

May 5, 2020

# ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MAY 5, 2020

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

The Alliance City Council met in a Regular Meeting, May 5, 2020, at 7:00 p.m. in the Alliance Learning Center Community Meeting Room, 1750 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on April 29, 2020. 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 May 5, 2020 regular meeting of the Alliance, Nebraska City Council at 7:02 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, Reynolds and Bentley. Also present were City Manager Sprock, City Attorney Hoelsing, Finance Director Waggener, and City Clerk Johnson.

- Mayor Dafney read the Open Meetings Act Announcement.
- First item on the agenda before Council was the presentation of a Proclamation declaring the week of May 3-9, 2020 as Public Service Recognition Week. Councilman Reynolds presented the following proclamation:

## PROCLAMATION

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

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

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

May 5, 2020

WHEREAS; Many public servants, including police officers, firefighters and military personnel, risk their lives each day in service to the public and others commit countless hours to provide basic and leisure services to citizens improving their quality of life and the community; and

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

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

NOW, THEREFORE, the City Council of Alliance, Nebraska, does announce and proclaim to all citizens the week of May 3 – 9, 2020, as

### **Public Service Recognition Week**

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 5<sup>th</sup> day of May in the year of the Lord Two Thousand Twenty.

- The Consent Calendar was next on the agenda. A motion was made by Councilman Jones and seconded by Councilman Mischnick to approve the Consent Calendar as follows:

### **CONSENT CALENDAR – MAY 5, 2020**

1. Approval: Minutes of the Regular Meeting, April 21, 2020 and Special Meeting April 28, 2020.
2. Approval: Payroll Costs for the period April 4, 2020 through April 17, 2020: \$213,141.67.
3. Approval: Claims against the following funds for the period of April 15, 2020 through April 28, 2020: 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; \$288,483.04.
4. Acknowledgement: A copy of the Annual Continuing Disclosure Compliance Checklist and the Certification of Training by staff for the handling of the City's bonding needs.
5. Approval: A Utility Support Services Agreement between the Village of Hemingford and the City of Alliance. This Agreement provides support to the Village due to insufficient staff

May 5, 2020

numbers to provide "on-call service" for their utilities and will fulfill responsibilities as a result of situations beyond the Village's control.

6. Approval: Resolution No. 20-42 approving Change Order No. 5 to the 12.47 kV Distribution Line Rebuilds – Airport Area Project with IES Commercial, Inc. in the amount of \$35,801.73 which is the 10% retainer payment and finalizes the project.
7. Approval: Resolution No. 20-43 will authorize the submittal of the City of Alliance's Detailed Plan of Operation for the Box Butte County Handyman Program for fiscal year July 1, 2020 through June 30, 2021.
8. For Your Information: Charter Communications is making the following channel lineup change:

<b>CHANNEL</b>	<b>CHANGE</b>	<b>CHANNEL NUMBER</b>	<b>Effective</b>
Heroes & Icons	Duplicate Heroes & Icons Drop. Heroes & Icons content will remain available on Basic via local broadcaster multicast KTVD 2 - Ch. 195.	Drop 168 & 707. Keep 195.	5/1/20

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.

- Next on the agenda was the third reading of Ordinance No. 2902 which will amend the Alliance Municipal Code in regards to speed limit zones as recommended by the Nebraska Department of Transportation. The following information was provided to Council:

[Nebraska Department of Transportation (NDOT) has recently completed speed studies on US-385, N-2, and N-87. As result, NDOT has made the following recommendations:

May 5, 2020

Highways 385: 50 mph from 300 feet south of West Kansas Street (south corporate limits) to W. 10<sup>th</sup> Street (north corporate limits)

Highway N-2: 40 mph from Gold Rush Byway to Cody Avenue, 35 mph from Cody Avenue to Toluca Avenue, 30 mph from Toluca Avenue to Yellowstone Avenue, 35 mph from Yellowston Avenue to Flacke Avenue (Highway N-87), and 45 mph from Flack Avenue to 50 feet west of Woolrich Road (south corporate limits).

N-87: 35 mph from 3<sup>rd</sup> Street to 12<sup>th</sup> Street (leave corporate limits) and 45 mph from 400 feet north of 12<sup>th</sup> street (re-enter corporate limits) to 800 feet north of 12<sup>th</sup> Street (north corporate limits).

NDOT has provided updated plats showing current corporate limits with the existing speed limit zones and the proposed speed limits for reference. In order for NDOT to proceed with new authoriztions, Council will need to adopt an amended ordinance that include the recommended changes.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve the third reading of Ordinance No. 2902. City Clerk Johnson read the ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2902

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE AT SECTION 26-51 AND REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HEREWITH.

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

SECTION 1. The City Code provides that speed limits within the City shall be those established by the State Statutes at §60-6,186, except as provided in City Code.

SECTION 2. State law allows, at §60-6,190, cities to deviate from the statutory guidelines for speed limits when the deviation is based on engineering and traffic investigation.

