

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, DECEMBER 6, 2016

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

The Alliance City Council met in a Regular Meeting, December 6, 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 November 29, 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 December 6, 2016 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Councilman Yeager, Korber-Gonzalez, Jones, Mischnick and Reynolds. Also present were Interim City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Olsen and City Clerk Jines.

- Reorganization of the City Council was the first item to come before the Council.

City Clerk Jines announced she has received the certification from Box Butte County Clerk Judy Messersmith on the election results and acknowledged Brian Mischnick and Ryan Reynolds were elected to the Alliance City Council.

The Oath of Office was administered to Council members Mischnick and Reynolds.

Clerk Jines conducted the election of President (Ex-officio Mayor). Ballots were cast and signed as follows:

Councilman Yeager voted for Councilman Yeager.  
 Councilman Jones voted for Councilman Yeager.  
 Councilman Reynolds voted for Councilman Yeager  
 Councilman Mischnick voted for Councilman Yeager.  
 Councilman Korber-Gonzalez voted for Councilman Korber-Gonzalez

Mayor Yeager conducted the election of Vice Mayor. Ballots were cast and signed as follows:

Councilman Yeager voted for Councilman Korber-Gonzalez.  
 Councilman Jones voted for Councilman Jones.  
 Councilman Reynolds voted for Councilman Korber-Gonzalez.  
 Councilman Mischnick voted for Councilman Korber-Gonzalez.  
 Councilman Korber-Gonzalez voted for Councilman Korber-Gonzalez.

- Mayor Yeager read the Open Meetings Act Announcement.
- Council was introduced to the following new employees: Edward Tjaden, Police Lieutenant; and Helen Hudson, Meter Reader.
- 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 – DECEMBER 6, 2016

1. Approval: Minutes of the Regular Meeting, November 15, 2016.
2. Approval: Payroll Costs for the period November 5, 2016 through November 18, 2016: \$194,854.49.
3. Approval: Claims against the following funds for the period November 9, 2016 through December 1, 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; \$792,190.50.
4. Approval: The 2016 Road-Street-Highway Budget & Expenditure Report to the Board of Public Roads Classifications and Standards.

NOTE: Interim City Manager Kuckkahn 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, Mischnick, Reynolds, Yeager, Jones.

Voting Nay: None.

Motion carried.

- A Public Hearing on the modifications to the R-1, Single Family Residential setback restrictions was the next agenda item. Following the Public Hearing, Council considered Ordinance No. 2829 on first reading, which will approve amendment. Council was provided with the following background information:

[The City of Alliance Board of Adjustment has made note that many of the properties in the R1, Single Family Residential Zoning District contain structures that were built using much smaller setbacks than those built in the R1a Single Family Residential Zoning District. The R1 zoning district mostly covers the older parts of town which were developed with smaller lots sizes (typically 50' X 140') and smaller setback restrictions.

The proposed revisions to Section 115-98 of the City of Alliance Municipal Code would reduce the minimum required lot width from 60' to 50'; reduce the side setbacks from 5' to 3'; and provide other clarifying language in the Code for the R1, Single-Family Residential Zoning District.

An inventory of nonconforming structures was taken on the east side of the 900 block of Big Horn Avenue and the west side of the 900 block of Cheyenne Avenue by staff while compiling information for the June 23<sup>rd</sup> Board of Adjustment Meeting. The inventory shows every property having at least one nonconforming structure. The average side setback was 3'. Having such a large number of nonconforming structures reduces the ability of property owners to expand their homes and accessory structures without having to result to unorthodox construction techniques to meet the setbacks designed for the larger lot sizes required in the R1a zoning district.

The Alliance City Council passed this Code as Ordinance No. 2781 on September 15, 2015. At this same time, a Code amendment in respect to accessory parking structures was also making its way through Council. The new setback reduction in the Code change was overlooked by staff during the drafting of the accessory structure code and was passed requiring 5' setbacks in the R-1, Single Family Residential district. Staff believes that for the above mentioned reasons, the setbacks should be changed to 3' in the R-1, Single-Family Residential District.

