

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, AUGUST 1, 2017

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

The Alliance City Council met in a Regular Meeting, August 1, 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 July 26, 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 August 1, 2017 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Council Members Yeager, 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.

- Mayor Yeager read the Open Meetings Act Announcement.
- The Consent Calendar was the first matter for Council’s consideration. A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – AUGUST 1, 2017

1. Approval: Minutes of the Regular Meeting, July 18, 2017 and the Special Meeting, July 26, 2017.
2. Approval: Payroll Costs for the period July 1, 2017 through July 14, 2017: \$242,557.36.
3. Approval: Claims against the following funds for the period July 12, 2017 through July 26, 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; \$230,611.72.

4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending June 30, 2017. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of fund transfers, meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Approval: Transfer of funds from Landfill Capital Outlay Other Improvements to Landfill Non-reoccurring Contract Services Other Machinery and Equipment in the amount of \$32,000 for the purchase of the clay based material to be used for landfill cover.
6. Approval: The issuance of a Cemetery Certificate to Jason Rasmussen and Saige Rasmussen for the West One Half (W1/2) Lot Sixteen (16), Section Two (2), Block Twenty-two (22) Alliance Cemetery Fourth Addition.
7. Approval: The appointment by City Manager Kuckkahn of Jess Wimmer to the Community Redevelopment Authority to fill the vacancy of Kurtis Schmidt.
8. Approval: Resolution No. 17-76 accepting the improvements to the Airport Road which were recently completed and overseen by the Nebraska Department of Roads.
9. For Your Information: Attached is a copy of the resolution of the Alliance Parks Foundation for the funds raised for the Pillars for the Park project. This resolution stipulates the conditions for handling the donations received for the project.

NOTE: City Manager Kuckkahn has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

Roll Call with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing on the Final Plat request of Dan Dickinson for Alliance Lodging, LLC of Lots 1, 2 and 3, Holsten Addition, A Replat of Block 10, Syndicate Addition was the next agenda item. Following the public hearing, Ordinance No. 2842 will be introduced to approve the Final Plat. The following background information was provided to Council:

[The City of Alliance is in receipt of an application for a Final Plat from Dan Dickinson as the landowner and Alliance Lodging, LLC as the developer. The Final Plat application for Holsten Addition to the City of Alliance, is to split a 5.55

acre lot into 3 lots of land for the development of a hotel, and other commercial businesses. There would also be dedication of a 30' wide easement for the installation of sanitary sewer.

The location of the proposed subdivision is currently called Block 10, Syndicate Addition to the City of Alliance, Nebraska. It is located north of Holsten Drive, south of Terry's Corner, and east of US Hwy 385.

The proposed subdivision is zoned C-3, Highway Commercial. A rezone will not be required to develop the property. The proposed extended stay hotel suites will require a Conditional Use Permit, which will accompany the Final Plat. The property is bordered to the north, east, and south by C-3, Highway Commercial, and to the west by A, Agriculture.

The proposed subdivision is currently vacant as is the property to the east and west. The property to the south is a distribution warehouse and the property to the north is a convenience store. There are not any preexisting structures on the proposed lot and there aren't any minimum lot sizes for C-3 zoned lots.

The City of Alliance Planning Commission met at its regular meeting July 11, 2017 and found that the Developer should provide the City with a copy of the deed granting an access easement from Westco to the development. They voted affirmative on a recommendation to the Alliance City Council for the approval of the Final Plat of Holsten Addition, A Replat of Block 10, Syndicate Addition to the City of Alliance, Nebraska, conditional on the developer providing the City with a copy of the deed granting an access easement from Westco to the development, after making the following findings:

1. The plat would allow for full development of the property.
2. The projects that would occur as a result of the platting would support the Comprehensive Plan in that it promotes the development and redevelopment in the West Gateway Neighborhood and make it more inviting.
3. The applicant has already applied for and received TIF and LB840 incentives to build a hotel on the lot.]

