

September 6, 2022

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, SEPTEMBER 6, 2022

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

The Alliance City Council met in a Regular Meeting, September 6, 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 August 31, 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.

Vice Mayor Mischnick opened the September 6, 2022 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Vice Mayor Mischnick and Council members Bentley, Jones and McGhehey. Also present were City Attorney Hoelsing, City Manager Sorensen, Finance Director Waggener and Recording Secretary Keller.

- Vice Mayor Mischnick read the Open Meetings Act Announcement.
- Mayor Dafney was excused from the meeting.
- 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 – September 6, 2022

1. **Approval:** Minutes of the Regular Meeting, August 16, 2022.
2. **Approval:** Payroll Costs for August 26, 2022: \$247,076.91.
3. **Approval:** Claims against the following funds for the period of: 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; \$555,470.42.

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4. Approval: Issuance of a Cemetery Certificate to Tessiah J. Holthus and Craig and Cydne Johnson.
5. Approval: Resolution No. 22-54 authorizes the City to write-off charges that have remained uncollected over the past year, including balances that remain uncollected by the collection agency and other amounts that have not been collected by the City as of July 31, 2022. The charge-off action removes the items from the active financials of the City but does not limit further collection efforts by the City.
6. Approval: Resolution No. 22-55 provides the City's annual certification to the Nebraska Board of Public Roads Classifications and Standards of program compliance for 2022.
7. Approval: Resolution No. 22-56 approves the Electric Departments request for additional funds as the result of a surcharge of fees from the most recent bucket truck purchase.
8. Approval: Resolution No. 22-57 authorizes the capital budget transfer for the sewer lake repairs.

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 and McGhehey.

Voting Nay: None.

Motion carried.

- Next Council was introduced to Resolution No. 22-58 which accepts a donation from WESTCO and Land O' Lakes to the Alliance Fire Department in the amount of \$40,000. General Manager David Briggs and Jess Wimmer presented the check to Alliance Fire Chief Troy Shoemaker and expressed their gratitude to the fire department for their efforts fighting a fire that destroyed their building on June 28th, 2022.

- Ordinance No. 2945 was next before Council on second reading and presents to Council the 2022-2023 proposed Budget.

Councilman Jones voiced his frustration with the way the City is spending money and stated the City needs to be proactive in finding ways to be more conservative with spending.

With no further discussion, a motion was made by Vice Mayor Mischnick and seconded by Councilman McGhehey to approve the second reading of Ordinance No. 2945. Recording

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Secretary Keller read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2945

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1: The City Manager, in accordance with the requirements of Nebraska Revised Statute § 19-646, has submitted a proposed budget statement to the City Council, which statement is attached hereto as Exhibit A and incorporated herein by reference (the "Budget Statement").

Section 2. A public hearing will be held on the Budget Statement in accordance with the requirements of Nebraska Revised Statute § 13-506. Before the final passage and approval of this Ordinance, the Budget Statement may be amended in accordance with comments received at the public hearing, the property valuations provided by Box Butte County, any action to exceed the allowable growth for restricted funds as determined by law, and as necessary to adjust for any other information gathered by the City before October 1, 2022.

Section 3. In accordance with the requirements of the Nebraska Budget Act and Nebraska Revised Statute § 16-704, the amounts set forth in the attached and incorporated Budget Statement shall be and are hereby recognized as the budget appropriations for the City of Alliance, Nebraska for the fiscal year 2022-2023. The fund descriptions and amounts are as follows:

Fund Description	Amount
General	\$15,679,000
Electric	19,876,600
Refuse	2,361,400
Sewer	855,100
Water	3,008,300
Golf Course	895,100
Airport Operations	6,373,200
Public Transit	537,900
Streets	3,532,900
RSVP	98,200
Museum Exhibit	14,700
BID #1 and #2	15,000
HUD/Housing	170,000
Community Betterment (KENO)	30,200
Economic Development	813,300
LB 840 Fund	510,000
Redevelopment (TIF)	1,750,000

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Sales Tax Fund	2,400,000
Lodging Occupation Tax	301,000
Capital Projects Fund	2,200,000
Public Safety Tax	150,000
State 911 Funds	80,000
General Internal Service	1,843,700
Enterprise Internal Service	620,900
Health Support Internal Service	1,898,000
Airport Capital Reserve	62,000
American Recovery Plan Act Fund	1,450,000

Total Appropriations **\$67,526,500**

Section 4. Upon final passage and approval of this Ordinance, the Budget Statement is adopted by the City of Alliance Nebraska as the adopted budget statement. A copy of the Budget Statement shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Box Butte County, Nebraska, for use by the levying authority.