The City of Alliance Planning Commission held a public hearing at their regular meeting on November 8, 2016 wherein they voted to recommend that the Alliance City Council approve the ordinance accepting the proposed changes to Section 115-98 of the City of 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 modifications to the R-1 zoning setback restrictions and opened the public hearing at 7:09 p.m.

Brent Kusek, Community Development Director, was in attendance to discuss this matter with the Council and provide feedback to public comment.

No additional 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. 2829 which follows in its entirety.

#### ORDINANCE NO. 2829

AN ORDINANCE PERTAINING TO THE R-1, SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT AND AMENDING 115-98; PROVIDING FOR AN EFFECTIVE DATE, REPEALING EXISTING PROVISIONS OF THE ALLIANCE CODE NOT CONSISTENT WITH THIS ORDINANCE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Section 115-98 of the Code of Ordinances of the City of Alliance, Nebraska is hereby amended to read as follows:

Sec. 115-98. - R-1, Single-Family Residential District.

- (a) *Scope and intent.* This section applies to district R-1. The R-1, Single-Family Residential District is intended to provide a zone consisting primarily of single-family dwellings but which may have recreational, religious, and educational facilities to create a balanced neighborhood. This zone is intended to accommodate older neighborhoods in the community which were developed with smaller lot sizes.
- (b) *Permitted uses.*
- (1) Dwellings, one-family.
  - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
  - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
  - (4) Public schools, elementary and high schools, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
  - (5) Railroad rights-of-way, not including railroad yards.
  - (6) Manufactured homes subject to the following standards:
    - a. The home shall have no less than an 18-foot exterior width;
    - b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;
    - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;



|                    |       |    |   |    |    |   |    |     | (feet) |
|--------------------|-------|----|---|----|----|---|----|-----|--------|
| Primary Structure  | 6,600 | 50 | 1 | 25 | 25 | 3 | 15 | 30* | 6      |
| Accessory building | —     | —  | — | 25 | 5  | 3 | c  | 30* | 6      |

\*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 25 feet.

- a. Minimum dwelling size: 800 square feet on the ground floor.
- b. Maximum Lot coverage: 40 percent of total lot area.
- c. Setback is 20 feet for parking structures with entrances off of a side street; all others 15 feet.

(2) *Permitted accessory uses.*

- a. Home occupations as defined in section 115-2 and provided in section 115-171.
- b. Detached Accessory Structures:
  1. *Carports* : No carport may be built or constructed except those which comply with the following restrictions:
    - i. One carport or private garage may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
    - ii. Metal carports must be placed in the rear yard.
    - iii. Must be placed on a concrete pad at least four inches thick.
    - iv. Maximum roof peak height of ten feet as measured from the concrete pad.
    - v. The structure must be anchored to the ground with either auger type tie downs or bolts embedded in concrete no less than the minimum depth as required by typical garage construction.
    - vi. Must conform to local wind and snow load requirements.
    - vii. The color of the structure must be the same or similar to the principal structure.
    - viii. A structure with more than two walls is to be considered a garage and must follow the guidelines for garage construction.
    - ix. The structure must be kept in good repair. Any structure deemed a nuisance by way of peeling paint, failing

structural members, broken concrete, loose tie downs, etc., may be ordered to be repaired or removed by the city building official.

2. *Private garages* : No private garage may be built or constructed except those which comply with the following restrictions:
  - i. One private garage or carport may be constructed serving a principal use on the same lot. If the lot already contains a carport or a garage, it must be removed within six months of completion of the new structure.
  - ii. May not be of greater height than the principal structure.
  - iii. The color of the garage must match or be similar to the color of the principal structure.
  - iv. Brick, stone, or veneer will only be required along the street and/or side street side(s) of the structure. If the type of covering is no longer available, the structure may be built using a similar brick, stone, or veneer as approved by the building official.
  - v. A garage may be designed for a maximum of one bathroom; however, no kitchen, or living quarters may be constructed.
3. *Storage buildings* : No storage building may be built or constructed except those which comply with the following restrictions:
  - i. One storage building may be constructed or placed on a lot serving a principal use.
  - ii. Storage buildings greater than 200 square feet must be constructed using the same design criteria as private garages.
- c. Signs as permitted in chapter 111.
- d. Fences as permitted in section 115-172.
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor

home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).

- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

SECTION 2. This Ordinance shall be in full force and effect from and after its approval, passage, and publication in pamphlet form as authorized by the Nebraska Statutes, with distribution to be made by making copies available to interested parties at the City of Alliance Office.

Roll call vote on the first reading of Ordinance No. 2829 with the following results:

Voting Aye: Korber-Gonzalez, Yeager Mischnick, Jones, Reynolds.

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2830 which will amend the Alliance Municipal Code by updating the language for City Employee Pension Plans was the next discussion item. Council was provided with the following background information:

[Staff is proposing modifications to the Alliance Municipal Code regarding employee retirement committees. Council had previously approved the restated retirement plan documents for the General, Police and Fire Plans on September 1, 2015. Recommended modifications incorporated changes from the plan document and best practices. The fire and police sections are also updated to provide consistent application of the Revised Nebraska State Statutes and plan document language.

All Plans:

- Adds titles to the sections.
- Appoints the City Manager and Finance Director as administration representatives.
- Incorporates the Plan Administrator as a non-voting member and states the responsibilities are assigned by the City Manager.
- References statutory duties and the plan document for any additional delegated duties.

The Fire Plan Committee also reduces the number of employee representatives from four to two at the direction of the Fire Department. The Department is presently staffed with only four employees.]

A motion was made by Mayor Yeager, seconded by Councilman Korber-Gonzalez to approve the first reading of Ordinance No. 2830 which Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2830

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTIONS 2-131, 2-132, 2-133, 2-151, 2-152, 2-153, 2-171, 2-172 AND 2-173, RELATING TO THE GENERAL, POLICE AND FIREFIGHTER PENSION PLANS, 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 2-131 through Section 2-133 shall be amended as follows:

Sec. 2-131. - Generally.

A pension plan, which shall be known as the "Alliance General City Employees' Pension Plan," and which is designed and intended to provide retirement benefits for the regularly employed and appointed employees of the city, excluding employees subject to the provisions of the police officers' and firefighters' pension ordinance, has been created. The pension plan began operation March 1, 1966, which date shall be referred to as the effective date. The plan has been restated as of September 1, 2015. The plan is designed and intended to comply with the applicable provisions of Internal Revenue Code.

Sec. 2-132. - General employee's retirement committee.

- (a) General Purpose. There is established a general employees' retirement committee which shall supervise the general operation of the general employee's retirement system.
- (b) Members. The retirement committee established shall consist of members from both the general city employees and designees of the city council. The committee shall consist of six members, of which four members shall be selected by general city employees, and shall not be from the same department. The employee representative must also be a participant in the General Employees Retirement Fund. Two members shall be appointed by the city council. Administration shall be represented by the city manager and finance director. The plan administrator will be a non-voting member.
- (c) Elections. Election shall be by secret ballot under the supervision of the city clerk. Results of the election shall be certified to the city council by the city clerk.
- (d) Term. Employee members shall be appointed to three-year terms. Vacancies shall be filled by a person with the same representation as his predecessor.
- (e) Compensation. Members of the retirement committee shall receive no salary and shall not be compensated for expenses.

- (f) Duties. The retirement committee shall be established to supervise the general operation of the plan; provided, however, the City shall be responsible for the general administration of the plan except for such specific administrative functions which are delegated, by ordinance or plan document, to the retirement committee.

It shall be the duty of the retirement committee to:

- (1) Provide each employee a summary of plan eligibility requirements and benefit provisions;
- (2) Provide, within 30 days after a request is made by a participant, a statement describing the amount of benefits such participant is eligible to receive;
- (3) Make available for review an annual report of the system's operations describing both the amount of the contributions to the system from both employee and employer sources; and an identification of the total assets of the retirement system.

