

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, FEBRUARY 7, 2017

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

The Alliance City Council met in a Regular Meeting, February 7, 2017 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 February 1, 2017. 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 February 7, 2017 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council members 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.

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

A motion was made by Councilman Jones, seconded by Councilman Mishnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – FEBRUARY 7, 2017

1. Approval: Minutes of the Regular Meeting, January 17, 2017.
2. Approval: Payroll Costs for the period December 31, 2016 through January 13, 2017: \$200,871.50.
3. Approval: Claims against the following funds for the period , 2017 through , 2017: 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; \$1,556,944.48.

4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending December 31, 2016. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of fund transfers, meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Approval: Official Notice of Revised Rate Schedule Bulk Power Participants, Service Schedule M which will be effective April 1, 2017.
6. Approval: Nebraska Department of Roads Certificate of Compliance. This Certificate certifies that the City of Alliance performed all roadway snow removal and/or surface maintenance required as a result from Maintenance Agreement No. 3. Completion of the work was verified with Street Superintendent Jensen.
7. Approval: The issuance of the following Contractor Licenses:

Master Plumber	Merle Russell dba Affordable HVAC LLC Oswaldo R. Beraun dba Beraun's Plumbing & Heating Co.
Master HVAC	Merle Russell dba Affordable HVAC LLC
Gas Fitter	Merle Russell dba Affordable HVAC LLC Oswaldo R. Beraun dba Beraun's Plumbing & Heating Co.
Tree Surgeon	James E. Butcher dba Jim Butcher Tree Service Glenn A. Patrone dba Patrone's Landscaping & Tree Care Tom Iodence dba T & G Tree Service Heather Hauptman dba All Seasons Landscaping Howard E. Jensen dba J & C Lawn Service Sterling Stinson dba Stinson's Services

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was the presentation by Councilman Korber-Gonzalez of the Alliance Recycling Study prepared by Eco-Cycle, Engineering Solutions & Design, Inc. and WasteCap Nebraska.

The study reported there is a strong community support for recycling that shows residents value the program and its benefits to Alliance. The City sees direct financial benefits from recycling by extending its landfill life and reducing disposal costs. Councilman Korber-Gonzalez reviewed the tonnage currently collected and the amount of tonnage needed to breakeven and to be financially profitable. A complete copy of the study is available in the City Clerk's Office.

- Council next heard the requests of Mr. Scott Bolinger regarding regulations pertaining to abandoned churches and schools and flexibility of mixed zoning.

Scott Bolinger, 507 Niobrara Avenue, was in attendance to discuss his requests with Council. He stated he would like to have the zoning regulations pertaining to abandoned churches and schools removed from the Municipal Code. Mr. Bolinger also stated his desire to have Council consider allowing mixed zoning within the community. No action was taken by Council on his two requests.

- A Public Hearing on the Conditional Use Permit Application of Shannon Alwin to operate a twelve-child daycare center at 1511 Emerson Avenue was the next item before Council. Following the public hearing, Resolution No. 17-12 will be considered which will authorize the Conditional Use Permit. The following background information was provided to Council:

[The City of Alliance is in receipt of an application for a Conditional Use Permit from Shannon Alwin. The Conditional Use Permit application is to allow a twelve-child daycare at 1511 Emerson Avenue also known as Lots 8 and 9, Block 3, Johnstons Addition to the City of Alliance.

The proposed location is an existing single-family residence and is zoned R-1 Single-Family Residential and is currently used as the applicant's home. Daycare and nurseries are not a Permitted Use in R-1 zoning districts but are allowed with the approval of a Conditional Use Permit by the Alliance City Council. The property is bordered to the north, south, east, and west by R-1, Single-Family Residential zoning.

The City mailed Notification Petitions to the owners within a 300' radius of the property. As of January 6, the City had received eight of the thirty-six petitions back. Five are in favor of the Conditional Use Permit and three are disinterested.

Staff believes that the land use would not be any more intense than other similar uses by right in the same district such as schools and churches. The structure will not change as part of the issuance of the CUP maintaining the general character of the Northside Neighborhood as recommended by the Alliance Comprehensive Plan.

