

Council Meetings

July 05, 2023 City Council Meeting

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Building the Best Hometown in America®

ALLIANCE, NEBRASKA
CITY COUNCIL MEETING
Alliance Learning Center
1750 Sweetwater Avenue
July 05, 2023 – 7:00 p.m.
AGENDA

- **Call to Order**
- **Roll Call**
- **Invocation and Pledge of Allegiance**
- **Open Meetings Act Announcement**

For the public's reference a copy of the Open Meetings Law has been posted on the northeast corner of this room in the audience area. This posting complies with the requirements of the Nebraska Legislature.

A. Consent Calendar

Approval of Minutes, Council Proceedings, Payroll and Claims
Resolution 23-52 – Heritage Days Street Closure

B. Public Hearing - Ordinances in conformity with the Comprehensive Plan

Now is the date, time and place to conduct a public hearing on Ordinance No. 2957; 2958; 2959; 2960; 2961; and 2962, for the amendments to the City of Alliance Municipal Code in conformity with the Comprehensive Plan.

1. Ordinance No. 2957 – Chapter 101

Ordinance No. 2957 is on second reading, which will approve amendments to Chapter 101 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

2. Ordinance No. 2958 – Chapter 105

Ordinance No. 2958 is on second reading, which will approve amendments to Chapter 105 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

3. Ordinance No. 2959 – Chapter 107

Ordinance No. 2959 is on second reading, which will approve amendments to Chapter 107 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

4. Ordinance No. 2960 – Chapter 109

Ordinance No. 2960 is on second reading, which will approve amendments to Chapter 109 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

5. Ordinance No. 2961 – Chapter 111

Ordinance No. 2961 is on second reading, which will approve amendments to Chapter 111 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

6. Ordinance No. 2962 – Chapter 113

Ordinance No. 2962 is on second reading, which will approve amendments to Chapter 113 of the Municipal Code that are in conformity with the updated Comprehensive Plan.

City of Alliance Goals

Build Excellence Through Warm Communication and Genuine Alliances * Create a Fun Place to Live, Work and Play * Construct Homes and Develop Neighborhoods * Celebrate and Relax In Our Positive and Friendly Hometown * Promote a Strong and Vibrant Community

C. Public Hearing - Ordinance No. 2963 – Rezone and ETJ

Now is the date, time, and place to conduct a Public Hearing on Ordinance No. 2963, an amendment to the official zoning map, in order to rename the R-1 and R-1a zoning districts and in order to adopt a new map for the extraterritorial zoning jurisdiction of the City.

Ordinance No. 2963 - ETJ Amendment and renaming of zoning districts

Ordinance No. 2963 is on first readings, which will amend the Official Zoning Map of the City per Section 109-22 of the City Code, to adjust the extraterritorial zoning jurisdiction of the City and to show new names of the R-1 and R-1a zoning districts.

D. Resolution 23-53 – Electric Hail Storm Repair Bid

Resolution 23-53 will accept and award the Alliance Electric Facilities 2021 Hail Storm Damage Repair to Twin City Roofing & Sheet Metal, Inc., in the total amount of \$50,500.60.

▪ **Motion to Adjourn**

Respectfully submitted,



Shelbi C. Pitt
City Clerk

† Added by addendum to agenda 24 hours prior to the meeting.

The City Council reserves the right to adjourn into closed session as per Section 84-1410 of the Nebraska Revised Statutes.

City of Alliance Goals

Build Excellence Through Warm Communication and Genuine Alliances * Create a Fun Place to Live, Work and Play * Construct Homes and Develop Neighborhoods * Celebrate and Relax In Our Positive and Friendly Hometown * Promote a Strong and Vibrant Community

CONSENT CALENDAR – JULY 5, 2023

1. Approval: Minutes of the Regular Meeting, June 20, 2023.
2. Approval: Payroll from June 16, 2023 in the total amount of \$304,722.32.
3. Approval: Claims against the following funds: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$1,245,619.05.
4. Approval: Resolution 23-53 which will allow the closure of 3rd Street from Black Hills Avenue east to Mississippi Avenue from 9:45 a.m.. Saturday, July 22, 2023 until completion of the parade for Heritage Days.