Section 5. This Ordinance shall become effective October 1, 2022.

Roll call vote with the following results:

Voting Aye: Mischnick, Bentley and McGhehey.

Voting Nay: Jones.

Motion carried.

● Next item on the agenda was the second reading of Ordinance No. 2946 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 2022-2023 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 2022-23 fiscal year budget by 1% (or \$77,975.92) with total restricted funds authority at \$8,070,507.67.

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

A motion was made by Councilman Mischnick and seconded by Councilman Jones to approve the second reading of Ordinance No. 2946. Recording Secretary Keller read the ordinance by title which follows in its entirety:

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ORDINANCE NO. 2946

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2022-2023 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 \$77,975.92 and included in the resulting “total restricted funds authority” in the adopted budget ordinance is hereby amended to the amount of \$8,070,507.67.

SECTION 6. Those portions of the existing budget ordinance for 2022-2023 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 2022-2023, 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: Mischnick, Jones, Bentley and McGhehey.

Voting Nay: None.

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Motion carried.

- Resolution No. 22-59 which will adopt the Classification and Compensation Plans which will be incorporated in the 2022-23 Fiscal Year budget was next on the agenda. The following information was provided:

[The attached resolution will adopt the Classification and Compensation Plans that will be incorporated as a part of the 2022-23 FY budget. The Compensation Plan includes three categories: Exempt, Non-Exempt and Fire Employees.

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

- **COLA:** Pay Grids reflect a flat \$1.00 increase based on a cost of living adjustment.
- **Administrative Position:** Following an extensive review of administrative roles in the organization (which included a position audit completed by the employee), three classifications were grouped together: Secretary at 212, Administrative Secretary at 214 and Technical Experts or Program Supervisors at 216. The following changes allocates knowledge, skills and abilities in to similar pay grades and allows for succession planning:
 - Remove Administrative from Administrative Secretary = Secretary (212).
 - Add Administration and Culture and Leisure Services under the Administrative Secretary title (214).
 - Change the Title of Inventory Purchasing Clerk to Warehouse Manager (214).
 - Remove Executive Sec. - Police (position was reallocated to a Lieutenant).
 - Add the following Technical Position at 216: Purchasing Manager, Deputy City Clerk, Permit Technician I, and Personnel Technician I. These positions maintain certification and technical knowledge above and beyond the Administrative Secretary role and responsibility.
 - Add the following Program/Supervisor Positions at 216: Public Transit Director and RSVP Director.
- **Museum:** These changes reflect a similar position structure as the Library and allow for succession planning.
 - Remove Project from Museum Project Support Clerk = Museum Support Clerk (202).
 - Eliminate Museum Collection Clerk.
 - Remove Accession from Museum Accession Clerk = Museum Clerk (207). The Accession and Collection Clerk job duties are combined.
 - Add Assistant Museum Director (214). This will be a professional museum position (similar to Librarian) to be used as an intermediate step between Clerk and Director. It could also be utilized as a training position for the next Museum Director.

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- **Airport:** These changes reflect the specialized knowledge necessary for the position. Wage comparisons for communities outside our array (Kearney, Grand Island, Lincoln) were utilized at a percent of pay for the position.
 - Reclassify Airport Maintenance Worker I from 212 to 213.
 - Add additional position of Airport Maintenance Worker II at 216.
- **Nutrition Site:** Three positions: Cook, Nutrition Aide, and Nutrition Delivery Driver have been added to the Classification Plan should the City and Aging Office of Western Nebraska work out an agreement for the City to manage the Nutrition Site located in the Senior Center.]

Councilman Jones expressed concerns about the city constantly raising wages and Vice Mayor Mischnick agreed that the City needs to be more cost conscious.

With no further discussion, a motion was made by Councilman Bentley, seconded by Councilman McGhehey to approve Resolution No. 22-59 which follows in its entirety:

RESOLUTION NO. 22-59

WHEREAS, the City Council of the City of Alliance passed and approved Ordinance No. 2943 effective June 7, 2022, providing for the future adoption and amendment to the classification plan and pay schedule by resolution of the City Council.

WHEREAS, the City Manager has proposed a classification plan and compensation schedule for Fiscal Year 2022-2023, which is attached to this Resolution;

WHEREAS, the City Council agrees with the proposals of the City Manager.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Alliance that the Classification Plan attached hereto is hereby adopted for Fiscal Year 2022-2023, effective October 1, 2022.

Roll call vote with the following results:

Voting Aye: Mischnick, Bentley and McGhehey.

Voting Nay: Jones.

Motion carried.

