

August 3, 2021

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, AUGUST 3, 2021

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

The Alliance City Council met in a Regular Meeting, August 3, 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 July 28, 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 August 3, 2021 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, and McGhehey. Also present were City Manager Sorenson, Finance Director Waggener, City Attorney Hoelsing and City Clerk Johnson.

- Mayor Dafney read the Open Meetings Act Announcement.
- Mayor Dafney announced that Councilman Bentley would not be in attendance and was excused from the meeting.
- The first action for Council was to recognize the Box Butte Bad Boys as the 10U State Baseball Champions. Council presented the team and their coaches with plaques. In addition, Councilman Mischnick read a proclamation, which proclaimed August 15, 2021 as Box Butte Bad Boys Day.
- The Consent Calendar was the next matter before Council. A motion was made by McGhehey and seconded by Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR – August 3, 2021

1. Approval: Minutes of the Regular Meeting, July 20, 2021; Minutes of Budget Workshop, July 22, 2021.

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2. Approval: Payroll Costs for July 30, 2021: \$262,463.10.
3. Approval: Claims against the following funds: 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; \$720,516.49.
4. Approval: Capital budget transfer within the airport fund for the 2020 Hail Storm Insurance Claim.
5. Approval: Resolution No. 21-78 authorizing the submittal of a grant application to the Nebraska Game and Parks to assist with the extension of the City's current trail system.
6. Approval: Resolution No. 21-79 authorizing the submittal of the Coronavirus Emergency Supplemental Funding Grant application to the Department of Justice to assist with purchasing of technology, software and equipment at the police department.
7. Approval: Resolution No. 21-80 authorizing the submittal of the U.S. Department of Agriculture Rural Development Grant to assist with replacement of the Alliance Learning Center HVAC system.
8. Approval: Resolution No. 21-81 authorizing the submittal of the Community Development Block Grant with the Nebraska Department of Economic Development. The intent of this grant is to assist with maximizing energy efficiency with the new HVAC system at the Alliance Learning Center.
9. Approval: Resolution No. 21-82 authorizing the submittal of the application for funds from the Civic and Community Center Financing Fund to assist with improving community facilities. The desire is to use these funds towards the new HVAC system at the Alliance Learning Center.
10. Approval: Resolution No. 21-83 authorizes the purchase of new irrigation load control management switches within the electric department.

NOTE: Manager Sorensen and Finance Director 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.

Voting Nay: None.

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Motion carried.

- The second reading of Ordinance No. 2920 was next for Council and will amend the Municipal Code to prohibit motorized and non-motorized recreation vehicles such as, but not limited to skateboards, bicycles, skates, on designated areas of the municipal parks. The following information was provided:

[With the Pillars and Sunken Gardens project coming to the end of construction, it has been noticed that skateboarders and others have taken to using this area (which is designed and intended for passive, rather than active use), raising concerns for the well-being and durability of this area after so much time and effort and sacrifice was spent by the community raising money to bring back this community attraction. This, as are other features in our parks and public areas, represents a substantial investment of public monies which are not easily replaced nor cheap to maintain.

As a result of the concern over the potential for misuse of certain areas of our parks, and the potential for costly property damage from misuse, the question was raised as to whether or not the city should proactively prohibit skateboarding in these areas. As a result, staff was asked to draft an ordinance to limit the use of skateboarding, etc. in certain areas. City Code currently states:

“Sec. 16-81. - Unlawful acts.

It shall be unlawful within or upon any municipal park, golf course, or other municipally owned area to:

- (1) Operate any motorized vehicle, including motor bikes and snowmobiles, on any area other than designated parking areas or established streets or lanes. This prohibition shall not apply to the use of motorized golf carts, motorized wheelchairs used by handicapped individuals or of maintenance vehicles when they are used in the line of duty;
- (2) Ice skate or sled upon the ice on any lake thereon except at those times when municipal authorities by proper device indicate that the ice is then satisfactory for use;
- (3) Swim or wade within any lake or fountains at any time;
- (4) Have in one's possession, or to fire any type firearm, including air rifles;
- (5) Have upon the said premises or any horse or other livestock;
- (6) Have any concession in the park without a permit for time and location.
(Code 1986, § 7-101; Ord. No. 1963, 9-7-1989)”

The proposed revision to this ordinance would include the following additional language:

“or

- (7) Operate or ride any skates, roller-skates, skateboards, bicycles, tricycles, unicycles or any other device having wheels propelled by human power and steered solely by human power other than in or on any public area of the City

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designated by the City Manager as an area in which such activity is prohibited and for which the prohibition of such activity is clearly and conspicuously marked by signage.”

