

January 2, 2024

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JANUARY 2, 2024

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

The Alliance City Council met in a Regular Meeting, January 2, 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 December 27, 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.

Mayor Jones opened the January 2, 2024 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Jones, and Council Members Mischnick, Andersen, and Mashburn. Also present were City Manager Sorensen, City Attorney Swanson and City Clerk Pitt.

- First action for Council was to excuse Vice Mayor McGhehey. A motion was made by Mayor Jones, seconded Councilman Mischnick to excuse Vice Mayor McGhehey.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

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

CONSENT CALENDAR – JANUARY 2, 2024

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1. Approval: Minutes of the Regular Meeting, December 19, 2023.
2. Approval: Payroll from December 29, 2023 in the total amount of \$269,751.72.
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; \$213,952.59.
4. Approval: Resolution No. 24-01 will designate Ross Grant as the City's Street Superintendent for 2024.

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: Jones, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next item agenda for Council was the first reading of Ordinance No. 2972 which will approve and rezone a 3.88 Tract of land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, from Ag, Agriculture, to C-3, Heavy Commercial Zoning. The following information was provided:

[ORDINANCE – THE REZONE OF A 3.88 TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY NEBRASKA, FROM AG, AGRICULTURE, TO C-3, HEAVY COMMERCIAL ZONING.

Westco dba Jirdon Agrichemical has submitted an application to rezone a 3.88 Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County Nebraska, from Ag, Agriculture, to C-3, Heavy Commercial Zoning.

The parcel of land is located north of 1520 West 10th Street (21st Century

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Equipment John Deere). The parcel is currently zoned Ag, Agriculture. It is bordered to the north by M-2, Heavy Industrial zoning, to the west and south by C-3 Heavy Commercial, and to the east by Ag, Agriculture zoning. The lot is partially used for dryland farming however Westco has already begun storing items on the lot prior to the rezone being completed. The parcel is bordered by farming to the west and east, ag commodity processing and storage to the north, implement sales and service to the south.

The parcel is approximately 3.88 acres. The proposed rezone will change the front setbacks from 50' to 15', the rear setback from 25' to 15', the side setback from 10' to 7' where it is adjacent to Ag zoning and 0' where it is adjacent to C-3 or M-2 zoning, and the side street setback from 50' to 15'. The property, once combined with the parcel to the west, is adjacent to Nebraska Highway 2 along the west property line. Highway 2 is considered an urban principal arterial road which is the most traffic intense classification in the Comp Plan. West 10th Street is located to the south and is identified as an Urban Minor Arterial, or the second most traffic intense classification in the Plan.

The parcel is located outside of City limits but is bordered by City limits to the south. The bordering neighborhood is identified as the "West Gateway Neighborhood" by the Comprehensive Plan. It has large gaps in its development which is filled by Ag lands. This is obvious and evident by viewing the area from aerial photography. As its name implies, this is the western gateway to the community and its lack of consistent development and modern development detracts from the overall appearance of this area and does not welcome visitors to Alliance. It is also identified as an objective in the Plan that the City should promote development in the Western Gateway that enhances the community's image. A rezone to C-3 would be consistent with the image of the West Gateway as a commercial corridor as identified on Page Land Use 10.

The City of Alliance Planning Commission met at their regular meeting on December 12, 2023 and voted to recommend the City Council approve the rezone of a 3.88 Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County Nebraska from Ag, Agriculture, to C-3, Heavy Commercial Zoning, **contingent upon the receipt by the City of a petition from Westco to annex the subject property, as well as the property the tire shop was constructed on, provided such annexation not be required until January 1, 2025**, after making the following findings of fact:

1. The rezone would not create any nonconforming lot sizes.
2. The rezone would not create any nonconforming building setbacks.

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3. There is access to the rezoned portion of parcel once it is combined with the parcel to the west as planned.
4. A rezone to C-3 would be consistent with the image of the West Gateway as a commercial corridor as identified in the Comp Plan.
5. The proposed rezone is adjacent to existing C-3 zoning.
6. City utilities are already available in this location.

Options:

-Leave the zoning the same and:

1. Westco will need to move the equipment they are currently storing there to a parcel zoned correctly.
2. The parcel will remain fallow or in ag production.

-Change the zoning to a district other than Ag or C-3 which would not accomplish any of the stated goals in the Comp Plan.

-Change the zoning to C-3 for the reasons the Planning Commission made in the findings of fact.

