

October 6, 2020

# ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, OCTOBER 6, 2020

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

The Alliance City Council met in a Regular Meeting, October 6, 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 September 30, 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 read the Open Meetings Act Announcement.
- The first action for Council was to proclaim the week of October 4, 2020 as Fire Prevention Week. Councilman Mischnick read and presented the following Proclamation to AVFD Volunteer, Councilman Jones:

## PROCLAMATION

*WHEREAS*, the City of Alliance Nebraska is committed to ensuring the safety and security of all those living in and visiting Alliance; and

*WHEREAS*, home fires killed more than 2,630 people in the United States in 2017, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 357,000 home fires; and

*WHEREAS*, cooking is the leading cause of home fires in the United States where fire departments responded to more than 173,200 annually between 2013 and 2017; and

*WHEREAS*, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

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*WHEREAS*, Alliance's residents should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; and

*WHEREAS*, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

*WHEREAS*, working smoke alarms cut the risk of dying in reported home fires in half; and

*WHEREAS*, Alliance's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

*WHEREAS*, the 2020 Fire Prevention Week theme, "Serve Up Fire Safety in the Kitchen!!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

*NOW, THEREFORE*, I Mike Dafney, Mayor of Alliance do hereby proclaim October 4-10, 2020, as:

**Fire Prevention Week**

throughout the state, and urge all the people of Alliance to check their kitchens for fire hazards and use safe cooking practices during Fire Prevention Week 2020, and to support the many public safety activities and efforts of Alliance fire and emergency services.

- Next, Council designated the week of October 4, 2020 as Public Power Week. Councilman Reynolds read and presented the following Proclamation to Electric Superintendent, Kirby Bridge:

**Proclamation Public Power Week**

**October 4 – 10, 2020**

**City of Alliance Electric Department Helps Our Community in Powerful Ways**

*WHEREAS*, We, the citizens of Alliance, Nebraska place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

*WHEREAS*, The *Alliance Electric Department* provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

*WHEREAS*, The *Alliance Electric Department* is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

*WHEREAS*, The *Alliance Electric Department* is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place in which to live and work, as well as protecting the global environment.

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*NOW, THEREFORE BE IT RESOLVED*, That the *Alliance Electric Department* will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1911, the year when the utility was created to serve all the citizens of Alliance; and

*BE IT FURTHER RESOLVED*, That the week of October 4 – 10, 2020, be designated the 32<sup>nd</sup> Annual Public Power Week in order to honor the *Alliance Electric Department* for its contribution to the community and to make its consumer-owners, policy makers, and employees more aware of its contributions to their well-being and how it makes their lives powerful; and

*BE IT FURTHER RESOLVED*, That our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power and recognition that the *Alliance Electric Department* is good for customers, business, the community and the nation.

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

**CONSENT CALENDAR – OCTOBER 6, 2020**

1. Approval: Minutes of the Special Meeting, September 29, 2020.
2. Approval: Payroll Costs for the period September 5, 2020 through September 18, 2020: \$242,002.21.
3. Claims against the following funds for October 1, 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; \$62,224.02.
4. Approval: Acceptance of a Quitclaim Deed from Stephen G. Brown and Larry L. Brown to transfer ownership of the East Half (E½) of Lot Twenty-nine (29), Section Twelve (12), Block Nineteen (19), Third Addition to the Alliance Cemetery to Ronald D. Brown and Cindy L. Brown.
5. Approval: Acceptance of a Quitclaim Deed from Eileen F. Spencer for the West Half (W½) of Lot Twenty-three (23), Section Eleven (11), Block Nineteen (19), Third Addition to the Alliance Cemetery under the City's Buy Back Policy.
6. Approval: Cemetery Certificate for the sale of the South Half of the Northeast Quarter (S½ NE¼) of Lot Eleven (11), Section Two (2), Block Seventeen (17), Second Addition to the Alliance Cemetery.
7. Approval: AVFD roster update by adding Bradan Seidler.
8. Approval: Certificate of Substantial Completion for Building #3001 at the Alliance Municipal Airport.

