

May 16, 2023

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, MAY 16, 2023

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

The Alliance City Council met in a Regular Meeting, May 16, 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 May 10, 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.

Vice Mayor Mischnick opened the May 16, 2023 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Vice Mayor Mischnick and Council Members McGhehey, Andersen, and Mashburn. Also present were City Manager Sorensen, City Attorney Hoelsing, City Treasurer Baker and Recording Secretary Norris.

- Vice Mayor Mischnick read the Open Meetings Act Announcement.
- Reorganization of the City Council was the first item to come before the Council. A motion was made by Vice Mayor Mischnick and seconded by Councilman McGhehey to appoint Earl Jones to fill the Council Vacancy.

Roll call vote with the following results:

Voting Aye: Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

Vice Mayor Mischnick administered the Oath of Office to Councilman Jones.

May 16, 2023

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

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

Councilman Jones was elected to serve as Mayor.

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

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

Councilman McGhehey was elected to serve as Vice Mayor.

- The Consent Calendar was the next item on the agenda. A motion was made by Councilman Mischnick and seconded by Councilman Andersen to approve the Consent Calendar as follows:

CONSENT CALENDAR – May 16, 2023

1. Approval: Minutes of the Regular Meeting, May 2, 2023.
2. Approval: Payroll from May 5, 2023 in the total amount of \$367,498.84.
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; \$646,236.80.
4. Approval: AVFD Roster update.
5. Approval: Resolution No. 23-32 will approve the adoption of the 2023 One & Six Year Plan for Roadway Maintenance.
6. Approval: Resolution No. 23-33 will approve the easement agreement between the City of Alliance and Mobius Communication Company.

May 16, 2023

7. Approval: Resolution 23-34 will approve the purchase of a premise based phone system in the total amount of \$49,420.00 from BTS of North Platte.
8. Approval: Resolution 23-35 will approve the update to the Classification Plan.

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: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next item on the agenda was the proclamation announcing National Police Week. Councilman Mashburn read the following proclamation:

PROCLAMATION

WHEREAS, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week;

WHEREAS, The members of the Alliance Police Department play an essential role in safeguarding the rights and freedoms of the residents and visitors of the City of Alliance;

WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression;

WHEREAS, The men and women of the Alliance Police Department unceasingly provide a vital public service;

NOW, THEREFORE, the Alliance City Council calls upon all citizens of the City of Alliance and upon all patriotic, civic, and educational organizations to observe the week of May 15 - 21, 2023 as "Police Week" with appropriate ceremonies and observances in which all our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their community and in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

May 16, 2023

THEREFORE, the Alliance City Council do hereby proclaim the week of May 15 - 21, 2023, as

NATIONAL POLICE WEEK

In honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

This the 16th day of May, 2023.

- Next, Ordinance No. 2955 is before Council on the final reading which will Rezone Lots 1-3 and Lots 16-18, Block 17, Original Town of Alliance, Box Butte County, Nebraska, addressed 324 Laramie Avenue and 315 Cheyenne Avenue. The proposed rezone of said described land is from C-O (Commercial Office) District to C-2 (Central Business) District. The following information was provided:

[The City of Alliance has submitted an application to rezone Lots 1-3 and 16-18, Block 17, Original Town of Alliance, Nebraska, otherwise known as 324 Laramie Avenue, from C-0, Commercial Office to C-2, Central Business District. The rezone is requested to remove the spot zone of C-0 zoning, to reduce the setbacks so the existing building will meet the City's code, and reduce the setbacks for a proposed addition to the north side of the building.

The parcel of land is the north half of the block located between W 3rd and 4th Streets and Laramie and Cheyenne Avenues. The parcel is currently zoned C-0, Commercial Office. It is bordered to the north and west by R-1, Single Family Residential, and to the south and east by C-2, Central Business District zoning. The lot is currently used for the City Municipal Building and Fire Station. There is a duplex and art museum to the north, single family residences to the west, commercial land uses to the south and east.

The parcel is approximately 1 acre in size. There aren't minimum lot sizes or dimensions required in C-2 zoning. The proposed rezone will change the front setback from 25' to 0', the rear setback from 25' to 0', the side setback from 14' to 0', and the side street setback from 15' to 0'. The existing structure on the lot does not meet the current C-0 setbacks as it is set back only 8' from the front, 0' from the side street, 8' from the alley, and 22' from the rear. The lot is adjacent to Laramie Avenue along the east side, West 4th Street along the north side, and Cheyenne Avenue along the west side. All of these streets are identified as local streets. The land use is not proposed to change and the rezone should not increase the traffic in this area beyond current levels.

