

December 6, 2022

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, DECEMBER 6, 2022

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

The Alliance City Council met in a Regular Meeting, December 6, 2022 at 7:00 p.m. in the Alliance Learning Center Community Meeting Room, 1750 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on November 30, 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 provided 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.

Recording Secretary Keller opened the December 6, 2022 regular meeting of the Alliance, Nebraska City Council at 7:02 p.m. Present were Council Members, Dafney, Mischnick, McGhehey, Andersen and Mashburn. Also present were City Attorney Stobel, City Manager Sorensen, Finance Director Waggener, and City Treasurer Baker.

- Reorganization of the City Council was the first item to come before the Council.

Recording Secretary Keller announced she has received the certification from the Box Butte County Clerk on the election results and acknowledged Mike Dafney, Mara Andersen and Tearza Mashburn were elected to the Alliance City Council.

Recording Secretary Keller administered the Oath of Office to Councilman Dafney, Councilman Andersen and Councilman Mashburn.

Recording Secretary Keller next conducted the election of President (Ex-officio Mayor). Ballots were cast and signed as follows:

Councilman Mischnick voted for Councilman Dafney.
Councilman McGhehey voted for Councilman Dafney.
Councilman Andersen voted for Councilman Dafney.
Councilman Mashburn voted for Councilman Dafney.
Councilman Dafney voted for Councilman Dafney.

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Councilman Dafney was elected to serve as Mayor.

Mayor Dafney conducted the election of Vice President (Ex-officio Vice Mayor). Ballots were cast and signed as follows:

Councilman McGhehey voted for Councilman Mischnick.

Councilman Andersen voted for Councilman Mischnick.

Councilman Mashburn voted for Councilman Mischnick.

Councilman Mischnick voted for Councilman Mischnick.

Mayor Dafney voted for Councilman Mischnick.

Councilman Mischnick was elected to serve as Vice Mayor.

- Mayor Dafney read the Open Meetings Act Announcement.
- The Consent Calendar was the first item on the agenda. Council Mischnick requested that Resolution No. 22-100 be pulled from the Consent Calendar for discussion. A motion was made by Councilman Andersen and seconded by Councilman Mischnick to approve the Consent Calendar as amended:

CONSENT CALENDAR – December 6, 2022

1. **Approval:** Minutes of the Regular Meeting, November 15, 2022.
2. **Approval:** Payroll Costs for November 18, 2022 in the amount of \$273,134.38 and December 2, 2022 in the amount of \$363,011.31.
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; \$654,302.60.
4. **Approval:** State Statute allows for one recognition dinner be held each year for the elected and appointed officials, employees or volunteers of the local government at a maximum cost of \$50 per person. The cost must be established by formal action by the governing body. Resolution No. 22-101 approves the budget authority of \$50 per person for the annual employee recognition dinner.
5. **Approval:** Resolution No. 22-102 approves the Service Agreement between the City of Alliance and the Aging Office of Western Nebraska which gives the City of Alliance management duties and authority over the nutrition site, including staff that is operated within the Alliance Senior Center.

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.

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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, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- Resolution No. 22-100 which was removed from the Consent Calendar for further discussion, was next for Council's consideration. Resolution No. 22-100 is the request for the City to submit an application for a Rural Workforce Housing Grant. The following information was provided to council:

Rural Workforce Housing Grant

In order to address the housing shortfall within the City, we are requesting to submit a letter of intent and future grant application to the Nebraska Department of Economic Development (DED). Box Butte Development Corporation, in partnership with the City of Alliance, would be seeking \$600,000 in funds from the Nebraska Department of Economic Development, to be used for the construction of single-family housing units and/or rental units. The limit for construction of single-family units is \$350,000, with a limit of \$250,000 for rental units.

