

May 6, 2025

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MAY 6, 2025

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

The Alliance City Council met in a Regular Meeting, May 6, 2025 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 26, 2025. 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 McGhehey opened the May 6, 2025 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor McGhehey, Vice Mayor Mashburn and Council Member Turman. Also present were City Manager Sorensen, City Treasurer Baker, City Attorney Selzer and City Clerk Pitt.

- Mayor McGhehey excused Council Members Weisgerber and Liptack from the City Council Meeting for being out of town.
- Mayor McGhehey read the Open Meetings Act Announcement.
- Mayor McGhehey proclaimed National Day of Prayer, May 1, 2025. Mayor McGhehey read the following proclamation:

PROCLAMATION

WHEREAS, Civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and,

WHEREAS, The Declaration of Independence, our first statement as Americans of national purpose and identity, made laws the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and,

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WHEREAS, The Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the United States Congress, themselves, begin each day with prayer; and,

WHEREAS, In 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and,

WHEREAS, The National Day of Prayer is an opportunity for Americans to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and,

WHEREAS, It is fitting and proper to give thanks to God by observing a day of prayer in Nebraska when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our state and nation.

NOW, THEREFORE, the City Council of Alliance, Nebraska, does hereby proclaim:

Thursday, May 1, 2025 as:

NATIONAL DAY OF PRAYER

In the City of Alliance, Nebraska, and urge all citizens to take due note of the observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 6th day of May in the year of the Lord Two Thousand Twenty-Five.

- Vice Mayor Mashburn next proclaimed the week of May 4th – 10th, 2025, as Public Service Recognition Week. Vice Mayor Mashburn read the following proclamation:

PROCLAMATION

WHEREAS; Americans are served every single day by public servants at the federal, state, county and local levels. These unsung heroes do the work that keeps our nation and community functioning. At all levels of government, our public servants put our country and our people first; and

WHEREAS; The women and men who work for our government tackle some of the most important challenges and opportunities facing our community, country and the global community; and

WHEREAS; Public employees are hired to not only fill a job, but take oaths that they will do it the best they are able; and

WHEREAS; Many public servants, including police officers, firefighters and military

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personnel, risk their lives each day in service to the public and others commit countless hours to provide basic and leisure services to citizens improving their quality of life and the community; and

WHEREAS; Public servants include accountants and street workers... landfill operators and elected officials . . . librarians and safety inspectors . . . utility and parks workers and countless other occupations. Day in and day out they provide the diverse services needed by the neighbors of Alliance with efficiency and integrity; and

WHEREAS; These public servants, at every level, provide continuity that would be impossible without them in a democracy and ensures that the quality of life in America, and the City of Alliance, is the best it can be. These public employees are the ones who, with the help and support of every neighbor, work every day to promote our community vision; "Building the Best Hometown in America."

NOW, THEREFORE, the City Council of Alliance, Nebraska, does announce and proclaim to all citizens the week of May 4-10, 2025, as

Public Service Recognition Week

And encourages all citizens to recognize the accomplishments and contributions of government employees at all levels — city, county, state and federal and requests that you show your support by thanking them when you interact with them this week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 6th day of May in the year of the Lord Two Thousand Twenty-Five.

- Next Department Heads introduced their new employees to the Council.
- The Consent Calendar was the first item on the agenda. A motion was made by Councilman Turman, seconded by Vice Mayor Mashburn to approve the Consent Calendar as follows:

CONSENT CALENDAR – May 6, 2025

1. Approval: Minutes of the Regular Meeting, April 15, 2025 and Special Meeting, April 28, 2025.
2. Approval: Payroll from April 18, 2025 in the total amount of \$267,831.37.
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; \$1,859,509.22.

