

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JUNE 16, 2020

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

The Alliance City Council met in a Regular Meeting, June 16, 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 June 10, 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 16, 2020 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, 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 first action by Council was a motion made by Mayor Dafney to excuse Councilman Reynolds from the meeting. The motion was seconded by Councilman Jones.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley.

Voting Nay: None.

Motion carried.

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

CONSENT CALENDAR – June 16, 2020

1. Approval: Minutes of the Regular Meeting, June 2, 2020.
2. Approval: Payroll Costs for the period May 16, 2020 through May 29, 2020: \$319,775.95.
3. Approval: Claims against the following funds for the period of May 28, 2020 through June 10, 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; \$1,265,285.92.
4. Approval: Issuance of a Cemetery Certificate to Lester H. Schaper and Wonda G. Schaper for the W¹/₂ of Lot Sixteen (16), Section One (1), Block Twenty-two (22), Alliance Cemetery Fourth Addition.
5. Approval: Council approved the purchase of a new vehicle for our Community Service Officer at their November 19, 2019 meeting. The vehicle is ready for pick up and final payment and staff noticed there was a number transposition causing the budget authority to not match the approved expenditure. The corrected resolution will have the true purchase price for the 2020 Ford F-150 Regular Cab 4x4 XLT vehicle in the amount \$30,440.00 and the cost of \$15,810 for the installation of the animal carrier component. In addition, a budget transfer in the amount of \$1,500 is necessary to complete the purchase.
6. Approval: Resolution No. 20-61 approves the Economic Development Assistance Agreement with Nebraska Total Office, Inc. in the amount of \$282.50 for renovation to the ramp utilized to enter their business.
7. Approval: Resolution No. 20-62 approves the Amended Economic Development Agreement with 1dash5 Enterprises, LLC dba Scooter's which follows the LB840 Forbearance Approach.
8. Approval: Resolution No. 20-63 approves the Amended Economic Development Agreement with Steph's Studio which follows the LB840 Forbearance Approach.
9. For Your Information: Charter Communications is making the following channel lineup changes:

CHANNEL	CHANGE	CHANNEL NUMBER	Effective
Hogar Launch	Hogar Launch (Discovery): Contracted addition on SPP Latino View	294	On or around 7/1/2020
Viendo Movies HD Launch	Viendo Movies HD Launch (Somos): Requested HD addition in all connected 750MHz+ SDV systems where	889	7/1/2020

	currently SD only		
Cheddar Business Rebrand	Cheddar Business Rebrand: Rebranding to "Cheddar" on 6/1/20	178 or 157	6/1/2020
TV Venezuela Rebrand	TV Venezuela Rebrand: Rebranding to "TVV" on 6/1/20	283	6/1/2020

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 with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley.

Voting Nay: None.

Motion carried.

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

[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.

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 Mischnick, seconded by Councilman Bentley to approve the second 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.

A motion was made by Councilman Jones, seconded by Councilman Bentley to suspend the statutory rule requiring three separate readings of Ordinance No. 2904.

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

Voting Aye: Dafney, Mischnick, Jones, Bentley.

Voting Nay: None.

Motion carried.

Roll call to approve Ordinance No. 2904 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, "The passage and adoption of Ordinance No. 2904 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 20-64 which will authorize the Community Redevelopment Authority to move forward with the development of the West 3rd Street Redevelopment was the next agenda item. The following background information was provided to Council:

[Council will receive its yearly update from the Community Redevelopment Authority (CRA). The CRA serves the City by preparing and recommending Redevelopment Plans to the City Council. The CRA is also responsible for the handling of Tax Increment Financing (TIF) initiatives.

As part of its duty to create redevelopment plans, the CRA worked with M.C. Schaff & Associates to develop a plan for West 3rd Street. The West 3rd Street Plan provides a model of what the area can look like that includes creating a walkable, attractive neighborhood and sense of place with connectivity to downtown. The Plan establishes a vision for future development and land uses over the next several years that connect to the heritage and culture of the community and surrounding area.