Sec. 2-133. Retirement Plan Administrator.

- (a) Appointment. The plan administrator shall be appointed by the city manager.
- (b) Duties. The plan administrator shall administer the operation of the plan in accordance with the terms and provisions of the plan in a uniform and nondiscriminatory manner.

Secs. 2-134—2-150. - Reserved.

SECTION 2. The Alliance Municipal Code at Section 2-151 through Section 2-153 shall be amended as follows:

Sec. 2-151. - Generally.

A pension system for police officers of the city has been established and is administered pursuant to R.R.S. 1943, §§ 16-1002 through 16-1019.

Sec. 2-152. - Retirement committee.

- (a) General Purpose. There has been established a police department retirement committee which shall supervise the general operation of the police department's retirement system.
- (b) Members. The retirement committee established shall consist of members from both the police force and designees of the city council. The committee shall consist of six members, of which, four members shall be selected by active, paid police officers. Two members shall be appointed by the city council. Administration shall be represented by the city manager and finance director. The plan administrator will be a non-voting member.
- (c) Elections. Election of police officers shall be by secret ballot under the supervision of the city clerk. Results of the election shall be certified to the city council by the city clerk.

- (d) Term. The committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as his predecessor.
- (e) Compensation. Members of the retirement committee shall receive no separate salary and shall not be compensated for expenses.
- (f) Duties. The retirement committee shall be established to supervise the general operation of the plan; provided, however, the City shall be responsible for the general administration of the plan except for such specific administrative functions which are delegated, by ordinance or statute, to the retirement committee.

Sec. 2-153 Retirement Plan Administrator.

- (a) Appointment. The plan administrator shall be appointed by the city manager.
- (b) Duties. The plan administrator shall administer the operation of the plan in accordance with the terms and provisions of the plan in a uniform and nondiscriminatory manner.

Secs. 2-154—2-170. - Reserved.

SECTION 3. The Alliance Municipal Code at Section 2-171 through Section 2-173 shall be amended as follows:

Sec. 2-171. - Generally.

A pension system for firefighters of the city has been established and is administered pursuant to R.R.S. 1943, §§ 16-1020 through 16-1042.

Sec. 2-172. - Retirement committee.

- (a) General Purpose. There is established a fire department retirement committee which shall supervise the general operation of the fire department's retirement system.
- (b) Members. The retirement committee established shall consist of members from both the fire department and designees of the city council. The committee shall consist of four members, of which two members shall be selected by active, paid officers from the fire department of the city administration shall be represented by the city manager and finance director. The plan administrator will be a non-voting member.
- (c) Elections. Election of fire personnel shall be by secret ballot under the supervision of the city clerk. Results of the election shall be certified to the city council by the city clerk.

- (d) Term. The committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as his predecessor.
- (e) Compensation. Members of the retirement committee shall receive no separate salary and shall not be compensated for expenses.
- (f) Duties. The retirement committee shall be established to supervise the general operation of the plan; provided, however, the city shall be responsible for the general administration of the plan except for such specific administrative functions which are delegated, by ordinance or statute, to the retirement committee.

Sec. 2-173. – Retirement Plan Administrator.

- (a) Appointment. The plan administrator shall be appointed by the city manager.
- (b) Duties. The plan administrator shall administer the operation of the plan in accordance with the terms and provisions of the plan in a uniform and nondiscriminatory manner.

Secs. 2-174—2-195. - Reserved.

SECTION 4. 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 5. This Ordinance shall be in full force and effect from and after its approval, passage, and publication in pamphlet form as authorized by the Nebraska Statutes, with distribution to be made by making copies available to interested parties at the City of Alliance Office.

Roll call vote on the first reading of Ordinance No. 2830 with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Mischnick, Jones, Reynolds.

Voting Nay: None.

Motion carried.

