

ALLIANCE CITY COUNCIL

REGULAR MEETING, WEDNESDAY, JULY 5, 2017

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

The Alliance City Council met in a Regular Meeting, July 5, 2017 at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on June 28, 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.

Vice Mayor Korber-Gonzalez opened the July 5, 2017 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council Members Mischnick, Korber-Gonzalez, Jones and Reynolds. Also present were City Manager Kuckkahn, Assistant City Manager/Finance Director Waggener, City Attorney Olsen and City Clerk Jines.

- Vice Mayor Korber-Gonzalez read the Open Meetings Act Announcement.
- Vice Mayor Korber-Gonzalez made a motion to excuse Mayor Yeager from the meeting. The motion was seconded by Councilman Jones.

Roll Call with the following results:

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

Voting Nay: None.

Motion carried.

- Council’s first item on the agenda was the introduction of new City of Alliance Public Safety Dispatcher Tisha Kennall and Refuse Collection Driver Tyler Jines.

- 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 – JULY 5, 2017

1. Approval: Minutes of the Regular Meeting, June 20, 2017.
2. Approval: Payroll Costs for the period June 3, 2017 through June 16, 2017: \$239,102.19.
3. Approval: Claims against the following funds for the period June 14, 2017 through June 28, 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; \$170,192.52.
4. Acknowledgement: Receipt of the Annual Report of the Public Library Board Foundation of Alliance, Inc. for the period June 1, 2016 through May 31, 2017.
5. Approval: Resolution No. 17-66 will authorize staff to enter into an Airport Use Agreement between the City of Alliance and Boutique Air, Inc. The Lease is for a two year period which will expire on June 30, 2019 with the payment of \$656.25 monthly and increasing an additional 5% for the second year. The airline shall only use the premises for its air transportation business including the handling, ticketing, billing and manifesting of passengers, baggage and cargo.
6. Approval: The recommendation to the Nebraska Liquor Control Commission for the issuance of a Special Designated (Liquor) License to D-Head, Inc. dba The Gathering Spot for July 21st and 22nd between the hours of 11:00 a.m. and 1:00 a.m. This is for additional space in their backyard during Heritage Days.
7. Approval: The issuance of the following contractor licenses:

Repair & Maintenance	Michael Kvamme
Roofer	Travis Arellano dba Preferred Roofing
Roofer	Levi Arends dba Compass Roofing
Groundwork	Mark Chrisman dba Mark Chrisman Trucking, Inc.
8. Approval: Capital fund transfer in the amount of \$8,600 from Capital Outlay – Building 24-41-41-59-915 and adding it to Capital Outlay – Mach., Equipment 24-41-41-59-950, for the purchase of barricades (jersey barrier) for community events.

Roll Call with the following results:

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

Voting Nay: None.

Motion carried.

- A conflict claim in the amount of \$568 to Reza and G's Construction as part of the Sidewalk Replacement Program was the next item on the agenda.

Councilman Jones motioned to approve the claim totaling \$568 for Reza and G's Construction. Councilman Mischnick seconded the motion.

Roll Call with the following results:

Voting Aye: Mischnick, Reynolds, Jones.

Abstaining: Korber-Gonzalez

Voting Nay: None.

Motion carried.

- The third reading of Ordinance No. 2839 which will annex Bomgaars Addition, including it within Corporate City Limits was the next matter for consideration. Council was provided with the following background information:

[Next Generation Properties, LLC submitted a petition letter to the City of Alliance requesting that all of Bomgaars Addition to the City of Alliance, Nebraska, be annexed and hereafter included within City of Alliance Corporate Limits. The property requested to be annexed is located at the southwest corner of the intersection of West 3rd Street, Country Club Road, and US Highway 385.

The land is currently zoned C-3, Highway Commercial. A rezone occurred during the platting process in 2016. This is the correct zoning for the land use for which the subdivision is being developed. The current land use is in transition from agricultural to retail as the new Bomgaars store is currently under construction on the land proposed to be annexed. The land use is commercial and is not rural in nature.

The annexation would allow the expansion of the ETJ west of the City; however, that is not part of this process and staff does not believe it is necessary or desirable at this point in time.

