

October 17, 2023

ALLIANCE CITY COUNCIL

SPECIAL MEETING, TUESDAY, OCTOBER 17, 2023

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

The Alliance City Council met in a Regular Meeting, October 17, 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 October 11, 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 Jones opened the October 17, 2023 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Jones, Vice-Mayor McGhehey and Council Members Mischnick, Andersen, and Mashburn. Also present were City Clerk Pitt, City Manager Sorensen and City Treasurer Baker.

- Mayor Jones read the Open Meetings Act Announcement.
- The Consent Calendar was the first item on the agenda. A motion was made by Councilman Mischnick, which was seconded by Mashburn to approve the Consent Calendar as follows:

CONSENT CALENDAR – OCTOBER 17, 2023

1. Approval: Minutes of the Regular Meeting, October 03, 2023.
2. Approval: Payroll from October 06, 2023 in the total amount of \$355,132.72.
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; \$950,273.34.

October 17, 2023

4. Approval: Resolution 23-73 which will approve the acceptance of Set Property Tax.
5. Approval: Resolution 23-83 which will approve the authorization of the Mayor to execute all documents necessary to support the application of the Carnegie Arts Center to the Nebraska Arts Council.
6. Approval: Resolution 23-84 which will approve Social Archive Software Subscription Purchase in the amount of \$4,594.00.

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, McGhehey, Mischnick, Andersen, and Mashburn.

Voting Nay: None.

Motion carried.

- The second item on the agenda was to proclaim for Crime Prevent Month.

The Alliance Police Department were in attendance to receive the proclamation for Crime Prevention Month. Councilman Andersen read the following proclamation:

PROCLAMATION

WHEREAS, the strength of our City depends on how safe we keep our homes, neighborhoods, schools and workplaces; and,

WHEREAS, crime and fear of crime destroy our trust in others and in civic institutions, threatening the community's health, prosperity, and quality of life; and,

WHEREAS, people of all ages must be made aware of what they can do to prevent themselves, their families, neighbors and coworkers from being harmed by crime; and,

WHEREAS, the personal injury, financial loss, and community deterioration resulting from crime are intolerable and require investments from the whole community; and,

WHEREAS, crime prevention initiatives include self-protection and security, but they must go beyond these efforts to make neighborhoods safer for all ages and develop positive opportunities for young people; and,

October 17, 2023

WHEREAS, adults must invest time, resources, and policy support in effective prevention and intervention strategies for youth, and parents are encouraged to engage teens in programs which decrease crime in their communities; and,

WHEREAS, partnerships with law enforcement and other agencies such as civic groups, schools, faith communities, businesses and individuals create effective crime prevention programs as they help to nurture communal responsibility and instill community pride;

NOW, THEREFORE, the City Council of Alliance, Nebraska, does hereby proclaim:

Month of October as:

Crime Prevention Month

In the City of Alliance, Nebraska, and we urge all residents of our community to join me in learning more about Crime Prevention and work together to make a safer, stronger and more caring community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 17th day of October in the year of the Lord Two Thousand Twenty-Three.

- Council next held a Public Hearing on the Class CK Liquor License Application of Golden Hour Barbeque. Following the public hearing, Council considered Resolution No. 23-85 which has been prepared to recommend approval of the license. Council was provided with the following background information:

[The City is in receipt of a Class CK Liquor License application from Golden Hour Barbeque, 402 Box Butte Avenue. The license application is included in the packet. No disqualifiers came from a background check conducted by the Alliance Police Department.]

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief's report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.

October 17, 2023

11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor then calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief / staff for comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from Council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature.
19. After a second, Mayor calls for a vote.]

Mayor Jones 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 Class CK Liquor License Application of Golden Hour Barbeque and opened the public hearing at 7:07 p.m.

City Clerk Pitt identified the following exhibits for the hearing:

- Exhibit 1 – Application of Golden Hour Barbeque, 402 Box Butte Avenue, Alliance, NE.
- Exhibit 2 – City Council checklist for Section 53-132 R.R.S. (1984)
- Exhibit 3 – Written statement of Police Department dated October 12, 2023.

Councilman Mischnick made a motion to accept Exhibits 1-3 into the record.
Councilman Andersen seconded the motion.

Roll call with the following results:

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

Voting Nay: None.

Motion carried.

Next, Mayor Jones swore in Fletcher Sheridan and Flor Acosta Marquez, representatives of Golden Hour Barbeque and co-applicants of the Class CK License. As well as acting Police Chief Felker to give testimony regarding the liquor application.

Council asked what kind of business Golden Hour Barbeque was. Fletcher stated this business would be a Texas Barbeque, Monday through Friday in the evenings, with the Coffee Shop still in the morning hours. The event space will remain intact, and will be used as over flow seating during dining hours.

