

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MARCH 21, 2017

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

The Alliance City Council met in a Regular Meeting, March 21, 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 March 15, 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 March 21, 2017 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council members Yeager, Jones, Mischnick, Korber-Gonzalez 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.
- Council’s first item on the agenda was the introduction of new City of Alliance Electric Journey Lineman Apprentice, Kevin Hardin.
- The Consent Calendar was the next matter for Council’s consideration.

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

CONSENT CALENDAR – MARCH 21, 2017

1. Approval: Minutes of the Regular Meeting, March 7, 2017.
2. Approval: Payroll Costs for the period February 25, 2017 through March 10, 2017: \$197,235.35.
3. Approval: Claims against the following funds for the period March 2, 2017 through March 9, 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; \$1,143,914.56.

4. Approval: The issuance of the following contractor licenses:

Repair & Maintenance	John A. Powers dba Rhino Linings of Alliance Rick Ridenour dba R & A Services Reza & G Construction Dustin Graham dba Graham Home Improvement
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Tree Surgeon	Patrick Hartman dba Flannel Brothers
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5. Approval: Acceptance of a Quitclaim Deed from Lonnie Cowher and Patricia Cowher for the West One-Half (W1/2) of Lot Twenty-seven (27), Section Six (6), Block Twenty (20), Third Addition to the Alliance Cemetery. This is being done in accordance with the Buy Back Policy which was established by City Council, for a total of \$327.50.

6. For Your Information: I have attached the updated Utility Rates/Fee Sheet for your reference, which includes Electric, Water, Sewer, Refuse Collection and Landfill. This update reflects the automatic 1% adjustment which will take effect on April 1, 2017 for electric.

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

Voting Nay: None.

Motion carried.

- Council next conducted a Public Hearing on the Preliminary and Final Plat request of LinPepCo. Following the public hearing, Council introduced Ordinance No. 2834 on first reading, which will approve the request. Council was provided with the following information:

[City staff and LinPepCo have applied for Preliminary and Final Plats that will dedicate the north 100' of Outlot A as right-of-way for the extension of Holsten Drive eliminating the dead end of Holsten Drive and a city alley. City proposed the dedication to LinPepCo and they agreed to plat the north portion of their outlot as right-of-way.

Outlot A was originally planned as a street along the east side of Block 11 Syndicate to connect Holsten Drive and Kansas Street. The idea was abandoned when the developer was told they would have to pave the street. The plats were changed to dedicate an outlot where the street was and this functions as a place saver until the need arises to plat the outlot as a street and pave it.

The change from street right-of-way to an outlot cut off the future extension of Holsten Drive to the east as the outlot was platted in its way, creating a dead end.

This also created a dead end for an alley that is dedicated to the City along the east property line of Block 10, Syndicate Addition, and made a problem for the City as the sanitary sewer that services the area was now located in the outlot without easement.

The City of Alliance Planning Commission met at its regular meeting February 14, 2017 and held a public hearing at which time City Staff recommended the approval of the Preliminary and Final Plats. Following the recommendation of the approval of the Preliminary Plat, the Planning Commission motioned to approve the Final Plat as presented, making the following findings:

1. That this is consistent with City of Alliance Comprehensive Plan in that it aids in connectivity and helps create a more defined street system in the West Gateway Neighborhood.
2. The existing dead end is not conducive to development in the City.
3. The dedication of a portion of Outlot A would eliminate the issue of sanitary sewer being located on private property without easement.
4. Its dedication would eliminate the dead end of the alley platted along the east property line of Block 10, Syndicate Addition to the City of Alliance.

Staff also recommends waiving the requirements for Public Works Elements for the Final Plat, as the dedication is for only 60' of right-of-way and the City is the applicant. The paving of the street will occur at such time the property to the east of this dedication is subdivided for sale or development occurs.]

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 Preliminary and Final Plat request of LinPepCo and opened the public hearing at 7:04 p.m.

No testimony was offered, the Public Hearing closed at 7:05 p.m.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2834. City Clerk Jines reading the ordinance by title which follows in its entirety.

ORDINANCE NO. 2834

AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL PLATS OF HOLSTEN DRIVE, A REPLAT OF HOLSTEN DRIVE AND THE NORTH 100 FEET OF OUTLOT A, AND OUTLOT 1A, A REPLAT OF OUTLOT A, TO THE CITY OF ALLIANCE, IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. The City of Alliance has received the application for approval of the Preliminary Plat and Final Plat of Holsten Drive, a Replat of Holsten Drive and the North 100 feet of Outlot A, and Outlot 1A, a Replat of Outlot A, to the City of Alliance, in the Southwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska from LinPepCo.

SECTION 2. The Planning Commission held a public hearing February 14, 2017, and has recommended the approval of the Preliminary Plat.

SECTION 3. The Planning Commission on February 14, 2017 also conducted a Public Hearing on the Final Plat of Holsten Drive, a Replat of Holsten Drive and the North 100 feet of Outlot A, and Outlot 1A, a Replat of Outlot A, to the City of Alliance, in the Southwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 4. The Preliminary Plat and the Final Plat of Holsten Drive, a Replat of Holsten Drive and the North 100 feet of Outlot A, and Outlot 1A, a Replat of Outlot A, to the City of Alliance, in the Southwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska are hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 5. 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. 2834 with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was a Public Hearing on proposed amendments to the Alliance Municipal Code zoning regulations to accommodate breweries, wineries and distilleries. Following the public hearing, Council introduced Ordinance No. 2835 on first reading, which will approve the amendment. Council was provided with the following information:

[Community Development staff was presented with a proposal to add language to the Municipal Code that would allow different types of alcohol production facilities in Alliance. The original proposal was to add provisions for microbreweries and brewpubs; however, City staff and legal counsel thought it would be best to expand the Code to include wine and spirits.