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4. Approval: Alliance Volunteer Fire Department Roster Update.
5. Approval: Resolution No. 25-51 authorizes the Alliance Police Department to enter into a lease agreement with Equarture for new recording system to record all primary radio channels, 9-1-1 and non-emergency telephone lines with a 10-year lease plan in the total amount of \$95,000.60 with yearly installments of \$9,500.06.
6. Approval: Resolution No. 25-52 authorizes the City of Alliance to allow the use of ACE Funds to purchase new backstop net for Bower-Shankland Ball Field in an amount not to exceed \$3,742.27.
7. Approval: Resolution No. 25-53 authorizes the Mayor to sign agreement with Al Vacanti to provide project management assistance and grant writing services in the amount of \$60,000.00 per each 12-month period to be paid at the rate of \$15,000.00 quarterly to Mr. Vacanti for his services.
8. Approval: Resolution No. 25-54 authorizes the City Manager to approve work and sign an agreement with Capital on behalf of the City in an amount not to exceed \$22,000.00 for Capital to undertake a wage and benefit study for the City as part of FOP negotiations.
9. Approval: Resolution No. 25-55 approves and adopts the amendment to Section 12.5 – Mutual Aid of the Personnel Policy effective May 6, 2025, as the Policy of the City of Alliance.
10. Approval: Resolution No. 25-56 authorizes the City's obligation of 12.5% of the total project value, minus the perimeter security fencing, with an estimated cost of \$160,246.02 to be paid from GL# 01-11-11-44-479 for the cost of the replacement of the generator, leaving BBCo to cover the other 12.5%.

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.

Vice Mayor Mashburn had questions regarding Resolution No. 25-51, Hanah Gerth the Public Safety Dispatch Supervisor came before the Council giving an overview and reasoning as to why our recording system needed to be replaced.

Mayor McGhehey had a question regarding the contract for Resolution No. 25-53 of Mr. Vacanti wanting to roll over bonus pay out into the newest contract.

Mayor McGhehey requested that Resolution No. 25-53 Item 7 be considered as a separate item, instead of a Consent Calendar item.

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Roll call vote of the Consent Calendar with the removal of Item 7 with the following results:

Voting Aye: Mashburn, Turman, and McGhehey.

Voting Nay: None.

Motion carried.

- Next Council had before them Item 7 from the Consent Calendar, with the discussion of negotiating contract with Mr. Vancati.

A motion was made by Mayor McGhehey, seconded by Councilman Turman to have City Manager Sorensen to negotiate with Mr. Vacanti regarding the proposed contract.

Roll call vote with the following results:

Voting Aye: Turman, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council Nate Fox with LARM came before the Council presenting the property analysis report sharing recommend changes to the City's Property Insurance.

Nate and the Council went through analysis report sharing their recommendations for the City's Property Insurance.

- Council next held a Public Hearing for the Annexation Petition from (Westco) Jirdon Agri-Chemicals, Inc. The Petitioner requests a 14.99-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, to be incorporated with the limits of the City of Alliance.

Mayor McGhehey 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 Westco Annexation and opened the public hearing at 8:27 p.m."

Community Development Director Brent Kusek came before the Council giving an overview of the Annexation and being in favor of the Annexation.

No additional testimony was offered and the Public Hearing was closed at 8:28 p.m.

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- The next item on the agenda for Council was third and final reading of Ordinance No. 2999 which will approve the Annexation Petition from (Westco) Jirdon Agri-Chemicals, Inc. The Petitioner requests a 14.99-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, to be incorporated with the limits of the City of Alliance.

A motion was made by Mayor McGhehey, seconded by Councilman Turman to approve the approve the third and final reading of Ordinance 2999. City Clerk Pitt read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 2999

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, ANNEXING REAL PROPERTY OF JIRDON AGRI-CHEMICALS, INC. SITUATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA; REPEALING EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Jirdon Agri-Chemicals, Inc. requested that the following described real estate (the "Real Estate") be included within the corporate limits of the City:

A TRACT OF LAND SITUATED 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 FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE, ALONG THE WEST LINE OF SAID SECTION, N00°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, N89°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, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY, N89°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 N00°06'41"E TO THE NORTHWEST CORNER OF SAID TRACT, BEING A DISTANCE OF 815.00 FEET; THENCE, ALONG THE NORTH LINE OF SAID TRACT, N89°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, N00°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

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EASTERLY EXTENSION, BEING A DISTANCE OF 398.22 FEET; THENCE, ALONG SAID SOUTHERLY BOUNDARY, S89°39'11"W TO A POINT OF INTERSECTION WITH THE SAID EASTERLY HIGHWAY RIGHT-OF-WAY, BEING A DISTANCE OF 825.02 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S00°06'41"W FOR A DISTANCE OF 1208.98 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 14.99 ACRES MORE OR LESS.

