

April 04, 2023

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 04, 2023

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

The Alliance City Council met in a Regular Meeting, April 04, 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 March 29, 2023. 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 April 04, 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 Manager Sorensen, City Attorney Hoelsing, City Treasurer Baker and Interim City Clerk Shelbi Pitt.

- 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 Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – April 04, 2023

1. **Approval:** Minutes of the Regular Meeting, March 21, 2023.
2. **Approval:** Payroll from March 24, 2023 in the amount of \$264,907.32
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; \$316,701.21.
4. **Approval:** Resolution No. 23-18 will approve the payment of the INA Alert Camera Project in the total amount of \$45,341.89.

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NOTE: City Manager Sorensen and City Treasurer Baker 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.

- The next item on the agenda was a proclamation acknowledging National Lineman Appreciation Day, April 18, 2023. Councilman Mischnick read the following proclamation:

PROCLAMATION

WHEREAS, the City of Alliance would like to recognize and celebrate the profession of Linemen and wishes to honor their exemplary services to the City of Alliance and our community; and

WHEREAS, Linemen are often first responders during storms and other catastrophic events, working to make a scene safe for the citizens; and

WHEREAS, Linemen work with thousands of volts of electricity high atop power lines 24 hours a day, 365 days a year, to keep electricity flowing in our community, and

WHEREAS, Linemen work under dangerous conditions, putting their lives on the line every day to construct and maintain the energy our City needs to run to operate.

THEREFORE, BE IT RESOLVED that I, Mike Dafney, Mayor of Alliance, do hereby proclaim April 18, 2023, as:

National Linemen Appreciation Day

And encourage residents to recognize the hard work and commitment our Linemen do for our City. And encourage everyone to take a moment to thank a line worker for everything they do to keep the lights on, ensuring and enhancing our quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 4th day of April in the year of the Lord Two Thousand Twenty-Three.

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- Councilman ANDERSEN next recognized the week of April 10 through April 14, 2023 as Public Transit Week and read the following proclamation:

PROCLAMATION

WHEREAS, Public transit provides our citizens access to medical, business, employment, social, and supportive services; and

WHEREAS, Public transit allows individuals to remain independent, contributes to economic development, and improves mobility; and

WHEREAS, Over 26,700 rides were provided by public transit in Alliance during fiscal year 2022; and

WHEREAS, Alliance has numerous public transit professionals who provide service to our citizens and must maintain educational requirements and standards; and

WHEREAS, The Alliance City Council recognizes the important role that public transit professionals play, and wishes to acknowledge that role; and

WHEREAS, Public transportation in Alliance is provided by the collaborative efforts of the City of Alliance, Nebraska Department of Transportation and Federal Transit Administration to provide resources to transport individuals every day.

NOW, THEREFORE, The Alliance City Council, does hereby proclaim April 10-14, 2023 as

PUBLIC TRANSIT WEEK

In Alliance, and I do hereby urge all citizens to increase their understanding and awareness of their local transit systems and the many services provided.

IN WITNESS WHEREOF, I have hereunto set my hand, and cause the Great Seal of the City of Alliance to be affixed this Fourth day of April, in the year of our Lord Two Thousand Twenty-Three.

- The next before Council was a Public Hearing for the proposed creation of a Clean Energy Assessment District pursuant to Neb. Rev. Stat. § 13-3204, encompassing the entirety of the City's extraterritorial zoning jurisdiction. Ordinance 2953 will create the Clean Energy Assessment District, establish definitions for the District, and provide for the financing, administration, and collections of the District. The following information was provided:

[The Heartland Flats mixed-use development has requested that the City implement an economic development assessment under Nebraska's "Property Assess Clean Energy Act" ("PACE"). City staff has been in discussions with the third-party lender for PACE and is willing to move forward with the developer's request.

PACE provides funding similar to tax increment financing. For PACE Financing, the developer must incur costs to install and maintain energy efficient improvements.

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Examples of energy efficient improvements include, but are not limited to, insulation, storm windows, automated energy controls, water conservation, etc.