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 Final Plat request of Dan Dickinson and Alliance Lodging, LLC and opened the public hearing at 7:04 p.m.

Community Development Director Kusek reviewed the request with the City Council. No additional testimony was offered and the Public Hearing closed at 7:06p.m.

A motion was made by Councilman Korber-Gonzalez seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2842. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2842

AN ORDINANCE APPROVING THE FINAL PLAT OF LOTS 1, 2, AND 3, HOLSTEN ADDITION, A REPLAT OF BLOCK 10, SYNDICATE ADDITION, 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 Final Plat of Lots 1, 2, and 3, Holsten Addition, a Replat of Block 10, Syndicate Addition, 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 Daniel F. Dickinson, Partner, Syndicate Block Company LLC.

SECTION 2. The Planning Commission held a public hearing July 11, 2017, and has recommended the approval of the Final Plat of Lots 1, 2, and 3, Holsten Addition, a Replat of Block 10, Syndicate Addition, 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, contingent upon receiving a copy of the deed granting an access easement from Westco to the development from Alliance Lodging, LLC.

SECTION 3. The Final Plat of Lots 1, 2, and 3, Holsten Addition, a Replat of Block 10, Syndicate Addition, 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 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, contingent upon receiving a copy of the deed granting an access easement from Westco to the development from Alliance Lodging, LLC. 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 on the first reading of Ordinance No. 2842 with the following results:

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

Voting Nay: None.

Motion carried.

- A Public Hearing on the Conditional Use Permit Application to allow extended stay hotel suites on proposed Lot 2, Holsten Addition was the next item for discussion. Following the public hearing, Resolution No. 17-77 which will approve the Conditional Use Permit Application will be presented to Council. The following background information as provided to Council:

[The City of Alliance is in receipt of an application for a Conditional Use Permit from Dan Dickinson as the property owner and Alliance Lodging LLC as the developer. The Conditional Use Permit application is to allow extended stay hotel suites on proposed Lot 2, Holsten Addition.

The property is zoned C-3, Highway Commercial and is currently vacant. Extended stay hotels are not defined by Code or specifically listed as a use in the C-3 District but the proposed use exhibits attributes shown to be in the intent of the C-3 District and may be allowed as a Conditional Use. The property is bordered to the south, east, and north by C-3, Highway Commercial Zoning and to the west by A, Agriculture.

The City mailed Notification Petitions to the owners within a 300' radius of the property. As of July 13, the City had received two of the petitions back both in favor of the Conditional Use Permit.

The City of Alliance Planning Commission met at their regular meeting July 11, 2017 and voted to table the item until July 18th seeking clarification on the material presented to them. On July 18, staff provided the Planning Commission with supplemental information. The first was that City does not collect an occupancy tax on rooms that are continuously occupied for a period of more than 30 days and that stays over that time period are apartments and not within the intent of the C-3 District.

The Planning Commission then voted to recommend the City Council approve a Conditional Use Permit for the eastern portion of Block 10, Syndicate Addition to the City of Alliance after making the following findings of fact:

1. The proposition meets the minimum requirements to issue a Conditional Use Permit as found in Section 115-140 of the Alliance Municipal Code.
2. The proposed development of the property meets the requirements in the Comprehensive Plan in that it will allow development in the West Gateway Neighborhood.
3. The proposed land use, with the recommended conditions, fits the intent of the C-3 District because the extended stay hotel is commercial in nature and open to the public.

The Planning Commission included the following recommendations for the CUP:

1. The occupants in the extended stay hotel must check out after 30 continuous days.
2. The extended stay hotel suites shall be located on the first floor.
3. There shall be no exterior personal decorative items or lawn and patio ornaments allowed on the first floor.]

Mayor Yeager stated “now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the Conditional Use Permit Application of Dan Dickinson and Alliance Lodging, LLC and opened the public hearing at 7:08 p.m.

Community Development Director Kusek explained the application to Council. The Public Hearing was closed at 7:09 p.m. with no additional testimony being offered.