- Next item on the agenda for Council was Resolution No. 22-60 which will adopt a revised Transportation (DOT) Policy to ensure that the City of Alliance remains compliant with Federal Rules covering the FTA Dot programs. The following information was provided:

[The City operates two Federal Department of Transportation (DOT) programs. Federal Transit Administration (FTA) Policy covers public transit drivers. All

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employees required to have a commercial driver's license (CDL) are included in the Federal Motor Carrier Safety Administration (FMCSA) Policy.

Kari Ruse, NDOT Transit Programs Specialist, has provided standard language and updates for adoption into our policy that comply with Federal changes. Recommended changes include both mandatory language and discretionary language, which is underlined.

Changes include allowing saliva collection for alcohol testing, education and training distribution requirements, and parameters for reasonable suspicion testing and documentation on decisions not to test post-accident are also federally defined. Standard definitions found in the policy are now included in Attachment B.

Adoption of this policy will ensure that the City of Alliance remains compliant with Federal rules covering the FTA DOT programs.]

A motion was made by Councilman McGhehey, seconded by Councilman Bentley to approve Resolution No. 22-60 which follows in its entirety:

RESOLUTION NO. 22-60

WHEREAS, The U.S. Department of Transportation has revised the drug and alcohol regulations in 49 CFR Part 655; and

WHEREAS, The revision requires changes to our Federal Transportation Administration (FTA) policy for our Department of Transportation (DOT) classified employees;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the new regulations of the U.S. Department of Transportation will be included in the City of Federal Transportation Administration (FTA) Policy.

Roll call vote with the following results:

Voting Aye: Mischnick, Jones, Bentley and McGhehey.

Voting Nay: None.

Motion carried.

- Resolution No 22-61 was next on the agenda for Council. This resolution approves a recently negotiated contract with the Fraternal Order of Police Lodge #51. The following information was provided:

[The Fraternal Order of Police ("FOP") requested a renegotiation of the contract with the City. Recently, those negotiations were completed. The FOP President has tentatively agreed to these items, pending Council approval.

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Major highlights include:

- Three-year contract effective October 5, 2022 (FY2023), with 3.25% COLA for both FY2024 and FY2025.
- All receive a wage increase, putting our department within 5% of Scottsbluff for officers and above market average for dispatchers.
- Renegotiated employee assignments.
- Vacation sign-up.
- Reaffirms the definition of the work week at 80 or 84 hours per two weeks before overtime is earned. Clarifies vacation and holiday pay and accrual of "hours worked"

The resolution will:

- Approve entering into a three-year contract with Fraternal Order of Police, Lodge #51 effective October 1, 2022.
- Authorize the Mayor to sign on behalf of the City.
- Adopt a new 9-step grid, as a part of the contract, for the positions of Police Officer, Sergeant, Public Safety Dispatcher, and Public Safety Dispatch Supervisor.]

A motion was made by Councilman Jones, seconded by Councilman Bentley to approve Resolution No. 22-61 which follows in its entirety:

RESOLUTION NO. 22-61

WHEREAS, The Alliance Police Officer's Association Fraternal Order of Police Lodge 51 has been recognized as the current exclusive bargaining unit for the sworn officers and public safety dispatchers; and

WHEREAS, Negotiating teams for the City of Alliance and the Lodge have met on several occasions and have negotiated a proposed contract; and

WHEREAS, The Alliance Police Officer Association Fraternal Order of Police have met and approved the contract proposal; and

WHEREAS, The pay grid has been modified based on comparability and is shown on of the contract; and

WHEREAS, Placement of current personnel has been agreed upon and established within the pay grid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the contract proposal is hereby approved by the Alliance City Council, and the Mayor and City staff are authorized to execute the contract on behalf of the City of Alliance.

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BE IT FURTHER RESOLVED that the placement of personnel within the modified pay grid, attached as Page 27 is adopted.

BE IT FURTHER RESOLVED that the contract terms are effective October 5, 2022 through October 4, 2025.

Roll call vote with the following results:

Voting Aye: Mischnick, Jones, Bentley and McGhehey.

Voting Nay: None.

Motion carried.

- Resolution No. 22-62 which approves entering into an engineering contract with Baker & Associates, Inc. to design an expansion of and remodel to City Hall was next on the agenda. The following information was provided:

[The City has looked at remodelling the existing historical City Hall located at 324 Laramie Avenue several times over the last two decades, however no further action has been taken. Approximately 90% of the square footage of City Hall is currently inaccessible to the public due to a lack of ADA accommodations to reach many of the building's seventeen distinct elevations/levels.