This addition will allow the City Manager to designate the Pillar and Sunken Gardens where skates, roller-skates, skateboards, bicycles, etc. are prohibited.]

A motion was made by Councilman McGhehey and seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2920. City Clerk Johnson read the following ordinance by title:

ORDINANCE NO. 2920

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE AMENDING SECTION 16-81 TO PROHIBIT SKATES, SKATEBOARDS, OR BICYCLES ON MUNICIPAL PARKS AND OTHER MUNICIPALLY OWNED AREAS, AND REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HERewith.

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

SECTION 1. The City Code provides that certain acts in any municipal park, golf course, or other municipally owned area are unlawful, and the City shall be those established by Neb. Rev. Stat. § 16-697.01 the authority to regulate such activity.

SECTION 2. Based upon the desire to regulate the use of, promote the safety within, and protect improvements made to municipal parks, golf courses, or other municipally owned areas the Alliance Municipal Code, at Section 16-81 is hereby amended as follows:

“16-81. Unlawful Act.

It shall be unlawful within or upon any municipal park, golf course, or other municipally owned area to:

- (1) Operate any motorized vehicle, including motor bikes and snowmobiles, on any area other than designated parking areas or established streets or lanes. This prohibition shall not apply to the use of motorized golf carts, motorized wheelchairs used by handicapped individuals or of maintenance vehicles when they are used in the line of duty;
- (2) Ice skate or sled upon the ice on any lake thereon except at those times when municipal authorities by proper device indicate that the ice is then satisfactory for use;
- (3) Swim or wade within any lake or fountains at any time;

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(4) Have in one's possession, or to fire any type firearm, including air rifles;

(5) Have upon the said premises or any horse or other livestock;

(6) Have any concession in the park without a permit for time and location; or

(7) Operate or ride any skates, roller-skates, skateboards, bicycles, tricycles, unicycles or any other device having wheels propelled by human power and steered solely by human power in or on any public area of the City designated by the City Manager as an area in which such activity is prohibited and for which the prohibition of such activity is clearly and conspicuously marked by signage.

SECTION 3. That current applicable City Codes of the City of Alliance, Nebraska in conflict to this Ordinance, and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 4. 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 Mischnick, seconded by Councilman Jones to suspend the statutory rule requiring three separate readings of Ordinance No. 2920.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2920 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, "the passage and adoption of Ordinance No. 2920 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

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- Council next conducted a Public Hearing on the request of Virgil and Geraldine Blakeman to rezone Block 2A, A Replat of Blocks 1 and 2, Blakeman Subdivision, otherwise known as 2423 Highway 2, from R-4 Mobile Home Park Residential to C-3, Heavy Commercial. Following the public hearing, Council considered Ordinance No. 2921 on second reading which will approve the rezone.

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 proposed rezoning of land by Virgil and Geraldine Blakeman” and opened the public hearing at 7:12 p.m.

Hearing no further testimony, the Public Hearing closed at 7:12 p.m.

A motion was made by Mayor Dafney, seconded by Councilman Jones to approve the second reading of Ordinance No. 2921. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2921

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 BLOCK 2A, A REPLAT OF BLOCKS 1 AND 2, BLAKEMAN SUBDIVISION, A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS A C-3 (HIGHWAY COMMERCIAL) DISTRICT FROM R-4 (MOBILE HOME PARK RESIDENTIAL) DISTRICT, AND REPEALING PRIOR SECTIONS THEREOF.

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

SECTION 1. That Block 2A, A Replat of Blocks 1 and 2, Blakeman Subdivision, A Part of the Northwest Quarter of Section 35, Township 25 North, range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, otherwise known as 2423 Highway 2, is hereby zoned as C-3 (Highway Commercial) from R-4 (Mobile Home Park Residential).