The lot is located in the Central Core Neighborhood and on the edge of the Downtown District. The Central Core Neighborhood is characterized as being the heart of Alliance and possesses the historic ambiance of the City. It is identified as being primarily residential but it does have some limited commercial uses. The importance of

May 16, 2023

this neighborhood cannot be underestimated and its character should be maintained. The rezone is adjacent to the Downtown District Neighborhood and contains characteristics of that designation such as short setbacks, brick building and street construction, and nonresidential uses.

The City of Alliance Planning Commission met at their regular meeting on March 14, 2023 and voted to recommend the City Council approve the rezone of Lots 1-3 and 16-18, Block 17, Original Town of Alliance, Nebraska, from C-0, Commercial Office to C-2, Central Business District Commercial., after making the following findings of fact:

1. The rezone would not create any nonconforming lot sizes.
2. The rezone would bring the existing structures in to conformance with setback requirements.
3. There is ample access to the rezone parcel.
4. A rezone to C-2 would be consistent with the image of the Core Neighborhood as a limited commercial area and would not change the existing character of the district.
5. The proposed rezone is adjacent to existing C-2 zoning and it would eliminate the current spot zone of C-0.
6. City utilities are already available in this location.

One finding of fact not to recommend was that the proposed 0' setback would be inconsistent with the setbacks required in the adjacent residential zoning.

Options:

Leave the zoning the same and:

1. The current buildings remain nonconforming because they are in the setbacks required by the C-0 zoning.
2. The City cannot add on to the building without meeting its own code because of the setbacks in the C-0 zoning.
3. The spot zone of C-0 amongst the C-2 zoning remains.
4. The setbacks would remain the same as those of the adjacent residential district.

Change the zoning to a district other than C-2 or C-0 which would not accomplish any of the stated goals.

Change the zoning to C-2 for the reasons the Planning Commission made in the findings of fact.

STAFF RECOMMENDATION: THE CITY COUNCIL APPROVE THE ORDINANCE REZONING LOTS 1-3 AND 16-18, BLOCK 17, ORIGINAL TOWN OF ALLIANCE, NEBRASKA, FROM C-0, COMMERCIAL OFFICE TO C-2, CENTRAL BUSINESS DISTRICT COMMERCIAL.]

A motion was made by Vice Mayor McGhehey, seconded by Councilman Mischnick to approve the third and final reading Ordinance No. 2955. Recording Secretary read the ordinance by title which follows in its entirety:

May 16, 2023

ORDINANCE NO. 2955

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOTS 1-3 AND LOTS 16-18, BLOCK 17, ORIGINAL TOWN OF THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA IS NOW INCLUDED AS A C-2 -- CENTRAL BUSINESS DISTRICT FROM A C-O -- COMMERCIAL OFFICE DISTRICT, REPEALING PRIOR SECTIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning District Map, as set forth and adopted pursuant to section 109-22 of the Alliance Municipal Code, is amended to show the following lots are included in a C-2 – Central Business District from a C-O – Commercial Office District:

Lots 1-3 and Lots 16-18, Block 17, Original Town of Alliance, Box Butte County, Nebraska, otherwise known as 324 Laramie Avenue and 315 Cheyenne Avenue,

SECTION 2. This certifies that the Zoning District Map, as set forth and adopted pursuant to section 109-22 of the Alliance Municipal Code, is now the official Zoning District Map dated as of the 16th day of May, 2023.

SECTION 3. Any previously existing Zoning District Map, ordinances, resolutions, policies, or parts thereof, in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect following its approval, passage, and publication as provided by law

PASSED AND APPROVED this 16th day of May, 2023.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

Mayor Jones stated, “the passage and adoption of Ordinance No. 2955 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

- Next before Council was a Public Comment for the proposed amendment of Ordinance No. 2956 on the second reading, which will amend Section 22-175 and 22-177 of the Alliance Municipal Code in regards to the dates and times fireworks may be legally sold and discharged.

Mayor Jones set a five-minute limit for each public speaker.

May 16, 2023

Kevin Foster, residing at 916 Black Hills Avenue first approached Council in favor of amending Ordinance No. 2956 to extend to 7 days of discharging fireworks. He believes 7 days is fair as this allows extra days for the sale of fireworks. 7 days also allows for road and shift workers to celebrate the holiday.