Bomgaars is installing a 12" water main along the east side of the property as was detailed in the developer's agreement when the property was platted. This extension from City water main will provide the annexation with water and allow for the extension of the water main to the south when eventually developed. The sanitary sewer is being extended from the east. It crosses under US 385 at the northeast corner of the subject property and will extend south along the frontage road providing service to the annexation and any future expansion to the south.

Storm sewer is being installed for the frontage road and parking lot. There will be a detention pond at the northeast corner of the property to control water runoff from the annexation. The annexation is provided with electricity through existing primary electric lines along the east and north property lines.

Transportation within the annexation includes a frontage road dedicated as part of Bomgaars Addition and is expected to extend to the south upon development of that land. The road surface, curb and gutter, and sidewalk has been designed and will be constructed to City standards. Access to the frontage road is by means of a driveway from US Hwy 385, which is adjacent to Bomgaars Addition.

The City of Alliance Comprehensive Plan does not specify this area as a priority for annexation. Staff points out, however, that since the Plan was adopted in 2009, the Nebraska Department of Roads has started construction of the expansion of US 385 in this area to a four lane highway. Staff believes that this highway expansion will make the portion of US 385 from Kansas Street to West 3rd Street more attractive to developers and as such should be prioritized for annexation. The Comprehensive Plan recommends the redevelopment and development of the West Gateway Neighborhood, which this annexation borders, to create a more inviting and modern neighborhood in this part of Alliance.

The City of Alliance Planning Commission met at its regular meeting May 9, 2017 and voted to recommend the annexation of Bomgaars Addition to the City of Alliance, Nebraska, and that such property be included within Alliance Corporate City Limits, to the City Council after making the following findings:

1. The developer has nearly finished the extension of all required City infrastructure at their own cost per the Development Agreement.
2. Bomgaars Addition is not rural in character.
3. The development will become part of the West Gateway neighborhood as identified by the Comprehensive Plan and this development in said neighborhood makes the entry to the City more attractive and inviting which is one of the goals in the Plan.]

A motion was made by Councilman Mischnick, seconded by Vice Mayor Korber-Gonzalez to approve the third reading of Ordinance No. 2839. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2839

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, ANNEXING CERTAIN PROPERTY IN BOMGAARS ADDITION, TO THE CITY OF ALLIANCE WHICH IS SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

SECTION 1. Bomgaars Supply, Inc. and its real estate holding company, Next Generation Properties of Nebraska LLC has requested that the following described real estate (the "Real Estate") be included within the corporate limits of the City:

A tract of land in Bomgaars Addition to the City of Alliance, Box Butte County, Nebraska, more particularly described as follows:

Situated in the Northeast Quarter of the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, City of Alliance, Box Butte County, Nebraska.

SECTION 2. The City of Alliance Planning Commission, in their regular meeting on May 9, 2017 passed a motion recommending the annexation of said property.

SECTION 3. The Real Estate is contiguous or adjacent to the existing corporate limits of the City, is urban or suburban in character, and does not constitute agricultural land which is rural in character.

SECTION 4. The Real Estate is annexed to and included within the corporate limits of the City of Alliance, Nebraska, and thereafter shall be and remain a part of such City for all purposes whatsoever as of the effective date of this Ordinance.

SECTION 5. The map describing the Corporate Limits as provided for in Section 1-5 of the Alliance Municipal Code is amended to provide for the addition of the Real Estate to the corporate limits of the City.

SECTION 6. The owners, occupants and users of such tracts of land shall be entitled to all of the rights and privileges, and be subject to all laws, ordinances, rules and regulations of such City. Such owners, occupants and users shall receive substantially the benefits of other owners, occupants and users of land within such City as soon as practicable and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal and water service shall be adopted as provided in Neb Rev. Stat. §16-120.

SECTION 7. The cost of extending all City services to the property will be the sole responsibility of the developer.

SECTION 8. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are repealed.

SECTION 9. This Ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Vice Mayor Korber-Gonzalez stated, "the passage and adoption of Ordinance No. 2839 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- A Public Hearing on the request of Chad Wilcox to rezone a tract of land situated in Lot 3, Block 1, Starlite Addition to the City of Alliance, Nebraska was the next item before Council. Following the public hearing, Ordinance No. 2840 which will approve the rezone will be considered. Council was given the following background information for their consideration:

[Chad Wilcox has submitted an application to rezone a tract of land so that it can be platted and he can construct a storage building for his business. He currently needs the extra storage space to expand.