SECTION 3. The Alliance Municipal Code, at Section 26-51 is hereby amended as follows:

#### 26-51. Speed limits; exceptions

The Revised Statutes of the State of Nebraska, Section 60-6,186, regulating the speed of vehicles within cities and villages shall be applicable upon all streets except as this section declares and determines, upon the basis of an engineering and traffic investigation, that certain speed regulations shall be applicable upon specified streets or in certain areas. In which event, it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed declared in this section.

May 5, 2020

- (a) The speed limit on all through streets shall be 30 miles per hour except as follows:
- (1) Those portions of Box Butte Avenue which are situated within the business district shall have a speed limit of twenty (20) miles per hour; those portions of Box Butte Avenue from the south line of Sixth Street to the South line of Eighteenth Street shall have a speed limit of twenty-five (25) miles per hour; those portions of Box Butte Avenue from north line of 18<sup>th</sup> Street to the south line of Twenty-fifth Street shall have a speed limit of (30) thirty miles per hour.
  - (2) On Cody Avenue from the south line of Third Street to the north line of Kansas Street, (40) forty miles per hour.
  - (3) Kansas Street - 45 miles per hour from U.S. Highway 385 to Nebraska Highway 2. The portion situated from Nebraska Highway 2 for a distance of 700 feet to the west shall have a speed advisory of 15 miles per hour.
  - (4) Gold Rush Byway (Highway US-385) – (50) Fifty miles per hour from 300 feet south of West Kansas Street (south corporate limits) to West 10<sup>th</sup> Street (north corporate limits).
  - (5) Third Street (Highway N-2) – (40) Forty miles per hour from Gold Rush Byway to Cody Avenue, (35) Thirty-five miles per hour from Cody Avenue to Toluca Avenue, (30) Thirty miles per hour from Toluca Avenue to Yellowstone Avenue, (35) Thirty-five miles per hour from Yellowstone Avenue to Flack Avenue (Highway N-87), and (45) Forty-five miles per hour from Flack Avenue to 50 feet east of Woolrich Road (southeast corporate limits).
  - (6) Flack Avenue (Highway N-87) – (35) Thirty-five miles per hour from 3<sup>rd</sup> street to 12<sup>th</sup> Street (leave corporate limits) and (45) Forty-five miles per hour 400 feet north of 12<sup>th</sup> Street (re-enter corporate limits) to 800 feet north of 12<sup>th</sup> Street (north corporate limits).
- (b) On all streets in Federal Addition the speed limit shall be 10 miles per hour. On all alleys in Federal Addition the speed limit shall be 5 miles per hour.

SECTION 4. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote to approve Ordinance No. 2902 on third and final reading with the following results:

May 5, 2020

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

Voting Nay: None.

Motion carried.

Mayor Dafney stated, "The passage and adoption of Ordinance No. 2902 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 20-44 and Resolution No. 20-45 which authorize the submittal of a grant application in the amount of \$30,000 through the Federal Aviation Administration for the Alliance Municipal Airport and authorizes the Mayor to sign all associated grant documents, were the next item for Council's consideration. The following information was provided to Council:

[The Alliance Municipal Airport is eligible for funds under the CARES Act in the amount of \$30,000. The airport may use these funds for any purpose for which airport revenues may be lawfully used. The FAA is strongly recommending that this funding be used to reimburse our airport for operating expenses such as payroll, payment of debt service, or utility bills. Funds can be used on airport development but the application process and requirements take longer and funds would be delayed being disbursed. The funds can be drawn from this grant for up to four years and the airport does not need to show a loss of revenue to use these funds.

Staff is recommending that the funds be used for operating expenses of the airport. If possible it will be used for payment of debt service or utility bills.

The abbreviated application must be completed before a grant can be issued. Once the application is processed an email will be sent to have the Mayor and Attorney sign the acceptance of the grant electronically.]

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to approve Resolution No. 20-44 which follows in its entirety:

RESOLUTION NO. 20-44

*WHEREAS*, The City of Alliance owns and operates the Alliance Municipal Airport; and

*WHEREAS*, The City of Alliance is eligible to receive grant funding under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) through the Federal Aviation Administration; and

*WHEREAS*, Funding in the amount \$30,000 under the CARES Act Grant is available through an application to the Federal Aviation Administration; and

May 5, 2020

*WHEREAS*, The Alliance City Council believe it is in the best interest of the City to make an application for grant funding under the CARES Act Grant.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, authorize the submittal of an application for grant funding in the amount of \$30,000 und the CARES Act Grant through the Federal Aviation Administration.

*BE IT FURTHER RESOLVED*, The Mayor is authorized to sign the documents associated with the grant application and acceptance of the grant funding.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Council was also provided with the following information:

[The Alliance City Council is eligible to apply for funding through the CARES Act Grant. The Federal Aviation Administration (FAA) will issue a grant to the airport for any eligible funds. State law requires that the City have an Agency Agreement completed to allow the Nebraska Department of Transportation, Aeronautics Division to act as the Airport's agent for these funds.]

