

October 20, 2020

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, OCTOBER 20, 2020

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

The Alliance City Council met in a Regular Meeting, October 20, 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 October 14, 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 October 22, 2020 as Lights on Afterschool day. Alliance Recreation Center Director Mara Andersen and Board Member Chelsie Herian, along with participants of the After School Program at the recreation center, were in attendance to accept the proclamation. Councilman Bentley presented the following proclamation.

Proclamation

WHEREAS, the citizens of Alliance stand firmly committed to quality afterschool programs and opportunities because they:

- Provide safe, challenging, and engaging learning experiences that help children develop social, emotional, physical and academic skills.
- Support working families by ensuring their children are safe and productive after the regular school day ends.
- Build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families and adults.
- Engage families, schools and community partners in advancing the welfare of our children.

WHEREAS, The Alliance Recreation Center has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle

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that quality afterschool programs are key to helping our children become successful adults.

WHEREAS, Lights On Afterschool, the national celebration of afterschool programs held this year on October 22nd, 2020, promotes the importance of quality afterschool programs in the lives of children, families and communities.

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and 19.4 million children have no place to go after school.

WHEREAS, many afterschool programs across the country are facing funding shortfalls so severe that they are being forced to close their doors and turn off their lights.

WHEREAS, The City of Alliance is committed to investing in the health and safety of all young people by providing expanded learning opportunities that will help close the opportunity gap and prepare young people to compete in the global economy.

THEREFORE BE IT RESOLVED that, The Alliance City Council does hereby proclaim October 22nd, 2020, as "*Lights On Afterschool Day*";

BE IT FURTHER RESOLVED that the City of Alliance enthusiastically endorses *Lights On Afterschool* and commits our community to engage in innovative afterschool programs and activities that ensure the lights stay on and the doors stay open for all children after school.

- Next, Council was introduced to new City employees, Macy Crabtree – Part-time Library Page, Darrell Keith – Part-time Transit Driver, and Xavier Robb – Full-time Water/Sewer Maintenance Worker. The promotion of Emily Nelson from Library Clerk to Adult Services Librarian was also announced.

- The Consent Calendar was the next first on the agenda for Council. A motion was made by Councilman Reynolds and seconded by Mayor Dafney to approve the Consent Calendar as follows:

CONSENT CALENDAR – OCTOBER 20, 2020

1. Approval: Minutes of the Special Meeting, October 6, 2020.
2. Approval: Payroll Costs for the period September 19, 2020 through October 2, 2020: \$312,535.53.
3. Approval: Claims against the following funds for October 2 Through October 13, 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., Kenosha, and Capital Improvement; \$1,070,143.97.
4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending September 30, 2020. The report lists checks that have been

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issued which are not expenses within the budget. These are primarily made up of fund transfers, meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.

5. Approval: Budget Transfer in the Alliance Police Department in the amount of \$5,100 for the replacement of the Conex storage building at the shooting range. The original price was estimated at \$4,500 making it an operating expense. Actual cost is \$5,100, making it a capital purchase.
6. Approval: Cemetery Certificate for the sale of the West Half of (W½) of Lot Eleven (11), Section Four (4), Block Two (02), Original Plat to the Alliance Cemetery.
7. Approval: AVFD roster update by adding Christopher Heinz.
8. Approval: Street Closure Request of the Alliance Chamber to conduct the 2020 Downton Trunk or Treat. The Chamber would like to conduct the 2020 Trunk or Treat on the 300 and 400 Blocks of Box Butte Avenue on Friday, October 30 from 2:00 p.m. to 5:30 p.m. A Certificate of Liability Insurance will be provided prior to the event.
9. Approval: Street Closure Request of the Alliance Chamber to conduct a fall festival in celebration of the 100-year anniversary of the bricks on Box Butte Avenue. The event is scheduled for November 14th from 9:00 a.m. to 3:00 p.m. This event will be in conjunction with the Tailgate/Anniversary event that Newberry's has planned as well. A Certificate of Liability Insurance will be provided prior to the event.
10. Approval: Street Closure Request of the Alliance Chamber to conduct the Holiday Kick-off Parade on Tuesday, December 1st. Lineup will be in the 800 and 900 blocks of Box Butte Avenue and proceed south to 4th and Box Butte. Lineup begins at 5:00 p.m. with the parade starting at 5:30 p.m. A Certificate of Liability Insurance has been provided for this event.
11. Approval: Resolution No. 20-105 recommends approval to the NLCC for the location change for Pizza Hut of Alliance, NE. from 707 Flack Avenue to 1239 W. 3rd Street in regards to their Class A Liquor License.

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.

Roll call vote with the following results:

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

Voting Nay: None.

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Motion carried.

- Councilman Jones next discussed Activate Alliance and invited the Community Redevelopment Authority, the City Planning Commission, the City Streets and Parks Departments and any other interested people or City departments to a virtual presentation by Nebraska Walk-Bike of Omaha, NE.
- The third reading of 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 was the next item on the agenda for 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.]

A motion was made by Councilman Jones, seconded by Councilman Bentley to approve the third 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:

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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.

Mayor Dafney stated, "The passage and adoption of Ordinance No. 2911 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Next for Council was the second 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 30th. 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 Reynolds, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2912. City Clerk Johnson read the ordinance by

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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.