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9. Approval: Special Designated Liquor License and Street Closure Request of Melanie Mann. Newberry's would like to close 4<sup>th</sup> Street from the alley to Box Butte Avenue to host a family friendly tailgate event for the Husker football game, in addition to, celebrate the 100<sup>th</sup> year since bricks were laid downtown and the 10<sup>th</sup> anniversary of Newberry's. The event is scheduled for November 14<sup>th</sup> with the street closure from 8:00 a.m. to 10:00 p.m. to allow for set-up, the event, and clean-up. Mrs. Mann has contacted Panhandle Public Health District and will ensure all requirements, if any, are accommodated. A Certificate of Liability Insurance will be provided prior to the event.
10. Approval: Resolution No. 20-98 designating Randy Waggener as the City's representative on the Public Alliance for Community Energy (ACE) Board of Directors with Kirby Bridge serving as our alternate.
11. Approval: Resolution No. 20-99 provides Alliance's annual certification to the Nebraska Board of Public Roads Classifications and Standards of program compliance for 2020.
12. Approval: Resolution No. 20-100 authorizing the annual Contribution Agreement for Box Butte Development Corporation in the amount of \$75,700.
13. Approval: Resolution No. 20-101 authorizing the annual Contribution Agreement for the Alliance Chamber of Commerce in the amount of \$11,000.
14. Approval: Resolution No. 20-102 authorizing the annual Contribution Agreement for Keep Alliance Beautiful in the amount of \$50,000.
15. Approval: Resolution No. 20-103 authorizing the annual Contribution Agreement for Heartland Expressway in the amount \$2,939.04.

NOTE: Interim Managers Johnson and Waggener have reviewed these expenditures and to the best of their 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.

Mayor Dafney requested that the SDL application from Melanie Mann on the Consent Calendar be discussed as a separate item.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor Dafney noted that there was no proof of insurance provided with the SDL Application and Street Closure Request from Melanie Mann. City Clerk Johnson stated that Ms. Mann would provide insurance before the November 14, 2020 event as she was waiting on the outcome of the request. Ms. Mann has also contacted Panhandle Public Health to assure the

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safety of the event.

With no further discussion, Mayor Dafney motioned to approve the SDL Application and Street Closure Request. Councilman Bentley seconded the motion.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council next conducted a Public Hearing on Ordinance No. 2911 which would amend the City of Alliance Economic Development plan by including businesses that derive their principal source of income from early childhood care and education programs. Following the Public Hearing, Ordinance No. 2911 was on second reading before Council. The following information was provided:

[In 2019, the Legislature amended Neb. Rev. Stat. § 18-2709 to include a business that derives its principal source of income from early childhood care and education programs, and it further amended Neb. Rev. Stat. § 18-2705 to allow grants, loans, for funds for early childhood infrastructure development. Currently, the City's Economic Development Plan does not include early childhood care and education programs as a qualifying business.

The City's Application Review Committee has reviewed the concept of including businesses that derive their principal source of income from early childhood care and education programs as a "qualifying business" under the City's Economic Development Plan. The Application Review Committee is in support of the approach and is willing to consider avenues for funding if such an application should arise.

Neb. Rev. Stat. § 18-2714 provides that the City's Economic Development Plan may be amended without a vote of the residents when it is an amendment that adds a type of qualifying business. The City's Advisory Review Committee must first make the recommendation for amendment, and it has done so in its September 8, 2020 meeting.]

Mayor Dafney stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to Ordinance No. 2911" and opened the Public Hearing at 7:09 p.m.

Hearing no further testimony, the Public Hearing closed at 7:09 p.m.

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A motion was made by Mayor Dafney, seconded by Councilman Bentley to approve the second reading of Ordinance No. 2911. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2911

AN ORDINANCE AMENDING THE ALLIANCE ECONOMIC DEVELOPMENT PLAN TO PROVIDE FOR ADDITIONAL QUALIFYING BUSINESSES.

