

November 5, 2024

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, NOVEMBER 5, 2024

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

The Alliance City Council met in a Regular Meeting, November 5, 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 October 9, 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 McGhehey opened the November 5, 2024 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 Liptack. Also present were City Manager Sorensen, City Treasurer Baker, City Attorney Selzer and City Clerk Pitt. Mayor McGhehey excused Councilmen Mischnick from the meeting.

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

CONSENT CALENDAR – November 5, 2024

1. Approval: Minutes of the Regular Meeting, October 15, 2024.
2. Approval: Payroll from October 18, 2024 in the total amount of \$301,189.68.
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; \$2,247,117.39.

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4. Approval: Resolution No. 24-115 which will certify the 2025 Street Superintendent to the Nebraska Department of Transportation to qualify for the annual incentive payment.
5. Approval: Resolution No. 24-116 which will approve the payment of the Motorola Dispatch Console Annual License in the amount of \$35,869.47 from #01-31-33-43-379 Other Contract Operating Svcs.
6. Approval: Resolution No. 24-117 which will authorize changes to the City's Sidewalk Share Program by this resolution supersedes and replaces Resolution No. 13-101, *Sidewalk Replacement Program* and all other previous versions.
7. Approval: Resolution No. 24-118 which will authorize the purchase from Core and Main in the amount of \$286,011 for the purchase of an advanced metering infrastructure (AMI) system for the Water Department which includes but not limited to meter endpoints, laptops, software, service and training from #08-52-52-59-950.
8. Approval: Resolution No. 24-119 which will authorize the purchase of six portable litter fencing sections in the amount of \$50,850 from Coastal Netting System from #06-51-55-59-950.
9. Approval: Resolution No. 24-120 which will authorize the purchase of a 2024 Ford F-250 Pickup from Wolf Ford in the amount of \$59,465.25 from #08-52-52-59-960.

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: Liptack, Weisgerber, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- Council next held a Public Hearing on the Class I Liquor License application of DPR Wealth Management, LLC dba Alliance Hotel and Suites. Following the public hearing, Council considered Resolution No. 24-121 which has been prepared to recommend approval of the license. Council was provided the following background information:

[The City is in receipt of a Class I Liquor License application from DPR Wealth Management, LLC dba Alliance Hotel and Suites, 117 Cody Avenue. The license application is included in the packet. No disqualifiers came from a background check conducted by the Alliance Police Department.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief's report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor then calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief / staff for comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from Council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature.
19. After a second, Mayor calls for a vote.]

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 Class I Liquor License Application of DPR Wealth Management, LLC dba Alliance Hotel and Suites and opened the public hearing at 7:03 p.m.

City Clerk Pitt identified the following exhibits for the hearing:

- Exhibit 1 – Application of DPR Wealth Management, LLC dba Alliance Hotel and Suites, 117 Cody Avenue, Alliance, NE.
- Exhibit 2 – City Council checklist for Section 53-132 R.R.S. (1984)
- Exhibit 3 – Written statement from the Alliance Police Department.

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A motion was made by Vice Mayor Mashburn, seconded by Councilman Liptack to accept Exhibits 1-3 into the record.

Roll call vote with the following results:

Voting Aye: Weisgerber, Liptack, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

Next, Mayor McGhehey swore in Jay Chiluka, representatives of DPR Wealth Management, LLC dba Alliance Hotel Suites and co-applicants of the Class I License. As well as Police Chief to give testimony regarding the liquor application.

Councilman Liptack asked

The applicants had a positive background check and were eligible to hold a liquor license.

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

A motion was made by Vice Mayor Mashburn, seconded by Councilman Liptack to approve Resolution No. 24-121 which follows in its entirety:

RESOLUTION NO. 24-121

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

On November 5, 2024 the matter of the Class I Liquor License Application of DPR Wealth Management, LLC dba Alliance Hotel and Suites, 117 Cody Avenue, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of DPR Wealth Management, LLC, 117 Cody Avenue
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984)
- Exhibit 3 - Written statement from the Alliance Police Department

Witnesses were sworn and testimony was received in support of the Class I Liquor License at the public hearing on this date from DPR Wealth Management, LLC dba Alliance Hotel and Suites.

Upon consideration of the evidence and the criteria to be considered by the City Council pursuant to law, the City Council finds as follows:

Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and demonstrates a willingness and ability to properly manage the liquor license held by DPR Wealth Management, LLC dba Alliance Hotel and Suites in conformance to the rules and regulations of the Nebraska Liquor Control Act.

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class I Liquor License Application of by DPR Wealth Management, LLC dba Alliance Hotel and Suites at the premise described in the application be approved. The City of Alliance shall transmit a copy of this Resolution to the Commission.

Roll call vote with the following results:

Voting Aye: Mashburn, Weisgerber, Liptack and McGhehey.

Voting Nay: None.

Motion carried.

- Resolution No. 24-122 which will recommend approval of the Manager Application of Madhukar Chiluka for DPR Wealth Management, LLC dba Alliance Hotel and Suites, was the next item on the agenda. Council was provided the following information:

[RESOLUTION- MANAGER'S APPLICATION FOR DPR WEALTH MANAGEMENT, LLC DBA ALLIANCE HOTEL AND SUITES CLASS I LIQUOR LICENSE MANAGER

The City of Alliance is in receipt of a new liquor license application from DPR Wealth Management, LLC dba Alliance Hotel and Suites located at 117 Cody Avenue. The applicant has designated Madhukar Chiluka as the on-site Manager of the Liquor License. The Police Department has completed a background check and has found no reason to deny the application.

RECOMMENDATION: APPROVE RESOLUTION RECOMMENDING THE MANAGER LICENSE OF MADHUKAR CHILUKA TO THE LIQUOR CONTROL COMMISSION.]

Mr. Chiluka was in attendance at the meeting and appeared before Council to answer questions.

A motion was made by Vice Mayor Mashburn, seconded by Liptack to approve Resolution No. 24-122 which follows in its entirety:

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RESOLUTION NO. 24-122

WHEREAS, The City of Alliance has received a notice and copy of a Manager Application for DPR Wealth Management, LLC dba Alliance Hotel and Suites, 117 Cody Avenue, Alliance, Nebraska submitted by Madhukar Chiluka; and

WHEREAS, City staff has reviewed the application and finds no reason why the proposed manager, Madhukar Chiluka, would be disqualified from serving as manager.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Madhukar Chiluka for DPR Wealth Management, LLC dba Alliance Hotel and Suites, 117 Cody Avenue, Alliance, Nebraska is hereby recommended for approval to the Nebraska Liquor Control Commission.

BE IT FURTHER RESOLVED, that the City shall notify the Nebraska Liquor Control Commission of this Council decision.

Roll call vote with the following results:

Voting Aye: Liptack, Weisgerber, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was the second reading of Ordinance No. 2983 which will amend and approve the City of Alliance Municipal Code Chapter 24-27, titled *Snow Removal*. The following information was provided:

[ORDINANCE – AMENDMENT TO CHAPTER 24, SECTION 24-27 OF THE ALLIANCE MUNICIPAL CODE TITLED “SNOW REMOVAL.”]