Mayor Yeager motioned to approve Resolution No. 17-77 which was seconded by Councilman Korber-Gonzalez. The resolution follows in its entirety:

RESOLUTION NO. 17-77

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, Alliance Lodging LLC has requested a Conditional Use Permit for Block 10, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska (located north of Holsten Drive, east of US Highway 385, and south of Terry’s Corner) to allow for two extended stay hotel buildings located on the eastern portion (proposed Lot 2, Holsten Addition) of Block 10, Syndicate Addition; and

WHEREAS, The Community Development office has examined the request and finds that the request to allow for two extended stay hotel buildings in a C-3, Highway Commercial 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 11th day of July, 2017, the Planning Commission for the City of Alliance held a public hearing on behalf of the Conditional Use Permit for Alliance Lodging LLC; and

WHEREAS, The Planning Commission voted to approve the Conditional Use Permit and forward Alliance Lodging LLC’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 Alliance Lodging LLC.

NOW, THEREFORE, BE IT RESOLVED that the Conditional Use Permit of Alliance Lodging LLC to allow for two extended stay hotel buildings located on the eastern portion (proposed Lot 2, Holsten Addition) of Block 10, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska (located north of Holsten Drive, east of US Highway 385, and south of Terry's Corner) is hereby authorized and approved with the following conditions:

1. The occupants in the extended stay hotel must check out after 30 continuous days.
2. The extended stay hotel suites shall be located on the first floor.
3. There shall be no exterior personal decorative items or lawn and patio ornaments allowed on the first floor.
4. 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 August 1, 2017.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item was a Public Hearing on the Rezoning Application of Chris and Kathy Thompson and Brett Kelly. Following the public hearing, Ordinance No. 2843 was introduced on first reading authorizing the rezoning application. Council was provided with the following background information:

[Chris and Kathy Thompson and Brett Kelly are requesting to rezone a portion of land from R-1a, Single Family Residential to R-1, Single Family Residential to eliminate a proposed lot from sitting in two different zoning districts. The land is located east of 2929 West Lakefield Drive and southeast of the intersection of Margaret Drive and West Lakefield Drive.

The proposed rezone will not change the front or rear setbacks; however, side setbacks will be reduced to 3'. The property being rezoned is currently vacant. The rezone would not create any new nonconforming structures, uses, or lots.

The purpose of the rezone is to eliminate proposed Lot 3A from sitting in two different zoning districts. The Preliminary Plat for Lot 3A was approved by Council on July 5 and the Final Plat is following the proposed rezone. The purpose of zoning is to evaluate and establish the best use of a particular piece of property and separate incompatible land use types. Zoning does not work well when "spot zoning" occurs and works even worse when the same parcel is governed by two

different zoning codes. This rezone would preemptively deal with that situation as the Final Plat of Lot 3A makes its way through the platting process.

Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed 19 petitions and as of July 18, the City had received two of them back, both in favor of the rezone.

At the July 18, 2017 Planning Commission meeting, the Commissioners voted to recommend the approval of the rezone of A Part of Unplatted Lands in the Southwest Quarter of Section 24, Township 25 North, Range 48 West of the 6th P.M. from R-1a, Single Family Residential to R-1, Single Family Residential making the following findings:

1. The proposed rezone is adjacent to existing R-1 Single Family Residential and would not constitute a spot zone.
2. The lot meets the minimum size requirements of the proposed zoning district.
3. The rezone would preemptively deal with the situation of Lot 3A sitting in two different zoning districts as the Final Plat of Lot 3A makes its way through the platting process.
4. The rezone of the property is consistent with this area of town's identification in the Comprehensive Plan as predominantly residential.]

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 Rezoning Application of Chris and Kathy Thompson and Brett Kelly and opened the public hearing at 7:10 p.m.

Community Development Director Kusek provided the background of the request for Council.

