

June 2, 2020

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JUNE 2, 2020

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

The Alliance City Council met in a Regular Meeting, June 2, 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 May 27, 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 June 2, 2020 regular meeting of the Alliance, Nebraska City Council at 7:00 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.
- The Consent Calendar was the first item on the agenda. A motion was made by Councilman Reynolds and seconded by Councilman Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR – JUNE 2, 2020

1. Approval: Minutes of the Regular Meeting, May 19, 2020.
2. Approval: Payroll Costs for the period May 2, 2020 through May 15, 2020: \$227,912.97.
3. Approval: Claims against the following funds for the period of May 13, 2020 through May 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; \$321,377.23.
4. Approval: Resolution No. 20-57 authorizing the City to once again enter into the Open Fields and Waters Contract with the Nebraska Game and Parks Commission which will

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provide controlled public access for the purpose of hunting and trapping on specific property owned by the City. This contract term will be for an additional five years with a renewal date of July 31, 2025.

5. Approval: Authorizes the capital budget transfer in the amount of \$4,400 from 23-72-71-59-960 - Capital Outlay-Vehicles and \$500 from 23-72-71-44-433 - Other Adv. Services to GL# 23-72-71-45-500 – Office Supplies for the purchase of new office furniture at the Public Works Facility.
6. For Your Information: Charter Communications is making the following channel lineup changes:

CHANNEL	CHANGE	CHANNEL NUMBER	Effective
Hallmark Drama	Hallmark Drama Set-Top-Box Launch: Contracted add on SPP/NPP Tier 1 in all systems that are 750MHz+ with SDV capability (HD only)	202	6/15/2020

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.

- Council was next introduced to Ordinance No. 2904 on first reading which will authorize the sale of Lot 6, Block 10, Lakefield Addition to the City of Alliance, Box Butte County, Nebraska. The following information was provided:

[City Attorney Hoelsing has prepared on behalf of Billie Taylor an Agreement for Sale of Real Estate for Lot 6, Block 10 of the Lakefield Addition in the amount of \$6,095.75, of which \$2,000 would be eligible for a refund if a residence were constructed within two years of the purchase date.

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Resolution No. 07-23 approved by Council on February 15, 2007 established a Uniform Pricing Schedule for the sale of residential properties held by the City. The proposed Agreement for Sale is based on the prices established in the Resolution.

As with any sale of property by the City of Alliance there is a 30-day remonstrance period as established within State Statutes.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2904. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2904

AN ORDINANCE PROVIDING FOR THE SALE AND CONVEYANCE OF LOT 6, BLOCK 10; LAKEFIELD ADDITION, AN ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

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

SECTION 1. The City of Alliance has received an offer Billie Taylor, to purchase the following described real estate:

Lot 6, Block 10, Lakefield Addition, an Addition to the City of Alliance, Box Butte County, Nebraska, in the amount of \$6,095.75.

SECTION 2. The real estate is not used in the operation of public utilities, and is not a state armory for the use of the State of Nebraska or the State Armory, as provided in §16-201 R.R.S. Neb. 1943.

SECTION 3. The City Clerk shall cause notice of this sale to be published as required by law. If, within the time prescribed by law, a legally sufficient remonstrance against the sale has not been filed, the Mayor and City Clerk are by this ordinance authorized to execute and deliver to the purchaser the City's quitclaim deed for the herein described property upon payment of the purchase price provided for herein and in the Agreement for Sale of Real Estate.

Remonstrance against such sale is defined as a petition signed by legal electors of Alliance, Nebraska, equal in number to thirty percent (30%) of the electors voting at the last regular municipal election. Said petition shall be filed with the governing body of the City within thirty days (30) of the passage and publication of this Ordinance. In the event a remonstrance is received which is legally sufficient, said property shall not then, nor within one year thereafter, be sold.

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

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Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Ordinance No. 2903 which will approve the Final Plat for Lots 9A and 10A, Block 5, A Replat of the Replat of Homestead Second Addition and a Portion of Homestead Third Addition to the City of Alliance, Box Butte County, Nebraska was next before Council on second reading. The following information was provided to Council:

[The City of Alliance Electric Department and Community Development are proposing the dedication of a 20' wide utility easement along the rear property line of Lot 10 and side property line of Lot 9, both in Block 5, A Replat of Homestead Second Addition and a Portion of Homestead Third Addition to the City of Alliance, Box Butte County, Nebraska. Both lots are owned by the City and are vacant.

The proposed easement is located on the before mentioned lots and will connect the right of way from Aksarben Avenue to an existing easement and alley to its east. This is necessary for the extension of utilities from Aksarben Avenue to the alley.

