

February 2, 2021

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, FEBRUARY 2, 2021

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

The Alliance City Council met in a Regular Meeting, February 2, 2021, 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 January 27, 2021. 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 February 2, 2021 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, Bentley and McGhehey. Also present were Finance Director Waggener, City Attorney Hoelsing and City Clerk Johnson.

- Mayor Dafney read the Open Meetings Act Announcement.
- The Consent Calendar was the first item for Council. A motion was made by Councilman McGhehey and seconded by Councilman Mischnick to approve the Consent Calendar as follows:

**CONSENT CALENDAR – FEBRUARY 2, 2021**

1. Approval: Minutes of the Council Meeting on January 19, 2021 and Special Meeting on January 21, 2021.
2. Approval: Payroll Costs for the period December 26, 2020 through January 8, 2021: \$324,034.01.
3. Approval: Claims against the following funds for January 12, 2021, through January 26, 2021: 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; \$577,527.03.

February 2, 2021

4. Approval: The submittal of two grant applications to the Nebraska Crime Commission Federal Grants and Programs Division for Crisis Incident Training and to The Nebraska Commission on Law Enforcement and Criminal Justice for the implementation of a new victim services project.
5. For your information: MEAN Avoided Cost Rates have been revised with new rates attached for your information.
6. For Your Information: Charter Communications is making the following channel lineup change:

CHANNEL	CHANGE	CHANNEL NUMBER	Effective
Discovery Life HD Launch	Discovery Life HD Launche: Requested HD additions in all connected 750+ SDV systems where currently SD only	698	2/26/2021
NFL Network & Tennis Channel Launch on News, Sports & More	NFL Network & Tennis Channel Launch on News, Sports & More	NFL: (16 or 18, 15), 423, 802	

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 conducted a Public Hearing on the Rezone Application from Kelby Nelson to rezone a parcel of land located in the Southwest Quarter of Section 15, Township 25 North, Range 48 West of the 6<sup>th</sup> Principal Meridian, commonly known as 6180 Madison Road, Alliance, NE, from Ag-Agriculture, to C-3, Highway Commercial. Following the Public

February 2, 2021

Hearing, Ordinance No. 2917 was introduced to Council on first reading. The following information was provided:

[Kelby Nelson and Rosie Stricker have submitted an application to rezone a parcel of land located in the Southwest Quarter of Section 15, Township 25 North, Range 48 West of the 6th Principal Meridian; that portion of Tax Parcel Id 070053200 located southwest of Nebraska Highway 2, from Ag-Agriculture, to C-3, Highway Commercial. The applicant would like to use the parcel of land for an irrigation business, although all permitted uses listed in the C-3 district would be allowed.

The parcel of land is located on the northwest corner of Nebraska Highway 2 and Madison Road. The parcel is currently zoned Ag-Agriculture. It is bordered to the east, north, south, and west by agriculture zoning. The lot is used for non-irrigated farming. The parcel is surrounded by farming.

The proposed rezone will change the front and rear setbacks from 50' to 15', the side from 10' to 7', and the side street setback from 50' to 15'. The C-3, Highway Commercial zoning district does not have any minimum lot size requirements.

Access to the lot could come from Madison Road, which is a gravel/oil mat county road, or from Nebraska Highway 2. Any access from the highway would need approval of NDOT. There is not a turning lane on the highway for traffic entering or leaving on Madison Road and the speed limit adjacent to this parcel is 65 MPH.

The City of Alliance Planning Commission met at their regular meeting on January 12, 2021 and voted to recommend that the City Council approve the rezone a parcel of land located in the Southwest Quarter of Section 15, Township 25 North, Range 48 West of the 6th Principal Meridian; that portion of Tax Parcel Id 070053200 located southwest of Nebraska Highway 2, from Ag, Agriculture, to C-3, Highway Commercial and that the Comprehensive Plan be amended to identify this as a commercial corridor, after making the following findings of fact:

1. The rezone would not create any nonconforming lot sizes or structures.
2. It would not be a spot zone because of the large parcel size.
3. There is ample access to the lot because of its location adjacent to State Highway 2 and Madison Road.
4. The Comprehensive Plan identifies the west side of the Highway approximately 2 miles south of the proposed rezone as future commercial use.]

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 the Rezone Application of Kelby Nelson and opened the public hearing at 7:04 p.m.

Kelby Nelson, 1611 CR 66, owner and applicant spoke in favor of the rezone in order to expand his business.

February 2, 2021

Community Development Director Kusek was available for questions. He did add the proposed rezone does conform with the City's current Comprehensive Plan.

Hearing no further testimony, the Public Hearing closed at 7:04 p.m.