The tract of land is located east of Flack Avenue along the south side of East 8th Street. It is currently a part of Lot 3, Block 1, Starlite Addition to the City of Alliance, Nebraska. The proposed rezone will change the front setback from 25 feet to 15 feet, side setbacks from 5 feet to 0 feet, rear setbacks from 25 feet to 15 feet; the side street setbacks shall remain the same at 15 feet.

Notification Petitions were mailed to property owners within a 300' radius of the subject property. The City mailed 13 petitions and as of June 9, had received two of them back, both in favor of the rezone.

The City of Alliance Comprehensive Plan identifies this area as the Eastern Edge Neighborhood. It is noted for having a mix of residential and commercial land uses. The rezone of the property allowing a commercial use would be consistent with the designation in the Plan.

The City of Alliance Planning Commission met at their regular meeting June 13, 2017 and voted to recommend that the City Council approve the rezone for a .68-acre tract of land located in Lot 3, Block 1, Starlite Addition to the City of Alliance, Nebraska, after making the following findings of fact:

The proposed rezone is adjacent to existing C-3, Highway Commercial Zoning. There is a street and a closed fence providing a buffer between the proposed rezone and the mobile home community to the north.

The rezone of the property allowing a commercial use would be consistent with the neighborhood designation in the Comp. Plan.]

Vice Mayor Korber-Gonzalez 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 request of Chad Wilcox to rezone a tract of land situated in Lot 3, Block 1, Startlite Addition to the City of Alliance, Nebraska and opened the public hearing at 7:07 p.m.

Chad Wilcox, 730 West 12th Street appeared before Council and stated he was wanted to purchase this property to provide additional storage to their current business.

No additional testimony was offered, the Public Hearing closed at 7:08 p.m.

Councilman Jones made a motion to waive the statutory rule requiring the reading of Ordinance No. 2840 on three separate dates be suspended. The motion was seconded by Councilman Reynolds.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Vice Mayor Korber-Gonzalez, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2840. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2840

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOT 4A, BLOCK 1, STARLITE ADDITION, A SUBDIVISION OF PART OF LOT 3, BLOCK 1, STARLITE ADDITION TO THE CITY OF ALLIANCE, NEBRASKA IS NOW INCLUDED AS A C-3 (HIGHWAY COMMERCIAL) DISTRICT FROM A RP-3 (PLANNED MULTI-FAMILY RESIDENTIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

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

115-76. DISTRICT MAP ADOPTED

Boundaries of the districts, as enumerated in section 115-75 are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the zoning district map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The city planning commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the building inspector, due consideration being given to location as indicated by the scale of the zoning district map.

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this 5th day of July, 2017, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

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

Roll call vote to approve Ordinance No. 2840 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Vice Mayor Korber-Gonzalez stated, "the passage and adoption of Ordinance No. 2840 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- A Public Hearing on the Final Plat for Lot 4A, Block 1, Startlite Addition to the City of Alliance, Nebraska was the next item before Council. Following the public hearing, Ordinance No. 2841 which will approve the Final Plat will be considered. Council was given the following background information for their consideration:

[The City of Alliance is in receipt of an application for a Final Plat from Evangelical Lutheran Good Samaritan Society as the land owner and the developer Chad Wilcox. The Final Plat application is to split off a .68-acre tract of land for the development of a storage warehouse for Mr. Wilcox's businesses. There is also a dedication of a 10' wide easement for utilities along the east property line and a change in zoning to C-3, Highway Commercial.

The location of the proposed subdivision is currently a part of Lot 3, Block 1, Starlite Addition. It is located east of Flack Avenue along the south side of East 8th Street.

The proposed Lot is zoned RP-3, Planned Multifamily. The applicant is proposing a rezone to C-3 to allow the use of the proposed lot as a storage building. Approval of the rezone should precede the Final Plat. The property is bordered to the west and south by C-3, Highway Commercial, to the east by RP-3 Planned Multifamily Residential, and to the north by R-4, Mobile Home Residential.

The proposed lot is currently vacant as is the property to the east. The lots to the west are used for an office building and a fast food restaurant. The property to the south is commercial retail and the property to the north is a Mobile Home Park. There are no existing structures on the proposed lot and there are not any minimum size requirements for C-3 zoned lots.

