

February 20, 2024

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, FEBRUARY 20, 2024

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

The Alliance City Council met in a Regular Meeting, February 20, 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 February 14, 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 20, 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.

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

CONSENT CALENDAR – February 20, 2024

1. Approval: Minutes of the Regular Meeting, February 6, 2024.
2. Approval: Payroll from February 9, 2024 in the total amount of \$1, 511,317.63.
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; \$348,968.87.

February 20, 2024

4. Approval: Resolution No. 24-12 which will authorize the Mayor, Fire Chief and City Clerk to sign the interlocal agreement for the Scotts Bluff Mutual Aid Association, indicating the City of Alliance to participate in the Scotts Bluff Mutual Aid Association as set forth in said agreement.
5. Approval: Resolution No. 24-13 which will approve a General Election Ballot Request to the Box Butte County Clerk for an open seat on the City Council 2024 Election.

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 second item on the agenda for Council was to proclaim for Chelsie Herian Day.

Chelsie Herian was in attendance to accept the proclamation for Chelsie Herian Day. Vice Mayor McGhehey read the following proclamation:

PROCLAMATION

WHEREAS, Chelsie Herian has exemplified dedication and leadership throughout her fifteen years of service to the Box Butte Development Corporation (BBDC), commencing her tenure in February of 2009 and advancing to the role of Director in August of 2010; and,

WHEREAS, Chelsie Herian's visionary leadership has been instrumental in securing significant grants and fostering strategic partnerships that have propelled economic development and enhanced the quality of life for residents within the Alliance community; and,

WHEREAS, Chelsie Herian's efforts resulted in the successful acquisition of the Site & Building Development Fund Grant in 2012, enabling the purchase and preparation of the 40-acre Box Butte Industrial Site, which has since welcomed, among others, Nutrien Ag Solutions, thereby bolstering economic growth and job opportunities within the region; and,

WHEREAS, Chelsie Herian's commitment to educational outreach is commendable, having coordinated numerous Business & Industry Day tours for both Alliance and Hemingford High School students, as well as organizing Career Day events for Grandview 5th Graders, fostering career exploration and inspiring future generations; and,

February 20, 2024

WHEREAS, Chelsie Herian's dedication to addressing critical community needs is evident in her successful advocacy for the 2023 Nebraska Rural Workforce Housing Fund Grant, which secured \$750,000 to address housing challenges, alongside the coordination of a \$30,000 Community For Kids grant to support childcare initiatives, thus enhancing the well-being of families throughout Box Butte County; and,

WHEREAS, Chelsie Herian's active involvement with Career Connections of Western Nebraska underscores her commitment to workforce development, as evidenced by her recent coordination of the Career Cab event in Chadron, providing invaluable opportunities for 262 sophomores from the area to explore diverse career pathways; and,

WHEREAS, Chelsie Herian's leadership extends beyond local initiatives, as demonstrated by her service on the Heartland Expressway Association board of directors and the Nebraska Economic Developers Association Board of Directors, where she served as Conference Chair for the past three years, fostering collaboration and advancing economic prosperity at the regional and state levels;

NOW, THEREFORE, I, Earl Jones, Mayor of the City Council of Alliance, Nebraska, do hereby proclaim Saturday, February 24, 2024, as:

Chelsie Herian Day

in recognition of her outstanding contributions, leadership, and dedication to the Box Butte Development Corporation and the Alliance community.

I urge all citizens to join me in expressing our deepest gratitude and appreciation to Chelsie Herian for her invaluable service and wish her continued success and fulfillment in all her future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 20th day of February in the year of the Lord Two Thousand Twenty-Four.

- The next item on the agenda Council held a Public Hearing on the second 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:

[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 renumbers 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

February 20, 2024

land where 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 facts:

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 subdivision 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.]

Mayor Jones stated "now is the date, time and place to conduct a Public Hearing to support, opposition, criticism, suggestions or observations of the taxpayers relating to Ordinance No. 2974 and opened the public hearing at 7:07 p.m.