- The Rezoning Application of Dale Jeske Jr. to rezone property located at 2131 CR 59 from Agriculture to C-3 Highway Commercial was the next agenda item. Council considered Ordinance No. 2828 on second reading, which will approve the rezone request. Council was provided with the following background information:

[Dale Jeske Jr. has submitted an application to rezone a tract of land so that he may apply for a Conditional Use Permit for an RV Park. The only zoning district that allows RV Parks is C-3 Highway Commercial.

The tract of land is located along the east side of Nebraska Highway 87, approximately 2.7 miles north of the intersection of East 10<sup>th</sup> Street and Flack Avenue/Nebraska Highway 87. The legal description of the property is Part of the West ½ of the West ½ of the Northwest ¼ of Section 18, Township 25 North, Range 47 West of the 6<sup>th</sup> Principal Meridian, tax parcel number 070072736 addressed 2131 CR 59.

The proposed rezone will change the front setback from 50 feet to 15 feet, side setbacks from 15 feet to 0 feet, and rear setbacks from 50 feet to 15 feet. The house is currently a nonconforming structure but will become conforming if rezoned to C-3.

Notification Petitions were served to property owners within a 300' radius of the subject property. The City served four petitions and as of November 4<sup>th</sup>, the City had received three of them back, two in favor of the rezone and one opposed stating security of the area as the reason for opposition.

Staff would like to point out that under normal circumstances, a rezone like this would be considered "spot zoning." However, the nature of the location of the tract of land in the City Two Mile Extraterritorial Zoning Jurisdiction, the Conditional Use Permit application already being submitted to staff, and establishing the proposed use of the property as an RV Campground before the rezone, limits the exposure to the City for an undesirable use to be located on this tract of land.

At the October 11<sup>th</sup> 2016 Planning Commission Meeting a discussion was held to the feasibility of the rezone. The Planning Commission felt that since the property owner submitted an application for a Conditional Use Permit; the risks involved in rezoning the property to C-3 were minimal. The Planning Commission then met at their November 8<sup>th</sup> Regular Meeting, where they held a public hearing and voted to recommend the Alliance City Council rezone the previously described property addressed 2131 CR 59 making the following findings of fact:

1. Testimony indicates that an RV Campground would be beneficial to the City of Alliance.
2. The issues and concerns brought up during the public hearing will be addressed during the Conditional Use permitting process.
3. Nebraska Highway 87 being adjacent to the property fits with the new zoning district of C-3, Highway Commercial, which will also minimize increased traffic concerns.
4. Because the property owner has also submitted his application for a Conditional Use Permit for an RV Park, the risk of a less desirable use of the property is minimal.]

A motion was made by Mayor Yeager, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2828 which Clerk Jines read by title and follows in its entirety.

#### ORDINANCE NO. 2828

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 TRACT OF LAND IN PART OF THE WEST ONE HALF (W½) OF THE WEST ONE HALF OF THE NORTHWEST QUARTER (W½ NW¼) OF SECTION EIGHTEEN (18), TOWNSHIP 25 NORTH, RANGE 47 WEST OF THE 6<sup>TH</sup> P.M. IN BOX BUTTE COUNTY, NEBRASKA CONTAINING AN AREA OF 10.85 ACRES, MORE OR LESS IS NOW INCLUDED AS A C-3 (HIGHWAY COMMERCIAL) DISTRICT FROM AN A (AGRICULTURE) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

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

#### 115-76. DISTRICT MAP ADOPTED

- (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.

Roll call vote on the first reading of Ordinance No. 2828 with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Mischnick, Jones, Reynolds.