SECTION 2. The City of Alliance Planning Commission, in their regular meeting on March 11, 2025, passed a motion recommending the annexation of said Real Estate.

SECTION 3. The Real Estate is contiguous or adjacent to the existing corporate limits of the City, is urban or suburban in character, and does not constitute agricultural land which is rural in character.

SECTION 4. The Real Estate is annexed to and included within the corporate limits of the City of Alliance, Nebraska, and thereafter shall be and remain a part of such City for all purposes whatsoever as of the effective date of this Ordinance.

SECTION 5. The map describing the Corporate Limits as provided for in Section 1-5 of the Alliance Municipal Code is amended to provide for the addition of the Real Estate to the corporate limits of the City.

SECTION 6. The owners, occupants and users of such tracts of land shall be entitled to all of the rights and privileges, and be subject to all laws, ordinances, rules and regulations of such City. Such owners, occupants and users shall receive substantially the benefits of other owners, occupants and users of land within such City as soon as practicable and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal and water service shall be adopted as provided in Neb Rev. Stat. § 16-120.

SECTION 7. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are repealed.

SECTION 8. This Ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

Voting Aye: Mashburn, Turman and McGhehey.

Voting Nay: None.

Motion carried.

Mayor McGhehey stated, "the passage and adoption of Ordinance No. 2999 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

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- The next item on the agenda for Council was the first reading of Ordinance No. 3000 which will approve the rezone of Tracts of Land in the Southwest Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal, Box Butte County, Nebraska, from Ag, Agriculture, to C-3, Heavy Commercial. The following information was provided:

[ORDINANCE – THE REZONE OF A 24.15 ACRE TRACT OF LAND FROM AG, AGRICULTURE, TO C-3, HEAVY COMMERCIAL ZONING.]

Zachary Jelinek has submitted an application to rezone a 24.15 acre tract of land located in the Southeast Quarter of Section 34, 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 proposed rezone is located west of U.S. Highway 385 and south of Country Club Road. The property is currently zoned Ag-Agriculture. It is bordered by C-3, Heavy Commercial to the east, and Ag to the north, west, and south. The property is currently farmed. The properties to the north, west, and south are currently farmed. The property to the northeast is commercial retail. The property to the east is fast food and an apartment hotel.

There aren't any minimum lot dimensions or size requirements in the C-3 Zoning District. The proposed rezone will not create any nonconforming lot sizes. The proposed rezone will change the front setbacks from 50 feet to 15 feet, the side setback from 10 feet to 7 feet if adjacent to Ag through C-1 zoning, or 0 feet if adjacent to C-2 through M-3 zoning, the side street setback from 50 feet to 15 feet, and the rear setback from 25 feet to 0 feet if adjacent to an alley or 7 feet if not. The proposed rezone is bordered by U.S. Highway 385 to the east and Country Club Road to the north. U.S. Highway 385 is a four-lane expressway with a center turning lane. Country Club Road is a two-lane asphalt county road.

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. The proposed rezone is in the Extraterritorial Zoning Jurisdiction and adjacent to the West Gateway Neighborhood as identified on Page LU5 of the Comprehensive Plan. The Plan identifies the land use along US 385 as primarily commercial. This rezone would support the current designation. Page LU 26 indicates that future land uses in the ETJ should be similar to the adjacent land uses within the city limits provided those land uses are in conformance with the Comp Plan and zoning code. This rezone is consistent with both of those criteria.

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The City of Alliance Planning Commission met at their regular meeting on April 8, 2025 and voted to recommend the City Council approve the rezone of a 24.15 acre tract of land located in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska., from Ag, Agriculture, to C-3, Heavy Commercial Zoning provided the City and Jelinek enter into a development agreement requiring the installation of public improvements upon development of the tracts being rezoned, after making the following findings of fact:

1. The rezone would not create any nonconforming lot sizes.
2. A rezone to C-3 would be consistent with the image of the West Gateway Neighborhood as identified in the Comprehensive Plan as the area adjacent to the highway is also zoned C-3.
3. The rezone would be consistent with the future land use portions of the Comp Plan of this area as commercial in the ETJ.
4. The proposed rezone is adjacent to existing C-3 zoning.
5. The rezone would not create any new nonconforming land uses.