NOTE: City Manager Sorensen and City Treasurer Baker have reviewed these expenditures and to the best of their knowledge confirm 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.

June 20, 2023

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JUNE 20, 2023

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

The Alliance City Council met in a Regular Meeting, June 20, 2023 at 7:00 p.m. in the Alliance Learning Center Community Meeting Room, 1750 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on June 14, 2023. 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 provided 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 Jones opened the June 20, 2023 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Jones, Vice Mayor McGhehey and Council Members Mischnick, Andersen, and Mashburn. Also present were City Manager Sorensen, City Attorney Hoelsing, City Treasurer Baker and City Clerk Pitt.

- Mayor Jones read the Open Meetings Act Announcement.
- The Consent Calendar was the first item on the agenda. A motion was made by Councilmen Andersen, which was seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – JUNE 20, 2023

Approval: Minutes of the Regular Meeting, June 06, 2023.

Approval: Payroll from June 02, 2023 in the total amount of \$366,238.25.

Approval: Claims against the following funds: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$1,745,421.35.

Approval: Rolland Gene and Patricia Ann Skinner Cemetery Certificate.

June 20, 2023

Approval: will approve the amendment to the City Manager's Employee Contract to reflect the \$2,080.00 cost of living increase.

Approval: Resolution 23-45 will approve the Agreement with Aging Office for the Senior Center Facility 212 Yellowstone Ave.

Approval: Resolution No. 23-46 will approve the haying lease agreement with Josh Frerichs for the remaining three years of a five-year lease agreement.

Approval: Resolution No. 23-47 will approve the agreement with NDOT for TripMaster Dispatching Software for the 100% reimbursement of \$48,388.71.

Approval: Resolution No. 23-49 will approve the Water/Sewer Department budget transfer in the total amount of \$20,000 from Capital Outlay #08-52-52-59-950 to CTNSVC #08-52-52-44-479, for the repair of Well 2.

NOTE: City Manager Sorensen and City Treasurer Baker have reviewed these expenditures and to the best of their knowledge confirm that they are within budgeted appropriations to this point in the fiscal year.

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

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next action for Council was to proclaim Saturday, June 24, 2024 as Terry Jensen Day. Terry Jensen was in attendance to receive the proclamation. Councilman Mischnick read the following proclamation:

PROCLAMATION

WHEREAS, we are here today to express special recognition to Terry Jensen and to honor him for his faithful thirty-year career with the City of Alliance Streets Department; and,

WHEREAS, Terry began his career with the City of Alliance on May 18, 1992 as a Street Maintenance Worker for the City of Alliance; and,

WHEREAS, the City of Alliance recognizes the valuable contributions that Terry has made while working with the Streets Department; and,

WHEREAS, the citizens of the City of Alliance, wish to honor and thank Terry Jensen for his 31 years of service to the Streets Department; and,

June 20, 2023

NOW, THEREFORE the City Council of Alliance, Nebraska, does hereby proclaim:

Saturday, June 24, 2023 as:

Terry Jensen Day

in the City of Alliance, Nebraska, and we urge all citizens to join me in honoring Terry Jensen by expressing appreciation for his commitment to helping 'Build the Best Hometown in America'.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 20th day of June in the year of the Lord Two Thousand Twenty-Three.

- Next on the agenda for Council was Resolution No. 23-49 which will accept and approve the updated City of Alliance Comprehensive Plan. The following information was provided:

[The State of Nebraska requires that cities and counties have an up to date Comprehensive Plan (Plan) or general plan for their communities in order to enforce its building, subdivision, and zoning codes. Plans may also be necessary for certain grant opportunities and the ability to utilize and administer economic development tools. The Plan is meant as a general guide for the City for the next 15-30 years. It is meant to guide capital purchasing, land use, transportation, housing, public works projects, etc. so that large scale decisions are not capricious or self-serving of elected officials, city staff, administrators, and members of the public. The proposed Plan was prepared for the Planning Commission in the fall and winter months which staff did not view as an ideal time to take new pictures for the Plan. Pictures will be updated as staff has the opportunity to do so throughout the summer months.

