

April 2, 2024

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 2, 2024

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

The Alliance City Council met in a Regular Meeting, April 2, 2024 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 27, 2024. 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 April 2, 2024 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Jones, Vice Mayor McGhehey and Council Members Mischnick and Mashburn. Also present were City Manager Sorensen, City Treasurer Baker, City Attorney Swanson and City Clerk Pitt.

- Mayor Jones 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 Mayor Jones, seconded by Councilman Mischnick to appoint Monte Weisgerber to fill the Council Vacancy.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, McGhehey and Mashburn.

Voting Nay: None.

Motion carried.

City Clerk Pitt administered the Oath of Office to Councilman Weisgerber.

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- The Consent Calendar was the next item on the agenda. A motion was made by Councilman Mashburn, seconded by Vice Mayor McGhehey to approve the Consent Calendar as follows:

CONSENT CALENDAR – April 2, 2024

1. Approval: Minutes of the Regular Meeting, March 19, 2024.
2. Approval: Payroll from March 22, 2024 in the total amount of \$259,196.72.
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; \$402,992.04.
4. Approval: Cemetery Certificate for Tooley, Daniel L. and Cathey J. and Christopher L.
5. Approval: Resolution No. 24-26, which approves the Agreement with Aging Office for the Senior Center Facility 212 Yellowstone Avenue.
6. Approval: Resolution No. 24-27, which authorizes the Mayor and City Council to enter into the Annual Supplement Service Agreement with CivicPlus for the update management of the City of Alliance Municipal Code with the initial term of \$4,796.25 and an annual renewal rate of \$4,865.00.
7. Approval: Resolution No. 24-28, which authorizes the rate increases of the ambulance services of City of Alliance, effective May 1, 2024.
8. Approval: Resolution No. 24-29, which authorizes the City Manager and the City Treasurer to prepay any bill that has been previously budgeted, where penalties could be assessed or where payment must otherwise be expedited incurred as a result of timing prior to City Council approval of the claims listing and the billing cycles of the vendors.
9. Approval: Resolution No. 24-30, which accepts and awards the Hailstorm Repair Bid for Administration Building and Museum 2021 Hail Damage Repair with Twin City Roofing & Sheet Metal Inc., in the total amount of \$391,190.42.
10. Approval: Resolution No. 24-31, which authorizes a budget transfer in the amount of \$36,000.00 from Asphalt Overlays # 24-41-41-51-930 to Contract Services Other # 24-41-41-44-479 to cover County curb project at the County Courthouse.

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.

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Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next was for Council to present recognition of Interim Chief Kirk Felker, Fire Chief Shoemaker and the AFVD.

Interim Chief Kirk Felker was in attendance to receive the recognition. Vice Mayor McGhehey presented Interim Chief Kirk Felker with his Recognition.

Fire Chief Shoemaker was in attendance to receive the recognition. Vice Mayor McGhehey presented Fire Chief Shoemaker with his Recognition.

The AFVD was in attendance to receive the recognition. Mayor Jones presented the AFVD with their Recognition.

- The next action item on the agenda for Council was to proclaim for Public Transit Week.

Public Transit Director Pohlman was in attendance to receive the proclamation for Public Transit Week Proclamation. Councilman Mischnick 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, reduces traffic congestion, decreases emissions, and improves mobility; and,

WHEREAS, Public transit provides the only public transportation service to many of the smaller towns and rural counties in Nebraska; 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 City Council of Alliance, Nebraska, does hereby proclaim:

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The week of April 21-27, 2024 as:

Public Transit Week

In the City of Alliance, Nebraska, urge all citizens to increase their understanding and awareness of their local Transit System and the many services provided.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 2nd day of April in the year of the Lord Two Thousand Twenty-Four.

- The next item before Council was Resolution No. 24-32, which approved the Preliminary Plat for Block 7A, Syndicate Addition, A replat of Block 7, Syndicate Addition to the City of Alliance.

A motion was made by Councilman Mashburn, seconded by Vice Mayor McGhehey to approve the Resolution No. 24-32. Which follows in its entirety:

RESOLUTION NO. 24-32

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

WHEREAS, BE IT RESOLVED, the Preliminary Plat for Block 7A, Syndicate Addition, a replat of Block 7, Syndicate Addition, City of Alliance, and unplatted lands in the Southwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, submitted March 12, 2024, is approved.

Roll call vote with the following results:

Voting Aye: Mashburn, McGhehey, Mischnick and Jones.

Voting Nay: None.

Motion carried.

- Next for Council on the agenda was first reading of Ordinance No. 2978, which will approve the Final Plat for Block 7A, Syndicate. The following information was provided:

[ORDINANCE – THE FINAL PLAT OF BLOCK 7A, SYNDICATE ADDITION, A REPLAT OF BLOCK 7, SYNDICATE ADDITION TO THE CITY OF ALLIANCE AND UNPLATTED LANDS IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.]

