

October 4, 2022

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, October 4, 2022

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

The Alliance City Council met in a Regular Meeting, October 4, 2022, at 7:00 p.m. in the Alliance Learning Center Community Meeting Room, 1750 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on September 28, 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 October 4, 2022 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney and Council members Mischnick, Bentley, Jones and McGhehey. Also present were City Attorney Hoelsing, City Manager Sorensen, Finance Director Waggener, City Treasurer Baker, 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 – October 4, 2022

1. Approval: Minutes of the Special Meeting, September 29, 2022.
2. 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.
3. Approval: Resolution No. 22-72 authorizing the Lease Agreement with Ed Rhoads for the SE ½ of Airport Building #3217.
4. Approval: Resolution No. 22-73 authorizing the Lease Agreement with Chris and Kari Farritor for the NW ½ of Airport Building #3217.

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5. Approval: Resolution No. 22-74 authorizing the Lease Agreement with Libsack Farms for Airport Building #2905.
6. Approval: Resolution No. 22-75 authorizing the Lease Agreement with Angie Wickham for Airport Building #3004.
7. Approval: Resolution No. 22-76 authorizing the Lease Agreement with Don and Joanna Jones for Airport Building #3219.
8. Approval: Resolution No. 22-77 authorizing the Lease Agreement with the Alliance Fire Department for Airport Building #2310.
9. Approval: Resolution No. 22-78 authorizing the Lease Agreement with the Nancy Leider for Airport Building #2906.
10. Approval: Resolution No. 22-79 authorizing the annual Contribution Agreement with Box Butte Development Corporation in the amount of \$75,700.
11. Approval: Resolution No. 22-80 authorizing the annual Contribution Agreement with the Alliance Chamber of Commerce in the amount of \$11,000.
12. Approval: Resolution No. 22-81 authorizing the annual Contribution Agreement with Keep Alliance Beautiful in the amount of \$50,000. This resolution also includes the additional \$50,000 special funding for FY 22-2023.
13. Approval: Resolution No. 22-82 authorizing the annual Contribution Agreement with Heartland Expressway in the amount of \$3,000.
14. Approval: Resolution No. 22-83 authorizing the annual Contribution Agreement with Panhandle Area Development District (PAAD) in the amount of \$6,581.30.

NOTE: Manager Sorensen and Finance Director Waggener have reviewed these expenditures and to the best of their knowledge confirms 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 and McGhehey.

Voting Nay: None.

Motion carried.

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- Next before Council was the final reading of Ordinance No. 2944 which will amend the Alliance Municipal Code in regards to the dates and times fireworks may be legally discharged and sold. Council was provided with the following information:

[Per Council's direction, staff drafted an ordinance to amend Sections 22-175 and 25-177 of the Alliance Municipal Code to amend the dates and times fireworks may be legally discharged and sold. The attached ordinance will reduce the sale and discharge of fireworks from July 1 to July 4, whereas currently Code reads, June 25 through July 4.]

A motion was made by Councilman Bentley and seconded by Mayor Dafney to approve the final 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 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;

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- (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 June 30 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:

“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 June 30, 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 June 30 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

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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 announced that Bob and Delinda Neville requested to speak before Council on this matter and invited them to the podium.

Bob Neville, 422 Box Butte Avenue, requested Council reconsider Ordinance No. 2944 as it negatively effects three local businesses in the community. In addition, reducing the days of sale will interfere with weekend sales and celebrations.

Delinda Neville, 422 Box Butte Avenue, requested Council consider a compromise of seven days for sale and discharge of fireworks. Things to consider are weather days that prevent the sell of fireworks each year; the loss of another local business; loss of tax dollars in our community; and the negative effect it has on a local family's household income to support their family.

Next, Philip Hawkins, who had also requested to speak before Council, was asked to approach the podium to share his thoughts on the matter.