The City of Alliance Planning Commission met at their regular meeting January 10, 2017 and voted to recommend that the City Council approve a Conditional Use Permit for a daycare at 1511 Emerson Avenue in Alliance. Staff recommends the issuance of the Conditional Use Permit for allowing a daycare in the existing single-family residence with the following conditions:

- The drop-off only be allowed in the driveway or along the east side of Emerson Avenue to eliminate the need to cross the street.

- A copy of the State of Nebraska's documentation and permitting for the daycare be kept on record with the City.]

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 Conditional Use Permit Application of Shannon Alwin to operate a daycare at 1511 Emerson Avenue and opened the public hearing at 7:23 p.m.

Shannon Alwin, 1511 Emerson Avenue, was in attendance to discuss her plans for the daycare and the need for a Conditional Use Permit. Ms. Alwin welcomed questions from Council and staff.

No additional testimony was offered, the Public Hearing closed at 7:25 p.m.

Councilman Korber-Gonzalez made a motion to approve Resolution No. 17-12, which was seconded by Councilman Jones. The resolution follows in its entirety:

#### RESOLUTION NO. 17-12

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

*WHEREAS*, Shannon Alwin has requested a Conditional Use Permit for Lots 8 and 9, Block 3, Johnstons Addition to the City of Alliance, Box Butte County, Nebraska (1511 Emerson Avenue) to allow for a twelve-child daycare facility; and

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

*WHEREAS*, The Community Development Director has recommended the granting of the Conditional Use Permit; and

*WHEREAS*, On the 10<sup>th</sup> day of January, 2017, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for Shannon Alwin; and

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

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

*NOW, THEREFORE, BE IT RESOLVED* that the Conditional Use Permit of Shannon Alwin to allow for a twelve-child daycare facility on Lots 8 and 9, Block 3, Johnstons Addition

to the City of Alliance, Box Butte County, Nebraska (1511 Emerson Avenue), is hereby authorized and approved with the following conditions:

- (1) The drop-off of children will only be allowed in the driveway or along the east side of Emerson Avenue to eliminate the need to cross the street.
- (2) A copy of the State of Nebraska's documentation and permitting for the daycare will be provided and kept on record with the City.
- (3) A review the operation will be required annually to ensure conditions are continuing to be met.

*BE IT FURTHER RESOLVED*, that the Conditional Use Permit shall be presumed inactive if the conditional use is not commenced within twelve months of February 2, 2017.

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 a Public Hearing on the City of Alliance Street Improvement One and Six Year Plans. Following the public hearing, Council will consider Resolution No. 17-13 which will approve the Plans. Council was provided with the following information:

[The City is required to prepare and submit an annual street plan to the Nebraska Board of Public Roads no later than March 1 for the previous calendar year. The Planning Commission at its January 10<sup>th</sup> meeting reviewed and approved recommending the attached proposed One and Six Year Street Program to Council. The report was prepared by M.C. Schaff & Associates of Scottsbluff, NE as our certified streets superintendent.

The following ten projects are included in the One Year Program:

Project No	Street	Cross Streets	Material	Miles	Est. Costs
M-108(159)	Tenth Street	Box Butte to Flack Avenue	Concrete	1.1	\$2,677,500
M-108(163)	Box Butte Avenue	3 <sup>rd</sup> to 5 <sup>th</sup> Street	Concrete	0.1	\$723,000
M-108(189)	U S Hwy 385 W CL	Kansas to 3 <sup>rd</sup> Street	Concrete Asphalt	1.1	\$2,500,000
M-108(182)	Laramie Avenue	4 <sup>th</sup> to 10 <sup>th</sup> Street	Asphalt	0.4	\$205,000
M-108(183)	Mississippi Avenue	2 <sup>nd</sup> to 10 <sup>th</sup> Street	Asphalt	0.4	\$250,000
M-108(181)	4 <sup>th</sup> Street	Emerson to Box Butte Avenue	Asphalt	0.3	\$180,000
M-108(194)	21 <sup>st</sup> Street	Box Butte Avenue west 600 ft.	Asphalt	0.1	\$75,000
M-108(196)	Buchfinck Avenue	14 <sup>th</sup> to 16 <sup>th</sup> Street	Asphalt	0.1	\$75,000
M-108(195)	2 <sup>nd</sup> Street	Potash to Niobrara Avenue	Concrete	0.4	\$205,000
M-108(158)	Emerson Avenue	25 <sup>th</sup> to 31 <sup>st</sup> Street	Asphalt	0.3	\$200,000
M-108(191)	Sweetwater Ave.	4 <sup>th</sup> to 8 <sup>th</sup> Street	Asphalt	0.2	\$125,000
M-108(192)	Niobrara Avenue	3 <sup>rd</sup> to 10 <sup>th</sup> Street	Asphalt	0.5	\$210,000
M-108(193)	Yellowstone Ave.	4 <sup>th</sup> to 8 <sup>th</sup> Street	Concrete	0.3	\$75,000
M-108(178)	Intersection	18 <sup>th</sup> Street and Box Butte Avenue	Concrete		\$150,000

The following four programs appear in the Six Year Program:

Project No	Street	Cross Streets	Material	Miles	Est. Costs
M-108(176)	West Third Street	150-ft E/W of Railroad Underpass	Asphalt	0.1	\$105,000
M-108(190)	Eighteenth Street	Colorado to Emerson Avenue	Asphalt	0.1	\$50,000
M-108(168)	Sixteenth Street	Buchfinck to Platte Avenue	Concrete	0.3	\$1,000,000
M-108(164)	Sweetwater Avenue	18 <sup>th</sup> to 25 <sup>th</sup> Street	Concrete	0.5	\$1,200,000
M-108(166)	Third Street	Howard to Elkhorn Avenue (with NDOR)	Concrete Asphalt	1.5	\$1,357,000
M-108(115)	West Third Street	Black Hills to Howard Avenue (underpass with NDOR and BNSF)	Concrete Asphalt	0.3	\$5,443,000

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 City of Alliance One and Six Year Street Improvement Plans and opened the public hearing at 7:26 p.m.

Jeff Wolfe, Associate with M.C. Schaff and Associates and the City’s contracted Street Superintendent, was in attendance and presented and reviewed the proposed plans with Council. No other individuals from the public provided any additional input or had questions.

Hearing no further testimony, the Public Hearing closed at 7:34 p.m.

Councilman Mischnick made a motion to approve Resolution No. 17-08, which was seconded by Councilman Reynolds. The resolution follows in its entirety:

## RESOLUTION NO. 17-13

*WHEREAS*, The Nebraska law requires that the City of Alliance develop and file with the Board of Public Roads Classifications and Standards, a long range six year plan of highway, road and street improvements; and

*WHEREAS*, Such plan must be extended annually on or before the anniversary date; and

*WHEREAS*, City staff has prepared a One and Six Year Plan to meet these legal requirements; and

*WHEREAS*, The City published and held a public hearing on February 2, 2017; and

*WHEREAS*, The plan was submitted to Council and examined by the City Council at a regular meeting conducted on February 2, 2017; and

*WHEREAS*, Council believes the plan is appropriate and should be approved.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the One and Six Year City Street Improvement Plan prepared by the City of Alliance Street Department is hereby approved and the City staff is authorized to forward the Plan to the Board of Public Roads Classifications and Standards.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was a Public Hearing on the Blighted and Substandard Designation for a part of Original Town. Following the public hearing, Resolution No. 17-14 will be considered which will declare the property as substandard and blighted pursuant to Community Development Law for the State of Nebraska. Council was provided with the following background information:

[The Alliance Community Redevelopment Authority is proposing the inclusion of a four block area in the southwest portion of Original Town as a blighted and substandard district. The area includes Blocks 19, 20, 29 and 30 of the Original Town which is an area bordered on the south by First Street, on the north by Third Street, on the west by Big Horn Avenue and east by Laramie Avenue. In order to add the area as a district, a blighted and substandard study must be conducted. Staff has prepared a blighted and substandard study for a portion of the Original Town for review by Council.