BBDC has to be the lead applicant for these funds per DED grant application guidelines. This grant program requires a match equal to 50% of the grant funds being requested. Therefore, BBDC will need \$300,000 in matching funds in order to request the \$600,000 from DED. The City of Alliance would be allowed to provide the matching funds, which do not have to be delivered prior to approval of the grant application. However, a letter confirming the City's commitment to provide the match will be required and included with the BBDC actual application that will be due by early February, 2023.

If approved, BBDC would then have those amounts to use as a revolving loan fund to further spur workforce housing construction in Alliance.

Rural Workforce Housing Land Development

The City of Alliance, in partnership with Box Butte Development Corporation, would be seeking \$300,000 in funds from the Nebraska Department of Economic Development (DED), to be used as follows:

- (i) Laying of drinking water transmission lines;
- (ii) Rehabilitation, renovation, maintenance, or costs to secure vacant or abandoned properties in disproportionately impacted communities;

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(iii) Costs associated with acquiring and securing legal title of vacant or abandoned properties in disproportionately impacted communities and other costs to position the property for current or future use for the Rural Workforce Housing Investment Act;

(v) Demolition or deconstruction of vacant or abandoned buildings in disproportionately impacted communities; and

While no match is required, chances for obtaining approval of the grant application are improved when matching funds are made available. It is recommended that the City of Alliance consider approving the commitment of \$100,000 as matching funds for this program.

A motion and second will be needed to approve the City of Alliance's submittal to the Nebraska Department of Economic Development of a Notice of Intent to apply for funding under the Rural Workforce Housing Land Development Program on or before 5:00 PM, CST, December 15, 2022. The Notice of Intent is included in your packet. A pdf of the signed original (signed in blue ink) will be submitted by the City through the DED portal.]

Councilman Mischnick stated he thought there are other priorities the City should be looking at and wanted to know the City's actual match if the grant is approved. City Manager Sorensen replied that the City's match to the grant would be \$300,000 in order to request the \$600,000 from DED.

Councilman Andersen noted that the construction of new homes would be beneficial and provide opportunities in the community for employment.

Councilman McGhehey agreed that the workforce would benefit but also sees the housing availability in the City is an issue.

Councilman Mashburn agreed with the other Councilmembers and added that more single family homes are needed in the community.

With there being no further discussion, Mayor Dafney asked Recording Secretary Keller to conduct the roll call vote.

Roll call vote with the following results:

Voting Aye: Dafney, McGhehey, Andersen and Mashburn.

Voting Nay: Mischnick,

Motion carried.

- The second reading of Ordinance No. 2950 which will adopt the enhanced employment area and the additional 2% occupation tax for the Alliance Heartland Flats Mall and Apartments

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Project under the Nebraska community development laws was next on the agenda for Council. The following information was provided:

[As discussed when the Redevelopment Plan was presented to Council for the Alliance Heartland Flats Mall and Apartments Project, 385 Apartments, LLC desires additional economic development revenue from an “enhanced employment area” under the Nebraska community development laws. The enhanced employment area will be limited to the new apartment and retail development for the Project, and to the current Holiday Inn Express and Runza locations. The enhanced employment area will impose an additional 2% sales tax on all taxable sales in that area, the revenue from which will be provided to the City by each business and then distributed to 385 Apartments, LLC (or other bond holder) under an enhanced employment area bond, similar to tax increment financing revenue and bonds.

Before Council is the ordinance to adopt and approve the enhanced employment area and the additional 2% occupation tax. The ordinance provides for the purpose of the tax, the taxable area and businesses, and the implementation, collection, and distribution of the tax. Both the Holiday Inn Express and Runza have expressly consented to the imposition of the 2% sales tax.]