The City of Alliance currently allows 48 hours to clear snow, slush, and ice from sidewalks after the end of a winter storm. This was changed from 24 hours in 2023. Taking in to consideration the additional 24 hour notice requirement placed on the City to notify the adjacent property owner, they are essentially given 72 hours after a storm to clear their sidewalks. By this point in time the snow is packed and very difficult to remove.

Staff compared our ordinance against those of other cities in our area:

City	Time Allowed
Alliance	48 Hours
Chadron	24 Hours
Gering	12 Hours
Scottsbluff	12 PM the day after the storm

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Sidney	Sidewalks should remain clear, open, and unobstructed
North Platte	Sidewalks should remain clear, open, and unobstructed

The proposed code amendment changes the time allowed to clear sidewalks of snow, ice, and slush back to 24 hours. This, combined with the 24 hour notification requirement gives people 48 hours to clear their sidewalks before the City is permitted to have it done for them.

RECOMMENDATION: APPROVAL OF THE ORDINANCE CHANGING THE TIME ALLOWED TO CLEAR SIDEWALKS OF SNOW, ICE, AND SLUSH FROM 48 HOURS TO 24 HOURS.]

A motion was made by Councilman Weisgerber, seconded by Vice Mayor Mashburn to approve the second reading of Ordinance No. 2983. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2983

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTION 24-27 TO CHANGE THE TIME FOR AN OWNER OR OCCUPANT TO REMOVE SNOW, SLUSH, AND ICE FROM CITY SIDEWALKS ADJACENT TO THEIR PROPERTY FROM 48 HOURS TO 24 HOURS; 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 24-27 of the Alliance Municipal Code is amended to read as follows:

Sec. 24-27. Snow removal.

- (1) Removal. It shall be the duty of the owner or occupant of every lot or parcel adjacent to a city sidewalk to clean and remove all snow, slush, and ice therefrom within 24 hours after such snow, slush, or ice has fallen, drifted, or accumulated thereon.
- (2) Extent: Removal shall include the entire width and length of the city sidewalk up to the centerline of any adjacent alley, and the portion of sidewalk extending into a street intersection.
- (3) Removal Location. Snow, slush, or ice shall not be moved from any lot, driveway, or adjacent sidewalk into the city street, alley, or onto any neighboring lot, nor shall any snow, slush, or ice be placed in the "sight vision triangle" or on any lot, in such a manner that may interfere with the regular flow of traffic or vision clearance of the roadway as

determined by the city manager or designee. Such an offense of any part of this section shall be considered a municipal code violation and may be punishable by a \$100 fine per occurrence. In locations within a central business district zoning designation, where the building adjacent to the city sidewalk is constructed to less than a five foot front or side street setback, snow may be pushed into the street from the city sidewalk provided it is placed there no later than 12 hours after any snow, slush, or ice has fallen, drifted, or accumulated thereon.

- (4) Failure to remove. If, after 24 hours, the lot or parcel owner or occupant has failed to remove any snow, slush, or ice as set out herein, the city manager or designee shall post a notice on the property adjacent to the sidewalk or serve the owner or occupant with a notice requiring the removal of any snow, slush, or ice within 24 hours of the notice posting or their receipt of said served notice. The city manager or designee may cause the sidewalk to be cleared by hiring a contractor or by city employees should the owner fail to comply, with the notice.
- (5) Recovering costs. The city manager shall bill the property owner for all costs incurred clearing the sidewalk. The property owner shall have no more than sixty days to pay their removal costs in full to the city. After nonpayment the city manager may:
 - (a) Levy an assessment against such property in accordance with the procedures set forth in section 24-26 (d); or
 - (b) Recover such costs in a civil action.

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Community Development Director Kusek presented an overview to the Council of Ordinance No. 2983.

Roll call vote with the following results:

Voting Aye: Weisgerber, Mashburn, Liptack, and McGhehey.

Voting Nay: None.

Motion carried.

- The next item to follow on the agenda for Council was the second reading of Ordinance No. 2984, which will amend and approve the City of Alliance Municipal Code Chapter 20, titled *Nuisance*. The following information was provided:

[ORDINANCE – AMENDMENTS TO CHAPTER 20 OF THE ALLIANCE MUNICIPAL CODE TITLED NUISANCES.

State of Nebraska Revised Statute 16-230 enables communities to adopt and enforce a nuisance abatement ordinance. The statute provides the minimum requirements of any nuisance abatement ordinance adopted by Cities of the First Class. The statute allows the city to establish the means of notifying property owners of nuisances on their property. Staff is aware of multiple issues with the City nuisance abatement code after working with it for the past 6 months.

The first proposed amendment is a saving clause (Sec. 20-6). The purpose of the saving clause is to state that any code violations in existence when the City Council amends or adopts a new nuisance abatement code, will remain in violation and not become legal. For example if a property is in violation of a certain code section and the City changes that code section number, they could argue they are no longer guilty of that section and the City would have to start the nuisance abatement process over.

The second set of proposed amendments are minor changes to the hangtag requirements (Sec. 20-23). Hangtags are not official notices and are meant to be a courtesy to the property owner from the City before issuing an official notice. They are not required by state law. Initial contact is attempted by the Nuisance Abatement Officer in person. Hangtags are left if contact wasn't made when knocking on the door of the property. The proposed code requires the violation section to be present on the hangtag and for staff to follow up in 5 days should the property owner not contact the City. The five day follow up is accomplished by attempting to contact the owner/occupant with a second visit to the property or by telephone. If these attempts fail or if the property looks abandoned, we proceed with an official notification.

The third set of proposed amendments are to the notification section (Sec. 20-24). The state statute only tells the city what has to be on the notification and that the City has to wait a minimum of 5 days after the notification before it can abate the nuisance. The statute does not dictate how to post or deliver the notice. Currently the municipal code allows for certified mail, personal service (city staff hand delivers it), or posting the notice on the property in a conspicuous location.

Code requires that if certified mail or personal service delivery notices fail we have to wait 14 days from the day we mailed or tried to serve the notice before we can publish the notice in the newspaper or post the property. Staff is not sure of the reason to wait 14 days when under normal circumstances, we will know within a few days if they can be reached by mail or personal service. Staff recommends reducing this to 7 days and adding the days that personal service delivery will be attempted. Staff also recommends the removal of publishing the notice in the newspaper. Fewer people read the newspaper than did when this code

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was drafted and they only publish it once a week which adds additional time to the notification process.

The fourth amendment requires the City to hold a hearing within 14 days should the property owner appeal the nuisance. The enabling statute requires the city to accept an appeal from the property owner or their agent provided they give it to the city within 5 days of receiving the notice. The statute also requires the city hold the appeal hearing within 14 days of receipt of the appeal form.

The fifth set of amendments (Sec. 20-26) will remove the requirement to wait 14 days after the property is posted before acting on the nuisance and adds the time requirement allowed by code to abate general nuisances. The code already dictates the amount of time property owners are permitted after posting the property to abate the nuisance before the city can move forward. The 14 day period is unnecessary.

The sixth set of amendments are additions to the process in abating nuisances. The additional sections come from the article on abating the accumulation of junk and litter. The amendment moves the "Sentencing" and "Suspended sentencing" sections to the abatement process article (Secs 20-28 and 20-29). The entirety of the abatement process should be detailed in the same article of code to make the process easier to follow. These sections do not only apply to junk and litter and should be moved to the procedural part of the code so that prosecutions of other nuisances are the same as junk and litter.