The City of Alliance Planning Commission met at its regular meeting June 13, 2017 and found that the material presented to them was satisfactory. They voted affirmative on a recommendation to the Alliance City Council for the approval of the Final Plat of Lot 4A, Block 1, Starlite Addition, A Subdivision of Part of Lot 3, Block 1, Starlite Addition to the City of Alliance, Nebraska, making the following findings:

1. The plat would allow development on vacant land;
2. The East Edge neighborhood as identified by the Comp Plan, is primarily commercial and residential; the proposed land use is consistent with the identification;
3. The east lot line would match the existing east lot line of the Dollar General property;
4. The plat would extend the easement continuously from 7th to 8th Street.]

Vice Mayor Korber-Gonzalez 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 Final Plat for Lot 4A, Block 1, Starlite Addition to the City of Alliance, Nebraska and opened the public hearing at 7:11 p.m.

Community Development Director Kusek appeared before Council and outlined the request. Hearing no further testimony, the Public Hearing closed at 7:12 p.m.

Councilman Jones made a motion to waive the statutory rule requiring the reading of Ordinance No. 2841 on three separate dates be suspended. The motion was seconded by Councilman Reynolds.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Reynolds, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2841. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2841

AN ORDINANCE APPROVING THE FINAL PLAT OF LOT 4A, BLOCK 1, STARLITE ADDITION, A SUBDIVISION OF PART OF LOT 3, BLOCK 1, STARLITE ADDITION TO THE CITY OF ALLIANCE, NEBRASKA.

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

SECTION 1. The City of Alliance has received the application for approval of the Final Plat of Lot 4A, Block 1, Starlite Addition, a Subdivision of Part of Lot 3, Block 1, Starlite Addition to the City of Alliance, Nebraska from Chad Wilcox.

SECTION 2. The Planning Commission held a public hearing June 13, 2017, and has recommended the approval of the Final Plat of Lot 4A, Block 1, Starlite Addition, a Subdivision of Part of Lot 3, Block 1, Starlite Addition to the City of Alliance, Nebraska.

SECTION 3. The Final Plat of Lot 4A, Block 1, Starlite Addition, a Subdivision of Part of Lot 3, Block 1, Starlite Addition to the City of Alliance, Nebraska is hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of 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 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote to approve Ordinance No. 2841 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Vice Mayor Korber-Gonzalez stated, “the passage and adoption of Ordinance No. 2841 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Council next conducted a Public Hearing on the Conditional Use Permit Application of Kenneth Holloway. Council was provided with the following information:

[The City of Alliance is in receipt of an application for a Conditional Use Permit from Kenneth Holloway. The Conditional Use Permit application is to allow light machining and assembly work at 312 West 3rd Street. The proposed location is an existing structure previously used as a single family dwelling.

The property is zoned C-2, Central Business District and is currently vacant. Light machining and assembly are not a Permitted Use in C-2 districts but may be allowed with the approval of a Conditional Use Permit by the Alliance City Council. The property is bordered to the south, west, and east by C-2 Central Business District, and to the north by R-1, Single Family Residential zoning.

The City mailed Notification Petitions to the owners within a 300’ radius of the property. As of June 9, the City had received four of the petitions back; two in favor, one disinterested, and one opposed to the Conditional Use Permit.

The City of Alliance Planning Commission met at their regular meeting June 13, 2017 and voted to recommend that the City Council approve a Conditional Use Permit for Lots 9 and 10, Block 18, Original Town, Alliance, Nebraska, addressed 312 West 3rd Street after making the following findings of fact:

1. The proposition will not create any new nonconforming structures as the existing structure will be used. As such the yard and setback regulations will be preserved as they are currently.
2. The Conditional Use Permit would remove the nonconforming use of the property.
3. The proposed land use and use of the existing structure will maintain the general character of the Core Neighborhood as identified by the Comprehensive Plan.
4. The property is served by existing City utilities.

The recommendation of the Commission is contingent on the property being kept clear of debris and clutter, and that any such degradation of on-site conditions be cause for review and possible revocation of the Conditional Use Permit.]

Vice Mayor Korber-Gonzalez 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 Conditional Use Permit Application of Kenneth Holloway to allow light machining and assembly work at 312 W. 3rd Street and opened the public hearing at 7:15 p.m.

