

April 18, 2023

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 18, 2023

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

The Alliance City Council met in a Regular Meeting, April 18, 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 April 12, 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.

Vice Mayor Mischnick opened the April 18, 2023 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Vice Mayor Mischnick and Council Members McGhehey, Andersen, and Mashburn. Also present were City Manager Sorensen, City Attorney Hoelsing, City Treasurer Baker and Interim City Clerk Shelbi Pitt.

- Vice Mayor Mischnick read the Open Meetings Act Announcement.
- The first item before City Council was Resolution No. 23-21, which accept the resignation of Mayor Mike Dafney from the Alliance City Council. The following information was provided:

[The Alliance City Council Mayor Mike Dafney submitted a letter of resignation to the Alliance City Manager, Seth Sorensen on April 10, 2023. Resolution No. 23-21 will accept the resignation of Mayor Mike Dafney effective immediately.]

A motion was made by Councilman Mischnick, seconded by Councilman McGhehey to approve Resolution No. 23-21 which follows in its entirety:

RESOLUTION NO. 23-21

WHEREAS, Mike Dafney was a duly elected and serving council member of the City of Alliance, Nebraska, serving a term from December 6, 2022 through December 1, 2026; and

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WHEREAS, on April 10, 2023, Mike Dafney tendered his resignation in writing from the position of council member to the City Council of the City of Alliance, Nebraska, pursuant to Neb. Rev. Stat. § 32-562(8); and

WHEREAS, the City Council of the City of Alliance, Nebraska, has received the resignation and will accept the resignation of Mike Dafney as council member of the City of Alliance, Nebraska;

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Alliance Nebraska, that the City Council of the City of Alliance, Nebraska accepts the resignation of Mike Dafney as council member pursuant to Neb. Rev. Stat. § 32-562; and

BE IT FURTHER RESOLVED BY the City Council of the City of Alliance, Nebraska that a vacancy of the council member office is declared pursuant to Neb. Rev. Stat. § 32-560(1), and the vacancy is directed to be filled pursuant to Neb. Rev. Stat. § 32-568(7) by an appointment of a registered voter of the City until the next regular City election on November 5, 2024, and following the next regular City election by the successful candidate at such election, for the remainder of the term expiring December 1, 2026;

BE IT FURTHER RESOLVED BY the City Council of the City of Alliance, Nebraska that notice of this vacancy shall be provided and applications to fill the vacancy by appointment until the first meeting in December following the November 5, 2024 regular election shall be accepted by the City Council of the City of Alliance, Nebraska.

Roll call vote with the following results:

Voting Aye: Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The Consent Calendar was the second item on the agenda. A motion was made by Councilman Mashburn and seconded by Councilman Andersen to approve the Consent Calendar as follows:

CONSENT CALENDAR – April 18, 2023

1. Approval: Minutes of the Regular Meeting, April 04, 2023.
2. Approval: Payroll from April 07, 2023 in the amount of \$364,103.08.
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; \$1,104,166.00.
4. Approval: John C. and Tim L. Dahlberg Cemetery Certificate.

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5. Approval: Resolution No. 23-22 will approve the purchase of Zoll X Series Monitor/Defibrillator Replacement in the total amount of \$55,604.99.
6. Approval: Resolution No. 23-23 will accept CCCFF Grant from the Nebraska Department of Economic Development in the total amount of \$15,000.00.
7. Approval: Resolution No. 23-24 will proclaim May 2023 as “Fair Housing Month.”
8. Approval: Resolution No. 23-25 will authorize and direct the Vice-Mayor to proceed with the formulation of any and all contracts, documents or other memoranda between City of Alliance, Nebraska and the Nebraska Department of Economic Development so as to the acceptance of the grant application.

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: Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next item on the agenda was a proclamation acknowledging Arbor Day, April 28, 2023. Councilman Andersen read the following proclamation:

PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that 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 reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide 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

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

WHEREAS, Trees 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 April 28, 2023 as:

ARBOR DAY

in the City of Alliance, Nebraska, and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program; 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 18th day of April in the year of the Lord Two Thousand Twenty-Three.