Wendie Henderson, residing at 927 Dakota Avenue approached Council in opposition of amending Ordinance No. 2956 to extend to 7 days of discharging fireworks. She is a Railroad worker and requires rest to ensure her safety on the job. She believes that if the time limits were better enforced the noise would be more tolerable. She believes the Council should allow the Ordinance to be given 1 year to be in effect then revisit.

Next, Roxane Foster, residing at 916 Black Hills Avenue approached Council in favor of amending Ordinance No. 2956 to extend to 7 days of discharging fireworks. She mentions that the State of Nebraska allows a full 10 days, but believes that 7 days of celebration is fair. She requested information from her suppliers asking if a shorter term would affect sales, and they answered yes, dramatically with no re-coop. She believes shortening the days of celebration infringe on resident's rights and freedom.

Next, Pasha Korber, residing at 222 W. 4th Street approached Council in opposition of amending Ordinance No. 2956 to extend to 7 days of discharging fireworks. She reminded Council that when the Ordinance was passed in the fall there were many residents who called Council members to voice their opinion, many of which are not present today. She stated that Council's decision to pass Ordinance No. 2956 represented what the majority of residents asked for. She mentioned that the Ordinance has not been in effect for a full year to determine if the 4 days will work for the public. She stated that amending the Ordinance now will undermine Council's previous decision. She believes Council is voting with emotion rather than facts. She encouraged Council to request First Responder's opinions on the matter. She mentions that the noise ordinance is not enforced during the 4th of July celebration and encourages Council to look at that ordinance. She advocates for animals, environment, and individuals who suffer from PTSD.

Bob Neville, residing at 422 Box Butte Avenue next approached Council in favor of amending Ordinance No. 2956 to extend to 7 days of discharging fireworks. He admits to being emotionally vested with a conflict of interest, as his family runs a fireworks stand, Foster Fireworks. Their income heavily relies on the sale of fireworks. He states that for the next 7-8 years this Ordinance will not allow for the sale of Fireworks during a weekend. He suggests that the majority of sales occur during the weekend. He asks that Council amend the ordinance to allow sales to occur for 7 days.

Brenda Herian, residing at 644 Hampton Avenue next approached Council in opposition of amending Ordinance No. 2956 to extend to 7 days of discharging fireworks. She presented to Council via email, but wanted to address the Council publically to ensure her voice may be heard. She stated that she sustained a traumatic injury caused by a firework accident that will affect her for the remainder of her life. She plead to Council to not amend the ordinance. She asks Council to take PTSD into consideration when making this decision.

May 16, 2023

Phillip Hawkins, residing at 1617 Emerson Avenue then approached Council in favor of amending Ordinance No. 2956 to extend to 7 days of discharging fireworks. He admits to be moved by the previous speaker and holds compassion for the helpless animals and veterans. He admits to holding bias as he runs a fireworks stand. He spoke about the hard work and dedication it has taken to grow his business. He admitted to not knowing how the current ordinance will effect sales. He asks Council to support small businesses in their decision. He spoke about why Fireworks are a part of the 4th of July celebration. He believes that amending the ordinance will take away from the celebration. He urges Council to try other alternative methods to mediate.

Tacy Liptack, residing at 1016 Mississippi Avenue approached Council in opposition of amending Ordinance No. 2956 to extend to 7 days of discharging fireworks. She presented a petition signed by 68 residents of Alliance, who are all elderly and all wish to keep the Ordinance as is. Tacy then listed pros and cons of Fireworks. Cons heavily outweighing the pros. She believes extending the 4th of July celebration disrupts the community's peace in pursuit of money.

Mayor Jones asked for further discussion. Councilman Mashburn mentioned that seven residents contacted her in favor of amending the ordinance, five opposing, and one asking to give it one year before revisiting. Councilman Mashburn asked if there has been any research as to what other communities have in place. Vice Mayor McGhehey mentioned the State of Nebraska allows for 10 days. McGhehey mentions that one city allows sales longer than discharge (7 days to sell and 5 to discharge). McGhehey believes a middle ground could be met with compromise. Mayor Jones asks if Council knows if the before mentioned city has trouble with enforcement or if this is successful for the city? Councilman Mischnick is interested in seeing the data. Vice Mayor McGhehey encourages Council members to revisit. Councilman Anderson mentions current ordinance wording is confusing, as it is unclear if fireworks are permitted to discharge for 4 or 5 days, Anderson mentions that feedback has been consistence with agreeing that 10 days is too long, where 4-7 days would be a good compromise. Councilman Mischnick states that feedback has been split, but that he would entertain a compromise. Councilman Anderson agrees that First Responder's Feedback is needed and asks Officer Grumbles to give his opinion.