Community Development Director Kusek addressed Council regarding the request.

Kenneth Holloway, 608 West 10th Street informed Council of his business plans at that location and stated that the type of work he would be doing would not affect his neighbors.

Hearing no further testimony, the Public Hearing closed at 7:16 p.m.

Councilman Mischnick motioned to approve Resolution No. 17-67 which was seconded by Councilman Reynolds. The resolution follows in its entirety:

RESOLUTION NO. 17-67

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, Kenneth Holloway has requested a Conditional Use Permit for Lots 9 and 10, Block 18, Original Town to the City of Alliance, Box Butte County, Nebraska (312 West 3rd Street) to allow for light manufacturing or fabrication which is not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke; and

WHEREAS, The Community Development office has examined the request and finds that the request to allow for light manufacturing in a C-2, Central Business 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 13th day of June, 2017, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for Kenneth Holloway; and

WHEREAS, The Planning Commission voted to approve the Conditional Use Permit and forward Mr. Holloway'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 Kenneth Holloway.

NOW, THEREFORE, BE IT RESOLVED that the Conditional Use Permit of Kenneth Holloway to allow for light manufacturing or fabrication which is not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke on Lots 9 and 10, Block 18, Original Town to the City of Alliance, Box Butte County, Nebraska (312 West 3rd Street), is hereby authorized and approved with the following conditions:

1. The proposition will not create any new nonconforming structures as the existing structure will be used. As such the yard and setback regulations will be preserved as they are currently.
2. The Conditional Use Permit would remove the nonconforming use of the property.
3. The proposed land use and use of the existing structure will maintain the general character of the Core Neighborhood as identified by the Comprehensive Plan.
4. The property is served by existing City utilities.
5. 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 July 5, 2017.

Roll call vote with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Reynolds.

Voting Nay: None.

Motion carried.

- Resolution No. 17-68 approving the Preliminary Plat request of Chris Thompson and Bret Kelly was the next matter before Council. Council was provided with the following background information:

[The City of Alliance is in receipt of an application for a Preliminary Plat from Chris and Kathy Thompson as the land owners and the developer Brett Kelly.

The Preliminary Plat application is to plat a 2.5 acre tract of land and combine it with Lot 3, Block 3, First Addition to Lakefield Addition to the City of Alliance for the development of an accessory detached garage.

The location of the proposed subdivision is located southeast of the intersection of Margaret Drive and Lakefield Drive West.

The existing lot is zoned R-1, Single Family Residential and the proposed addition is zoned R-1a, Single Family Residential. The applicant is proposing a rezone of the front lot to R-1a to match the back but staff believes the rear should be rezoned R-1 to match the rest of Lakefield Addition. The rezone will proceed simultaneously with the Final Plat. The property is bordered to the west by R-1, Single Family Residential, to the east and north by R-1a, Single Family Residential, and to the south by R-R, Rural Residential.

The proposed addition to the existing platted lot is currently vacant land. There is an existing single-family residence on the platted lot. Mr. Kelly is proposing the need for the additional land to build a garage, and would like the property behind his home to remain undeveloped.

The City of Alliance Planning Commission met at its regular meeting June 13, 2017 and found the material as presented to them was satisfactory. The Commission voted in the affirmative on a recommendation to the Alliance City Council for the approval of the Preliminary Plat of Lot 3A, A Replat of Lot 3, Block 3, First Addition to Lakefield Addition to the City of Alliance, Nebraska, and also A Part of Unplatted Lands in the Southwest Quarter of Section 24, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, while making the following findings:

1. The plat would allow new development in the area.
2. The proposed use of the property is allowed in the zoning district and is consistent with this neighborhoods identity as described by the Comprehensive Plan as residential in character.
3. The provisions for future expansion of Margaret Drive to the east have been included in the plat.]