Making City Hall largely ADA accessible would open up several opportunities including, but not limited to: additional basketball/volleyball court for tournaments and practices, additional office space in the downtown, additional meeting space, additional cultural activities and performances, etc. Additionally, making the building more compliant reduces liability associated with potential discrimination/accessibility lawsuits.

Staff reached out to two companies which had previously looked at remodel of the building, however the insitutional knowledge (namely those designers previously involved) was no longer available, at which time we approached Baker & Associates, Inc. who have a long relationship with the City for engineering projects. Subsequently a scope of work and contract were submitted to complete design efforts for the amount of \$324,500, with an estimated completion of the design within 330 days. It is requested that Council approve total appropriations in the amount of \$350,000 to allow for incidentals and additional unforeseen work.]

A motion was made by Councilman Mischnick, seconded by Councilman McGhehey to approve Resolution No. 22-62 which follows in its entirety:

RESOLUTION NO. 22-62

WHEREAS, The City of Alliance owns the City Administration Building located at 324 Laramie Avenue, Alliance, NE; and

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WHEREAS, Staff desires to expand and remodel the City Administration Building to bring it into compliance with the American with Disabilities Act; and

WHEREAS, Baker & Associates, Inc. has been chosen as the engineers for this project in the amount of Three Hundred Twenty-four Thousand Dollars and no/100ths (\$324,500) to provide the necessary engineering services; and

WHEREAS, Staff is requesting Council approve a total appropriation in the amount of Three Hundred Fifty Thousand Dollars and no/100ths (\$350,000) to allow for incidentals and additional unforeseen work.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the documents associated with the Engineering Services Agreement with Baker & Associates, Inc. for the expansion and remodel project of the City Administration Building located at 324 Laramie Avenue.

BE IT FURTHER RESOLVED that City Council has authorized a total amount of Three Hundred Fifty Thousand Dollars and no/100ths (\$350,000) be earmarked for this project.

Roll call vote with the following results:

Voting Aye: Mischnick, Jones, Bentley and McGhehey.

Voting Nay: None.

Motion carried.

- Next on the agenda was Resolution No. 22-63 which will approve entering into a construction contract with Renner Sports to construct post-tensioned concrete tennis courts at 16th St. and Box Butte Avenue. The following information was provided:

[The City has reconstructed the tennis courts located at 16th and Box Butte multiple times over the last few decades, with differing results. At this point, rather than remove the existing asphalt and uncovering potentially saturated conditions (as were uncovered in the past) it is recommended that a post-tensioned concrete court be installed over the top of the asphalt, using a small sand barrier in between to act as a friction breaker (as asphalt and concrete expand/contract at different rates).

Tennis has seen a resurgence in our community and basketball and pickleball are on the rise. This project would place both as part of the reconstruction.

Renner Sports specializes in post-tensioned concrete for sports applications. As this is specialty work, finding contractors was difficult, with Renner being recommended to us by their competitor out of Lincoln. These services would be procured under the Smartbuy Cooperative Purchasing Agreement.

Pricing has gone up since we began discussing this project earlier this year, with work estimated to cost \$392,237. It is requested that the Council approve and

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appropriate \$400,000 for this project. The Alliance School District has approved \$100,000 toward this project. The City's balance of \$300,000 would come from ARPA (Federal COVID-19) funding.]

A motion was made by Councilman Bentley, seconded by Councilman McGhehey to approve Resolution No. 22-63 which follows in its entirety:

RESOLUTION NO. 22-63

WHEREAS, The City of Alliance owns and maintains the tennis courts located at 16th Street and Box Butte Avenue; and

WHEREAS, The Alliance City Council has considered reconstructing tennis courts located at 16th Street and Box Butte Avenues; and

WHEREAS, It has been recommended that a post-tensioned concrete court be installed over the top of the existing asphalt using a small sand barrier in between to act as a friction breaker; and

WHEREAS, Tennis has seen a resurgence in the community along with pickleball and basketball and this project would incorporate all as part of the reconstruction; and

WHEREAS, Renner Sports specializes in post-tensioned concrete for sports applications and was recommended by their competitor out of Lincoln; and

WHEREAS, The cost of these services would be procured under the Smartbuy Cooperative Purchasing Agreement; and

WHEREAS, Staff is requesting that the Council approve and appropriate \$400,000 for this project; and

WHEREAS, The Alliance School District has approved \$100,000 toward this project and the City's balance of \$300,000 would come from ARPA (Federal COVID-19) funding; and

WHEREAS, The City of Alliance believes that entering into a Construction Contract with Renner Sports to construct post-tensioned concrete tennis courts at 16th Street and Box Butte Avenue is in the best interest of the citizens of Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is hereby authorized to sign on behalf of the City the Contract with Renner Sports for the construction of post-tensioned concrete tennis courts at 16th Street and Box Butte Avenue.