The seventh set of amendments fix an oversight in regard to tree branches in the street intersection sight vision triangle (Secs 20-67 and 20-74 through 20-76). The intent of the code is to require tree branches that are in the intersection sight vision triangle to be trimmed a minimum of 8 feet above the curb grade so that traffic can see around the corner without having to pull into the intersection. The street intersection vision triangle is a triangle created at the intersection of the front property line and the side street property line. It is drawn by measuring 25 feet from the intersection along each property line and connecting the hypotenuse between these two points. The code requiring 8 feet of clear space already exists but it was not placed correctly in the code. It was written under the code section for trees in the City rights of way. Street intersection vision triangles are not in the City rights of way which creates a potential conflict when enforcing the code. This amendment removes it from that section and makes the requirement its own code section eliminating any possible source of confusion.

The final amendments add a section detailing the intention of the code regulating junk and litter and removes the requirement for the police to remove junk and litter from property and designates that to the city manager or designee for staffing flexibility purposes.

RECOMMENDATION: APPROVAL OF THE ORDINANCE AMENDING CHAPTER 20 OF THE ALLIANCE MUNICIPAL CODE COMPLETING AND

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UPDATING THE NUISANCE ABATEMENT PROCESS, REMOVING OBSOLETE AND UNNECESSARY NOTIFICATION REQUIREMENTS, AND CLARIFYING THE STREET INTERSECTION SIGHT VISION TRIANGLE REQUIREMENTS.]

A motion was made by Vice Mayor Mashburn, seconded by Councilman Liptack to approve the second reading of Ordinance No. 2984. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2984

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA CREATING ALLIANCE MUNICIPAL CODE SECTION 20-6 TO PROVIDE FOR A SAVINGS CLAUSE FOR PRIOR ORDINANCES RELATING TO EXISTING NUISANCE VIOLATIONS; AMENDING CODE SECTIONS RELATING TO NOTICES OF NUISANCE ABATEMENT, BOARD OF HEALTH PROCEEDINGS FOR NUISANCE VIOLATIONS APPEALS, ABATEMENT PERIODS, CONSEQUENCES FOR FAILURE TO ABATE NUISANCES, SIGHT VISION REQUIREMENTS FOR TREE BRANCHES, AND THE INTENT OF CODE SECTIONS REGARDING NUISANCE ABATEMENT; RENUMBERING PRIOR CODE SECTIONS; 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 20-6 of the Alliance Municipal Code is created to read as follows:

Sec. 20-6. - Existing nuisance violations; saving clause.

All rights or remedies of the city are expressly saved as to any and all previous or existing violations of chapter 20 of the alliance municipal code that have accrued at the time of the effective date of the ordinance from which this chapter is derived; and that all previous and existing violations of previous nuisance regulations which would otherwise become legal under this chapter shall not become legal under this chapter unless specifically removed from this code, but shall be violations of this chapter in the same manner that they were violations of prior versions of chapter 20.

SECTION 2. Sections 20-23 through 20-28 of the Alliance Municipal Code are amended to read as follows:

Sec. 20-23. - Hangtags.

The city manager or designee may use hangtags to inform the owner or occupant of a property that a nuisance exists before sending a formal notice as detailed in section 20-24. At a minimum, the hang tag shall provide the section of code violated, a contact number for the city, and the date

on which the hangtag was left. If the owner or occupant does not contact the City manager or designee within five business days after the hangtag is left, the city manager or designee shall begin the notification process as detailed in section 20-24.

Sec. 20-24. - Notice.

Notice shall be given to each owner or the owner's duly authorized agent, and to the occupant, if any, as prescribed by this code. Notice shall be by certified mail, personal service, or by posting the notice conspicuously on the property. If delivery is by personal service, staff shall have five working days to deliver said notice. A minimum of two attempts must be made with the first on day one and the second on day five; provided if delivery is made at an earlier date, staff is not required to attempt delivery again on day five. If notification by personal service is unsuccessful for a period of five working days or if certified mail is unsuccessful for a period of seven days, said notice shall be conspicuously posted on the lot or ground in which the nuisance is to be abated and removed. Regardless of notification method, the notice shall:

- (1) Describe the nuisance in enough detail to allow the owner or occupant to determine what the nuisance entails and what will effectively abate the nuisance;
- (2) Inform the owner that within five days of receipt or posting of the notice, as applicable, the owner or occupant may solicit a hearing with the city board of health by filing a written request with the city clerk;
- (3) State that if the owner or occupant does not request a hearing, they are ordered to abate and remove the nuisance within the time required in the notice or the city may:
 - (a) Abate and remove the nuisance(s) and bill the owner for any costs and expenses incurred by the city performing such work; or,
 - (b) Proceed with a civil action against the property owner.
- (4) And state that if any costs and expenses of the work performed by the city are unpaid for two months after such work is done, the city may either:
 - (a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited as a special assessment; or,
 - (b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

Sec. 20-25. - Board of health proceedings.

Appeals of nuisances to the board of health shall proceed as follows:

- (1) *Hearing.* Within five days of receipt or posting of the notice, the owner or occupant may request a hearing with the city board of health by filing a written request with the city clerk. Upon the clerk's timely receipt of a request for a hearing, the clerk shall notify the owner, the owner's duly authorized agent, or the occupant in writing of the hearing date. The hearing date shall occur within fourteen days after filing the appeal. At the hearing, the city attorney and the city manager or designee giving the notice shall provide evidence of the nuisance to the board of health. Thereafter, the board of health shall allow all interested persons an opportunity to be heard regarding the nuisance. The board of

health may consider any information which it deems relevant and shall make a final determination of the existence or nonexistence of a nuisance.

- (2) *Post hearing order.* If the board of health determines that a nuisance exists, the board shall, by resolution, order the city manager or designee to provide the owner or occupant with a letter stating that:

- (a) A nuisance indeed exists; and
- (b) The owner or occupant is ordered to abate and remove the nuisance in the time required by this code.

Sec. 20-26. Compliance time frame.

If the owner or occupant does not request a hearing with the board of health as provided for in this article, the owner or occupant shall abate and remove the nuisance(s) as prescribed in the notice within the following time frame:

- (1) Accumulation of junk or litter: thirty days.
- (2) Trimming or removal of trees, branches, shrubs, hedges, etc.: ten days.
- (3) Weeds, grass, and other worthless vegetation: five days.
- (4) General nuisances: five days.

If a hearing was requested with the board of health and the board found that a nuisance exists on the property, the time permitted to abate the nuisance shall be determined by the board except that such time granted shall not be greater than half the time permitted above. The time permitted to abate the nuisance shall begin the day following the date the board of health makes its ruling.

Sec. 20-27. - Failure to abate.

If the owner or occupant does not request a hearing as provided for in this article and fails to abate the nuisance as set forth in the notice, or, if a hearing is requested and the owner or occupant fails to comply with the board of health's order to abate and remove the nuisance, the city may:

- (1) Abate and remove the nuisance and bill the owner for any costs and expenses incurred by the city performing such work; or,
- (2) Proceed with a civil action against the property owner.

Sec. 20-28. Suspended sentencing.