Councilman Jones motioned to approve Resolution No. 17-68 which was seconded by Councilman Mischnick. The resolution follows in its entirety:

RESOLUTION NO. 17-68

WHEREAS, The City of Alliance has received an application from Brett Kelly and Chris Thompson for approval of the Preliminary Plat of Lot 3A, A Replat of Lot 3, Block 3, First Addition to Lakefield Addition to the City of Alliance, Nebraska and also a Part of Unplatted Lands in the Southwest Quarter of Section 24, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska; and

WHEREAS, The Planning Commission held a public hearing June 13, 2017, and has recommended the approval of the Preliminary Plat; and

WHEREAS, The Preliminary Plat contains information required by the City Code at Section 113-70, which is relevant to this request.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Preliminary Plat of Brett Kelly and Chris Thompson for approval of the Preliminary Plat of Lot 3A, A Replat of Lot 3, Block 3, First Addition to Lakefield Addition to the City of Alliance, Nebraska and also a Part of Unplatted Lands in the Southwest Quarter of Section 24, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska is hereby approved and the subdividers are authorized to proceed with any required public works elements and preparation of a Final Plat.

BE IT FURTHER RESOLVED that this approval shall expire one year from this date unless the Final Plat has been submitted. This approval does not constitute Final Plat approval or guarantee the approval of the subdivision by the City Council or the City Council's authorization to proceed with construction of improvements within the subdivision.

Roll call vote with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Reynolds.

Voting Nay: None.

Motion carried.

- The next item on the agenda was Resolution No. 17-69 which will recommend approval of the Special Designated Liquor License Applications of DonDon Inc., MRC, Inc. and Players Sports Bar for events on August 19th and 20th, 2017.

Councilman Reynolds motioned to approve Resolution No. 17-69 which was seconded by Councilman Jones. The resolution follows in its entirety:

RESOLUTION NO. 17-69

WHEREAS, The City Clerk has received applications from Dondon, Inc. dba Players Sports Bar, D-Head, Inc. dba The Gathering Spot and M.R.C. Inc. dba Sandhillers for special designated licenses pursuant to the Nebraska Liquor Control Act; and

WHEREAS, Said act requires the approval of applications by the local governing body prior to such a license being issued by the Nebraska Liquor Control Commission; and

WHEREAS, The applications appear to be complete and meet the statutory requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Applications for Special Designated License of Dondon, Inc. dba Players Sports Bar, D-Head, Inc. dba The Gathering Spot and M.R.C. Inc. dba Sandhillers for August 19 and 20, 2017 are hereby approved for the premises described in the applications, and the City Clerk shall inform the Nebraska Liquor Control Commission of the approval of the applications, and the Clerk shall deliver the licenses issued by said Commission to the permittees upon receipt of the required fees.

Roll call vote with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Reynolds.

Voting Nay: None.

Motion carried.

- The next item on the agenda was Resolution 17-70 which authorizes staff to purchase a clay-based applicator from LSC Environmental Products, LLC to provide cover for the landfill cell. Council was provided with the following background information:

[The City of Alliance has been working with the Nebraska Department of Environmental Quality to meet licensing requirements for covering the landfill cell each evening. Presently the City uses a 6" dirt cover and are now forced to look at alternate sites for securing this fill. The current method is labor intensive and places additional wear and tear on the heavy equipment. Staff has identified an alternative process to provide cover that will be more effective and efficient. The proposed process would involve spreading a clay-based liquid in lieu of the currently required minimum of 6" of dirt. This product is sprayed over the refuse and dries to a hardened state of approximately 1" depth. This new process may save up to six hours of labor and equipment per day at the landfill. The other major advantage will be the extension of the landfill cell life that is estimated at an additional nine years by our engineers. The cost of the clay-based product is projected at \$30,600 per year and will be budgeted as an operating item.

Staff sought quotes from LSC Environmental Products of Apalachin, NY as well as financing options from local financial institutions. Four financial institutions responded with the best option included in the following summary of purchase/lease options.

Vendor	Terms	Total Costs
LCS Environmental Products	Purchase (Full Ownership Outright)	\$69,600.00
LCS Environmental Products	Three-Year Operating Lease – No Purchase	\$72,515.00
LCS Environmental Products	One-Year Capital Lease - \$1 Purchase	\$76,328.51
Sandhills State Bank	Three-Year Loan – Lien on Purchase - 2.45% Rate	\$72,228.86

Staff is recommending the purchase of the applicator from LCS Environmental Products in the amount of \$69,600 utilizing current landfill reserves. Although financing may be required to fund future landfill improvements, current reserves are well over the recommended levels and deposited funds presently earn interest at a rate less than 1%.

Funding for the applicator was not planned in the current capital budget; however, sufficient budget authority remains after the purchase of the front-end loader in Capital Outlay-Machinery, Equipment (GL 06-51-55-59-950).]