Options:

-Leave the zoning the same and:

1. 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: STAFF RECOMMENDS THE REZONE OF A 24.15 ACRE TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, FROM AG-AGRICULTURE TO C-3, HEAVY COMMERCIAL PROVIDED THE APPLICANT SIGNS A DEVELOPMENT AGREEMENT WITH THE CITY REQUIRING THE INSTALLATION OF REQUIRED INFRASTRUCTURE AND A PETITION FOR ANNEXATION BEFORE ANY DEVELOPMENT MAY OCCUR ON THE TRACTS OF LAND. SAID LAND BEING DESCRIBED AS:

Referring To The Northeast Corner Of The Southeast Quarter Of Said Section; Thence, Along The North Line Of Said Quarter Section, N89°24'52"W For A Distance Of 1446.21 Feet; Thence, At Right Angles, S00°25'48"W To The North Right-Of-Way Line Of Country Club Road, Being A Distance Of 9.33 Feet, Said Point Also Being The True Point Of Beginning; Thence, S00°25'48"W For A Distance Of 592.58 Feet; Thence, S89°34'12"E To The Southwest Corner Of Lot 1, Bomgaars Addition To The City Of

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Alliance, Being A Distance Of 744.44 Feet; Thence, Along The Westerly Boundary Of Said Lot 1, N01°31'39"E To The Northwesterly Corner Of Said Lot 1, Being A Distance Of 424.97 Feet; Thence, Along The Northerly Boundary Of Said Lot 1, S89°21'37"E For A Distance Of 30.26 Feet; Thence, N00°35'08"E For A Distance Of 165.67 Feet; Thence, N89°24'52"W For A Distance Of 783.29 Feet To The True Point Of Beginning, Containing An Area Of 10.30 Acres, More Or Less.

And

Referring To The Northeast Corner Of The Southeast Quarter Of Said Section; Thence, Along The North Line Of Said Quarter Section, N89°24'52"W For A Distance Of 1446.21 Feet; Thence, At Right Angles, S00°25'48"W To The North Right-Of-Way Line Of Country Club Road, Being A Distance Of 601.91 Feet, Said Point Also Being The True Point Of Beginning; Thence, S89°34'12"E To The Southwest Corner Of Lot 1, Bomgaars Addition To The City Of Alliance, Being A Distance Of 744.44 Feet; Thence, Along The Southerly Boundary Of Said Lot 1, S88°28'02"E To The Southwesterly Corner Of Said Lot 1, Being A Distance Of 442.00 Feet; Thence, Along The Westerly Right-Of-Way Of Nebraska Highway #385, S01°31'39"W For A Distance Of 503.93 Feet; Thence, N89°34'12"W For A Distance Of 1176.71 Feet; Thence, N00°25'48"E For A Distance Of 512.34 Feet To The True Point Of Beginning, Containing An Area Of 13.85 Acres, More Or Less.]

A motion was made by Councilman Turman, seconded by Vice Mayor Mashburn to approve the first reading of Ordinance No. 3000. City Clerk Pitt read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 3000

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING SECITON 109-22 OF THE ALLIANCE MUNICIPAL CODE BY UPDATING THE DISTRICT ZONING MAP TO SHOW THAT A 24.15 ACRE TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 34, 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 ANDTHECOUNCIL 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:

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A Tract of Land in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, more particularly described as:

Referring To The Northeast Corner Of The Southeast Quarter Of Said Section; Thence, Along The North Line Of Said Quarter Section, N89°24'52"W For A Distance Of 1446.21 Feet; Thence, At Right Angles, S00°25'48"W To The North Right-Of-Way Line Of Country Club Road, Being A Distance Of 9.33 Feet, Said Point Also Being The True Point Of Beginning; Thence, S00°25'48"W For A Distance Of 592.58 Feet; Thence, S89°34'12"E To The Southwest Corner Of Lot 1, Bomgaars Addition To The City Of Alliance, Being A Distance Of 744.44 Feet; Thence, Along The Westerly Boundary Of Said Lot 1, N01°31'39"E To The Northwestern Corner Of Said Lot 1, Being A Distance Of 424.97 Feet; Thence, Along The Northerly Boundary Of Said Lot 1, S89°21'37"E For A Distance Of 30.26 Feet; Thence, N00°35'08"E For A Distance Of 165.67 Feet; Thence, N89°24'52"W For A Distance Of 783.29 Feet To The True Point Of Beginning, Containing An Area Of 10.30 Acres, More Or Less.