Chapter 1 - Foundation - This chapter begins the Comprehensive Plan with a brief history of Alliance followed by a summary of what a Comprehensive Plan is. It includes the minimum legal requirements set by the State of Nebraska for a Comprehensive Plan and the process by which this Plan was written. It lists the contents of the Comprehensive Plan by chapter and then shows the results of a community survey. The survey shows citizens priorities as they relate to the City as well as some personal information about the respondent such as pay and home owner status. These survey results have remained similar to those of previous Plans and the assessment in the 1990 Urban Design Plan for Alliance.

Chapter 2 – Public Facilities - This chapter begins with an assessment and recommendations for City buildings. This is followed by the same assessment for City parks and finally utilities. Each facility begins with a brief history followed by its current status, and recommendations for future improvements. This was

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prepared with aid from each facilities' advocate and previous Plan recommendations.

Chapter 3 – Transportation – This chapter begins with an assessment of the existing conditions of the City transportation system including its physical condition and an operational analysis. It introduces Complete Streets to the City Comprehensive Plan for the first time looking at streets using a more holistic approach in how the street right of way is used by multiple forms of transportation. Finally, it provides a long range plan and recommendations for future improvements and maintenance projects.

Chapter 4 – Housing – Chapter 4 is an assessment of housing trends nationally and the current housing conditions in Alliance. It contains statistical information gathered from the U.S. Census Bureau as it relates to housing, wages, and affordability, and compares them with other communities in our area and the State of Nebraska. It provides recommendations for future housing needs in Alliance and references the 2020 Box Butte County Housing Study as an additional guide.

Chapter 5 – Land Use – The Land Use Chapter begins with a brief introduction of the importance of coherent land use management, a description of the different types of land use, and how much of the total City area each land use occupies. The chapter then breaks the City down in to neighborhoods and assesses each neighborhoods strengths, weaknesses, land uses, and makes general recommendations for the long term goals of each neighborhood. This Plan treats the Extraterritorial Zoning Jurisdiction, the area outside corporate limits that Cities are permitted to enforce their building and zoning codes, as its own individual neighborhood. Finally there is an annexation plan with details of each proposed area and a description of the different priority rankings.

Chapter 6 – Sustainability – Chapter 6 finishes the Plan with a brief introduction of how the Plan defines and addresses sustainability. The first is a comparison of measurable indicators of Alliance now versus Alliance in the past. These include census data showing certain cultural, environmental, and economic indicators such as population, homeownership rates, income, commute times, etc. The second is an assessment of the appearance and aesthetics of Alliance. The entrances to the community and other main arterials are mapped, assessed, and general recommendations are made for each. The third and final part is an energy component that assesses current energy utilities, past use trends, comparisons with previous usage, and what future usage may look like.

The City of Alliance Planning Commission held Public Hearings for the proposed Comprehensive Plan on February 14, March 14, April 11, and May 9, 2023. The

June 20, 2023

Planning Commission voted to recommend the City Council approve the proposed Comprehensive Plan, after making the following findings of fact:

1. An up to date Comprehensive Plan is required by State Law to enforce the City subdivision, zoning, and building codes.
2. The proposed Comprehensive Plan has been prepared in accordance with State requirements.
3. The current Comprehensive Plan was prepared in 2009 using 2000 Census Data making it essentially 23 years old.
4. The completion of the goals in the proposed Comprehensive Plan are in the best interest of the City and its future.

STAFF RECOMMENDATION: THE CITY COUNCIL APPROVE THE RESOLUTION ADOPTING THE PROPOSED COMPREHENSIVE PLAN OF THE CITY OF ALLIANCE.]