Should the city proceed in a civil action against the property owner and upon a conviction for violation of this chapter, the presiding judge at their discretion may suspend the sentence for a period of time to be determined by the judge to allow the person convicted of such violation time to voluntarily abate the nuisance from the subject property. Upon compliance with the judge's orders the owner shall only be subject to payment of the court costs and not to the

payment of a fine. Such voluntary abatement may consist of signing a consent form to allow the city to abate the nuisance and return the property to compliance. Said removal at the consent of the owner of shall be at the owner's expense and billed by the city in accordance with this chapter.

SECTION 3. Section 20-29 of the Alliance Municipal Code is created to read as follows:

Sec. 20-29. Sentencing.

Any property owner or person in lawful possession of property who fails or refuses to remove the nuisance as prescribed by the city manager, designee, or judge, shall be guilty of a class V misdemeanor, shall pay any court costs, and a \$100.00 fine per offense. Each day the property is in violation of this Code shall be considered a separate offense.

SECTION 4. Section 20-30 of the Alliance Municipal Code is created to read as follows:

Sec. 20-30. - Recovery of costs.

If the city abates and removes the nuisance the city manager or designee shall bill the property owner for all costs incurred by the city in abating said nuisance. If the bill remains unpaid for more than two months the city shall:

- (1) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited as a special assessment; or,
- (2) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

SECTION 5. Section 20-67 of the Alliance Municipal Code is amended to read as follows:

Sec. 20-67. Trees.

No person shall plant any tree within any public right-of-way in the city without first contacting and obtaining permission from the city manager or designee, by filing an application in a form designated by the city manager or designee in accordance with the following:

- (1) *Application.* The applicant shall provide a site plan stating the variety and detailing the proposed location of each tree to be planted within the city right-of-way. The city manager or designee shall investigate the locality named in the application and shall approve the location of the proposed trees if such placement will, in the opinion of the city manager or designee, allow the normal growth and development of each tree. Furthermore, approval will only be granted if the applicant has complied with all other applicable sections of this article.
- (2) *Varieties approved.* The city manager or designee shall maintain a list of tree varieties permitted to be planted in public rights-of-way in the city.
- (3) *Planting area.* No tree shall be planted in a public right-of-way in a location where sidewalks are constructed or contemplated unless there is a clear space of at least four

feet between the back of the curb line and the sidewalk line nearest the street. All trees planted therein shall be centered between the back of the curb line and the sidewalk line nearest the street.

- (4) *Spacing.* All trees planted in any public right-of-way shall be a minimum of 25 feet apart. In the case of a corner lot, all trees planted in a public right-of-way shall also be a minimum of 25 feet from the intersecting property lines as if extended into the right-of-way. Furthermore, in areas of the city which are not platted in a uniform pattern, tree planting in the public rights-of-way shall be as designated by the city manager or designee in such a manner that traffic vision and public safety are not impaired by improper planting.
- (5) *Topping.* It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the trees. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the city manager or designee.

SECTION 6. Sections 20-74 of the Alliance Municipal Code is amended to read as follows:

Sec. 20-74. Sight Vision Requirements.

Tree branches that intrude into the sight vision triangle or branches on trees planted in the curb strip shall not be permitted to hang lower than eight feet above the adjacent curb elevation.

SECTION 7. Section 20-75 of the Alliance Municipal Code is amended to read as follows:

Sec. 20-75. Spraying.

The City, through the authorization of the city manager or designee, may spray or otherwise treat any trees or other growth located in the public rights-of-way. The city shall have the authority to move any personal property which might be damaged by said spray. The city shall not be liable for any damage caused by said spray.

SECTION 8. Section 20-76 of the Alliance Municipal Code is created to read as follows:

Sec. 20-76. Removal.

All trees, bushes, shrubs, vegetation, etc. located in the city rights of way are done so at the sufferance of the city. As such the city may, through the authorization of the city manager or designee, remove or order the removal by the appropriate property owner, any tree, bush, or shrub located in the public right-of-way which does not comply with city codes or regulations without notice. All trees, bushes, shrubs, or hedges removed from the public right-of-way shall be completely removed, including the roots and stumps, which shall be removed to a depth of at least six inches. In addition, the city may trim trees planted on the public rights-of-way.

Furthermore, the city manager or designee shall have the authority to order the removal of a tree or part of a tree which is damaging the abutting sidewalk, curb, gutter, or road surface.

SECTION 9. Sections 20-81 through 20-83 of the Alliance Municipal Code are amended to read as follows:

Sec. 20-81. Intent

It is the purpose of this code to encourage, create, and maintain an attractive community and to promote and protect the public health, safety, and general welfare by providing for the regulation of junk and litter as defined by this code within the City and the two mile extraterritorial jurisdiction.

Sec. 20-82. Declared Unlawful.

It shall be unlawful for any property owner or person to allow the accumulation of junk and or litter on any property except those granted a conditional use permit for a junk yard. Such an accumulation is hereby declared to be a nuisance in need of regulation for the public welfare.

Sec. 20-83. - Owner not found.

If, after notice has been given in accordance with chapter 20, article II, the owner is not found, and the junk or litter is not removed within 30 days of the posted notice given, the city manager or designee is hereby authorized to have the junk or litter hauled away and the same be destroyed upon authorization by the city manager or designee. The city manager or designee shall proceed by placing an assessment on the property abated in the total amount of the costs incurred by the city.

SECTION 10. Section 20-28 of the Alliance Municipal Code, as amended in Section 2 of this Ordinance was moved from Section 20-84, so Section 20-84 of the Alliance Municipal Code is repealed.

SECTION 11. Section 20-83 of the Alliance Municipal Code, as amended in Section 9 of this Ordinance was moved from Section 20-85, so Section 20-85 of the Alliance Municipal Code is repealed.

SECTION 12. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 13. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Community Development Director Kusek presented Council with an overview of Ordinance No. 2984.

Roll call vote with the following results:

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Voting Aye: Liptack, Weisgerber, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- The next agenda item for Council was the second reading of Ordinance No. 2985, which will amend and approve the City of Alliance Municipal Code Chapter 24-2 and 24-42, titled *Prohibited Activities* and *Illegal Obstruction*. The following information was provided:

[ORDINANCE – AMENDMENTS TO CHAPTER 24 OF THE ALLIANCE MUNICIPAL CODE SECTIONS 24-2 AND 24-42 TITLED “PROHIBITED ACTIVITIES” AND “ILLEGAL OBSTRUCTION” RESPECTIVELY.]

The State of Nebraska enables communities to enforce its nuisance abatement code in rights of way; however, the City must adopt the ordinance doing so and provide the method for the abatement thereof. The City code declares certain things in the right of way to be illegal but it doesn't have any prescriptive methods to deal with them. The proposed code amendments declare that nuisances in the right of way including alleys, streets, and curb strips, are indeed nuisances in need of abatement and provides a reference to chapter 20 for the abatement of said nuisances.

The other amendment fixes a poorly worded code section that in effect makes grass illegal in the curb strip. The proposed code was reworded to remove the items covered under the nuisance abatement chapter and lists the other illegal activities so they are easier to understand. These proposed code amendments are accompanying the proposed amendments to Chapter 20 in regard to nuisances as the two are related.

RECOMMENDATION: APPROVAL OF THE ORDINANCE PROVIDING FOR THE ABATEMENT OF NUISANCES IN THE CITY ALLEYS, STREETS, AND CURB STRIPS IN ACCORDANCE WITH CHAPTER 20 OF THE ALLIANCE MUNICIPAL CODE.]