Once—or when—those costs are incurred, and third-party lender will provide funding to the developer to cover the costs of the energy efficient improvements. The loan is then repaid through a ten-year special assessment levied against the property improved. The special assessment is levied by the City, collected by the County Treasurer, and remitted to the third-party lender for repayment of the initial PACE financing.]

Mayor Dafney stated “now is the date, time and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the “Property Assess Clean Energy Act” and opened the public hearing at 7:07 p.m.

Hearing no further testimony, the Public Hearing closed at 7:08 p.m.

- Next, Ordinance No. 2953 is before Council on the second reading to establish a PACE District in the City for commercial and industrial properties within the City’s extraterritorial zoning jurisdiction. Ordinance No. 2953 also sets for the assessment contract and application forms for use in the PACE program. The Ordinance contemplates that the third-party lender and the developer will work together towards PACE Financing applications and that most of the City administration of the PACE District will be managed by the third-party lender. In discussions with other cities in Nebraska that have recently created a PACE District, the City staff has found that a similar experiences occurred: the third-party lender addresses most of the PACE Financing administration. Staff believes the City’s role is to accept applications at the staff level and implement special assessment levies when financing is complete. The following information was provided:

[The Heartland Flats mixed-use development has requested that the City implement an economic development assessment under Nebraska’s “Property Assess Clean Energy Act” (“PACE”). City staff has been in discussions with the third-party lender for PACE and is willing to move forward with the developer’s request.

PACE provides funding similar to tax increment financing. For PACE Financing, the developer must incur costs to install and maintain energy efficient improvements. Examples of energy efficient improvements include, but are not limited to, insulation, storm windows, automated energy controls, water conservation, etc.

Once—or when—those costs are incurred, and third-party lender will provide funding to the developer to cover the costs of the energy efficient improvements. The loan is then repaid through a ten-year special assessment levied against the property improved. The special assessment is levied by the City, collected by the County Treasurer, and

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remitted to the third-party lender for repayment of the initial PACE financing.

Ordinance No. 2953 is before Council on first reading to establish a PACE District in the City for commercial and industrial properties within the City's extraterritorial zoning jurisdiction. Ordinance No. 2953 also sets for the assessment contract and application forms for use in the PACE program. The Ordinance contemplates that the third-party lender and the developer will work together towards PACE Financing applications and that most of the City administration of the PACE District will be managed by the third-party lender. In discussions with other cities in Nebraska that have recently created a PACE District, the City staff has found that a similar experiences occurred: the third-party lender addresses most of the PACE Financing administration. Staff believes the City's role is to accept applications at the staff level and implement special assessment levies when financing is complete.

Staff recommends passage of Ordinance No. 2953 on second reading. It is another tool that can be utilized for development of the City, and it provides minimal involvement of City resources.]

A motion was made by Councilman Mischnick, seconded by Councilman McGhehey to approve the second reading Ordinance No. 2953. Interim City Clerk Pitt read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2953

AN ORDINANCE TO CREATE A CLEAN ENERGY ASSESSMENT DISTRICT; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR THE FINANCING, ADMINISTRATION, AND COLLECTIONS, TO PROMOTE ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY SYSTEMS; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

WHEREAS, the City of Alliance, Nebraska desires to create a clean energy assessment district to enable property assessed clean energy financing for its property owners; and,

WHEREAS, the City also desires to authorize the clean energy assessment district to enable third-party lenders to accept applications and enter into financing agreements with property owners within the boundaries of the district; and,

WHEREAS, this Ordinance, upon execution, shall create a clean energy assessment district, which shall be known as the Alliance PACE District, as authorized by NEB. REV. STAT. §§ 13-3203 and 13-3204(3), which boundaries shall be the extraterritorial zoning jurisdiction of the City.