The CRA spent a substantial amount of time working with property owners in the West 3rd Street Corridor to present the ideas of the Plan and obtain feedback. This outreach included an Informational Luncheon at the Eagles on December 17, 2019. The luncheon featured five different stations (i.e., goals, walkability, zoning, funding, and design concepts) where 3rd Street business owners could interact with CRA members about the Plan. The meeting was attended by most of the property owners along West 3rd Street.

After presenting the Plan to property owners, the next step is to review it with the Council. Included in the packet are the At a Glance synopsis of the Plan and a Plan Outline that CRA members will present to you at the Council meetings. These documents summarize the information covered in the Plan developed by the CRA and M.C. Schaff & Associates. Council can adopt and implement the Plan through a series of optional steps at future meetings. The adoption of the Plan could include enacting a series of ordinances that adjust zoning requirements in the area and creating a business improvement district to help maintain the improvements. It is helpful for the CRA to have the Council's official support of the Plan before seeking funding sources for the Plan. At the current meeting, the CRA is not seeking formal adoption of the Plan. Instead, the CRA is requesting the Council's approval and support of the direction the CRA is heading with the

Plan. The CRA is also seeking comments and recommendations from the Council regarding the Plan. The CRA looks forward to updating Council on its progress over the last year and discussing the Plan.]

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to approve Resolution No. 20-64 which follows in its entirety:

Resolution No. 20-64

WHEREAS, the Community Redevelopment Authority of the City of Alliance, Nebraska (the "CRA") presented a plan for the development of West 3rd Street (the "Plan") to the Mayor and City Council; and

WHEREAS, the City Council has reviewed the Plan and believes it is in the best interest of the City for the CRA to continue to pursue developing and implementing the Plan.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Council of Alliance, Nebraska support the CRA's efforts in creating the Plan and encourage the CRA to continue to pursue developing and implementing the Plan.

Sean Ridgeway, 723 Cheyenne Avenue, Community Redevelopment Authority (CRA) President, was in attendance to review the West 3rd Street Redevelopment Plan with Council and answer questions.

Councilman Jones asked the total project cost. City Manager Sprock responded the estimated redevelopment project is estimated at \$1.46 million.

Councilman Jones expressed his concerns with the City's financial responsibility for operational costs and asked who will be responsible for the landscaping.

Jess Wimmer, 1327 Sheridan Avenue, CRA Authority Member addressed Council and shared this plan is not set in stone, it is a "fluid" plan. The total maintenance costs would be the business owner/tenants responsibility which would be approximately \$11,000. In order to reduce the City's exposure to those costs, the CRA desires to create a Business Improvement District (BID) that will absorb the maintenance/landscaping costs.

City Manager Sprock stated the CRA is not asking City Council to adopt the Plan as presented, however to simply provide support of the CRA in order to implement the Plan.

Councilman Jones expressed his concerns regarding the City of Alliance's ownership of West 3rd Street Redevelopment Plan and it being shared with other communities.

Councilman Bentley asked what type of feedback has been received from the business owners.

CRA Member Wimmer shared there was positive feedback at the luncheon that was held at the Alliance Eagles Club and the main concern was the financial aspect of the Plan.

Councilman Bentley stated the redevelopment of the West 3rd corridor and entrance is a definite need. The City needs walkability to connect the community, it will encourage new business and tourism into Alliance. Councilman Bentley would like to see redevelopment of the West 3rd corridor in the comprehensive plan.

Mayor Dafney agreed with Councilman Bentley and stated the costs are part of running a City that you want to develop and move forward with growing the community.

Councilman Mischnick asked if the resolution before Council is approved, does it require new businesses to follow the Plan. Attorney Hoelsing stated this is just a draft Plan and a formal Redevelopment Plan will come at a later date for Council's adoption.

With no further discussion, Mayor Dafney asked the Clerk to call the roll.

Roll call with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley.

Voting Nay: Jones.

Motion carried.

- Next for Council was Resolution No. 20-65 which approves the Service Agreement with the Aging Office of Western Nebraska. The following information was provided to Council:

[The City was presented with an opportunity by the Aging Office of Western Nebraska (AOWN) to take over the nutritional services Site Manager (manager) responsibilities at the Alliance Senior Center. The City receives compensation from AWON for handling the management duties. This request was made because AWON was having difficulty hiring a Site Manager.

