

May 3, 2022

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, May 3, 2022

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

The Alliance City Council met in a Regular Meeting, May 3, 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 April 27, 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 May 3, 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 City Attorney Hoelsing, City Manager Sorensen, Finance Director Waggener and City Clerk Johnson.

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

CONSENT CALENDAR – May 3, 2022

1. **Approval:** Minutes of the Regular Meeting, April 19, 2022 and Special Meeting, April 26.
2. **Approval:** Payroll Costs for April 22, 2022: \$226,158.38.
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; \$501,356.78.
4. **Approval:** Attached is a listing of Demand Checks which were generated over the last financial quarter ending March 31, 2022. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of fund transfers, meter

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WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, I, Mike Dafney, Mayor of Alliance, NE, hereby recognizes the week of May 1 through May 7, 2022, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Tarrah Johnson and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Councilman Bentley next recognized the week of May 1 through May 7, 2022 as Public Service Recognition Week and read the following proclamation:

PROCLAMATION

WHEREAS; Americans are served every single day by public servants at the federal, state, county and local levels. These unsung heroes do the work that keeps our nation and community functioning. At all levels of government, our public servants put our country and our people first; and

WHEREAS; The women and men who work for our government tackle some of the most important challenges and opportunities facing our community, country and the global community; and

WHEREAS; Public employees are hired to not only fill a job, but take oaths that they will do it the best they are able; and

WHEREAS; Many public servants, including police officers, firefighters and military personnel, risk their lives each day in service to the public and others commit countless hours to provide basic and leisure services to citizens improving their quality of life and the community; and

WHEREAS; Public servants include accountants and street workers... landfill operators and elected officials . . . librarians and safety inspectors . . . utility and parks workers and countless other occupations. Day in and day out they provide the diverse services needed by the neighbors of Alliance with efficiency and integrity; and

WHEREAS; These public servants, at every level, provide continuity that would be impossible without them in a democracy and ensures that the quality of life in America, and the City of Alliance, is the best it can be. These public employees are the ones who, with the help

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NATIONAL DAY OF PRAYER

in Alliance, Nebraska, and I do hereby urge all citizens to take due note of the observance.

IN WITNESS WHEREOF, I have hereunto set my hand, and cause the Great Seal of the City of Alliance to be affixed this 3rd day of May, in the year of our Lord Two Thousand Twenty-two.

- A Public Hearing was next conducted to discuss an amendment to the City of Alliance Municipal Code to dissolve the A-1 Downtown Improvement District. Following the hearing, Ordinance No. 2937 was introduced following the public hearing which will approve the amendment.

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 dissolution of the A-1 Downtown Improvement District” and opened the public hearing at 7:09 p.m.

Hearing no testimony, the Public Hearing closed at 7:10 p.m.

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2937. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2937

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DISSOLVING THE A-1 BUSINESS IMPROVEMENT DISTRICT, REPEALING §§ 18-31 TO 18-35 AND § 18-41 OF THE ALLIANCE MUNICIPAL CODE, REVERTING ASSETS OF THE A-1 BUSINESS IMPROVEMENT DISTRICT TO THE CITY OF ALLIANCE, NEBRASKA FOR USE GENERALLY BY THE PARKS AND RECREATION DEPARTMENT, REPEALING ALL OTHER ORDINANCES INCONSISTENT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City Council of the City of Alliance, Nebraska (the “City”) adopted and approved Resolution No. 22-20 on April 5, 2022, stating its intent to dissolve the A-1 Business Improvement District. A public hearing was held on May 3, 2022 for all interested persons to state their position on the dissolution of the A-1 Business Improvement District, and following the hearing the City hereby dissolves the A-1 Business Improvement District, pursuant to Neb. Rev. Stat. § 19-4035.

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SECTION 1. The City Council of the City of Alliance, Nebraska (the “City”) adopted and approved Resolution No. 22-20 on April 5, 2022, stating its intent to dissolve the A-2 Business Improvement District. A public hearing was held on May 3, 2022 for all interested persons to state their position on the dissolution of the A-2 Business Improvement District, and following the hearing the City hereby dissolves the A-2 Business Improvement District, pursuant to Neb. Rev. Stat. § 19-4035.

SECTION 2. All assets held by the A-2 Business Improvement District or managed by the A-2 Business Improvement District board shall revert to the City, for use generally by the Parks and Recreation Department of the City, pursuant to Neb. Rev. Stat. § 19-4036.

SECTION 3. Sections 18-31 to 18-35 and section 18-41 of the Alliance Municipal Code are hereby repealed and reserved for future use. All other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 4. This Ordinance shall take effect and be in force following its passage, approval, publication as required by law.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Bentley and McGhehey.

Voting Nay: Jones.

Motion carried.

- Next before Council was a Public Hearing for an addition to the City of Alliance Municipal Code, Section 111-443, titled Setback Exceptions, to include and address a setback exception for reverse corner lots. Ordinance No. 2939 was introduced following the public hearing which will approve the amendment. The following information was provided:

[The City received an inquiry into a setback variance for a house constructed on a lot that faces a side street. Houses on these lots, particularly in the older parts of town south of 12th Street, were constructed with a 5’ setback from the side street. Currently a setback of 15’ is required for the side street setback or 25’ if they choose to front the house along the side street.