BE RESOLVED BY THE CITY OF ALLIANCE CITY COUNCIL:

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Section 1. Findings and Determinations. That the City Council of the City of Alliance, Nebraska (the "City"), hereby finds and determines as follows:

(A) Pursuant to NEB. REV. STAT. §§ 13-3201 to 13-3211, inclusive, the Property Assessed Clean Energy Act (the "Act"), energy efficiency and the use of renewable energy are important for preserving the health and economic well-being of Nebraska's citizens. Using less energy decreases the cost of living and keeps the cost of public power low by delaying the need for additional power plants. To further these goals, it is necessary for the City to promote energy efficiency improvements and renewable energy systems. Upfront costs for energy efficiency improvements and renewable energy systems may prohibit or deter many property owners from making improvements. It is necessary for the City to implement an alternative financing method through the creation of a clean energy assessment district.

(B) Financing energy projects to further these goals is a valid public purpose and can be accomplished through Property Assessed Clean Energy ("PACE") financing, which is used to overcome the upfront costs for energy efficiency improvements and renewable energy systems by using private capital and equity, rather than public debt.

(C) Pursuant to the Act and NEB. REV. STAT. § 13-3204, the City is authorized to establish a clean energy assessment district so that owners of qualifying property can access PACE financing for energy efficiency improvements or renewable energy improvements to their properties located in the District. The City also may enter into an agreement with one or more other municipalities pursuant to the Interlocal Cooperation Act, NEB. REV. STAT. §§ 13-801, et seq., for the joint creation, administration, or creation and administration of clean energy assessment districts, pursuant to NEB. REV. STAT. § 13-3210. The City declares its intent that the provisions of this Ordinance shall be in conformity with federal and state laws. The City enacts this Ordinance pursuant to the Act, as amended.

Section 2. Title and Definitions. That this Ordinance shall be known and may be cited as "City of Alliance Property Assessed Clean Energy (PACE) Ordinance." Except the words and phrases specifically defined below or in NEB. REV. STAT. § 13-3203, as amended, words and phrases used in this Ordinance shall have their customary meanings. As used in this Ordinance, the following words and phrases shall have the following meanings:

"District" means the Alliance PACE District, created pursuant to this Ordinance, as authorized by NEB. REV. STAT. §§ 13-3203 and 13-3204(3), which boundaries shall be the extraterritorial zoning jurisdiction of the City including any area that is within the corporate boundaries or extraterritorial zoning jurisdiction the City.

"District Administrator" means the designated representative or a third-party administrator selected by the City by agreement or written designation.

"PACE financing" means funds provided to the owner(s) of qualified property by a third-party lender, pursuant to the Act and this Ordinance, for an energy efficiency improvement or renewable energy system(s).

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“Qualifying Property” means commercial property, including multifamily residential property having more than four dwelling units, and industrial property located in the District.

Section 3. District Boundaries and Requirements Pursuant to NEB. REV. STAT. §§ 13-3204(3).

(A) The City finds that the financing of energy efficiency improvements and renewable energy systems is a valid public purpose. Such public purposes include, but are not limited to, reduced energy and water costs, reduced greenhouse gas emissions, economic stimulation and development, improved property valuation, and increased employment.

(B) The boundaries of the District shall be the extraterritorial zoning jurisdiction of the City as allowed pursuant to NEB. REV. STAT. § 13-3204(1).

(C) The District Administrator shall use a form contract for assessment contracts among the City, the owner of the qualifying property, and a third-party lender, containing terms as attached hereto as Exhibit “A” governing the terms and conditions of financing and annual assessments in accordance with the Act, including NEB. REV. STAT. § 13-3205(1), which provides for repayment of the costs financed through annual assessments upon the qualifying property benefited by the energy project.

(D) The District Administrator is authorized to enter into assessment contracts on behalf of the City.