The City does not presently have language within the Code to accommodate breweries, microbreweries, distilleries, microdistilleries, wineries and

microwineries. The proposed ordinance will add language to the Code to allow these types of uses in Alliance. The allowance of these uses will require the addition of several definitions so that any development is consistent with the intentions of the Code. Many of the definitions are from Nebraska State Statute, but some will be unique to the City of Alliance.

Staff has identified each use as a different intensity and as such, not all uses will be allowed in every zoning district. For example, full scale breweries will not be allowed in the C-2, Central Business zoning as the use is aligned more towards industrial zoning in its intensity. Likewise, pubs will not be allowed in industrial zoning as restaurants are not an intense enough use for industrial.

The City of Alliance Planning Commission met at their regular meeting on February 14, 2017 and held a public hearing for the amendment of Sections 115-2, 115-106, 115-107, 115-108, 115-109 of the Alliance Municipal Code. They voted to recommend that the Alliance City Council amend these sections adding language that would allow distilleries, micro-distilleries, breweries, microbreweries, wineries, and micro-wineries, as well as adding definitions to maintain the intent of the 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 proposed amendments to the Alliance Municipal Code zoning regulations to accommodate breweries, wineries and distilleries and opened the public hearing at 7:06 p.m.

Mr. Nicolas MCCoy, 324 Missouri Avenue, Alliance appeared before Council and stated he was particularly interested in this amendment as he is planning on opening this type of business. He thanked Community Development Director Kusek for his assistance and willingness to address this matter.

Mr. Bradley Schwabb, no address at this time, stated he was in favor of the proposed amendment and complimented Council on their forward thinking on this matter.

Hearing no additional testimony, the Public Hearing closed at 7:08 p.m.

A motion was made by Councilman Reynolds, seconded by Councilman Korber-Gonzalez to approve the first reading of Ordinance No. 2835. City Clerk Jines reading the ordinance by title which follows in its entirety.

ORDINANCE NO. 2835

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTIONS 115-2 AND 115-106 THROUGH 115-109 OF THE ZONING REGULATIONS, RELATING TO BREWERIES, MICROBREWERIES, DISTILLERIES, MICRO-DISTILLERIES, WINERIES AND MICRO-WINERIES; 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. The Alliance Municipal Code at Section 115-02 shall be amended as follows:

Sec. 115-2. - Definitions.

(a) For the purpose of this chapter, the following words and terms as used herein are defined to mean the following:

Accessory building means a subordinate building having a use customarily incident to and located on the lot occupied by the main building, or having a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building or is under an extension of the main roof, and designed as an integral part of the main building.

Accessory use means a use of a building or land which is customarily incidental to, and located on the same lot or premises as the main use of the property.

Activity means the performance of a function or operation which constitutes a use of the land.

Agriculture means the employment of the land for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and by the grazing, feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals, or honey bees, and by dairying and the sale of dairy products.

Alley means a minor way which is used primarily for utility services and vehicular service access to the back or side of properties otherwise abutting on or adjacent to a street; affording only a secondary means of access to abutting property.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Animal unit means for purposes of this chapter, an animal unit is the term used to describe the relationship of various animals that are being held or fed. Slaughter steers and heifers are assigned the base unit of 1.0. The following multipliers are used in determining animal units:

Category	Animal Units
Slaughter steers and heifers	1.0
Cow-calf	1.3
Dairy cattle	1.4

Horse	0.75
Swine	0.4
Sheep	0.4
All fowl	0.05

Apartment means a room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single-family or group of individuals living together as a single housekeeping unit.

Apartment hotel means an apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Apartment house means a building arranged, intended, or designed for residence of more than two families.

Barbershop means a structure, area, or shop where a barber, as licensed by the Nebraska Board of Barber Examiners, for compensation cuts and dresses hair, shaves and trims beards, and performs related services allowed to be performed by persons licensed under the Nebraska Board of Barber Examiners.

Barrel means a unit of liquid measurement as that term is contemplated and used for licensing purposes under the Nebraska Liquor Control Act, Neb. Rev. Stat. § 53-101 et seq., as amended from time to time.

Basement means a story below the first story as defined under "Story," counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

Beer means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water and includes, but is not limited to beer, ale, stout, lager beer, porter, near beer, flavored malt beverage, and hard cider.

Block means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the building inspector shall determine the outline of the block.

Boardinghouse or *lodginghouse* means a building other than a hotel, occupied as a single-housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Brewery means any industrial facility that manufactures beer in quantities greater than twenty thousand (20,000) barrels annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises.

Building means an enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided

by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building except that two buildings connected by a breezeway shall be deemed one building.

Club, private, means a building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

Condominium means the individual fee ownership of a defined space or dwelling unit within a multiunit structure.