The City of Alliance Planning Commission met at their regular meeting April 14th, 2020 and held a public hearing for the proposed Final Plat. They came to the conclusion that the easement was in the best interest of the City and would aid in the development of the lots. They recommended the approval of the Final Plat provided the signature page was amended to include the Planning Commission Chairman's signature and the change in the City Clerks name for her respective signature.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve the second reading of Ordinance No. 2903. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2903

AN ORDINANCE APPROVING THE FINAL PLAT FOR LOTS 9A AND 10A, BLOCK 5, A REPLAT OF THE REPLAT OF HOMESTEAD SECOND ADDITION AND A PORTION OF HOMESTEAD THIRD ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

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SECTION 1. The City of Alliance has received the application for approval of the Final Plat of Lots 9A and 10A, Block 5, A Replat of the Replat of Homestead Second Addition and a Portion of Homestead Third Addition to the City of Alliance, Box Butte County, Nebraska.

SECTION 2. The Planning Commission held a public hearing April 14, 2020, and has recommended the approval of the Final Plat for Lots 9A and 10A, Block 5, A Replat of the Replat of Homestead Second Addition and a Portion of Homestead Third Addition to the City of Alliance, Box Butte County, Nebraska.

SECTION 3. The Final Plat for Lots 9A and 10A, Block 5, A Replat of the Replat of Homestead Second Addition and a Portion of Homestead Third Addition to the City of Alliance, Box Butte County, Nebraska. is hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

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

A motion was made by Councilman Jones, seconded by Councilman Bentley to suspend the statutory rule requiring three separate readings of Ordinance No. 2903.

Roll call vote to waive the statutory reading with the following results

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

Voting Nay: None.

Motion carried.

Roll call to approve Ordinance No. 2903 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Dafney stated, "the passage and adoption of Ordinance No. 2903 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 20-58 which will adopt the Utility Assistance Program, Policy and Guidelines was the next item for review. The following information was provided to Council:

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[City of Alliance Staff worked with the Alliance Poverty Task Force and Northwest Community Action Partnership (NCAP) to develop a program that would allow City utilities customers to voluntarily contribute to a Utility Assistance Fund. This program will provide needed funds to deal with unique financial challenges that prevent customers from paying their utility bill. Staff would like Council to review the program and consider adopting this new policy.

This new policy would allow Alliance Utility customers to fill out a form to pledge money to the Alliance Utility Assistance Program. This could be a one-time pledge or a monthly pledge that would be added to a customer's utility bill. The collected assistance funds would be turned over to NCAP on regular basis. NCAP would manage the funds using their existing fund request process. Money from the Alliance Utility Assistance Program would only go to City of Alliance Utility customers in need as determined by NCAP policy. NCAP will turn in a yearly report to the City on how the funds were used.]

A motion was made by Councilman Bentley, seconded by Councilman Jones to approve Resolution No. 20-58 which follows in its entirety:

RESOLUTION NO. 20-58

WHEREAS, The City of Alliance owns and operates the Alliance Utility System; and

WHEREAS, The City desires to adopt an Utility Assistance Program for the purpose of providing means for voluntary contributions towards City of Alliance utility customer accounts; and

WHEREAS, All City of Alliance utility customers are eligible to make donations towards The City of Alliance Utility Assistance Program; and

WHEREAS, To be eligible for assistance under the City of Alliance Utility Assistance Program, applicants must:

1. Complete an application form
2. Reside within the City of Alliance utility service area
3. Be a current customer of the City of Alliance utility department(s)
4. Have a delinquent residential utility bill subject to discontinuance
5. Provide proof of income to the agency administering the program; and

WHEREAS, Northwest Community Action Partnership (NCAP) would be the administering agency; and

WHEREAS, Northwest Community Action Partnership (NCAP) manages all donations collected in a designated fund and will administer the distribution of assistance to eligible recipients as determined by policy; and

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WHEREAS, The Council finds that it is in the best interest of the City and City of Alliance utility customers to adopt the Utility Assistance Program and appoint Northwest Community Action as the administering agency.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, adopts The City of Alliance Utility Assistance Program for the purpose of providing means for voluntary contributions from customers of the City of Alliance utility departments to aid other customers who need assistance paying their City of Alliance utility bills.

BE IT FURTHER RESOLVED Northwest Community Action Partnership (NCAP) will be the administering agency of the Alliance Utility Assistance Program.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Next on the agenda was Resolution No. 20-59 which will approve the construction documents as created by Baker and Associates, Inc. and will authorize publication of the Invitation to Bid for the Sunken Garden Renovation Project. The following information was provided to Council:

[Baker and Associates has completed the planning phase for the Sunken Garden Restoration Project and submitted a Site Plan and a revised Cost Estimate. Therefore, the next step in this process is for Council to consider approval of the plans and sending the project out to bid.

The conceptual design was created based on input from the Pillars for the Park group, city staff, and citizens at large. These designs that were then approved by the Alliance City Council. Included for Council's review are engineering documents to be used to bid the construction phase of this project. The final budget based on the current engineering design is \$693,248.33 Funding for this project will come from CCCFF grant funds as well as from local donations collected by the Pillars in the Park group.