(E) The District Administrator will use a financing application process and eligibility requirements, for financing energy projects in accordance with the requirements of the Act and accepted by the third-party lender. The application process and program eligibility requirements shall be, at a minimum, as follows:

(1) Submission of an application as attached hereto as Exhibit "B" to the District Administrator, which shall include, but not be limited to, the following information:

- (a) Applicant name and contact information, including property owner and developer;
- (b) Project location and legal description;
- (c) Identification of contractor or supplier, including anticipated PACE contractor and a copy of the approved bid for the energy efficiency project;
- (d) Project description;
- (e) Total project cost;
- (f) Description of proposed improvements;
- (g) Description of energy efficiency project to be financed;

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- (h) Amount of requested assessment;
- (i) Interest rate on the PACE assessment and any required fees;
- (j) Term of assessment;
- (k) Energy savings report indicating estimated energy savings and estimated cost savings for the energy project;
- (l) Whether the applicant is requesting a waiver of the estimated economic benefit requirement;
- (m) Title report showing any mortgage or lien holders;
- (n) Lender consent;
- (o) Projected jobs created by PACE project;
- (p) Project environmental benefits;
- (q) Funding source;
- (r) All other such information as needed to demonstrate the project complies with all the requirements of the Act.

(2) In addition to the application, a non-refundable one-time fee of \$1,000 shall be provided to the Program Administrator at the time of the Application.

(3) The District Administrator may grant an applicant's request to waive the estimated economic benefit requirement. If the District Administrator denies the applicant's waiver request, the applicant may appeal the denial by submitting a request in writing to the City Council of the City of Alliance, Nebraska (the "City Council"). The appeal shall be mailed by certified mail or hand delivered to the City Clerk within fourteen days after the denial. The City Council will review the matter on the record made by the District Administrator and, after providing the applicant an informal opportunity to be heard, the City Council will make the final decision.

(4) The District Administrator shall review the application to determine whether the energy project meets the eligibility requirements of the Act and this Ordinance. An energy project shall not be eligible for PACE financing if the qualifying property is subject to any of the following:

- (a) Delinquent ad valorem taxes;
- (b) Delinquent personal property taxes;
- (c) Delinquent special assessments;
- (d) Overdue or delinquent water or sewer charges;
- (e) Involuntary liens, including but not limited to construction liens;

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- (f) Notice of default pursuant to any mortgage or deed of trust related to the qualifying property, or
- (g) If the property owner or property developer is delinquent in the payment of any assessment required to be paid for any energy efficiency improvement financed pursuant to the Act.

(5) If the energy project is determined to be eligible under the terms of the Act and as required in this Ordinance, the District Administrator shall review the application and approve, request additional information, or deny the application at his/her sole discretion.

(6) Upon approval of an application, the District Administrator is authorized to proceed with and execute an assessment contract.

(F) Pursuant to NEB. REV. STAT. § 13-3205(7), annual assessments agreed to under an assessment contract shall be levied against the qualifying property and collected in accordance with the Act.

(G) The District shall establish procedures to determine the following in the future:

(1) Provisions for an adequate debt service reserve fund created under Section 13-3209 of the Act, if applicable;

(2) Provisions for an adequate loss reserve fund created under Section 13-3208 of the Act, if applicable; and

(3) Any application, administration, or other program fees to be charged to owners participating in the program that will be used to finance costs incurred by the City as a result of the program;

(4) Any costs shall be deducted before remitting the assessment to the third-party PACE program administrator.

(H) The assessment term shall not exceed the weighted average useful life of the energy project paid for by the annual assessments.

(I) Any energy efficiency improvement that is not permanently affixed to the qualifying property upon which an annual assessment is imposed to repay the cost of such energy efficiency improvement must be conveyed with the qualifying property if a transfer of ownership of the qualifying property occurs during the assessment term.

(J) Prior to the effective date of any contract that binds the purchaser to purchase qualifying property upon which an annual assessment is imposed, the owner shall provide notice to the purchaser that the purchaser assumes responsibility for payment of the annual assessment as provided in NEB. REV. STAT. § 13-3205(3)(d), and that the obligations set forth in the assessment contract, including the obligation to pay annual assessments, are a covenant that shall run with the land and be assessed upon future owners of the qualifying property.

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(K) In connection with providing PACE financing, the City will provide for marketing and participant education.

(L) The City shall obtain, or the District Administrator shall obtain and provide to the City, verification that the renewable energy system or energy efficiency improvement was properly installed and is operating as intended.

