

March 15, 2022

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, MARCH 15, 2022

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

The Alliance City Council met in a Regular Meeting, March 15, 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 March 9, 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 March 15, 2022 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Bentley and McGhehey. Also present were City Attorney Hoelsing, City Manager Sorensen and Finance Director Waggener.

- Mayor Dafney read the Open Meetings Act Announcement.
- Mayor Dafney announced that Councilman Jones would not be in attendance and by consensus was excused from the meeting.
- The Consent Calendar was the first item on the agenda. A motion was made by Councilman Bentley and seconded by Councilman Mischnick to approve the Consent Calendar as follows:

**CONSENT CALENDAR – March 15, 2022**

1. Approval: Minutes of the Regular Meeting, March 1, 2022.
2. Approval: Payroll Costs for March 11, 2022: \$328,551.91.
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; \$1,342,588.37.

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4. Approval: Issuance of a Cemetery Certificate to Desiree D. Alvarado for the W½ of Lot 20, Section 2, Block 22, Alliance Cemetery Fourth Addition.

Issuance of a Cemetery Certificate to Michael J. Adams for the S½ of the NW¼ of Lot 1, Section 5, Block 20 Third Addition to the Alliance Cemetery.

5. Approval: Two capital budget transfers for the Electric Department. One in the amount of \$25,000 for substation maintenance and the second in the amount of \$20,000 for electric line maintenance.
6. Approval: Special Event Request of the Alliance Chamber of Commerce to host “My Wind Stuff Kite Festival” at Laing Park beginning on Saturday May 27<sup>th</sup> through May 30<sup>th</sup>.
7. Approval: Resolution No. 22-13 approves the Advertising Sign Lease with Sandhills Center for Hope, Inc.
8. Approval: Resolution No. 22-14 approves the purchase of a John Deere 1200 Hydro Power Rake from Stotz Equipment of Evansville, WY. in the amount of \$22,500.

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, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- Council next heard the second reading of Ordinance No. 2935 which will adopt the amendment to Section 109-4 of the Alliance Municipal Code, in regards to the rear setback requirement for detached accessory structures in the Agriculture Zoning District. 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.

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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 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.]

A motion was made by Councilman Mischnick, seconded by Councilman McGhehey to approve the second reading of Ordinance No. 2935. Finance Director Waggener 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:

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

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“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.
  - (13) Kennel.
  - (14) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials.

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- (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.

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- (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 <sup>2</sup> )
	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.

(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.”

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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.

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to suspend the statutory rule requiring three separate readings of Ordinance No. 2935.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2935 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, "the passage and adoption of Ordinance No. 2935 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. 2936 which will adopt the amendments to Chapter 111, Division 15, Residential and Detached Structures, of the Alliance Municipal Code 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. The following information was provided to Council:

[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-

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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 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.]

A motion was made by Councilman McGhehey, seconded by Councilman Bentley to approve the second reading of Ordinance No. 2936. Finance Director Waggener read the ordinance by title which follows in its entirety.

#### 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:

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- (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’.
- (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.

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- (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.

A motion was made by Councilman McGhehey, seconded by Councilman Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2936.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2936 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, “the passage and adoption of Ordinance No. 2936 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

● Resolution No. 22-15 which approves the removal of the blighted and substandard designation of Area No. 6 as a result of the Redevelopment Project completion was next for Council. The following information was provided:

[On July 19, 2012, the City Council passed Resolution No. 12-62 to declare the area described as “Area 6” as blighted and substandard and in need of redevelopment according to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the “Act”).

On March 3, 2022, The Community Redevelopment Authority of the City of Alliance determined that the redevelopment project for Area 6 has been completed

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according to the Act, remediating the blighted and substandard conditions which existed at the time when the area was designated. The Community Redevelopment Authority of the City of Alliance now recommends to the City Council the removal of the blighted and substandard designation of Area 6.]

A motion was made by Councilman Bentley, seconded by Councilman McGhehey to approve Resolution No. 22-15 which follows in its entirety:

RESOLUTION NO. 22-15

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

Recitals:

a. On or about July 19, 2012, the City Council passed Resolution No. 12-62 to declare the area described below as blighted and substandard and in need of redevelopment according to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the "Act"). The area is described as follows and referred to in this Resolution as "Area 6":

An area of land located in Box Butte County, Nebraska, more particularly described as follows:

Beginning at the intersection of the west right-of-way line of the Burlington Northern Santa Fe Railroad and the north right-of-way line of Madison Road, thence eastward along the north right-of-way line of Madison Road to the east right-of-way line of County Road 61, thence southward along the east right-of-way line of County Road 61 to a point on said right-of-way line that is five hundred sixteen feet (516') north of the south right-of-way line of Nance Road, thence eastward, parallel to the south right-of-way line of Nance Road a distance of three hundred feet (300'), thence southward, parallel to the east right-of-way line of County Road 61 to the south right-of-way line of Nance Road, thence westward along the south right-of-way line of Nance road to the east right-of-way line of the Burlington Northern Santa Fe Railroad, thence southeastward along the east right-of-way line of the Burlington Northern Santa Fe Railroad to the corporate limit line of the City of Alliance, thence westward along said corporate limit line to the west right-of-way line of the Burlington Northern Santa Fe Railroad, thence northwestward along the west right-of-way line of the Burlington Northern Santa Fe Railroad to the north right-of-way line of Madison Road, which is the point of beginning

b. Since Area 6 was declared blighted and substandard, a redevelopment project has been completed according to the Act, which addressed blighted and substandard conditions of Area 6.

c. The Community Redevelopment Authority of the City of Alliance has recommended the removal of the blighted and substandard designation of Area 6.

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**Resolved:**

1. Area 6 is no longer blighted and substandard and in need of redevelopment according to the Act. The blighted and substandard designation of Area 6 according to the Act is removed.
2. This Resolution shall become effective immediately upon its adoption.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- Board appointments were next on the agenda. Councilman Mischnick motioned to reappoint both Evan Mehne and Wayne Davis to the Planning Commission with a term due to expire December 31, 2024. The motion was seconded by Councilman Bentley.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

Next, Councilman Mischnick made a motion to appoint Brent Ferguson to the Planning Commission with a term expiring December 31, 2024. The motion was seconded by Councilman Bentley.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- Resolution No. 22-16 was the last item on the agenda for Council. This resolution will designate the representatives and alternatives to represent the city on the Ace Board of Directors and MEAN Board.

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 22-16 which follows in its entirety:

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RESOLUTION NO. 22-16

*WHEREAS*, The City of Alliance, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy (ACE) and Municipal Energy Agency of Nebraska (MEAN), pursuant to the terms of said Agreement, it is the responsibility of the City to designate a representative of the City of Alliance to the ACE and MEAN Board of Directors provided for under the terms of said Agreement.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that:

1. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy (ACE) and Municipal Energy Agency of Nebraska (MEAN) for the appointment of Kirby Bridge as the City's representative to said Board of Directors.

2. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy and Municipal Energy Agency of Nebraska (MEAN) for the appointment of Seth Sorensen as the City's alternate representative to said Board of Directors.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:12 p.m.

  
\_\_\_\_\_  
Mike Dafney, Mayor

(SEAL)

  
\_\_\_\_\_  
Randy Waggener, Recording Secretary

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.

