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4. Approval: Issuance of a Cemetery Certificate to Warner L. Schulze and Michele J. Schulze for Lots 1 and 2, Section 3, Block 28, Alliance Cemetery Fourth Addition.
5. Approval: Capital Budget Transfer in the amount of \$17,200 to for the installation of a refuse backstop for conveyor at the landfill.
6. For your information: Official notice of Revised Rate Schedule for Service Schedule M Bulk Power Participants, with an effective date of April 1, 2022.
7. Approval: Resolution No. 22-09 approves the Advertising Sign Lease with Edison Red Nest III dba Sandhills Drive-In, Inc.
8. Approval: Resolution No. 22-10 authorizes the City Manager to submit a RAISE Grant application with the U.S. Department of Transportation for assistance with roadway projects within the City.
9. Approval: The City has received a request from Sandhills Center for Hope, Inc. to lease the National Weather Service Building located at the Alliance Municipal Airport. This is a one-year lease that will automatically continue on a month-to-month basis unless terminated as provided by the terms of the Lease. Resolution No. 22-11 approves the Lease Agreement.
10. Approval: Resolution No. 22-12 will adopt the Disadvantaged Business Enterprise Program which is required when receiving Federal funds. This program is to ensure nondiscrimination in the award and administration of U.S. Department of Transportation assisted contracts.

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.

- Council next conducted a Public Hearing on the amendment of the Alliance Municipal Code, Section 109-41, in regards to the rear setback requirement for detached accessory structures in the Agriculture Zoning District. Following the Public Hearing, Ordinance No. 2935 was introduced and will approve the amendment. The following information was provided:

[Jim Todd is proposing an amendment to the rear yard setback requirement for detached accessory structures in the Ag, Agriculture zoning district.

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The Alliance Planning Commission held a Public Hearing and discussion at their February 8, 2022 meeting in regards to the detached accessory structure rear yard setback requirements in the Ag zoning district.

The Planning Commission compared the setback requirements for detached accessory structures in the Ag zoning districts to those of Gering, Scottsbluff, Chadron, and Sidney. They ranged from 3' in Gering, 8' in Chadron, 12.5' in Scottsbluff, and 50' in Sidney.

The Planning Commission concluded that the 50' accessory structure setback was excessive and should be reduced. They agreed that 10 feet was sufficient as it is the side property line setback for accessory structures in the Ag district and it is within the range of comparability with other Panhandle Communities Ag zoning code rear setbacks.

Staff also proposed the addition of four land uses that are Ag related and were present in other community Ag zoning districts. They were farmer's markets, sugar beet loading/unloading, airports and airstrips, and billboards.

The Planning Commission voted to recommend the proposed amendments to Section 109-4.]

Mayor Dafney 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 proposed Alliance Municipal Code, Section 109-41, in regards to the rear setback requirements for detached accessory structures in the Agriculture Zoning District and opened the public hearing at 7:10 p.m.

Hearing no further testimony, the Public Hearing closed at 7:11 p.m.

A motion was made by Mayor Dafney, seconded by Councilman Bentley to approve the first reading of Ordinance No. 2935. City Clerk Johnson read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2935

AN ORDINANCE AMENDING SECTION 109-41 OF THE ALLIANCE MUNICIPAL CODE TO ADD TO PERMITTED USES FOR ONE-FAMILY DWELLING MOBILE HOMES; TO ADD TO CONDITIONAL USES FOR AIRPORTS, BILLBOARDS, FARMERS MARKETS, AND SUGAR BEET LOADING FACILITIES; TO ADJUST REAR YARD ACCESSORY BUILDING SETBACKS TO 10 FEET; 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:

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SECTION 1. The City Code, at Section 109-41. – District Ag., Agriculture is hereby amended as follows:

“Sec. 109-41. - District Ag, Agriculture.

- (a) *Scope and intent.* The Ag, Agriculture District is intended to recognize the transition between agricultural uses of the land and the city. It encourages the continued use of that land which is suitable for agriculture and limit any land uses and lot subdivisions that may be a detriment to normal community expansion.
- (b) *Permitted use.*
 - (1) Agriculture estate dwelling site in accordance with chapter 111, division 3.
 - (2) Farm/ranch.
 - (3) Grazing of livestock as part of a farm/ranch operation.
 - (4) Municipal buildings.
 - (5) One-family dwelling, including a mobile home meeting the minimum requirements of mobile homes placed on individually owned lots.
 - (6) Public parks and recreation facilities.
 - (7) Railroad right-of-way.
 - (8) Tree farm.
- (c) *Conditional use.*
 - (1) Accessory one-family dwelling used as a residence by a person or persons directly engaged in the agricultural production of the property (bunkhouse).
 - (2) Airport and landing strip.
 - (3) Bed and breakfast.
 - (4) Billboard in accordance with chapter 111, division 19 and as allowed by state law.
 - (5) Cemetery.
 - (6) Crematory.
 - (7) Farmers market.
 - (8) Garbage disposal plant.
 - (9) Golf course, clubhouse, and other uses customarily accessory thereto.
 - (10) Gun clubs, skeet shoots, or target ranges.
 - (11) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property with additional approval granted by the water superintendent.
 - (12) Junkyards, providing that no burning of waste material shall be permitted, and the entire yard shall be screened with a closed fence or wall not less than eight feet in height.