A motion was made by Councilman Liptack, seconded by Councilman Weisgerber to approve the second reading of Ordinance No. 2985. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2985

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTIONS 24-2, AND 24-42 DEFINING NUISANCES IN THE PUBLIC RIGHT OF WAY, PROVIDING THAT ABATING NUISANCES IN THE PUBLIC RIGHT OF WAY IS THE RESPONSIBILITY OF THE ADJACENT

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PROPERTY OWNER, AND DEFINING ILLEGAL OBSTRUCTIONS OF THE CURB STRIP; 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 24-2 of the Alliance Municipal Code is amended to read as follows:

Sec. 24-2. - Prohibited activities.

(1) *Defacement.* It shall be unlawful for any person to willfully, maliciously, or carelessly injure, change, deface, or destroy any street, sidewalk, building, ditch, drain, curb, curb and gutter, or grade in any public right-of-way or easement.

(2) *Encroachment.* No person shall place, erect, construct or maintain any sign, sign post, telegraph or other posts or poles, racks, advertisements, or any other device, building, or structure, upon or across any city rights-of-way or easement, except as provided for in Code.

(3) *Auctions.* It shall be unlawful for any person to sell at public auction on any street, alley, highway or any public grounds, any domestic animal, any goods, wares, and merchandise.

(4) *Nuisances.* Alleys, streets, and all public rights of way shall be subject to the same requirements as found in chapter 20 of the alliance municipal code. Such nuisances shall be the responsibility of the adjacent property owner and may be abated in accordance with that chapter.

SECTION 2. Section 24-42 of the Alliance Municipal Code is amended to read as follows:

Sec. 24-42. – Illegal Obstruction.

The following shall be considered obstructions of the curb strip:

- (1) Items taller than 30 inches.
- (2) Vehicle, trailer, camper, boat, personal water craft, motorcycle, or other similar apparatus or attachment; or
- (3) Any items that are found by the city manager or designee that interfere with the safe use of the right of way or interfere with access to utilities.

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.

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Community Development Director Kusek gave an overview of Ordinance No. 2985 to the Council.

Roll call vote with the following results:

Voting Aye: Weisgerber, Liptack, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- Council next held a Public Hearing on the second reading of Ordinance No. 2986, which will amend and approve the City of Alliance Municipal Code Chapter 111-162, titled *Additional Requirements*. The following information was provided:

[ORDINANCE – AMENDMENT TO CHAPTER 111 OF THE ALLIANCE MUNICIPAL CODE SECTION 111-162 TITLED “ADDITIONAL REQUIREMENTS.”

For the City Councils consideration is an addition to the Alliance Municipal Code adding the requirement for a permanent foundation for modular and premanufactured housing constructed **outside** mobile home parks. The City used to rely on mortgage lenders to require houses be constructed on permanent foundations that meet the minimum requirements of the City’s adopted building code. In the current mortgage market, some lenders are allowing modular and premanufactured houses to be set on ABS (plastic) pads placed on bare ground. The proposed code amendment does not affect mobile homes in mobile home parks which are intended to provide a location for “mobile” home placement.

Staff discussed the matter with the building official in Chadron shortly after the issue was presented to us. Chadron requires permanent foundations for premanufactured housing located outside mobile home parks on the grounds that mobile homes in mobile home parks are installed more so in accordance with the guidelines of the Nebraska Department of Environment and Energy and the Federal Government’s Department of Housing and Urban Development. Other mobile home requirements such as utility hookups and zoning are constructed using the City’s adopted construction codes.

Utilizing this interpretation, staff will enforce the requirement for a permanent perimeter foundation from here forward; however, staff recommends codifying it. This ensures that local building code requirements and expectations are clear to any premanufactured housing providers or city personnel in the future. Staff will also point out that the requirement for a permanent foundation already exists in the R-4, Atypical Residential Housing Zoning District portion of our code but it does not apply to the other residential zoning districts. This amendment applies to the other residential districts.

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The City of Alliance Planning Commission met at its regular meeting on June 11, 2024 and voted to recommend the approval of the code amendment requiring a permanent foundation be constructed according to the adopted City building codes for premanufactured houses outside of mobile home parks after making the following findings of fact:

1. Lenders are no longer requiring permanent foundations for premanufactured houses.
2. The requirement would keep residential neighborhoods more attractive.
3. The requirement already exists in the R-4 residential zoning district.
4. The requirement would provide for a more permanent investment in housing in Alliance.

RECOMMENDATION: APPROVAL OF THE ORDINANCE ADDING THE REQUIREMENT FOR A PERMANENT FOUNDATION FOR MODULAR AND PREMANUFACTURED HOUSING CONSTRUCTED OUTSIDE MOBILE HOME PARKS.]

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 Ordinance No. 2986 and opened the public hearing at 7:20 p.m.

Mayor McGhehey invited anyone in the public to speak on behalf or against the proposed amendment to the City of Alliance Municipal Code Chapter 111-162, titled *Additional Requirements*.

Community Development Director Kusek came before the Council stating that he was for this adoption, as the City used to be able rely on Lender Companies making this a requirement but Lender Companies no longer make it a requirement. This would clarify the current code.

With no further testimony offered, Mayor McGhehey closed the Public Hearing at 7:22 p.m.

A motion was made by Mayor McGhehey, seconded by Vice Mayor Mashburn to approve the second reading of Ordinance No. 2986. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2986

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTION 111-162 TO REQUIRE THAT MANUFACTURED HOMES BE PLACED UPON A BASEMENT OR PERMANENT PERIMETER FOUNDATION COMPLYING WITH THE CITY'S BUILDING CODE; REPEALING EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 111-162 of the Alliance Municipal Code is amended to read as follows:

Sec. 111-162. Additional requirements.

The following guidelines shall be required for manufactured homes in addition to all other pertinent zoning and building codes.

- (1) The home shall have no less than an 18-foot exterior width;
- (2) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
- (3) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
- (4) The home shall have a non-reflective roof material.
- (5) The home shall have wheels, axles, transport lights, and towing apparatus removed.
- (6) The home shall be placed upon a basement or permanent perimeter foundation complying with the city's building code.

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 3. 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: Liptack, Mashburn, Weisgerber and McGhehey.

Voting Nay: None.

Motion carried.

- Public Hearing on the second reading Ordinance No. 2987 was next on the agenda, which will amend and approve the City of Alliance Municipal Code Chapter 107-81, 107-86, and 107-102, titled *Application and Filing*, *City Council Approval*, and *Application Review*. The following information was provided:

[ORDINANCE – AMENDMENTS TO CHAPTER 107 OF THE ALLIANCE MUNICIPAL CODE, SECTIONS 107-81, 107-86, AND 107-102, TITLED “APPLICATION AND FILING,” “CITY COUNCIL APPROVAL,” AND “APPLICATION AND REVIEW” RESPECTIVELY.

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The proposed amendments to the municipal code would add the use of 24lb paper for the final plat of subdivisions that are filed at the Courthouse. Currently Mylar is the only media allowed by our code. Mylar is a transparent plastic sheet. Surveyors have commented to City staff that both paper and Mylar have their drawbacks. Inkjet and ink signatures printed on Mylar tend to fade over a period of 30-40 years. Mylar will retain ink provided it is printed using a laser jet printer or some type of thermal ink jet. Paper is more readily available, retains the original ink and signatures better, but the media is more easily torn.