Mr. Chris Thompson, 3015 West Lakefield Drive, Alliance requested the City Council to waive the three reading requirement as he is in the process of selling his home and the closing of the property is time sensitive.

Hearing no further testimony, the Public Hearing closed at 7:12 p.m.

A motion was made by Councilman Jones seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2843. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2843

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT A PART OF 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 NOW INCLUDED AS A R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT FROM A R-1A (SINGLE 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

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

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

This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this 1st day of August, 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.

Motion by Councilman Mischnick, seconded by Councilman Reynolds to suspend the statutory rule requiring three separate readings of Ordinance No. 2843.

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

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2843 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, "the passage and adoption of Ordinance No. 2843 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Council's next agenda item was a Public Hearing on the Final Plat request of Chris and Kathy Thompson and Brett Kelly. Following the public hearing, Ordinance No. 2844 was introduced on first reading to approve the Final Plat. Council was provided with the following background information:

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

The Final 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 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 rear 2.5 acres to R-1 to match the front. 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 platted lot is currently vacant land. The platted lot has a single family residence on it. 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 at this time.

The City of Alliance Planning Commission met at its regular meeting July 11, 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 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, 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 neighborhood's identity as described by the Comprehensive Plan as residential in character.
3. The provisions for future the expansion of Margaret Drive to the east have been included in the plat.
4. The Alliance City Council approved the Preliminary Plat at their July 5 Regular meeting without changes.]

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 Final Plat Application of Chris and Kathy Thompson and Brett Kelly and opened the public hearing at 7:15 p.m.

No testimony was offered and the Public Hearing closed at 7:16 p.m.

A motion was made by Councilman Jones seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2844. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2844

AN ORDINANCE APPROVING THE FINAL 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.

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 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 from Chris Thompson, Kathryn S. Thompson, Brett D. Kelly and Kailee A. Kelly.

SECTION 2. The Planning Commission held a public hearing July 11, 2017, and has recommended the approval of the Final Plat of 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.

SECTION 3. The Final Plat of 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 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.

Motion by Councilman Korber-Gonzalez, seconded by Councilman Reynolds to suspend the statutory rule requiring three separate readings of Ordinance No. 2844.

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

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2844 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2844 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next agenda item was the first reading of Ordinance No. 2845 which will amend the Alliance Municipal Code in Chapter 28 within the Water Service section. The following background information was provided to Council:

[The City of Alliance was approached by a mobile home park operator regarding the fee for the monthly meter charge of their master meters. Meter charges are based on the size of the meter. Recently a couple of mobile home parks required their tenants to install their own water meters which are supplied through the park’s master meter. As a result the City is now collecting a meter charge on each individual mobile home with a meter. To reflect this additional revenue by the City, and the need for the mobile home parks to maintain their meter size to service their tenants we are recommending the master meter monthly charges be reduced by one meter size lower than their actual service. In order to receive the reduction, the master meter must service a minimum of five active individual residential meters.

The below listing reflects the current monthly meter charges:

Meter Size	Monthly Charge
5/8 Inch	\$ 14.20
3/4 Inch	\$ 14.20
1 Inch	\$ 14.20
1-1/2 Inch	\$ 30.61
2 Inch	\$ 61.24
3 Inch	\$101.64
4 Inch	\$130.68
6 Inch	\$193.16
8 Inch	\$275.86

A motion was made by Councilman Mischnick seconded by Councilman Korber-Gonzalez to approve the first reading of Ordinance No. 2845. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2845

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE MUNICIPAL CODE BY MODIFYING SECTIONS 28-263 RELATING TO WATER SERVICE RATES, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Alliance Municipal Code at Section 28-263 shall be amended as follows:

Sec. 28-263. - Water service rates.

- (a) As a tariff or water rates based on monthly consumption of each customer from the water distribution system of the city and for services rendered, the following schedules are hereby established:
- (1) Residential, commercial, industrial park, manufacturing, urban and rural rate. Each residential, commercial, industrial park, manufacturing, urban and rural consumer connected to the city water distribution shall be liable and pay for the service charge for the meter and for all water used and consumed at:
 - a. Residential rate. The residential rate will apply to any building which is used as the primary residence and any associated or peripheral use of that primary residence.

