

July 19, 2022

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JULY 19, 2022

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

The Alliance City Council met in a Regular Meeting, July 19, 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 July 13, 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 July 19, 2022 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council members Jones, Bentley and McGhehey. Also present were City Attorney Hoelsing, City Manager Sorensen, Finance Director Waggener and City Clerk Johnson.

- Councilman Mischnick was excused from the meeting.
- 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 Jones to approve the Consent Calendar as follows:

CONSENT CALENDAR – July 19, 2022

1. Approval: Minutes of the Regular Meeting, July 5, 2022.
2. Approval: Payroll Costs for July 15, 2022: \$272,646.24.
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; \$1,264,301.44.

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4. Approval: Two Capital budget transfers for the Public Works Department. One in the amount of \$83,000 for replacement of trash containers and the second in the amount of \$30,000 to purchase refuse fuel.
5. Approval: Issuance of Cemetery Certificates to Leta R. Cox and Melvin and Ann Baldwin.
6. Approval: Update to the Alliance Volunteer Fire Department by adding Maria Baglieri, Codi Lashley and Alexis Murray.
7. Approval: Acceptance of the Public Library Board Foundation of Alliance, Inc. Annual Report dated June 1, 2021 through May 31, 2022.

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.

Councilman Bentley motioned to amend the Consent Calendar by correcting the adjournment times to match on the July 7, 2022 minutes and July 7, 2022 council proceedings. The council proceedings were also amended by adding the date and time established for conducting the budget workshop. Councilman Jones seconded the motion.

There being no further discussion, Mayor Dafney asked Clerk Johnson to conduct a roll call vote on the Consent Calendar as amended.

Roll call vote with the following results:

Voting Aye: Dafney, Jones, Bentley and McGhehey.

Voting Nay: None.

Motion carried.

- Ordinance No. 2944 was next before Council on first reading and would amend Sections 22-175 and 22-177 of the Alliance Municipal Code in regards to the dates and times fireworks may be legally discharged.

A motion was made by Councilman Bentley and seconded by Councilman Jones to approve the first reading of Ordinance No. 2944. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2944

AN ORDINANCE AMENDING SECTIONS 22-175 AND 22-177 OF THE ALLIANCE MUNICIPAL CODE TO AMEND DATES AND TIMES WHEREIN FIREWORKS MAY BE LEGALLY DISCHARGED; REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HERewith; AND PROVIDING

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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 22-175. – Prohibited, nonapplicability, is hereby amended as follows:

“Sec. 22-175. - Prohibited; nonapplicability.

- (a) It shall be unlawful for any person to manufacture, display, sell, offer for sale, give away, use, start, discharge or explode, or cause to be manufactured, displayed, sold, offered for sale, given away, used, started, discharged, or exploded, any firework.
- (b) The provisions of the immediately preceding subsection shall not apply to:
 - (1) Non-wire sparklers, toy pistols or toy pistol caps;
 - (2) The possession of pyrotechnics which are in transportation to points outside the city;
 - (3) The possession or transportation of such pyrotechnics held by wholesale dealers for sale and shipment in unbroken packages to points or places outside the city;
 - (4) The sale, storage, or use of railroad track torpedoes or other signaling devices used by railroads;
 - (5) The sale, storage or use of flashlight compositions by photographers or dealers in photographic supplies;
 - (6) Pyrotechnic displays on the occasion of public celebrations or festivals, if the person conducting such pyrotechnic display shall first have applied for and have been granted by resolution of the mayor and city council permission to conduct such display;
 - (7) The sale and use of fireworks between July 1 and July 4 each year, during time periods authorized by state statute as modified by resolution of the mayor and city council, or by another section of this article;
 - (8) The use of blank cartridge pistols at sporting events by authorized persons;
or
 - (9) The use of blank cartridge pistols or other pyrotechnics by a person designated by the city manager or designee to implement the waterfowl management policy.
- (c) The terms "firework" or "fireworks" in this article shall refer to "consumer fireworks" as they are defined and amended by R.R.S. 1943, ch. 28, art. 12.”

SECTION 2. The City Code, at Section 22-177. – Legal Dates, times, and age restrictions for discharging fireworks, permit required, is hereby amended as follows:

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“Sec. 22-177. - Legal dates, times and age restrictions for discharging fireworks; permit required.