The area is located in the Southside Neighborhood as identified by the Alliance Comprehensive Plan. The Plan notes that this area of town has not developed to its fullest potential and has failed to take advantage of its location adjacent to the railroad. It also notes that the street conditions are inconsistent and lacks any memorable streetscape. There is also cited the lack of maintenance of structures in this neighborhood and recommends the City pursue economic development of this area.

The Planning Commission held a public hearing at their January 10, 2017 regular meeting and found that the Study showed the existence of blighted and substandard conditions in the study area and that the inclusion as a new district will open up opportunities for redevelopment in the Southside Neighborhood. The Planning Commission then voted to recommend that the Council accept the Blighted and Substandard Study and for the inclusion of the southwest portion of Original Town to the City of Alliance as a blighted and substandard 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 blighted and substandard designation of property located in Blocks 19, 20, 29 and 30 of Original Town, Box Butte County and opened the public hearing at 7:36 p.m.

Brent Kusek, Community Development Director, reviewed the Study with Council and answered questions.

Hearing no further testimony, the Public Hearing closed at 7:39 p.m.

Councilman Mischnick made a motion to approve Resolution No. 17-14, which was seconded by Councilman Jones. The resolution follows in its entirety:

RESOLUTION NO. 17-14  
(BLOCKS 19, 20, 29 AND 30 OF ORIGINAL TOWN, ALLIANCE -  
BLIGHTED AND SUBSTANDARD AREA)

*WHEREAS*, it is necessary, desirable, advisable, and in the best interests of the City of Alliance, Nebraska (the “City”), for the City to undertake and carry out redevelopment projects in certain areas that are determined to be blighted and substandard and in need of redevelopment; and

*WHEREAS*, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

*WHEREAS*, Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard; and

*WHEREAS*, on Tuesday, February 7, 2017 the Mayor and City Council of the City held a public hearing (the “Public Hearing”) to determine whether the following described area (the “Redevelopment Area”) should be declared blighted and substandard and in need of redevelopment as required by the Act:

An area of land located in Box Butte County, Nebraska, more particularly described as follows:

Block 19, 20, 29, and 30, Original Town, Alliance, Box Butte County, Nebraska.

*WHEREAS*, notice of the Public Hearing was published according to law, which notice described the time, date, place and purpose of the Public Hearing and the legal description of the Redevelopment Area; the last publication of such notice being at least ten days prior to the time of the Public Hearing; and

*WHEREAS*, on or before 10 days prior to the time of the Public Hearing, the City mailed notice of the Public Hearing by United States Mail, sufficient postage affixed, to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the Redevelopment Area and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district with real property in the Redevelopment Area, which notice included the time, date, place, and purpose of the Public Hearing and included a map of sufficient size to show the Redevelopment Area; and

*WHEREAS*, the Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a *Blighted and Substandard Area Determination Analysis – Original Town Area* prepared by the City of Alliance Community Development Department (the “Blight Study”); and

*WHEREAS*, the Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

*NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA AS FOLLOWS:*

Section 1. The Redevelopment Area is declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Blight Study is attached as Attachment 1.

Section 2. The Redevelopment Area is further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in the Act, including, without limitation, (a) one or more of the factors set forth in Section 18-2103(11)(a) of the Act and (b) at least one of the factors set forth

in (i) through (v) of Section 18-2103(11)(b) of the Act, as described and set forth in the Blight Study.

Section 3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

Section 4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was a Public Hearing on the Blighted and Substandard Designation for the Central School area. Following the public hearing, Resolution No. 17-14 will be considered which will declare the property as substandard and blighted pursuant to Community Development Law for the State of Nebraska. Council was provided with the following background information:

[The Alliance Community Redevelopment Authority is proposing the inclusion of a six block area around Central School as a blighted and substandard district. The area includes portions of the Original Town; First, Second and County Additions bound by Fifth Street on the South, Eight Street on the North, Laramie Avenue on the West and Niobrara Avenue on the East. In order to add the area as a district, a blighted and substandard study must be conducted. Staff has prepared a blighted and substandard study for the Central School Area for the Council's review.