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

1. The City Council, has by Ordinance, adopted an Amended Economic Development Plan (the "Plan"), which was effective as of April 1, 2020.
2. The Citizen Advisory Committee, on September 8, 2020, has recommended an amendment to the Plan as provided for in this Ordinance, and the City Council has held a public hearing on the recommended amendment.
3. Paragraph 3.a. of the Plan is amended to add the following Qualifying Businesses:
  - (12) a business that derives its principal source of income from early childhood care and education programs;
4. This Ordinance was approved by a two-thirds vote of the members of the City Council. It shall become effective upon its passage, approval and publication. Publication shall be in pamphlet form.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried

- Next for Council was the first reading of Ordinance No. 2912 which will adopt the proposed City Council 2021 Meeting Schedule. The following information was provided:

[Council has previously established its meeting calendar as 7:00 p.m. at Alliance Learning Center Community Meeting Rooms on the first and third Tuesdays of each month. At first sight, staff does not see any conflicts to our normal scheduling.

Staff would like Council to consider establishing a Special Meeting for the end of our fiscal year for final bill approval and would recommend Thursday, September

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30<sup>th</sup>. This has traditionally been a very short meeting in the morning hours to allow the Finance Department to complete year-end payments.

Although set forth by ordinance, Council may alter the established time and date that is to its members' convenience. Should Council wish to make any further changes, amendments may be made to the proposed ordinance.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve the first reading of Ordinance No. 2912. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2912

AN ORDINANCE ESTABLISHING THE TIME AND PLACE OF REGULAR COUNCIL MEETINGS FOR THE CALENDAR YEAR 2021.

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

SECTION 1. Nebraska Statutes at Section 19-615 provide that ". . . the Council shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month in cities of the first class."

SECTION 2. The City Code provides at Section 2-25, that "The City Council shall hold its regular meeting on the first and third Tuesday of each month. The Council may, by adoption of a calendar each year, establish regular meeting dates other than the first and third Tuesday of each month."

SECTION 3. Attached hereto is a "proposed 2021 calendar," which is incorporated herein by reference as if fully set forth.

SECTION 4. The City Council of Alliance, Nebraska shall conduct regular meetings during calendar year 2021 on the dates that are indicated on the attached proposed 2021 calendar at the hour of 7:00 o'clock P.M. at the Alliance Learning Center Community Meeting Rooms, 1750 Sweetwater Avenue, Alliance, Nebraska. The time and place of these meetings may be changed from time to time as provided by law.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- Next on the agenda for Council was the first reading of Ordinance No. 2913 which will authorize the sale of Block 1, Wheeler Addition to the City of Alliance, Box Butte County, Nebraska to Bulldog Inc. in the amount of \$96,000. The following information was provided:

[City Attorney Hoelsing prepared an Invitation to Bid for the sale of 1200 Flack Avenue (Block 1, Wheeler Addition City of Alliance, Box Butte County, Nebraska). The City received one offer in the amount of \$83,500 with the additional contingency the roof be repaired with the funds received under the City's insurance loss claim. Since that offer, a new price of \$96,000 has been negotiated.

A Purchase Agreement for Sale of Real Estate for Block 1, Wheeler Addition to the City of Alliance, Box Butte County, Nebraska, in the amount of \$96,000 has been prepared as part of the Council's packet.

As with any sale of property by the City of Alliance, there is a 30-day remonstrance period as established within State Statutes. Therefore, staff is recommending the three separate readings of this ordinance be waived in order to move forward with the sale of the property.]

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2913. City Clerk Johnson read the ordinance by title which follows in its entirety:

#### ORDINANCE NO. 2913

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 1, WHEELER ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA.

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

Section 1. The City of Alliance ("City") owns the following described real estate (the "Real Estate"):

Block 1, Wheeler Addition, an Addition to the City of Alliance, Box Butte County, Nebraska, more commonly known as 1200 Flack Avenue, Alliance, NE 69301

Section 2. An offer has been made by Bulldog, Inc. to purchase the Real Estate. The City is willing to accept this offer.

