

February 6, 2024

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, FEBRUARY 6, 2024

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

The Alliance City Council met in a Regular Meeting, February 6, 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 January 31, 2024. 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 February 6, 2024 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Jones, Vice Mayor McGhehey and Council Members Mischnick, Andersen, and Mashburn. Also present were City Manager Sorensen, City Attorney Swanson and City Clerk Pitt.

Roll call vote with the following results:

Voting Aye: Jones, McGhehey, 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 Mischnick, seconded by Councilman Andersen to approve the Consent Calendar as follows:

CONSENT CALENDAR – February 6, 2024

1. Approval: Minutes of the Regular Meeting, January 16, 2024.

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2. Approval: Payroll from January 12, 2024 correction in the total amount of \$104,384.86, and January 26, 2024 in the total amount of \$255,407.13.
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; \$555,415.02.
4. Approval: Cemetery Certificate for Yost, Ron.
5. Approval: Resolution No. 24-08 which will accept and award the Hailstorm Repair Bid for the Parks and Rec Facilities 2021 Hail Damage Repair with Twin City Roofing & Sheet Metal Inc., in the total amount of \$267,869.49.
6. Approval: Resolution No. 24-09 which will approve the amendment to the Solar Energy System Lease.
7. Approval: Resolution No. 24-10 which will authorize a budget transfer for the Alliance Learning Center Elevator Repairs in the amount of \$13,000.00 from Council Contingency # 01-10-10-47-791 to NRCNTSVC – Building Public Works # 01-71-77-44-483.
8. Approval: Resolution No. 24-11 which will authorize the Mayor and Council of the City of Alliance to sign the Alliance Urban Area Map as presented.

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, McGhehey, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was the first reading of Ordinance No. 2974, which will approve and accept the amendment to the City of Alliance Municipal Code Chapter 107, Article VII titled *Minor Subdivisions*. The following information was provided:

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[ORDINANCE – AMENDMENT TO CHAPTER 107, ARTICLE VII OF THE ALLIANCE MUNICIPAL CODE

City staff is proposing an amendment to Chapter 107 of the Alliance Municipal Code adding provisions for Minor Subdivisions. A Minor Subdivision is a small subdivision that may include lands previously platted as part of a subdivision and/or unplatted lands that have not been part of a subdivision. This amendment would add provisions for the approval of a Final Plat by the City Council without first approving a Preliminary Plat and it rennumbers subsequent articles to reflect the code addition. The proposed code sets minimum requirements for subdivisions in order to qualify for this expedited process. Generally the process is limited to smaller subdivisions of land where the impact of the plat is small but it doesn't meet the requirements for an administrative replat. An administrative replat is a replat of lands that have already been a part of a city subdivision and may be approved by the City Manager i.e. combining two existing lots to make one large lot.

An alternative would be to leave the code as-is and require applicants of small subdivisions to submit preliminary and final plats.

The City of Alliance Planning Commission met at their regular meeting on January 9, 2024, and held a Public Hearing for the proposed code amendment. The Planning Commission then voted to recommend the City Council approve the code amendment, after making the following findings of fact:

1. The code amendment has been reviewed by legal and meets the minimum requirements of State Law.
2. The code would reduce the time of approval by approximately two months on subdivisions that meet the requirements of the proposed code.

STAFF RECOMMENDATION: THE CITY COUNCIL APPROVE THE ORDINANCE AMENDING CHAPTER 107, ARTICLE VII, TITLED MINOR SUBDIVISIONS AND RENAMING SUBSEQUENT ARTICLES.]