Philip Hawkins, 1617 Emerson Avenue, shared his experience with operating a local firework stand as a fundraiser for the Berean church. Mr. Hawkins share that the current ten days gives stand operators barely enough time as it is to set up, maintain, and sell merchandise. He continued to say that the firework stand has provided additional income to the church allowing them to 1) continue services during the COVID-19 pandemic 2) hire additional staff 3) provide financial support for youth camps and 4) provide additional program funding. Mr. Hawkins thanked Council for their time and ask that they consider what is right for the community rather than make a decision based solely on personal preference.

Hearing nothing further, Mayor Dafney opened the discussion before Council. Mayor Dafney stated he would consider increasing from four days to five days.

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Councilman McGhehey shared he believed seven days to be more of compromise and those he has heard from along with emails forwarded to Council, there are few very that desire to reduce fireworks to four days.

Councilman Mischnick stated that five days is still too restrictive and would like to see a compromise of seven days.

There being no further discussion, Mayor Dafney motioned to amend Ordinance No. 2944 with new language allowing for five days rather than four. Councilman Bentley seconded the motion.

Roll call vote on the amendment with the following results:

Voting Aye: Dafney, Jones, Bentley.

Voting Nay: Mischnick and McGhehey.

Motion carried.

Roll call vote on the final reading of Ordinance No. 2944 as amended.

Voting Aye: Dafney, Jones, Bentley.

Voting Nay: Mischnick and McGhehey.

Motion carried.

Mayor Dafney stated, "the passage and adoption of Ordinance No. 2944 as amended has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published."

- Next item on the agenda for Council was Resolution No. 22-84 which will award the Airport Hail Damage Bid Award to Twin City Roofing & Sheet Metal, Inc. of Scottsbluff, NE in the amount of \$226,861.90. The following information was provided to Council:

[M.C. Schaff and Associates, on behalf of the City of Alliance, prepared an Invitation to Bid for the Airport Hail Damage Repair. The project was advertised for three weeks with one contractor requesting plans and specifications.

One bid was received and opened at the scheduled time on September 22, 2022 at the City of Alliance Municipal Building. The Engineer has reviewed the bids and found a minimal error when contractor was summarizing their totals for each schedule which increases their total to \$226,861.90. The Engineer noted compliance with bid bond requirements. The lowest, responsive and responsible bidder was Twin City Roofing & Sheet Metal, Inc. of Scottsbluff, Nebraska with a

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bid of \$226,861.90. The engineer's estimate for the project was \$236,193.26, which was based upon the insurance adjuster's estimate.

M.C. Schaff and Associates is recommending that the Council approve the bid proposal from Twin City Roofing & Sheet Metal, Inc. of Scottsbluff, NE in the amount of \$226,861.90 for the Alliance Airport Hail Damage Repair Project. The bid costs have been submitted to the City of Alliance insurance carrier for review and have been approved for acceptance.]

A motion was made by Councilman Jones, seconded by Councilman Mischnick to approve Resolution No. 22-84 which follows in its entirety:

RESOLUTION NO. 22-84

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

WHEREAS, The City experienced significant storm damages on July 9, 2021 at the Alliance Municipal Airport; and

WHEREAS, An Invitation to Bid for the Alliance Airport Hail Damage Repair was published and bids were opened; and

WHEREAS, The City received one bid from Twin City Roofing & Sheet Metal, Inc. of Scottsbluff, NE in the amount of Two Hundred Twenty-six Thousand Eight Hundred Sixty-one and 90/100ths (\$226,861.90); and

WHEREAS, The Engineer completed an Independent Cost Analysis and found the bid to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the contract and documents associated with the Alliance Airport Hail Damage Repair for the Alliance Municipal Airport from Twin City Roofing & Sheet Metal, Inc. of Scottsbluff, NE in the amount of Two Hundred Twenty-six Thousand Eight Hundred Sixty-one and 90/100ths (\$226,861.90).

BE IT FURTHER RESOLVED the bid was reviewed by the City's insurance carrier and is approved for full payment.

Roll call vote with the following results:

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

Voting Nay: None.

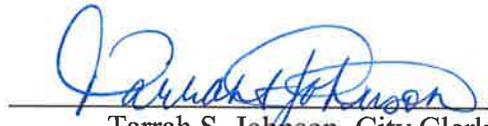
Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:25 p.m.

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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.