A motion was made by Councilman McGhehey, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2950. Recording Secretary Keller read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2950

AN ORDINANCE PROVIDING FOR AGREEMENT TO THE LEVY OF A RETAIL BUSINESS OCCUPATION TAX; THE LEVY OF A RETAIL BUSINESS OCCUPATION TAX; ESTABLISHING DEFINITIONS; PROVIDING FOR THE ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO SUCH OCCUPATION TAX; SPECIFYING HOW SUCH TAX REVENUE WILL BE USED; PROVIDING A SUNSET PROVISION FOR THE TAX; AND PROVIDING FOR AN EFFECTIVE DATE

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

Section 1. Findings and Determinations. The Mayor and Council of the City of Alliance, Nebraska (the “City”) hereby find and determine as follows:

(a) Pursuant to Section 18-2142.02, Reissue Revised Statutes of Nebraska, and the Community Development Law, as amended (the “Act”), the City of Alliance intends to enter into a Redevelopment Contract (the “**Redevelopment Contract**”) with 385 Apartments, LLC, a Nebraska limited liability company and the Community Redevelopment Authority of the City of Alliance, Nebraska (the “**Authority**”) which, in part, (1) provides for the improvement of a

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commercial shopping center (the “**Redevelopment Project**”) in the Enhanced Employment Area as shown on **Exhibit “A”** (attached hereto and incorporated herein by reference) and (2) designates such area as an “enhanced employment area” as defined in Section 18-2103(11) of the Act (the “**Enhanced Employment Area**”).

(b) Pursuant to Section 18-2142.02 of the Act, the City is authorized to levy and collect a general business occupation tax upon the businesses and users of space within the Enhanced Employment Area for the purpose of paying all or any part of the qualified and approved costs and expenses of the Redevelopment Project within the Enhanced Employment Area.

(c) It is necessary, desirable, advisable and in the best interests of the City that a general business occupation tax be imposed within the Enhanced Employment Area as provided by the Act for the purpose set forth in Section 1(b).

Section 2. Definitions. As used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Section 2, except where the context clearly indicates or requires a different meaning:

(a) “**Person**” means any natural person, individual, partnership, association, organization or corporation of any kind or character engaging in the business of operating a General Retail Business.

(b) “**General Retail Business**” means any activity engaged in by any Person or caused to be engaged in by such Person in which products or services are sold, leased or rented for any purpose other than for resale, sublease or sub rent, except that “General Retail Business” shall not mean any transaction which is subject to tax under Sections 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602 or 77-4008 of the Nebraska Revised Statutes or which is exempt from tax under Section 77-2704.24 of the Nebraska Revised Statutes.

(c) “**Taxpayer**” shall mean any Person engaged in the business of operating a General Retail Business as herein defined who is required to pay the tax herein imposed.

Section 3. Agreement to Impose Tax. The City hereby agrees to impose an occupation tax upon every Person operating a General Retail Business within the Enhanced Employment Area, and the Mayor and City Clerk are hereby authorized and directed to execute such documents and take such actions on behalf of the City as are necessary to carry out this Ordinance, including, but not limited to, entering into a Redevelopment Contract with 385 Apartments, LLC, a Nebraska limited liability company and the Authority which shall be produced to final form for approval and execution by the City and the Authority.

Section 4. Tax Imposed; Collection of Tax.

(a) On or after February 1, 2023, and in each calendar month thereafter there is hereby imposed a retail business occupation tax upon each and every Person operating a General Retail Business within the Enhanced Employment Area for any period of time during a calendar month. The amount of such tax shall be two percent (2.00%) of all General Retail Business transactions which the State of Nebraska is authorized to impose a tax as allowed by the Nebraska Local Option

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Revenue Act for each calendar month derived from the General Retail Business subject to this tax. Such tax shall be imposed on transactions which the State of Nebraska is authorized to impose a tax as allowed by the Nebraska Local Option Revenue Act resulting from the sales of products or services within the limits of the Enhanced Employment Area which are subject to the sales and use tax imposed by the State of Nebraska, except that no occupation tax shall be imposed on any transaction which is subject to tax under Sections 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602 or 77-4008 of the Nebraska Revised Statutes or which is exempt from tax under Section 77-2704.24 of the Nebraska Revised Statutes.