Contributing floor area means the total floor area designed for tenant occupancy and exclusive use; including basements, mezzanines, and upper floors, if any, but excluding stairways, restrooms and mechanical equipment rooms, expressed in square feet measured from the centerline of joint partitions, and from the exterior surface of outside walls.

Court means an open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building and lot lines on which walls are allowable.

Craft Production Facility means a Microbrewery, Microdistillery, or Microwinery.

Curb level means the mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Deck means an open area, without a permanent roof, usually attached to or part of and with direct access to or from a building.

Distillery means any industrial facility that manufactures spirits in quantities greater than ten thousand (10,000) gallons annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises.

Drive-in establishment means any restaurant, financial institution or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building, or where facilities are provided for eating outside a building, shall be included in this definition.

Dwelling means a building or portion thereof, designed exclusively for permanent residential occupancy, including one-family, two-family and multiple dwellings, boarding and lodginghouses, apartment houses and apartment hotels, and manufactured houses but not hotels, motels, mobile homes, house trailers or recreational vehicles.

Dwelling, multiple, means a building or portion thereof, arranged, intended or designed for occupancy by three or more families, including apartments houses, row houses, townhouses and apartment hotels.

Dwelling, one-family, means a detached building, arranged, intended or designed for occupancy by one family.

Dwelling, two-family, means a building arranged, intended or designed for occupancy by two families.

Facility means a facility is a structure, open area, or other physical contrivance or object.

Family, when applied to the following:

- (1) Any R-1 zoned area, means as follows: One or more persons related by blood, adoption, or marriage, except persons placed with persons in a home licensed by the state department of health and human services, living together and occupying a single housekeeping unit with single kitchen facilities, or a number of persons but not exceeding two who are not related by blood, adoption or marriage, except persons placed with persons in a home licensed by the state department of health and human services, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.
- (2) All zoned areas except R-1, means as follows: One or more persons who are related by blood, adoption, or marriage, except persons placed with persons in a home licensed by the state department of health and human services, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit cost-sharing basis.

Farm/ranch means an area of land containing at least ten contiguous acres which are used for agriculture.

Feed lot.

- (1) The term "feed lot" means a lot, yard, corral, building or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter or the sale of products derived from such animals.
- (2) The term "feed lot" does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze.

Floor area means the total of the horizontal area of all floors including basements and cellars, below the roof and within the surfaces of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or the centerlines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roofline of any building or portion thereof without walls.

Garage, commercial, means a building or portion thereof, designed or used for storage, sale, or hiring of motor vehicles for commercial purposes.

Garage, community, means a building or portion thereof, used in lieu of private garages within a block or portion of a block.

Garage, private, means an accessory building which is used primarily for the storage of motor vehicles by the tenants of the building or buildings on the premises.

Garage, repair, means a building or portion thereof, designed or used for the care or repair of motor vehicles, which is operated for commercial purposes.

Garage, storage, means a building or portion thereof, except those defined as a private, a repair, or a community garage providing storage for more than four motor vehicles.

Grade means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Greenhouse means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for other personal enjoyment. See *Nursery*.

Group home means:

- (1) A facility licensed by the state in which at least four but not more than eight persons not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training or counseling for the purposes of adaptation to living with, or rehabilitation from cerebral palsy, autism, or mental retardation. (LB 525, 1980)
- (2) A residence, including an office space for shelter employees, providing food, shelter, medical care, legal assistance, personal guidance and other services to persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

Hair Salon means a structure, area, or shop where people have their hair cut or styled for compensation by a person licensed by the Nebraska Board of Cosmetology.

Height of building or structure means the vertical distance measured from the highest of the following three levels:

- (1) From the street curb level if the structure sets on the street line to the highest ridge row.
- (2) From the established or mean street grade in case the curb has not been constructed to the highest ridge row if the structure sets on the street line.
- (3) From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one-inch to the foot, or to the highest ridge row for other roofs.

Height of yard or court means the vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Home occupation means any occupation, activity, or accessory use of a nonresidential nature conducted in a dwelling unit by a member or members of the immediate family residing therein and not employing more than one person not a resident of the dwelling. Such use must be clearly incidental and secondary to the use of the dwelling purposes.

Hotel means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than 12 sleeping rooms and no provisions for cooking in individual rooms.

Junk, waste or scrap materials means old, used, secondhand, worn, or discarded manufactured materials including but not limited to, scrap iron and other metals, paper and related products, rags, rubber tires and other automotive parts, and glass bottles.

Junkyard means any area where waste, discarded or salvaged, is bought, sold, exchanged, baled, or packed, disassembled, or handled, including the dismantling or wrecking of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards of

storage of structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

Landing means an area at the top or bottom of a one or more steps, or placed intermittently within a series of steps in such size and dimension as may be required by a building code.

Landscaping includes, but is not limited to, trees, shrubs, ground covers, perennials, annuals, and other materials such as mulch, rocks, waterfalls, sculpture, art walls, fences underground irrigation system and street furniture.

Loading space, off-street, means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot means a parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots, or tract or tracts, as conveyed, or parts thereof.

Lot, corner, means a lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the building inspector.

Lot coverage means the portion of a lot that is occupied by buildings or structures, including accessory buildings and structures but not including driveways and uncovered patios at ground level.

Lot depth means the mean horizontal distance from the front street line to the rear line.