Property subdivision plats in Alliance were printed on paper until the late 1970's when Mylar became more widely accepted. Drawings on Mylar were easier to make copies of using the blue line copy machine technology at the time because of the sheets transparency. With large format copiers available it is no longer necessary to print plats on transparent sheets since we now have the ability to copy and scan large sheets of plain paper.

There aren't any State requirements dictating what type of media final plats must be printed on and the Box Butte County Clerk is also unaware of any specific rule or regulation that would prohibit paper. The State Statutes in regard to subdivision regulations leave most of the guidelines and requirements to the City to draft.

The City of Alliance Planning Commission met at its regular meeting on June 11, 2024 and voted to recommend the approval of the code amendments allowing the use of paper and Mylar as a suitable material for subdivision final plats after making the following findings of fact:

1. Inkjet fades and smears on Mylar.
2. 24lb paper is a suitable media for platting as it retains the ink and remains durable.
3. There are paper plats at the courthouse drawn in 1888 that retain their original detail.
4. We can easily make copies of plats printed on both paper and Mylar using modern large format copier technology.

RECOMMENDATION: APPROVAL OF THE ORDINANCE ALLOWING THE USE OF HIGH QUALITY PAPER AS WELL AS MYLAR AS SUITABLE MATERIALS FOR SUBDIVISION FINAL PLATS.]

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 Ordinance No. 2987 and opened the public hearing at 7:23 p.m.

Mayor McGhehey invited anyone in the public to speak on behalf or against the proposed amendment to the City of Alliance Municipal Code Chapter 107-81, 107-86, and 107-102, titled *Application and Filing, City Council Approval, and Application Review*.

November 5, 2024

Community Development Director Kusek came before the Council explaining why these changes in the Ordinance would be good.

With no further testimony offered, Mayor McGhehey closed the Public Hearing at 7:25 p.m.

A motion was made by Vice Mayor Mashburn, seconded by Councilman Weisgerber to approve the second reading of Ordinance No. 2987. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2987

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTIONS 107-81, 107-86, AND 107-102 TO ALLOW THE USE OF 24LB PAPER FOR THE RECORDABLE FINAL PLAT OF SUBDIVISIONS; 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 107-81 of the Alliance Municipal Code is amended to read as follows:

Sec. 107-81. Application and filing.

After approval of the preliminary plat the subdivider shall prepare and submit to the city manager or designee a final plat for recording purposes, together with other supplementary information and certificates. Said final plat, application, and filing fee shall be submitted at least 15 working days prior to a regular meeting of the planning commission. There shall be a digital copy and well as eight copies of the final plat submitted; one on Mylar or on 24lb paper, and seven paper copies for review. The City Manager or designee may permit the submittal of fewer copies for review.

SECTION 2. Section 107-86 of the Alliance Municipal Code is amended to read as follows:

Sec. 107-86. City council approval.

After a public hearing by the planning commission, the city manager or designee shall submit the final 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 the 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 final copy under the hand of the mayor and city clerk.

SECTION 3. Section 107-102 of the Alliance Municipal Code is amended to read as follows:

Sec. 107-102. Application and review.

The subdivider shall submit an application, filing fees, and the final copy of the plat on either Mylar or on 24lb paper. Within five working days of receipt of all necessary material, the city manager or designee shall review the plat to ensure its conformance with city code and either approve or disapprove said plat. Upon its approval, the city manager or designee shall file the administrative replat at the Box Butte County Clerk's office.

SECTION 4. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 5. 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: Weisgerber, Mashburn, Liptack and McGhehey.

Voting Nay: None.

Motion carried.

- Next item before Council was the first reading of Ordinance No. 2988, which will amend and approve the City of Alliance Municipal Code Chapter 26-50, titled *One-way Alleys*. The following information was provided:

[Ordinance – Municipal Code Section 26-50 One Way Alleys to allow for two-way traffic.

Terry Curtiss sent a letter requesting a change to the one-way designation of the North South alley between Box butte Ave and Niobrara Ave in the 400 block. This request was submitted in writing and states his reasoning and justification. This alley is currently designated one way by City Ordinance 26-50 (1).

The Chief of Police and Public Works Director have both stated there is no know conflict with this requested change. After discussion with City Council at the October 1st City Council Meeting the Council recommended that the Municipal Code be amended to allow for two-way traffic.

RECOMMENDATION: AMMEND ORDINANCE 26-50 (1) TO ALLOW TWO-WAY TRAFFIC IN THE ALLEY DESIGNATED.]

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A motion was made by Councilman Weisgerber, seconded by Councilman Liptack to approve the first reading of Ordinance No. 2988. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2988

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTION 26-50 TO REMOVE THE ONE-WAY DESIGNATION OF THE ALLEY BETWEEN NIOBRARA AVENUE AND BOX BUTTE AVENUE FROM FOURTH STREET TO FIFTH STREET; 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 26-50 of the Alliance Municipal Code is amended to read as follows:

Sec. 26-50. One way alleys.

The following shall be the one-way alleys:

- (1) The north and south alley between Niobrara Avenue and Box Butte Avenue, north of the north line of Second Street and south of the south line of Fourth Street; traffic shall proceed thereon only in a southerly direction;
- (2) North from the north line of First Street to the south line of Fifth Street between Box Butte Avenue and Laramie Avenue, traffic shall proceed thereon only in a northerly direction;
- (3) South from the south line of 16th Street abutting the east boundary of blocks 3 and 4, Podhaisky Addition, traffic shall proceed thereon only in a southerly direction until the northern most portion of the west side of the high school parking lot.

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Rich Otto 1203 Box Butte Avenue, Alliance, Nebraska came before the council asking what this Ordinance's proposition was. And Would like the to see the change made.

Roll call vote with the following results:

Voting Aye: Mashburn, Liptack, Weisgerber and McGhehey.

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Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was the first reading of Ordinance No. 2989, which will amend and approve the City of Alliance Municipal Code Chapter 26-56, titled *Trucks*. The following information was provided:

[ORDINANCE – Municipal Code Amendment Chapter Sec. 26-56. Trucks

Officers expressed that our Truck Ordinance was difficult to enforce due to vague language that allowed trucks to be on prohibited streets without proper justification. The City Attorney reviewed the ordinance and agreed. This amendment removes vague language which allowed trucks to operate on prohibited streets for “any legitimate business purpose” and allows only specific exceptions reasonable and necessary for general commerce and city operations.

RECOMMENDATION: AMMEND ORDINANCE 26-56 TO REMOVE ABOVE LANGUAGE.]

A motion was made by Vice Mayor Mashburn, seconded by Councilman Weisgerber to approve the first reading of Ordinance No. 2989. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2989

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTION 26-56 TO REMOVE SUBSECTION (C)(5) THAT ALLOWED TRUCKS ON RESTRICTED STREETS FOR LEGITIMATE BUSINESS PURPOSES NOT OTHERWISE ENUMERATED; 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 26-56 of the Alliance Municipal Code is amended to read as follows:

Sec. 26-56. Trucks.

(a) Trucks, certain vehicles restricted, exceptions. It shall be unlawful for any person to operate any truck, truck-tractor, farm or construction machinery or equipment, or any other machinery, equipment, or vehicle over eight feet in width on any public street, road, highway, or alley within the city, except:

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- (1) On those streets or portions of streets designated in subsection (b) of this section; or
- (2) Under conditions described in subsection (c) of this section.