(b) The Person engaged in operating a General Retail Business may itemize the tax levied on a bill, receipt, or other invoice to the purchaser, but each Person engaged in such business shall remain liable for the tax imposed by this Ordinance.

Section 5. Business Classifications. Pursuant to Section 18-2142.04 of the Act, the City hereby makes the following classifications of businesses, users of space, or kinds of transactions for purposes of imposing the occupation tax:

(a) **General Retail Business:** means any activity engaged in by any Person or caused to be engaged in by such Person in which products or services are sold, leased or rented for any purpose other than for resale, sublease or sub rent, except that “General Retail Business” shall not mean any transaction which is subject to tax under Sections 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602 or 77-4008 of the Nebraska Revised Statutes, as amended, or which is exempt from tax under Section 77-2704.24 of the Nebraska Revised Statutes, as amended.

(b) **Non-Occupation Tax Retail:** means users of space, or kinds of transactions where an occupations tax cannot be imposed pursuant to Section 18-2142.02 of the Act, which includes, but is not limited to 1) manufacturers or wholesalers of alcoholic liquor; 2) producers, suppliers, distributors, wholesalers, or importers of motor fuel and/or gasoline; 3) stamping agents engaged in distributing or selling cigarettes at wholesale; 4) the first owner of tobacco products in the State of Nebraska; and 5) the gross receipts from the sale, lease, or rental of and the storage use, or other consumption of food or food ingredients except for prepared food and food sold through vending machines.

c) **Other:** businesses that are not either General Retail or Non-Occupation Tax Retail.

Section 6. Return. Each and every Person engaged in the operation of a General Retail Business within the Enhanced Employment Area for the calendar month beginning February 1, 2023, and for each and every month thereafter, shall prepare and file, on or before the 25th day of the following month on a form prescribed and furnished by the City Manager, a return for such month, and at the same time pay to the City the tax herein imposed. The return shall be verified and sworn to by the officer in charge of the business. The return shall be considered filed on time if mailed in an envelope properly addressed to the City Manager, postage prepaid and postmarked before midnight of the 25th day of the appropriate month.

Section 7. Tax Cumulative.

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(a) The levy of the tax under this Ordinance is in addition to all other fees, taxes, excises and licenses levied and imposed under any contract or any other ordinances of the City, in addition to any fee, tax, excise or license imposed by the State of Nebraska.

(b) Payment of the tax imposed by this Ordinance shall not relieve the Person paying the same from payment of any other tax now or hereafter imposed by contract or ordinance or by this Ordinance, including those imposed for any business or occupation he or she may carry on, unless so provided therein. The occupation tax imposed by this Ordinance shall be cumulative except where otherwise specifically provided.

Section 8. Use of Revenue. The two percent (2.00%) occupation tax imposed by this Ordinance, less any administrative expenses, shall be transferred to the Authority for payment of principal and interest on any Enhanced Employment Area Occupation Tax Revenue Bond for the Enhanced Employment Area and to fund any expenditures that the City is lawfully authorized to make in connection with the Redevelopment Project as permitted by the Act.

Section 9. Failure to File Return; Delinquency; Assessment by the City Manager

(a) If any Person neglects or refuses to file a return or make payment of the taxes as required by this Ordinance, the City Manager shall, if a return has not be filed, make an estimate, based upon such information as may be reasonably available, of the amount of taxes due for the period or periods for which the Taxpayer is delinquent, and upon the basis of such estimated amount or the actual amount if the return is filed but unpaid, compute and assess in addition thereto a penalty equal to one percent (1.00%) of the amount of taxes determined due, together with interest on such delinquent taxes at the rate of ten percent (10.00%) per annum until paid

(b) The City Manager shall give the delinquent Taxpayer written notice of such estimated taxes, penalty, and interest, which notice may be served personally, by certified mail, or by regular U.S. mail to the last-provided address of the Taxpayer (the date of service for which shall be three (3) business days after the date posted for mailing).

