

December 3, 2019

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, DECEMBER 3, 2019

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

The Alliance City Council met in a Regular Meeting, December 3, 2019, at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on November 27, 2019. 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 delivered 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 Dafney opened the December 3, 2019 regular meeting of the Alliance, Nebraska City Council at 7:01 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, Reynolds and Bentley. Also present were City Manager Sprock, Finance Director Waggener, City Attorney Hoelsing and City Clerk Jines.

- Mayor Dafney read the Open Meetings Act Announcement.
- The Consent Calendar was the first matter before Council. A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – DECEMBER 3, 2019

1. Approval: Minutes of the Regular Meeting, November 19, 2019.
2. Approval: Payroll Costs for the period November 2 through 15, 2019: \$230,046.64.
3. Approval: Claims against the following funds for the period of November 14 through 26, 2019: 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; \$403,512.00.

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4. Approval: To submit our annual Tree City USA 2019 Application for Certification. The City of Alliance has met the requirements to make the submittal.
5. For Your Information: Charter Communications is making the following channel lineup change:

Channel	Change	Channel Number	Effective
MLB Strike Zone Tier Removals	Available via Sports Pack only	404, 821	1/2/20
Outdoor Channel Tier Removals	Available via sports Pack only	410, 818/Alt 56, 88, 74	1/2/20

NOTE: City Manager Sprock has reviewed these expenditures and to the best of his knowledge confirms 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: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Resolution No. 19-115 was the next item on the agenda for Council's consideration. This resolution will authorize the Mayor to enter into a Right-of-Way Agreement with Viaero Fiber Networks, LLC to access our right-of-way. The following information was provided for Council:

[Viaero Fiber Networks, LLC requested access to our right-of-way along 3rd Street/Country Club Road as part of a project to hard-connect two telecommunications towers within or near the City.

This request served to alert the City to the need for right-of-way regulation under Neb. Rev. Stat. § 86-701. Following passage and approval of amendments to the Municipal Code last meeting, this agreement follows in conformance with the City's regulation of telecommunications right-of-way users.

The agreement defines the use of the right-of-way, provides for City's rights for construction permitting, line relocation in the future, construction and back-fill approval, liability insurance requirements, one-call alert system compliance, indemnification and hold-harmless provisions, and infrastructure removal upon termination.]

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A motion was made by Councilman Mischnick seconded by Councilman Bentley to approve Resolution No. 19-115 which follows in its entirety:

Resolution No. 19-115

WHEREAS, The City of Alliance received an application from Viaero Fiber Networks, LLC to enter into a Right-of-Way Agreement; and

WHEREAS, The Alliance Municipal Code has been updated to address the requirements and regulations of telecommunications right-of-way users; and

WHEREAS, The Right-of-Way Agreement defines the use of the right-of-way, provides for City's rights for construction permitting, line relocation in the future, construction and back-fill approval, liability insurance requirements, one-call alert system compliance, indemnification and hold-harmless provisions, and infrastructure removal upon termination; and

WHEREAS, Viaero Fiber Networks, LLC has met the requirements which have been established.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to execute the Right-of-Way Agreement with Viaero Fiber Networks, LLC on behalf of the City.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- The next matter before Council was establishing a date to conduct a Special Meeting to discuss the 1200 Flack Avenue property for the Parks/Maintenance Facility/Public Transit Bus Barn facility.

By consensus, Council selected Tuesday, December 10, 2019 at 1:00 p.m. in the Conference Room of the Municipal Building, 324 Laramie Avenue, Alliance.

- Board announcements were the last item on the agenda. Councilman Reynolds stated there are vacancies on the Board of Adjustment, Economic Development Plan Citizen Advisory Board, youth representatives on the Library Board, the Museum Board, Park and Tree Board and the alternate position on the Planning Commission. Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

- The last matter before Council was a performance evaluation of City Clerk Jines.

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Mayor Dafney motioned, pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that Council finds it necessary to enter into a closed session to conduct the job performance of the City Clerk. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

Council and City Clerk Jines entered into closed session at 7:14 p.m. The closed session concluded at 7:41 p.m. at which time Council returned to open session.

A motion was made by Councilman Mischnick, which was seconded by Councilman Jones to authorize a \$500.00 bonus to City Clerk Jines following a positive performance evaluation.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

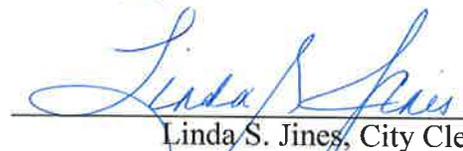
Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:44 p.m.


Mike Dafney, Mayor

(SEAL)


Linda S. Jines, 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.