- (a) It shall be unlawful to discharge any firework as defined and permitted by state statute, prior to July 1, and after July 4 and at any time other than the dates and times specifically authorized by state statute and as modified by resolution of the mayor and city council.
- (b) Fireworks may be legally discharged between the hours of 9:00 a.m. and 10:00 p.m. on July 1 to July 3; and between the hours of 9:00 a.m. and 12:00 midnight on July 4. The city manager or his or designee may authorize in writing the discharge of fireworks between 9:00 a.m. and 12:00 midnight on July 5 if, in the discretion of the city manager or his or her designee, sufficient circumstances warrant an extension of the holiday celebration, provided that no firework may be discharged on July 5 without the written authorization of the city manager or his or her designee.
- (c) The use or possession of fireworks by any person under 12 years of age is prohibited unless direct supervision is provided by a person 18 years of age or older.
- (d) The city manager or designee shall issue a permit allowing the sale of fireworks during permitted periods for that calendar year under the following standards:
 - (1) Proof of fireworks license from the state fire marshal under state administrative code title 157, chapters 2 and 4, permissible fireworks list and licensing requirements, as per the current International Fire Code, fireworks as adopted by the city;
 - (2) Sale and retail display with storage in type 5 magazine 3301.1.3, 3301.2.3, 3302 and 3308.11.
- (e) At no time shall it be lawful to discharge a firework in any manner that is unsafe or dangerous to persons or property in any manner prohibited by R.R.S. 1943, § 28-1242 as now constructed or hereafter amended.
- (f) At no time shall it be lawful to discharge a firework into or upon any city recreational property unless the city has granted a special permit for such discharge.”

SECTION 3. All other Ordinances or parts of Ordinances in conflict with this Ordinance are repealed as of the effective date of this Ordinance.

SECTION 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Mayor Dafney asked Council if there were any concerns or discussion.

Councilman Bentley reported she reached out to several community members who expressed concerns about the length of time fireworks may be discharged and all agreed ten days

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was too long. It was suggested to reduce the discharge time to four days and cited not only noise issues but pet anxiety, children anxiety, and debris left on streets and sidewalks were amongst the concerns. Mayor Dafney agreed with Councilman Bentley and stated the community members he spoke with shared the same concerns.

Councilman McGhehey stated he believes going from ten days to four days might be too drastic as some of the community really enjoy and look forward to the Fourth of July holiday and noted that some make several trips to fireworks vendors during those ten days. In addition, two of the three local vendors sell fireworks as part as fundraising efforts for their school and/or church.

Councilman Jones was in agreement with Councilman Bentley and Mayor Dafney and was in favor cutting back the time that fireworks can be discharged.

Roll call vote with the following results:

Voting Aye: Dafney, Jones, Bentley.

Voting Nay: McGhehey.

Motion carried.

- Resolution No. 22-40 which will award the Property & Casualty Insurance Bid for 2022-2023 to FNIC was next on the agenda for Council. The City is recommending Traveler's Insurance as the carrier, with our Airport General Liability insurance being provided by Old Republic Surety Company through Phoenix Aviation Manager Inc., in the amount of \$897,713.

A motion was made by Councilman McGhehey, seconded by Councilman Bentley to approve Resolution No. 22-40 which follows in its entirety:

RESOLUTION NO. 22-40

WHEREAS, The City of Alliance recognizes the importance of purchasing insurance to protect against significant loss which affect the budget and would impact the operation of the City of Alliance; and

WHEREAS, The City desires to provide the best protection at the lowest cost to give the taxpayers the most insurance for their taxpayer dollar; and

WHEREAS, The City of Alliance entered into a contract with First National Insurance Company. formally Gregory's Insurance, Inc. to provide Property and Casualty insurance coverages with Traveler's Insurance as the package provider and Phoenix Aviation, who provides the Airport General Liability policy; and

WHEREAS, The City's coverages and premiums have been reviewed by our broker First National Insurance Company and they have made a recommendation for the renewal of policies to be effective August 1, 2022 with Traveler's Insurance.

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NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Alliance that the Mayor is authorized to sign a contract for insurance with First National Insurance Company in the amount of Eight Hundred Ninety-eight Thousand Five Hundred Forty-eight dollars and no/100ths (\$898,548).

Mayor Dafney reported the rate had changed following the publishing of materials, therefore an amendment was required to reflect the correct premium amount of \$897,713.

Councilman Jones motioned to amend Resolution No. 22-40 to reflect the corrected premium amount of \$897,713. Councilman McGhehey seconded the motion.

Roll call vote on the amendment to Resolution No. 22-40 with the following results:

Voting Aye: Dafney, Jones, Bentley and McGhehey.

Voting Nay: None.

Motion carried.

- Next on the agenda for Council was Resolution No. 22-41 which amends the current policy for employee merit bonuses.

