

April 16, 2024

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 16, 2024

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

The Alliance City Council met in a Regular Meeting, April 16, 2024 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 April 10, 2024. 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 April 16, 2024 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Jones, Vice Mayor McGhehey and Council Members Mischnick, Mashburn and Weisgerber. Also present were City Manager Sorensen, City Treasurer Baker, City Attorney Selzer and City Clerk Pitt.

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

CONSENT CALENDAR – April 16, 2024

1. Approval: Minutes of the Regular Meeting, April 2, 2024.
2. Approval: Payroll from April 5, 2024 in the total amount of \$359,747.30.
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; \$1,178,487.76.
4. Approval: Cemetery Certificate for Strang, Milton E. and Joanne H.

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5. Approval: Resolution No. 24-34 which authorizes a budget transfer in the amount of \$5,500.00 from Council Contingency to NRCNTSVC-OTHER MACH EQUIP # 21-71-75-44-489 to cover the replacement costs of a 3 HP PM (Pressure Maintenance) pump.
6. Approval: Resolution No. 24-35 which authorizes a budget transfer in the total amount of \$15,000 to AOA Ground Maintenance # 22-41-43-45-575 from Capital Outlay – Mach, Equip # 22-41-43-59-950 in the amount of \$9,500 and from Conferences, Cont. Education # 22-41-43-42-294 in the amount of \$5,500 is necessary for the electrical repair of Runway 12/30.
7. Approval: Resolution No. 24-36 which authorizes a budget transfer in the amount of \$3,100 from Capital Outlay – Mach, Equip # 23-72-71-59-950 to Cellular Telephone Expense # 23-72-71-44-456 to cover the cost of the purchases of cell phones/tablets for Public Transit.

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: McGhehey, Mischnick, Mashburn, Weisgerber and Jones.

Voting Nay: None.

Motion carried.

- Next before Council was a Conflict Claim of Councilman Tearza Mashburn for the travel and meal reimbursement while attending the Mid-Winter League Conference in Lincoln, NE.

A motion was made by Councilman Weisgerber to approve the reimbursement of \$569.04 to Councilman Tearza Mashburn. The motion was seconded by Councilman Mischnick.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- City Manager Sorensen introduced Police Chief David Leavitt before Council.

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- The next action item on the agenda for Council was to proclaim Arbor Day, April 26, 2024. Councilman Mischnick read the following proclamation:

PROCLAMATION

WHEREAS, In 1872 the Nebraska Board of Agriculture established a special day be set aside for the planting of trees; and,

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and,

WHEREAS, Arbor Day is now observed throughout the nation and the world; and,

WHEREAS, Trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife; and,

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and,

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and,

WHEREAS, Trees – wherever they are planted – are a source of joy and spiritual renewal; and,

WHEREAS, The City of Alliance has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

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

Friday, April 26, 2024 as:

Arbor Day

In the City of Alliance, Nebraska, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and,

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 16th day of April in the year of the Lord Two Thousand Twenty-Four.

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- Councilman Mashburn next proclaimed National Lineman Appreciation Day, April 18, 2024 and read the following proclamation:

PROCLAMATION

WHEREAS, the City of Alliance would like to recognize and celebrate the profession of Linemen and wishes to honor their exemplary services to the City of Alliance and our community; and,

WHEREAS, Linemen are often first responders during storms and other catastrophic events, working to make a scene safe for citizens; and,

WHEREAS, Linemen work with thousands of volts of electricity high atop power lines 24 hours a day, 365 days a year, to keep electricity flowing in our community; and,

WHEREAS, Linemen work under dangerous conditions, putting their lives on the line every day to construct and maintain the energy our City needs to run to operate;

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

Day of Thursday, April 18, 2024 of as:

National Linemen Appreciation Day

In the City of Alliance, Nebraska, we encourage residents to recognize the hard work and commitment our Linemen do for our City. And encourage everyone to take a moment to thank a line worker for everything they do to keep the lights on, ensuring and enhancing our quality of life

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 16th day of April in the year of the Lord Two Thousand Twenty-Four.

- Vice Mayor McGhehey next recognized the week of April 6 through April 12, 2024 as Week of the Young Child and read the following proclamation:

PROCLAMATION

WHEREAS, All young children deserve quality early learning environments that support them as capable lifelong learners; and,

WHEREAS, Nurturing parenting, quality and accessible childcare, and early education programs build strong brains during the critical years from birth to age 5; and,

WHEREAS, Investments in babies and young children have a profound impact on creating a strong and vibrant community; and,

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WHEREAS, Organizations are working to improve equitable early learning opportunities that can provide a foundation of learning for children in Alliance, Nebraska; and,

WHEREAS, Early childhood educators and others who make a difference in the lives of young children deserve thanks, recognition, and support; and,

WHEREAS, Public policies that support early learning for all young children are crucial to Nebraska's families, communities, and economy;

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

The week of April 6-12, 2024 as:

Week of the Young Child

In the City of Alliance, Nebraska, and we urge all citizens to support and invest in early childhood education in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 16th day of April in the year of the Lord Two Thousand Twenty-Four.