Officer James Grumbles, employed with Alliance Police Department for 18 years' approaches Council. He mentions that in the past years there have only been occasional after hours' disruption. He mentions that the Police Department does receive many complaints about the noise after hours. He states that it is hard to enforce afterhours complaints as there are typically only two officers on duty. When the Ordinance was first passed, Chief Lukens mentioned that there were 13 noise complaints in 2022. Officer Grumbles mentions that most are respectful, however weekends are typically worse. He suggests that increased patrol would improve enforcement.

Fire Chief, Troy Shoemaker, employed with Alliance Fire Department for 15 years next approached Council. Chief Shoemaker mentions that all retail stands are great to work with, and are all permitted. He mentions that weather and fire index are the Fire Department's main concerns. He mentions that it is difficult to enforce because there are cities within the Nebraska Panhandle that allow purchase for 10 days. He suggests that people will buy from other

May 16, 2023

communities and discharge after hours. He mentions that the AFD were not called out to any fires last year and seldom get called out to an injury caused by fireworks. He suggests looking into allowing the sale of Fireworks for a New Year's Eve celebration and suggests enforcement discussion to continue.

With no further public comment, a motion was made by Councilman Mischnick, seconded by Councilman Anderson to approve the second reading of Ordinance No. 2956. Recording Secretary Norris read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2956

AN ORDINANCE AMENDING SECTIONS 22-175 AND 22-177 OF THE ALLIANCE MUNICIPAL CODE TO AMEND DATES AND TIMES WHEREIN FIREWORKS MAY BE LEGALLY DISCHARGED; REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City Code, at Section 22-175. – Prohibited, nonapplicability, is hereby amended as follows:

“Sec. 22-175. - Prohibited; nonapplicability.

- (a) It shall be unlawful for any person to manufacture, display, sell, offer for sale, give away, use, start, discharge or explode, or cause to be manufactured, displayed, sold, offered for sale, given away, used, started, discharged, or exploded, any firework.
- (b) The provisions of the immediately preceding subsection shall not apply to:
 - (1) Non-wire sparklers, toy pistols or toy pistol caps;
 - (2) The possession of pyrotechnics which are in transportation to points outside the city;
 - (3) The possession or transportation of such pyrotechnics held by wholesale dealers for sale and shipment in unbroken packages to points or places outside the city;
 - (4) The sale, storage, or use of railroad track torpedoes or other signaling devices used by railroads;
 - (5) The sale, storage or use of flashlight compositions by photographers or dealers in photographic supplies;
 - (6) Pyrotechnic displays on the occasion of public celebrations or festivals, if the person conducting such pyrotechnic display shall first have applied for and have been granted by resolution of the mayor and city council permission to conduct such display;
 - (7) The sale and use of fireworks between June 28 and July 4 each year, during time periods authorized by state statute as modified by resolution of the mayor and city council, or by another section of this article;
 - (8) The use of blank cartridge pistols at sporting events by authorized persons; or
 - (9) The use of blank cartridge pistols or other pyrotechnics by a person designated by the city manager or designee to implement the waterfowl management policy.

May 16, 2023

(c) The terms "firework" or "fireworks" in this article shall refer to "consumer fireworks" as they are defined and amended by R.R.S. 1943, ch. 28, art. 12."

SECTION 2. The City Code, at Section 22-177. – Legal Dates, times, and age restrictions for discharging fireworks, permit required, is hereby amended as follows:

“Sec. 22-177. - Legal dates, times and age restrictions for discharging fireworks; permit required.

(a) It shall be unlawful to discharge any firework as defined and permitted by state statute, prior to June 28 and after July 4 and at any time other than the dates and times specifically authorized by state statute and as modified by resolution of the mayor and city council.

(b) Fireworks may be legally discharged between the hours of 9:00 a.m. and 10:00 p.m. on June 28 to July 3; and between the hours of 9:00 a.m. and 12:00 midnight on July 4. The city manager or his or designee may authorize in writing the discharge of fireworks between 9:00 a.m. and 12:00 midnight on July 5 if, in the discretion of the city manager or his or her designee, sufficient circumstances warrant an extension of the holiday celebration, provided that no firework may be discharged on July 5 without the written authorization of the city manager or his or her designee.

