

June 3, 2025

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JUNE 3, 2025

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

The Alliance City Council met in a Regular Meeting, June 3, 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 28, 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 June 3, 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 City Clerk Pitt.

- 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 Vice Mayor Mashburn, seconded by Councilman Weisgerber to approve the Consent Calendar as follows:

CONSENT CALENDAR – June 3, 2025

1. Approval: Minutes of the Regular Meeting, May 20, 2025.
2. Approval: Payroll from May 16, 2025 in the total amount of \$276,484.52.
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; \$1,239,550.93.

4. Approval: Resolution No. 25-60 which will approve the Agreement with Aging Office for the Senior Center Facility at 212 Yellowstone Avenue.
5. Approval: Resolution No. 25-61 which will approve the amended City of Alliance Liability and Casualty Insurance Policy with the League of Risk Management (LARM).
6. Approval: Resolution No. 25-62 which will authorize City of Alliance to enter into the Open Fields and Water Contract with the Nebraska Game and Parks Commission with a contract term for an additional five years with a renewal date of July 31, 2030.
7. Approval: Resolution No. 25-63 which will accept and award the Airport Airfield Electrical Project AIP 3-31-003-028-2025 bid to Paul Reed Construction & Supply, Gering, Nebraska in the total amount of \$3,288,639.56.
8. Approval: Resolution No. 25-64 which will authorize the Mayor to sign on behalf of the City the Deferral Agreement for Public Improvements between the City and Zachary L. Jelinek and all accompanying documents, agreements, and easements.

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.

Councilman Turman had a question regarding Consent Calendar item number 7 Resolution No. 25-63; He asked Airport Director Placek why there was difference between the engineering amount versions the bid amount.

Airport Director Placek explained the difference between the engineering quote and the bid amount as a conservative estimate by the engineer based on previously bid projects of a similar nature.

Councilman Weisgerber had a question regarding Consent Calendar item number 6 Resolution No. 25-62; He asked Airport Director what the Airport Lease included.

Airport Director Placek gave Councilman Weisgerber an overview of the lease agreement and that there is a map explaining the tracts of land this Resolution entailed.

Roll call vote with the following results:

Voting Aye: Turman, Weisgerber, Mashburn and McGhehey.

Voting Nay: None.

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Motion carried.

- The next item on the agenda for Council was the third and final 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 6th Principal, Box Butte County, Nebraska, from Ag, Agriculture, to C-3, Heavy Commercial.

A motion was made by Councilman Weisgerber, seconded by Councilman Turman to approve the third and final 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.

BEIT 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 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 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.

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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 3rd 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: Weisgerber, Mashburn, Turman and McGhehey.

Voting Nay: None.

Motion carried.

Mayor McGhehey stated, "the passage and adoption of Ordinance No. 3000 has been concurred by a majority of all members elected to the Council; I declare it passed, adopted and order it published."

- The next item on the agenda for Council was the third and final 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:

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A motion was made by Councilman Turman, seconded by Councilman Weisgerber to approve the third and final 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 3rd 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, Weisgerber, Turman and McGhehey.

Voting Nay: None.

Motion carried.

Mayor McGhehey stated, “the passage and adoption of Ordinance No. 3001 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 second 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 Vice Mayor Mashburn, seconded by Councilman Weisgerber to approve the second reading of Ordinance No. 3002. City Clerk Pitt 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 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 will be issued an email address with the City of Alliance domain name. City council members shall use their city issued email addresses when communicating with one another via email or when otherwise conducting city business, 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.

- (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)

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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 shall forward the complaint to the City Council. At the next possible City Council meeting, the City Council may (1) direct the City Attorney to investigate the allegations in the complaint and provide their findings to the City Council; (2) if the City Attorney does not feel it is appropriate for the City Attorney to be involved in the investigation, 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; or (3) dismiss the complaint without an investigation.
- (e) *Initial Action.* If an investigation is ordered, then, 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.

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- (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.

The City Council may only remove a council member from office if the official misconduct was found to be repeated, habitual, or persistent and either willful or a result of gross negligence. Any action to remove a council member from office shall require the unanimous vote of the other council members.

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.

Vice Mayor Mashburn asked Mayor McGhehey if his concerns with the previous Ordinance wording were addressed.

Mayor McGhehey replied that yes his concerns were addressed.

Roll call vote with the following results:

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Voting Aye: Mashburn, Turman, Weisgerber and McGhehey.

Voting Nay: None.

Motion carried.

- Mayor McGhehey disclosed the hiring to the public of Vice Mayor Mashburn's daughter to work at Big Blue Bay as a seasonal employee. The position does not involve supervision by Council Member.

The Alliance City Council adjourned the June 3, 2025 City Council Meeting at 7:14 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