October 17, 2023

The applicants had a positive background check and were eligible to hold a liquor license.

No additional testimony was offered and Public Hearing closed at 7:17 p.m.

A motion was made by Vice-Mayor McGhehey, seconded by Councilman Mischnick to approve Resolution No. 23-85 which follows in its entirety:

RESOLUTION NO. 23-85

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

On February 21, 2023 the matter of the Class CK Liquor License Application of Golden Hour Barbeque, 402 Box Butte Avenue, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of Golden Hour Barbeque, 402 Box Butte Avenue
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984)
- Exhibit 3 - Written statement from the Alliance Police Department

Witnesses were sworn and testimony was received in support of the Class CK Liquor License at the public hearing on this date from Golden Hour Barbeque.

Upon consideration of the evidence and the criteria to be considered by the City Council pursuant to law, the City Council finds as follows:

Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and demonstrates a willingness and ability to properly manage the liquor license held by Golden Hour Barbeque in conformance to the rules and regulations of the Nebraska Liquor Control Act.

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class CK Liquor License Application of Golden Hour Barbeque at the premise described in the application be approved. The City of Alliance shall transmit a copy of this Resolution to the Commission.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

October 17, 2023

- Resolution No. 23-86 which will recommend approval of the Manager Application of Fletcher Sheridan for Golden Hour Barbeque, was the next item on the agenda. Council was provided with the following information:

[The City of Alliance is in receipt of a Manager Application from Fletcher Sheridan for the liquor license of Golden Hour Barbeque located at 402 Box Butte Avenue. The Police Department has completed a background check and has found no reason to deny the application.]

Mr. Fletcher was in attendance at the meeting and appeared before Council to answer questions.

A motion was made by Vice-Mayor McGhehey, seconded by Councilman Mischnick to approve Resolution No. 23-86 which follows in its entirety:

RESOLUTION NO. 23-86

WHEREAS, The City of Alliance has received a notice and copy of a Manager Application for Golden Hour Barbeque, 402 Box Butte Avenue, Alliance, Nebraska submitted by Fletcher Sheridan; and

WHEREAS, City staff has reviewed the application and finds no reason why the proposed manager, Fletcher Sheridan, would be disqualified from serving as manager.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Fletcher Sheridan for Golden Hour Barbeque, 402 Box Butte Avenue, Alliance, Nebraska is hereby recommended for approval to the Nebraska Liquor Control Commission.

BE IT FURTHER RESOLVED, that the City shall notify the Nebraska Liquor Control Commission of this Council decision.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The fourth item on the agenda was the Resolution No. 23-87 which allow the City of Alliance to enter a Real Estate Purchase Agreement with BCM Properties, LLC. The Agreement will authorize the City to conduct due diligence and possibly acquire by Warranty Deed the property most commonly known as 1207 West 2nd Street, Alliance, Nebraska.

At this time Councilman Mischnick declared conflict of interest on this matter, asking to be excused.

October 17, 2023

A motion was made by Councilman Andersen, seconded by Councilman Mashburn to approve Resolution No. 23-87 which follows in its entirety:

RESOLUTION NO. 23-87

WHEREAS, The City of Alliance, Nebraska (City) has discussed and considered acquiring real property, by purchase, from BCM Properties, LLC.

WHEREAS, prior to acquiring any interest in the real property the City will conduct a public hearing to receive input for the City Council to consider in making a decision whether to acquire the real property or not.

WHEREAS, the City Council of the City now, by majority vote, resolves as follows:

NOW, THEREFORE BE IT RESOLVED:

1) The City Council approves the Real Estate Purchase Agreement dated October ___, 2023.

2) Pursuant to the Real Estate Purchase Agreement, the City is authorized to conduct due diligence and possibly acquire by Warranty Deed the following described real property:

The North One-Half (N.) of Block Three (3), A Replat of Block Two (2), and the North One-Half (N½) of Block Three (3), Wyoming Avenue Addition, an addition to the City of Alliance, Box Butte County, Nebraska. The legal description may differ from the title insurance commitment, but when obtained the legal description of the Title Company will be used in the Warranty Deed.
More commonly known as 1207 West 2ND, Alliance, Nebraska.

3) Earl Jones, as Mayor of the City, is authorized to execute the Real Estate Purchase Agreement.

Roll call vote with the following results:

Voting Aye: Jones, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The last item on the agenda was the discussion of the Employee Retention.

October 17, 2023

The Alliance City Council adjourned the October 17, 2023 City Council Meeting at 8:14 p.m.



Earl Jones, Mayor

(SEAL)



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.