

January 3, 2023

## ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, JANUARY 3, 2023

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

The Alliance City Council met in a Regular Meeting, January 3, 2023 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 December 14, 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.

Mayor Dafney opened the January 3, 2023 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney and Council members Mischnick, McGhehey, Andersen, and Mashburn. Also present were City Attorney Hoelsing, City Manager Sorensen, 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. Councilman Mashburn requested to remove Resolution No. 23-01 for further discussion.

A motion was then made by Councilman Andersen, seconded by Councilman Mischnick to approve the amended Consent Calendar as follows:

### **CONSENT CALENDAR – January 3, 2023**

1. Approval: Minutes of the Regular Meeting, December 20, 2022.
2. Approval: Payroll Costs for December 30, 2022 in the amount of \$266,354.44.
3. Approval: Claims against the following funds: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf

January 3, 2023

Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$432,386.88.

4. Approval: Cemetery Certificate issuance to Janelle J. Pyatt and James Pyatt for Lot 22, Section, 2 Block 22, Alliance Cemetery Fourth Addition.
5. Approval: Resolution No. 23-02 authorizes the submittal of a grant application to the Nebraska Department of Economic Development for possible improvements to the Carhenge trail system.
6. Approval: On October 24, 2022 a vehicle struck a primary feeder riser pole on the south side of Cody substation, as a result of this accident, the primary feeder wires were faulted causing a large electrical outage. The damage to the wire was extensive requiring complete replacement. The affected feeder lines serve a large portion of the City and are vital in system reliability. After consulting with several vendors, only Border States Electric Supply could acquire the needed wire in a total amount of \$37,706.26. The wire and other needed parts will be billed to the party responsible in the accident. Resolution No. 23-03 approves the purchase.
7. Approval: Resolution No. 23-04 approves the annual agreement for engineering services with M.C. Schaff & Associates for the 2023 Pavement and Asphalt Overlay Projects in the amount of \$151,934.25. As usual, the agreement includes the civil design, surveying, bidding services, construction oversight, and project closeout services.

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: Dafney, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- Resolution No. 23-01 was the next item on the agenda for consideration which will accept the donation of a AR500 Armor Testudo Gen 2 Level III Vest from the Alliance Evangelical Church for the Alliance Police Department.

A motion was made by Councilman Mashburn, seconded by Councilman Andersen to approve Resolution No. 23-01 in its entirety:

January 3, 2023

RESOLUTION NO. 23-01

*WHEREAS*, The City of Alliance provides law enforcement services for the citizens of Alliance; and

*WHEREAS*, The Alliance Evangelical Free church would like to donate one (1) AR500 Armor Testudo Gen 2 Level III Vest to the Alliance Police Department; and

*WHEREAS*, The vest would be beneficial for high risk entry situations; and

*WHEREAS*, The City Council believes it is in the best interest of the City of Alliance to accept donation from The Alliance Evangelical Free church.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the donation of one (1) AR500 Armor Testudo Gen 2 Level III Vest to the Alliance Police Department be accepted on behalf of the Alliance citizens.

Councilman Mashburn asked if the vest was already purchased and if the vest was an actual need of the department as well as if it met all requirements.

Chief Lukens shared that the vest was on order and is a specialty vest not a day-to-day vest. He continued stating the vest is a plate carrier that goes over the officer's uniform and will be used in active shooter situations. Chief Lukens added it is in the Police Department's Strategic Plan to purchase this particular vest for the entire department.

With no further discussion, Mayor Dafney asked Clerk Johnson to call the vote.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Councilman McGhehey next presented a proclamation to the St. Agnes Academy Student Council proclaiming January 29 through February 4, 2023 as Catholic Schools Week and with the following proclamation:

**PROCLAMATION**

*WHEREAS*, The week of January 29, 2023 to February 4, 2023 is National Catholic Schools Week; and,

*WHEREAS*, The theme of which is "Catholic Schools: Faith. Excellence, Service; and,

*WHEREAS*, St. Agnes Academy has been part of Alliance, Nebraska since September 1908 and St. Agnes Academy has helped to make our town a loving community; and,

January 3, 2023

*WHEREAS*, St. Agnes Academy prepares its' students not only with fine academic training, but also with spiritual values that will make them good citizens able to contribute their community and become the leaders of the future.