Lot in separate ownership at the time of the passage of the ordinance from which this chapter is derived means a lot the boundary lines of which along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the register of deeds of the county on or before the date of the adoption of the ordinance from which this chapter is derived.

Lot, interior, means a lot whose side lines do not abut upon any street.

Lot line means the lines bounding a lot as defined herein.

Lot line, front, means the boundary between a lot and the street on which it fronts.

Lot line, rear, means the boundary line which is opposite and most distance from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.

Lot line, side, means any lot boundary not a front or rear line thereof. A side line may be party line, a line bordering on an alley or place or a side street line.

Lot, through, means an interior lot having frontage on two streets.

Lot width means the horizontal distance between side lines, measured at the front building line.

Microbrewery means any industrial facility that manufactures beer in quantities up to twenty thousand (20,000) barrels annually for sale off premises or in an accessory retail space, bar, or

restaurant located on premises and licensed for sale on premises. Provided, however, at no time shall the accessory use of a microbrewery include growing or harvesting barley or other grain on premises.

Microdistillery means any industrial facility that manufactures spirits in quantities up to ten thousand (10,000) gallons annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises. Provided, however, at no time shall the use or accessory use of a microdistillery include growing or harvesting grains, vegetables, or other mash product on premises.

Microwinery means any industrial facility that manufactures wine in quantities up to thirty thousand (30,000) gallons annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises and licensed for sale on premises. Provided, however, at no time shall the use or accessory use in a microwinery include growing or harvesting grapes, fruits, or vegetables.

Mobile home means a movable or portable structure constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for yearround living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit. (LB 91-1976)

Mobile home park means any single, planned contiguous development, lot, area, piece, parcel or plot of ground, park or site of at least five acres in area wherein ten or more lots have been designated and improved, the purpose of which shall be residential mobile home. A house trailer space or mobile home space means a plot of ground within a mobile home park designed for the accommodation of one mobile home, complete with a pad, all utility hookups and sufficient off-street parking.

Modular/manufactured housing unit.

- (1) The term "modular housing unit" means:
 - a. A factory-built structure which is to be used as a place for human habitation which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 CFR 3280 et seq., promulgated by the United States Department of Housing and Urban Development; or
 - b. As defined in section 71-1557 bearing the seal of the department of health.

- (2) The term "manufactured home" does not include a mobile home.

Motel means a building containing one or more sleeping rooms to be rented on a daily basis, primarily to the motoring public, together with parking area, recreation space, vending machines, but not including restaurants, clubs or other retail sales.

Motor hotel means a building containing 25 or more sleeping rooms for the traveling public, and including restaurant facilities, and other accessory uses.

Nonconforming use, building or yard means a use, building or yard, which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to the passage of the ordinance from which this chapter is derived.

Nursery means land or greenhouses used to raise flowers, shrubs, and plants for sale. See *Greenhouse*.

Nursing home means any structure used or occupied by persons recovering from illness of suffering from infirmities of old age.

Office building means a building designed for or used as the offices of professional, commercial, industrial, religious, institutional, public or semi-public persons or organizations, provided no goods, wares or merchandise shall be prepared or sold on any premises except that a portion of an office building may be occupied and used as a drug store, barbershop, cosmetologist shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street.

Parking lot means an area consisting of three or more vehicle parking spaces together and access to a street or alley and permitting ingress and egress for a vehicle, provided that there shall be no storage of vehicles for the purpose of sale or resale in any residential district.

Parking lot improvements includes any upgrades, alterations, additions, or reconstruction made to an off-street parking lot including drainage, curbing, digging, compacting, installation of additional parking spaces, lighting or landscaping.

Parking lot maintenance means the upkeep and maintenance of any off-street parking lot including scraping, repacking, bringing in more gravel or rock, chip sealing and landscaping. The term "parking lot maintenance" may also include overlaying, sealing, painting or sweeping of hard surfaced lots.

Parking space, off-street, means a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Patio means a facility or structure which is typically constructed out of concrete and located at ground level.

Place means an open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Porch means a roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window to wall area is less than 50 percent.

Principal activity means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

Principal building means a main building or other facility which is designed for or occupied by a principal activity.

Private storage unit means leased or rented facilities for the storage of personal property, such as cars, boats, campers, other recreational equipment, furniture, or other personal property, by

individuals. Storage of commercial or industrial raw materials, commodities, or products is not permitted nor is storage of salvage items or junk, or any type of hazardous material.

Pub means any restaurant or hotel which manufactures a maximum of twenty thousand (20,000) barrels of beer annually, thirty thousand (30,000) gallons of wine annually, or ten thousand (10,000) gallons of spirits annually, as an accessory use on the same premises which accessory use may not occupy more than 50% of the commercial floor area. Provided, however, at no time shall the accessory use of a pub include growing or harvesting grapes, fruits, vegetables, barley or other grain on premises.

Recreational vehicle means a vehicular type structure, primarily designed as temporary living quarters for travel, recreational, camping, or vacation use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-propelled. The term "recreational vehicle" includes travel trailer, camping trailer, truck camper, and motor home.

Sanitary landfill means a type of operation in which garbage and refuse or garbage or refuse is deposited by a plan on a specific portion of land, in accordance with regulations of the state department of environmental quality.

Signs means any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building.

Special use means a special use is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution. Spirits includes brandy, rum, whiskey, gin, or other spirituous liquors when rectified, blended, or otherwise mixed with alcohol or other substances. Spirits does not include flavored malt beverages.