The Area is located in the Core Neighborhood as identified by the Alliance Comprehensive Plan. The Plan notes that this area of town is considered the "heart" of the community and projects a distinct character and that its importance to the community cannot be overstated. The Plan identifies the area as having a welcoming, mature, and memorable streetscape appearance. These attributes identified by the Plan should be maintained and TIF provides a resource for that preservation.

The Planning Commission held a public hearing at their January 10, 2017 regular meeting and found that the study showed the existence of blighted and

substandard conditions in the Study Area and that the inclusion as a new district will open up opportunities for redevelopment of the Core Neighborhood as identified by the Alliance Comprehensive Plan. The Planning Commission then voted to recommend that the Council accept the Blighted and Substandard Study and for the inclusion of Central School Area to the City of Alliance as a blighted and substandard 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 blighted and substandard designation of property located in the Central School area and opened the public hearing at 7:41 p.m.

Brent Kusek, Community Development Director, reviewed the Study with Council and answered questions.

Scott Bolinger, 507 Niobrara Avenue informed Council that he had been trying to make improvements to this property for eight years. He asked if plumbing improvements would qualify as part of the redevelopment plans.

Steve Redecker, 2720 Emerson Avenue stated he was in favor of redeveloping that property as it is much needed. He also informed Council that he believes a homeless veteran is currently living in the former school.

No additional testimony was offered, the Public Hearing closed at 7:49 p.m.

Councilman Korber-Gonzalez made a motion to approve Resolution No. 17-15, which was seconded by Councilman Mischnick. The resolution follows in its entirety:

RESOLUTION NO. 17-15  
(CENTRAL SCHOOL AREA - BLIGHTED AND SUBSTANDARD AREA)

*WHEREAS*, it is necessary, desirable, advisable, and in the best interests of the City of Alliance, Nebraska (the “City”), for the City to undertake and carry out redevelopment projects in certain areas that are determined to be blighted and substandard and in need of redevelopment; and

*WHEREAS*, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

*WHEREAS*, Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard; and

*WHEREAS*, on Tuesday, February 7, 2017 the Mayor and City Council of the City held a public hearing (the “Public Hearing”) to determine whether the following described area (the

“Redevelopment Area”) should be declared blighted and substandard and in need of redevelopment as required by the Act:

An area of land located in Box Butte County, Nebraska, more particularly described as follows:

The area includes All of Block 7, Second Addition to the City of Alliance, Lots 13-18, Block 3, 1<sup>st</sup> Addition to the City of Alliance, Lots 13-18, Block 4, Original Town, City of Alliance, Lots 1-6, Block 3, Original Town, City of Alliance, Lots 12-34, Excluding Lot 29, County Addition to the City of Alliance, Box Butte County, Nebraska.

*WHEREAS*, notice of the Public Hearing was published according to law, which notice described the time, date, place and purpose of the Public Hearing and the legal description of the Redevelopment Area; the last publication of such notice being at least ten days prior to the time of the Public Hearing; and

*WHEREAS*, on or before 10 days prior to the time of the Public Hearing, the City mailed notice of the Public Hearing by United States Mail, sufficient postage affixed, to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the Redevelopment Area and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district with real property in the Redevelopment Area, which notice included the time, date, place, and purpose of the Public Hearing and included a map of sufficient size to show the Redevelopment Area; and

*WHEREAS*, the Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a *Blighted and Substandard Area Determination Analysis – Central School Area* prepared by the City of Alliance Community Development Department (the “Blight Study”); and

*WHEREAS*, the Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

*NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA AS FOLLOWS:*

Section 1. The Redevelopment Area is declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Blight Study is attached as Attachment 1.

