

January 18, 2022

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JANUARY 18, 2022

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

The Alliance City Council met in a Regular Meeting, January 18, 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 January 12, 2022. 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 January 18, 2022 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 Administrative Secretary Keller.

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

CONSENT CALENDAR – January 18, 2022

1. Approval: Minutes of the Regular Meeting, January 4, 2022.
2. Approval: Payroll Costs for January 14, 2022: \$342,953.63.
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; \$1,079,089.40.
4. Approval: Attached is a listing of Demand Checks which were generated over the last financial quarter ending December 31, 2021. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of fund transfers,

January 18, 2022

meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.

5. Approval: Updated Alliance Volunteer Fire Department Roster by adding Seron Dillard.
6. For your information: Lynn Placek, Airport Director has provided a memo regarding a Disadvantaged Business Enterprise (DBE) Program.
7. For your information: Finance Director Waggener has provided a Streets Bond Issue Update.

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: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- The next action for Council was to proclaim the week of January 23 through January 30, 2022 as Lutheran Schools Week. Several students and teachers from the Immanuel Evangelical Lutheran School were in attendance to receive the proclamation. Councilman Mischnick read the following proclamation:

PROCLAMATION

WHEREAS, teaching the young in full-time Lutheran schools has been an integral part of the heritage and the life of the Lutheran Church-Missouri Synod from its 1847 beginning; and

WHEREAS, congregations of the Lutheran Church-Missouri Synod maintain the largest Protestant school system in the United States, enrolling over 200,000 students in over 2,000 preschools, elementary, secondary schools, and colleges, served by over 21,000 teachers and professors with a support system of over 6,000 congregations; and

WHEREAS, the purpose and mission of Lutheran schools is to equip children, young adults, and their parents to prepare for service and leadership in Lutheran congregations; and

WHEREAS, graduates of Lutheran schools have gone on to distinguish themselves through service and leadership in community, government, and the church; and

WHEREAS, Immanuel Evangelical Lutheran School has been in existence since 2014 and is located at 1312 E. 10th Street with an enrollment of approximately 160 students; and

January 18, 2022

WHEREAS, during the week of January 23 – January 30, 2022, there will be several activities with student involvement in recognition of National Lutheran Schools Week.

NOW, THEREFORE, The Alliance City Council, does hereby proclaim the week of January 23-January 30, 2022 as

NATIONAL LUTHERAN SCHOOLS WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 18th day of January in the year of the Lord Two Thousand Twenty-two.

Council also proclaimed the week of January 23 through January 29, 2022 as School Choice Week. Councilman Jones read the following proclamation:

PROCLAMATION

WHEREAS, all children in the City of Alliance should have access to the highest-quality education possible; and,

WHEREAS, the City of Alliance recognizes the important role that an effective education plays in preparing all students to be successful adults; and,

WHEREAS, quality education is critically important to the economic vitality; and,

WHEREAS, the City of Alliance is home to a multitude of high quality public and private schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS, the City of Alliance has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, The Alliance City Council does hereby recognize January 23 – January 29, 2022 as

CITY OF ALLIANCE CHOICE SCHOOL WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 18th day of January in the year of the Lord Two Thousand Twenty-two.

January 18, 2022

- The second reading of Ordinance No. 2933 was next for Council. This ordinance will approve the Agriculture Estate Dwelling Site application from Roger Schnell. The following information was provided:

[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 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 drawable in the City GIS.
7. Transportation is via a driveway off Highway 2. The AEDS fronts the highway.]

January 18, 2022

A motion was made by Councilman Bentley, seconded by Councilman McGhehey to approve the second reading of Ordinance No. 2933. Administrative Secretary Keller 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:

SECTION 1. Chapter 111, Article I, Division 3 of the Alliance Municipal Code provides for the creation and approval of an agricultural estate dwelling 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

January 18, 2022

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.

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: Dafney, Mischnick, Jones, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

- Next on the agenda for Council was the first reading of Ordinance No. 2934 which will approve an amendment to Section 10-86 of the Alliance Municipal Code in regards to alarm fees. The following information was provided:

[The City of Alliance Municipal Code currently requires a monitoring fee for alarm systems including third-party relays. This has proven to be counterintuitive with a spike in burglaries and thefts during 2021. It was revealed that many community members did not utilize alarm systems because they were cost prohibitive due to a monthly monitoring fee with the security company and the annual fee paid to the police department. The department desires to police the community in partnership with residents and businesses.