(c) Such amounts owed, with penalty and interest, shall thereupon become an assessment and such assessment shall be final, due, and payable from the Taxpayer to the City ten (10) days from the date of service of the notice; however, within ten (10) days of providing a notice of such assessment, the Taxpayer may petition the City Manager for a revision or modification of such assessment and shall, within such ten-day period, furnish the City Manager the facts and correct figures showing the correct amounts of such taxes.

(d) Such petition shall be in writing, and the facts and figures submitted shall be submitted in writing and shall be given under oath of the Taxpayer.

(e) The City Manager may then modify such assessment in accordance with the facts which he or she deems correct. Such adjusted assessment shall be made in writing, and notice thereof shall be mailed to the Taxpayer within ten (10) days; and all such decisions shall become final upon the expiration of thirty (30) days from the date of service, unless proceedings are commenced within that time for appeal in the District Court.

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(f) Nothing herein, including any bond executed pursuant this Ordinance, shall obligate the City or Authority to exercise any remedy available to it for collection of any delinquent taxes or assessment owed under this Ordinance.

Section 10. Administration; Miscellaneous Provision.

(a) The administration of the provisions of this Ordinance are hereby vested in the City Manager, or his or her designee, who shall prescribe forms in conformity with this Ordinance for the making of returns, for the ascertainment, assessment and collection of the tax imposed hereunder, and for the proper administration and enforcement hereof.

(b) All notices required to be given to the Taxpayer under the provisions of this Ordinance shall be in writing. Notices shall be mailed by U.S. regular or certified mail, postage prepaid, return receipt requested, to the Taxpayer at his or her last known address, or may be served personally.

(c) It shall be the duty of every Taxpayer to keep and preserve suitable records and other books or accounts as may be necessary to determine the amount of tax for which he/she is liable hereunder.

(1) Records of the transactions which the State of Nebraska is authorized to impose a tax allowed by the Nebraska Local Option Revenue Act by which this tax is measured shall be kept separate and apart from the records of other sales or receipts in order to facilitate the examination of books and records as necessary for the collection of this tax.

(2) It shall be the duty of every Taxpayer to keep and preserve for a period of four (4) years all such books, invoices and other records, which shall be open for examination at any time by the City Manager or his or her duly designated persons. If such Person keeps or maintains his books, invoices, accounts or other records, or any thereof, outside of the state, upon demand of the City Manager he/she shall make the same available at a suitable place within the City, to be designated by the City Manager, for examination, inspection and audit by the City Manager or his or her duly authorized persons. The Taxpayer shall reimburse the City for the reasonable costs of examination, inspection and audit if the City Manager determines that the Taxpayer paid ninety percent or less of the tax owing for the period of the examination.

(3) The City Manager, in his or her discretion, may make, permit or cause to be made the examination, inspection or audit of books, invoices, accounts or other records so kept or maintained by such Person outside of the state at the place where same are kept or maintained or at any place outside the state where the same may be made available, provided such Person shall have entered into a binding agreement with the City to reimburse it for all costs and expenses incurred by it in order to have such examination, inspection or audit made in such place.

(d) For the purpose of ascertaining the correctness of a return, or for the purpose of determining the amount of tax due from any Person, the City Manager or his or her duly authorized persons, may conduct investigations concerning any matters covered by this Ordinance; and may examine any relevant books, papers, records or memoranda of any such Person.

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(e) The City shall retain monthly 1.0%, of the gross amount received from the occupation tax imposed hereby, or a monthly minimum of \$25.00 per General Retail Occupation Tax return required to be made pursuant to this ordinance, whichever is higher, as an administrative fee. The City may retain this amount before distribution of other tax receipts to the Authority.

Section 11. Recover of Unpaid Tax by Action at Law

(a) The City Manager may, but is not obligated to, also treat any such taxes, penalties or interest due and unpaid as a debt due the City.

(b) In case of failure to pay the taxes, or any portion thereof, or any penalty or interest thereon when due, the City may, but is not obligated to, recover at law the amount of such taxes, penalties and interest in any court of Box Butte County, Nebraska or of the county wherein the Taxpayer resides or has its principal place of business having jurisdiction of the amounts sought to be collected.