Square footage shall be determined from the measurements on a plot plan or site plan which shall provide the dimensions of the structure or property. Such dimensions for purposes of determining square footage of structures shall be from the exterior surface of outside walls.

Stable, private, means an accessory building for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

Stable, public, means a stable other than a private or riding stable as defined herein.

Stable, riding, means a structure in which horses or ponies, used exclusively for pleasure riding or driving, or housed, boarded, or kept for remuneration, hire or sale.

Story means a portion of a building between the surface of any floor and the surface of the floor next above it, provided that the following shall not be deemed a story:

- (1) A basement or cellar if the finished floor level directly above is not more than six feet above the average adjoining elevation of finished grade.
- (2) An attic or similar space under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such space.

Street means a thoroughfare which affords principal means of access to property abutting thereon.

Street line means the dividing line between the dedicated street right-of-way and the abutting property line.

Structural alterations means any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means any facility which is constructed or erected, and which is located on the ground or is attached to something having location on the ground.

Surface material.

- (1) The term "hard surface" means an all-weather surface consisting of asphalt, concrete, paving rock or brick.
- (2) The term "gravel" means loose fragments of rock or pebbles.
- (3) The term "dirt" means unsurfaced area free of vegetation.

Terrace or patio means a level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

Townhouse means a single-family dwelling unit of two and sometimes three stories that is usually connected to a similar house by a common sidewall.

Variance means relief from a variation of the provisions of these regulations, other than use regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in powers and duties of the board of adjustment.

Vehicle means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides to transport persons or property, or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, or wagon.

Wine shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

Winery means any industrial facility that manufactures wine in quantities greater than thirty thousand (30,000) gallons annually for sale off premises or in an accessory retail space, bar, or restaurant located on premises if licensed for sale on premises.

Yard means open space that is unobstructed except as specifically permitted in this chapter and that is located on the same lot as the principal building.

Yard, front, means a yard the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear, means a yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side, means a yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

- (b) Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular; the term "building" includes the term "structure"; the term "shall" or the term "must" is mandatory and not directory; the term "used for" includes the meaning of the term "designed for" or "intended for."

SECTION 2. The Alliance Municipal Code at Section 115-106 shall be amended as follows:

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

- (a) *Scope and intent.* This section applies to district C-2. The C-2, Central Business District is intended to provide a zone that will accommodate low impact retail and service businesses in those areas of the community that were traditionally developed with no building setback requirements.
- (b) *Permitted uses.*
- (1) Retail and wholesale sales establishments, not including adult bookstores.
 - (2) Medical, professional and governmental offices.
 - (3) Public libraries, utility facilities and parks.
 - (4) Eating and drinking establishments.
 - (5) Hotels, motels and other lodging facilities.
 - (6) Single and multifamily dwellings above and below the first floor of commercial establishments.
 - (7) Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
 - (8) Theaters, not including adult theaters.
 - (9) Health facilities such as spas.
 - (10) Printers and newspapers.
 - (11) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
 - (12) Building supply stores (indoor display and storage only).
 - (13) Lodges and fraternal orders.
 - (14) Parking lots and facilities.
 - (15) Churches, places of worship and religious.
 - (16) Pubs.
- (c) *Conditional uses.*
- (1) Towers, telecommunications facilities, and antennas as permitted in chapter 109.
 - (2) Automobile dealer lots and repair services.
 - (3) Commercial storage units.

- (4) Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
- (5) Other uses clearly associated with the intent of the C-2, Central Business District.
- (6) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.

(7) Craft Production Facilities.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

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

A. No rear yard required if adjacent to an alley

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

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartments for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
- e. Signs as permitted in chapter 111.
- f. Fences as permitted in section 115-172.

- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).

SECTION 3. The Alliance Municipal Code at Section 115-107 shall be amended as follows:

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

- (a) *Scope and intent.* This section applies to district C-3. The C-3, Highway Commercial District is intended to accommodate commercial businesses that:
 - (1) Require direct access to highways and primary transportation thoroughfares due to the volume of traffic they generate.
 - (2) Cater primarily to the traveling public.
- (b) *Permitted uses.*
 - (1) Retail and wholesale sales establishments, not including adult bookstores.
 - (2) Medical, professional and governmental offices.
 - (3) Public libraries, utility facilities and parks.
 - (4) Eating and drinking establishments.
 - (5) Hotels, motels and other lodging facilities.
 - (6) Single and multifamily dwellings above and below the first floor of commercial establishments.
 - (7) Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
 - (8) Theaters, not including adult theaters.
 - (9) Health facilities such as spas.
 - (10) Printers and newspapers.

- (11) Repair shops, indoor only, and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
- (12) Building supply stores (indoor display and storage only).
- (13) Lodges and fraternal orders.
- (14) Parking lots and facilities.
- (15) Automobile dealers, implement dealers and related services.
- (16) Truck parking, truck repair services, and related services.
- (17) Commercial storage units.
- (18) Building, landscaping supplies and yards including well drillers.
- (19) Animal feeds and supply services, not including grain elevators.
- (20) Contractor yards, provided material storage is in the rear yard and screened.
- (21) Swimming pool, commercial.
- (22) Churches, places of worship and religious.
- (23) Pubs and Craft Production Facilities.**

(c) *Conditional uses.*

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

(13) Breweries, Distilleries, and Wineries.