*NOW, THEREFORE*, The Alliance City Council, hereby recognizes January 29 – February 4, 2023 as:

### **CATHOLIC SCHOOLS WEEK**

In Alliance, Nebraska, and urge all citizens to recognize Catholic schools for their commitment to excellence in quality education.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 3<sup>rd</sup> day of January in the year of the Lord Two Thousand Twenty-three.

- Next on the agenda for Council was Resolution No. 23-05 which will approve the redevelopment contract for Heartland Flats Mall and Apartments Project. The following information was provided:

[City Council approved the Redevelopment Plan for the Alliance Heartland Flats Mall and Apartments at their August 16, 2022 meeting. As discussed when the Redevelopment Plan was presented to Council for 385 Apartments, LLC desired additional economic development revenue from an “enhanced employment area” under the Nebraska community development laws. Council adopted Ordinance No. 2950 at their December 20, 2022 meeting, officially adopting the enhanced employment area and the additional 2% occupation tax.

Now Council has before them the Redevelopment Contract with 385 Apartments, LLC and the Community Redevelopment Authority (CRA). This Contract implements the Heartland Flats Mall and Apartments Redevelopment Project and governs the Redeveloper's, City's, and CRA's respective responsibilities regarding the project, the TIF Bond, and Enhanced Employment Area (EEA) Occupation Tax Revenue Bond. After the Council's approval, the CRA will consider this Contract for approval at their January 5, 2023 meeting and will authorize the TIF Bond and EEA Bond.]

A motion was made by Councilman Mashburn, seconded by Councilman McGhehey to approve Resolution No. 23-05 which follows in its entirety:

### **RESOLUTION NO. 23-05**

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

**Recitals:**

January 3, 2023

a. A Redevelopment Plan for the *Alliance Heartland Flats Mall and Apartments Project* by 385 Apartments, LLC (the “Redevelopment Plan”) has been submitted to the Alliance Community Redevelopment Authority (“Authority”) according to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment.

b. The area to be redeveloped under the Redevelopment Plan is described as Lot 4A, a Replat of Lots 1, 2, and 3 Holsten Addition, a Replat of Block 10 Syndicate Addition, to the City of Alliance, in the SW¼ of Section 35, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska. This Redevelopment Plan includes a request for tax increment financing from the division of taxes on the Redevelopment Area. This Redevelopment Plan also provides for the designation of an Enhanced Employment Area for purposes of establishing an occupation tax on taxable sales in the following area: Lots 1A, 2A, 3A, and 4A, a Replat of Lots 1, 2, and 3 Holsten Addition, a Replat of Block 10 Syndicate Addition, to the City of Alliance, in the SW¼ of Section 35, Township 25 North, Range 48 West of the 6<sup>th</sup> P.M., Box Butte County, Nebraska.

c. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the 2009 Alliance Comprehensive & Long Range Transportation Plan. The Planning Commission recommended approval of the Redevelopment Plan to the Authority and City Council.

d. The Authority and City Council have both approved and adopted the Redevelopment Plan.

e. The City Council adopted Occupation Tax Ordinance No. 2950, on December 20, 2022.

f. The City Council desires to enter into a Redevelopment Contract (the “Contract”) with the Authority and 385 Apartments, LLC (the “Redeveloper”), under which the Authority will provide tax increment financing and an enhanced employment area occupation tax revenue bond to the Redeveloper to assist with the implementation of the Redevelopment Plan.

**Resolved:**

1. The Contract between the City, Authority, and Redeveloper as presented is approved. The Mayor and City Clerk are authorized to sign the Contract on behalf of the City. The Mayor, upon consultation with the City Manager and City Attorney, may make changes and amendments to the Contract and take all actions and execute all documents which the Mayor deems in the best interest of the City in connection with the Redevelopment Plan.

2. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

3. This Resolution shall become effective immediately upon its adoption.

January 3, 2023

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The final agenda item was the reappointment of Aimee Otto to the Library Board with a new term expiring June 30, 2026. A motion was made by Councilman Mischnick, seconded by Councilman Mashburn to approve the appointment.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Dafney adjourned the meeting at 7:12 p.m.

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Mike Dafney, Mayor

(SEAL)

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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.