(c) The return of the Taxpayer or the assessment made by the City Manager, as herein provided, shall be prima facie proof of the amount due.

(d) The City Attorney may, but is not obligated to, commence an action for the recovery of taxes due under this Ordinance and this remedy shall be in addition to all other existing remedies, or remedies provided in this Ordinance.

Section 12. Suspension or Revocation of Licenses for Failure to Pay Tax; Hearing.

If the City Manager or the City Manager's designee, determines that any Person has failed to pay any tax imposed by this Ordinance, such official may, but is not obligated to, suspend or revoke any City license, permit or other approval held by such Person. Such Person shall have an opportunity to a hearing with the City Manager before the suspension or revocation, which may not be held less than seven (7) days after notice is given of the time and place of such hearing, addressed to the last known place of business of such Person. Pending the notice, hearing and final determination, any licensee, permit or other approval issued by the City to the Person may be temporarily suspended. No suspension or revocation hereunder shall release or discharge the Person from civil liability for the payment or collection and remittance of the tax, nor from prosecution for such offense.

Section 13. Sunset Provision. The occupation tax imposed by this Ordinance shall terminate and collection of the tax shall cease upon the earlier of 1) payment in full of all indebtedness issued by the Authority pursuant to the provisions of the Act, for which such occupation tax receipts have been pledged being either the Enhanced Employment Area Occupation Tax Revenue Bond (Heartland Flats Mall and Apartments Project) as described in the Redevelopment Contract; or, 2) twenty (20) years after the issuance of said Bond, as provided in the Redevelopment Contract.

Section 14. Conflicts. All ordinances, resolutions, or orders, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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Section 15. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid, the validity of the remainder hereof shall not be affected thereby.

Section 16. Headings of Section Not Controlling. The headings of sections of this Ordinance are set forth herein for convenience of reference only and shall not affect the construction or interpretation of this Ordinance or any section hereof.

Section 17. Effective Date. This Ordinance shall take effect upon its passage and publication as provided by law.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

● Next item on the agenda for Council was Resolution No. 22-103 which authorizes the purchase of five patrol vehicles from Eagle County, Colorado for the police Department. The following information was provided:

[In 2021 the Police Department released a strategic plan outlining the need to reduce “hot seating” vehicles (which means that a vehicle that never rests and is in use 24 hours a day). In that plan the cost of a patrol vehicle was identified at \$49,000 while a used vehicle purchase was estimated at \$29,000. In 2021 it was projected a vehicle if lasting 150,000 miles would cost 19 cents a mile for usage. Over 2021 and 2022 used vehicles were purchased to increase the fleet, establish the take home car program and due to vacancies some cars were utilized for the decoy program. The decoy program utilizes Police VIP’s (Volunteers) to park the vehicles strategically throughout the community to address traffic concerns and crime. These programs are serving the community well and contribute to multiple savings.

In 2022 the strategic plan continued to incorporate used vehicles with anticipated cost savings utilizing published data. We now have had the opportunity to assess the effectiveness of utilizing used vehicles in Alliance. In 2020 prior to incorporating used vehicles, the maintenance budget was \$9,300. For the last two years it went down to \$8,000. It was raised to \$9,000 in 2023 because of concern of inflation but it is evident, the used vehicles are not costing the city more, in fact they are saving a tremendous amount of money.

We recently sold retired unit 103, a 2017 Ford Explorer Police Interceptor with 119,654 miles for \$6,600 in lieu of repairing the transmission and the engine which was disclosed prior to sale. It is estimated this vehicle cost \$.35 per mile to operate which is more than the actual cost comparisons in the 2021 strategic plan. Based on these purchases from UNL, Center CO, Torrington WY, and Eagle

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County CO, we have learned that Eagle County provides the most cost effective and reliable cars in the best condition. Based on these cars we project it to cost \$.10 per mile in usage for the life of these vehicles. That's a 72% reduction in vehicle capital expenditures while maintaining a significantly more effective fleet with better equipment.