The nutrition services provided by AWON are vital to the senior center, not only does it bring seniors in the doors who stay for events and activities, it also pays rent to the center which helps keep the center open. In addition, it ensures that our local seniors continue to have a place for a low cost lunch which is essential to the community. These resources provide an opportunity for local seniors to lead to a happier, healthier, and robust life. Staff believes that continuing to provide oversight will allow the City to maintain and possibly expand this vital resource for seniors in our community.

City staff has been providing these services for one year and recommends entering into an agreement to continue providing oversight services for the Nutrition Site. Staff further recommends that this agreement renew annually unless either party requests to terminate the agreement.]

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to approve Resolution No. 20-65 which follows in its entirety:

RESOLUTION NO. 20-65

WHEREAS, The City of Alliance is the owner of the Alliance Senior Center located at 212 Yellowstone Avenue, and

WHEREAS, The Aging Office of Western Nebraska has requested the City of Alliance assume the Nutrition Site management supervision responsibilities; and

WHEREAS, City staff is recommending the City accept the responsibilities and a Service Agreement has been prepared outlining the parameters for both parties; and

WHEREAS, City Council believes it is in the best interest of the community to assume the management responsibilities of the Nutrition Program at the Alliance Senior Center.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to enter into the Service Agreement with the Aging Office of Western Nebraska to provide management services for the Nutrition Site Program.

Roll call with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley.

Voting Nay: None.

Motion carried.

- Resolution No. 20-66 was the next item on the agenda for Council's consideration. This resolution will set policy for the rental of City facilities for gatherings subject to the directed health measures. The following information was provided:

[Through multiple requests and interest of the public, City staff has decided to rent public facilities for public gatherings and meetings again, such as the City Park Shelter House, Knight Museum and Sandhills Center conference rooms, or Alliance Public Library conference rooms. City staff acknowledges that such uses are not generally open to use by the public (coordinated or otherwise) and that the City is affirmatively taking action to allow exclusive use of such space for a fee. Thus, before doing so, City staff wants to ensure the City's policy is clear: the City expects renters of the space to follow the directed health measures in place and to acknowledge the renters' or users' primary responsibility of understanding, following, and ensuring compliance with such directed health measures.

Legal Council has prepared the resolution for review and approval. Any rental of facilities following the resolution would include documentation regarding the renters' acknowledgement of City policy set forth in the resolution and renters' responsibility for compliance with all applicable directed health measures.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve Resolution No. 20-66 which follows in its entirety:

Resolution No. 20-66

**COVID-19: Resolution of the City Council of Alliance, Nebraska
Regarding Rental of Municipal Property for Gatherings and Meetings**

A Resolution of the City of Alliance, Nebraska ("Alliance"), Nebraska, Regarding the Compliance with Directed Health Measures related to COVID-19 through the rental and use of Municipal Property.

Recitals

WHEREAS, the novel coronavirus, COVID-19, has been declared a worldwide pandemic by the World Health Organization, is extremely contagious, and is believed to spread mainly from person-to-person contact;

WHEREAS, on March 13, 2020, the Governor of the State of Nebraska declared a state of emergency related to COVID-19 within the entire State of Nebraska, and this state of emergency remains in effect;

WHEREAS, directed health measures are in effect for every County in the State of Nebraska through June 30, 2020, and have been modified and indefinitely extended by the Governor in some form for most or all Counties, effective June 22, 2020;

WHEREAS, in May 2020, the Governor announced that the directed health measure for gatherings would be relaxed and implemented starting June 1, 2020, and that a further "Phase III" relaxation will occur June 22, 2020;

WHEREAS, a copy of the June 1st Phase II and the June 15th Phase III directed health measures for gatherings (and other activities) is attached to this Resolution;

WHEREAS, persons who plan, attend, and conduct gatherings must do so within the parameters of an applicable directed health and subject themselves to the inherent risk the dangers of illness, disease, medical complications, injury or death, caused by or related to COVID-19, by voluntarily attending such gatherings; and