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2912.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote with the following results:

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

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Voting Nay: None.

Motion carried.

Mayor Dafney stated, "The passage and adoption of Ordinance No. 2912 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

● The second 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 was the next item for Council's consideration. 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 Mayor Dafney to approve the second 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

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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.
- 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 Reynolds requested Council consider holding a special meeting to discuss options for the Bomgaars building such as advertising or place it on a public auction. She believes it is irresponsible to sell the building for \$96,000, stating "purchasing it was a mistake; selling it for this price would be another mistake. We need to do what is right for the community."

Councilman Jones doesn't see the rush to get rid of the Bomgaars building. The City pays no taxes on the building and it is not the citizen's fault that Council hasn't made any progress with it for the last two years.

Mayor Dafney stated the City gave Box Butte Development responsibility of selling the property and no progress was made there either.

Councilman Mischnick stated the longer the building sits vacant, the more it depreciates. A private entity is willing to purchase and renovate it and it relieves the City of the continued financial responsibility for it to just sit empty.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Bentley.

Voting Nay: Jones and Reynolds.

Motion carried.

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- Resolution No. 20-106 was next on the agenda for Council. This resolution authorizes up to \$3,000 of ACE funds be used towards purchasing new holiday decorations to be placed along Third Street. The following information was provided:

[The holiday decorations placed along Third Street are over 25 years old and have deteriorated to the point that they are requiring extensive repair or replacement. Chamber staff, along with input from local businesses and citizens, have researched options and are proposing the purchase of 50 smaller three-foot decorations with LED lighting at a discounted cost of \$13,906 (retail cost just under \$20,000). The decorations will include 36 snowflakes and 14 shooting stars, as pictured. As of October 14, the Chamber has collected donations in the amount of \$9,570 from businesses and citizens with more funds anticipated. There will be an attempt to sell the usable old decorations and sell the scrap metal from the others.

The Chamber staff is requesting use of up to \$3,000 in ACE funds to complete the purchase for the upcoming holiday season. The City of Alliance most recently received \$28,272 of ACE funds in March 2020. The \$3,000 of budget authority would be transferred from Council Contingency (GL #01-10-10-47-791) to Other Supplies (GL #01-10-10-45-526) under the proposed resolution to accommodate the request.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 20-106 which follows in its entirety:

RESOLUTION NO. 20-106

WHEREAS, The Alliance Chamber of Commerce has requested the City of Alliance donate up to \$3,000 towards the purchase of new holiday decorations; and

WHEREAS, City staff believes ACE funds would appropriately be used toward this purchase; and

WHEREAS, In order to provide financial support for the purchase of holiday decorations, staff is requesting the transfer of up to \$3,000 from the City Council Contingency; and

WHEREAS, City Council believes it is in the best interest of the community to aid with the purchase of new holiday decorations by using ACE funding through the City Council Contingency budget authority.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize the transfer of up to \$3,000 from City Council Contingency (GL #01-10-10-47-791) to the City Council Other Supplies (GL #01-10-10-45-526) to provide budget authority toward the purchase of the holiday decorations.

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Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council was next introduced to Resolution No. 20-107 which authorizes the Alliance Fire Department to enter into an Interlocal Agreement with Western Nebraska Community College as a clinical partner in their Emergency Medical Technician and Paramedic Training Program. The following information was provided to Council:

[The Alliance Fire Department was approached by the Western Nebraska Community College (WNCC) Emergency Medical Services Program about becoming a clinical partner with their Emergency Medical Technician (EMT) and Paramedic training program. The Fire Department's emergency medical services division has had a similar agreement in the past with WNCC.

The agreement allows the Alliance Fire Department staff members to observe and instruct WNCC students in the field while providing medical care on an ambulance. The field experience for the students is a requirement for the National Registry of EMT's testing.

This updated Interlocal Agreement is of mutual benefit for both the Alliance Fire Department and Western Nebraska Community College. The agreement authorizes the Fire Department to terminate the program with or without cause upon 30 days' notice or to suspend the agreement in case of emergency or need. The agreement also includes the Alliance Fire Department as an insured on WNCC's insurance policy.]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 20-107 which follows in its entirety:

RESOLUTION NO. 20-107

WHEREAS, Western Nebraska Community College (WNCC) desires to enter into an Interlocal Agreement with the Alliance Fire Department as a clinical partner in order to operate the Emergency Medical Technician and Paramedic Training Program at WNCC; and

WHEREAS, The City of Alliance and Western Nebraska Community College (WNCC) have had similar Agreements in the past; and

WHEREAS, The Alliance Fire Department would observe and instruct WNCC students in the field while providing medical care on an ambulance; and

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WHEREAS, This Agreement can be terminated by the Alliance Fire Department with or without cause within thirty (30) days' notice or suspend in case of an emergency; and

WHEREAS, WNCC will add the Alliance Fire Department as an additional insured on their insurance policy.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign the Interlocal Agreement between the City of Alliance, Nebraska and Western Nebraska Community College for the operation of the Emergency Medical Technician and Paramedic Training Program at WNCC.

Roll call vote with the following results:

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

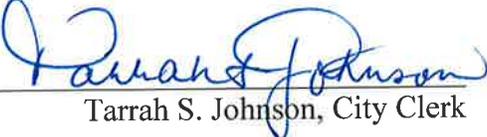
Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:24 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.

