

August 4, 2020

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, AUGUST 4, 2020

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

The Alliance City Council met in a Regular Meeting, August 4, 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 July 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 August 4, 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.
- First item on the agenda for Council was the Consent Calendar. A motion was made by Councilman Mischnick and seconded by Councilman Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR – AUGUST 4, 2020

1. Approval: Minutes of the Budget Workshop held on July 21, 2020 and the Regular Meeting, July 21, 2020.
2. Approval: Payroll Costs for the period June 27, 2020 through July 10, 2020: \$253,157.66.
3. Approval: Claims against the following funds for the period of July 15, 2020, through July 29, 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; \$447,242.79.

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4. Approval: Issuance of the following Cemetery Certificates:

Troy Isom and Danika Isom - East Half (E½) of Lot Twenty-two (22), Section Three (3), Block Twenty (21), Alliance Cemetery Fourth Addition;

Matthew Mayer and Delaney Mayer - East Half (E½) of Lot Twenty-three (23), Section Three (3), Block Twenty (21), Alliance Cemetery Fourth Addition;

Andrew Adam and Michelle Adam - East Half (E½) of Lot Twenty-four (24), Section Three (3), Block Twenty (21), Alliance Cemetery Fourth Addition;

Michael L. Mayer and Tonya I. Mayer - East Half (E½) of Lot Twenty-five (25), Section Three (3), Block Twenty (21), Alliance Cemetery Fourth Addition;

Eugene H. Smith and Rachel Taylor - West Half (W½) of Lot Thirty (30), Section Two (2), Block Twenty-two (22), Alliance Cemetery Fourth Addition.

5. Approval: A Quitclaim Deed transferring The East Half (E½) of Lot Twenty-seven (27), Section Eleven (11), Block Nineteen (19), Third Addition to the Alliance Cemetery, back to the City of Alliance.

6. Approval: Budget Transfer in the amount of \$8,300 from Account No. 07-52-58-59-921 – Lift Station Improvement to Account No. 07-52-58-59-970 – Capital Outlay – Other Improvement for the final pay off of the sanitation sewer relocate.

7. Approval: Budget Transfer in the amount of \$4,500 from Account No. 55-51-56-59-970 – Capital Outlay Other to Account No. 55-51-56-45-544 – Small Tools for the purchase of a new pressure washer for the wash bay.

8. Approval: The use of capital funds designated for the Public Works Facility expansion project to purchase a new air conditioning unit for the Public Works Facility.

9. Approval: Resolution No. 20-82 approving the Digital Marketing Grant with Sandilly, Inc. dba The West Side Event Center in the amount of \$1,590.

10. Approval: Resolution No. 20-83 approving the Digital Marketing Grant with Rebecca N. Acosta Reza dba Korner Grill in the amount of \$1,979.

11. For Your Information: Charter Communications is making the following price adjustments:

CHANNEL	CHANGE	CHANNEL NUMBER	Effective
NBA TV	Add NBA TV to Spectrum Sports Pack in all areas where currently carried	401	9/1/2020
Black News Channel	Black News Channel Expansion: Contracted expansion to all connected	205	8/31/2020

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	750MHz systems with SDV (HD Only)		
Cancelled: Showtime Showcase Rebrand to SHO BET	Item Cancelled: Showtime Showcase will stay as-is, no change for customers Showtime Showcase Rebrand to SHO BET: Showtime networks is rebranding Showtime Showcase to SHO BET	565, 566, 581	Immediately
Cancelled: Showtime Beyond Rebrand to Showtime Showcase	Showtime Beyond Rebrand to SHO BET: Showtime networks is rebranding Showtime Beyond to SHO BET July 15th Note: guide/branding will look like Showtime Beyond until guide ID updates are made no later than 8/30 Change from original plan: Showtime networks is no longer rebranding Showtime Beyond to Showtime Showcase	567, 582	Immediately
Kids Central Rebrand to Kids Street	Kids Central Rebrand to Kids Street	291	9/1/2020
Bull Dog Shopping Network Rebrand to ShopHQ Health	Bull Dog Shopping Network Rebrand to ShopHQ Health	204, 702	9/1/2020
Justice Network Rebrand to True Crime Network	Justice Network Rebrand to True Crime Network: Rebranding to True Crime Network	197	7/27/2020

