project Description: Box Butte Avenue Historic Lighting.

Roll call vote with the following results:

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

Voting Nay: Yeager.

Motion carried.

- Council next reviewed and discussed the City Council Travel Policy. Councilman Feldges stated he believed there was some misunderstanding regarding his mileage claim to attend the Budget Workshop of the Nebraska League of Municipalities Executive Board. He stated that although he was appointed by the League Board, he represented the City of Alliance as well as the Panhandle Region. His position on the Executive Board benefitted Alliance as

well as other communities as one of the League's major missions is to represent municipalities with legislative issues. Following the discussion among Council members no action was taken.

- The next item on the agenda was a Board appointment and vacancy announcements.

A motion was made by Councilman Feldges, seconded by Councilman Jones to appoint Walter Halle to the Planning Commission with a term expiring December 31, 2018.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Jones announced the following board vacancies:

The City has the following openings at this time: two vacancies on the Board of Adjustment; one vacancy on the A-2 Downtown Improvement Board; one vacancy on the Alliance Housing Authority, one regular member of the Library Board, two youth ex-officio positions on the Library 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](http://www.cityofalliance.net).

- The final item before Council was a closed session for the discussion of the possible sale or conveyance of real estate.

Councilman Jones moved pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that the Alliance City Council hold a closed session for the purpose of discussing the possible sale or conveyance of real estate. The motion was seconded by Councilman Feldges.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager announced with five votes in favor, the Council pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, will hold a closed session for the purpose of discussing a possible sale or conveyance of real estate. City Attorney Hoelsing, Assistant City Manager/Finance Director Waggener, Jennifer Rogers and City Clerk Jines were asked to remain for the closed session.

Council entered into closed session at 8:55 p.m. and concluded at 9:56 p.m. at which time Council returned to open session. No action was taken.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:56 p.m."

  
\_\_\_\_\_  
Ralph Yeager, Mayor

(SEAL)

  
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Linda S. Jines, City Clerk