

January 5, 2021

4. Approval: Authorizes the issuance of a Cemetery Certificate to John and Diane Prella for the East Half (E½) of Lot Fourteen (14), Section Two (2), Block Twenty-two (22).
5. Approval: Resolution No. 20-124B amends the original resolution in regards to the effective date for the 2021 Golf Rates at SkyView Golf Course. The original effective date was set for April 1, 2021. C&L Director Brown and Golf Pro Palmer have requested the effective date be moved to January 1, 2021.

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, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- Council next received an update on COVID-19 from Mary Mockerman from Box Butte General Hospital and Kim Engel from Panhandle Public Health District.
- The next item on the agenda was the third reading of Ordinance No. 2914 which will authorize the vacation of the alley located in Block 1, Snedekers Addition and a portion of the alley between Lots 1 through 3 and 12 through 14, Block 1, Reddish Addition to continue with the redevelopment of the salvage yard located at 923 West 3rd Street. The following information was provided:

[Council authorized the sale of Lots 11 and 12, Block 1, Snedeker's Addition on November 3, 2020 to Cold Steel Metal, LLC, using the current City rate per square foot for vacant City lots. The sale and transfer of those lots will allow for proper fencing of the property as a whole, and will put the lots back into use by the developer.

In addition to the sale of lots, Cold Steel Metal, LLC has requested that the City vacate the platted Alley on the property, to allow for development of that land. City staff is not adverse to this approach, The vacation ordinance has passed on first and second reading so far, and the real estate sale has closed in escrow pending final passage of the ordinance on third reading.

There are currently underground utilities the City-owned Lots 11 and 12 (and additionally on Lot 1.).

January 5, 2021

There are also underground utilities in the Alley. The City has received and executed utility easement to preserve the City's rights and use of those utilities in the future. The easement will be binding on the property and will allow the City access to the utilities should any City modification, repair, or construction be required. Unlike an Alley or a City-owned lot, a fence can be built over an easement (subject, of course, to the City's right to remove the fence in the case that access is needed).

The developer agrees to replat the property moving forward, so that the property is one entire lot. A replat can be done administratively, and will simplify matters for any future building permit or zoning regulations. Following this process, the developer will submit a new application for a conditional use permit. Since the property will still be used as a salvage yard, a conditional use permit will still be required.

Council has been provided with a depiction of the Alley to be vacated, the Utility Easement (including map of utility locations), and the proposed Alley vacation ordinance.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve the third reading of Ordinance No. 2914. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2914

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, VACATING AN ALLEY RIGHT-OF-WAY INTEREST OF THE CITY OF ALLIANCE, NEBRASKA IN SNEDEKER'S AND REDDISH ADDITIONS TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. The owner of Lots 1 through 10 and 13 through 16, Block 1, Snedeker's Addition to the City of Alliance, Box Butte County, Nebraska, and Lots 1 through 3 and 12 through 14, Block 1, Reddish Addition to the City of Alliance, Box Butte County, Nebraska has requested, for the purposes of development, that the City of Alliance vacate any right-of-way interest in the following described real estate (the "Vacated Area"):

An alley approximately 20 feet wide running east to west and fifteen feet wide running southeast to northwest, described as follows: beginning at the intersection of Dakota Street (as platted) in Snedeker's Addition, then continuing northwest and west as an alley running along the east side of and in the middle of Block 1, Snedeker's addition, then continuing west into the middle of Reddish Addition to a line that is a straight line between the southwest corner of Lot 3, Block 1 of Reddish Addition and the northwest corner of Lot 12, Block 1 of Reddish Addition

January 5, 2021

Section 2. The City finds it is in the best interest to grant this request and to vacate any right-of-way interest the City of Alliance may have in the Vacated Area, in order to allow for development. The Vacated Area shall remain necessary for City utilities, and the vacation of the right-of-way is subject to a utility easement granted by the owner to the City of Alliance, Nebraska. Vacating the right-of-way interest in the Vacated Area is not contrary to any City ordinance or State of Nebraska statute.

Section 3. Wherefore, the Vacated Area is now vacated pursuant to Neb. Rev. Stat. § 16-611(2). Following passage, approval and publication of this Ordinance, title to the Vacated Area shall vest in the owners of the abutting property.

Section 4. This Ordinance shall take effect and be enforced following its passage, approval and publication as required by law.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Dafney stated, "the passage and adoption of Ordinance No. 2914 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Resolution No. 21-01 which allows for expedited reviews of redevelopment plans that meet the requirements of Nebraska Revised Statute 18-2155 was next on the agenda for Council. The following information was provided:

[The Nebraska Revised Statute 18-2155 allows "MicroTIFs" to go through an expedited review process. For eligible projects, as outlined in Subsection 2 of the statute, the applicant submits the application form, it is reviewed by city staff and then it goes directly to the City Council for approval thereby eliminating public hearings and notice requirements. TIF revenue for MicroTIFs is limited to 10 years for the division of taxes rather than normal 15 years. A \$50 processing fee is allowed for each application.