One of the requirements for the Board of Adjustment to issue a Variance is that the condition causing the issue not be of a reoccurring nature. If the condition exists in multiple locations, the Law is intended for the Planning Commission and City Council to consider amending the code to accommodate it. There are approximately 82 reverse corner lots in Alliance south of 12th Street with varying setbacks from the side street.

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

SECTION 1. The City Code, at Section 111-443. – Setback exceptions is hereby amended as follows:

“Sec. 111-443. - Setback exceptions.

- (a) *Porches.* Porches on one- and two-family dwellings may extend six feet into the required front or rear setback only if existing houses constructed on the same side of the street were constructed in a like manner; however, porches may not be extended into the front or rear setback on dwellings where the original porch was enclosed or converted into a room unless said enclosed porch or room meets the minimum setback requirements for one- and two-family dwellings; any porch extending into the required setback shall not be turned into a room.
- (b) *Residential front building line.* In subdivisions without front building lines dedicated on the plat, and where 40 percent or more of the frontage on the same block and same side of the street has been developed, excluding reverse corner lots, the front building line for all remaining undeveloped lots shall be determined by taking the average setback found on developed lots, excluding those that vary more than ten feet in depth; provided that the board of adjustment may permit a variance in case of hardship, or where the configuration of the ground is such as to make conformity with the front yard requirements impractical. The building line shall be 25 feet for lots described above where less than 40 percent of the lots have been developed.
- (c) *Open and unobstructed.* Every part of each required minimum yard or court established by setbacks and building lines shall be open and unobstructed from finished grade or, where applicable from such other specified level at which the yard or court is required, to the sky except as otherwise provided for in Code.
- (d) *Architectural intrusion.* Every part of required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves; provided, however, that none of the projections shall extend into a court more than six inches nor into a minimum yard more than 24 inches. Open and unroofed balconies on other than the main floor of residential buildings may extend into a required side yard.
- (e) *Duplex, row, and townhouses.* In districts R-2, R-3, and their counterpart planned districts, two, single-family dwellings may be constructed on adjoining lots or single lots planned for future separate ownership, provided that the structures shall be constructed with an occupancy separation wall meeting structural requirements of the city building code, further provided, that this exception shall not reduce the required one-family dwelling minimum lot width of either lot. The minimum lot width requirement of this section shall not apply

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Lot coverage means the portion of a lot that is occupied by buildings or structures, including accessory buildings and structures but not including driveways and uncovered patios at ground level.

Lot depth means the mean horizontal distance from the front property line to the rear property line.

Lot in separate ownership, at the time of the passage of the ordinance from which this chapter is derived, means a lot the boundary lines of which along their entire length touch lands under other ownership as shown by plat or deed recorded in the Office of the Register of Deeds of Box Butte County on or before the date of the adoption of the ordinance from which this chapter is derived.

Lot line means the lines bounding a lot.

Lot line; front means the boundary between a lot and the street on which it fronts.

Lot; interior means a lot whose side lot lines do not abut upon any street.

Lot line; rear means the lot line which is opposite and most distance from the front lot line; except that in the case of uncertainty the city manager or designee shall determine the rear lot line.

Lot line; side means any lot boundary line that is not a front lot line or rear lot line thereof. A side lot line may be party line, a line bordering on an alley, or a side street line.

Lot; reverse corner means a corner lot whose frontage faces the street perpendicular to the street on which other lots of the same block have frontage, typically in accordance with setbacks as if the frontage of the reverse corner lot faced the street on which other lots of the same block have a frontage.

Lot subdivision means the division or combination of one or more previously platted lots on the same side of a street and in the same block into lots of different size or width than previously platted. Such procedure may produce more or fewer lots than previously platted; provided, however, no lot so produced shall have a width or area less than that permitted in the zoning regulations of the city, nor shall it change any street or alley line, or any platted building line.

Lot; through means an interior lot having frontage on two streets.

Lot width means the horizontal distance between side lot lines, measured at the front lot-line setback.

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follows in its entirety:

ORDINANCE NO. 2940

AN ORDINANCE AMENDING SECTION 101-67. – F TO INCLUDE A DEFINITION OF FARMERS MARKET; REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF 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. The City Code, at Section 101-67. – F is hereby amended as follows:

“Sec. 101-67. - F.

Facility means a structure, building, open area, or other physical contrivance or object.

Family applied to the following districts:

- (1) Any R-1 zoned area: One or more persons related by blood, adoption, or marriage, except persons placed with persons in a home licensed by the state department of health and human services, living together and occupying a single housekeeping unit with single kitchen facilities, or a number of persons but not exceeding two who are not related by blood, adoption or marriage, except persons placed with persons in a home licensed by the state department of health and human services, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.
- (2) All zoned areas except R-1, means as follows: One or more persons who are related by blood, adoption, or marriage, except persons placed with persons in a home licensed by the state department of health and human services, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit cost-sharing basis.

Farm/ranch means an area of land containing at least ten contiguous acres which is used for agriculture.