(c) The use or possession of fireworks by any person under 12 years of age is prohibited unless direct supervision is provided by a person 18 years of age or older.

(d) The city manager or designee shall issue a permit allowing the sale of fireworks during permitted periods for that calendar year under the following standards:

(1) Proof of fireworks license from the state fire marshal under state administrative code title 157, chapters 2 and 4, permissible fireworks list and licensing requirements, as per the current International Fire Code, fireworks as adopted by the city;

(2) Sale and retail display with storage in type 5 magazine 3301.1.3, 3301.2.3, 3302 and 3308.11.

(e) At no time shall it be lawful to discharge a firework in any manner that is unsafe or dangerous to persons or property in any manner prohibited by R.R.S. 1943, § 28-1242 as now constructed or hereafter amended.

(f) At no time shall it be lawful to discharge a firework into or upon any city recreational property unless the city has granted a special permit for such discharge.”

SECTION 3. All other Ordinances or parts of Ordinances in conflict with this Ordinance are repealed as of the effective date of this Ordinance.

SECTION 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

PASSED AND APPROVED this _____ day of _____, 2023.

Roll call vote with the following results:

Voting Aye: Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: Jones.

May 16, 2023

Motion carried.

- The following item, Resolution No. 23-36 will authorize the purchase of portable litter nets from Coastal Netting Systems for the Landfill, which will reduce blowing debris leaving the confines of the Landfill property. The following information was provided:

[The City set aside \$175,000 for tire amnesty contingent upon receiving a grant from the state. We did receive that grant and have completed the tire amnesty drive. As we did not utilize the full budgeted amount, it is anticipated that approximately \$60,000 of the \$175,000 remains. Due to an ongoing problem with blowing trash, it is recommended and requested that the City Council redirect funds in the amount of \$50,000 for the purchase of six portable litter nets. This trash blows onto adjacent properties causing issues for drainage and agriculture, besides the visual detraction of litter.

Additional nets will be requested as part of the FY 23-24 Landfill Capital Improvement Plan.

If approved, this resolution will allow staff to make the necessary line-item transfers and purchase six portable litter nets.

RECOMMENDATION: APPROVE PURCHASE OF PORTABLE LITTER NETS FOR LANDFILL AND BUDGET ADJUSTMENT]

A motion was made by Councilman Anderson, seconded by Councilman Mischnick to approve Resolution No. 23-36 which follows in its entirety:

RESOLUTION NO. 23-36

WHEREAS, The City of Alliance owns and operates the solid waste landfill; and

WHEREAS, The City desires to minimize the quantity of debris that becomes airborne, littering adjacent properties; and

WHEREAS, Allocated funding remains following completion of the tire amnesty grant in fiscal year 2022-2023; and

WHEREAS, The City desires to purchase and install litter nets to reduce blowing debris leaving the confines of the landfill property; and

WHEREAS, Staff obtained a quote from Coastal Netting Systems to purchase and ship 6 - 12' x 40' x 8' portable litter nets for a total cost of \$50,000; and

WHEREAS, Staff is recommending to use the remaining allocated funds from the tire amnesty grant to purchase six of these portable litter fences.

May 16, 2023

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the purchase of six portable litter nets in the amount of Fifty Thousand Dollars and No/100 (\$50,000.00) from Coastal Netting Systems is hereby approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Mayor and City Council of Alliance, to transfer Fifty Thousand Dollars and No/100 (\$50,000) from 06-51-55-44-493 CNTSVC Other-Grant Eligible to 06-51-55-59-950 Capital Outlay – Other Improvements for the purchase of six portable litter nets.

PASSED AND APPROVED this 16th day of May, 2023.

Vice Mayor McGhehey asked City Manager Sorensen if the net can be moved. Sorensen suggests that they can be moved, however suggests that we purchase additional in the following years.