A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve Resolution No. 20-45 which follows in its entirety:

#### RESOLUTION NO. 20-45

*WHEREAS*, The City of Alliance operates the Alliance Municipal Airport; and

*WHEREAS*, The City of Alliance will be applying for grant funding to be utilized at the Airport, identified as Grant No. 3-31-0003-022-2020; and

*WHEREAS*, The City finds it is in the City's best interest to have the Nebraska Department of Transportation – Aeronautics Division to act as the City of Alliance Municipal Airport's agent for Grant No. 3-31-0003-022-2020; and

*WHEREAS*, The City of Alliance shall enter into any Agency Agreement with the Department of Transportation – Aeronautics Division for Grant No. 3-31-0003-022-2020 for the purpose of obtaining Federal non-development economic assistant for the Alliance Municipal Airport; and

*WHEREAS*, The Nebraska Department of Transportation – Aeronautics Division has provided the City with an Agency Agreement for execution.

May 5, 2020

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance shall enter into an Agency Agreement with the Department of Transportation, Aeronautics Division for Grant Number 3-31-0003-022-2020 for the purpose of obtaining Federal assistance for the Airport and that such agreement is attached hereto and incorporated herein by this reference.

*BE IT FURTHER RESOLVED* that the Mayor of the City of Alliance is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Alliance and the City Clerk is hereby authorized to attest said execution.

*BE IT FURTHER RESOLVED* that said Agreement, referred to herein, is inserted in full and attached herewith and made a part hereof as Exhibit "O".

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 20-46 which will authorize the Mayor to execute the Alliance Infrastructure Agency Interlocal Cooperation Agreement with the Community Redevelopment Authority, contingent upon passage of the ballot proposition at the May 12, 2020 primary election was next for Council's review. The following background information was provided to Council:

[Pursuant to the terms of our ballot proposition resolution for the additional one-half cent sales tax, and under Neb. Rev. Stat. § 77-27,142(3), an additional one-half cent sales tax cannot be imposed unless the City is a party to an interlocal agreement with another political subdivision within the City. The interlocal agreement must create a separate legal agency or entity related to the public infrastructure projects.

If the ballot proposition passes during the primary election, the additional half cent sales tax will not officially be imposed until October 1, 2020. However, with the upcoming primary election, it is the best approach to approve and enter into the interlocal agreement at this time to prepare for tax implementation with the Nebraska Department of Revenue.

The proposed interlocal agreement will create a separate agency, governed by a five-member Board: three Board members to be appointed by the City Council and two Board members to be appointed by the Community Redevelopment Authority of the City of Alliance. None of the additional sales tax funds are required to be transferred to the agency, and at all times the City shall retain the right and obligation to contract for the public infrastructure projects set forth in

May 5, 2020

the ballot proposition and manage the funds received from the additional sales tax. The agency Board is mainly responsible for managing benchmarks to progress of the public infrastructure projects described in the ballot proposition resolution, and providing feedback from the CRA as to the public infrastructure projects described in the ballot proposition resolution.

As stated, the interlocal agreement is also required by statute, and staff recommends that the City Council approve the resolution adopting this interlocal agreement in preparation of the May 12, 2020 election. As you will note, the interlocal agreement is contingent and conditional upon the successful passage of the proposition for the additional sales tax.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve Resolution No. 20-46 which follows in its entirety:

**RESOLUTION NO. 20-46**

WHEREAS, the City of Alliance, Nebraska (the "City") has submitted Ballot Proposition No. 1 for approval by the qualified electors of the City during the May 12, 2020 primary election; and

WHEREAS, Proposition No. 1 proposes to increase the local sales and use tax by the rate of ½% from the current rate of 1½% to a total rate of 2%; and

WHEREAS, Nebraska law, particularly Neb. Rev. Stat. § 77-27,142(3), requires that the City be a party to an interlocal agreement pursuant to the Interlocal Cooperation Act with a political subdivision within the City before any sales and use tax rate above 1½% should be imposed; and

WHEREAS, the City desires to enter into an interlocal agreement with the Community Redevelopment Authority of the City of Alliance, Nebraska, which is a political subdivision within the City, for those purposes as set forth in Neb. Rev. Stat. § 77-27,142(3); and

WHEREAS, the City Council believes the proposed interlocal agreement with the Community Redevelopment Authority is appropriate, and should be approved.

NOW, THEREFORE, BE IT RESOLVED, that contingent and conditional upon the passage of Proposition No. 1 at the May 12, 2020 primary election, the Mayor and City Council of Alliance, Nebraska approve the Alliance Infrastructure Agency Interlocal Cooperation Agreement with the Community Redevelopment Authority, and the Mayor is authorized to execute and enter into the interlocal agreement pursuant to the terms of this Resolution.

Roll call vote with the following results:

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

Voting Nay: None.

May 5, 2020

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:15 p.m.

  
\_\_\_\_\_  
Mike Dafney, Mayor

(SEAL)

  
\_\_\_\_\_  
Tarrah S. Johnson, 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.