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- (13) Kennel.
 - (14) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials.
 - (15) Nursery.
 - (16) Parking lots serving nonresidential land uses located within 300 feet of the lot housing the principal use.
 - (17) Riding stables and tracks.
 - (18) Recreational vehicle camping facilities.
 - (19) Sanitary landfill.
 - (20) Solar energy collector facility (commercial).
 - (21) Sugar beet loading and unloading facility.
 - (22) Towers, telecommunications facilities, and antennas as permitted in chapter 111, division 5.
 - (23) Utilities. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
 - (24) Veterinary clinic.
 - (25) Wind-driven electric generators incidental to the principal use of the property with prior approval of the city engineer and city electric superintendent.
- (d) *Accessory use.*
- (1) Barn.
 - (2) Detached private garages and carports.
 - (3) Fences as permitted in chapter 111, division 7.
 - (4) Greenhouse
 - (5) Home occupation in conformance with chapter 111, division 11.
 - (5) Off-street parking and loading serving a principal use in conformance with chapter 111, division 13.
 - (6) One trailer, camper, motor home, or boat, incidental to and on the same lot as a principal use, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 111-444.
 - (7) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - (8) Pavilion.
 - (9) Shed.
 - (10) Signs as permitted in chapter 111, division 19.
 - (11) Silo.

- (12) Solar energy collector incidental to the principal or accessory use of the property in accordance with chapter 111, division 21.
- (13) Television, radio receiving and transmitting equipment, and satellite earth station antennas accessory to a principal use limited to 60 feet in height.
- (14) Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the work.
- (15) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- (16) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

(e) *Performance standards.*

(1) *General requirements.*

Minimum Lot Size (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Maximum Structure Height (feet)	Minimum Building Separation (feet)
10	150	-	-	6

(2) *Setback and size regulations.*

Use	Setbacks (feet)				Required Front Building Line	Minimum Dwelling Size on Ground Floor (ft ²)
	Front	Rear	Side	Side Street		
One-Family Dwelling	50	25	10	50	-	580
Principal Building	50	25	10	50	-	-
Accessory Building	a	10	10	50	-	-

a. Fifty feet or the building line of the dwelling/principal building, whichever is greater.

- (3) See chapter 111, article II for additional height and setback regulations and exceptions.

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- (f) *Feeding restrictions.* Feedlots and confinement facilities are prohibited in the city zoning jurisdiction at any density greater than one animal unit per acre of land.”

SECTION 2. All other Ordinances or parts of Ordinances in conflict with this Ordinance are repealed as of the effective date of this Ordinance.

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

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next, a Public Hearing was conducted on the amendment of the Alliance Municipal Code, Chapter 111, Division 15, Residential Detached Structures, in regards to the height of detached accessory buildings, location of carports within mobile home parks and the removal of redundant statements that are already addressed in the adopted building and maintenance code. Following the Public Hearing, Ordinance No. 2936 was introduced and will approve the amendment. The following information was provided:

[The Alliance Planning Commission held a Public Hearing and discussion at their February 8, 2022 meeting about the residential detached structure requirements. These include detached accessory buildings such as private garages, carports, and storage buildings associated with the residential use of property. The Commission discussed three topics and then proposed code amendments to address the issues as they saw them.

The first topic for discussion was the height requirement for detached structures. Code currently limits the height of a detached structure to the measured height of the house. This was found to limit the ability of residents of flat roofed or low-pitched roofed houses to build a garage of usable size. The Planning Commission compared the codes of Gering, Scottsbluff, Sidney, and Chadron. Scottsbluff, Sidney, and Gering allow a maximum height of detached structures of 18' regardless of the height of the house. Chadron limits them to 20'. The Planning Commission recommended a maximum height of 18' regardless of the height of the house.

The second topic discussion was the ability for people in mobile home parks to build metal carports. The code requires metal carports be constructed in rear yards. Mobile home park lots are typically much smaller than single-family residential lots and they do not have a rear yard to build in. The Planning Commission recommended allowing metal carports in side yards in mobile home

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park zoning districts provided they are placed no closer to the front property line than the mobile home itself.

The third topic for discussion was to eliminate the redundant statement that accessory buildings must be built and maintained according to the adopted building and property maintenance codes. The adopted codes already state that permits are required for detached structures, which means building and maintenance code requirements must be followed. The redundant statements are not necessary and the Planning Commission recommended they be removed.]

Mayor Dafney 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 proposed Alliance Municipal Code, Chapter 111, Division 15, Residential Detached Structures in regards to the height of detached accessory buildings, location of carports within mobile home parks and the removal of redundant statements that are already addressed in the adopted building and maintenance code and opened the public hearing at 7:12 p.m.