Councilman Mashburn asks if the two quotes we have received include warranty and if we have determined quality. City Manager Sorensen mentions that procedure looks at pricing over quality, however the quotes received are good quality nets.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 23-37 which will authorize the purchase of automatic meter reading/advanced metering infrastructure (AMR/AMI) System from Core and Main. The AMR/AMI system is compatible with our existing meters, software, and billing workflow. The following information was provided:

[The City began implementing automatic metering infrastructure (AMI) for the electric utility over six years ago and successfully implemented Landis+Gyr technology to do so. Two to three years later, the city began efforts to do the same for the water system. Since that time, Landis + Gyr have largely been unable to provide any radios beyond the initial delivery of approximately 300. We budgeted for an individual full-time employee with the intent of installing these endpoints as they came in, however because it was 12-18 months between initial delivery to today, we have left that position vacant and have not made further progress on the project. The time to install the Landis + Gyr meter endpoints is 3-5 hours requiring appointments to gain access directly to the meter at each location. Programming of these endpoint is not reflected in the system until 24 hours later, and if issues are not resolved, we must make a new appointment to reinspect the installation and reprogram the endpoint.

May 16, 2023

Due to the extreme time required for installation and the delays introduced in providing the Landis + Gyr endpoints in a reasonable manner, we began looking into other alternatives to move to an AMI system. As the majority of our water meters are "Sensus" brand, we looked to Sensus for a solution. They can provide AMR/AMI (AMR stands for automatic meter reading) endpoints that are entirely compatible with our Sensus meters and Sensus touchpads (touchpads are the black rectangles that are extended away from the meter to outside the building – currently our water meter readers must approach each residence, use a hand computer to touch the touchpad and thereby obtain the latest reading). AMR is basically a drive-by system whereas AMI relies on towers to relay information back to City Hall. We believe we can place the computers in trash trucks and obtain AMR readings faster than the current method without the continued need for meter readers. The estimated time to install the Sensus endpoints is 5-10 minutes at each location and can be done as long as the touchpad is accessible. We will know if programming was successful before we leave the site.

The FY 22-23 budget includes \$400,000 for the purchase of AMI radios. Instead of purchasing from Landis+Gyr, it is recommended that we begin purchasing Sensus endpoints from Core & Main. Core & Main is the regional distributor for Sensus products. As this purchase is an extension of our already-existing technology (i.e. Sensus Meters) and since there is only one vendor authorized to sell the product in our area, it is proposed that we bypass the RFI/RFQ process and treat this purchase as a sole-source procurement. Core & Main estimates that we can get 300-400 endpoints every quarter, which means that we may not spend the full \$400,000 before the end of the fiscal year, and so additional funding requests will be forthcoming in the next 1-2 fiscal years until the entire system is installed. Landis+Gyr endpoints will be the last to be replaced. Purchases will include laptops with reading software and meter endpoints with associated appurtenances. At the point in time where it is decided that enough of the customer area has been updated with these endpoints, we will be able to move from a drive-by system to a fixed-base system by simply adding a few repeaters to our water towers and revisiting the endpoints to reprogram them to the AMI signal.

The benefits of going to this system would mean that we do not have to change our current methods of billing, as we would continue to utilize the Sensus interface as we currently do. Although we would still continue to work with the Landis+Gyr interface for electric billing, the time and effort saved by going to a drive-by system will more than cover the cost of continuing our current billing process. Obviously, the time for install and programming is significantly less and does not impact our citizens by requiring that they be available for several hours for an appointment.

RECOMMENDATION: APPROVE PURCHASE OF WATER METER AMR RADIOS AND ASSOCIATED SOFTWARE, COMPUTERS, ETC. FROM CORE & MAIN IN AN AMOUNT NOT TO EXCEED \$400,000.]

May 16, 2023

A motion was made by Councilman Mischnick, seconded by Vice Mayor McGhehey to approve Resolution No. 23-37 which follows in its entirety:

RESOLUTION NO. 23-37

WHEREAS, The City of Alliance Water Department is desiring to improve and advance our metering system by upgrading to an advanced metering infrastructure (AMI) system; and

WHEREAS, The City is currently utilizing Sensus Meters and software to touch-read water meters; and

WHEREAS, The City desires to implement an automatic meter reading/ advanced metering infrastructure (AMR/AMI) system which is compatible with our existing meters and billing workflow; and

WHEREAS, Core and Main is our regional authorized dealer for Sensus meters and AMR/AMI products; and

WHEREAS, Purchasing AMR/AMI endpoints, software, etc. from Core and Main will allow us to continue using existing meters, software, and billing workflow at a significant time-saving for installation per endpoint as a result of endpoint compatibility with our existing system rather than the need to enter each home individually and install a three-wire radio; and

WHEREAS, Budget authority in the amount of \$400,000 is available for this purchase from the Water System Account No. 08-52-52-59-950 – Capital Outlay-Mach, Equipment.