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 16-138 which authorizes the purchase of a Front-end Loader for the Alliance Landfill. Council was provided with the following background information:

[The Landfill has a 2005 JD 544 front-end loader with 12,400 hours on it and is scheduled for replacement. The Nebraska State Bid site did not include front-end loaders; however, government pricing was obtained through the National Joint Purchasing Association (NJPA).

| <b>Vendor</b>                               | <b>Description</b>                            | <b>Bid</b>   |
|---|---|--------------|
| Murphy Tractor & Equipment Co<br>Gering, NE | John Deere 544K II 4 WD with landfill package | \$168,352.92 |
| NMC- CAT<br>Gering, NE                      | Caterpillar 930 M with landfill package       | \$187,500.00 |

Landfill Superintendent Ed Tvrs has recommended the purchase of a 2017 JD 544KII 4WD with the landfill package from Murphy Tractor and Equipment of Gering, NE for the amount of \$168,352.92, which is \$81,647.08 less than the budgeted amount.

Funding for the vehicle is authorized in the 2016-17 budget at \$250,000 under GL account 06-51-55-59-950. The old front-end loader will be traded in and is included in the bid pricing.]

Mayor Yeager made a motion to approve Resolution No. 16-138, which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

#### RESOLUTION NO. 16-138

*WHEREAS*, The City of Alliance owns and operates a landfill for the residents of the City of Alliance; and

*WHEREAS*, The City of Alliance needs to purchase a new front-end loader to replace the existing piece of equipment that is used at our landfill; and

*WHEREAS*, The City received quotes from the National Joint Purchasing Association which utilizes government pricing; and

*WHEREAS*, Murphy Tractor & Equipment Co., of Gering, NE is able to provide a 2017 John Deere 544K II 4 WD with landfill package Front-end Loader in the amount of One Hundred Sixty-eight Thousand Three Hundred Fifty-two Dollars and 92/100ths (\$168,352.92).

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that a 2017 John Deere 544K II 4 WD with landfill package Front-end Loader be purchased from Murphy Tractor & Equipment Co., of Gering, NE and the contract is awarded in the amount of One Hundred Sixty-eight Thousand Three Hundred Fifty-two Dollars and 92/100ths (\$168,352.92) from Account No. 06-51-55-59-950.

*BE IT FURTHER RESOLVED* that the City Manager is authorized to execute the documents associated with this purchase.

Council questioned the reasonable expectation of years of use for this piece of equipment. Electric Superintendent Tvrs informed the Council 15 years is typical. He also reported that the City would be getting \$36,000 for the trade-in of our current front-end loader.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

- The next matter before Council was Resolution No. 16-139 which will authorize the purchase of two replacement Zoll X-series defibrators. Council was provided with the following background information:

[The Alliance Fire Department currently owns two Zoll E-Series defibrators that were ordered in October 2008. In the FY16-17 budget the Fire Chief has budgeted \$80,000 to replace the defibrators that were purchased almost 9 years ago.

The Alliance Fire Department is a member of FireRescue GPO. FireRescue GPO is a national cooperative procurement program of NPPGov, providing fire and rescue departments access to contracts created through a public RFP process by a Lead Public Agency. Member departments "piggyback" on the contract, eliminating the need to complete their own RFP process.

Fire Department staff contacted their Zoll Medical representative to receive pricing through the FireRescue GPO. Staff has quoted pricing from the representative that is actually lower than what the FireRescue GPO can provide to the Fire Department and closer to the Mission Lifeline pricing which the Alliance Rural Fire District has previously received. (The line item discount on the current quote is at 23% where the FireRescue GPO pricing is at 18% discount.)

Fire Department staff is requesting approval of the proposal dated November 15, 2016 at the stated cost of \$52,044.61 (or \$27,955.39 under budget) for the purchase of the of the two Zoll X-Series defibrulators. The purchase will be charged to GL 01-37-38-59-950 against the \$80,000 budget.]

