

February 1, 2022

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, February 1, 2022

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

The Alliance City Council met in a Regular Meeting, February 1, 2022, at 7:00 p.m. in the Alliance Learning Center Community Meeting Room, 1750 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on January 26, 2022. 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 Dafney opened the February 1, 2022 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, Bentley and McGhehey. Also present were City Attorney Hoelsing and City Clerk Johnson

- Mayor Dafney read the Open Meetings Act Announcement.
- The Consent Calendar was the first item on the agenda for Council. A motion was made by Councilman Mischnick and seconded by Councilman Bentley to approve the Consent Calendar as follows:

**CONSENT CALENDAR – February 1, 2022**

1. Approval: Minutes of the Regular Meeting, January 18, 2022.
2. Approval: Payroll Costs for the period January 28, 2022: \$237,549.00.
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; \$284,126.99.
4. Approval: Issuance of a Cemetery Certificates to John Marsteller and Amy Philippi-Marsteller for Lots Eight (8) and Nine (9), Section Five (5), Block Twenty-two (22) in the Alliance Cemetery Fourth Addition and Howard Jensen, Josh Jensen and Chad Jensen for

February 1, 2022

Lots Thirteen (13) and Fifteen (15), Section Ten (10), Block Twenty (20) Third Addition to the Alliance Cemetery.

5. Approval: Nebraska Department of Transportation Certificate of Compliance. This Certificate certifies that the City of Alliance performed all roadway snow removal and/or surface maintenance required as a result from Maintenance Agreement No. 3. Completion of the work was verified with Public Works Director Grant.

NOTE: City Manager Sorensen and Finance Director Waggener 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: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- Next for Council was the City of Alliance's Audit of the Financial Statement for the period October 1, 2020 through September 30, 2021. Marci Luth of AMGL, P.C, reviewed via telephone.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to accept the Audit as presented.

Roll call with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- The third reading of Ordinance No. 2933 was next for Council. This ordinance will approve the Agriculture Estate Dwelling Site application from Roger Schnell. The following information was provided:

[The City of Alliance is in receipt of an application for an Agriculture Estate Dwelling Site (AEDS) from the landowner Roger Schnell. The AEDS shows a 5-acre tract being split from a 162-acre tract.

The proposed AEDS is located at 2330 Highway 2. The proposed parcel is zoned Ag, Agriculture. It is bordered by Ag zoning to the north, west, south, and northeast; and bordered by M-2 Heavy Industrial to the southeast. AEDS were

February 1, 2022

created by code in 2019 to eliminate the need of rezoning parcels outside of City Limits to Rural Residential when a small acreage was split off for a farmstead or selling of marginal farm ground for residence.

The City of Alliance Planning Commission met at its regular meeting December 14, 2021 and held a public hearing for the AEDS application. They voted yes on a recommendation to the Alliance City Council for the approval of the AEDS after making the following findings:

1. Preexisting conditions requirements: The proposed AEDS is a pivot irrigation corner with an existing single-family house that is unrelated to the ag production on the adjacent ag lands. -The easement will allow the proposed two lots to share access to the driveways.
2. Minimum AEDS size is 2.5 acres: The proposed AEDS is 5 acres.
3. Minimum remaining parcel size is at least 80 acres: There will be a remainder of 157.22 acres.
4. Minimum depth is 200 feet: The proposed parcel is 390.55 feet at its widest point and 152.52 feet at its narrowest. It averages at 271.535 feet deep.
5. Minimum width is 150 feet: The proposed parcel will be 659.85 feet at its widest and 371.38 feet at its narrowest.
6. Each proposed AEDS shall be shaped and located to allow the accurate platting on the official zoning map of the city. The proposed AEDS is rectangular except for the radius carved into the lot for the irrigation pivot. It is easily drawable in the City GIS.
7. Transportation is via a driveway off Highway 2. The AEDS fronts the highway.]

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to approve the third reading of Ordinance No. 2933. City Clerk Johnson read the ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2933

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, APPROVING AN AGRICULTURAL ESTATE DWELLING SITE.

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

February 1, 2022

SECTION 1. Chapter 111, Article I, Division 3 of the Alliance Municipal Code provides for the creation and approval of an agricultural estate swelling site (AEDS) the same manner as a rezone.

SECTION 2. Roger Schnell has submitted an application for approval of and AEDS, the final survey for which is attached to this ordinance as Exhibit A and incorporated herein by reference, regarding a tract of land described as follows:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE, ALONG THE SOUTH LINE OF QUARTER SECTION, N89°50'29"W TO THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY #385, BEING A DISTANCE OF 98.06 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTH LINE, N89°50'29"W FOR A DISTANCE OF 390.55 FEET; THENCE, PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, N00°00'02"W FOR A DISTANCE OF 371.38 FEET; THENCE, ALONG A 1343.00 FEET RADIUS CURVE TO THE LEFT, SUPPORTING A CENTRAL ANGLE OF 15°36'55", CHORD BEING N38°04'11"E FOR 364.89 FEET, FOR AN ARC DISTANCE OF 366.02 FEET; THENCE, N89°59'57"E TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY, BEING A DISTANCE OF 152.52 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S01°07'56"E FOR A DISTANCE OF 659.85 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 5.00 ACRES, MORE OR LESS. ALSO INCLUDE AND ACCESS EASEMENT BEING THE EAST 50 FEET OF THE NORTH 30 FEET OF THE ABOVE DESCRIBED TRACT FOR THE USE AND BENEFIT OF THE ADJOINING OWNER.