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2917. City Clerk Johnson read the ordinance by title which follows in its entirety.

ORDINANCE NO. 2917

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, SETTING FORTH CONDITIONS FOR PASSAGE, AND AMENDING THE DISTRICT ZONING MAP TO SHOW THAT A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS A C-3 (HIGHWAY COMMERCIAL) DISTRICT FROM A AG (AGRICULTURE) DISTRICT, AND REPEALING PRIOR SECTIONS.

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

SECTION 1. That part of the Southwest Quarter of Section 15, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska is hereby zoned as C-3 (Highway Commercial) from A AG (Agriculture).

SECTION 2. Section 109-22 of the Alliance Municipal Code is amended to provide as follows:

“109-22. DISTRICT MAP ADOPTED.

(a) *Zoning district map*: Boundaries of the districts, as enumerated in the Zoning Ordinance, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the Zoning District Map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of this Zoning Ordinance as if the same were set forth in full herein. The City Planning Commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

(b) *Boundaries*: When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the City Manager or designee, due consideration being given to location as indicated by the scale of the Zoning District Map.

(c) *Expansion of the extraterritorial zoning jurisdiction*. The city extraterritorial zoning jurisdiction (ETJ), as permitted by state law, shall be represented on the official zoning district map. All territory newly included within the boundaries of the ETJ, by way of

February 2, 2021

annexation and expansion of city limits, shall be zoned Ag, Agriculture, until otherwise reclassified. During the public hearings for any proposed expansion of the ETJ, any person or persons owning property in said new territory may request the planning commission and city council to consider including their property within a zoning district other than Ag. After the passing of the ordinance expanding the ETJ, any property owners requesting a change in zoning from Ag shall be required to go through the normal process for a change of zoning classification.”

SECTION 3. Previously existing Section 109-22, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

SECTION 4. This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this 2<sup>nd</sup> day of February 2021, is now the official Zoning District Map.

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

A motion was made by Councilman Jones, seconded by Mayor Dafney to suspend the statutory rule requiring three separate readings of Ordinance No. 2917.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2917 on final reading 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. 2917 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- The next item on the agenda for Council was Resolution No. 21-07 which will award the 12.74k Electric Line Rebuild for Madison Road and CR 63 to IES Commercial Inc. of Holdredge, NE in the amount of \$225,039.83. The following information was provided:

[The City of Alliance has budgeted for system rebuilds and maintenance on electric lines. This year the 12.47kV Distribution Line at Madison Road and CR 63 was identified for a total rebuild. The City worked with our engineers, West Plains

February 2, 2021

Engineering to bid the project. The City received three bids for this project with the successful bidder being IES Commercial Inc. of Holdrege NE, in the amount of \$225,039.83. With this contract IES Commercial Inc. will be supplying the labor, services, supervision, tools and all of the smaller hardware necessary for the rebuild. The City will be providing the poles, crossarms, braces and transformers. The resolution also includes field change order authority not to exceed 5% should it be necessary. This rebuild was budgeted under Rural Rebuilds GL # 05-51-54-53-948.]

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve Resolution No. 21-07 which follows in its entirety:

RESOLUTION NO. 21-07

*WHEREAS*, The City of Alliance owns and operates the Alliance Municipal Electric System; and

*WHEREAS*, In order to maintain the quality and efficiency of our distribution system the City is continuously performing upgrades and maintenance; and

*WHEREAS*, The City working with our engineers prepared a Bid Invitation which included the plans and specifications for the 12.47 kV Distribution Line Rebuilds – Madison Road and CR 63 Project which were advertised; and

*WHEREAS*, Three (3) responses were received to our Bid Invitation; and

*WHEREAS*, The bid of IES Commercial, Inc. Holdrege, NE appears to be the lowest, responsive, and responsible bid in the amount of Two Hundred Twenty-five Thousand Thirty-nine Dollars and 83/100ths (\$225,039.83).

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, the Mayor is authorized to enter into a contract with IES Commercial Inc. of Holdrege, NE for the 12.47 kV Distribution Line Rebuilds Madison Road and CR 63 Project subject to terms and conditions of the bid.

*BE IT FURTHER RESOLVED*, that the Electric Superintendent is authorized to make field change orders not to exceed five percent (5%) of the total contract amount without further Council approval.

*BE IT FURTHER RESOLVED*, that the Mayor is authorized to execute the contract associated with this project.

Roll call vote with the following results:

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

Voting Nay: None.

February 2, 2021

Motion carried.