- b. Commercial rate. The commercial rate will apply to any for profit use that does not qualify as manufacturing and is not within the industrial park.
 - c. Manufacturing rate. The manufacturing rate will apply when more than 50 percent of the water purchased is used or directly consumed in processing or manufacturing. The term "processing" or "manufacturing" means an action or series of actions performed on tangible personal property, either by hand or machine, which results in that tangible personal property being reduced or transformed into a different state, quality, form, property or thing. The term "processing" does not include repairing property, building erection, cold storage of food products, or preparation of food for immediate consumption.
 - d. Industrial park rate. The industrial park rate will apply to those customers that are located within an industrial tract like the industrial park to the city.
 - e. Municipal rate. The municipal rate will apply only to services for city facilities and will not include any meter charge.
- (2) Water consumption charges. The billing process shall commence when water service is established. Each residential and commercial customer shall pay the appropriate rate for each 100 cubic feet of water used in each of the applicable blocks. Once a user has used the allotment of water from one block, the water will be billed at the next higher block rate. The usage blocks established are:

Block 1	First 600 cubic feet
Block 2	Next 3,500 cubic feet
Block 3	Next 2,500 cubic feet
Block 4	In excess of 6,600 cubic feet

All water consumption for manufacturing, industrial park and municipal customers will be at a single rate as established by city council.

- (3) Monthly meter charges. The customer's monthly bill shall include a monthly meter charge based on the size of water service to the customer's property. The meter charge is in addition to the water consumption charges assessed under this article. In the case of a mobile home park that has a master meter which services individual residential meters, the meter charge will be calculated using one meter size smaller than the master meter as long as there are a minimum of five active individual residential meters connected to the master meter.
- (b) Commencing October 1, 2012, and annually thereafter all water rates shall be automatically increased by one percent for all rate and service charges unless increases in excess of one percent are specifically authorized by the city council.

SECTION 2. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this ordinance in conflict herewith are now repealed.

SECTION 3. This Ordinance shall be published in pamphlet form, and shall be effective upon its passage and approval.

Roll call vote on the first reading of Ordinance No. 2845 with the following results:

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

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2846 which will approve the 2017-2018 propose budget for the City of Alliance was the next matter before Council.

A motion was made by Councilman Korber-Gonzalez seconded by Councilman Reynolds to approve the first reading of Ordinance No. 2846. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2846

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of the Nebraska R.R.S. 1943, §19-646, has submitted to the City Council a preliminary budget to the City Council at a workshop that was held on July 26, 2017 with a proposed budget being produced thereafter. A public hearing will be held on said proposed budget on August 15, 2017, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2017, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

	City	MFO	Public Safety	Airport	Airport Reserves	Total
Approved Budget Amount	1,179,100	150,400	0	261,300	54,400	1,645,200
County Treasurer's Fee (1%)	11,791	1,504	0	2,613	544	16,452

Total Property Tax Request	1,190,891	151,904	0	263,913	54,944	1,661,6.
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Using the following levies

Approved Mill Levy for 2017	.266166	.033951	.000000	.058985	.012280	.371382
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Based on Assessed Valuation 447,423,359

SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2017-18.

General	\$7,516,500
Electric	16,231,400
Refuse	1,862,400
Sewer	889,300
Water	2,004,700
Golf Course	356,700
Airport Operations	5,099,400
Public Transit	388,400
Streets	3,445,500
Handyman Services	59,700
RSVP	89,000
Museum Exhibit	14,600
BID #1 and #2	13,600
HUD/CDBG	150,000
Community Betterment (KENO)	20,200
Economic Development	150,000
LB 840 Fund	405,000
Redevelopment (TIF)	350,000
Sales Tax Fund	2,000,000
Lodging Occupation Tax	186,200
Capital Projects	1,825,000
State 911 Funds	55,000
General Internal Service	1,395,000
Enterprise Internal Service	647,400
Health Support Internal Service	2,035,500
General Debt Service	43,600
Airport Capital Reserve	60,000
<i>Gross Expenditures</i>	<u>47,294,100</u>

