

March 5, 2024

5. Approval: Acceptance of the Quarterly Financial Statement as presented by City Treasurer Baker on February 20, 2024.
6. Approval: Resolution No. 24-15 which will accept Councilman Andersen's Resignation and the vacancy is directed to be filled by appointment of the registered voter of the City until the next regular City election on November 5, 2024, and following the next regular City election by the successful candidate at such election, for the remainder of the term expiring December 1, 2026.
7. Approval: Resolution No. 24-16 which will authorize an agreement with the Western Area Power Administration to set forth the Scheduling Accounting, and Billing Procedures (SABP).
8. Approval: Resolution No. 24-17 which will authorize and approve the purchase of a New 2022 New Holland Workmaster 105 Tractor from Alliance Tractor & Implement Co. in the amount of \$67,966.00 for the Alliance Municipal Airport.
9. Approval: Resolution No. 24-18 which will authorize and approve the purchase of a 2024 Ford F-250 4x4 Extended Cab replacing Electrical Department 413 from Wolf Auto in the amount of \$57,481.98.
10. Approval: Resolution No. 24-19 which will authorize and approve the purchase of a 2023 Ford F-250 Diesel 4x4 Extended Cab replacing Electrical Department 406 from Wolf Auto in the amount of \$63,840.50.
11. Approval: Resolution No. 24-20 which will approve and amend the Master Agreement with Landis+Gyr Technology, Inc. to reflect only electric metering.

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, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The second item on the agenda for Council was to present Councilman Andersen a Certificate of Appreciation.

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Mara Andersen was in attendance to accept the Certificate of Appreciation. Alliance City Council presented Mara Andersen with the Certificate of Appreciation.

- The next agenda item for Council was the third and final reading of Ordinance No. 2974 which will approve the amendment to the City of Alliance Municipal Code Chapter 107, Article VII titled *Minor Subdivisions*.

A motion was made by Councilman Mashburn, seconded by Mischnick to approve Ordinance No. 2974 on third and final reading which approves the amendment to the City of Alliance Municipal Code Chapter 107, Article VII titled *Minor Subdivisions*. Which follows in its entirety:

ORDINANCE NO. 2974

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING CHAPTER 107 OF THE ALLIANCE MUNICIPAL CODE BY ADDING A NEW ARTICLE ALLOWING FOR MINOR SUBDIVISIONS, RENUMBERING SUBSEQUENT ARTICLES IN CHAPTER 107 TO REFLECT THE ADDITION OF THE NEW ARTICLE ALLOWING FOR MINOR SUBDIVISIONS, BUT NOT OTHERWISE REVISING OR AMENDING SUBSEQUENT ARTICLES, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Chapter 107 of the Alliance Municipal Code is amended to read as follows:

“ARTICLE VII. – MINOR SUBDIVISIONS

Sec. 107-110. - Limitations. The minor subdivision process bypasses the preliminary platting requirement for smaller subdivisions of land and may only be used when a proposed subdivision meets all of the following criteria:

- (a) The subdivision does not create more than four new lots from any parcel, tract, or lot;
- (b) The subdivision is served by existing streets and utilities; or, if street or utility extensions are necessary, they must be less than 200 linear feet and the City must be in receipt of the same installation guarantees as required in Articles III and IV of this chapter;
- (c) Each lot created must conform fully to all requirements of the zoning district that pertains to the lots and each lot is developable;
- (d) No part of the proposed subdivision has been subject to the administrative or minor subdivision approval process;
- (e) The subdivision is no larger than 2 acres in size;

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- (f) The applicant will not be permitted to piecemeal multiple minor subdivisions into a subdivision or addition that would otherwise not meet the requirements and intent of this code. Such subdivisions will be required to follow the preliminary and final platting process.

Sec. 107-111. – Process.