- The next before Council was a Public Hearing for the proposed Ordinance No 2955 which will Rezone Lots 1-3 and Lots 16-18, Block 17, Original Town of Alliance, Box Butte County, Nebraska, addressed 324 Laramie Avenue and 315 Cheyenne Avenue. The proposed rezone of said described land is from C-O (Commercial Office) District to C-2 (Central Business) District. The following information was provided:

[The City of Alliance has submitted an application to rezone Lots 1-3 and 16-18, Block 17, Original Town of Alliance, Nebraska, otherwise known as 324 Laramie Avenue, from C-0, Commercial Office to C-2, Central Business District. The rezone is requested to remove the spot zone of C-0 zoning, to reduce the setbacks so the existing building will meet the City's code, and reduce the setbacks for a proposed addition to the north side of the building.

The parcel of land is the north half of the block located between W 3rd and 4th Streets and Laramie and Cheyenne Avenues. The parcel is currently zoned C-0, Commercial Office. It is bordered to the north and west by R-1, Single Family Residential, and to the south and east by C-2, Central Business District zoning. The lot is currently used for the City Municipal Building and Fire Station. There is a duplex and art museum to the north, single family residences to the west, commercial land uses to the south and east.

The parcel is approximately 1 acre in size. There aren't minimum lot sizes or dimensions required in C-2 zoning. The proposed rezone will change the front setback from 25' to 0', the rear setback from 25' to 0', the side setback from 14' to 0', and the side street setback from 15' to 0'. The existing structure on the lot does not meet the current C-0 setbacks as it is set back only 8' from the front, 0' from the side street, 8'

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from the alley, and 22' from the rear. The lot is adjacent to Laramie Avenue along the east side, West 4th Street along the north side, and Cheyenne Avenue along the west side. All of these streets are identified as local streets. The land use is not proposed to change and the rezone should not increase the traffic in this area beyond current levels.

The lot is located in the Central Core Neighborhood and on the edge of the Downtown District. The Central Core Neighborhood is characterized as being the heart of Alliance and possesses the historic ambiance of the City. It is identified as being primarily residential but it does have some limited commercial uses. The importance of this neighborhood cannot be underestimated and its character should be maintained. The rezone is adjacent to the Downtown District Neighborhood and contains characteristics of that designation such as short setbacks, brick building and street construction, and nonresidential uses.

The City of Alliance Planning Commission met at their regular meeting on March 14, 2023 and voted to recommend the City Council approve the rezone of Lots 1-3 and 16-18, Block 17, Original Town of Alliance, Nebraska, from C-0, Commercial Office to C-2, Central Business District Commercial., after making the following findings of fact:

1. The rezone would not create any nonconforming lot sizes.
2. The rezone would bring the existing structures in to conformance with setback requirements.
3. There is ample access to the rezone parcel.
4. A rezone to C-2 would be consistent with the image of the Core Neighborhood as a limited commercial area and would not change the existing character of the district.
5. The proposed rezone is adjacent to existing C-2 zoning and it would eliminate the current spot zone of C-0.
6. City utilities are already available in this location.

One finding of fact not to recommend was that the proposed 0' setback would be inconsistent with the setbacks required in the adjacent residential zoning.

Options:

Leave the zoning the same and:

1. The current buildings remain nonconforming because they are in the setbacks required by the C-0 zoning.
2. The City cannot add on to the building without meeting its own code because of the setbacks in the C-0 zoning.
3. The spot zone of C-0 amongst the C-2 zoning remains.
4. The setbacks would remain the same as those of the adjacent residential district. Change the zoning to a district other than C-2 or C-0 which would not accomplish any of the stated goals.

Change the zoning to C-2 for the reasons the Planning Commission made in the findings of fact.

STAFF RECOMMENDATION: THE CITY COUNCIL APPROVE THE ORDINANCE REZONING LOTS 1-3 AND 16-18, BLOCK 17, ORIGINAL TOWN OF ALLIANCE,

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NEBRASKA, FROM C-0, COMMERCIAL OFFICE TO C-2, CENTRAL BUSINESS DISTRICT COMMERCIAL.]

Vice Mayor Mischnick 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 “Rezone” and opened the public hearing at 7:06 p.m.

Community Director Brent Kusek gave an overview of the Rezone.

Hearing no further testimony, the Public Hearing closed at 7:07 p.m.