There is hereby included \$425,000 within the General Fund Budget [City Council Activity], \$10,000 within the General Fund Budget [Police Grant] \$60,000 within the Electric Fund,

\$260,000 within the Water Fund, \$25,000 within the Sewer Fund, \$15,000 within the Refuse Fund, \$10,000 within the Airport Fund, \$50,000 and within the Streets Fund; to be known as "Contingency." Expenditures from any Contingency will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total Unused Restricted Funds Authority of \$_____ for Fiscal Year 2018.

SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2017.

Roll call vote on the first reading of Ordinance No. 2846 with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was the first reading of Ordinance No. 2847 which will allow the City of Alliance to exceed the Allowable Growth and Basic Allowable Growth for the 2017-18 Fiscal Year Budget by 1%. Council was provided with the following background information:

[The attached ordinance will allow the City of Alliance (with a 75% affirmative vote by Council) to exceed the base allowable growth limitation of the restricted funds authority for the 2017-18 fiscal year budget by 1% (or \$65,654) with total restricted funds authority at \$6,631,017.

This does not increase the new fiscal budget, but rather allows the City to increase the unused budget authority for use in future years.]

A motion was made by Councilman Reynolds seconded by Councilman Jones to approve the first reading of Ordinance No. 2847. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2847

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2017-2018 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.

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

SECTION 1. Governmental units are authorized pursuant to State law at Chapter 13, Section 519, to exceed the Allowable Growth (§13-518(1)) and the Basic Allowable Growth (§77-3446) for budgeted restricted funds authority up to an additional one percent, by affirmative vote of the City Council of at least 75%.

SECTION 2. The City Council finds that such limit as provided by Section 13-519 (a) and (b) should be exceeded by one percent.

SECTION 3. An affirmative vote of at least 75% in favor of this increase is hereby cast.

SECTION 4. Section 13-511 allows correction of an adopted budget statement for clerical, mathematical, and accounting errors, which correction does not affect the total amount budgeted by more than one percent or increase the amount required from property taxes. The one percent limit increase is calculated into the current budget statement; however the unused budget authority amount is in need of modification.

SECTION 5. The “total restricted funds authority” with the additional 1% is \$65,654 and the resulting “unused budget authority” in the adopted budget ordinance is hereby amended to the amount of \$6,631,017.

SECTION 6. Those portions of the existing budget ordinance for 2017-2018 are amended accordingly.

SECTION 7. The City Treasurer is authorized to make appropriate changes in the submitted forms for computation of the limit for fiscal year 2017-2018, and transmit those changes to the State Auditor’s office.

SECTION 8. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Motion by Councilman Reynolds, seconded by Councilman Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2847.

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

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2847 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Yeager stated, “the passage and adoption of Ordinance No. 2847 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The first reading of Ordinance No. 2848 which will adopt the Classification and Compensations Plans for the 2017-18 Fiscal Year Budget was the next item before Council. The following background information was provided to Council:

[The attached ordinance will adopt the Classification and Compensation Plans that will be incorporated as a part of the 2017-18 FY budget. The Compensation Plan includes three categories: Exempt, Non-Exempt and Fire Employees.

The Classification Plan has the following changes from the most recent version approved by Council:

COLA: Non-contract Pay Grids reflect a 1% increased based on a cost of living adjustment.

Finance: Account Clerk I pay grade increases from 210 to 211.

Streets: Street Maintenance Worker I pay grade increases from 211 to 213 and the Street Maintenance Worker II position is eliminated. Refuse Collection Driver and Street Maintenance Worker job descriptions are combined.