- (a) Staff Review. Within five working days of receipt of the plat, the City Manager or designee shall distribute copies of said plat to the city manager, city attorney, community development department, public works superintendent, electric department superintendent, and any other agency as required by state law. Each department may submit to the City Manager or designee, written reports of its findings and recommendations; such written reports shall be forwarded to the planning commission and city council with the minor subdivision plat. If no reply is received, said plat shall be deemed approved by the respective department.
- (b) Planning Commission. The city manager or designee shall submit the plat to the planning commission for a public hearing, review, and recommendation. In approving or disapproving the plat, the planning commission shall give due attention to the public hearing, reports prepared by staff, compliance with this code, and the City of Alliance Comprehensive Plan.
- (c) City Council. After a public hearing and recommendation by the planning commission, the city manager or designee shall submit the plat to the city council for a public hearing. The council may specify changes or modifications therein which it deems necessary and may make its approval subject to such alterations. In case of planning commission's disapproval, the subdivider may, on appeal, present the final plat to the council and seek approval. Upon approval by the council by ordinance duly passed, such approval shall be endorsed on the Mylar copy under the hand of the mayor and city clerk.

Sec. 107-112. – Plat Requirements.

The plat shall be prepared in the same manner as a final plat excepting parts I, J, and K.

Sec. 107-113. – Filing

The city clerk shall record the plat in the office of the Box Butte County Clerk within 30 days of its final approval by the city council.”

Section 2. Chapter 107 of the Alliance Municipal Code is renumbered as follows:

“ARTICLE VIII. – PLAT VACATION ^[2] This Article is only renumbered and is not otherwise revised or amended.

Section 3. Chapter 107 of the Alliance Municipal Code is renumbered as follows:

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“ARTICLE IX. – SUBDIVISION DESIGN REQUIREMENTS” This article is only renumbered and is not otherwise revised or amended.

Section 4. Chapter 107 of the Alliance Municipal Code is renumbered as follows:

“ARTICLE X. – INFRASTRUCTURE REQUIREMENTS” This Article is only renumbered and is not otherwise revised or amended.

Section 5. Prior Chapter 107 is now amended and included in the Alliance Municipal Code and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 6. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

Mayor Jones stated, “the passage and adoption of Ordinance No. 2974 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next item on the agenda Council held a Public Hearing on the second reading of Ordinance No. 2975 which will approve the Final Plat for Lot 9A, Hillcrest Addition, A Replat of Lot 9, Block 3, Hillcrest Addition, to the City of Alliance, and Unplatted Lands in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County Nebraska.

Mayor Jones stated “now is the date, time and place to conduct a Public Hearing to support, opposition, criticism, suggestions or observations of the taxpayers relating to Ordinance No. 2975 and opened the public hearing at 7:11 p.m.

Mayor Jones invited anyone in the public to speak on behalf or against the Final Plat for Lot 9A, Hillcrest Addition, A Replat of Lot 9, Block 3, Hillcrest Addition, to the City of Alliance, and Unplatted Lands in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

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Montey Weisberger, 903 Colorado, Alliance, Nebraska, a citizen spoke before Council asking if this location was within the City Limits and if there was going to be anything built on this location.

With no further testimony offered, Mayor Jones closed the Public Hearing at 7:11 p.m.

A motion was made by Mayor Jones, seconded by Mischnick to approve the second reading of Ordinance No. 2975. Which follows in its entirety:

ORDINANCE NO. 2975

AN ORDINANCE APPROVING THE FINAL PLAT OF LOT 9A, BLOCK 3, HILLCREST ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA, REPEALING PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Alliance has received the application for approval of the Final Plat of a tract of land Situated in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 2. The Planning Commission held a public hearing January 9, 2024, and has recommended the approval of the Final Plat of Lot 9A, Block 3, Hillcrest Addition to the City of Alliance, Box Butte County, Nebraska, Situated in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 3. The City Council finds that the Final Plat contains the information required by Article 5 of the city of Alliance Municipal Code.

SECTION 4. The Final Plat of Lot 9A, Block 3, Hillcrest Addition to the City of Alliance, Box Butte County, Nebraska, Situated in the Southeast Quarter of Section 25, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska is hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 5. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are repealed.