A motion was made by Councilman Mischnick to approve Resolution No. 17-70. Councilman Jones seconded the motion. The resolution follows in its entirety:

RESOLUTION NO. 17-70

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

WHEREAS, The City of Alliance has been working with the Nebraska Department of Environmental Quality to meet licensing requirements for covering the landfill cell each evening; and

WHEREAS, The City of Alliance desires to purchase an applicator to spray a clay based material to provide the required daily cover for debris placed in our landfill; and

WHEREAS, LSC Environmental Products of Apalachin, New York is able to provide a PSA Series Applicator, Model PSA-1000 in the amount of Sixty-nine Thousand Six Hundred Dollars and n /100ths (\$69,600.00).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that a PSA Series Applicator, Model PSA-1000 be purchased from LSC Environmental Products of Apalachin, New York and the contract is awarded in the amount of Sixty-nine Thousand Six Hundred Dollars and n /100ths (\$69,600.00) from Account No. 06-51-55-59-950.

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

Roll call vote with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Reynolds.

Voting Nay: None.

Motion carried.

- Council next considered Resolution No. 17-71 authorizing the City to enter into a Lease with Boutique Air, Inc. for the use of terminal and parking lot space for a car rental program. Council was provided with the following information:

[Boutique Air has requested a lease with the City of Alliance Municipal Airport to open a car rental business. The proposed agreement stipulates that Boutique Air, Inc. pay the City \$250 per month for rent. In return, the City agrees to provide a parking area for up to 10 cars of which four will be in the parking lot of the terminal and the other spots will be to the east and west of the current parking lot. Boutique Air will use current ticket counter space and no additional space inside the terminal will be needed. The lease will begin on July 1, 2017 for a term of one year.

The car rental business that Boutique Air is proposing is not a national chain, however the cars can be taken anywhere in the United States and most of Canada and can be returned to any location that Boutique Air currently operates an airline station.]

Councilman Reynolds motioned to approve Resolution No. 17-71. Vice Mayor Korber-Gonzalez seconded the motion. The resolution follows in its entirety:

RESOLUTION NO. 17-71

WHEREAS, The City of Alliance owns and operates a municipal airport; and

WHEREAS, Boutique Air, Inc. is a common carrier providing essential air service to Alliance, Nebraska and has a lease for terminal space which is required to facilitate operations of the commercial air service; and

WHEREAS, Boutique Air, Inc. would like to provide a car rental service from the Airport and requires the use of parking spaces; and

WHEREAS, Staff has prepared an Airport Use Agreement which has been approved by the Airline.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the lease with Boutique Air, Inc. for parking spaces at the Alliance Municipal Airport terminal location, is hereby approved for the term July 1, 2017 to June 30, 2018.

Roll call vote with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Reynolds.

Voting Nay: None.

Motion carried.

- Resolution No. 17-72 authorizing the purchase of a 2018 Freightliner 108 SD with a dump body and snow plow for \$153,601.71 from the National Auto Fleet Group, was the next item on the agenda. Council was provided with the following information:

[As part of this past year's capital budget process, the need for a dump truck with snowplow was identified by the Streets Department. This will be the second replacement of dump trucks that were purchased in 2002 and 2003. The State of Nebraska currently has a contract and bid number 081716-NAF awarded by the National Joint Powers Alliance that includes equipment that would fulfill the City's requirements. The purchase price of a 2018 Freightliner 108 SD with dump body and snowplow would be \$153,601.71 and would be purchased through National Auto Fleet Group. Older dump trucks will be reassigned to various City departments with at least one truck disposed at auction.

The chassis, snowplow package and sander attachments saw unforeseen increases in the bid award this year over the prior year causing the package to exceed the approved budget of \$145,000 by \$8,601.71. This purchase will require a capital

budget transfer in the amount of \$8,700 from Capital Outlay – Buildings (GL 24-41-41-59-915) to Capital Outlay – Machinery, Equipment (GL 24-41-41-59-950). The delivery of the truck will require approximately six months, so the budget authority will be carried forward to the next fiscal year in Capital Outlay – Machinery, Equipment (GL 24-41-41-59-950).]