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 next considered Ordinance No. 2907 on first reading. Ordinance No. 2907 will approve the proposed budget for the Fiscal Year 2020-2021. The following information was provided:

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[The 2020-21 annual budget appropriations as proposed total \$54,537,300 compared to \$46,462,800 in the prior year. The primary differences are the result of different levels of capital projects in the general, enterprise, streets, airport operating and capital projects funds.

<u>Fund</u>	<u>Prior Year</u>	<u>Current Year</u>
General	\$7,489,500	\$9,090,700
Electric	16,192,100	17,600,300
Refuse	1,431,000	1,969,900
Sewer	1,186,200	1,291,900
Water	2,324,600	2,518,200
Golf Course	549,800	645,400
Airport Operations	3,073,300	6,387,800
Public Transit	378,500	381,000
Streets	2,893,500	5,176,600
Handyman Services	65,500	43,700
RSVP	85,800	75,300
Museum Exhibit	14,600	14,600
BID #1 and #2	12,500	12,500
HUD/CDBG	150,000	150,000
Community Betterment (KENO)	18,200	20,200
Economic Development	161,800	168,400
LB 840 Fund	357,500	400,000
Redevelopment (TIF)	800,000	875,000
Sales Tax Fund	2,000,000	2,000,000
Lodging Occupation Tax	201,200	301,000
Capital Projects Fund	1,160,000	1,175,000
Public Safety Tax	50,000	50,000
State 911 Funds	90,000	100,000
General Internal Service	1,366,400	1,414,500
Enterprise Internal Service	1,900,900	634,200
Health Support Internal Service	2,072,500	1,930,000
General Debt Service	378,400	51,100
Airport Capital Reserve	59,000	60,000
Gross Expenditures	\$46,462,800	\$54,537,300

Finance Director Waggener informed Council that there were errors in the original narrative and ordinance. The following numbers were updated:

- Electric \$17,541,600 vs. \$17,600,300
- Refuse \$1,698,700 vs. \$1,969,900
- Sewer \$1,310,100 vs. \$1,291,900
- Water \$2,539,800 vs. \$2,518,200
- Gross Expenditures \$54,517,200 vs. \$54,537,300

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A motion was made by Mayor Dafney, seconded by Councilman Mischnick to pass the first reading of Ordinance No. 2907. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2907

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of the Nebraska R.R.S. 1943, §19-646, has submitted to the City Council a preliminary budget to the City Council at a workshop that was held on July 21, 2020 with a proposed budget being produced thereafter. A public hearing will be held on said proposed budget on August 18, 2020, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2020, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

	<u>City</u>	<u>MFO</u>	<u>Airport</u>	<u>Airport Reserves</u>	<u>Total</u>
Approved Budget Amount	1,180,700	175,400	266,500	55,500	1,678,100
County Treasurer's Fee (1%)	11,807	1,754	2,665	555	16,781
Total Property Tax Request	<u>1,192,507</u>	<u>177,154</u>	<u>269,165</u>	<u>56,055</u>	<u>1,694,881</u>

Using the following levies

Approved Mill Levy for 2020

Based on Assessed Valuation

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SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2020-21.