Brent Kusek, Community Development Director, discussed his findings when researching surrounding communities code language and determined the Alliance Code currently limits the height of a detached structure to the measured height of the house. This was found to limit the ability of residents of flat roofed or low-pitched roofed houses to build a garage of usable size. The Planning Commission compared the codes of Gering, Scottsbluff, Sidney, and Chadron and recommended a maximum height of 18’ regardless of the height of the house.

The second topic discussion shared by Mr. Kusek, was the ability for people in mobile home parks to build metal carports. The code requires metal carports be constructed in rear yards. Mobile home park lots are typically much smaller than single-family residential lots and they do not have a rear yard to build in. The Planning Commission recommended allowing metal carports in side yards in mobile home park zoning districts provided they are placed no closer to the front property line than the mobile home itself.

Lastly, Mr. Kusek discussed the elimination of the redundant statement that accessory buildings must be built and maintained according to the adopted building and property maintenance codes. The adopted codes already state that permits are required for detached structures, which means building and maintenance code requirements must be followed. The redundant statements are not necessary and the Planning Commission recommended they be removed.

Hearing no further testimony, the Public Hearing closed at 7:17 p.m.

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2936. City Clerk Johnson read the ordinance by title which follows in its entirety.

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ORDINANCE NO. 2936

AN ORDINANCE AMENDING SECTION 111-282 OF THE ALLIANCE MUNICIPAL CODE TO ALLOW CARPORTS IN MOBILE HOME DISTRICTS; AMENDING SECTION 111-283 TO ADJUST FOR MAXIMUM HEIGHTS OF PRIVATE GARAGES; AMENDING SECTION 111-284 TO ELIMINATE THE DUPLICATE REFERENCE TO BUILDING PERMITS; 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. The City Code, at Section 111-282. – Carport is hereby amended as follows:

“Sec. 111-282. - Carport.

No residential detached carport may be built or constructed except those in conformance with the following restrictions:

- (1) May not be taller than 18’.
- (2) The color of the street and/or side street side of the structure must match or be similar to the color of the principal structure if placed within 100 feet of a street lot line or side street lot line; however, the necessity to match color will not be required if concealed behind the principal structure.
- (3) A structure with more than two walls shall be considered a private garage and must follow the guidelines for private garage construction.
- (4) Metal, fiberglass, and all other mobile or constructible carports must meet the following requirements:
 - a. Shall be constructed to withstand prescribed wind and snow loads.
 - b. Shall be constructed on a concrete pad.
 - c. Shall have footings the same as all other buildings or mobile home type tie downs.
 - d. Shall be constructed in the rear yard except in mobile home park zoning districts. In mobile home park zoning districts they may be constructed in the side yard but in front of the mobile home and they must meet all other setback requirements.”

SECTION 2. The City Code, at Section 111-283. – Private Garage is hereby amended as follows:

“Sec. 111-283. - Private garage.

No residential detached private garage may be built or constructed except those in conformance with the following restrictions:

- (1) May not be taller than 18’.

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- (2) The color of the street and/or side street side of the structure must match or be similar to the color of the principal structure if placed within 100 feet of a street lot line or side street lot line; however, the necessity to match color will not be required if concealed behind the principal structure.
- (3) Quonset huts shall not be permitted except in R-R, Rural Residential zoning districts.”

SECTION 3. The City Code, at Section 111-284. – Storage building is hereby amended as follows:

“Sec. 111-284. - Storage building.

No residential storage building may be built or constructed except those in conformance with the following restrictions:

- (1) One storage building may be constructed or placed on a lot serving a principal use.
- (2) Storage buildings requiring construction permits must comply the requirements in section 111-283.
- (3) May not have a door more than six feet wide, or together two adjacent doors may not be more than six feet wide. Storage buildings with doors greater than six feet wide shall be considered a private garage.
- (4) Storage buildings that are exempt from construction permits by the building code must obtain a zoning permit to ensure that setback, height, and other zoning requirements are met.”

SECTION 4. All other Ordinances or parts of Ordinances in conflict with this Ordinance are repealed as of the effective date of this Ordinance.

SECTION 5. 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: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- The last matter before Council was a performance evaluation of City Clerk Johnson.

Mayor Dafney motioned, pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that Council finds it necessary to enter into a closed session to conduct the job performance of the City Manager. The motion was seconded by Councilman Mischnick.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Council and City Clerk Johnson entered into closed session at 7:22 p.m. The closed session concluded at 7:40 p.m.

A motion was made by Councilman Bentley to provide City Clerk Johnson a one-step pay raise on the current pay scale (107/5). The motion was seconded by Councilman Mischnick.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Prior to adjournment, Mayor Dafney recommended a \$1,500 bonus be paid to Ms. Johnson as result of a positive performance evaluation, the additional duties she has taken responsibility of, and the extra work she is completing for FEMA as a result of the July 2021 storms. Mayor Dafney requested legal prepare necessary language that provides Council the discretion to issue additional compensation to Ms. Johnson outside of her regular salary and bring it before Council for their review.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:43 p.m.


Mike Dafney, Mayor

(SEAL)


Tarrah S. Johnson, 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.