Water/Sewer: Water/Sewer Maintenance Worker I pay grade increase from 213 to 214, W/S Maintenance Worker II position is eliminated and W/S Maintenance Worker III pay grade decreases from 218 to 217.

Landfill: Landfill Operator pay grade will increase from 214 to 216 and position title will change to Landfill Heavy Equipment Operator. Landfill Supervisor pay grade will increase from 218 to 219 and position title will change to Landfill Foreman. The Landfill Baler Operator Clerk title will change to Landfill Transfer Station Operator.

Parks: The Parks Foreman title will change to Grounds Maintenance Foreman and the pay grade will increase from 219 to 220. The Parks and Cemetery Maintenance Worker positions will be combined into one Ground Maintenance Worker position with two levels.

Electric: The Electric Line Crew Chief pay grade will increase from 225 to 227 and the title changed to Electric Foreman. The Journey Line Worker pay grade will increase from paygrade 223 to 225. These changes will require adding two pay grades to non-exempt grid.

Miscellaneous: Title Change – Airport Manager to Airport Director; Golf Course Superintendent to Golf Course Foreman; Airport Maintenance Superintendent to Airport Maintenance Foreman. Eliminate Positions – Customer Service Clerk I and II; Cemetery Maintenance Worker I and II, Computer Operator; and RSVP/Handyman Director. Add position of Administrative Secretary in Human Resources at pay grade 212. Public Works Director position pay grade increases from 108 to 109.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2848. City Clerk Jines read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2848

AN ORDINANCE ADOPTING REVISED CLASSIFICATION AND COMPENSATION PLANS FOR THE CITY OF ALLIANCE, NEBRASKA.

WHEREAS, Section 16-310 of R.R.S. 1943 authorizes the Mayor and Council to establish the compensation for employees and officers by stating that "The officers and employees in cities of the first class shall receive such compensation as the mayor and council shall fix by ordinance;" and,

WHEREAS, The Alliance City Council adopted the Fiscal Year 2017-2018 Budget which included funds for revised Classification/Compensation Plans.

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

SECTION 1. That the attached Classification Schedule for the City of Alliance dated to be effective October 7, 2017 and the attached Compensation Schedules for Exempt, Non-Exempt, Police Bargaining Unit, Communications Bargaining Unit, and Fire employees dated to be effective October 7, 2017 are hereby adopted by this reference.

Roll call vote to approve Ordinance No. 2848 on first reading with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda was the Street Closure Request of The Cardio Connection Fitness Center to close 5th Street between Box Butte Avenue and the alley west for a powerlifting contest.

Councilman Mischnick motioned to approve the Street Closure Request with the following requirements:

1. Provide adequate street protection to prevent damage to the street.
2. Provide Liability Insurance in the amount of \$1,000,000 listing the City of Alliance as an additional insured.
3. No activity allowed on the sidewalk.
4. Cardio Connection will be responsible and pay for any damages incurred.

Councilman Reynolds seconded the motion.

Roll call vote with the following results:

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

Voting Nay: Jones.

Motion carried.

- The Third Quarter Financial Report was the next matter before Council.

Assistant City Manager/Finance Director Waggener provided an overview of the City's Third Quarter Financial Report ending July 30, 2017 and reviewed dashboards for Sales Tax, Hotel Occupation Tax, Electric and Water revenue and usage and General Fund Cash Trends.

A motion was made by Councilman Korber-Gonzalez, seconded by Councilman Mischnick to accept the Third Quarter Financial Report as presented.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- The final agenda item was a Board appointment. Council received three applications showing interest to serve on the Alliance Planning Commission. Due to one vacancy, Council was provided with ballots for their method of selection.

Mr. Jacob Carey was unanimously selected to fill the partial term which expires December 31, 2019 on the Alliance Planning Commission.

Council announced that the City is currently seeking interest from individuals to serve on the Board of Adjustment, Economic Development Plan Citizen Advisory Board 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.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:56 p.m."



Ralph Yeager, Mayor

(SEAL)



Linda S. Jines, City Clerk