

May 20, 2025

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, MAY 20, 2025

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

The Alliance City Council met in a Regular Meeting, May 20, 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 May 14, 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 20, 2025 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor McGhehey, Vice Mayor Mashburn and Council Members Weisgerber and Turman. Also present were City Manager Sorensen, City Treasurer Baker, City Attorney Selzer and Recording Secretary Mayhew.

- Mayor McGhehey excused Council Member Liptack from the City Council Meeting for being on vacation.
- Mayor McGhehey read the Open Meetings Act Announcement.
- 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 20, 2025**

1. Approval: Minutes of the Regular Meeting, May 6, 2025.
2. Approval: Payroll from May 2, 2025 in the total amount of \$379,528.30.
3. Approval: Claims against the following funds: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf

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Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$444,073.83.

4. Approval: Resolution No. 25-57 which will approve the Agreement with the Alliance Swim Team for the lease agreement of Big Blue Bay from May 1, 2025 to April 30, 2026.
5. Approval: Resolution No. 25-58 which will authorize the hiring of Golf Pro Jerad Palmer's nephew to work at SkyView Golf Course as a seasonal employee.
6. Approval: Resolution No. 25-59 which will authorize the budget transfer for the purchase of the identical pool heater for Big Blue Bay in the total amount of \$55,000; \$30,000 from budget authority and the remaining \$25,000 from Council Contingency.

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: Turman, Mashburn, Weisgerber and McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was Simmons Olsen Law Firm, Conflict of Interest regarding Jelinek Park Tracts.
- Council next held a Public Hearing for the rezone of Tracts of Land in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6<sup>th</sup> Principal, Box Butte County, Nebraska, from Ag, Agriculture, to C-3, Heavy Commercial.

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 rezone of Tracts of Land and opened the public hearing at 7:04 p.m."

Community Development Director Kusek came before the Council being in favor of this rezone of Tracts of Land.

No additional testimony was offered and the Public Hearing was closed at 7:07 p.m.

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- The next item on the agenda for Council was the second reading of Ordinance No. 3000 which will approve rezone of Tracts of Land in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6<sup>th</sup> 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 6<sup>th</sup> 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.

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 6<sup>th</sup> Principal Meridian, Box Butte County, Nebraska., from Ag, Agriculture, to C-3, Heavy Commercial Zoning provided the City and Jelinek enter into a development

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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 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 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**

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**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 Vice Mayor Mashburn, seconded by Councilman Turman to approve the second reading or Ordinance No. 3000. Recording Secretary Mayhew 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 6<sup>TH</sup> 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.

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

A Tract of Land in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6<sup>th</sup> 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

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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.

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.

Roll call vote with the following results:

Voting Aye: Mashburn, Turman, Weisgerber and McGhehey.

Voting Nay: None.

Motion carried.

- Council next held a Public Hearing for 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.

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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 rezone of the West Half of Block 28 and opened the public hearing at 7:09 p.m.”

Community Development Director Kusek came before the Council being in favor of the rezone of the West Half of Block 28.

No additional testimony was offered and the Public Hearing was closed at 7:10 p.m.

- The next item on the agenda for Council was the second reading of Ordinance No. 3001 which will approve 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 7000ft<sup>2</sup> except for the south lot which is 11,382ft<sup>2</sup>. 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

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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.

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.

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Options:

-Leave the zoning the same and:

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 Councilman Weisgerber to approve the second reading of Ordinance No. 3001. Recording Secretary Mayhew 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.

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 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.

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Roll call vote with the following results:

Voting Aye: Mashburn, Weisgerber, Turman and McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was the first reading of Ordinance No. 3002 which will add Section 2-53 to the Municipal Code adopting Code of Conduct for the City of Alliance City Council and City Employees.

A motion was made by Councilman Weisgerber, seconded by Councilman Turman to approve the first reading of Ordinance No. 3002. Recording Secretary Mayhew read the Ordinance by title which follows in its entirety:

**Ordinance No. 3002**

**AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA ADDING ALLIANCE MUNICIPAL CODE SECTION 2-53 REQUIRING THAT CITY COUNCIL MEMBERS AND CITY EMPLOYEES USE THEIR CITY ISSUED EMAIL ADDRESSES WHEN COMMUNICATING WITH ONE ANOTHER; ADDING ALLIANCE MUNICIPAL CODE SECTION 2-54 DEFINING CITY COUNCIL MISCONDUCT AND PROVIDING FOR A PROCESS FOR INVESTIGATING AND DETERMINING WHETHER MISCONDUCT HAS OCCURRED AND THE CONSEQUENCES OF SUCH MISCONDUCT; 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 CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:**

SECTION 1. Section 2-53 of the Alliance Municipal Code is added as follows:

**2-53-Use of Email by Council Members and City Employees.**

City council members and employees will be issued an email address with the City of Alliance domain name. When communicating with one another via email, City council members and employees shall use their City issued email addresses, unless exceptional circumstances make such use impractical.