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

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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 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 ____ day of _____, 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 Councilman Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2921.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2921 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

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Mayor Dafney stated, “the passage and adoption of Ordinance No. 2921 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

- Next on the agenda for Council was the second reading of Ordinance No. 2922 which amends the Alliance Municipal Code, Chapter 105, adopting the 2018 ICC codes as the Building Code of the City of Alliance thus bringing it into compliance with state law. The following information was provided:

[The Nebraska State Legislature passed an amendment to State law in 2019 adopting the 2018 International Code Commission (ICC) code books as the State Building Code. The law also required that any municipality that enforces a building code must adopt, at a minimum, the State Building Code within two years of the passing and signing of the legislation.

The proposed amendments to the Alliance Municipal Code, Chapter 105, will adopt the 2018 ICC codes as the Building Code of the City of Alliance thus bringing it into Compliance with State Law.]

A motion was made by Councilman Mischnick and seconded by Mayor Dafney to approve the second reading of Ordinance No. 2922. City Clerk Johnson read the following ordinance by title:

ORDINANCE NO. 2922

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA (“ALLIANCE”), AMENDING CHAPTER 105 OF THE ALLIANCE MUNICIPAL CODE; REPEALING OTHER ORDINANCES, RESOLUTIONS, AND POLICIES OF THE ALLIANCE MUNICIPAL CODE IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. The Nebraska State Legislature passed an amendment to State law in 2019 adopting the 2018 International Code Commission (ICC) code books as the State Building Code.

SECTION 2. The law also required that any municipality that enforces a building code must adopt, at a minimum, the State Building Code within two years of the passing and signing of the legislation.

SECTION 3. In accordance with State law, certain provisions of Chapter 105 - Building Codes and Contract for Licensing, of the current Alliance Municipal Code, as set forth on the attached Exhibit A, are necessary.

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SECTION 4. In accordance with the 2018 International Building Code, the entirety of Exhibit A is hereby adopted, and Chapter 105 – Building Codes and Contract for Licensing of the Alliance Municipal Code, is hereby amended accordingly. All repeals located in Exhibit A shall act as repeal of any current section of Chapter 105 as set forth in Exhibit A, and all additions and amendments in Exhibit A shall act as an addition or amendment of Chapter 105 as set forth in Exhibit A.

SECTION 5. This ordinance shall be effective following its passage, approval, and publication in pamphlet form.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to suspend the statutory rule requiring three separate readings of Ordinance No. 2922.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2922 on final reading with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

Mayor Dafney stated, “the passage and adoption of Ordinance No. 2922 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

● Council next considered Ordinance No. 2923 on first reading. Ordinance No. 2923 will approve the proposed budget for the Fiscal Year 2021-2022. The following information was provided:

[The 2022-22 annual budget appropriations as proposed total \$58,123,400 compared to \$54,537,300 in the prior year. The primary difference results from \$4 million of storm damage repairs in 2021-22.

Fund	Prior Budget	Proposed Budget
General	9,090,700	11,748,300
Electric	17,541,600	15,853,300

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Refuse	1,968,700	2,141,900
Sewer	1,310,100	1,017,900
Water	2,539,800	2,692,800
Golf Course	645,400	889,900
Airport Operations	6,387,800	7,567,100
Public Transit	381,000	449,100
Streets	5,176,600	3,341,300
Handyman Services	43,700	39,900
RSVP	75,300	77,700
Museum Exhibit	14,600	14,600
BID #1 and #2	12,500	12,500
HUD/Housing	150,000	450,000
Community Betterment (KENO)	20,200	20,200
Economic Development	168,400	188,400
LB 840 Fund	400,000	510,000
Redevelopment (TIF)	875,000	825,000
Sales Tax Fund	2,000,000	2,370,000
Lodging Occupation Tax	301,000	251,000
Capital Projects Fund	1,175,000	1,964,000
Public Safety Tax	50,000	150,000
State 911 Funds	100,000	140,000
General Internal Service	1,414,500	1,538,200
Enterprise Internal Service	634,200	534,300
Health Support Internal Service	1,930,000	1,842,000
General Debt Service	51,100	1,800
Airport Capital Reserve	60,000	60,000
American Recovery Plan Act Fund	0	1,432,200
	54,517,200	58,123,400

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A motion was made by Councilman Jones, seconded by Councilman McGhehey to pass the first reading of Ordinance No. 2923. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2923

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES OF THE CITY OF ALLIANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.