- Next, Ordinance No. 2955 is before Council on the first will Rezone Lots 1-3 and Lots 16-18, Block 17, Original Town of Alliance, Box Butte County, Nebraska, addressed 324 Laramie Avenue and 315 Cheyenne Avenue. The proposed rezone of said described land is from C-0 (Commercial Office) District to C-2 (Central Business) District. The following information was provided:

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The parcel of land is the north half of the block located between W 3rd and 4th Streets and Laramie and Cheyenne Avenues. The parcel is currently zoned C-0, Commercial Office. It is bordered to the north and west by R-1, Single Family Residential, and to the south and east by C-2, Central Business District zoning. The lot is currently used for the City Municipal Building and Fire Station. There is a duplex and art museum to the north, single family residences to the west, commercial land uses to the south and east.

The parcel is approximately 1 acre in size. There aren’t minimum lot sizes or dimensions required in C-2 zoning. The proposed rezone will change the front setback from 25’ to 0’, the rear setback from 25’ to 0’, the side setback from 14’ to 0’, and the side street setback from 15’ to 0’. The existing structure on the lot does not meet the current C-0 setbacks as it is set back only 8’ from the front, 0’ from the side street, 8’ from the alley, and 22’ from the rear. The lot is adjacent to Laramie Avenue along the east side, West 4th Street along the north side, and Cheyenne Avenue along the west side. All of these streets are identified as local streets. The land use is not proposed to change and the rezone should not increase the traffic in this area beyond current levels.

The lot is located in the Central Core Neighborhood and on the edge of the Downtown District. The Central Core Neighborhood is characterized as being the heart of Alliance and possesses the historic ambiance of the City. It is identified as being primarily residential but it does have some limited commercial uses. The importance of

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1. The rezone would not create any nonconforming lot sizes.
2. The rezone would bring the existing structures in to conformance with setback requirements.
3. There is ample access to the rezone parcel.
4. A rezone to C-2 would be consistent with the image of the Core Neighborhood as a limited commercial area and would not change the existing character of the district.
5. The proposed rezone is adjacent to existing C-2 zoning and it would eliminate the current spot zone of C-0.
6. City utilities are already available in this location.

One finding of fact not to recommend was that the proposed 0' setback would be inconsistent with the setbacks required in the adjacent residential zoning.

Options:

Leave the zoning the same and:

1. The current buildings remain nonconforming because they are in the setbacks required by the C-0 zoning.
2. The City cannot add on to the building without meeting its own code because of the setbacks in the C-0 zoning.
3. The spot zone of C-0 amongst the C-2 zoning remains.
4. The setbacks would remain the same as those of the adjacent residential district.

Change the zoning to a district other than C-2 or C-0 which would not accomplish any of the stated goals.

Change the zoning to C-2 for the reasons the Planning Commission made in the findings of fact.

STAFF RECOMMENDATION: THE CITY COUNCIL APPROVE THE ORDINANCE REZONING LOTS 1-3 AND 16-18, BLOCK 17, ORIGINAL TOWN OF ALLIANCE, NEBRASKA, FROM C-0, COMMERCIAL OFFICE TO C-2, CENTRAL BUSINESS DISTRICT COMMERCIAL.]

A motion was made by Councilman Mischnick, seconded by Councilman McGhehey to approve the first reading Ordinance No. 2955. Interim City Clerk Pitt read the ordinance by title which follows in its entirety:

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ORDINANCE NO. 2955

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOTS 1-3 AND LOTS 16-18, BLOCK 17, ORIGINAL TOWN OF THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS A C-2 -- CENTRAL BUSINESS DISTRICT FROM A C-O -- COMMERCIAL OFFICE DISTRICT, REPEALING PRIOR SECTIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning District Map, as set forth and adopted pursuant to section 109-22 of the Alliance Municipal Code, is amended to show the following lots are included in a C-2 – Central Business District from a C-O – Commercial Office District:

Lots 1-3 and Lots 16-18, Block 17, Original Town of Alliance, Box Butte County, Nebraska, otherwise known as 324 Laramie Avenue and 315 Cheyenne Avenue,

SECTION 2. This certifies that the Zoning District Map, as set forth and adopted pursuant to section 109-22 of the Alliance Municipal Code, is now the official Zoning District Map dated as of the ____ day of _____, 2023.

SECTION 3. Any previously existing Zoning District Map, ordinances, resolutions, policies, or parts thereof, in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect following its approval, passage, and publication as provided by law

PASSED AND APPROVED this ____ day of _____, 2023.