WHEREAS, Staff is recommending Sensus AMR/AMI related purchases from Core and Main in an amount not to exceed Four Hundred Thousand Dollars and no/100th (\$400,000).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the City Manager be and hereby is authorized to purchase enter into a purchase agreement Core and Main and/or make AMR/AMI related purchases in an amount not to exceed Four Hundred Thousand Dollars and no/100th (\$400,000); for the purchase of an advanced metering infrastructure (AMI) system for the Water Department which includes but not limited to meter endpoints, laptops, software, service and training.

PASSED AND APPROVED this 16th day of May, 2023.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 23-38 which authorize an inter-department loan from the Electric Fund Reserves to the General Fund at a rate of 4.25%, in the

May 16, 2023

total amount of \$2,300,000.00. The loan amount anticipates the current Library HVAC project and the proposed purchase of the Golf Course Property. The following information was provided:

[In anticipation of the current Library HVAC project and the proposed purchase of the golf course property for release from FAA restrictions, the City included a loan in the amount of \$2,300,000 from Electric Fund Reserves to the General Fund.

From this amount, \$1,018,000 (the value of the property as determined by the appraiser) will be earmarked for the purchase of the golf course property with the balance going toward the library HVAC. The General Fund will then “purchase” the golf course as a step toward seeking release of these properties from FAA restrictions. These restrictions will not be fully removed until such time that an updated Airport Layout Plan is accepted by the Federal Aviation Administration.

It is recommended that this loan be effective on June 1, 2023 with an initial interest rate of 4.25%. As with other loans from the Electric Fund, this rate would be reviewed, and if necessary, updated at six-month intervals.

RECOMMENDATION: APPROVE THE LOAN FROM ELECTRIC FUND RESERVES TO GENERAL FUND]

A motion was made by Councilman Mashburn, seconded by Vice Mayor McGhehey to approve Resolution No. 23-38 which follows in its entirety:

RESOLUTION NO. 23-38

WHEREAS, The City of Alliance desires to utilize Electric Fund reserves to provide an interim inter-department loan to the General Fund to purchase the golf course property from the Airport and to pay for HVAC improvements to the Alliance Learning Center; and

WHEREAS, The City of Alliance budgeted for this loan, transfer, and associated purchases as part of the adopted FY 2022-2023 budget; and

WHEREAS, \$2,300,000 in Electric Fund reserves will be transferred to the General Fund with \$1,018,000 earmarked for purchase of the golf course and \$1,282,000 earmarked for the library HVAC project; and

WHEREAS, Staff is recommending that a loan in the amount of \$2,300,000 from Electric Fund reserves to the General Fund be made with an effective date of June 1, 2023 at a rate of 4.25%.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that an interim inter-department loan in the amount of \$2,300,000 from Electric Fund reserves to the General Fund with an effective date of June 1, 2023 at a rate of 4.25% is hereby approved.

PASSED AND APPROVED this 16th day of May, 2023.

May 16, 2023

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 23-39 which will authorize the purchase of the Golf Course from the Alliance Municipal Airport for the purpose of Satisfying FAA Requirements. The following information was provided:

[The City Council previously approved the purchase contingent upon FAA approval. On further review and research the City Manager is of the opinion that we must finalize the purchase and then work on including the change as part of the Airport Master Plan. The updated resolution replaces the previous resolution addressing this issue and removes the contingency language.

Adoption of this resolution means that the City will move forward with closing documents, deeds, etc. and make the appropriate transfers of funds, subject to a previously approved loan agreement between the Electric and General funds. We continue to work with the FAA and State of Nebraska on timing of the revised Airport Master Plan.

RECOMMENDATION: APPROVE PURCHASE OF GOLF COURSE FOR PURPOSE OF SATISFYING FAA REQUIREMENTS]

A motion was made by Vice Mayor McGhehey, seconded by Councilman Mischnick to approve Resolution No. 23-39 which follows in its entirety:

RESOLUTION NO. 23-39

WHEREAS, The City of Alliance desires to release the properties identified as areas 2 and 6A on the City of Alliance Airport Layout Plan (Revision 4, dated 1/08) (the "Properties") from any and all federal obligations and land use requirements related to the Federal Aviation Administration; and

WHEREAS, The "Properties" are hereby further described as being:

And all land lying north and east of the airport access road and located within the North Half (N $\frac{1}{2}$) of Section Seven (7), Township Twenty-four (24) North, Range Forty-seven (47) West of the 6th P.M., Box Butte County, Nebraska;

And all land lying north and east of the airport access road and located within the South Half (S $\frac{1}{2}$) of Section Seven (7), Township Twenty-four (24) North, Range Forty-seven (47) West of the 6th P.M. Box Butte County, Nebraska;

May 16, 2023

WHEREAS, The City of Alliance recognizes that it may need to provide to its airport account, for future aeronautical uses of the airport, the fair market value for the Properties to obtain this release of federal obligations and land use requirements from the Federal Aviation Administration; and

WHEREAS, "Yellow Book" compliant appraisals were completed for the properties in question with a resultant net appraised value of \$1,018,000.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, to authorize payment in the amount of \$1,018,000 to the Airport Fund for the purpose of obtaining said release.

BE IT FURTHER RESOLVED, The Mayor or City Manager, as appropriate, are hereby authorized to execute all documents associated with this requested release or previous release from the Federal Aviation Administration, and to arrange payment to the Airport Fund.

BE IT FURTHER RESOLVED, this resolution supersedes Resolution No. 22-96.

PASSED AND APPROVED this 16th day of May, 2023.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was Resolution No. 23-40 which will authorize an extension of the remaining balance of the inter-department loans until September 30, 2023, and establish a new rate of 4.25%. The following information was provided:

[The Electric Fund presently has inter-department loans to the funds as detailed below:

Bank	Type	Fund No	GL Account	Status	Department	Interest Rate	Interest	Current Value
COA	NT	05	04524	Receivable	Electric Notes to Airport Fund-Revolving	2.00%	3,000.00	\$ 150,000.00
COA	NT	05	04524	Receivable	Electric Notes to Airport Fund	2.00%	8,000.00	\$ 400,000.00

The loans listed are for the City's portion of the Airport Taxiway and Apron Rehabilitation project, (Resolution 22-32) and for revolving funds while awaiting payment of FAA grant funds (Resolution 22-70). Rates set in Resolution 22-70 were in line with the current rate environment at that time.

May 16, 2023

Interest rates have increased since that time; therefore, the loan rates need to be adjusted.

The recommendation is to extend the remaining balance of the inter-department notes to the Electric fund through September 30, 2023, at the new rate of 4.25%, beginning April 1, 2023.

RECOMMENDATION: APPROVE RESOLUTION AUTHORIZING EXTENSION OF THE BALANCE OF THE ELECTRIC INTER-DEPARTMENT LOANS AT THE NEW RATE OF 4.25% FOR SIX MONTHS.]

A motion was made by Vice Mayor McGhehey, seconded by Councilman Mischnick to approve Resolution No. 23-40 which follows in its entirety:

RESOLUTION NO. 23-40

WHEREAS, The City of Alliance utilized Electric Fund reserves to provide interim inter-department loans to the General Fund and the Airport Fund to pay for the City's portion of the runway improvements, as well as other items pending payment of FAA grant funds; and

WHEREAS, The original loan terms were extended to March 31, 2023; and

WHEREAS, Staff is requesting an extension of the remaining loan balances through September 30, 2023 at a revised rate of 4.25% effective as a backdate of April 1, 2023; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the interim inter-department loan to the Airport be extended through September 30, 2023 at the rate of 4.25%.

PASSED AND APPROVED this 16th day of May, 2023.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on Council's agenda was a Board Resignation.

A motion was made by Councilman Mischnick, seconded by Councilman Andersen to accept the resignation of Donna Giger from the Alliance Planning Commission.

May 16, 2023

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The presentation and acceptance of the Second Quarter Financial Statement was next before Council.

City Treasurer Baker presented and reviewed the Second Quarter Financial Report and Dashboards to Council.

A motion was made by Vice Mayor McGhehey, seconded by Councilman Mischnick to accept the Second Quarter Financial Report.

Roll call vote with the following results:

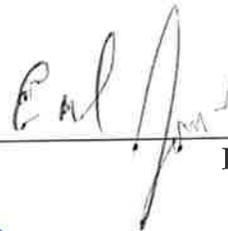
Voting Aye: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

There being no further business before Council, Mayor Jones adjourned the meeting at 8:24 p.m.

(SEAL)



Earl Jones, Mayor



Shelbi C. Pitt, 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.