The unintended consequence of the current ordinance has deterred people from utilizing alarm systems in the community. The ordinance when first enacted with good intentions was current with technology at the time; however, technology has since advanced to such an extent that only businesses receiving direct monitoring service from the police department should be paying for such a service as to avoid double billing for the same service. The proposal eliminates the duplication of fees for community members.]

January 18, 2022

A motion was made by Councilman McGhehey, seconded by Councilman Jones to approve the first reading of Ordinance No. 2934. Administrative Secretary Keller read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2934

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE FOR PAYMENT OF FEES FOR ALARM SYSTEMS, MORE SPECIFICALLY SECTION 10-86 REMOVING THE REQUIREMENT OF A MONITORING FEE FOR THIRD-PARTY RELAYS OF ALARM CALLS, REPEALING PORTIONS THEREOF, RESOLUTIONS, OR POLICIES NOT CONSISTENT HERewith, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 10-86 of the Alliance Municipal Code is amended to read as follows:

“Sec. 10-86. – Permit fees.

(a) If an alarm system component is to be connected to an alarm panel in the police department:

(1) The application for an alarm system permit shall be accompanied by the first years’ maintenance fee as established by the city; and

(2) The owner or lessee shall pay annually, in addition, a maintenance fee as established by the city. The latter fee shall be payable, in the first instance, with the application. Fees will only be collected for issued permits, and fees submitted with a permit application which does not result in a permit shall be returned.

(b) This section shall not apply to alarm system components owned or leased by the city or other public law enforcement officials or departments.

(c) The city council reserves the right to waive alarm fees for anyone requiring services and unable to meet the fee requirements of this article.”

SECTION 2. Any other ordinances, resolutions, or policies of the City in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. 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, Bentley, McGhehey.

Voting Nay: None.

Motion carried.

January 18, 2022

- The last item on the agenda for Council was Resolution No. 22-05 which authorizes the purchase of a wide-deck mower for the cemetery department. The following information was provided:

[The cemetery 2021-22 budget includes \$60,000 for the purchase of a commercial mower with a mower deck and snow attachments. The 62" deck size is necessary at the cemetery, as clearance between headstones is limited. The City is specifically purchasing a John Deere because there are existing attachments that will be interchangeable with this new equipment. For that reason, quotes were requested for this equipment from the John Deere dealer for our region and compared to the SourceWell and State of Nebraska pricing.

Included are three quotes compiled by 21st Century Equipment of Alliance, NE comparing the SourceWell and State of Nebraska contracted prices as well as the dealer quote from 21st Century Equipment. The price offered by 21st Century Equipment is lowest at 21.5% under retail price.

Vendor	Price
Manufacturer's Suggested Retail Price	\$59,860.00
State of Nebraska – Contract Price (NE NASPO 15347)	\$48,787.86
SourceWell - Contract Price (031121-DAC)	\$48,028.33
21st Century Equipment - Dealer Price Quote	\$46,950.00

Staff is recommending purchase of the mower and attachments from 21st Century Equipment of Alliance, NE in the amount of \$46,950. An older Kubota mower will be sold at auction and another mower will take its place for mowing vacant lots and other areas that are rough on mowers.]

A motion was made by Mayor Dafney, seconded by Councilman Bentley to approve Resolution No. 22-05 which follows in its entirety:

RESOLUTION NO. 22-05

WHEREAS, The City of Alliance cemetery budget includes \$60,000 for the purchase of a commercial mower with a mower deck and snow attachments; and

WHEREAS, Three quotes were received, with the purchase being recommended from 21st Century Equipment of Alliance, NE in the amount of Forty-Six Thousand Nine Hundred Fifty Dollars and no/100ths (\$46,950.00).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor be and hereby is authorized to enter into a contract for the purchase of 2022 John Deere 1585 Terrain Cut Rear Discharge Mower with cab and snow attachments in the amount of Forty-Six Thousand Nine Hundred Fifty Dollars and no/100ths (\$46,950.00) from 21st Century Equipment of Alliance, NE.

January 18, 2022

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafny adjourned the meeting at 7:10 p.m.


Mike Dafney, Mayor

(SEAL)


Tarrah S. Johnson, City Clerk