If the City wishes to incorporate MicroTifs, Council must pass a resolution to do so. The full statute along with the application form has been included for Council's review and consideration.]

A motion was made by Councilman Bentley, seconded by Councilman Jones to approve Resolution No. 21-01 which follows in its entirety:

RESOLUTION NO. 21-01

January 5, 2021

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

Recital:

According to L.B. 1021 (Neb. Laws 2020), now codified in the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the "Act"), the City Council may elect by resolution to allow expedited reviews of redevelopment plans that meet the requirements of Section 18-2155(2) of the Act ("Eligible Redevelopment Plans").

Resolved:

1. The City of Alliance will allow expedited reviews of Eligible Redevelopment Plans according to the Act.
2. The City shall charge an application fee for Eligible Redevelopment Plans in the amount of \$50.00 per application.
3. The City Manager or his or her designee shall conduct expedited reviews of the Eligible Redevelopment Plan applications and submit the Eligible Redevelopment Plans to the City Council for review and approval according to the Act.
4. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Act.
5. This Resolution shall become effective immediately upon its adoption.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next on the agenda for Council was Resolution No. 21-02 which will amend the City of Alliance Employee Personnel Manual within the areas of Residency and On-Call/On-Call Pay. The following information was provided:

[The leadership team dedicated extensive time at their December 22, 2020 meeting discussing the current personnel policy as it relates to residency, on-call response time and city vehicles used by on-call employees. The team was unanimous in their conclusions that

- Limiting residency to within the city limits could be considered a detriment to the recruitment of quality leadership, especially when considering that rural living may be one of the reasons an employee may consider Alliance over other municipalities.

January 5, 2021

- Specific response times for on-call employees must be reasonable; however, the determination of that reasonable time should best be left to the judgement of the department head and the expectations clearly communicated to staff.
- Use of City vehicles by on-call staff is adequately covered in current policy which allows department heads with the annual approval of the city manager to determine employee usage. All usage of vehicles by employees is subject to IRS guidelines. No change was seen as necessary.

As a result of the discussion, the attached resolution will incorporate the changes listed below in to the Employee Personnel Handbook effective January 5, 2020.

4.9 Residency – Removes the following requirements:

...Fire, police and all employees required to be on-call because of the nature of their employment are required to live within five driving miles of the City limits. City officers and Department Heads are required to reside within the City. The City Manager may make exceptions to this rule for unusual circumstances.

11.11 On-Call and On-Call Pay – Adds the following underlined language:

On-Call employees shall respond to a call within a reasonable amount of time as determined by their department head.

The full sections of the revised policy are included on the following page to show the changes in context.]

A motion was made by Councilman Mischnick seconded by Mayor Dafney to approve Resolution No. 21-02 which follows in its entirety:

RESOLUTION NO. 21-02

WHEREAS, The City of Alliance is revising certain Personnel Policies; and

WHEREAS, The proposed policy revisions have been reviewed by management and legal staff; and

WHEREAS, The following Policies are proposed to be revised and made part of the Personnel Policies of the City of Alliance:

- 4.9 Residency
- 11.11 On-Call and On-Call Pay

WHEREAS, City Council has reviewed the proposed Policies and finds them appropriate for the needs of the Employees of the City of Alliance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance Personnel Policies set forth herein, are hereby approved, and adopted effective January 5, 2021, as the Policy of the City of Alliance.

January 5, 2021

Councilman Jones shared his concerns with Department Heads having discretion over the policy as it may change as staff changes.

Councilman Bentley stated she does not like “open-ended” statement that allows for employees to live wherever they want. She would like to see a specific distance with no exceptions.

Councilman McGhehey voiced his concerns stating the new policy language would allow the City Manager to live outside of Alliance. In addition, City staff is paid by tax dollars and therefore they should reside within City limits.

Mayor Dafney shared the need to be transparent as Alliance is a rural area and there might be circumstances that would prevent employees to live within the City. He would like Council to consider employees be required to live within Box Butte County rather than within City limits.

Finance Director/Interim Manager Waggener shared with Council the Leadership Team’s discussion on this matter and believes this would meet the needs of staff. In addition, with Alliance being a rural area, it allows more opportunity to recruit individuals for employment by expanding residency requirements.

Attorney Hoelsing stated the City Manager is a contract employee and their residency would be negotiated with Council.

Following the discussion, Mayor Dafney withdrew his motion along with Councilman Mischnick. Staff was directed to review the policy and return to Council for review at the January 19th meeting.