WHEREAS, The City Manager, in accordance with the requirements of the Nebraska R.R.S. 1943, §19-646, has submitted to the City Council a preliminary budget to the City Council at a workshop that was held on July 22, 2021 with a proposed budget being produced thereafter. A public hearing will be held on said proposed budget on August 17, 2021, as required by law; and

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

SECTION 1. The budget for the fiscal year beginning October 1, 2021, submitted to and amended by the City Council, is hereby adopted.

SECTION 2. In order to provide revenue for municipal purposes, the following property tax revenues have been established for the City of Alliance:

	City	MFO	Public Safety	Airport	Airport Reserves	Total
Approved Budget Amount	1,178,900	177,200	156,600	266,500	55,500	1,834,700
County Treasurer's Fee (1%)	11,789	1,772	1,566	2,665	555	18,347
Total Property Tax Request	1,190,689	178,972	158,166	269,165	56,055	1,853,047

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Using the following levies	0.225841	0.033950	0.030000	0.051054	0.010632	0.351477
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Approved Mill Levy for 2021	0.351477
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Based on Assessed Valuation	527,217,168
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SECTION 3. In accordance with Reissue Revised Statutes Nebraska Chapter 16, Section 704, the following amounts shall be and hereby are recognized as the budget for the City of Alliance, Nebraska for the fiscal year 2021-22.

General	\$11,748,300
Electric	15,853,300
Refuse	2,141,900
Sewer	1,017,900
Water	2,692,800
Golf Course	889,900
Airport Operations	7,567,100
Public Transit	449,100
Streets	3,341,300
Handyman Services	39,900
RSVP	77,700
Museum Exhibit	14,600
BID #1 and #2	12,500
HUD/Housing	450,000
Community Betterment (KENO)	20,200
Economic Development	188,400
LB 840 Fund	510,000
Redevelopment (TIF)	825,000
Sales Tax Fund	2,370,000
Lodging Occupation Tax	251,000
Capital Projects Fund	1,964,000
Public Safety Tax	150,000
State 911 Funds	140,000
General Internal Service	1,538,200
Enterprise Internal Service	534,300
Health Support Internal Service	1,842,000
General Debt Service	1,800
Airport Capital Reserve	60,000

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American Recovery Plan Act Fund	<u>1,432,200</u>
Gross Expenditures	\$58,123,400

There is hereby included \$110,000 within the General Fund Budget [City Council Activity]; \$10,000 within the General Fund Budget [Police Grant]; \$60,000 within the Electric Fund; \$160,000 within the Water Fund; \$200,000 within the Sewer Fund; \$30,000 within the Refuse Fund; \$25,000 within the Airport Fund; \$50,000 within the Streets Fund; and \$932,200 within the American Recovery Act Plan Fund to be known as "Contingency Reserves." Expenditures from any Contingency Reserve will not be authorized without an affirmative vote of the City Council for each amount to be expended.

SECTION 4. The City has a total Unused Restricted Funds Authority of \$416,344.95 for Fiscal Year 2021-22.

SECTION 5. The tax levied under this Ordinance shall become due and payable, shall become delinquent and shall be subject to penalties, the execution of distress warrants and sale of property levied upon as provided by law.

SECTION 6. The City Clerk is hereby authorized and directed forthwith upon the passage, approval and publication of this Ordinance to forward a certified copy thereof to the County Clerk of Box Butte County, Nebraska.

SECTION 7. This Ordinance shall become effective October 1, 2021.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

- Next on the agenda for Council was Ordinance No. 2924 which will allow the City of Alliance with a 75% affirmative vote by Council to exceed the Allowable Growth and Basic Allowable Growth for the 2021-22 Fiscal Year Budget by 1%. The following information was provided:

[The attached ordinance will allow the City of Alliance (with a 75% affirmative vote by Council) to exceed the base allowable growth limitation of the restricted funds authority for the 2021-22 fiscal year budget by 1% (or \$75,339.05) with total restricted funds authority at \$7,797,591.95.

This does not increase the new fiscal budget, but rather allows the City to increase the unused budget authority for use in future years.]