Section 3. The Mayor authorized to sign a Purchase Agreement, Deed and any other documents required to convey the Real Estate to Bulldog, Inc., on the following terms:

- a. The purchase price shall be \$96,000 paid at closing.

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b. Closing of the sale is conditional upon a valid and successful remonstrance petition being filed against the sale. Closing shall take place within 30 days after the expiration of the time for filing a remonstrance against the sale.

c. All real estate taxes and special assessments shall be prorated to date of closing. Bulldog, Inc. shall pay all closing costs and owner's title insurance to close. Sale is "as is" with the exception of repair of the roof due to a covered property insurance event, which claim was submitted to the City's insurance carrier before the Purchase Agreement.

Section 4. The Clerk shall, immediately after the passage and publication of this Ordinance, publish notice of the sale and its terms for three consecutive weeks in the Alliance Times-Herald.

Section 5. This Ordinance shall become effective upon its passage, approval and publication shall be in pamphlet form.

Councilman Jones provided a history outlining Council's intent for the Bomgaars Building.

Councilman Reynolds stated \$96,000 is an irresponsible sale price and she would like to see the City utilize it for a training center for the Fire Department or the new Police Department Annex.

With no further discussion, Mayor Dafney requested Clerk Johnson call the vote.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Bentley.

Voting Nay: Jones and Reynolds.

Motion carried.

● Resolution No. 20-104 which awards the Alliance Utility Facility and Public Transit Barn Expansion Project to Fuller Construction of Chadron, Nebraska in the amount of \$1,555,000 was next on the agenda for Council. The following information was provided:

[Baker & Associates Inc., on behalf of the City of Alliance, prepared an Invitation to Bid for the Alliance Utility Facility and Public Transit Barn Expansion Project. The project was advertised for three weeks.

Eight bids were opened at the scheduled time of 2:00 p.m. on September 24<sup>th</sup> at the City of Alliance Municipal Building. The bids have been reviewed by the Engineer with no pricing errors identified and compliance noted with bid bond requirements. The lowest responsive and responsible bidder was Fuller Construction of Chadron, Nebraska at a base bid of \$1,555,000.00. The engineer's recent estimate for the project was \$1,893,007.00.

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All bids are summarized in the following chart.

<b>Bidder</b>	<b>Total Base Bid</b>
Fuller Construction	\$1,555,000.00
Eric Reichert Construction	\$1,709,465.00
Anderson-Shaw	\$1,725,822.73
Brown Construction	\$1,821,122.00
Peltz Companies	\$1,971,500.00
Paul Reed Construction	\$1,983,590.00
Ironhide Construction	\$2,074,699.00
Sampson Construction	\$2,708,000.00

Baker & Associates, Inc. are recommending that the Council approve the base bid proposal from Fuller Construction in the amount of \$1,555,000. Jack Baker, engineer for the project, has submitted a formal letter of recommendation and bid summary for Council's review.]

Councilman Jones stated this facility is too much money and we need to learn how to operate the City on less rather than more. He stated that spending \$1,555,000 dollars is not justifiable with the current economy and the future of BNSF Railway in Alliance being unknown.

Mayor Dafney request Finance Director/Interim City Manager Waggener share with the room how this facility is being paid for which included enterprise reserves, an Interdepartmental Loan, rental payments from the Parks Department and Public Transit, the elimination of other buildings saving utility costs and upkeep.

With no further discussion, Mayor Dafney requested Clerk Johnson call the roll.

Roll call vote with the following results:

Voting Aye: Dafney, Reynolds, Bentley.

Voting Nay: Mischnick and Jones.

Motion carried.

- Board announcements was the final item on the agenda for Council.

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to accept the resignation of Robert Coke McClure from the Library Board effective October 1, 2020.

Roll call vote with the following results:

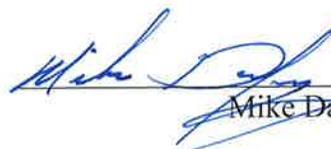
Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

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Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:27 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.