A motion was made by Mayor Jones, seconded by Vice-Mayor McGhehey to approve Resolution No. 23-49 which follows in its entirety:

RESOLUTION NO. 23-49

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

WHEREAS, the City of Alliance, Nebraska has a current Comprehensive Plan dated the Winter of 2009, pursuant to Neb. Rev. Stat. §§ 19-901, 19-903. The City has proposed and received a completely updated "Alliance Comprehensive Plan," attached hereto and incorporated herein by reference as Exhibit A.

WHEREAS, the Alliance Planning Commission, following public hearings, has reviewed and provided a recommendation for the adoption of the Alliance Comprehensive Plan as written, pursuant to Neb. Rev. Stat. § 19-901; and

WHEREAS, the City Council of the City of Alliance, Nebraska, following public hearing, has reviewed the Alliance Comprehensive Plan and is in favor of its adoption;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Alliance, Nebraska that the current Comprehensive Plan of the City of Alliance, Nebraska, dated the Winter of 2009, is repealed and the Alliance Comprehensive Plan attached hereto and incorporated herein by reference as Exhibit A is the adopted as the comprehensive plan of the City of Alliance, Nebraska, pursuant to Neb. Rev. Stat. §§ 19-901, 19-903, effective June 28, 2023.

PASSED and APPROVED on June 20, 2023.

June 20, 2023

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was the Ordinances in conformity with the Comprehensive Plan. The following information was provided for Council's review:

[There are several code amendments proposed as part of the new Comprehensive Plan. Additional amendments have been proposed by staff for clarification purposes and to bring the code into compliance with laws that other governmental entities have changed or passed. The code change summaries in the narrative are separated by chapter and generalized to provide a brief overview of the changes. Specific changes are highlighted in the draft code given to Council for review.

Chapter 101 – The amendments in this chapter add a section stating the purpose of Part II of the Municipal Code, code amendment procedures, and additional definitions primarily as a result of amendments to the health care and flood plain sections of the zoning code. The health care and flood plain amendments are required as numerous changes to the healthcare and floodplain laws at the State and Federal levels have occurred since our code was drafted.

Chapter 105 – The proposed amendments to this chapter allow for the collection of a drawing review fee for projects valued at \$100,000 or more and allow for commercial business owners to perform nonstructural, non-specialized work on their own buildings. In the circumstance where a large project doesn't get constructed but the drawing review was completed, the City would keep a review fee of 10% of the total cost of the permit and refund the rest. If the project is constructed, the 10% review fee would go towards the cost of the permit. The building code already allows this for all projects but staff believes it's only necessary for larger projects where the investment in staff's time and resources is more significant and thus more of a loss.

Chapter 107 – The amendments to the subdivision chapter are the removal of the requirement of drawing building or setback lines on plats; the vacation of plats if replatted more than two times; and additional requirements for administrative subdivisions. Setbacks and building lines change with zoning. If the zoning changes after the plat is approved, the setbacks and building lines shown on the plat may become incorrect. The code adds the requirement of plat vacation if being replatted more than two times. Every replat has to reference the previous plat and after several replats, the legal description becomes long, confusing, and can cause legal and title issues if something is missed. The proposed code would allow for rural administrative subdivisions and the requirement for Public

June 20, 2023

Improvement Deferments in certain cases where not all improvements are installed.

Chapter 109 – This chapter is the zoning and land use chapter. The proposed amendments primarily increase the density of residential developments by allowing townhouses, accessory dwelling units, shorter rear setbacks if the lot is adjacent to an alley, and setback reductions if structures on the same lot are fire rated as required by the adopted fire code. It also makes the same changes to the health care land uses that necessitated the definition changes in Chapter 101.

Chapter 111 – The amendments to this chapter are the requirements for accessory dwelling units permitted by Chapter 109. There are also some procedural changes and clarifications requested by staff to help clear up enforcement issues in the code pertaining to fences, parking, and exceptions to setbacks.

