

May 18, 2021

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MAY 18, 2021

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

The Alliance City Council met in a Regular Meeting, May 18, 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 May 12, 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 May 18, 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.
- Council was first introduced to new City of Alliance employee, Katherine Conrad – Public Safety Dispatcher.
- The Consent Calendar was the next matter before Council. A motion was made by Councilman McGhehey and seconded by Councilman Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR – May 18, 2021

1. Approval: Minutes of the Regular Meeting, May 4, 2021; Minutes.
2. Approval: Payroll Costs for the period April 17, 2021 through April 30, 2021: \$321,382.04.
3. Approval: Claims against the following funds for the period of April 20, 2021 through April 28, 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; \$1,452,230.47

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4. Approval: Updated Alliance Volunteer Fire Department Roster by removing Timothy Peterson. Alawndus Davis is also an addition that joined on April 14, 2021.
5. Approval: Issuance of a Cemetery Certificate to Carl G. Red Nest and Evelyn Brave Hawk for the West Half of Lot 23, Section 3, Block 27.
6. Approval: A budget transfer from capital to operating budget transfer in the amount of \$20,000 to supplement the need for additional inventory at the SkyView Golf Course Pro Shop. The request will transfer \$5,000 to Inventory Costs (GL# 21-71-75-46-626) and \$15,000 to Special Order Costs (GL# 21-71-75-46-627).
7. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of the Alliance Jaycees for their annual Fireworks Display. The show date is scheduled for Saturday, July 4, 2021, with the rain date set for July 5, 2021. The staging area will be on the west side of the lake with spectators required to be 450 feet outside the area. A Certificate of Insurance has been provided naming the City as an additional insured.
8. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of the Route 385 Cruisers for their annual Car Show as part of the Thunder on the Prairie Rod Run and Gravity Races. The street closure for the Car Show will be on Saturday, June 5, beginning at 6:00 a.m. to 6:00 p.m. and include Sweetwater Avenue between 9th and 10th Streets and 9th Street between Sweetwater and Niobrara Avenues. The closure for the Gravity Race will be Saturday, June 5, 6:00 p.m. to 9:00 p.m. for 16th Street between Cheyenne and Box Butte Avenue. The required Certification of Insurance naming the City of Alliance as an additional insured has been provided.
9. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of Robert Cerv III to host disc golf tournaments at the Rolling Prairie Disc Golf Course on June 13, 2021 and July 10, 2021. Mr. Cerv is requesting the closure of the parking lot to the public for both events. A Certificate of Liability Insurance will be provided prior to each event.
10. Approval: The *Request for Reserved or Exclusive Use of City Streets* from Cub Scouts Pack 207 to close East 14th Street between Box Butte Avenue Sweetwater Avenue on Saturday, June 19, 2021 from 7:00 a.m. to 3:00 p.m. to conduct their Cub-Mobile Gravity Drag Races. A Certificate of Liability Insurance will be provided prior to the event.
11. Approval: The *Request for Reserved or Exclusive Use of City Streets* from The Gathering Spot to host a Summer Community Concert series in July. To host these events, they are requesting the closure of the second block of Box Butte Avenue on July 9, July 23, and July 30 from 3:00 p.m. to 11:30 p.m. This will be similar to Band on the Bricks and will be open to the public free of charge. The Gathering Spot will be serving food and alcoholic beverages during these events. Resolution No. 21-50 will recommend approval to the Nebraska Liquor Control Commission of the Special Designated License applications for the above dates. A Certificate of Liability Insurance has been received naming the City of Alliance as an additional insured.

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12. Approval: Resolution No. 21-51 will recommend approval to the Nebraska Liquor Control Commission approval of the Special Designated Liquor License applications of D-Head Inc. DBA The Gathering Spot for July 16 and July 17, 2021 to host a beer garden in conjunction with Heritage Days 2021.
13. Approval: Resolution No. 21-52 will authorize staff to move forward with the quote from Crossroads Music and Gardner Technologies for the purchase and installation of audio and visual equipment at the new Council chambers. A budget transfer in the amount of \$9,500 is required to complete this project.
14. Approval: Resolution No. 21-53 will approve the Economic Development Assistance Agreement with Valor General Store, LLC. The Economic Development Plan Application Review Committee review the Small Business Assistance Application of Valor General Store, LCC and recommended approval at their May 11th meeting.
15. Approval: Staff was notified by our insurance carrier of the Special COBRA Premium Assistance opportunity as part of the American Rescue Plan Act of 2021. Resolution No. 21-54 will incorporate the amendment to our City health plan.

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 Class I Liquor License Application of Derby's Food Truck Court. Following the Public Hearing, Council approved Resolution No. 21-55 which recommends approval of the application to the Nebraska Liquor Control Commission. The following information was provided:

[The City is in receipt of a Class I liquor license application from Derby's Food Truck Court LLC, 304 E. 3rd Street. The license application is included in the packet. No disqualifiers came from a background check conducted by the Alliance Police Department.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.

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3. Clerk identifies application, checklist for 53-132, Chief's report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor then calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from Council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature.
19. After a second, Mayor calls for a vote.]

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 Class I Liquor Application of Derby's Food Truck Court and opened the public hearing at 7:05 p.m.