Section 2. The Redevelopment Area is further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in the Act, including, without limitation, (a) one or more of the factors set forth in Section 18-2103(11)(a) of the Act and (b) at least one of the factors set forth

in (i) through (v) of Section 18-2103(11)(b) of the Act, as described and set forth in the Blight Study.

Section 3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

Section 4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The Conditional Use Permit Application of Dale Jeske Jr. to operate a RV Park at 2131 CR 59 was the next agenda item. Resolution No. 17-07 will be considered to authorize the Conditional Use Permit. Council was provided with the following background information:

[The City of Alliance Community Development Department is in receipt of an application for a Conditional Use Permit from Dale Jeske Jr. The Conditional Use Permit application is to allow the development of an RV park at 2131 CR 59. The property is presently used as a single-family residence.

The property is described as 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. It is zoned C-3, Highway Commercial and is bordered to the north, east, and west, by Agriculture zoning and to the south by RR, Rural Residential zoning. RV parks are not permitted uses in any zoning district but are allowed by CUP in C-3, Highway Commercial.

The City mailed four notification petitions to properties within 300' of the applicant. Of those four, the City received three of them back. One was in favor of the CUP, one was against it for security reasons, and the third was for it as long as there were conditions placed on the CUP that protected the owner's privacy and security.

The City of Alliance Planning Commission held a public hearing at its regular meeting on December 13, 2016 and recommended that the City Council approve

the Conditional Use Permit application from Dale Jeske Jr. allowing an RV park at 2131 CR 59 with the conditions that:

- Mr. Jeske construct and maintain a privacy fence or plant trees or hedges approximately 250' south of the north property line blocking the view from Mr. Petty's property to the north.
- The RV park may not be developed within 250' of the north property line.

Staff also recommends the conditions that the park may not exceed the boundaries of those shown on the site plan and that the property owner may occupy the existing single-family residence on the lot as the RV park owner and host. If the park were to be expanded in the future, a revised site plan showing the expansion must be submitted along with an additional CUP application.

At the January 17 Council meeting, Council recommended that the condition regarding the privacy fence or hedge row be removed from the resolution and the revised resolution be placed on the February 7 agenda.]

Dale Jeske Jr., 522 Laramie Avenue, was in attendance to discuss his plans for the RV park and welcomed questions from staff and Council.

Councilman Mischnick made a motion to approve amended Resolution No. 17-07, which was seconded by Councilman Jones. The resolution follows in its entirety:

#### RESOLUTION NO. 17-07

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

*WHEREAS*, Dale Jeske Jr. has requested a Conditional Use Permit on 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> P.M. in Alliance, Box Butte County, Nebraska to allow for the development of a recreational vehicle camping facility; and

*WHEREAS*, The Community Development office has examined the request and finds that the request to allow for the development of a recreational vehicle camping facility in a C-3 Highway Commercial District is appropriate for the granting of a conditional use; and

*WHEREAS*, The Community Development Director has recommended the granting of the Conditional Use Permit; and

*WHEREAS*, On the 13<sup>th</sup> day of December, 2016, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for Dale Jeske Jr.; and

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

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

*NOW, THEREFORE, BE IT RESOLVED* that the Conditional Use Permit of Dale Jeske Jr. to allow for the development of a recreational vehicle camping facility on 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> P.M. in Alliance, Box Butte County, Nebraska, is hereby authorized and approved with the following conditions:

- (1) The recreational vehicle camping facility may not be developed within 250' of the north property line;
- (2) If the park were to be expanded in the future, a revised site plan showing the expansion must be submitted along with an additional CUP application; and
- (3) Staff will review the operation annually to ensure conditions are continued to be met.

*BE IT FURTHER RESOLVED*, that the Conditional Use Permit shall be presumed inactive if the conditional use is not commenced within twelve months of February 7, 2017.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 17-16 was the next agenda item. Resolution No. 17-16 will award the rehabilitation of Sewer Lift Station B and C to K.L. Wood & Company, LLC in the amount of \$383,100. Council was provided with the following background information:

[The need to rehabilitate Sewer Lift Stations B and C has been identified and included in the City's long-term capital plan for several years. Both lift stations were constructed in the 1960s and are increasingly problematic with ever-increasing maintenance costs. In the past fiscal year, M.C. Schaff & Associates was engaged to prepare the bid specifications and engineer the project.