Section 4. Authorization for PACE Program. That, pursuant to NEB. REV. STAT. § 13-3204(1), the District shall be governed by the City of Alliance City Council.

(A) The District Administrator shall comply with the Act and the provisions of this Ordinance and follow any applicable City procurement policy and procedures for selecting a third-party administrator, should a third-party administrator be selected for the administration of the PACE program. Any such third-party administrator must ensure that there is no financial requirement, liability, or exposure to the District or City. The District Administrator as defined in Section 2 of this Ordinance may serve as the administrator of the PACE program for the District and City.

(B) The District or City may also engage the services of a state or local financing agency for the purposes of providing conduit bond financing for the District or City as part of its third-party administration.

(C) Upon selection of a third-party administrator, that third-party administrator may, on behalf of the City, accept applications for financing energy efficient improvements within the District boundaries, facilitate the financing application process, and review eligibility requirements for financing energy projects in accordance with the requirements of the Act and as accepted by the third-party lender.

(D) The District may be expanded via the Interlocal Cooperation Act in order to create a program of sufficient size and scale to attract qualified third-party administrators and/or to promote energy efficiency across multiple political subdivisions, as authorized under the Act.

(E) The District may accept and approve PACE financing applications from property owners that have commenced or completed Qualifying Property energy efficient improvements within six (6) months of an application.

Section 5. Liability of City Officials; Liability of City. That notwithstanding any other provision of law to the contrary, officers, officials, employees, or agents of the District, or the City shall not be personally liable to any person or entity for any claims, liabilities, costs, or expenses, of whatever kind or nature, under, arising out of, or related to the City's or District's participation in the District's PACE Program or any PACE Financing, including, without limitation, claims for or related to uncollected PACE Assessments. Not in limitation of the foregoing, the City has no liability to a property owner or lender for or related to energy savings improvements or funding under a PACE Financing or Program, other than to remit PACE Assessments received in accordance with the Act or record a notice of assessment lien upon notice from the PACE lender that the property owner is delinquency in payment pursuant to applicable law.

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Section 6. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by the law, and satisfaction of any conditions set forth in this Ordinance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to suspend the statutory rule requiring three separate reading of Ordinance No. 2953.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2953 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Dafney stated, “the passage and adoption of Ordinance No. 2953 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

- Next for Council’s consideration was the second reading of Ordinance No. 2954 which will amend section 24-27 of the Alliance Municipal Code to amend snow removal requirements for city sidewalk and right of way. The following information was provided:

[This section of code prescribes the requirements of clearing snow, slush, and ice off City sidewalks and the appropriate placement of the snow, slush, or ice. The winter of 2022-2023 has highlighted a few issues with the existing code such as notification requirements, placement of snow in City Rights of Way,

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placement of snow blocking intersection vision requirements, and the extent the snow must be cleared.

Staff collaborated to identify the issues the City had this winter with snow removal requirements and came up with these recommendations. The proposed code was then sent to Legal for review.

The proposed code allows buildings constructed to a 5 feet or less setback to place their snow in the City Street within 12 hours after it stops snowing. It provides more clear requirements for notification for properties that haven't cleared their sidewalks within 24 hours of the final snow and prohibits the placement of the snow in such a way that obstructs pedestrian and vehicle driver's vision, particularly at intersections. It also requires the entire width of the sidewalk to be cleared; the clearing of the sidewalk to the centerline of the alley on side streets, and a path into the street at intersections.]

A motion was made by Councilman Mashburn, seconded by Councilman ANDERSEN to approve the second reading of Ordinance No. 2954. Interim City Clerk Pitt read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2954

AN ORDINANCE OF THE CITY OF ALLIANCE NEBRASKA, AMENDING SECTION 24-27 OF THE ALLIANCE MUNICIPAL CODE TO AMEND SNOW REMOVAL REQUIREMENTS FOR CITY SIDEWALK AND RIGHT OF WAY; REPEALING ALL EXISTING PROVISIONS OF THE ALLIANCE MUNICIPAL CODE NOT CONSISTENT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 24-27. Snow removal, is amended as follows:

“Sec. 24-27. Snow removal.