SECTION 3. The application for and AEDS has been submitted to the Planning Commission, and following publication for and occurrence of a public hearing for the AEDS application approval, the Planning Commission has recommended approval of the AEDS application submitted by Roger Schnell.

SECTION 4. Upon review of the materials provided and the AEDS application, all applicable requirements and considerations of the Alliance Municipal Code appear to be met by the application, and the AEDS for the survey attached as Exhibit A is hereby approved.

SECTION 5. A certified copy of this ordinance, along with the survey attached as Exhibit A and the agreement between landowners, shall be filed and recorded in the real estate records of Box Butte County, Nebraska.

SECTION 6. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

February 1, 2022

SECTION 7. This ordinance shall be in full force and effect from and after its approval, passage, publication according to law, and the recordation of in the real estate records of Box Butte County, Nebraska as described above.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, “the passage and adoption of Ordinance No. 2933 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Next on the agenda for Council was the second reading of Ordinance No. 2934 which will approve an amendment to Section 10-86 of the Alliance Municipal Code in regards to alarm fees. The following information was provided:

[The City of Alliance Municipal Code currently requires a monitoring fee for alarm systems including third-party relays. This has proven to be counterintuitive with a spike in burglaries and thefts during 2021. It was revealed that many community members did not utilize alarm systems because they were cost prohibitive due to a monthly monitoring fee with the security company and the annual fee paid to the police department. The department desires to police the community in partnership with residents and businesses.

The unintended consequence of the current ordinance has deterred people from utilizing alarm systems in the community. The ordinance when first enacted with good intentions was current with technology at the time; however, technology has since advanced to such an extent that only businesses receiving direct monitoring service from the police department should be paying for such a service as to avoid double billing for the same service. The proposal eliminates the duplication of fees for community members.]

A motion was made by Councilman McGhehey, seconded by Councilman Jones to approve the second reading of Ordinance No. 2934. City Clerk Johnson read the ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2934

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE FOR PAYMENT OF FEES FOR ALARM SYSTEMS, MORE SPECIFICALLY SECTION 10-86 REMOVING THE REQUIREMENT OF A MONITORING FEE FOR THIRD-PARTY RELAYS OF ALARM CALLS, REPEALING PORTIONS THEREOF, RESOLUTIONS, OR POLICIES NOT

February 1, 2022

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 10-86 of the Alliance Municipal Code is amended to read as follows:

**“Sec. 10-86. – Permit fees.**

(a) If an alarm system component is to be connected to an alarm panel in the police department:

(1) The application for an alarm system permit shall be accompanied by the first years’ maintenance fee as established by the city; and

(2) The owner or lessee shall pay annually, in addition, a maintenance fee as established by the city. The latter fee shall be payable, in the first instance, with the application. Fees will only be collected for issued permits, and fees submitted with a permit application which does not result in a permit shall be returned.

(b) This section shall not apply to alarm system components owned or leased by the city or other public law enforcement officials or departments.

(c) The city council reserves the right to waive alarm fees for anyone requiring services and unable to meet the fee requirements of this article.”

SECTION 2. Any other ordinances, resolutions, or policies of the City in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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

A motion was made by Councilman Jones, seconded by Councilman Bentley to suspend the statutory rule requiring three separate readings of Ordinance No. 2934.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2934 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

February 1, 2022

Mayor Dafney stated, “the passage and adoption of Ordinance No. 2934 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The presentation and acceptance of the First Quarter Financial Statement was next before Council.

City Manager Sorenson presented and reviewed the First Quarter Financial Report and Dashboards to Council.

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to accept the First Quarter Financial Report.

Roll call with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- Board appointments, resignations and announcements were the final items on the agenda for Council’s consideration.

A motion was made by Councilman Jones, seconded by Councilman McGhehey to reappoint Mary Ohrtman to serve on the Alliance Housing Authority with a term ending December 31, 2026.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

Next, a motion was made by Councilman Mischnick, seconded by Councilman Bentley to reappoint Michael Stevens to serve on the Golf Advisory Board with a term ending December 31, 2025.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

February 1, 2022

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to appoint Shauna Smith to serve on the Community Redevelopment Authority Board with a term ending December 31, 2026.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:39 p.m.

(SEAL)

  
Mike Dafney, Mayor

  
Tarrah S. Johnson, City Clerk