Capital Outlay-Vehicles G/L 01-31-32-59-960 has been allocated \$60,000 for fiscal year 2023 and we have the opportunity to purchase the following from Eagle County:

- 2016 Dodge Charger, Mileage 120,766, Price \$10,000
- 2017 Chevy Tahoe, Mileage 111,895, Price \$10,000
- 2017 Dodge Charger, Mileage 94,723, Price \$10,000
- 2017 Dodge Charger, Mileage 84,287, Price \$10,000
- 2017 Dodge Charger, Mileage 105,435, Price \$10,000

The benefits of take-home cars far outweigh the cost of program implementation (i.e. additional insurance, internet jupacks, etc.). The proposed resolution would authorize the purchase the above mentioned cars from Eagle County Colorado for a total of \$50,000. There is no need for new equipment and installation other than printers. The approved authority in the police operations budget (Capital Outlay-Vehicles G/L 01-31-32-59-960) was \$60,000 allowing adequately for decals and printers. There will remain a balance of unused funds. Note

- Assigned cars have a 30% lower operating cost and longer life expectancy as officers take "ownership" and care for assigned vehicles better. The vehicles generally have less down time and increased productivity.
- Makes, models and styles of vehicles assigned are constantly changing. Rotating different vehicles tends to increase risk of accidents due to unfamiliarity-it has been proven there are fewer accidents with assigned cars vs. "hot-seated" cars.
- Take-home vehicles are viewed as an added benefit for officers and can aid in officer retention.
- More vehicles throughout the city creates the perception of more officers in the City which is a visual deterrent - ultimately reducing costs and crime.
- Eliminates use of employees' personal cars for official business.
- Installed equipment includes emergency lighting and controls, siren and PA, prisoner cage, dual gun rack and mobile computer dock, radar and organizers. To outfit five new cars with this equipment would be approximately \$50,000; purchasing these vehicles will save the City a substantial amount of money.]

A motion was made by Councilman McGhehey, seconded by Councilman Andersen to approve Resolution No. 22-103 which follows in its entirety:

RESOLUTION NO. 22-103

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WHEREAS, The City of Alliance Police Department has a need to add to the current patrol fleet;

WHEREAS, Police Chief Lukens is recommending the purchase of five (5) used patrol vehicles in the amount of Fifty Thousand Dollars and NO/100ths (\$50,000) from Eagle County, Colorado; and

WHEREAS, The five (5) vehicles are fully equipped with the required safety and emergency equipment and being sold “as is”; and

WHEREAS, Budget Authority is available in Capital Outlay-Vehicles GL# 01-31-32-59-960 to complete the purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that Mayor Dafney be and hereby is authorized to enter into a purchase agreement with Eagle County, Colorado for the purchase of five (5) used patrol vehicles in the total amount of Fifty Thousand Dollars and NO/100ths (\$50,000).

BE IT FURTHER RESOLVED, that the City Council is authorizing the purchase from the Police Department’s Capital Outlay – Vehicle Account No. 01-31-32-59-960 to allow for the purchase.

Council requested more information from staff in regards to the purchase and Mayor Dafney questioned the need for more vehicles with so many miles on them and stated he has a hard time supporting the request from the Police Department. Mayor Dafney also reminded Council of the number of previously purchased vehicles with high miles and didn’t think this purchase was a dire need.

With there being no further discussion, Mayor Dafney asked Recording Secretary Keller to conduct the roll call vote.

Roll call vote with the following results:

Voting Aye: McGhehey and Andersen.

Voting Nay: Dafney, Mischnick, and Mashburn.

Motion failed.