Chapter 113 – This chapter is also known as the floodplain ordinance. The amendments proposed are not necessarily required by the Comprehensive Plan but are required by the State and Federal governments to meet their minimum guidelines for the National Flood Insurance Program. The proposed code was sent to the Nebraska Department of Natural Resources and FEMA, and has been approved at both levels.

The City of Alliance Planning Commission met at their regular meeting on April 11, 2023, and held a Public Hearing for the proposed code amendments. The Planning Commission then voted to recommend the City Council approve the code amendments, after making the following findings of fact:

1. The amendments are consistent with the goals of the proposed Comprehensive Plan.
2. The amendments are needed to clarify the changes in healthcare and flood plain administration laws over the past 40 years.
3. The City participating in the National Flood Insurance Program is beneficial for the City of Alliance and thus the amendments to Chapter 113 are necessary.

STAFF RECOMMENDATION: THE CITY COUNCIL APPROVE THE ORDINANCE AMENDING PART II OF THE ALLIANCE MUNICIPAL CODE, TITLED LAND DEVELOPMENT AND PLANNING.]

A motion was made by Councilmen Mashburn, seconded by Councilmen Mischnick to approve the first reading of Ordinance No. 2957, Ordinance No. 2958, Ordinance No. 2959, Ordinance No. 2960, Ordinance No. 2961, Ordinance No. 2962. City Clerk Pitt read the Ordinances by title which follows in its entirety:

Ordinance No. 2957

June 20, 2023

AN ORDINANCE ADOPTING SECTION 101-2 OF THE ALLIANCE MUNICIPAL CODE, RENUMBERING SECTIONS OF THE ALLIANCE MUNICIPAL CODE ACCORDINLY; AMENDING PORTIONS OF CHAPTER 101 OF THE ALLIANCE MUNICIPAL CODE, AS RENUMBERED; REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: Section 101-2. Purpose of the City Code is adopted as follows:

“Sec. 101-2. Purpose.

The purpose of Part II of the City of Alliance Municipal Code is to promote the health, safety, morals, and general welfare of the community by regulating the height, number of stories, and size of buildings; regulating and restricting lot coverage, the size of yards, courts, and other open spaces, and density; regulating the location, and use of buildings, structures, lots, and tracts of land for industry, residence, or other purposes; dividing the area into zoning districts; any other purposes stated within each Chapter of this code; and provide for the enforcement thereof.”

SECTION 2: Sections 101-2, 101-3, 101-4, 101-5, and 101-6 of the City Code are renumbered as Section 101-3, 101-4, 101-5, 101-6, and 101-7, respectively.

SECTION 3. Section 101-5. Amendments to Part II of the Alliance Municipal Code, as renumbered in Section 2 of this Ordinance above, is amended as follows:

“Sec. 101-5. Amendments to Part II of the Alliance Municipal Code.

(a) Planning commission. Recommendations for revision or amendment of any portion of Part II of the Alliance Municipal Code, including the zoning ordinance and district map, may be initiated by the planning commission upon its own motion, for final determination by the city council, but only after proper notices and public hearings required by state law are held by each body.

(b) City council. The city council may revise or amend any portion of Part II of the Alliance Municipal Code, including the zoning ordinance and district map, upon its own action, provided such proposed revisions or amendments shall first be submitted to the planning commission for recommendation and report as required by State law, and only after proper notices and public hearings required by state law are held by each body.

(c) Public. Requests for an amendment, revision, or change of any of the rules, regulations, or provisions of the text of Part II of the Alliance Municipal Code, including the zoning ordinance, may be made by any interested person by written letter, duly filed with the City Manager or designee no less than 15 working days before the next regular meeting of the Planning Commission. The applicant’s letter shall detail the proposed code amendment, revision, or change along with reasoning. Amendments to chapters 109 and 111 shall be done according to the procedures set out in chapter 109.