General		\$9,090,700
Electric	17,541,600	17,600,300
Refuse	1,968,700	1,969,900
Sewer	1,310,100	1,291,900
Water	2,539,800	2,518,200
Golf Course		645,400
Airport Operations		6,387,800
Public Transit		381,000
Streets		5,176,600
Handyman Services		43,700
RSVP		75,300
Museum Exhibit		14,600
BID #1 and #2		12,500
HUD/CDBG		150,000
Community Betterment (KENO)		20,200
Economic Development		168,400
LB 840 Fund		400,000
Redevelopment (TIF)		875,000
Sales Tax Fund		2,000,000
Lodging Occupation Tax		301,000
Capital Projects Fund		1,175,000
Public Safety Tax		50,000
State 911 Funds		100,000
General Internal Service		1,414,500
Enterprise Internal Service		634,200
Health Support Internal Service		1,930,000
General Debt Service		51,100
Airport Capital Reserve		60,000
<i>Gross Expenditures</i>	<u>54,517,200</u>	<u>54,537,300</u>

There is hereby included \$100,000 within the General Fund Budget [City Council Activity]; \$10,000 within the General Fund Budget [Police Grant]; \$60,000 within the Electric Fund; \$260,000 within the Water Fund; \$200,000 within the Sewer Fund; \$30,000 within the Refuse Fund; \$25,000 within the Airport Fund; and \$50,000 within the Streets Fund; to be known as "Contingency Reserves." Expenditures from any Contingency Reserve will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total Unused Restricted Funds Authority of \$ for Fiscal Year 2020-21.

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SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2020.

A motion was made by Mayor Dafney to approve Ordinance No. 2907 on first reading as amended. Councilman Mischnick seconded the motion.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next on the agenda for Council was Ordinance No. 2908 which will allow the City of Alliance with a 75% affirmative vote by Council to exceed the Allowable Growth and Basic Allowable Growth for the 2020-21 Fiscal Year Budget by 1%. The following information was provided:

[The attached ordinance will allow the City of Alliance (with a 75% affirmative vote by Council) to exceed the base allowable growth limitation of the restricted funds authority for the 2020-21 fiscal year budget by 1% (or \$72,791.36) with total restricted funds authority at \$7,533,905.27.

This does not increase the new fiscal budget, but rather allows the City to increase the unused budget authority for use in future years.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to pass the first reading of Ordinance No. 2908. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2908

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2020-2021 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.

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

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SECTION 1. Governmental units are authorized pursuant to State law at Chapter 13, Section 519, to exceed the Allowable Growth (§13-518(1)) and the Basic Allowable Growth (§77-3446) for budgeted restricted funds authority up to an additional one percent, by affirmative vote of the City Council of at least 75%.

SECTION 2. The City Council finds that such limit as provided by Section 13-519 (a) and (b) should be exceeded by one percent.

SECTION 3. An affirmative vote of at least 75% in favor of this increase is hereby cast.

SECTION 4. Section 13-511 allows correction of an adopted budget statement for clerical, mathematical, and accounting errors, which correction does not affect the total amount budgeted by more than one percent or increase the amount required from property taxes. The one percent limit increase is calculated into the current budget statement; however the unused budget authority amount is in need of modification.

SECTION 5. The allowable increase in “restricted funds authority” with the additional 1% of \$72,791.36 and included in the resulting “total restricted funds authority” in the adopted budget ordinance is hereby amended to the amount of \$7,533,905.27.

SECTION 6. Those portions of the existing budget ordinance for 2020-2021 are amended accordingly.

SECTION 7. The City Treasurer is authorized to make appropriate changes in the submitted forms for computation of the limit for fiscal year 2020-2021, and transmit those changes to the State Auditor’s office.

SECTION 8. 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: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Ordinance No. 2909 which will approve the Rezone Application from Fransie and Lidia Carillo requesting the rezone of Lot 3, Block 1, Starlite Addition to the City of Alliance, from RP-3 Planned Multifamily Residential to C-3, Heavy Commercial was next for Council’s consideration. Council was provided with the following background information:

[Fransie and Lidia Carillo have submitted an application to rezone Lot 3, Block 1, Starlite Addition to the City of Alliance, Nebraska, from RP-3, Planned Multifamily Residential to C-3, Heavy Commercial. The applicant would like to

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use the lot for semi-truck and trailer parking. However, all permitted uses listed in the C-3 Zoning District would be allowed.