Councilman Korber-Gonzalez made a motion to approve Resolution No. 16-139, which was seconded by Councilman Jones. The resolution follows in its entirety:

#### RESOLUTION NO. 16-139

*WHEREAS*, The City of Alliance owns and operates the emergency ambulance response service for the residents and guests of the City of Alliance; and

*WHEREAS*, The City of Alliance needs to replace our existing two Zoll E-Series defibrulators which were acquired in 2008; and

*WHEREAS*, The City received quotes from FireRescue GPO which is a national cooperative procurement program of NPPGov, providing fire and rescue departments access to contracts created through a public Request for Proposals process; and

*WHEREAS*, Staff has received a quote from Zoll Medical in the amount of Fifty-two Thousand Forty-four Dollars and 61/100<sup>th</sup> (\$52,044.61) which is below the pricing received from FireRescue GPO.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that authorizes the purchase of two Zoll X-Series Defibrulators from Zoll Medical in the amount of Fifty-two Thousand Forty-four Dollars and 61/100<sup>th</sup> (\$52,044.61) from Account No. 01-37-38-59-950.

*BE IT FURTHER RESOLVED* that the City Manager is authorized to execute the documents associated with this purchase.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 16-136 which recommends the City of Alliance enter into an Agreement with M.C. Schaff and Associates, Inc. for general engineering services. Council was provided with the following background information:

[The City of Alliance solicited Statements of Qualifications and Bid Proposals to secure the services of a Professional Engineer for various miscellaneous projects throughout the organization which may be required from time to time. The City received two proposals and upon review by City staff, M.C. Schaff & Associates, Inc. of Scottsbluff, NE has been recommended to provide the general engineering-related services.

The contract will be for a period of five years with expected costs of less than \$20,000 per year. Typical projects will be smaller scale and occur on an as-needed basis. Projects are related to utilities, buildings, materials testing, field surveys and infrastructure. Services may include surveying, design and oversight.]

Councilman Korber-Gonzalez made a motion to approve Resolution No. 16-136, which was seconded by Councilman Reynolds. The resolution follows in its entirety:

#### RESOLUTION NO. 16-136

*WHEREAS*, The City of Alliance desires to obtain the services of an engineering firm to provide engineering and professional services on an as needed basis; and

*WHEREAS*, The City issued a Request for Statement of Qualifications and Bid Proposals for General Engineering Services; and

*WHEREAS*, Two responses were received to our Request for Statement of Qualifications and Bid Proposals for General Engineering Services; and

*WHEREAS*, Following review by City staff, M.C. Schaff and Associates, Inc., of Scottsbluff, Nebraska has been recommended to provide engineering and professional services as needed for miscellaneous projects within the City organization; and

*WHEREAS*, The Mayor and City Council deem it expedient and beneficial to contract engineering and professional services on an as needed basis for various miscellaneous projects throughout the organization with M.C. Schaff and Associates, Inc.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign an agreement between M.C. Schaff and Associates, Inc., and the City of Alliance to provide for engineering and professional services as needed for miscellaneous projects within the City organization.

*BE IT FURTHER RESOLVED*, the contract price shall not exceed \$20,000.00 within any given year based on rates established within the Engineering Services Agreement unless with further Council approval.

Following discussion of this item, Council felt it may be more appropriate to add a clause in the agreement requiring a two year review.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

- The next item on the agenda was Resolution No. 16-140, which accepts the donation of an illuminated sign for the entrance of the Sallows Military Museum. Council was provided with the following background information:

[The Jesse family, together with the Sallows Military Museum Allies, would like to donate a sign to be placed in front of Sallows Military Museum to better identify the building. The illuminated sign is approximately 4' by 6' with a brick base and will be located north of the front door on the west side of the museum.

City staff became involved with this process after the sign had been purchased, and had no input or participation in the design of the sign or in arrangements for installation. Staff has been working with the donors, to ensure we follow the proper procedure for accepting gifts to the City. This donation is before Council for their consideration in accordance with Resolution No. 06-75 which states that Council should determine if the donation is "appropriate to the purpose of the City, and in accord with the standards of the community prior to accepting the gift."

Staff has several general perspectives for Council to consider when acting on gifts since they come to us in various values and forms. The Council does have review authority over most forms. Some questions that arise are at what point do naming "rights" apply or is there a dollar value needed to name a donated item, from park benches to fountain lighting? Long-term maintenance is a consideration, as well as how the donated item fits into the scheme of other City facilities and fixtures. Is the donation composed of quality, long-lasting material and does it fit into an established design scheme (existing park signage as an example)? Should the donated item memorialize individuals with or without affiliation? Military affiliation is obvious, but there may be others that are questionable.