STAFF RECOMMENDATION: HAVING RECEIVED THE REQUIRED PETITION TO ANNEX, STAFF RECOMMENDS THE APPROVAL OF THE ORDINANCE REZONING A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY NEBRASKA, MORE PARTICULARLY DESCRIBED AS:

Referring To The Southwest Corner Of Said Section 26; Thence, Along The West Line Of Said Section, N 00°06'41" E To A Point Of Intersection With The Northerly Right-Of-Way Line Of 10th Street Extended Westerly, Being A Distance Of 33.00 Feet; Thence, Along Said Extended Northerly Right-Of-Way, N 89°56'51" E To A Point Of Intersection With The Easterly Right-Of-Way Line Of Nebraska Highway #2, Being A Distance Of 60.00 Feet, Thence, Continuing Along Said Northerly Right-Of-Way, N 89°56'51" E To The Southwest Corner Of A Tract Of Land As Described In Deed Book 95, Page 467 Of The Box Butte County, Nebraska Deed Records, Being A Distance Of 400.00 Feet; Thence, On The West Line Of Said Tract N 00°06'41" E To The Northwest Corner Of Said Tract, Being A Distance Of 815.00 Feet To The Point Of Beginning; Thence, Along The North Line Of Said Tract, N 89°56'51" E To The Northeast Corner Of Said Tract, Being A Distance Of 425.00 Feet; Thence, Along The Northerly Extension Of The East Line Of Said Tract, N 00°06'41" E To A Point Of Intersection With The Southerly Boundary Of A Tract Of Land As Described In Deed Book 74, Page 85 Of The Box Butte County, Nebraska Deed Records And True Easterly Extension, Being A Distance Of 398.22 Feet; Thence, Along Said Southerly Boundary, S 89°39'11" W, A Distance Of 425.00 Feet; Thence S 00°06'41" W, A

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**Distance Of 398.22 Feet To The True Point Of Beginning, Containing
An Area Of 3.88 Acres, More Or Less;**

**FROM AG, AGRICULTURE, TO C-3, HEAVY COMMERCIAL
ZONING.]**

A motion was made by Councilman Mischnick, seconded by Andersen to approve the first reading of Ordinance No. 2972. Which follows in its entirety:

ORDINANCE NO. 2972

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT A 3.88 ACRE TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS C-3 – HEAVY COMMERCIAL DISTRICT FROM AG-AGRICULTURE DISTRICT, REPEALING PRIOR SECTIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

BEITORDAINED BYTHEMAYOR ANDTHE 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 tract of land is included in a C-3 – Heavy Commercial District from AG – Agriculture District:

A Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, more particularly described as:

Referring To The Southwest Corner Of Said Section 26; Thence, Along The West Line Of Said Section, N 00°06'41" E To A Point Of Intersection With The Northerly Right-Of-Way Line Of 10th Street Extended Westerly, Being A Distance Of 33.00 Feet; Thence, Along Said Extended Northerly Right-Of-Way, N 89°,56'51" E To A Point Of Intersection With The Easterly Right-Of-Way Line Of Nebraska Highway #2, Being A Distance Of 60.00 Feet, Thence, Continuing Along Said Northerly Right-Of-Way, N 89°56'51" E To The Southwest Corner Of A Tract Of Land As Described In Deed Book 95, Page 467 Of The Box Butte County, Nebraska Deed Records, Being A Distance Of 400.00 Feet: Thence, On The West Line Of Said Tract N 00°06'41" E To The Northwest Corner Of Said Tract, Being A Distance Of 815.00 Feet To The Point Of Beginning; Thence, Along The North Line Of Said Tract, N 89°56'51" E To The Northeast Corner Of Said Tract, Being A Distance Of 425.00 Feet; Thence, Along The Northerly Extension Of The East Line Of Said Tract, N 00°06'41" E To A Point Of Intersection With The Southerly Boundary Of A Tract Of Land As Described In Deed Book 74,

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Page 85 Of The Box Butte County, Nebraska Deed Records And True Easterly Extension, Being A Distance Of 398.22 Feet; Thence, Along Said Southerly Boundary, S 89°39'11" W, A Distance Of 425.00 Feet; Thence S 00°06'41" W, A Distance Of 398.22 Feet To The True Point Of Beginning, Containing An Area Of 3.88 Acres, More Or Less;

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 _____, 2024.