(d) *Performance standards.*

- (1) *Area and bulk regulations.*

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

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

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

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
- e. Signs as permitted in chapter 111.
- f. Fences as permitted in section 115-172.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.

- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).

SECTION 4. The Alliance Municipal Code at Section 115-108 shall be amended as follows:

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

- (a) *Scope and intent.* This section applies to district M-1. The M-1, Light Industrial District is intended to accommodate most assembly, fabricating and processing activities which would generally not be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
- (b) *Permitted uses.*
 - (1) Manufacturing, processing, fabrication, or assembling of any commodity except junk or salvage.
 - (2) Warehousing, wholesaling and storage of any commodity except junk or salvage.
 - (3) Freight terminals and parcel services.
 - (4) Offices.
 - (5) Public utility facilities.
 - (6) One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrially-zoned districts provided that yard and other requirements of this section shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.
 - (7) Private storage units as defined in section 115-2.
 - (8) Craft Production Facilities.**
 - (9) Breweries, Distilleries, and Wineries.**
- (c) *Conditional uses.*
 - (1) Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds.
 - (2) Drive-in theaters.
 - (3) Golf driving ranges, commercial or illuminated.
 - (4) Reservoirs, wells, towers, filter beds, or water supply plants.
 - (5) Wind-driven electric generators with prior approval of the city electrical engineer.

- (6) Other uses clearly associated with the intent of the M-1, Light Industrial District.
- (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (8) Towers, telecommunications facilities, and antennas as permitted in chapter 109.
- (d) *Performance standards.*
- (1) *Area and bulk regulations.*

Use	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Setbacks (feet)				Maximum Height (feet)
			Front	Rear	Side	Side Street	
Principal structure	None	None	50	15	A	20	45
Accessory building	—	—	50	15	A	20	45

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

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173.
- e. Signs as permitted in chapter 111.
- f. Fences as permitted in section 115-172.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
 - k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- (3) *Additional performance standards.*
- a. All operations shall be conducted within a fully enclosed building.
 - b. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within 300 feet of the property line.
- (4) *Noise level restricted.* The noise level shall not exceed 70 dB(a) at any point along the property line, as certified by letter or affidavit from an engineer.
- (5) *Smoke or particulate matter.* Smoke or particulate matter shall not be perceptible at the property line. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans or property at the property line shall be prohibited.
- (6) *Prohibited use.* No use shall be permitted or so operated as to produce or emit:
- a. Vibration or concussion perceptible without instruments at the property line.
 - b. Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.
 - c. *Fire hazard.* All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the city council.
 - d. *Odor.* The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.
 - e. *Gases.* The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed five parts per million. All measurements shall be taken at the property line.

- f. *Glare and heat.* All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

SECTION 5. The Alliance Municipal Code at Section 115-109 shall be amended as follows:

Sec. 115-109. - M-2, Heavy Industrial District.

- (a) *Scope and intent.* This section applies to district M-2. The M-2, Heavy Industrial District is intended to accommodate assembly, fabricating and processing activities which could generate vibration, noise, dust, fumes, gas, odor or smoke. However, no activities that by nature of their operation would be detrimental to the general health, safety and welfare of the general public will be permitted.

(b) *Permitted uses.*

- (1) Manufacturing, processing, fabrication, or assembling of any commodity.
- (2) Warehousing, wholesaling and storage of any commodity.
- (3) Freight terminals and parcel services.
- (4) Offices.
- (5) Public utility facilities.
- (6) One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrial-zones provided that yard and other requirements of this section shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.
- (7) Private storage units as defined in section 115-2.
- (8) Bus, truck and vehicle parking/storage lots.
- (9) Dog pounds, kennels and animal shelters.
- (10) Warehousing and bulk commodity product storage.

(11) Craft Production Facilities.

(12) Breweries, Distilleries, and Wineries.

(c) *Conditional uses.*

- (1) Auto salvage and junk yards, providing that no burning of waste material shall be permitted, and the entire storage or salvage yard shall be screened with a solid fence or wall not less than eight feet in height.
- (2) Gun clubs, skeet shoots or target ranges.
- (3) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided, however, that no conditional use permit shall be issued until and unless the location, site plan, and method of operation,

including necessary structures, have been submitted to and approved in writing by the council after report from the planning commission.

- (4) Refuse dumps.
- (5) Reservoirs, wells, towers, filter beds, or water supply plants.
- (6) Sewage, refuse, garbage disposal plants or sanitary fills.
- (7) Other uses clearly associated with the intent of the M-2 district.
- (8) Adult bookstores and theaters.
- (9) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (10) Towers, telecommunications facilities, and antennas as permitted in chapter 109.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

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

A. 15 feet, except that a setback of not less than 50 feet shall be provided along all federal and state highways.

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

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

(2) *Permitted accessory uses.*

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
 - b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
 - c. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
 - d. *Off-street parking and loading serving a principal use.* All off-street parking shall be located on the same lot as the principal use. See section 115-173.
 - e. Signs as permitted in chapter 111.
 - f. Fences as permitted in section 115-172.
 - g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
 - k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- (3) *Additional performance standards.*
- a. Smoke, dust, particulate matter, odor, heat, or other effects shall not be produced which will be obviously harmful or injurious to humans or property beyond the property line and would meet minimum state department of environmental control air quality standards.
 - b. Noise produced shall not exceed 80 dB(A) at the property line.
 - c. When viewed from immediately abutting residentially zoned property, all storage of material, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within 300 feet of the property line.
- (4) *Prohibited.* No use shall be permitted or so operated as to produce or emit the following:
- a. Vibration or concussion perceptible without instruments at the property line.