The lot proposed to be rezoned is located between East 7th and East 8th Streets; and behind Dollar General and Dairy Queen. It is bordered by R-3, Multifamily Residential to the south; R-4 Mobile Home Residential to the south, east, and north; and C-3, Heavy Commercial to the west.

The proposed rezone will change the front setbacks from 25' to 15', rear setbacks from 25' to 15', side setback from 5' to 0', and the side street setback stays the same at 15'. The C-3, Highway Commercial Zoning District does not have any minimum lot size requirements.

Access to the lot is from East 8th Street to the north and East 7th Street to the south. These are designated as local streets. East 8th Street is not paved and there is no direct arterial street access to this lot.

The City of Alliance Comprehensive Plan identifies this area as the Eastern Gateway Neighborhood. It is noted for having primarily residential uses with some commercial and industrial adjacent to arterial streets. The rezone of the property allowing a commercial use would be consistent with other land uses designated in the Plan but it would not be adjacent to an arterial street. The Plan designates the streets providing access to the subject lot as local streets with Flack Avenue being the nearest arterial.

The City of Alliance Planning Commission met at their regular meeting on July 14, 2020 and voted to deny recommendation of the rezone to the City Council after making the following findings of fact:

1. The proposed rezone would remove the existing buffer between the Heavy Commercial Zoning District adjacent to Flack Avenue and the residential districts that are located on the north, east, and south sides of the subject property.
2. The rezone is not consistent with the Comprehensive Plan as the streets serving the lot are designated as local streets by the Plan and as such are not designed for traffic associated with C-3 zoning developments.
3. The location of the proposed rezone would be better suited by a less intense commercial or residential zoning designation as the intent of the C-3 District is not compatible with this geographic location.]

A motion was made by Councilman Bentley to approve Ordinance No. 2909 on first reading. The motion died for lack of a second. No action was taken.

- Next on the agenda was Resolution No. 20-84 which awards the Bulk Water Fill Station Rehabilitation Project to K.L. Wood and Company, Inc. The following information was provided:

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[The City identified the need to rehabilitate the bulk water fill station located at the Public Works Facility, 1311 W. 1st Street. The project was advertised and bids were opened on June 30, 2020. Several contractors received plan documents, with one contractor submitting a bid.

K.L. Wood and Company Inc. submitted a bid in the amount of \$38,039.00, with \$30,000.00 originally being budgeted for this project in accordance with engineer's estimates. Budget authority exists for completion of this project and staff recommends awarding the bid to K.L. Wood and Company Inc.]

A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve Resolution No. 20-84 which follows in its entirety:

RESOLUTION NO. 20-84

WHEREAS, The City of Alliance owns and operates the water system within the community; and

WHEREAS, Bid Specifications were prepared and issued for the Bulk Water Fill Station Project; and

WHEREAS, One bid was opened with the lowest, responsible and responsive bidder being K. L. Wood & Co. of Alliance, NE in the amount of Thirty-eight Thousand Thirty-nine Dollars and no/100th (\$38,039); and

WHEREAS, Budget authority for this project is available to complete the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign a contract with K. L. Wood & Co. in the amount of Thirty-eight Thousand Thirty-nine Dollars and no/100th (\$38,039) for the Bulk Water Fill Station Project.

BE IT FURTHER RESOLVED that funding for this project is authorized from Account No. 08-52-52-59-950.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The Financial Statement Presentation and Acceptance was the last item on the agenda. Finance Director Waggener presented the Third Quarter Financial Statement and Dashboards to the Council for acceptance.

A motion was made by Councilman Jones and seconded by Councilman Mischnick to accept the Financial Statement as presented.

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Roll call with the following results:

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

Voting Nay: None.

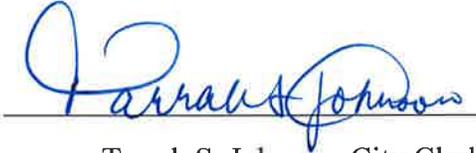
Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:22 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.

