

January 4, 2022

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JANUARY 4, 2022

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

The Alliance City Council met in a Regular Meeting, January 4, 2022, 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 December 29, 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.

Vice Mayor Mischnick opened the January 4, 2022 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Vice Mayor Mischnick, Council Members Jones, Bentley and McGhehey. Also present were Finance Director Waggener, City Attorney Hoelsing and City Clerk Johnson.

- Vice Mayor Mischnick read the Open Meetings Act Announcement.
- The first action for Council was to excuse Mayor Dafney. A motion was made by Vice Mayor Mischnick and seconded by Councilman Jones to excuse Mayor Dafney.

Roll call vote with the following results:

Voting Aye: Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- The Consent Calendar was the first item on the agenda. A motion was made by Vice Mayor Mischnick and seconded by Councilman Bentley to approve the Consent Calendar as follows:

CONSENT CALENDAR – January 4, 2022

1. Approval: Minutes of the Regular Meeting, December 21, 2021.

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2. Approval: Payroll Costs for December 30, 2021: \$228,179.33.
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; \$969,282.14.
4. Approval: Issuance of a Cemetery Certificate to David Schroth and Elizabeth Schroth for Lots Forty-one (41) and Forty-two (42), Section Three (3), Block Twenty-one (21), Alliance Cemetery Forth Addition.
5. Approval: Capital Budget Transfers from Capital Outlay – Buildings to Vehicle Parts, Maintenance and Repairs to cover repair costs to the City of Alliance vehicles that sustained damage from the July 9, 2021 hail storm.
6. Approval: Resolution No. 22-01 recommending approval of the AVFD Special Designated Liquor License Application to the Nebraska Liquor Control Commission for an event on February 4, 2022.
7. Approval: Resolution No. 22-02 approving the Amended Economic Development Agreement with Prairie Sky Seed, Inc.

NOTE: City Manager Sorensen and Finance Director Waggener have reviewed these expenditures and to the best of their knowledge confirm 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: Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- The next action for Council was to proclaim the week of January 30 through February 5, 2022 as Catholic Schools Week. Councilman McGhehey read the following proclamation which was accepted by the Saint Agnes Academy Student Council.

PROCLAMATION

WHEREAS, The week of January 30, 2022 to February 5, 2022 is National Catholic Schools Week; and,

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WHEREAS, The theme of which is “Catholic Schools: Faith. Excellence, Service; and,

WHEREAS, St. Agnes Academy has been part of Alliance, Nebraska since September 1908 and St. Agnes Academy has helped to make our town a loving community; and,

WHEREAS, St. Agnes Academy prepares its’ students not only with fine academic training, but also with spiritual values that will make them good citizens able to contribute their community and become the leaders of the future.

NOW, THEREFORE, The Alliance City Council, hereby recognizes January 30 – February 5, 2022 as:

CATHOLIC SCHOOLS WEEK

In Alliance, Nebraska, and urge all citizens to recognize Catholic schools for their commitment to excellence in quality education.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 4th day of January in the year of the Lord Two Thousand Twenty-Two.

- Council next conducted a Public Hearing on the Agriculture Estate Dwelling Site Application from Roger Schnell. Following the Public Hearing, the first reading of Ordinance No. 2933 was before Council which will approve the application. Council was provided the following background information:

[The City of Alliance is in receipt of an application for an Agriculture Estate Dwelling Site (AEDS) from the landowner Roger Schnell. The AEDS shows a 5-acre tract being split from a 162-acre tract.

The proposed AEDS is located at 2330 Highway 2. The proposed parcel is zoned Ag, Agriculture. It is bordered by Ag zoning to the north, west, south, and northeast; and bordered by M-2 Heavy Industrial to the southeast. AEDS were created by code in 2019 to eliminate the need of rezoning parcels outside of City Limits to Rural Residential when a small acreage was split off for a farmstead or selling of marginal farm ground for residence.