A motion was made by Councilman Mashburn, seconded by Mischnick to approve the first reading of Ordinance No.2974. Which follows in its entirety:

ORDINANCE NO. 2974

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING CHAPTER 107 OF THE ALLIANCE MUNICIPAL CODE BY ADDING A NEW ARTICLE ALLOWING FOR MINOR SUBDIVISIONS, RENUMBERING SUBSEQUENT ARTICLES IN CHAPTER 107 TO REFLECT THE ADDITION OF THE NEW ARTICLE ALLOWING FOR MINOR SUBDIVISIONS, BUT NOT OTHERWISE REVISING OR AMENDING SUBSEQUENT ARTICLES, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

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Section 1. Chapter 107 of the Alliance Municipal Code is amended to read as follows:

“ARTICLE VII. – MINOR SUBDIVISIONS

Sec. 107-110. - Limitations. The minor subdivision process bypasses the preliminary platting requirement for smaller subdivisions of land and may only be used when a proposed subdivision meets all of the following criteria:

- (a) The subdivision does not create more than four new lots from any parcel, tract, or lot;
- (b) The subdivision is served by existing streets and utilities; or, if street or utility extensions are necessary, they must be less than 200 linear feet and the City must be in receipt of the same installation guarantees as required in Articles III and IV of this chapter;
- (c) Each lot created must conform fully to all requirements of the zoning district that pertains to the lots and each lot is developable;
- (d) No part of the proposed subdivision has been subject to the administrative or minor subdivision approval process;
- (e) The subdivision is no larger than 2 acres in size;
- (f) The applicant will not be permitted to piecemeal multiple minor subdivisions into a subdivision or addition that would otherwise not meet the requirements and intent of this code. Such subdivisions will be required to follow the preliminary and final platting process.

Sec. 107-111. – Process.

- (a) Staff Review. Within five working days of receipt of the plat, the City Manager or designee shall distribute copies of said plat to the city manager, city attorney, community development department, public works superintendent, electric department superintendent, and any other agency as required by state law. Each department may submit to the City Manager or designee, written reports of its findings and recommendations; such written reports shall be forwarded to the planning commission and city council with the minor subdivision plat. If no reply is received, said plat shall be deemed approved by the respective department.
- (b) Planning Commission. The city manager or designee shall submit the plat to the planning commission for a public hearing, review, and recommendation. In approving or disapproving the plat, the planning commission shall give due attention to the public hearing, reports prepared by staff, compliance with this code, and the City of Alliance Comprehensive Plan.
- (c) City Council. After a public hearing and recommendation by the planning commission, the city manager or designee shall submit the plat to the city council for a public hearing. The council may specify changes or modifications therein which it deems necessary and

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may make its approval subject to such alterations. In case of planning commission's disapproval, the subdivider may, on appeal, present the final plat to the council and seek approval. Upon approval by the council by ordinance duly passed, such approval shall be endorsed on the Mylar copy under the hand of the mayor and city clerk.

Sec. 107-112. – Plat Requirements.

The plat shall be prepared in the same manner as a final plat excepting parts I, J, and K.

Sec. 107-113. – Filing

The city clerk shall record the plat in the office of the Box Butte County Clerk within 30 days of its final approval by the city council."

Section 2. Chapter 107 of the Alliance Municipal Code is renumbered as follows:

"ARTICLE VIII. – PLAT VACATION ^[2]" This Article is only renumbered and is not otherwise revised or amended.

Section 3. Chapter 107 of the Alliance Municipal Code is renumbered as follows:

"ARTICLE IX. – SUBDIVISION DESIGN REQUIREMENTS" This article is only renumbered and is not otherwise revised or amended.

Section 4. Chapter 107 of the Alliance Municipal Code is renumbered as follows:

"ARTICLE X. – INFRASTRUCTURE REQUIREMENTS" This Article is only renumbered and is not otherwise revised or amended.

Section 5. Prior Chapter 107 is now amended and included in the Alliance Municipal Code and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 6. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

Roll call vote with the following results:

Voting Aye: Jones, McGhehey, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

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- Next for Council was the City of Alliance's Audit of the Financial Statement for the period October 1, 2022 through September 30, 2023. Marci Luth of AMGL, P.C., reviewed via telephone.
- The last item on the agenda for Council was Board appointments.

A motion was made by Councilman Andersen, seconded by Mischnick to appoint Nancy Reiber to the Planning Commission with a term ending December 31, 2026.

Roll call vote with the following results:

Voting Aye: Jones, McGhehey, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

The Alliance City Council adjourned the February 6, 2024, City Council Meeting at 7:36 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