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A motion was made by Councilman Jones, seconded by Councilman Mischnick to pass the first reading of Ordinance No. 2924. City Clerk Johnson read the ordinance by title which follows in its entirety

ORDINANCE NO. 2924

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2021-2022 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.

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

SECTION 1. Governmental units are authorized pursuant to State law at Chapter 13, Section 519, to exceed the Allowable Growth (§13-518(1)) and the Basic Allowable Growth (§77-3446) for budgeted restricted funds authority up to an additional one percent, by affirmative vote of the City Council of at least 75%.

SECTION 2. The City Council finds that such limit as provided by Section 13-519 (a) and (b) should be exceeded by one percent.

SECTION 3. An affirmative vote of at least 75% in favor of this increase is hereby cast.

SECTION 4. Section 13-511 allows correction of an adopted budget statement for clerical, mathematical, and accounting errors, which correction does not affect the total amount budgeted by more than one percent or increase the amount required from property taxes. The one percent limit increase is calculated into the current budget statement; however the unused budget authority amount is in need of modification.

SECTION 5. The allowable increase in "restricted funds authority" with the additional 1% of \$75,339.05 and included in the resulting "total restricted funds authority" in the adopted budget ordinance is hereby amended to the amount of \$7,797,591.95.

SECTION 6. Those portions of the existing budget ordinance for 2021-2022 are amended accordingly.

SECTION 7. The City Treasurer is authorized to make appropriate changes in the submitted forms for computation of the limit for fiscal year 2021-2022, and transmit those changes to the State Auditor's office.

SECTION 8. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

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Voting Nay: None.

Motion carried.

- The next item on the agenda was Resolution No. 21-84. Per Nebraska State Statute, City Council has the authority to make a final approval to move forward with the hiring of an immediate family member that may create a conflict of interest. Resolution No. 21-84 authorizes the hire of Golf Pro Jerad Palmer's father to work at SkyView Golf Course as a seasonal employee.

A motion was made by Councilman Mischnick, seconded by Mayor Dafney to approve Resolution No. 21-84 which follows in its entirety:

RESOLUTION NO. 21-84

WHEREAS, The City of Alliance desires to hire Mark Palmer as a seasonal employee at SkyView Golf Course for the 2021 season. Mr. Palmer has been recommended by Cultural and Leisure Services Director Shana Brown as she is responsible for selecting the seasonal parks, pool, golf and cemetery divisional staff; and

WHEREAS, Mark Palmer is the father of Golf Pro Jerad Palmer; and

WHEREAS, The City of Alliance has made a reasonable solicitation and consideration of applications for this position and Mr. Palmer is qualified and able to perform the duties and will do so at the preapproved standard rate of pay. No other employee will be terminated as the result of this hiring; and

WHEREAS, Section 49-1499.04 of the Nebraska State Statutes require that the hiring of an immediate family member must be fully disclosed to and approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that pursuant to Section 49-1499.04 of the Nebraska State Statutes a disclosure has been made for the hiring of Mark Palmer for the 2021 season at SkyView Golf Course and his employment is approved by the City Council.

BE IT FURTHER RESOLVED that Golf Pro Jerad Palmer will not be involved in any employment issues regarding Mark Palmer and all employment issues will be handled through City Manager Seth Sorensen.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

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- The Financial Statement Presentation and Acceptance was the next item on the agenda. Finance Director Waggener presented the Third Quarter Financial Statement and Dashboards to the Council for acceptance.

A motion was made by Councilman Jones and seconded by Councilman McGhehey to accept the Financial Statement as presented.

Roll call with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

- Council next held a discussion on the parking duration within residential areas. Rich Schommer was in attendance and requested the City ordinance for parking align with the state law. No action was taken.

- Lastly, Council discussed a date and time for a Public Hearing to be held on the 2021-2022 Budget.

A motion was made by Councilman McGhehey and seconded by Councilman Jones to hold the public hearing on August 17, 2021 at 6:30 p.m. prior to the regular scheduled City Council meeting.

Roll call with the following results:

Voting Aye: Dafney, Mischnick, Jones, McGhehey.

Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:39 p.m.


Mike Dafney, Mayor

(SEAL)


Tarrah S. Johnson, City Clerk