- (a) *Removal.* It shall be the duty of the owner or occupant of every lot or parcel adjacent to a city sidewalk to clean and remove all snow, slush, and ice therefrom within 24 hours after such snow, slush, or ice has fallen, drifted, or accumulated thereon.
- (b) *Extent:* Removal shall include the entire width and length of the city sidewalk up to the centerline of any adjacent alley, and the portion of sidewalk extending into a street intersection.
- (c) *Removal Location.* Snow, slush, or ice shall not be moved from any lot, driveway, or adjacent sidewalk into the city street, alley, or onto any neighboring lot, nor shall any

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snow, slush, or ice be placed in the “sight vision triangle” or on any lot, in such a manner that may interfere with the regular flow of traffic or vision clearance of the roadway as determined by the city manager or designee. In locations within a central business district zoning designation, where the building adjacent to the city sidewalk is constructed to less than a five foot front or side street setback, snow may be pushed into the street from the city sidewalk provided it is placed there no later than 12 hours after any snow, slush, or ice has fallen, drifted, or accumulated thereon.

- (d) *Failure to remove.* If, after 48 hours, the lot or parcel owner or occupant has failed to remove snow, slush, or ice as set out herein, the city manager or designee shall post a notice on the property adjacent to the sidewalk or serve the owner or occupant with a notice requiring the removal of any snow, slush, or ice within 24 hours of the notice posting or their receipt of said served notice. The city manager or designee may cause the sidewalk to be cleared by hiring a contractor or by city employees should the owner fail to comply with the notice.
- (e) *Recovering costs.* The city manager shall bill the property owner for all costs incurred in clearing the sidewalk. The property owner shall have no more than two months to pay their removal costs in full to the city. After nonpayment the city manager may:
 - (1) Levy an assessment against such property in accordance with the procedures set forth in section 24-26 (d); or
 - (2) Recover such costs in a civil action.
- (f) *Violation:* Violation of any part of this section shall be considered a municipal code violation and may be punishable by a \$100 fine per occurrence.”

SECTION 2. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. This Ordinance shall take effect upon its approval, 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.

A motion was made by Mayor Dafney, seconded by Councilman Mischnick to suspend the statutory rule requiring three separate reading of Ordinance No. 2954.

Roll call vote with the following results:

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

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Voting Nay: None.

Motion carried.

Roll call vote to approve Ordinance No. 2954 on final reading with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Dafney stated, “the passage and adoption of Ordinance No. 2954 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

- The following item, Resolution No. 23-19 which will authorize an Entertainment District Permit to the Chamber of Commerce for the Entertainment District Events in 2023. The following information was provided:

[The Alliance Chamber of Commerce submitted a letter for the pursuant to Sections 4-1 and 4-12 of the Alliance Code of Ordinances, for an Entertainment District Permit at the currently designated Entertainment District in the 200 Block of Box Butte Avenue, between Third Street/NE Highway 2 and Second Street. Requesting the permit for the 2023 year for the following dates: June 9th, June 23rd, July 7th, and July 21st, and July 22nd. All events will be from 6:00 P.M. to 9:00 P.M., except for the events on July 2pt and July 22nd, which will be from 6:00 P.M. to 1 :00 A.M.

Food will be served at all times during all of the events. Additionally, we believe that D-Head, Inc. d/b/a the Gathering Spot will be available to serve alcohol in identifiable containers as an entertainment district license holder, as required per all entertainment district regulations and rules.

In conjunction with the City of Alliance and other event coordinators, the Alliance Chamber of Commerce has submitted for approval a Special Events Request, which upon approval will provide the Alliance Chamber of Commerce the exclusive authority to manage and control the commons area of the entertainment district during these events. The map of the entertainment district-and the commons area for those events-is included with the Special Events Request.]