A motion was made by Councilman Jones, seconded by Councilman Bentley to approve Resolution No. 22-41 which follows in its entirety:

RESOLUTION NO. 22-41

WHEREAS, The City of Alliance uses a merit-based employee pay raise program subject to annual evaluations and performance objectives; and

WHEREAS, Resolution No. 97-120 provided for a merit bonus of \$500.00 to be available to employees currently at the top of their pay grade, to be made on the basis of the employee's annual performance evaluation; and

WHEREAS, This merit bonus has not been adjusted since its passage in 1997;

NOW THEREFORE BE IT RESOLVED, That a merit bonus be made available to employees currently at the top of their pay grade, to be awarded on the basis of the employee's satisfactory annual performance evaluation, and subject to funding being made available in the fiscal year budget, according to the following schedule:

Full-time, 40 hour/week employee: \$1,000 bonus/year
Part-time, 25 hour/week employee: \$625 bonus/year
Part-time, 20 hour/week employee: \$500 bonus/year

BE IT FURTHER RESOLVED that this resolution shall become effective October 1, 2022.

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BE IT FURTHER RESOLVED All other Resolutions or parts of Resolutions in conflict with this Resolution are repealed as of the effective date of this Resolution.

Roll call vote with the following results:

Voting Aye: Dafney, Jones, Bentley and McGhehey.

Voting Nay: None.

Motion carried.

- Next for Council's consideration was Resolution No. 22-42 which will adopt the restated Electric Journey Line Worker Apprenticeship Program. The following information was provided:

[In 2017, the City worked with the Department of Labor to create and institute a federally recognized apprenticeship program for our electric journey line worker position. Our electric employees are register as part of a national apprenticeship program in accordance with the basic standards of apprentice established by the Secretary of Labor.

As a result, this program added to the overall benefit to apprentices, the Department, and our community because of these high standards. In this program, the City of Alliance recognizes that in order to accomplish the national standards in the journey line worker position, this well-developed, on-the-job learning combined with related instruction ensures that our employees are skilled in all phases of the electric industry.

The restated plan incorporates the Federally required Equal Opportunity Pledge, Affirmative Action Plan and Selection Procedures, extends the CDL requirement from 6 to 9 months, allows the Electric Superintendent flexibility in determining the entry-level wages of newly hired apprentices as well as advancing the Nationally Certified Journey Line Workers to Step 7 (rather

than 5) upon completion of the program. This restated agreement must also receive DOL approval before any changes are finalized.]

A motion was made by Councilman Bentley, seconded by Councilman McGhehey to approve Resolution No. 22-42 which follows in its entirety:

RESOLUTION NO. 22-42

WHEREAS, The City of Alliance owns and operates the Municipal Electric System; and

WHEREAS, The City of Alliance employs personnel for the transmission, distribution and generation of electric services for both the urban and rural areas within our electric service area; and

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WHEREAS, The U.S. Department of Labor has established a National Apprenticeship Program in accordance with the basic standards of apprenticeship established by the Secretary of Labor; and

WHEREAS, The National Apprenticeship Program provides an employment and training standard which has enhance the operations of our electric system and provides a well-rounded training opportunity for our employees; and

WHEREAS, The City of Alliance has been participating in the U.S. Department of Labor National Apprenticeship Program since 2017 and finds is in the best interest of the citizens of Alliance and our Electric Department Personnel.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City of Alliance will adopt the Restated U.S. Department of Labor National Apprenticeship Program as our training standard for the Alliance Municipal Electric System.

Roll call vote with the following results:

Voting Aye: Dafney, Jones, Bentley and McGhehey.

Voting Nay: None.

Motion carried.

- The final agenda item was a presentation from Police Chief Lukens.

Prior to adjournment, Mayor Dafney motioned to reintroduce Resolution No. 22-40 in order to conduct a final vote. Councilman Bentley seconded the motion.

Roll call vote with the following results:

Voting Aye: Dafney, Jones, Bentley and McGhehey.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Jones to approve Resolution No. 22-40 as amended. Councilman McGhehey seconded the motion.

Roll call vote with the following results:

Voting Aye: Dafney, Jones, Bentley and McGhehey.

Voting Nay: None.

Motion carried.

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There being no further business before Council, Mayor Dafney adjourned the meeting at 7:56 p.m.



Mike Dafney, Mayor

(SEAL)



Tarrah S. Johnson, City Clerk

Complete minutes of the Alliance City Council may be viewed by the public during regular work hours at the City Clerk's Office, 324 Laramie Avenue, Alliance, Nebraska.