- Council held a Public Hearing on the second reading of Ordinance No. 2978, which will approve the Final Plat for Block 7A, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska. The following information was provided:

[ORDINANCE – THE FINAL PLAT OF BLOCK 7A, SYNDICATE ADDITION, A REPLAT OF BLOCK 7, SYNDICATE ADDITION TO THE CITY OF ALLIANCE AND UNPLATTED LANDS IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.]

The City of Alliance is in receipt of an application for the Final Plat of Block 7A Syndicate Addition. The proposed addition is located at the southwest corner of West 3rd Street and Ramblin Road. Both parcels to be combined are zoned C-3 Heavy Commercial. Both parcels are surrounded by C-3 Heavy Commercial zoning. No rezone is proposed or required for this plat.

Block 7 is a vacant building and the south parcel is vacant land. The lots are bordered by a convenience store to the west, a restaurant and vacant land to the east, vacant land to the south, and a fraternal meeting place and bar to the north.

The proposed lot is 6.88 acres in size. The proposed plat will not change the setbacks or create any new non-conforming yards or structures. The existing

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building will be utilized and any new structures will need to meet the setback requirements of the C-3 zoning district.

The plat does not create any utility easements. All utilities for Block 7 are in place. The proposed lot is bordered by West 3rd Street to the north and Ramblin Road to the east. The plat will not create any new rights of way. The proposed lot is already serviced by existing rights of way.

The proposed lot is located in the West Gateway Neighborhood as identified on page Land Use 11 (LU 11) of the Comprehensive Plan. This Neighborhood is described primarily as commercial along West 3rd Street on Page LU 9 and 10. Page LU 9 states the neighborhoods commercial characteristic should to be reinforced and actions taken should not detract from its commercial nature.

The City of Alliance Planning Commission met at its regular meeting on March 12, 2024 and voted yes on a recommendation to the Alliance City Council for the approval of the Final Plat of Block 7A, Syndicate Addition, a Replat of Block 7, Syndicate Addition to the City of Alliance and Unplatted Lands in the Southwest Quarter Of Section 35, Township 25 North, Range 48 West Of The 6th P.M., Box Butte County, Nebraska after making the following findings of fact:

- According to the Comprehensive Plan, property adjacent to West 3rd Street is primarily commercial, should remain so, and this plat contributes to that designation and does not detract from it.
- All public utilities are installed.
- All rights of way servicing the property are dedicated to the City.
- The Plats meet the minimum requirements of the Alliance Municipal Subdivision Code.
- The Preliminary Plat has been approved and the final plat has the same boundaries.

RECOMMENDATION: THE APPROVAL OF THE FINAL PLAT OF BLOCK 7A, SYNDICATE ADDITION, A REPLAT OF BLOCK 7, SYNDICATE ADDITION TO THE CITY OF ALLIANCE AND UNPLATTED LANDS IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.]

Mayor Jones stated, “now is the date, time and place to conduct a Public Hearing to support, opposition, criticism, suggestions or observations of the taxpayers relating to Ordinance No. 2978” and opened the public hearing at 7:08 p.m.

Mayor Jones invited anyone in the public to speak on behalf or against the Final Plat for Block 7A, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska.

With no further testimony offered, Mayor Jones closed the Public Hearing at 7:09 p.m.

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A motion was made by Mayor Jones, seconded by Vice Mayor McGhehey to approve the second reading of Ordinance No. 2978. Which follows in its entirety:

ORDINANCE NO. 2978

AN ORDINANCE APPROVING THE FINAL PLAT OF BLOCK 7A, SYNDICATE ADDITION, A REPLAT OF BLOCK 7 SYNDICATE ADDITION, CITY OF ALLIANCE, NEBRASKA AND UNPLATTED LANDS IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA, REPEALING PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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 a tract of land Situated in the Southwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 2. The Planning Commission held a public hearing March 12, 2024, and has recommended the approval of the Final Plat of Block 7A, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska, Situated in the Southwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 3. The City Council finds that the Final Plat contains the information required by Article 5 of the city of Alliance Municipal Code.

SECTION 4. The Final Plat of Block 7A, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska, Situated 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. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 5. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are repealed..

SECTION 6. 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: McGhehey, Mischnick, Weisgerber, Mashburn and Jones.

Voting Nay: None.

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Motion carried.

A motion was made by Councilman Mischnick, seconded by Councilman Mashburn to suspend the statutory rule requiring three separate readings of Ordinance No. 2978.