Mayor Jones invited anyone in the public to speak on behalf or against the proposed amendment to the City of Alliance Municipal Code Chapter 107, Article VII titled *Minor Subdivisions*.

Brent Kusek, Community Development Director, stated that this amendment will help cut down the process time for these Minor Subdivisions.

With no further testimony offered, Mayor Jones closed the Public Hearing at 7:09 p.m.

A motion was made by Mayor Jones, seconded by Andersen to approve the second 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

February 20, 2024

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:

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.

February 20, 2024

- (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 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.

February 20, 2024

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next for Council on the agenda was the first reading of Ordinance No. 2975, which will approve the Final Plat for Lot 9A, Hillcrest Addition, A Replat of Lot 9, Block 3, Hillcrest Addition, to the City of Alliance, and Unplatted Lands in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County Nebraska. The following information was provided:

[ORDINANCE – FINAL PLAT OF LOT 9A, BLOCK 3, HILLCREST ADDITION TO THE CITY OF ALLIANCE.

The City of Alliance is in receipt of a Final Plat application for the subdivision of Lot 9A, Block 3, Hillcrest Addition to the City of Alliance and Unplatted Lands in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska.

The proposed plat is located at 1447 Duncan Avenue. The parcel is zoned R-1, Single Family Residential. It is adjacent to R-3, Multifamily Residential zoning to the north, R-1, Single Family Residential Zoning to the east, south, and west.

The proposed lot is currently a single family residence. The lot is bordered by single family houses to the west, east and south, and multifamily housing to the north. The proposed lot is 11,852 acres in size. It meets the minimum lot size requirement for R-1 zoning which is 7000ft². The plat does not create any rights of way or utility easements. All utilities for Hillcrest Addition are in place.

The City of Alliance Planning Commission met at its regular meeting on January 9, 2024 and found that the Final Plat was consistent with the goals in the Comprehensive Plan and met the minimum requirements of Municipal Code. They voted yes on a recommendation to the Alliance City Council for the approval of the Final Plat for the subdivision of Lot 9A, Block 3, Hillcrest Addition to the City of Alliance and Unplatted Lands in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, after making the following findings of fact:

-According to the Comprehensive Plan, this neighborhood is primarily

February 20, 2024

residential and this plat contributes to that designation by enlarging a residential lot and does not detract from it.

-The proposed lot makes the existing house less non-conforming by moving the north property line farther north.

-All public utilities are already installed.

-All rights of way servicing the property are already dedicated to the City.

RECOMMENDATION: THE APPROVAL OF THE FINAL PLAT OF LOT 9A, BLOCK 3, HILLCREST ADDITION TO THE CITY OF ALLIANCE AND UNPLATTED LANDS IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA.]

A motion was made by Councilman Andersen, seconded by McGhehey to approve the first reading of Ordinance No. 2975. Which follows in its entirety:

ORDINANCE NO. 2975

AN ORDINANCE APPROVING THE FINAL PLAT OF LOT 9A, BLOCK 3, HILLCREST ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA, REPEALING PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Alliance has received the application for approval of the Final Plat of a tract of land Situated in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 2. The Planning Commission held a public hearing January 9, 2024, and has recommended the approval of the Final Plat of Lot 9A, Block 3, Hillcrest Addition to the City of Alliance, Box Butte County, Nebraska, Situated in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 3. The City Council finds that the Final Plat contains the information required by Article 5 of the city of Alliance Municipal Code.

SECTION 4. The Final Plat of Lot 9A, Block 3, Hillcrest Addition to the City of Alliance, Box Butte County, Nebraska, Situated in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska is hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a

February 20, 2024

part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 5. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are repealed.

SECTION 6. This Ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

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

Voting Nay: None.

Motion carried.