A motion was made by Councilman Andersen, seconded by Councilman Mischnick to approve Resolution No. 23-19 which follows in its entirety:

Resolution No. 23-19

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WHEREAS, the Alliance City Council has adopted Ordinance No. 2800, amending the Alliance Municipal Code to provide for entertainment district establishment and permitting;

WHEREAS, by Resolution No. 17-32, the Alliance City Council designated the 200 block of Box Butte Avenue, with the adjacent street of Box Butte Avenue in Alliance, Nebraska, as an Entertainment District;

WHEREAS, the City of Alliance is in receipt of an application for an entertainment district permit from the City of Alliance for the designated Entertainment District for events during 2023;

WHEREAS, City of Alliance has submitted at Special Events Request, which has been approved by the City Manager, and which provides the City of Alliance the exclusive authority to manage and control the commons area of the Entertainment District for the events during 2023;

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and the Council of the City of Alliance, Nebraska that the City Clerk is hereby authorized to issue an Entertainment District Permit to the City of Alliance for the following dates during 2023:

PASSED AND APPROVED this 4th day of April, 2023.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

● The next item on Council's agenda was Resolution No. 23-20 which adopted the updated Title VI Non-Discrimination Plan for our Public Transit Program. All entities that receive Federal Transit Administration grant dollars either directly or through the Nebraska Department of Roads are subject to Title VI of the Civil Rights Act of 1964. The following information was provided:

[All entities who receive Federal Transit Administration (FTA) grant dollars either directly or through the Nebraska Department of Roads (NDOR) are subject to Title VI of the Civil Rights Act of 1964 and the Department of Transportation's implementing regulations. Under the Civil Rights Act and related statutes, the Public Transit program must ensure that no person shall be excluded from or denied the benefits and services or in any other way be discriminated against on the basis of race, color or national origin.

Some of the specific provisions within the Plan include:

- Notifying public regarding the City's obligation under Title VI via posted notices (in English and Spanish) on the website, the public office and the transit vehicles
- Developing procedures for investigating and tracking Title VI complaints

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- Promoting inclusive public participation in the decision-making process regarding projects
- Providing meaningful access to persons of limited English proficiency (LEP)
- Conducting training for transit employees to ensure understanding of the importance of Title VI and the Language Assistance Plan

The NDOR has a standard Title VI Non-Discrimination Plan template that has been customized for the Alliance Public Transit program. To meet the compliance requirements, the City Council must approve the Title VI Program by resolution and forward the document for approval to the NDOR.

RECOMMENDATION: APPROVE THE RESOLUTION TO ADOPT THE TITLE VI NON-DISCRIMINATION POLICY.]

A motion was made by Councilman Mashburn, seconded by Councilman Mischnick to approve Resolution No. 23-20 which follows in its entirety:

RESOLUTION NO. 23-20

WHEREAS, The City of Alliance operates the public transit services for the community of Alliance; and

WHEREAS, The City of Alliance receives Federal Transit Administration grant dollars either directly from the TRA or through the Nebraska Department of Roads; and

WHEREAS, As a result of receiving these funds, the City's Public Transit Program is subject to Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation's implementing regulations; and

WHEREAS, Under the Civil Rights Act of 1964 and related statutes, the City's Public Transit Program ensures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, denied the benefits or services of, or be otherwise subjected to discrimination in all programs, services or activities administered by this agency.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the attached Title VI Non-Discrimination Plan for the City's Public Transit Program is hereby adopted.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Title VI Non-Discrimination Plan on behalf of the City and have the Plan submitted with the Nebraska Department of Roads.

PASSED AND APPROVED this 4th day of April, 2023.

Roll call vote with the following results:

April 04, 2023

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

Voting Nay: None.

Motion carried.

- The last item on Council's agenda were Board Appointments.

A motion was made by Councilman McGhehey, seconded by Councilman Andersen to appoint Robert Mischnick, Lillian M. Nelson, Donna McEowen, and Michael Sautter to the Senior Facility Advisory Board for a term ending February 28, 2026.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A motion was made by Councilman Andersen, seconded by Councilman Mashburn to adjourn the meeting.

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 7:18 p.m.

Mike Dafney, Mayor

(SEAL)

Shelbi C Pitt, Interim City Clerk