SECTION 2. Section 2-54 of the Alliance Municipal Code is added as follows:

**2-54-City Council Member Official Misconduct.**

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(a) *Purpose.* The citizens of the City of Alliance are entitled to have a fair, ethical, and accountable local government. The purpose of this ordinance is to ensure that council members act appropriately and to establish a process to determine whether a council member has committed official misconduct.

(b) *Official Misconduct.* Council members shall not commit official misconduct which includes:

- (1) Personal attacks or verbal abuse against a City official or employee.
- (2) Improper use or disclosure of (i) confidential information, (ii) information that is not intended to be publicly disclosed and not subject to public disclosure by law, or (iii) information discussed or disseminated in a properly called closed session of the City Council.
- (3) Making false statements on which the City Council may rely on when establishing an ordinance, passing a resolution, setting the budget, or otherwise establishing policy.
- (4) Publicly or privately giving orders to subordinates of the City Manager.
- (5) Violation of the Nebraska Political Accountability and Disclosure Act.
- (6) Any other violation of City Ordinance, Nebraska law, or Federal law.

(c) *Complaints.* Any council member may make a complaint to the City Attorney if such council member believes another council member has engaged in official misconduct. The complaint must be in writing, dated, and include:

- (1) The name of the complaining council member;
- (2) The name of the council member alleged to have engaged in official misconduct;
- (3) The specific facts and circumstances alleged to constitute official misconduct, including any documentation or evidence;
- (4) A statement that the complaining council member swears and affirms, under penalty of perjury, that to the best of the complaining council member's knowledge, all statements in the complaint are true; and
- (5) The notarized signature of the complaining council member.

(d) *Investigation.* Upon receipt of the complaint, the City Attorney, in consultation with the Mayor (or if the complaint is against the Mayor, with the Vice Mayor) shall either (1) investigate the allegations in the complaint and provide their findings to the City Council or (2) appoint, at the expense of the City, special counsel to investigate the allegations in the complaint and provide their findings to the City Attorney and City Council.

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- (e) *Initial Action.* Within 30 days after receiving the findings, any council member may request that the matter be placed on the agenda at the next possible City Council meeting. At such City Council meeting, the City Council may:
- (1) Dismiss the complaint or
  - (2) Set the complaint for an evidentiary hearing within 30 days.
- (f) *Evidentiary Hearing.* Notice of the evidentiary hearing must be given to all council members at least 10 days prior to the hearing. At the evidentiary hearing, the City Attorney or special counsel appointed to investigate shall present the evidence obtained during the investigation to the City Council. At least 7 days prior to the hearing, the City Attorney or special counsel appointed to investigate shall disclose to the accused council member (1) the names and anticipated testimony of each person the City Attorney or special counsel may call to testify at the hearing and (2) a copy of all documents that the City Attorney or special counsel may use at the hearing, except for witnesses and documents solely used for rebuttal purposes. The accused council member may cross examine any witnesses and provide any of its own evidence at the hearing. The accused City Council member may be represented by an attorney at the hearing. If the City Attorney has investigated the complaint according to subsection (d) above, then special counsel shall be hired to represent the City Council at the hearing. The strict rules of evidence shall not apply to the hearing.
- (g) *Final Action.* Within 30 days after the evidentiary hearing, the City Council may either dismiss the complaint or find that the accused council member has engaged in official misconduct. If the City Council finds that the accused council member has engaged in official misconduct then the City Council may:
- (1) Take no further action;
  - (2) Provide a written warning to the council member;
  - (3) Censure the council member; or
  - (4) Remove the council member from office.

Any action according to subsections 2 through 4 above must be made within 30 day after the hearing. An accused council member may resign from office at any time prior to the City Council taking action according to this subsection, in which case the complaint shall be deemed moot and the City Council shall take no further action on the complaint.

SECTION 3. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Council Members felt that the Ordinance should be amended reflecting removing City Employees being included as this is a huge expense of giving all City Employees email access.

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Roll call vote with the following results:

Voting Aye: Weisgerber, Turman, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

The Alliance City Council adjourned the May 20, 2025 City Council Meeting at 7:21 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