- b. Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.
- c. *Fire hazard.* All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the city council.
- d. *Odor.* The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.
- e. *Gases.* The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed five parts per million. All measurements shall be taken at the property line.
- f. *Glare and heat.* All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

SECTION 6. 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 7. 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. 2835 with the following results:

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

Voting Nay: None.

Motion carried.

- Council next considered Resolution No. 17-28 which will recommend approval of the Alcohol Manager Application of Jess Wimmer for KC's Shortstop. The following information was provided to Council:

[The City of Alliance is in receipt of the Manager Application of Jess E. Wimmer for the liquor license of Western Cooperative Company dba KC's Short Stop, 2420 Box Butte Avenue, Alliance, Nebraska. Mr. Wimmer has completed the Responsible Beverage Service Training in Nebraska. Police Chief John Kiss

completed a background check on Mr. Wimmer and has found no reason to deny the application.]

Mr. Wimmer appeared before Council and answered questions of City Attorney Olsen regarding his experience and training with the management of liquor. Mr. Wimmer is the manager for another Westco facility in Alliance and has completed the training by the Nebraska State Patrol.

Councilman Reynolds made a motion to approve Resolution No. 17-28, which was seconded by Councilman Jones. The resolution follows in its entirety:

RESOLUTION NO. 17-28

WHEREAS, The City of Alliance has received a notice and copy of a Manager Application for Western Cooperative Company dba KC's Shortstop, 2420 Box Butte Avenue, Alliance, Nebraska submitted by Jess E. Wimmer; and

WHEREAS, City staff has reviewed the application and finds no reason why the proposed manager, Jess E. Wimmer, would be disqualified from serving as manager.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Jess E. Wimmer for Western Cooperative Company dba KC's Shortstop, 2420 Box Butte Avenue, Alliance, Nebraska is hereby recommended for approval to the Nebraska Liquor Control Commission.

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Nebraska Liquor Control Commission of this Council decision.

Roll call vote on Resolution No. 17-28 following results:

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

Voting Nay: None.

Motion carried.

- The next item before Council was Resolution No. 17-29 which will adopt the U.S. Department Labor's Standards of Apprenticeship for the Electric Department. Council was provided with the following background information:

[The City has been working with the Department of Labor to create and institute a federally recognized apprenticeship program for our electric journey line worker position. Our electric employees would register as part of a national apprenticeship program in accordance with the basic standards of apprentice established by the Secretary of Labor.

While this program will add to the level of responsibility for the Electric Department, the overall benefit to apprentices, the Department and our community will exceed the additional effort. In this program, the City of Alliance recognizes that in order to accomplish the national standards in the journey line worker position, this well-developed, on-the-job learning combined with related instruction will ensure that our employees are skilled in all phases of the electric industry.]

Councilman Jones made a motion to approve Resolution No. 17-29, which was seconded by Councilman Mischnick. The resolution follows in its entirety:

RESOLUTION NO. 17-29

WHEREAS, The City of Alliance owns and operates the Municipal Electric System; and

WHEREAS, The City of Alliance employs personnel for the transmission, distribution and generation of electric services for both the urban and rural areas within our electric service area; and

WHEREAS, The U.S. Department of Labor has established a National Apprenticeship Program in accordance with the basic standards of apprenticeship established by the Secretary of Labor; and

WHEREAS, The National Apprenticeship Program will provide an employment and training standard which will enhance the operations of our electric system and provide a well rounded training opportunity for our employees; and

WHEREAS, The City of Alliance believes that participating in the U.S. Department of Labor National Apprenticeship Program is in the best interest of the citizens of Alliance and our Electric Department Personnel.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance will adopt the U.S. Department of Labor National Apprenticeship Program as our training standard for the Alliance Municipal Electric System.

Mr. Bradley Schwabb, no current address, asked Council questions regarding the apprentice program and was curious if it not only provided individual training components but team building.

Roll call vote on Resolution No. 17-29 following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 17-30 authorizing the submittal of the City of Alliance's Detailed Plan of Operation for the Box Butte County Handyman Program was the next matter. Council was provided with the following background information:

[The City of Alliance assumed operations of the Box Butte County Handyman program on July 1, 2014. So far this program year (eight months), forty seniors have benefitted from just over 800 hours of handyman (lawn care and snow shoveling) and household chores. This subsidized program allows our seniors to enjoy more of their golden years in the comfort of their own homes.

The proposed budget for the 2017-18 year is \$64,100 which is a \$6,300 (11%) increase with the largest amount being a \$4,500 increase in employee health insurance due to the recent staffing changes. The handyman program is now included within the Community Services Department along with transit and RSVP.