BE IT FURTHER RESOLVED, The City's portion of \$300,000 would come from ARPA (Federal COVID-19) funding.

Roll call vote with the following results:

Voting Aye: Mischnick, Jones, Bentley and McGhehey.

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Voting Nay: None.

Motion carried.

- The last item on the agenda was Resolution No. 22-64 which approves a Lease and Easement Agreement for a Solar Energy System, Solar Power Purchase Agreement, and a Generator Interconnection Agreement. The following information was provided:

[The City recently participated in a request for proposal process through NMPP for a municipal solar generation facility. Through that process, the City received an NMPP preferred proposal from SE Municipal Solar, LLC. The proposal was vetted by NMPP staff and included agreements which were reviewed and commented on by multiple municipalities.

The City initially decided to exit the request for proposal process due to the complexity of the proposal submitted, but in recent months the developer has amended its proposal for the City. As such, City staff has reached terms of a solar development with SE Municipal Solar, LLC that staff believes are fair and advantageous to the City.

City staff presents three documents to Council for approval:

1. Lease and Easement Agreement for Solar Energy System effective September 6, 2022;
2. Solar Power Purchase Agreement effective September 6, 2022; and
3. Generator Interconnection Agreement effective September 6, 2022.

The Lease will provide SE Municipal Solar, LLC a 26-acre plot—to be specifically surveyed and agreed on under the terms of the Lease—in the City's well-field west of the City. City staff believes this to be an advantageous location, as it will not interfere with City operations and it is reasonably close to interconnection facilities for the City. This term of the Lease matches the power purchase agreement term, which is initially 2 years to build and 25 years thereafter. The Lease provides clean-up provisions for the developer to remove the power generation facility after its operational life and remediate the land, include a continuing third-party performance bond obligation to remove the power generation facility after its operational life and remediate the land.

The Power Purchase Agreement provides that the City will purchase all power generated by the facility at wholesale cost. Initial costs will be \$39.90 per Mwh hour, and increases are capped at .5% per year for 25 years of production. City staff feels that, in the long-term with rising costs of wholesale electricity, the pricing proposal is fair and advantageous to the City. Total power produced

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cannot and will not exceed more than 5% of the City's total wholesale electricity needs, per the terms of the City's power purchase agreement with MEAN.

The Generator Interconnection Agreement sets forth the terms of the power generation facility's interconnection to the City's municipal electrical grid. As part of that agreement, the developer has agreed to pay for \$200,000 of the City's costs in connecting to the solar power generation facility. With this input, and the capped pricing model, City staff believes the project is financially viable and advantageous to the City.]

A motion was made by Councilman MgHehey, seconded by Councilman Bentely to approve Resolution No. 22-64 which follows in its entirety:

Resolution No. 22-64

WHEREAS, the operation of its municipal electrical system, the City of Alliance, Nebraska (the "City") provides electricity to customers and users, and purchases at wholesale costs electricity from wholesale electricity providers through power purchase agreements;

WHEREAS, the City participated in a state-side request for proposal process for solar electrical generation projects through NMPP, of which the City is the member, and for which proposals were submitted for solar electricity developers to lease municipal property, install solar electrical generation facilities thereon, and sell at wholesale cost the electrical output of the electrical generation facilities;

WHEREAS, the City has received a preferred proposal from SE Municipal Solar, LLC for a solar electricity generation project as outlined in the request for proposal process;

WHEREAS, the City and SE Municipal Solar, LLC have agreed to terms of the following agreement for the solar electricity generation project (the "Agreements"):

1. Lease and Easement Agreement for Solar Energy System effective September 6, 2022;
2. Solar Power Purchase Agreement effective September 6, 2022; and
3. Generator Interconnection Agreement effective September 6, 2022.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and the Council of the City of Alliance, Nebraska that the Agreements are hereby approved and the Mayor is authorized to sign the Agreements and any other ancillary documentation on behalf of the City of Alliance, Nebraska.

Roll call vote with the following results:

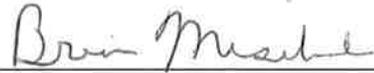
Voting Aye: Mischnick, Jones, Bentley and McGhehey.

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Voting Nay: None.

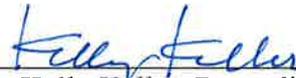
Motion carried.

There being no further business before Council, Vice Mayor Mischnick adjourned the meeting at 7:26 p.m.



Brian Mischnick, Vice Mayor

(SEAL)



Kelly Keller, Recording Secretary

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.