Final placement will be approved by City staff and a building permit will be required for the project. The sign will be installed by Ferguson Signs of Scottsbluff, NE. The family will pay for all costs associated with installation of the sign with the estimated value of the donation being approximately \$7,000. If approved, the sign is expected to be installed within the next week or so pending favorable weather conditions.]

Councilman Korber-Gonzalez made a motion to approve Resolution No. 16-140, which was seconded by Councilman Mischnick. The resolution follows in its entirety:

## RESOLUTION NO. 16-140

*WHEREAS*, The City of Alliance owns and operates the Sallows Military Museum; and

*WHEREAS*, The Jesse Family would like to donate an illuminated sign which is approximately 4' by 6' with a brick base identifying the Museum; and

*WHEREAS*, The sign will be located north of the front door on the west side of the Museum; and

*WHEREAS*, The estimated value of the donation, including installation is \$7,000.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the donation of the Jesse Family is accepted on behalf of the Alliance citizens as proposed.

Mr. Roger Bussey, 1620 CR 71, Hemingford, NE and Mr. Roy Jesse, 602 Crook, Hemingford, NE representing the family donating the funds addressed Council and described the sign which has been purchased.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Mischnick, Reynolds, Jones.

Voting Nay: Yeager.

Motion carried.

- Boards appointments and board vacancy announcements were the next matter before Council.

Mayor Yeager made a motion to accept the letter of resignation received from Brian Mischnick from the Alliance Planning Commission as he is no longer able to serve, due to his election to City Council. The motion was seconded by Councilman Korber-Gonzalez.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Reynolds, Jones, Mischnick.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Korber-Gonzalez and second by Councilman Reynolds to accept the resignation of Kathryn Worley from the A-1 and A-2 Downtown Improvement Districts Boards.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

Council was informed that Miriam Bowen has stepped down from serving on the Park and Tree Board due to health issues prohibiting her from being an active board member. A motion was made by Councilman Korber-Gonzalez and seconded by Councilman Mischnick to accept Mrs. Bowen's resignation.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

Council was notified of the departure of Lori Bates from the Park and Tree Board. Lori has moved, therefore will no longer be available to serve on the Board. A motion was made by Councilman Korber-Gonzalez and seconded by Councilman Mischnick to accept Mrs. Bates' resignation.

Roll call vote with the following results:

Voting Aye: Korber-Gonzalez, Yeager, Mischnick, Reynolds, Jones.

Voting Nay: None.

Motion carried.

A motion was made by Mayor Yeager, seconded by Councilman Korber-Gonzalez to appoint Wally Seiler to the Library Board with a term expiring June 30, 2020.

Roll call vote with the following results:

Voting Aye: Reynolds, Korber-Gonzalez, Yeager, Mischnick, Jones.

Voting Nay: None.

Motion carried.

A motion was made by Mayor Yeager, seconded by Councilman Mischnick to appoint Raymond Hielscher to the Alliance Planning Commission with a term expiring December 31, 2017.

Roll call vote with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Yeager, Reynolds, Jones.

Voting Nay: None.

Motion carried.

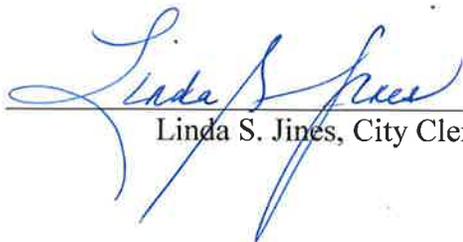
Councilman Jones reported the following board openings at this time: two vacancies on the Board of Adjustment and one vacancy on the Alliance Planning Commission for an alternate member.

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).

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:57 p.m."

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

(SEAL)

  
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Linda S. Jines, City Clerk