- Resolution No. 22-104 which authorizes the purchase of a budget software from ClearGov was next for Council. The following information was provided:

[Budgeting software was originally considered during the FY2023 budget sessions, however the City Manager recommended not funding the expense at that time, however that opinion has been reversed and the City Manager is now requesting to move forward with the purchase using funds from the FTE position vacancies over the months of October and November from various departments. With the change in leadership in the finance department combined with our move

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		Annual Subscription Cost	Implementation Cost	Based Budgeting FY2024, it is that we move to a that eliminates the multiple spreadsheets that updated manually, manually checked
to Zero- for proposed software need for must be 1) 2) for version control, 3) E-mailed with accompanying messages for context and revision control.	ClearGov	\$36,400	\$7,200	
	Questica	\$22,575	\$0	
	ResourceX	\$30,000	\$15k	
	OpenGov	\$39,400	\$60-80k	
	GovSense	\$40k <i>per module</i>		

Additionally, this software will allow us to seamlessly transition between any budgeting style such as incremental, zero-based, program-based, or priority-based with the ability to do single or biennial budgets. We would also be able to carry over budgets and capital improvements between different fiscal years, saving time otherwise spent configuring spreadsheets. Alternative budgets can easily be analyzed, and scenarios on personnel is automatically calculated, helping to avoid potential errors. Communication on the budget all occurs within the software with automatic tracking of changes, approvals, etc. While we do not know how much time could be saved by utilizing this software, the reduction in time of year over year, the reduction in manual processes, and the ability to run various scenarios all present opportunities to save time and to do analysis that is not currently feasible to conduct.

Software would include five modules: Operational Budget, Personnel, Capital Planning, Digital Budget Book, and a public transparency portal. All five modules interact with each other reducing the need to duplicate information. Software would interact with our current finance and HR software suites. The digital budget book would be compliant with GFOA budget award requirements. The public transparency portal would allow citizens to examine proposed budgets in hopes of encouraging public input and participation in the budget process. Later, after the budget is adopted, citizens would be able to compare adopted budget versus actual expenses as this information can be passed back and forth between the budget software and our finance software. Our current capital improvement software is only \$775/year, however it is for only one seat and must be managed outside of both our Excel spreadsheets and finance software. Quarterly reports can be automatically created using this software without the need to update Excel spreadsheets.

In conjunction with department heads, we have evaluated four software suites geared toward local government budgets. A fifth company, GovSense communicated over the phone that they are better suited for larger municipalities with much higher annual fees.

Although carrying a higher price than the lowest cost vendor (Questica), feedback from staff was that ClearGov was easier to use and to learn and a better fit for our organization. Attached are those written quotes which we have received. The quote

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from OpenGov was given verbally in a Zoom meeting.

If this purchase is not approved, staff has created an Access Database to replace the use of spreadsheets. While this will be functional, and will resolve some of the duplication of effort, reports, budget book, and updates would continue to be a manual process. We also would not have an automatically created/updated public portal.

Comments, updates, scenarios, etc. would continue to be manual processes and calculations.

While we can certainly continue to use our current approach, moving to a web-based budget software would provide for time savings and improved public transparency.]

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to approve Resolution No. 22-104 which follows in its entirety:

RESOLUTION NO. 22-104

WHEREAS, The City of Alliance maintains computer records to account for all funds received, funds transferred and disbursed; and

WHEREAS, The City staff desires to enter into a Software & Support Agreement with ClearGov to provide budgeting and transparency software for the City's budget; and

WHEREAS, The software is an annual subscription cost of Thirty-six Thousand Four Hundred and No/100ths Dollars (\$36,400) with an implementation cost of Seven Thousand Two Hundred and No/100ths Dollars (\$7,200); and

WHEREAS, The City finds it is in the City's best interest to enter into such an agreement for the management of the City's overall budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alliance, Nebraska, that City Manager is authorized to enter into a Software Maintenance & Support Agreement with ClearGov.

BE IT FURTHER RESOLVED The City Manager has authority to execute all documents associated with the ClearGov programming.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

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Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:29 p.m.


Mike Dafney, 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.