A motion was made by Vice Mayor Korber-Gonzalez to approve Resolution No. 17-72. The motion was seconded by Councilman Mischnick. The resolution follows in its entirety:

RESOLUTION NO. 17-72

WHEREAS, The City of Alliance owns and maintains the public streets and roadways;
and

WHEREAS, The Street Department is desiring to replace an older dump truck; and

WHEREAS, The City secured a quote for a 2018 Freightliner 108 SD with dump body and snowplow from the National Joint Powers Alliance in the amount of One Hundred Fifty-three Thousand Six Hundred One Dollars and 71/100th (\$153,601.71); and

WHEREAS, The purchase of the 2018 Freightliner 108 SD with dump body and snowplow would be through the National Auto Fleet Group; and

WHEREAS, Adequate funds are not available for this purchase and a transfer in the amount of Eight Thousand Seven Hundred Dollars and no/100ths (\$8,700.00) from the Street Capital Outlay-Buildings Account No. 24-41-41-59-915 to Capital Outlay-Machinery/Equipment Account No. 24-41-41-59-950 is being requested to complete this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that City Manager Kuckkahn be and hereby is authorized to enter into a purchase agreement with National Auto Fleet Group through the National Joint Powers Alliance for a 2018 Freightliner 108 SD with dump body and snowplow in the amount of One Hundred Fifty-three Thousand Six Hundred One Dollars and 71/100th (\$153,601.71).

BE IT FURTHER RESOLVED that the transfer of Eight Thousand Seven Hundred Dollars and no/100ths (\$8,700.00) from the Street Capital Outlay-Buildings Account No. 24-41-41-59-915 to Capital Outlay-Machinery/Equipment Account No. 24-41-41-59-950 is hereby authorized to provide adequate funding for this purchase.

Roll call vote with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Reynolds.

Voting Nay: None.

Motion carried.

- The next item on the agenda was the discussion of a potential policy for commercial uses within the City's public park system.

[City of Alliance staff has been working with the Park and Tree Board to recommend a policy to better manage the use of public parks for commercial activities. The Park and Tree Board at their May 17, 2017 meeting discussed the topic and considered the many situations in which the parks may or may not be used for commercial and vending activities. The minutes of that meeting document that the Park and Tree Board approved the recommendation that “commercial sales or uses within the public park system be limited to only bonafide community events. This recommendation is supported by city staff. It will allow use of the parks during a community event, while limiting these activities at any other time, to ensure these areas are used for outdoor recreation, which is their intended use. The City’s standard liability insurance requirements would be recommended to be part of the use policy.]

Council instructed staff to draft a policy for review at a future meeting which only provides for commercial activity in public parks that are associated with bonafide community events.

- The next agenda item was a sidewalk discussion to consider possible solutions. Council did not discuss this matter and requested it be placed at their July 18th agenda.
- The final item on the agenda were board appointments.

A motion was made by Councilman Reynolds to re-appoint Thomas Price to the Museum Board with a new term set to expire on May 31, 2022. Vice Mayor Korber-Gonzalez seconded the motion.

Roll call vote with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Reynolds.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Reynolds to re-appoint James Girard to the Museum Board with a new term set to expire on May 31, 2022. Councilman Mischnick seconded the motion.

Roll call vote with the following results:

Voting Aye: Mischnick, Korber-Gonzalez, Reynolds.

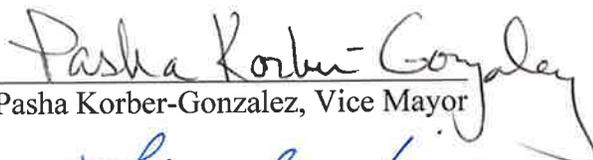
Voting Nay: None.

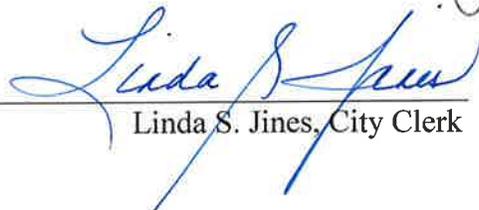
Motion carried.

Councilman Reynolds announced the City currently has available one vacancy on each of the following Boards: Board of Adjustment and the Park and Tree Board. 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.

- Vice Mayor Korber-Gonzalez stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:50 p.m."

(SEAL)


Pasha Korber-Gonzalez, Vice Mayor


Linda S. Jines, City Clerk