Roll call vote with the following results:

Voting Aye: Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- Next for Council's consideration was Resolution No. 23-26 which will designate a District Manager for the Property Assessed Clean Energy (PACE) Financing. Council adopted Ordinance 2953 establishing the Clean Energy Assessment District at the April 4th City Council Meeting. The following information was provided:

[The City implement an economic development assessment under Nebraska's "Property Assess Clean Energy Act" ("PACE"). City staff has been in discussions with the third-party lender for PACE and is willing to move forward with the developer's request.

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PACE provides funding similar to tax increment financing. For PACE Financing, the developer must incur costs to install and maintain energy efficient improvements. Examples of energy efficient improvements include, but are not limited to, insulation, storm windows, automated energy controls, water conservation, etc.

Once—or when—those costs are incurred, and third-party lender will provide funding to the developer to cover the costs of the energy efficient improvements. The loan is then repaid through a ten-year special assessment levied against the property improved. The special assessment is levied by the City, collected by the County Treasurer, and remitted to the third-party lender for repayment of the initial PACE.

Resolution 23-26 will designate the City Manager as the District Manager for Property Assessed Clean Energy (PACE) Financing]

A motion was made by Councilman Mashburn, seconded by Councilman Andersen to accept Resolution No. 23-26, which established a PACE District Manager.

RESOLUTION NO. 23-26

WHEREAS, in Ordinance No. 2953, the City of Alliance, Nebraska has established a clean energy assessment district pursuant to Neb. Rev. Stat. §§ 13-3203 and 3204 (the “Alliance PACE District”); and

WHEREAS, Section 2 of Ordinance No. 2953 requires a written designation of the “District Administrator” for the Alliance PACE District; and

WHEREAS, the City Council of the City of Alliance, Nebraska desires to designate the City Manager as the District Administrator of the Alliance PACE District;

NOW, THEREFORE, BE IT RESOLVED BY the Council of the City of Alliance Nebraska, that the City Manager is designated as the District Administrator of the Alliance PACE District.

PASSED AND APPROVED this 18th day of April, 2023.

Roll call vote with the following results:

Voting Aye: Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The following item, Resolution No. 23-27 which will confirm the City of Alliance’s designee and alternate on the E-911 Board. The following information was provided:

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[The Alliance City Council has two representative that serve on the E-911 Board. One serving as the designee and the other serving as the alternate.]

A motion was made by Councilman Mischnick, seconded by Councilman Anderson to approve Resolution No. 23-27 which follows in its entirety:

RESOLUTION NO. 23-27

WHEREAS, the City Council of Alliance, Nebraska has membership on governing and advisory boards for organizations related to city government; and

WHEREAS, City Council appoints one representative and one alternate to the Board for the Interlocal Operations Agreement for E911; and

WHEREAS, Councilmembers have expressed a desire and have volunteered to serve as the City of Alliance representative and alternate on this Board.

NOW, THEREFORE BE IT RESOLVED by the Vice Mayor and Council of the City of Alliance that Councilmember Mashburn serve as the City of Alliance representative, and Councilmember McGhehey as the alternate on the E-911 Board for the duration of their term as Councilmembers, unless such service is otherwise terminated for another reason.

PASSED AND APPROVED this 18th day of April, 2023.

Roll call vote with the following results:

Voting Aye: Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 23-28 which will fill the vacancy of Mayor Dafney as the City's Representative on the Heartland Expressway Association Board. The following information was provided:

[The City of Alliance provides a City Representative to sit on the Heartland Expressway Association Board, which was Mayor Dafney. With Mayor Dafney's resignation, the seat of the representative needs filled, which Resolution 23-28 will establish.]

A motion was made by Councilman Andersen, seconded by Councilman McGhehey to approve Resolution No. 23-28 which follows in its entirety:

RESOLUTION NO. 23-28

WHEREAS, the City Council of Alliance, Nebraska has membership on governing and advisory boards for organizations related to city government; and

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WHEREAS, City Council appoints one representative to the Board for the Heartland Expressway Association Board; and

WHEREAS, Chelsie Herian has expressed a desire and has volunteered to serve as the City of Alliance representative on this Board.

NOW, THEREFORE BE IT RESOLVED by the Vice Mayor and Council of the City of Alliance that Chelsie Herian serve as the City of Alliance representative, on the Heartland Expressway Association Board.

PASSED AND APPROVED this 18th day of April, 2023.

Roll call vote with the following results:

Voting Aye: Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

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



Brian Mischnick, Vice-Mayor

(SEAL)



Shelbi C Pitt, Interim 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.