(b) Truck routes, designated.

(1) Kansas Street from U.S. Highway 385 to the intersection with SR 2.

(2) 25th Street between the city limits on the east and west.

(3) SR 87 (Flack Avenue) from Third Street north to the city limits.

(4) SR 2 from the east city limits to Flack Avenue.

(5) US Highway 385 wherever it is within the city limits.

(6) Cody Avenue from Third Street to Kansas Street.

(7) Third Street from U.S. Highway 385 to Cody Avenue.

(8) Such routes shall be posted according to the manual and uniform traffic control devices as adopted by the state department of roads.

(c) Exceptions. Vehicles otherwise prohibited by subsection (a) of this section may be operated on city streets for the following purposes:

- (1) To pick up or deliver articles of merchandise or commodities at a location within the city not otherwise prohibited;
- (2) To refuel or secure repair services on such vehicle;
- (3) To park or place such vehicle on private property;
- (4) To park or place such vehicle within authorized truck parking zones or other places specially designated and not otherwise prohibited.

The departure from and return to the truck routes designated in subsection (b) of this section shall be by the most direct route.

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

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Police Chief Leavitt came before the Council explaining the Police Department has gotten complaints of trucks and current code has too many loopholes and is too vague.

Roll call vote with the following results:

Voting Aye: Weisgerber, Mashburn, Liptack and McGhehey.

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2990, which will amend and approve the City of Alliance Municipal Code Chapter 26-127, titled *Restricted Parking*. The following information was provided:

[ORDINANCE – Municipal Code Amendment Chapter 26-127, Restricted Parking]

City staff received a request to limit parking in a section of Big Horn Avenue in the nine hundred block. Karla Yeager is the manager of Collection Basket and has processed the request. This property is located at 903 Big Horn Avenue and is zoned R-1a Single Family Residential. The request states a desire for two handicap parking spaces and for the area between them to be marked as one-half-hour Parking from 9am to 2 pm on Mondays and Tuesdays. All areas affected by the proposed changes are on the street within the edges of the property line of 903 Big Horn Avenue. These times are consistent with donation drop off and unloading schedules for the Collection Basket. City Staff recognizes two separate issues. The addition of ADA parking and the request for restricted parking.

After review of the request city staff has added one handicap parking space on the East side of Big Horn Avenue near the intersection of 9th Street resolving the request for additional handicap parking.

The second issue is for restricted parking from the North side of the newly designated handicap parking area to the lot line of 911 Big Horn Ave. Karla made contact with several of the surrounding residents regarding the limited parking request. She polled 16 addresses surrounding 903 Big Horn Avenue. Of the 16 residents 8 had no issue with the request, 2 homes are vacant, 6 were not contacted or did not respond.

The Police Department has made a separate request to amend section 26-127 of the municipal code as well. They have requested the street in front of 511 Niobrara Ave. (police annex bldg.) on the East side of Niobrara Ave. be designated "Police Parking Only". The property is zoned C-0. On the West side of the street parking is limited to 15 minutes only in front of 512 Niobrara. The area in front of this property is a 50' lot. Webb eyecare is to the North and a private residence is to the South.

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If approved the parking limitations would require an amendment to section 26-127 of the municipal code to be enforceable. Signs specific to a parking change would need to be ordered and installed at a cost of approximately \$200.00 each.]

A motion was made by Councilman Liptack, seconded by Councilman Weisgerber to approve the first reading of Ordinance No. 2990. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2990

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTION 26-127 TO RESTRICT PARKING ON THE EAST SIDE OF THE STREET IN FRONT OF THE PROPERTY AT 903 BIG HORN AVENUE FOR LONGER THAN ONE HALF HOUR DURING THE HOURS OF 9:00 A.M. AND 2:00 P.M. ON MONDAYS AND TUESDAYS AND RESTRICTING PARKING IN FRONT OF 511 NIOBRARA AVENUE AS POLICE PARKING ONLY; 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 26-127 of the Alliance Municipal Code is amended to read as follows:

Sec. 26-127. Prohibited and limited parking.

- (a) No vehicle may park at any time in the following spaces or locations, which spaces or locations may be painted red as appropriate but are not required to be:
 - (1) In front of or within a space of 40 feet in front of the front entrance or entrances of any school;
 - (2) Where any other street or avenue intersects another, in the intersection of or within 25 feet from the intersection of the streets or avenues, beginning at the nearest perpendicular curb of the intersection;
 - (3) On the north side of First Street between the west line of Niobrara Avenue, if extended south, and the east line of Laramie Avenue if extended south;
 - (4) Within any alley or in a manner that obstructs the entrance or exit to the alley, and on a street or avenue within five feet of any alley entrance or exit, on either side, except when the actual operation of loading or unloading merchandise is in progress;
 - (5) In a manner that obstructs entrance or exit to any private drive, and on any street or avenue within five feet of any private drive entrance or exit, on either side, except when the actual operation of loading or unloading is in progress;

- (6) On any street or avenue within ten feet of any fire hydrant, on either side of the fire hydrant, and within ten feet of any stop sign on the right side of any two-way street or on either side of any one-way street;
 - (7) Outside of the business district as herein defined, on that portion of any right-of-way outside the roadway, including in any curb strip as prohibited by chapter 20 of the City Code;
 - (8) On the south side of Sixth Street between the east line of Flack Avenue and the west line of Boyd Avenue;
 - (9) On the north side of Fourth Street between the east line of Flack Avenue and the west line of Boyd Avenue;
 - (10) On the north side of Fourth Street between the east line of Box Butte Avenue and a point 70 feet from said east line of Box Butte Avenue;
 - (11) On the east side of Boyd Avenue from Fourth Street to Sixth Street, except for those vehicles parked for residential purposes for immediately adjacent residential property;
 - (12) On the east side of U.S. Highway 385 beginning at a point 301 feet south of the northwest corner of Section 4, Township 24 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, northerly along the highway right-of-way to a point where the highway intersects West Third Street in the city;
 - (13) On the north and south sides of Third Street from the west line of Howard Street Avenue westerly to the east line of Highway 385;
 - (14) On the south side of Sixteenth Street from the west line of Emerson Avenue to the east line of Buchfinck Avenue.
 - (15) On any area and at any time where parking has become prohibited pursuant to article IV, chapter 26 of the City Code.
 - (16) In any manner not stated herein but that otherwise violates the State of Nebraska statutory rules of the road, as codified in R.R.S. 1943, ch. 60, as re-codified or amended from time to time.
 - (17) Any other parking space or spaces which may hereafter be designated by the city manager where parking shall be prohibited to provide for safety and the orderly flow of traffic and after such prohibited parking is plainly marked, painted on the curb or posted.
- (b) No vehicle may park Monday through Friday of any week between the hours of 8:00 a.m., and 6:00 p.m., and on Saturdays between the hours of 8:00 a.m. and 9:00 p.m., holidays excepted, as follows:
- (1) No vehicle shall park in the posted area in front of the U.S. Post Office building located on the northeast corner on Box Butte Avenue and Fourth Street;
 - (2) No vehicle shall park for more than two consecutive hours on the following described streets:
 - a. Box Butte Avenue from the north line of First Street to the south line of Sixth Street;
 - b. Laramie Avenue from the north line of Third Street to the north line of Fourth Street;