The City of Alliance Planning Commission met at its regular meeting December 14, 2021 and held a public hearing for the AEDS application. They voted yes on a recommendation to the Alliance City Council for the approval of the AEDS after making the following findings:

1. Preexisting conditions requirements: The proposed AEDS is a pivot irrigation corner with an existing single-family house that is unrelated to the ag production

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on the adjacent ag lands. -The easement will allow the proposed two lots to share access to the driveways.

2. Minimum AEDS size is 2.5 acres: The proposed AEDS is 5 acres.
3. Minimum remaining parcel size is at least 80 acres: There will be a remainder of 157.22 acres.
4. Minimum depth is 200 feet: The proposed parcel is 390.55 feet at its widest point and 152.52 feet at its narrowest. It averages at 271.535 feet deep.
5. Minimum width is 150 feet: The proposed parcel will be 659.85 feet at its widest and 371.38 feet at its narrowest.
6. Each proposed AEDS shall be shaped and located to allow the accurate platting on the official zoning map of the city. The proposed AEDS is rectangular except for the radius carved into the lot for the irrigation pivot. It is easily draw able in the City GIS.
7. Transportation is via a driveway off Highway 2. The AEDS fronts the highway.]

Vice Mayor Mischnick 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 Agriculture Estate Dwelling Site Application from Roger Schnell” and opened the public hearing at 7:06 p.m.

Community Development Director Kusek was in attendance and was asked to define what a AEDS does.

Hearing no further testimony, the Public Hearing closed at 7:08 pm.

A motion was made by Vice Mayor Mischnick, seconded by Councilman McGhehey to approve the first reading of Ordinance No. 2933. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2933

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, APPROVING AN AGRICULTURAL ESTATE DWELLING SITE.

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

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SECTION 1. Chapter 111, Article I, Division 3 of the Alliance Municipal Code provides for the creation and approval of an agricultural estate swelling site (AEDS) the same manner as a rezone.

SECTION 2. Roger Schnell has submitted an application for approval of and AEDS, the final survey for which is attached to this ordinance as Exhibit A and incorporated herein by reference, regarding a tract of land described as follows:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE, ALONG THE SOUTH LINE OF QUARTER SECTION, N89°50'29"W TO THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY #385, BEING A DISTANCE OF 98.06 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTH LINE, N89°50'29"W FOR A DISTANCE OF 390.55 FEET; THENCE, PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, N00°00'02"W FOR A DISTANCE OF 371.38 FEET; THENCE, ALONG A 1343.00 FEET RADIUS CURVE TO THE LEFT, SUPPORTING A CENTRAL ANGLE OF 15°36'55", CHORD BEING N38°04'11"E FOR 364.89 FEET, FOR AN ARC DISTANCE OF 366.02 FEET; THENCE, N89°59'57"E TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY, BEING A DISTANCE OF 152.52 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S01°07'56"E FOR A DISTANCE OF 659.85 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 5.00 ACRES, MORE OR LESS. ALSO INCLUDE AND ACCESS EASEMENT BEING THE EAST 50 FEET OF THE NORTH 30 FEET OF THE ABOVE DESCRIBED TRACT FOR THE USE AND BENEFIT OF THE ADJOINING OWNER.

SECTION 3. The application for and AEDS has been submitted to the Planning Commission, and following publication for and occurrence of a public hearing for the AEDS application approval, the Planning Commission has recommended approval of the AEDS application submitted by Roger Schnell.

SECTION 4. Upon review of the materials provided and the AEDS application, all applicable requirements and considerations of the Alliance Municipal Code appear to be met by the application, and the AEDS for the survey attached as Exhibit A is hereby approved.

SECTION 5. A certified copy of this ordinance, along with the survey attached as Exhibit A and the agreement between landowners, shall be filed and recorded in the real estate records of Box Butte County, Nebraska.

SECTION 6. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

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SECTION 7. This ordinance shall be in full force and effect from and after its approval, passage, publication according to law, and the recordation of in the real estate records of Box Butte County, Nebraska as described above.