The grant is comprised of two parts totaling \$31,420 with \$27,322 from the Aging Office of Western Nebraska (AOWN) Federal funding and \$4,098 from Court Appointed Special Advocates (CASA) State funding. These amounts have remained unchanged since the City assumed responsibility for the program. It is estimated that \$16,200 will be contributed by clients (45% rate) and that the local public match could exceed \$13,000. (The match must be a minimum of 25% with the proposed budget reflecting a match rate just over 50%.) A portion of the required local funds are reserved with a United Way grant pending as well as fundraising opportunities through service clubs and other fundraisers.]

Councilman Mischnick motioned to approve Resolution No. 17-30, which was seconded by Councilman Reynolds. The resolution follows in its entirety:

RESOLUTION NO. 17-30

WHEREAS, The City of Alliance has been operating the Box Butte County Handyman Program since July 1, 2014 through the Aging Office of Western Nebraska; and

WHEREAS, The City of Alliance desires to continue the operation of the Program and is requesting authority to submit the required Plan of Operation for fiscal year July 1, 2017 through June 30, 2018; and

WHEREAS, City Council believes continuing to participate in the Handyman Program for the Alliance Senior Center is in the best interest of the senior citizens of Alliance and Box Butte County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance is authorized to submit the Plan of Operation for the Handyman Program for the fiscal year 2017-2018 with the Aging Office of Western Nebraska for the Alliance Senior Center.

BE IT FURTHER RESOLVED that the Mayor is authorized to accept the grant on behalf of the City of Alliance and sign the related documentation.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was Resolution No. 17-31 authorizing staff to submit an Application to the Nebraska Department of Roads for the continuation of the Box Butte County Public Transit Program. Council was provided with the following background information:

[The City of Alliance has managed the Box Butte County Public Transit since July 1, 2015. Transportation services operate from 6:30 AM to 4:30 PM, Monday through Friday with 9:00 AM to 1:00 PM recently added on Sunday. The Community Services Department was recently formed with two and one-half employees responsible for the administration of the public transit program in addition to the RSVP and handyman programs. In addition, the most recent payroll included eleven driver/dispatchers representing about five FTEs.

A public notice was published in the Alliance Times-Herald on Saturday, March 4 allowing for public viewing of the proposed budget for ten business days. No public hearing was required as there were no changes in fares or service hours proposed at this time. There have been no viewings or comments as of March 17.

The 2017-18 proposed budget of \$310,000 is funded in part by \$182,700 in Federal funds and \$51,150 in State funds. The budget compares to an overall operating budget of \$350,000 in 2015-16 and \$340,000 in 2016-17. The collection of an estimated \$25,000 in passenger fares would leave \$48,450 (about 15.6%) in local matching funds. The City is seeking renewed commitments of \$15,000 from Box Butte General Hospital, \$12,000 from Box Butte County and \$3,000 from Village of Hemingford in addition to approximately \$2,000 from Experience Works and Nebraska Health and Human Services.

This resolution before Council will authorize the mayor to sign documents and staff to submit the completed application to NDOR including a letter of financial support from the City up to \$20,000.]

A motion was made by Councilman Korber-Gonzalez to approve Resolution No. 17-31. The motion was seconded by Councilman Mischnick. The resolution follows in its entirety:

RESOLUTION NO. 17-31

WHEREAS, The City of Alliance desires to prepare a Proposal (application) with the Nebraska Department of Roads for the Box Butte County Public Transit service; and

WHEREAS, The Proposal will be in the name of the City of Alliance and under the City of Alliance tax identification; and

WHEREAS, The Transit Program requires local financial support and the City has obtained and continues to seek additional financial commitments from other entities for the program; and

WHEREAS, The City of Alliance will commit to providing up to \$20,000 in financial support of the transit program; and

WHEREAS, City Council believes that continuing the public transportation services is in the best interest of the citizens of Alliance and Box Butte County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance prepare a Proposal for Box Butte County Public Transit for submittal to the Nebraska Department of Roads.

BE IT FURTHER RESOLVED that the City of Alliance provide within the Proposal (application) a Financial Support Letter for \$20,000 for the operation of the Box Butte County Public Transit service.

BE IT FURTHER RESOLVED that the Mayor is authorized to accept the grant on behalf of the City of Alliance and sign the related documentation should the City be awarded the program.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A board appointment and vacancy announcements were now before Council.

The City currently has available vacancies on the Board of Adjustment (1), A-2 Downtown Improvement Board (1), Library Board (1) and Park and Tree Board (1).

A motion was made by Councilman Reynolds to appointment Jeff Schmidt to the Library Board with a term expiring June 30, 2020. Councilman Korber-Gonzalez seconded the motion.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The final item on Council’s agenda was an Executive Session to discuss a personnel matter.

Councilman Jones 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 a personnel matter to discuss potential City Manager candidates and that along with Council, Interim City Manager Kuckkahn, City Attorney Olsen and City Clerk Jines 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.

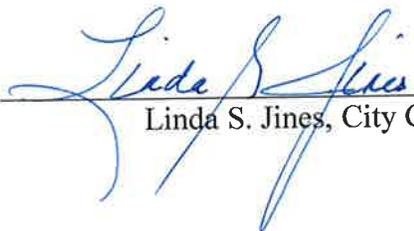
The closed session began at 7:30 p.m. and ended at 8:00 p.m. No additional action was taken.

- Mayor Yeager stated, “there being no further business to come before the Alliance City Council, the meeting is adjourned at 8:02 p.m.”

(SEAL)



 Ralph Yeager, Mayor



 Linda S. Jines, City Clerk