- c. Third Street from the west line of Niobrara Avenue to the east line of Cheyenne Avenue;
 - d. Fourth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;
 - e. Fifth Street from the west line of Niobrara Avenue to the east line of Laramie Avenue;
 - f. Laramie Avenue north of Fourth Street for two parking spaces on the east side of the street and three parking spaces on the west side of the street.
 - g. For the west one-half block on the north side of Tenth Street between Niobrara and Sweetwater Avenues and the east side of Niobrara Avenue between 10th and 11th Streets, which time-limited spaces are plainly marked, painted on the curb or posted.
- (c) No vehicle shall park for a period of time longer than 15 minutes or 30 minutes, as either may be marked by signs, in a parking space in the municipal parking lot located southwest of the Library/Learning Center, Lot 1, Block 1, Library/Attendance Center Addition, which time-limited spaces are plainly marked, painted on the curb or posted.
- (d) Notwithstanding applicable portions of subsection (b)(2) above, no vehicle shall park for a period of time longer than 15 minutes in a parking space, or spaces, on Box Butte Avenue, which time-limited spaces are plainly marked, painted on the curb or posted.
- (f) Notwithstanding applicable portions of subsection (b)(2) above, no vehicle shall park between the hours of 6:00 a.m. to 6:00 p.m. on the east side of the 400 block of Niobrara Avenue from the north line of Fourth Street to a point 87 feet north of the north line of Fourth Street in the parking space or spaces which are plainly marked, painted on the curb, or posted.
- (g) No vehicle shall park for longer than one half hour on the East side of the street in front of the property at 903 Big Horn Avenue in the area designated by signage during the hours of 9:00 a.m. and 2:00 p.m. on Mondays and Tuesdays.
- (h) No vehicle, other than vehicles operated by the Alliance Police Department shall park on the east side of Niobrara Avenue in front of 511 Niobrara Avenue. The City shall, by signage, designate such parking areas as Police Parking Only.

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Public Works Director Grant came before Council to let them know that this restricted parking would be for 2 different locations, 903 Big Horn Avenue and 511 Niobrara Avenue.

Council Liptack asked why this was needed in front of Annex Building. Police Chief Leavitt answered Councilman Liptack's question stating this would help those of who work in the Annex Building, especially come winter months as well as responding to emergencies quickly.

Vice Mayor Mashburn would like item "G" removed from this Ordinance.

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A motion was made by Vice Mayor Mashburn to remove item “G” from Ordinance No. 2990. The motion died for lack of a second. No action taken.

Roll call vote with the following results:

Voting Aye: Weisgerber and McGhehey.

Voting Nay: Mashburn and Liptack.

Motion failed.

- The next item on the agenda for the council was the first reading of Ordinance No. 2991, which will amend and approve the City of Alliance Code Chapter 26-13 and 26-132, titled *Trailer and Recreational Vehicle Storage and Continuous Parking*. The following information was provided:

[ORDINANCE – Municipal Code Amendment Chapter Sec. 26-131 and Sec. 26-132, titled *Trailer and Recreational Vehicle Storage and Continuous Parking*.

Our current ordinance regarding trailers and other recreational vehicles is vague and difficult to enforce. It has been revised to clearly define what appurtenances are included, what areas are defined as “City’s right of way or property” and reduced the time period that appurtenances are allowed to be in the right of way from 72 hours to 24 hours. Further, clarifying language has been added which codifies that moving the appurtenance only briefly, for a short distance or otherwise failing to completely remove the appurtenance from the City’s right of way violates the ordinance.

This amendment removes recreational vehicles and trailers from section (a) which addresses parking for more than seven days. Section (a) applies only to vehicles and motorcycles, as vehicle appurtenance parking is addressed in Sec. 26-131.

RECOMMENDATION: AMMEND ORDINANCE SEC. 26-131 AND SEC. 26-132 TO ADDRESS THE ISSUES NOTED ABOVE]

A motion was made by Councilman Weisgerber, seconded by Councilman Liptack to approve the first reading of Ordinance No. 2991. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2991

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTIONS 26-131 AND 26-132 TO RESTRICT PARKING TRAILERS AND OTHER VEHICLE APPURTENANCES ON CITY RIGHT OF WAY FOR LONGER THAN 24 HOURS, TO DEFINE TERMS USED IN THE CODE SECTION, AND TO REVISE CONFLICTING CODE SECTIONS; REPEALING EXISTING

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**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. Sections 26-131 and 26-132 of the Alliance Municipal Code are amended to read as follows:

Sec. 26-131. Trailer and recreational vehicle storage.

(a) No person may park or store a vehicle appurtenance within the City's right of way or property, except as provided for in Subsections (b) and (c) of this Section.

(b) Subsection (a) of this section shall not apply to parking or leaving any roll-off or construction trailers used by contractors or property owners with the issuance of a building permit for construction on the adjacent property, so long as the permit remains valid and the location does not interfere with any other sections of this article.

(c) It shall not be a violation of Subsection (a) of this Section to park any vehicle appurtenance within the City's right of way or property for a period of less than 24 hours for purposes of utilizing such vehicle appurtenance, as long as within such 24 hour period, the vehicle appurtenance is completely removed from the City's right of way or property (other than when it is being transported). Moving the vehicle appurtenance briefly with the intent to return it to the same or nearby spot, or for a short distance, does not constitute completely removing the vehicle appurtenance from the City's right of way or property.

(d) As used in this Section, the term "vehicle appurtenance" means trailer, utility trailer, recreational vehicle, motor home, camper, travel trailer, boat, personal watercraft, trailered barbecues and other similar appurtenances intended to be attached to a vehicle.

(e) As used in this Section, the term "City's right of way or property" means any property owned or controlled by the City including municipal parking lots, streets, sidewalks, and alleys. The term "street" shall include the curb strip between the curb and property line.

Sec. 26-132. Continuous parking.

(a) For all parking spaces, lots, stalls, streets, and avenues not otherwise addressed by this article, no person shall park any vehicle or motorcycle in the same stall or location continuously for a period in excess of seven days.

(b) For all parking spaces, lots, stalls, streets, and avenues not otherwise addressed by this article, parking of any vehicle, trailer, camper, boat, personal water craft, motorcycle, or other similar apparatus or attachment that is not operational or is without current license and registration is prohibited at all times.

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SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Police Chief Leavitt spoke to Council on this matter of major issues with illegal parking of campers, trailers, boats, ect. This change in code would change the allotted hours of allowed parking from 72 hours to 24 hours.

Roll call vote with the following results:

Voting Aye: Liptack, Mashburn, Weisgerber and McGhehey.

Voting Nay: None.

Motion carried.

- Last item on the agenda for Council was Board Appointments.

A motion was made by Vice Mayor Mashburn, seconded by Councilman Liptack to reappoint Wayne Davis to the Planning Commission, with his term ending December 31, 2028, and Sue Williams to the Golf Advisory Board, with his term ending December 31, 2027.

Roll call vote with the following results:

Voting Aye: Liptack, Weisgerber, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

The Alliance City Council adjourned the November 5, 2024 City Council Meeting at 7:54 p.m.

(SEAL)



John McGhehey, Mayor



Shelbi C. Pitt, City Clerk