The Advertisement for Bid was published January 7, 14 and 21. A pre-bid meeting was held on January 17 with two vendors present. Three bid packets were distributed with only one bid received at the opening on January 31, 2017. The sole bid was from K.L. Wood & Company LLC of Alliance in the amount of

\$383,100. The engineer's estimate for this project was \$260,000; but there were additional requirements placed on this project by Department of Environmental Quality (DEQ) that were unexpected. The bid still falls within the approved budgeted authority of \$400,000 included in Lift Station Improvements (GL #07-52-58-59-921).]

Councilman Reynolds made a motion to approve Resolution No. 17-16, which was seconded by Councilman Mischnick. The resolution follows in its entirety:

RESOLUTION NO. 17-16

*WHEREAS*, The City of Alliance owns and operates the sanitary sewer system within the community; and

*WHEREAS*, Bid Specifications were prepared and issued for the Rehabilitation of Sewer Life Stations B and C; and

*WHEREAS*, Three bids packets were issued and one was returned with the lowest, responsible and responsive bidder being K. L. Wood Company, LLC, of Alliance, NE in the amount of Three Hundred Eighty-three Thousand One Hundred Dollars and no/100<sup>th</sup> (\$383,100); and

*WHEREAS*, Budget authority for this project is available in the amount of \$400,000.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign a contract with K. L. Wood Company, LLC in the amount of Three Hundred Eighty-three Thousand One Hundred Dollars and no/100<sup>th</sup> (\$383,100) for the Sewer Lift Station B and C Rehabilitation Project.

*BE IT FURTHER RESOLVED* Council is authorizing a change order allowance not to exceed Sixteen Thousand Nine Hundred Dollars and no/100<sup>th</sup> (\$16,900) toward this project should it be necessary due to the type of work being completed.

*BE IT FURTHER RESOLVED* that funding for this project is authorized from Account No. 07-52-58-59-921.

Concern was expressed by Councilman Korber-Gonzalez that there was only one bid. Jeff Wolfe of M.C. Schaff was in attendance representing another engineer from their firm that conducted the work for this project. He reported that three bid packets were issued and that two vendors participated in the pre-bid conference.

Water and Sewer Superintendent Ross reviewed the project with Council. He stated there would be a lead time of at least 120 days to obtain the necessary parts for the project.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 17-17 will renew the City's current contract with All Seasons Landscaping and was the next matter before Council. The following background information was provided:

[On January 15, 2016, the City of Alliance released ITB No. 0171-16-01 for the completion of contract landscape maintenance within the parks system. The contract ensures the spring preparation (cutting back of all annual plants and grasses), planting of any annuals or perennials and seasonal sustention (maintenance and weed removal) from March 1 to October 30 each year. That bid was awarded to All Seasons Landscape Maintenance and Design. The Scope of Service section of ITB No. 0171-16-01 allows for a one-year initial award with three optional one-year renewal periods. The renewal for the 2017 season will be the first of three optional annual contract renewals.

All Seasons Landscape Maintenance and Design has provided a quote for the 2017 contract renewal and the annual maintenance costs in 2017 will decrease by \$30 compared to last season. However, the overall total contract amount will increase if approved as proposed.

Staff is recommending that the downtown landscape beds and new landscape beds at Bower Ball Field be included in the 2017 contract renewal. This is suggested as the full time staff who previously managed these areas and supervised seasonal employees while completing these tasks retired in 2016. The position will be trained in 2017 to ensure these highly-visible landscape areas remain in excellent condition. The addition of these areas will increase the contract by \$4,100 which will be assumed by the Parks Division. Following is the revised allocation of costs:

Parks Division	\$ 30,560
Golf Course	\$ 3,200

Staff recommends extending the contract with All Seasons Landscape Maintenance and Design for the 2017 growing season in the amount of \$33,760. Adequate funds for the proposed annual contracts are included in the City of Alliance 2016-17 annual budget.]