- Next item on the agenda for Council was Resolution 24-14 which will accept and approve the application to the Federal Aviation Administration for the seal coat project of Runway 12/30 and Runway 8/26 for the Alliance Municipal Airport. The following was provided:

**[RESOLUTION – RUNWAY 12/30 & RUNWAY 8/26 SEAL COAT PROJECT
AGENCY AGREEMENT, GRANT DOCUMENTS AND FEDERAL
CERTIFICATIONS.**

The Alliance Municipal Airport has included on its Capital Improvement Program through the Federal Aviation Administration (FAA) a project to seal coat Runway 12/30 and Runway 8/26.

The proposed project will consist of removing existing pavement markings, sealing cracks in the existing asphalt pavement surface, applying a rejuvenation sealer on the existing bituminous surface, and applying new pavement markings on the runways. Seal coats are a part of the required maintenance plan to maintain the airport surfaces.

Following are items that need to be approved before City of Alliance can accept a grant for the project:

1. Agency Agreement with Department of Transportation, Aeronautics Division. State law requires that the City have an Agency Agreement completed to allow the Nebraska Department of Transportation, Aeronautics Division to act as the Airport's agent for these funds.
2. Grant Application. The grant application is the airport's final notice to the FAA that they will proceed with the project. The all-inclusive cost of this project will not be known until the bidding process is completed, however the estimate for this project is \$1,055,530 with the FAA participating at the current funding levels

February 20, 2024

of 90% and the City of Alliance providing the 10% match. The formal application must be completed before a grant can be issued.

This is the final step in proceeding with the project. City Council approved Airport Engineer Selection on December 15, 2020 and the consultant agreement for this specific project on October 3, 2023.

RECOMMENDATION – APPROVE RESOLUTION TO AUTHORIZE THE MAYOR TO :

- 1. SIGN THE AGENCY AGREEMENT WITH THE NEBRASKA DEPARTMENT OF TRANSPORTATION, AERONAUTICS DIVISON.**
- 2. TO SIGN AND SUMBIT THE APPLICATION FOR FEDERAL ASSISTANCE, ANY FEDERAL CERTIFICATIONS, AND ELECTRONICALLY SIGN THE ACTUAL GRANT DOCUMENTS ONCE RECEIVED.]**

A motion was made by Councilman Mischnick, seconded by Andersen to approve the Resolution No. 24-14 which follows in its entirety:

RESOLUTION NO. 24-14

WHEREAS, The City of Alliance owns and operates the Alliance Municipal Airport; and

WHEREAS, The City of Alliance is eligible to receive grant funding for the development of the airport, identified as, Grant Project No. 3-31-0003-027-2024; and

WHEREAS, The City finds it is in the City’s best interest to submit a grant application for the rehabilitation of taxiways and apron at the Alliance Municipal Airport; and

WHEREAS, State law requires that the City have an Agency Agreement established for these funds; and

WHEREAS, The City Council finds it is in the City’s best interest to have the Nebraska Department of Transportation –Division of Aeronautics to act as the agent for City of Alliance Municipal Airport for Grant Project No. 3-31-0003-027-2024; and

WHEREAS, The Nebraska Department of Transportation –Division of Aeronautics has provided the City with an Agency Agreement for execution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance submit a grant application to obtain assistance for the rehabilitation of taxiways and apron at the Alliance Municipal Airport, identified as Grant Project No. 3-31-0003-027-2024.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance shall enter into an Agency Agreement with the Nebraska

February 20, 2024

Department of Transportation –Division of Aeronautics for Grant Project No. 3-31-0003-027-2024 and that such an Agreement is attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED, The Mayor is authorized to sign all documents associated with the grant application and acceptance of the grant funding.

BE IT FURTHER RESOLVED that the Mayor of the City of Alliance is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Alliance and the City Clerk is hereby authorized to attest said execution.

BE IT FURTHER RESOLVED that said Agreement, referred to herein, is inserted in full and attached herewith and made a part hereof as Exhibit “O”.

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

Voting Nay: None.

Motion carried.

- The last item on the agenda was the presentation and acceptance the Quarterly Financial Statement.

City Treasurer Baker presented and reviewed the Quarterly Financial Report.

The Alliance City Council adjourned the February 20, 2024 City Council Meeting at 7:26 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