- Resolution No. 21-08 which will award the Softball Improvements Project – Phase 2 to K.L. Wood & Co. LLC in the amount of \$140,837.50 was next on the agenda for Council. The following information was provided:

[The City of Alliance released bids for the Hal Murray Softball Complex – Fields A and C Improvement project on December 4, 2020. The project consists of grading, removal and replacement of sod, installation of infield conditioner and related work necessary to improve the overall condition of the fields. Three bids were opened at the Knight Museum and Sandhills Center at 2:00 p.m. on January 6, 2021. M.C. Schaff and Associates is recommending the bid be awarded to K.L. Wood and Co. LLC for \$140,837.50.

Based on estimates of actual construction costs from Phase I of this project, the 2021 budget included \$75,000 for the completion of fields A and C. Unfortunately, the contractor who bid Phase I did not submit a bid for Phase II and for that reason, Phase II came in closer to the engineer's estimate and over the budgeted amount.

<b>BIDDERS</b>	<b>PROJECT TOTAL</b>
Eric Reichert Insulation & Construction, 1502 19 <sup>th</sup> Ave, Scottsbluff, NE 69361	---
PCC Sports, 105 E Battlefield Road, Suite B, Lone Jack, MO 64070	\$217,935.00
Mid America Sports Construction, 1621 E. Summit St., Lee Summit, MO 64081	\$149,895.00
K.L. Wood & Co. LLC, 2651 CR 59 Alliance, NE 69301	\$140,837.50

The three substantial improvement projects included in the Culture & Leisure 2021 budget are the Sunken Gardens Improvements, 8<sup>th</sup> Street tennis court rehab and the Softball Phase II project. Funds for all of those projects are included in the capital improvements GL for the Parks Division.

**Option 1:** Complete renovations on one of the two fields that were included in the Phase II Softball improvement project. This decision allows the project to move forward; *however*, the fourth field would still need to be completed in a future year. Staff and engineers agree that the cost to complete the final field will be at least as much or more when it is completed.

**Option 2:** Re-bid the Phase II Softball Improvements in hopes that a lower bid is received the second time.

**Option 3:** Award the contract to K.L. Wood & Co. for \$140,837.50 and utilize a portion of the funds budgeted for the 8<sup>th</sup> Street tennis courts to complete this project

February 2, 2021

in the Spring of 2021. Proceed with bidding the tennis court project and begin that project in the Fall of 2021. This would allow the utilization of remaining 2021 funds this fall and the additional tennis funds could be budgeted in 2022 which would allow completion of the tennis court renovation project in the fall.

Staff recommendation would be to move forward with both projects as described in Option 3 because this accomplishes the most in the least amount of time. Staff realizes that this decision would necessitate additional funding be allocated in a budget that has not yet been finalized and thus the discussion regarding how to move forward.]

A motion was made by Councilman Jones, seconded by Councilman Bentley to approve Resolution No. 21-08 which follows in its entirety:

RESOLUTION NO. 21-08

*WHEREAS*, The City of Alliance owns and operates the Hal Murray Softball Complex;  
and

*WHEREAS*, In order to maintain the quality of the facility the City is performing upgrades and maintenance; and

*WHEREAS*, The City working with our engineers prepared a Request for Qualification and Bid Invitation which included the plans and specifications for the Hal Murray Softball Complex Field Improvements – Phase 2 which was advertised; and

*WHEREAS*, The City received three bids for the project; and

*WHEREAS*, The lowest, responsive and responsible bidder was K.L. Wood and Co. LLC of Alliance, NE in the amount of One Hundred Forty Thousand Eight Hundred Thirty-seven Dollars and 50/100ths (\$140,837.50); and

*WHEREAS*, Funding has been budgeted for this project in Capital Projects - Account No. 01-71-71-59-970.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, the Mayor is authorized to enter into and execute a contract with K.L. Wood and Co. LLC of Alliance, NE for the Hal Murray Softball Complex Field Improvements – Phase 2 subject to terms and conditions of the bid.

*BE IT FURTHER RESOLVED*, that the Cultural and Leisure Services Director is authorized to make field change orders not to exceed five percent (5%) of the total contract amount without further Council approval.

Roll call vote with the following results:

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

February 2, 2021

Voting Nay: None.

Motion carried.

- Next before Council was Resolution No. 21-09 which will award the City's Landscaping Services Contract to All Seasons Landscape Maintenance and Design in the amount of \$27,700.00. The following information was provided:

[The City of Alliance released ITB No.017171-1/2020 on November 27, 2019 for the completion of contract landscape maintenance within the parks system and other city properties. The contract ensures the spring preparation (cutting back of all perennial plants and grasses), planting of any annuals or perennials and seasonal sustenance (maintenance and weed removal) from March 1 to October 30 each year. That bid was awarded to All Seasons Landscape Maintenance and Design. The Scope of Service section of ITB No.017171-1/2020 allows for a one-year initial award with three optional one-year renewal periods. The renewal for the 2021 season will be the first of three optional annual contract renewals.