Derby's Food Truck Court owners, Darren Jelinek and Christy Jelinek, 1011 Black Hills Avenue, was in attendance to speak in favor the of license and answer questions of Council.

Mr. Jelinek shared with Council that the licensed area will be fenced per the requirement of the Liquor Control Commission and all alcohol will be stored in the locked coolers located in the bar area. In addition, all staff will complete the Safe Serve training with the Nebraska State Patrol.

Hearing no further testimony, the Public Hearing closed at 7:16 p.m.

A motion was made by Councilman Jones, seconded by Councilman McGhehey to approve Resolution No. 21-55 which follows in its entirety:

RESOLUTION NO. 21-55

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

On November 6, 2018 the matter of the Class C Liquor License application of Alliance Lodging LLC, 1630 Holsten Drive, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of Derby's Food Truck Court LLC, 304 E. 3rd Street
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984),
- Exhibit 3 - Written statement of Police Chief dated May 13, 2021.

Witnesses were sworn and testimony was received in support of the Class I Liquor License at the public hearing on this date from Darren Jelinek and Police Chief Lukens

Upon consideration of the evidence and the criteria to be considered by the City Council pursuant to law, the City Council finds as follows:

Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and demonstrates a willingness and ability to properly manage the liquor license held by Derby's Food Truck Court LLC in conformance to the rules and regulations of the Nebraska Liquor Control Act.

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class I Liquor License Application of Derby's Food Truck Court LLC at the premise described in the application be approved. City Clerk Johnson shall transmit a copy of this Resolution to the Commission.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 21-56 which will authorize the purchase of 12 defibrillators from Lifeguard MD, Inc. in the amount of \$16,826.40 was next on the agenda for Council. The following information was provided:

[The majority of City staff has received CPR training and first-aid kits are located in each facility to ensure that employees are more prepared to respond to medical emergencies. The leadership team has recommended the purchase of defibrillators to be placed at six of the City's major facilities along with six for transit buses.

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Grant funding at 100% is presently available for the transit purchase. A source has been identified to equip police cruisers with the devices at no cost and the learning center is already equipped.

The devices were priced through several purchasing cooperatives with the lowest from the Savvik Buying Group Pricing through LifeGuard MD, Inc. of Omaha, NE for twelve Zoll AEDs at a cost of \$16,826.40.

Number and Location	GL Number	Cost
Public Transit - six	23-71-72-59-940	\$8,640.00
City Hall - one	01-41-46-45-544	1,364.40
Senior Center - one	01-71-72-45-561	1,364.40
Museum - one	01-71-76-45-544	1,364.40
Pool - one	01-71-75-45-544	1,364.40
Airport - one	22-41-43-59-950	1,364.40
Public Works - one	55-51-56-59-940	1,364.40
Total		\$16,826.40

There is adequate budget authority in all locations with the exception of public transit. It is recommended that \$8,700 of budget authority be transferred from Council Contingency (GL#01-10-10-47-791) to Public Transit Capital Outlay-Equipment (#23-72-71-59-940).]

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 21-56 which follows in its entirety:

RESOLUTION NO. 21-56

WHEREAS, The City of Alliance owns and operates several facilities; and

WHEREAS, Staff has expressed the need for defibrillators for the safety of the community and staff members; and

WHEREAS, The devices were priced through several purchasing cooperatives with the lowest being from Savvik Buying Group Pricing through LifeGuard MD, Inc. of Omaha, NE; and

WHEREAS, A total of twelve Zoll AEDs can be purchased at a cost of \$16,826.40;

WHEREAS, Adequate budget authority is available to cover six defibrillators to be placed at City Hall, The Senior Center, Knight Museum, Big Blue Bay, Alliance Airport and Public Works Facility; and

WHEREAS, Reimbursement at 100% is available for public transit, which would cover the six remaining defibrillators; and

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WHEREAS, A budget transfer in the amount of \$8,700 is required to purchase the six remaining defibrillators for the public transit system; and

WHEREAS, Budget authority is available in Council Contingency (GL# 01-10-10-47-791) to be transferred to Public Transit Capital Outlay – Equipment (GL# 23-72-71-59-940) for the purchase.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, authorizes staff to proceed with the purchase of twelve Zoll AED defibrillators in the amount of \$16,826.40 from Lifeguard MD, Inc. of Omaha, NE.

BE IT FURTHER RESOLVED, A budget transfer in the amount of \$8,700 from Council Contingency (GL# 01-10-10-47-791) to Public Transit Capital Outlay – Equipment (GL# 23-72-71-59-940) is hereby authorized.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

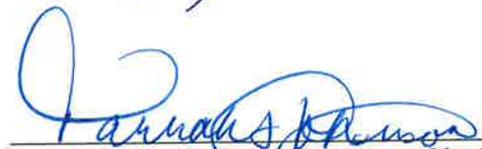
- Council next held a discussion on the Big Blue Bay 2021 Season.

Cultural & Leisure Director Shana Brown shared with Council the current staffing levels and the hours for the pool will remain the same as previous years. She also shared opening weekend is anticipated for Memorial Day weekend, May 29, weather permitting.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:31 p.m.

(SEAL)


Mike Dafney, Mayor


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.

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