And

Referring To The Northeast Corner Of The Southeast Quarter Of Said Section; Thence, Along The North Line Of Said Quarter Section, N89°24'52"W For A Distance Of 1446.21 Feet; Thence, At Right Angles, S00°25'48"W To The North Right-Of-Way Line Of Country Club Road, Being A Distance Of 601.91 Feet, Said Point Also Being The True Point Of Beginning; Thence, S89°34'12"E To The Southwest Corner Of Lot 1, Bomgaars Addition To The City Of Alliance, Being A Distance Of 744.44 Feet; Thence, Along The Southerly Boundary Of Said Lot 1, S88°28'02"E To The Southwesterly Corner Of Said Lot 1, Being A Distance Of 442.00 Feet; Thence, Along The Westerly Right-Of-Way Of Nebraska Highway #385, S01°31'39"W For A Distance Of 503.93 Feet; Thence, N89°34'12"W For A Distance Of 1176.71 Feet; Thence, N00°25'48"E For A Distance Of 512.34 Feet To The True Point Of Beginning, Containing An Area Of 13.85 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 and as revised by this Ordinance, is now the official Zoning District Map dated as of the _____ day of June, 2025.

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.

Community Development Director Kusek gave the Council an overview of Ordinance No. 3000.

Roll call vote with the following results:

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Voting Aye: Turman, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was the first reading of Ordinance No. 3001 which will approve the rezone of the West Half of Block 28, Original Town, Alliance, Box Butte County, Nebraska from M-2, Heavy Industrial District, to C-2, Central Business District. The following information was provided:

[ORDINANCE – THE REZONE OF THE WEST HALF OF BLOCK 28, ORIGINAL TOWN, ALLIANCE, FROM M-2 HEAVY INDUSTRIAL TO C-2, CENTRAL BUSINESS DISTRICT.]

The City of Alliance is proposing the rezone of the West Half of Block 28, Original Town, Alliance, from M-2 Heavy Industrial to C-2, Central Business District.

The proposed rezone is located east of Laramie Avenue between West 1st and West 2nd Streets. The half block is currently zoned M-2, Heavy Industrial. It is bordered by C-2, Central Business District Zoning to the east (on the same block), C-3 Heavy Commercial Zoning to the north, and M-2 zoning to the west and south. The West Half of Lots 16 and 17 is currently used as an apartment house. This use is currently nonconforming and will remain nonconforming upon the proposed rezone. The East Half of Lots 16 and 17 are currently used for a parking lot for BMO Bank. This is currently a conforming use. Lots 14 and 15 are currently used as a contractor office and storage, this is currently a conforming use and will remain a conforming use. Lots 12 and 13 are used for a commercial office on the first floor and a dwelling on the second floor. The offices are conforming, and the dwelling is considered conforming provided the occupant is the “watchman or custodian” on the property. Both would become conforming uses regardless of who lived in the dwelling.

The lot sizes in the proposed rezone are 7000ft² except for the south lot which is 11,382ft². There aren't any minimum lot sizes or dimensions in the C-2 Zoning District. There aren't any minimum lot sizes in the M-2 Zoning District. The proposed rezone will change the front setbacks from 15 feet to 0 feet, the side setback will remain the same at 0 feet, the side street setback from 15 feet to 0 feet, and the rear setback remains 0 feet if adjacent to an alley or from 15 feet to 10 feet if not adjacent to an alley.

The setback of the two-story structure at 101 Laramie Avenue is currently 0 feet along the front which does not meet the minimum setback of 15 feet required by the current zoning district. The setback for the same structure from the side street side is approximately 5 feet which does not meet the minimum side street setback of 15 feet required by the current zoning district. A rezone to C-2 would reduce the required setbacks to 0 feet which would make the structure conforming.

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The front setback for 115 Laramie is 0 feet which is less than the 15 feet required by the current zoning district. A rezone to C-2 would reduce the required setback to 0 feet which would make the structure conforming.

The side street setback for 125 W 2nd Street is approximately 10 feet which does not meet the minimum setback requirement of 15 feet for the current zoning district. A rezone to C-2 would reduce the setback to 0 feet which would make the existing structure conforming to setback requirements.