Roll call vote with the following results:

Voting Aye: Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda was Resolution No. 22-03 which authorizes the purchase of three used patrol vehicles from the Torrington Police Department. The following information was provided:

[The Police Department is requesting to purchase three used vehicles from the Torrington Police Department via Transwest Auto for the amount of \$17,150. Funds for this purchase are included in the current year budget. These vehicles will come fully equipped except for a video cameras and computers (which we already have on-hand, ready for installation).

Through the process of developing the Department's Strategic Plan, we have found that our fleet is insufficient to address the needs of the community and to avoid inefficiencies in maintaining the fleet. We currently have ten marked patrol units. The department has been "hot seating" vehicles (which means that a vehicle that never rests and is in use 24 hours a day). This makes it difficult to perform maintenance without impacting our coverage as some officers are assigned to share a vehicle and there are no spare vehicles. When major incidents occur, especially at shift change, officers are left to double up or respond in their personal vehicles, which is a potential liability to the City.

We do not have enough vehicles for our current employees, let alone the trainees coming out of the Academy nor for our officers who are currently on deployment, and with current delays in obtaining vehicles and equipment, it is imperative that we take advantage of these opportunities when they present themselves, as we have done so far in 2021 by adding four used vehicles. Despite increasing our fleet by four used vehicles this year, we are still in need of eleven (11) more vehicles; Purchasing these three vehicles will allow us to realize the following efficiencies and cost savings: Reduction in vehicle "hot-seating" expenses. Annual maintenance of hot-seated cars averages about \$7,000 per year (each) while a take-home car averages half that at \$3,500 (each). Regular maintenance can be scheduled during the officer's time off reducing down time.

- Assigned cars have a 30% lower operating cost and longer life expectancy as officers take "ownership" and care for assigned vehicles better. The vehicles generally have less down time and increased productivity.

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- Makes, models and styles of vehicles assigned are constantly changing. Rotating different vehicles tends to increase risk of accidents due to unfamiliarity- it has been proven there are fewer accidents with assigned cars vs. "hot-seated" cars.
- Take-home vehicles are viewed as an added benefit for officers and can aid in officer retention.
- More vehicles throughout the city creates the perception of more officers in the City which is a visual deterrent - ultimately reducing costs and crime.
- Eliminates use of employees' personal cars for official business.
- Installed equipment includes emergency lighting and controls, siren and PA, prisoner cage, dual gun rack and mobile computer dock. To outfit three new cars with this equipment would be approximately \$30,000; purchasing these vehicles will save the City a substantial amount of money.

The benefits of take-home cars far outweigh the cost of program implementation (i.e. additional insurance, internet jetpacks, etc.). The proposed resolution would authorize the purchase one (1) 2014 Ford Explorer, one (1) 2015 Ford Explorer, and one (1) 2013 Ford Taurus from the Torrington Police Department via Transwest Auto for a total of \$17,150. There is no need for new equipment and installation other than video cameras which the department has on hand. The approved authority in the police operations budget (Capital Outlay-Vehicles G/L 01-31-32-59-960) was \$123,500. There will remain a balance of unused funds whereby approval will be sought when additional University of Nebraska vehicles become available. The three vehicles are:

➤ Unit T109 (Torrington's Unit Name) will be our **Unit 119**
2014 Ford Explorer with approximately 115,000 miles. VIN
is: 1FM5K8AR0EGB5441

➤ Unit T113 (Torrington's Unit Name) will be our **Unit 120**
2015 Ford Explorer with approximately 109,000 miles. VIN
is: 1FM5K8AR4FGB75374

Unit T111 (Torrington's Unit Name) will be our **Unit 121**
2013 Ford Taurus with approximately 106,000 miles. VIN
is: 1FAHP2L88DG1322

A motion was made by Councilman Bentley, seconded by Councilman McGhehey to approve Resolution No. 22-03 which follows in its entirety:

RESOLUTION NO. 22-03

WHEREAS, The City of Alliance Police Department has a need to add to the current patrol fleet;

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WHEREAS, Police Chief Lukens is recommending the purchase of three (3) used patrol vehicles in the amount of Seventeen Thousand One Hundred Fifty Dollars and NO/100ths (\$17,150) from the Torrington, Wyoming Police Department; and

WHEREAS, The three (3) vehicles (2014 Ford Explorer; 2015 Ford Explorer; 2013 Ford Taurus) are fully equipped with the required safety and emergency equipment and being sold “as is”; and

WHEREAS, Budget Authority is available in Capital Outlay-Vehicles GL# 01-31-32-59-960 to complete the purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Mayor Dafney be and hereby is authorized to enter into a purchase agreement with the Torrington, Wyoming Police Department for the purchase of three (3) used patrol vehicles in the total amount of Seventeen Thousand One Hundred Fifty Dollars and NO/100ths (\$17,150).

BE IT FURTHER RESOLVED, that the City Council is authorizing the purchase from the Police Department’s Capital Outlay – Vehicle Account No. 01-31-32-59-960 to allow for the purchase.

Roll call vote with the following results:

Voting Ayc: Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- Resolution No. 22-04 which approves the Engineering Service Agreement with Prochaska & Associates and Engineering Technologies for the replacement of the HVAC system at the Alliance Learning Center was next on the agenda for Council. The following information was provided:

[A Request for Qualifications (RFQ) was advertised in accordance with State Statute for the purpose of obtaining responses from qualified firms for the “Engineering and Design of HVAC System Replacement for the Alliance Public Library/Learning Center”. Two responses were submitted in accordance with the deadline of 3:30PM on Thursday, December 2, 2021.

The two responders were: Prochaska & Associates and Engineering Technologies. The responses were rated based on the criteria set forth in the RFQ which included a letter of interest, experience and competence of firm(s), personnel qualifications and availability, and a proposed work proposal and schedule, for a combined total of 100 points. The responses were reviewed by three employees: Shana Brown, Ross Grant and Seth Sorensen.

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As a result of this review, it was determined that Prochaska & Associates was the most qualified firm to complete this work on behalf of the City. Staff then began negotiations with Prochaska to determine if a mutually beneficial agreement could be reached, which has been accomplished. The proposed contract/agreement has been reviewed by Adam Hoelsing with the Simmons Olsen Law Firm.

Work, as proposed, would be paid on an hourly basis, and is anticipated to be less than 10% of the total project cost, or less than \$100,000. Normal practice is that this amount would be between 12-15%. Funds for this project have been designated in the FY21-22 Budget (Line Item #41-71-77-59-915).]

A motion was made by Councilman Jones, seconded by Councilman Bentley to approve Resolution No. 22-04 which follows in its entirety:

RESOLUTION NO. 22-04

WHEREAS, The City of Alliance owns and operates the Alliance Public Library/Alliance Learning Center; and

WHEREAS, The City of Alliance requested quotes to perform engineering services, including surveying and field data gathering, design development, contract administration, for the engineering and design of the HVAC system replacement for the Alliance Public Library/Alliance Learning Center; and

WHEREAS, The City received two quotes with Prochaska & Associates and Engineering Technologies being the lowest in the amount not to exceed One Hundred Thousand Dollars and No/100ths (\$100,000), with work being paid on an hourly basis as outlined in the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to accept the quote from Prochaska & Associates and Engineering Technologies for the engineering and design of the HVAC system replacement for the Alliance Public Library/Alliance Learning Center.

BE IT FURTHER RESOLVED that payment for this service will be made from Account No. 41-71-77-59-915.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the executed contract on behalf of the City.

Roll call vote with the following results:

Voting Aye: Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

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There being no further business before Council, Vice Mayor Mischnick adjourned the meeting at 7:12 p.m.

(SEAL)



Brian Mischnick, Vice Mayor



Tarrah S. Johnson, City Clerk