The City currently has \$305,645.80 in funds raised by the public for the Sunken Garden Restoration Project, up to \$483,770.50 in CCCFF Grant funds, and an outstanding donation of \$80,000. Consequently, the City has most, if not all, of the funds needed to construct project based on the engineer's estimate. Additionally, Baker and Associates has set the bid process up with alternates so the project scope can be changed to reduce construction costs if the lowest bid is higher than estimated.]

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A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve Resolution No. 20-59 which follows in its entirety:

RESOLUTION NO. 20-59

WHEREAS, The City of Alliance has included the renovation of the Central Park Sunken Gardens into our Capital Improvements Plan; and

WHEREAS, The desire of the renovation is to restore the Central Park Sunken Gardens to its historical appearance using modern materials; and

WHEREAS, Baker and Associates has been chosen as the engineers for this project in the amount of of Seventy-one Thousand Seven Hundred Dollars and no/100ths (\$71,700) to provide the necessary engineering services which has been itemized into five phases: (1) concept planning, (2) design development, (3) construction documents, (4) bidding, and (5) construction administration, testing and inspections for the Sunken Gardens Project; and

WHEREAS, Phases 1 – Concept Planning and 2 – Design Development are complete and City Council believes authorized Baker and Associates, Inc. to proceed with Phase 3 – Construction Documents and 4 - Bidding of the Sunken Garden Renovation Project; and

WHEREAS, Baker and Associates has submitted construction documents for final approval in order to move forward with Phases 3 and 4 of the Sunken Garden Renovation Project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, accepts the final design of the Sunken Gardens Renovation Project and authorizes Baker and Associates to proceed with the invitation to bid.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Next for Council was Resolution No. 20-60 which will approve the Memorandum of Understanding with Western Nebraska Community College (WNCC) which authorizes WNCC the use of the vacant concrete pad area located at the Alliance Municipal Airport to conduct Class A CDL training for students enrolled in the Power line Program. The following information was provided to Council:

[This resolution will approve a Memorandum of Understanding (MOU) between the City and Western Nebraska Community College (WNCC). The agreement provides that WNCC pay the City \$100.00 per month for the non-exclusive use of a concrete pad. The pad is outside of the airport fence by the manual gate located by the fuel farm. In return, the City agrees to lease the concrete pad to be used as

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part of the power line training curriculum for their students to earn a CDL. WNCC will also be allowed to utilize the current loading dock close to the concrete pad for training purposes if not already being used.

WNCC anticipates using the concrete pad Monday-Thursday from 2:00 p.m. – 4:00 p.m., with the possibility of Friday and Saturday usage from 8:00 a.m. – 5:00 p.m. Additional times may be necessary but any usage of the concrete pad can't disrupt other uses of the airport properties.

Routinely this concrete pad is not used by the airport staff. Currently anyone wanting asphalt millings uses the pad from the road to the manual gate to load. During hay operations that gate is accessed by crew entering airfield. WNCC is aware of these operations and understands that this path must remain clear for use.

The MOU is effective until the end of the year. WNCC has shown interest in half of building #3101 to store their trucks in to allow protection from the weather. They have also inquired about the National Weather Service building for possible shelter from storms and restrooms. Both of those facilities are still occupied by Vitalix. Staff hopes that by the end of the year those areas will be cleared and available to lease to new tenants.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 20-60 which follows in its entirety:

RESOLUTION NO. 20-60

WHEREAS, The City of Alliance has previously entered into a lease with Western Nebraska Community College (WNCC) for the housing of the Powerline School in Alliance; and

WHEREAS, Western Nebraska Community College (WNCC) is desiring to add educational programming to their Powerline School Program which will require the use of City property located at the Alliance Municipal Airport; and

WHEREAS, A Memorandum of Understanding between Western Nebraska Community College (WNCC) and the City of Alliance is necessary to accommodate the needs for the additional educational programming; and

WHEREAS, The City Council believes it is in the best interest of the City of Alliance to enter in the Memorandum of Understanding with Western Nebraska Community College.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, authorizes the Memorandum of Understanding with Western Nebraska Community College (WNCC) permitting the use of property located at the Alliance Municipal Airport to the Powerline School students to be utilized for an additional educational component to the program.

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BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute said Memorandum of Understanding if acceptable to Western Nebraska Community College (WNCC).

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Board appointments and announcements were the last item on the agenda. Council was provided the following information:

A motion was made by Councilman Jones, seconded by Councilman Bentley to appoint Gail Burke to serve on the Knight Museum Board with a term ending May 31, 2025.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to appoint Terry Christensen to serve on the Knight Museum Board with a term ending May 31, 2025.

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 7:12 p.m.


Mike Dafney, Mayor

(SEAL)

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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.