The proposed rezone is in the Downtown Neighborhood as identified on page LU9 of the Alliance Comprehensive Plan. The downtown neighborhood is identified as primarily commercial land uses. The proposed land use for this area going back to the 1998 Comprehensive Plan is Commercial, with Laramie Avenue functioning as the separation line between it and industrial. The Plan also indicated that industrial uses should not be allowed to encroach into the Downtown Neighborhood as it would damage the character of the district. Rezoning to C-2 would eliminate the possibility of this happening and is consistent with the Comprehensive Plans going back to the 1998 Plan.

The purpose of zoning is to protect a property owner's right to enjoy their property without interference from their neighbors' activities. This is accomplished by separating incompatible land use types (zoning). Zoning is not a means to increase the value of one's property. This rezone is proposed for three reasons. The first is that the Heavy Industrial Zoning District allows uses that are more intense than are appropriate for the downtown area. These land uses include animal waste rendering, adult bookstores, adult theaters, slaughterhouses and stockyards, garbage disposal plants, junkyards, and sanitary landfills. The second reason is to correct the setback issues with the structures on these lots. Right now, they are all nonconforming structures. They cannot be expanded within the setbacks and if they were destroyed, they could not be rebuilt without meeting the M-2 setbacks. The third is following through with the future land use components of our Comprehensive Plans going back to the 1998 Plan as commercial for this entire block.

The City of Alliance Planning Commission met at their regular meeting on April 8, 2025, and voted to recommend the City Council approve the rezone of the west half of Block 28, Original Town, Alliance from M-2 Heavy Industrial to C-2, Central Business District after making the following findings of fact:

1. The rezone would not create any nonconforming lot sizes.
2. The rezone would correct the current nonconforming building setbacks.
3. A rezone to C-2 would be consistent with the image of the Downtown Neighborhood as identified in the Comprehensive Plan.
4. The rezone would be consistent with the future land use portions of the current and previous Comprehensive Plans showing this area as commercial.
5. The proposed rezone is adjacent to existing C-2 zoning.
6. City utilities are already available in this location.
7. The rezone would not create any new nonconforming land uses.

Options:

-Leave the zoning the same and:

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1. The structures will remain nonconforming and allow potentially undesirable land uses downtown.

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

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

STAFF RECOMMENDATION: STAFF RECOMMENDS APPROVAL OF THE ORDINANCE REZONING THE WEST HALF OF BLOCK 28, ORIGINAL TOWN, ALLIANCE, FROM M-2 HEAVY INDUSTRIAL TO C-2, CENTRAL BUSINESS DISTRICT.]

A motion was made by Vice Mayor Mashburn, seconded by Mayor McGhehey to approve the first reading of Ordinance No. 3001. City Clerk Pitt read the Ordinance by title which follows in its entirety:

ORDINANCE NO. 3001

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING SECTION 109-22 OF THE ALLIANCE MUNICIPAL CODE BY UPDATING THE DISTRICT ZONING MAP TO SHOW THAT THE WEST HALF OF BLOCK 28, ORIGINAL TOWN, ALLIANCE, BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS C-2 – CENTRAL BUSINESS DISTRICT FROM M-2 – HEAVY INDUSTRIAL 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 provide that the West Half of Block 28, Original Town, Alliance, Box Butte County, Nebraska is included in a C-2 – Central Business District from M-2 – Heavy Industrial District:

SECTION 2. This certifies that the Zoning District Map, as set forth and adopted pursuant to section 109-22 of the Alliance Municipal Code and as revised by this Ordinance, is now the official Zoning District Map dated as of the _____ day of June, 2025.

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.

Community Development Director Kusek gave the Council an overview of Ordinance No. 3001.

Roll call vote with the following results:

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Voting Aye: Turman, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was the City Clerk Annual Performance Evaluation.

Recommendation on an increase wage step-up to 107-4.

A motion was made by Mayor McGhehey, seconded by Councilman Turman to increase step the City Clerk's position to a 107-4.

Roll call vote with the following results:

Voting Aye: Mashburn, Turman and McGhehey.

Voting Nay: None.

Motion carried.

The Alliance City Council adjourned the May 6, 2025 City Council Meeting at 8:37 p.m.

(SEAL)



John McGhehey, 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