Farmers market means a place where local farmers sell at retail fruit, vegetables, meat, cheese, and other animal products, as well as bakery products, jelly's, jams, etc., primarily produced by the local farmers, directly to consumers.

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Frontage means that side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage street means any street which is parallel to and adjacent to major streets or highways and provides access to the abutting properties and protection from through traffic.”

SECTION 2. All other Ordinances or parts of Ordinances in conflict with this Ordinance are repealed as of the effective date of this Ordinance.

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 and McGhehey.

Voting Nay: None.

Motion carried.

- Next on the agenda for Council was the first reading of Ordinance No. 2941 which will amend the current Classification Plan set for FY 2021-2022. The following information was provided:

[Upon approval, the attached ordinance will modify the current Classification Plan.

The following changes are based on an annual review of City of Alliance salaries utilizing the Nebraska Pay Survey from 2021 and completed in conjunction with the Nebraska League of Municipalities. <http://nebraskapaysurveys.com/>. The City utilizes the standard of pay based on comparability's as required by law. All expect the changes in the Electric Department ensure compliance. While the survey data is propriety information and cannot be shared publicly, the City Manager has reviewed the source information and supports the following changes. Changes are being recommended now (rather than during the budget process) because wage comparison is based on current pay comparability's. It will also allow a two-step pay adjustment with less impact of the budget by making these changes now and any cost of living adjustments paid in the next fiscal year.

The Classification Plan has the following changes from the most recent version approved by Council:

Police Chief	108 to 109
Fire Chief	108 to 109

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SECTION 1. That the Classification Schedule for the City of Alliance dated effective October 5, 2021 is hereby amended.

SECTION 2. 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 and McGhehey.

Voting Nay: None.

Motion carried.

- Resolution No. 22-25 which awards the Alliance Municipal Airport Taxiway and Apron Rehabilitation Project Bid was next on the agenda for Council. The following information was provided:

[M.C. Schaff and Associates on behalf of the City of Alliance prepared an Invitation to Bid for the Federally-approved airport rehabilitation project number 3-31-0003-025-2021. The project was advertised for four weeks with two prime contractors and five subcontractors requesting plans and specifications.

One bid was opened at the scheduled time on April 14, 2022 at City Hall. The bid has been reviewed by the Engineer with no pricing errors identified and compliance noted with Disadvantaged Business Enterprise (DBE) goals, Buy American Certification, and bid bond requirements. The lowest responsive and responsible bidder was Simon Contractors, headquartered in North Platte, Nebraska at a base bid of \$3,911,860.00. The engineer's recent estimate for the project was \$3,744,700.00.

One contractor submitted bids on the project:

Bidder	Total Base Bid	ALT-1 Bid
Simon Contractors, North Platte, NE	\$3,911,860.00	\$34,140.00

Since only one bid was received, the Engineer has prepared an Independent Cost Analysis of the bid prices received. M.C. Schaff and Associates is recommending that the Council approve the bid proposal from Simon Contractors in the amount of \$3,946,000.00 (base bid and alternate bid) for the construction of the airport rehabilitation project subject to the final approval of the bid by the Federal Aviation Administration and Nebraska Department of Transportation, Aeronautics Division. M.C. Schaff's formal letter of recommendation is included in the packet as well as the bid tabulation.

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- Council next considered Resolution No. 22-26 which will authorize \$12,500 of Council Contingency Funds to be transferred to Keep Alliance Beautiful for this quarter to continue operations within the City of Alliance. Keep Alliance Beautiful has requested additional financial assistance in the amount of \$50,000 as a result of grant funding being denied for FY 2022-23. Remaining funds will be included in the City's FY 2022-23 budget and continued to be paid through quarterly installments.

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 22-26 which follows in its entirety:

RESOLUTION NO. 22-26

WHEREAS, Keep Alliance Beautiful provides recycling operations and education programs in the City of Alliance and Box Butte County; and

WHEREAS, Keep Alliance Beautiful is requesting an increase of financial assistance in the amount of Fifty Thousand Dollars and No/100ths (\$50,000) from the City of Alliance to continue operations; and

WHEREAS, Keep Alliance Beautiful is requesting payments be made in quarterly installments beginning July 1, 2022; and

WHEREAS, Council Contingency has budget authority for FY 2021-22 to provide financial assistance for the first quarter installment to Keep Alliance Beautiful;

WHEREAS, The City Council believes this to be in the best interest of the City; and

WHEREAS, Twelve Thousand Five Hundred Dollars and No/100ths (\$12,500) will be transferred from Council Contingency (GL# 01-10-10-47-791) to the Keep Alliance Beautiful Fund (GL# 06-41-42-47-755); and

WHEREAS, The remaining funds will be included in the 2022-2023 FY Budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the use of Twelve Thousand Five Hundred Dollars and No/100ths (\$12,500) Council Contingency Funds is hereby authorized to be paid to Keep Alliance Beautiful.

BE IT FURTHER RESOLVED that budget authority is being transferred from Council Contingency (GL #01-10-10-47-791) to Keep Alliance Beautiful (GL #06-41-42-47-755) in the amount of \$12,500.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.