Roll call vote to approve Ordinance No. 2978 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Jones stated, "the passage and adoption of Ordinance No. 2978 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published."

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next matter on the agenda for Council was the second reading of Ordinance No. 2979, which will approve and amend the City of Alliance Municipal Code Section 25-52, dealing with "School Zones." The following information was provided:

[RESOLUTION - APPROVE AMENDMENTS TO ORDINANCE 26-52 RELATED TO SCHOOL ZONES.]

City staff conducted a study of the school zones surrounding local schools in an effort to verify proper sign location in accordance with ordinance. Staff verified the placement of school zone signs and speed adjustments to be correct and in compliance with the MUTCD. During this process several inconsistencies were noted with ordinance 26-52 and a recommendation was made to correct them. The recommendations were discussed with Simmons Olsen Law Firm and amendments have been proposed to make the ordinance and the physical sign placement consistent with each other.

The proposed changes include: 8th Street from Dakota Ave to Platte Ave. was added in the ordinance. 6th Street from Mississippi Ave. to Hudson Ave. was added. One block of W. 11th street and two blocks of Big Horn Ave. were removed from the ordinance.

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RECOMMENDATION: APPROVE AMENDMENTS TO SECTION 26-52 OF THE ALLIANCE MUNICIPAL CODE DEALING WITH SCHOOL ZONES.]

A motion was made by Councilman Weisgerber, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2979. Which follows in its entirety:

ORDINANCE NO. 2979

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING SECTION 26-52 OF THE ALLIANCE MUNICIPAL CODE DEALING WITH SCHOOL ZONES, REPEALING PRIOR SECTION 26-52, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Section 26-52 of the Alliance Municipal Code is amended to provide as follows:

“Sec. 26-52. - School zones.

(a) The School zones are described as follows:

(1) Alliance Middle School, Alliance High School and St. Agnes Academy: Box Butte Avenue from the north line of West Tenth Street to the north line of West Sixteenth Street; Laramie Avenue from the north line of West Tenth Street to the north line of West Fourteenth Street; Cheyenne Avenue from the north line of West Tenth Street to the north line of West Sixteenth Street; Bighorn Avenue from the north line of West Tenth Street to the north line of West Tenth Street to the north line of West Fourteenth Street; West Eleventh Street from the east line of Box Butte Avenue to the west line of Laramie Avenue and from the west line of Big Horn Avenue to the east line of Cheyenne Avenue; West Twelfth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; West Fourteenth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; and West Sixteenth Street from the east line of Box Butte Avenue to the west line of Cheyenne Avenue.

(2) Emerson Elementary School: Dakota Avenue from the south line of West Sixth Street to the south line of West Ninth Street; Colorado Avenue from the south line of West Eighth Street to the south line of West Ninth Street; Black Hills Avenue from the south line of West Sixth Street to the south line of West Ninth Street; West Sixth Street from the west line of Platte Avenue to the west line of Dakota Avenue; West Seventh Street from the west line of Platte Avenue to the west line of Black Hills Avenue; and West Eighth Street from the west line of Dakota Avenue to the west line of Platte Avenue.

(3) Grandview Elementary School: Potash Avenue from the north line of East Fifth Street to the north line of East Seventh Street; Grand Avenue from the north line of East Fifth Street to the north line of East Seventh Street; East Seventh Street from the east line of Mississippi Avenue

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to the west line of Hudson Avenue; and East Sixth Street from the east line of Mississippi Avenue to the west line of Hudson Avenue.

(4) Little Angels Emmanuel Lutheran School: East Tenth Street from the west line of Block 1 of the YMCA Addition to the west line of Lot 4 of the Leo Rosa 2nd Addition to the City of Alliance, Nebraska.

(b) The speed limit within all school zones shall be 20 miles per hour between the hours of 7:00 a.m. and 4:00 p.m. when school is in session. (Code 1986, § 3-305; Ord. No. 2692, § 3, 10-20-2011; Ord. No. 2766, § 1, 11-4-2014; Ord. No. ____ §____, 3-____-2024)

State Law Reference—Local regulation of speed, R. R. S. 1943, § 60-6,190.”

Section 2. Existing Section 26-52 of the Alliance Municipal Code is repealed. This Ordinance shall not be construed to affect any cause of action, civil or criminal, existing or actions pending, at the time this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage and approval as provided by law, and publication shall be in pamphlet form.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The Alliance City Council adjourned the April 16, 2024 City Council Meeting at 7:14 p.m.

(SEAL)



Earl Jones, Mayor



Shelbi C. Pitt, City Clerk

Complete minutes of the Alliance City Council may be viewed by the public during regular work hours at the City Clerk's Office, 324 Laramie Avenue, Alliance, Nebraska