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SECTION 6. This Ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- Next for Council on the agenda was the first reading of Ordinance No. 2976 which will accept the agreement with the Municipal Energy Agency of Nebraska (MEAN) for the adoption of MEAN Schedule M Modernization Initiative. Staff requested the second and third readings be waived. The following information was provided:

[ORDINANCE – ADOPTION OF MEAN SCHEDULE M MODERNIZATION INITIATIVE

The Municipal Energy Agency of Nebraska (MEAN) Board of Directors and Governance Review Committee have been working on an initiative to modernize its Total Power Requirements Power Purchase Contract, known as the Service Schedule M (SSM) contract. This review was started in 2020, the Committee has been meeting regularly and providing updates to the MEAN Board of Directors. In May of 2023 the Committee and Board reviewed a draft of the modernized SSM agreement and reviewed it again in August of 2023. In the interim MEAN was seeking input from all city/village/town-appointed attorneys to participate and provide feedback on the draft agreement. MEAN presented the final version for approval by the Board of Directors in November of 2023. The final version has been distributed to current Service Schedule M communities for consideration and approval before the April 1, 2024, effective date.

The current Service Schedule M contract was created by MEAN in 1982. It is MEAN's Total Power Requirements Power Purchase Agreement. The primary purpose of the SSM is to acquire long-term, low cost and reliable power supply for MEAN participants. The current SSM agreement is now more than 40 years old. There have been many changes in the electric industry, markets and regulations that prompted the need to modernize some of the terms of the SSM contract.

What is changing in the SSM agreement? General Power Industry Modernization. Updates and new provisions in the following areas are necessary due to current applicable rules and regulations in the electric industry that have evolved in the last 40 years: Transmission and ancillary services, point of delivery description, market operator/regional transmission organization roles and requirements, collateral, and compliance with tax, bond, and other regulatory

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requirements. Additional changes are being made to match typical modern commercial terms and current MEAN practices.

What is not changing in the SSM agreement? Most of the material terms do not change. Price, quantity, and parties are material terms that are not changing. Most other material terms will remain unchanged. Scope of Services will not materially change (the description of services will be modernized to reflect the projects and services offered in today's industry).

What happens if a community does not sign the new SSM agreement? Any communities choosing to remain under the old SSM agreement and opting out of a new power project would convert to a Contract Purchaser and would need to secure another power supplier to fulfill any need over the current Contract Demand, as well as any associated transmission required. Additionally, arrangements would need to be made by the community with the applicable market operator and transmission provider to facilitate such a change, which must comply with all applicable rules, regulations and specific timelines established by the market operator and transmission provider. The community would be required to assume responsibility for several tasks related to power supply and transmission.

MEAN provides wholesale electric supply to 62 participating communities in Iowa, Colorado, Nebraska, and Wyoming. A not-for-profit organization formed in 1981, MEAN is governed by its participants through representation on the MEAN Board of Directors. MEAN has been working on this modernization initiative since 2020 and the MEAN Board of Directors and Governance Review Committee have reviewed and approved its implementation. The City of Alliance attorneys have reviewed and have no objections or issues of concern with the new agreement.

**RECOMMENDATION:
APPROVE ORDINANCE ADOPTING MEAN SERVICE SCHEDULE M
MODERNIZATION INITIATIVE. STAFF IS REQUESTING THAT THE
SECOND AND THIRD READING BE WAIVED.]**

A motion was made by Councilman Andersen, seconded by Mashburn to approve the first reading of Ordinance No. 2976. Which follows in its entirety:

ORDINANCE NO. 2976

AN ORDINANCE AUTHORIZING AND DIRECTING EXECUTION OF THE AMENDED AND RESTATED TOTAL POWER REQUIREMENTS POWER PURCHASE AGREEMENT BY THE CITY OF ALLIANCE, NEBRASKA, WITH THE MUNICIPAL ENERGY AGENCY OF NEBRASKA; TO ACKNOWLEDGE AND PROVIDE FOR LIMITATIONS ON USE OF THE ELECTRICITY; TO PROVIDE FOR AN EFFECTIVE DATE AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. The City Council of the City of Alliance, Nebraska finds and declares it to be in the public interest and in the interest of the customers of the City's Electric Utility that the City adopt and execute Service Schedule M, Amended and Restated Total Power Requirements Power Purchase Agreement, with the Municipal Energy Agency of Nebraska ("MEAN").