- Resolution No. 21-03 was next on the agenda for Council. This resolution states the intention of the City to finance street improvements in the amount up to \$3.2 million as included in the 2020-21 budget through the issue of revenue bonds and allows the City to utilize reserves and/or obtain interim financing without affecting the ability to reimburse funds with a tax-exempt revenue bond issue at a later date. The following information was provided:

[The City of Alliance has included budget authority for \$3.2 million in street improvement projects for fiscal year 2020-21. This aggressive plan will exceed the amount of street reserve funds as well as current cash flows. The intent of Council and city management was to take advantage of lower borrowing interest rates as well as the availability of possible favorable pricing as a result of the planned Third Street project which is set to begin in the spring of 2021.a

In order to preserve the tax-exempt status of bond issues, IRS regulations require that the City adopt a resolution stating the intent to borrow. This resolution must be passed prior to the beginning of project(s) (or shortly thereafter) in order to allow the City to be reimbursed for project payments from bond proceeds. The resolution before Council indicates the intent of the City to fund the upcoming streets projects

January 5, 2021

utilizing revenue bond issue(s) and allows the reimbursement of City payments with bond proceeds.]

A motion was made by Councilman McGhehey, seconded by Councilman Bentley to approve Resolution No. 21-03 which follows in its entirety:

RESOLUTION NO. 21-03

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA TO DECLARE ITS OFFICIAL INTENT UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, TO REIMBURSE CERTAIN CAPITAL EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT OR TAX-FAVORED DEBT OBLIGATIONS

WHEREAS, the United States Department of the Treasury has promulgated final regulations under the Internal Revenue Code of 1986, as amended (the "Code"), that impose requirements on the City of Alliance, Nebraska (the "Issuer") when it desires to reimburse itself for capital expenditures relating to the capital projects described herein from the proceeds of its tax-exempt or tax-favored debt obligations or such debt obligations issued on its behalf; and

WHEREAS, the Issuer has determined that it is necessary to construct and improve certain streets within the Issuer (collectively, the "Project") and to finance the costs of such Project with the proceeds of tax-exempt or tax-favored debt obligations to be issued by the Issuer or by an entity authorized to issue such obligations; and

WHEREAS, the Issuer anticipates that the Issuer will spend its moneys to pay Project costs (the "Prior Capital Expenditures") prior to the issuance of any tax-exempt or tax-favored debt obligations; and

WHEREAS, the Issuer reasonably expects to be reimbursed for such Prior Capital Expenditures with proceeds of tax-exempt or tax-favored debt obligations to be issued by the Issuer or by an entity authorized to issue such obligations (the "Reimbursement Debt") in the maximum principal amount of \$3,200,000 plus such additional principal amount necessary to pay costs of issuance and to fund any reserves; and

WHEREAS, the Issuer expects that the Reimbursement Debt will be incurred and allocated to reimburse the Prior Capital Expenditures no later than 18 months after the later of (a) the date on which it pays the Prior Capital Expenditures, or (b) the date on which the Project is placed in service, but in no event not later than 3 years after the original date of such Prior Capital Expenditures, or (c) such other date that is permitted by law; and

WHEREAS, the Issuer finds it necessary to adopt this resolution to ensure that its declaration of intent to reimburse itself for such Prior Capital Expenditures satisfies the "Official Intent Requirement" described in Treasury Regulations Section 1.150-2 (the "Regulations").

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA, AS FOLLOWS:

January 5, 2021

Section 1. The Issuer hereby declares its official intent to reimburse itself for the Prior Capital Expenditures relating to the Project out of the proceeds of the Reimbursement Debt to be issued by the Issuer or by an entity authorized to issue such obligations on its behalf. With such declaration, the Issuer hereby satisfies the “Official Intent Requirement” of the Regulations.

Section 2. Other than (a) expenditures to be paid or reimbursed from sources other than the Reimbursement Debt, (b) expenditures constituting “preliminary expenditures” within the meaning of Section 1.150-2(f)(2) of the Regulations or (c) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project have been paid by the Issuer more than 60 days prior to the date of execution and delivery of this Resolution.

Section 3. This resolution does not constitute approval of any kind with respect to the issuance of the Reimbursement Debt or any other tax-exempt or tax-favored debt obligations and does not legally or morally obligate the Issuer or any other entity to issue such obligations on its behalf.

Section 4. This resolution shall be operative, effective and valid upon its passage by the City Council.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Board appointments, resignations and announcements was the final item on the agenda for Council.

A motion was made by Councilman Bentley, seconded by Councilman Mischnick to appoint Donna Giger for the alternate position on the Alliance Planning Commission for a term expiring December 31, 2022.

Roll call vote with the following results:

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

Voting Nay: None.

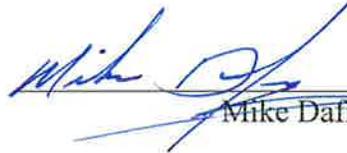
Motion carried.

Currently there remains two vacancies on the A-2 Downtown Improvement District Board, one vacancy on the Economic Development Plan Citizen Advisory Board, one vacancy on the Economic Development Plan Application Review Board, one youth representative on the Library Board, one vacancy on the Library Board, one vacancy on the Police Advisory Board (Retired Rep), and one vacancy on the Alliance Housing Authority Board.

January 5, 2021

Anyone interested in serving on these Boards should contact the City Clerk's Office. Information on all of the City Boards is also available on our web site, www.cityofalliance.net.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:59 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.