Councilman Jones made a motion to approve Resolution No. 17-17, which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

## RESOLUTION NO. 17-17

*WHEREAS*, The City of Alliance prepared a request for quotations for contracting maintenance of public landscaped areas within the parks and municipally owned properties; and

*WHEREAS*, The City published an Invitation to Bid Landscaping Services for an initial one year contract, March through October 2016, with the option of three annual renewals; and

*WHEREAS*, The City awarded the contract to All Seasons Landscaping; and

*WHEREAS*, Cultural and Leisure Services Director Brown has reviewed the contract and the performance of All Seasons Landscaping and is recommending the first renewal of three possible renewals for the 2017 season; and

*WHEREAS*, The Mayor and City Council deemed it appropriate to hire an independent contractor to provided the labor for the clean up, planting and maintenance of the public landscaped areas within the park systems and municipally owned properties of the City of Alliance.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, that the Mayor is authorized to sign an agreement between the City of Alliance and All Seasons Landscaping to contract Planting Bed Maintenance which includes preparation (spring clean up), planting, transplanting and sustentation for the period commencing March 1 through October 31<sup>st</sup> for the year 2017, for the first of three possible renewal options which are dependent upon the satisfaction of the City.

*BE IT FURTHER RESOLVED* that the base contact price for the year 2017 shall be Thirty-three Thousand Seven Hundred Sixty and No/100ths Dollars (\$33,760.00).

*BE IT FURTHER RESOLVED* that the City Council will review the Contract at the completion of the 2017 season to determine the City's satisfaction with the Contractor's performance for consideration of the second of three annual renewal options.

Interim City Manager Kuckkahn stated he will be requiring the submittal of actual hours worked at each location on a weekly basis.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council was next presented with the First Quarter Financial Report by Finance Director Waggener.

Finance Director Waggener provided an overview and highlighted issues that were key financial components and extraordinary items impacting the financial statement within the first quarter. He also compared items to the current budget and previous year budget.

A motion was made by Councilman Jones, seconded by Councilman Reynolds to accept the First Quarter Financial Report as presented.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Board appointments and vacancy announcements were the next matters before Council.

The City currently has available vacancies on the Board of Adjustment (4), A-2 Downtown Improvement Board (1), Golf Advisory Board (1), Library Board (1), Park and Tree Board (2) and Police Advisory Board (School Representative). In addition, we have upcoming vacancies on the Senior Facility Advisory Board of which interest has been expressed for reappointment.

A motion was made by Councilman Mischnick to appointment Sue Williams to the Golf Advisory Board with a term expiring December 31, 2017 or when a new President of the Women's Golf Association is selected whichever is earlier. Councilman Korber-Gonzalez seconded the motion.

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 Councilman Mischnick to appoint Vern Lubash to serve on the Golf Advisory Board with a term expiring December 31, 2020. Councilman Jones seconded the motion.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Councilman Mischnick made a motion to reappoint Bo Secrest to the Board of Adjustment with a term expiring December 31, 2019. The motion was seconded by Councilman Jones.

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 Councilman Mischnick, seconded by Councilman Korber-Gonzalez to reappoint Officer Jacob Henion to the Police Citizen Advisory Board as the Police Department representative, with a term expiring December 31, 2019.

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 Councilman Mischnick, seconded by Councilman Jones to reappoint Connie Laing to the Park and Tree Board with a term expiring February 28, 2020.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Council announced 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 last item on Council’s agenda was an Executive Session to discuss a personnel matter.

Councilman Korber-Gonzalez motioned 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 a personnel matter and that along with Council, City Attorney Olsen, City Clerk Jines, and the City’s Consultant Jason Gray (by telephone) be in attendance. The motion was seconded by Councilman Mischnick.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The closed session began at 8:30 p.m. and ended at 9:51 p.m. No additional action was taken.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 9:53 p.m.”

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

(SEAL)

  
\_\_\_\_\_  
Linda S. Jines, City Clerk