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.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

● Last matter before Council on the agenda was Resolution No. 24-02 which will accept and award the 2024 Landscaping Services Bid to the All Seasons Landscaping, LLC, in the total amount of \$30,460.00. The following information was provided:

[The City of Alliance released ITB (Invitation to Bid) No. 017171-1/2024 to select a contractor to provide; spring preparation (cutting back of all perennial plants and grasses), planting of any annuals or perennials, and seasonal sustentation (maintenance, fertilizing and weed removal) from March 1 to October 30th each year. The following areas are included in this contract:

- Alliance Entrance Beds (2 landscape beds at the intersection of Hwy 385 and Hwy 2)
- Alliance Learning Center
- Alliance Municipal Airport terminal landscape
- Alliance Municipal Building
- Bower Baseball Field (Two entrance beds at 2nd and Mississippi)
- Box Butte Avenue – Downtown Islands 1st to 5th & Center Island end beds, 10th street to 14th Street
- Central Park Fountain Beds
- Central Park 10th Street Entrance
- Downtown Islands, Box Butte Avenue from 1st Street to 5th Street

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- Knight Museum & Sandhills Center
- Military Museum & Conservatory Landscape
- Senior Center Landscape
- SkyView Golf Course Landscape Beds
- Sunken Gardens
- Swimming Pool

The bid packets were sent to five landscape contractors who were located in Alliance, Gering and Scottsbluff. One contractor did come from Scottsbluff to evaluate the sites, but decided not to submit a bid. The Scope of Service section of ITB No. 017171-1/2024 allows for a one-year initial award with three optional one-year renewal periods.

The 2024 Bid includes a \$560 increase over 2023 for the Parks Division and a \$200 increase at SkyView Golf Course. The proposed maintenance costs for 2024 are as follows.

Parks Division	\$27,060.00
Golf Course	<u>\$ 3,400.00</u>
2024 Total Maintenance Costs	\$30,460.00

Adequate funds for the proposed annual contract are included in Parks Division Budget (GL 01-71-71-43-371) and Golf Division Budget (GL 21-71-75-44-479) of the City of Alliance 2023/24 annual budget.

RECOMMENDATION: APPROVE CONTRACT WITH ALL SEASONS LANDSCAPE MAINTENANCE AND DESIGN IN THE AMOUNT OF \$30,460.00 FOR THE 2024 GROWING SEASON.

Contractor Landscape Maintenance History

The City of Alliance started utilizing a private contractor for the maintenance of specific landscaped areas in 2008 after evaluating staffing, equipment, vehicle, and supervisory needs during the summer growing season. The utilization of a contractor to maintain specific landscape areas has proven to be beneficial over the years. Consistent professional oversight has resulted in substantial improvements to the appearance of these highly visible areas of our community. Additional specific benefits include:

- Consistent professional evaluation and improvement of landscape areas
- The ability of the contractor to differentiate between weeds and desirable vegetation in the early stages of development. (Seasonal staff typically do not have that knowledge, and often without diligent direct supervision remove desirable species when weeding in Spring)
- Certification to apply spray whenever necessary during routine maintenance checks

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- Reduction in vehicles necessary to transport staff to and from work sites
- Knowledge of landscape design and ability to transplant volunteer vegetation to other places within the Parks Division. This has resulted in the ability to use our landscape areas as a “nursery” for perennial plants reducing the need to purchase them.
- The ability to work in higher traffic areas outside normal business hours & on weekends

Reduction in staff time spent supervising seasonal help, which frees up full time staff to complete more complex and vital tasks, especially in Spring.]

A motion was made by Mayor Jones seconded by Mischnick to approve Resolution No. 24-02. Which follows in its entirety:

RESOLUTION NO. 24-02

WHEREAS, The City of Alliance prepared a request for quotations for contracting maintenance of public landscaped areas within the parks and municipally owned properties; and

WHEREAS, The City published an Invitation to Bid Landscaping Services for an initial one-year contract, March 1 through October 31, 2024; with three optional one-year renewal periods and

WHEREAS, One bid was received from All Seasons Landscape Maintenance and Design; and

WHEREAS, Cultural and Leisure Services Director Brown has reviewed the bid and the performance of All Seasons Landscape Maintenance and Design and is recommending the contract be awarded to All Seasons Landscape Maintenance and Design; and

WHEREAS, The Mayor and City Council deemed it appropriate to hire an independent contractor to provide the labor for the clean-up, planting and maintenance of the public landscaped areas within the park systems and municipally owned properties of the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, that the Mayor is authorized to sign an agreement between the City of Alliance and All Seasons Landscape Maintenance and Design to contract Planting Bed Maintenance which includes preparation (spring clean-up), planting, transplanting and sustentation for the period commencing March 1 through October 31st for the year 2024, with three optional one-year renewal periods.

BE IT FURTHER RESOLVED that the base contact price for the year 2024 shall be Thirty Thousand Four Hundred Sixty Dollar and No/100s (\$30,460.00).

Roll call vote with the following results:

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Voting Aye: Jones, Mischnick, and Andersen.

Voting Nay: Mashburn.

Motion carried.

The Alliance City Council adjourned the January 2, 2024 City Council Meeting at 7:12 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