The total cost of Parks Division landscape maintenance for 2021 will decrease by \$3,800 due to the Sunken Garden Renovation project. Because limited maintenance is anticipated in that area, the bid includes services only for September and October of 2021. If services are not necessary in those months, the City will not pay for those months. The proposed maintenance for 2021 includes landscaping and flower beds in Central Park (fountain area, park entry and sunken gardens), Box Butte islands, downtown planters, library/learning center, swimming pool, municipal building, Knight and Military Museums, Conservatory, airport, golf course, west 385 entry, Bower Ballfields and Senior Center.

Staff recommends extending the contract with All Seasons Landscape Maintenance and Design for the 2021 growing season in the amount of \$27,700. Adequate funds for the proposed annual contracts are included in the City of Alliance 2020-21 annual budget.]

A motion was made by Councilman Bentley, seconded by Councilman McGhehey to approve Resolution No. 21-09 which follows in its entirety:

#### RESOLUTION NO. 21-09

*WHEREAS*, The City of Alliance prepared a request for quotations for contracting maintenance of public landscaped areas within the parks and municipally owned properties; and

*WHEREAS*, The City published an Invitation to Bid Landscaping Services for an initial one year contract, March through October 2021, with the option of three annual renewals; and

*WHEREAS*, One bid was received from All Seasons Landscape Maintenance and Design;  
and

February 2, 2021

*WHEREAS*, Cultural and Leisure Services Director Brown has reviewed the bid and the performance of All Seasons Landscape Maintenance and Design and is recommending the contract be awarded to All Seasons Landscape Maintenance and Design; and

*WHEREAS*, The Mayor and City Council deemed it appropriate to hire an independent contractor to provided the labor for the clean up, planting and maintenance of the public landscaped areas within the park systems and municipally owned properties of the City of Alliance.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, that the Mayor is authorized to sign an agreement between the City of Alliance and All Seasons Landscape Maintenance and Design to contract Planting Bed Maintenance which includes preparation (spring clean up), planting, transplanting and sustentation for the period commencing March 1 through October 31<sup>st</sup> for the year 2021.

*BE IT FURTHER RESOLVED* that the base contact price for the year 2021 shall be Twenty-seven Thousand Seven Hundred and No/100ths Dollars (\$27,700.00).

Roll call vote with the following results:

Voting Aye: Mischnick, Jones, Bentley, McGhehey.

Voting Nay: Dafney.

Motion carried.

- The presentation and acceptance of the First Quarter Financial Statement was next before Council.

Finance Director Waggener presented and reviewed the First Quarter Financial Report and Dashboards to Council.

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to accept the First Quarter Financial Report.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

- Board appointments, resignations and announcements was the final items on the agenda for Council's consideration.

February 2, 2021

A motion was made by Councilman McGhehey, seconded by Councilman Mischnick to appoint Doug Ohlson to serve on the Economic Development Application Review Committee for a term ending June 23, 2023.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Bentley, seconded by Councilman Jones to appoint Rev. Dr. Shirley Belk to serve on the Police/Citizen Advisory Board as the Religious Representative with a term ending December 31, 2021.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones, seconded by Councilman Mischnick to appoint Charles Frisch to serve as the Senior/Retired Representative for the Police/Citizen Advisory Board with a term ending December 31, 2021.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to appoint Aimee Otto to serve on the Alliance Library Board with a term ending June 30, 2022.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Currently there remains four vacancies on the A-2 Downtown Improvement District Board, one vacancy on the A-1 Downtown Improvement District Board, one vacancy on the

February 2, 2021

Economic Development Plan Citizen Advisory Board, one vacancy on the Golf Advisory Board, one youth representative on the Library Board, and one vacancy on the Police Advisory Board (Hispanic Rep).

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](http://www.cityofalliance.net).

- The next item before Council was the consideration to interview James Thomas for the City Manager position.

A motion was made by Councilman Jones to invite James Thomas to interview for the City Manager position on February 18 due to Mr. Thomas's prior experience as a City Manager. Councilman Mischnick seconded the motion.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: Bentley.

Motion carried.

- The final agenda item was the discussion and update for the opening of Big Blue Bay for summer 2021.

Shana Brown, Cultural & Leisure Services Director, share with Council the plan for the pool opening, the job advertising timeline, and the status of applications received.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:36 p.m.

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Mike Dafney, Mayor

(SEAL)

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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.