Section 2. It is ordered and directed that the City of Alliance, Nebraska, acting through its Mayor and City Clerk, execute Service Schedule M, Amended and Restated Total Power Requirements Power Purchase Agreement, a copy of the schedule being attached hereto and made a part hereof.

Section 3. The City of Alliance, Nebraska, does adopt and approve each of the objectives, terms and conditions set forth in Service Schedule M.

Section 4. This ordinance shall be in full force and take effect after its passage, approval and publication shall be in pamphlet form.

Section 5. The City acknowledges that certain of the generating facilities used by MEAN to provide electricity to the City have been financed with tax-exempt bonds and the use of the electric output of such generating facilities is restricted by Federal tax regulations. In order to permit MEAN to comply with such Federal tax regulations, the City agrees to use all of the electricity delivered to it by MEAN solely to serve customers in its long-term service area pursuant to generally applicable and uniform rates and charges. "Long-Term Service Area" means any area that the City has provided electric service to for at least ten years. Any other use, resale or remarketing of electricity delivered by "MEAN" to the City must be approved in writing by MEAN.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Andersen, seconded by Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2976.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

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Mayor Jones stated, “the passage and adoption of Ordinance No. 2976 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

Roll call vote with the following results:

Voting Aye: Jones, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The last item on the agenda for Council was an Agenda Request the City of Alliance received requests from Karen Trussel, Tamara Wood, Jeff Schneider, Tim Smith, Spencer Sanchez, and Joshua Trussel to speak before the Alliance City Council regarding the hiring of the Police Chief.

Karen Trussel, 1117 Meadowlark, Alliance, Nebraska, a concerned citizen spoke before Council stressing her concerns about the recent hiring process of the new Police Chief. She felt as if the City Manager is trying to sweep the allegations of the new Police Chief under the rug; and questioning if Mr. Leavitt was truly the best option among the candidates.

Tamara Wood, 1215 Mississippi Ave, Alliance, Nebraska, a concerned citizen spoke before Council with her concerns in being opposed to the new Police Chief hire feeling this is violation of trust and would like to see the offer given to Mr. Leavitt rescinded.

Jeff Schneider, 2935 West Lakefield, Alliance, Nebraska, a concerned citizen spoke before Council asking several questions regarding the new hire of the Police Chief “Anyone ask the current officers” and “Did the scoring include bravery.” Jeff feels Kirk needs to be Chief instead.

Tim Smith, 186 Burnham Drive, Alliance, Nebraska, a concerned citizen spoke before the Council to voice his disappointment selection of the hire of the new Police Chief, Mr. Smith was unhappy with the City’s press release regarding the hiring of the new Police Chief. Mr. Smith then asked “Why would Mr. Leavitt want to come here”

Spencer Snachez, 605 Laramie Avenue, Alliance, Nebraska, a citizen spoke before Council asking, “Why and how this decision was made?” “How is he the best fit?” Spencer stated Mr. Leavitt is running from his current problems, “Why would we want those problems?”

Joshua Trussell, 912 Colorado Avenue, Alliance, Nebraska, a concerned citizen spoke before Council with first thanking the Council. Joshua brought up concerns of

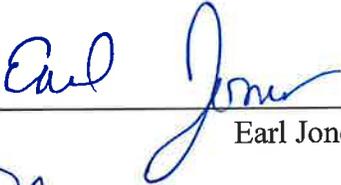
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expenses from the previous Chief and will be going down the same path costing tax payers more. Then asking, "How someone with his history will be successful?"

With no further discussion Mayor Jones adjourned the meeting.

The Alliance City Council adjourned the March 5, 2024 City Council Meeting at 7:44 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