WHEREAS, it is the intent of Alliance to permit its facilities to again be rented by the public for gatherings and meetings, in accordance with the directed health measures and other laws and guidance issued by the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED that, in order to allow the rental and use of Alliance facilities for gatherings and meetings by the public, it is the policy of Alliance that the sponsoring, renting, or participating party or parties shall be and agree to be solely responsible for conducting such gatherings and meetings in accordance with the directed health measures and other laws and guidance issued by the State of Nebraska and agree to follow such directed health measures and other laws and guidance issued by the State of Nebraska for gatherings and meetings. Alliance shall not be required by the renting party to train, educate, or monitor the compliance with directed health measures and other laws and guidance issued by the State of Nebraska for gatherings or meetings, although Alliance may revoke the rented use of such facilities if it believes, in good faith, that the gathering or meeting is violating such directed health measures and other laws and guidance issued by the State of Nebraska.

BE IT FURTHER RESOLVED that, for the avoidance of doubt as to the risk assumed by engaging in gatherings and meetings, in order to encourage compliance with directed health measures and guidelines, and in order to promote public safety, the applicable provisions of the Phase II and Phase III directed health measures (and any subsequently updated directed health measures thereafter) shall be posted Alliance rented facilities.

BE IT FURTHER RESOLVED that all sponsors, renting parties, or participating parties of gatherings at Alliance rented facilities shall, before use of such facilities, agree to comply with all federal, state and local laws and regulations, all directed health measures and guidelines, and all security policies or procedures established by Alliance relating to COVID-19 or other safety or hygiene precautions while present on municipal property.

BE IT FURTHER RESOLVED that Alliance may elect to deny entrance or rental to its facilities to any individual or group at any time, for any or not reason, and may elect to no longer open its facilities to rented use by the public should conditions surrounding the COVID-19 pandemic change.

BE IT FURTHER RESOLVED that the Mayor of Alliance is authorized to execute the directives set forth in this Resolution.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley.

Voting Nay: None.

Motion carried.

- Next, Council held a discussion to establish a date and time to conduct a Budget Workshop. By consensus, Council set July 21, 2020 at 9:00 a.m. in the Alliance Learning Center Community Meeting Rooms to conduct the Budget Workshop.

Councilman Jones requested a 5-year budget report of the City's budget at the workshop.

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

[The Citizen Advisory Review Board consists of five to ten members, all must be registered voters in Box Butte County. The Board will review the function and progress of the Economic Development Program and report to the City Council on its findings and suggestions.

The City is in receipt of two applications from Lori Mazanec and Tim Garwood to serve on the EDCAB Board; both are previous board members. We currently have five vacancies that include partial and full terms. Terms are for four years and staff is recommending appointments be made to the full term vacancies that are set to expire December 31, 2024.

Library Board members are appointed by the majority vote of the City Council and the terms are for four years. The Library Board is comprised of five members and two ex-officio members between the ages of 13 to 19 all of which must be residents of the City.

The City has received two applications to serve on the Library Board. Wally Seiler would like to be reappointed with a new term expiration of June 30, 2024. We have two other positions on the Library Board expiring June 30th. Travis O’Gorman has submitted an application to fill one of the upcoming vacancies. If appointed, Mr. O’Gorman’s term will expire June 30, 2024.]

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to reappoint Lori Mazanec and Tim Garwood to serve on the Economic Development Plan Citizen Advisory Committee with a term ending December 31, 2024.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to reappoint Wally Seiler to serve on the Library Board with a term ending June 30, 2024.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to appoint Travis O’Gorman to serve on the Library Board with a term ending December 31, 2024. Mr. O’Gorman’s term will begin on July 1, 2020.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley.

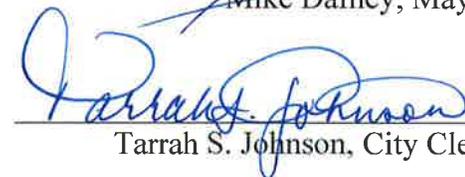
Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:39 p.m.

(SEAL)


Mike Dafney, Mayor


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.