The City of Alliance is in receipt of an application for the Final Plat of Block 7A Syndicate Addition. The proposed addition is located at the southwest corner of West 3rd

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Street and Ramblin Road. Both parcels to be combined are zoned C-3 Heavy Commercial. Both parcels are surrounded by C-3 Heavy Commercial zoning. No rezone is proposed or required for this plat.

Block 7 is a vacant building and the south parcel is vacant land. The lots are bordered by a convenience store to the west, a restaurant and vacant land to the east, vacant land to the south, and a fraternal meeting place and bar to the north.

The proposed lot is 6.88 acres in size. The proposed plat will not change the setbacks or create any new non-conforming yards or structures. The existing building will be utilized and any new structures will need to meet the setback requirements of the C-3 zoning district.

The plat does not create any utility easements. All utilities for Block 7 are in place. The proposed lot is bordered by West 3rd Street to the north and Ramblin Road to the east. The plat will not create any new rights of way. The proposed lot is already serviced by existing rights of way.

The proposed lot is located in the West Gateway Neighborhood as identified on page Land Use 11 (LU 11) of the Comprehensive Plan. This Neighborhood is described primarily as commercial along West 3rd Street on Page LU 9 and 10. Page LU 9 states the neighborhoods commercial characteristic should to be reinforced and actions taken should not detract from its commercial nature.

The City of Alliance Planning Commission met at its regular meeting on March 12, 2024 and voted yes on a recommendation to the Alliance City Council for the approval of the Final Plat of Block 7A, Syndicate Addition, a Replat of Block 7, Syndicate Addition to the City of Alliance and Unplatted Lands in the Southwest Quarter Of Section 35, Township 25 North, Range 48 West Of The 6th P.M., Box Butte County, Nebraska after making the following findings of fact:

- According to the Comprehensive Plan, property adjacent to West 3rd Street is primarily commercial, should remain so, and this plat contributes to that designation and does not detract from it.
- All public utilities are installed.
- All rights of way servicing the property are dedicated to the City.
- The Plats meet the minimum requirements of the Alliance Municipal Subdivision Code.
- The Preliminary Plat has been approved and the final plat has the same boundaries.

RECOMMENDATION: THE APPROVAL OF THE FINAL PLAT OF BLOCK 7A, SYNDICATE ADDITION, A REPLAT OF BLOCK 7, SYNDICATE ADDITION TO THE CITY OF ALLIANCE AND UNPLATTED LANDS IN THE SOUTHWEST QUARTER OF SECTION

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35, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.]

A motion was made by Vice Mayor McGhehey, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2978. Which follows in its entirety:

ORDINANCE NO. 2978

AN ORDINANCE APPROVING THE FINAL PLAT OF BLOCK 7A, SYNDICATE ADDITION, A REPLAT OF BLOCK 7 SYNDICATE ADDITION, CITY OF ALLIANCE, NEBRASKA AND UNPLATTED LANDS IN THE SOUTHWEST QUARTER OF SECTION 35, 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 Southwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 2. The Planning Commission held a public hearing March 12, 2024, and has recommended the approval of the Final Plat of Block 7A, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska, Situated in the Southwest Quarter of Section 35, 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 Block 7A, Syndicate Addition to the City of Alliance, Box Butte County, Nebraska, Situated in the Southwest Quarter of Section 35, 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..

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: McGhehey, Mischnick, Mashburn and Jones.

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Voting Nay: None.

Motion carried.

- The next matter on the agenda for Council was the first reading of Ordinance No. 2979, which will approve and amend the City of Alliance Municipal Code Section 25-52, dealing with "School Zones." The following information was provided:

[RESOLUTION - APPROVE AMENDMENTS TO ORDINANCE 26-52 RELATED TO SCHOOL ZONES.

City staff conducted a study of the school zones surrounding local schools in an effort to verify proper sign location in accordance with ordinance. Staff verified the placement of school zone signs and speed adjustments to be correct and in compliance with the MUTCD. During this process several inconsistencies were noted with ordinance 26-52 and a recommendation was made to correct them. The recommendations were discussed with Simmons Olsen Law Firm and amendments have been proposed to make the ordinance and the physical sign placement consistent with each other.

The proposed changes include: 8th Street from Dakota Ave to Platte Ave. was added in the ordinance. 6th Street from Mississippi Ave. to Hudson Ave. was added. One block of W. 11th street and two blocks of Big Horn Ave. were removed from the ordinance.

RECOMMENDATION: APPROVE AMENDMENTS TO SECTION 26-52 OF THE ALLIANCE MUNICIPAL CODE DEALING WITH SCHOOL ZONES.]

A motion was made by Councilman Mischnick, seconded by Councilman Mashburn to approve the first reading of Ordinance No. 2979 Which follows in its entirety:

ORDINANCE NO. 2979

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING SECTION 26-52 OF THE ALLIANCE MUNICIPAL CODE DEALING WITH SCHOOL ZONES, REPEALING PRIOR SECTION 26-52, 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. Section 26-52 of the Alliance Municipal Code is amended to provide as follows:

"Sec. 26-52. - School zones.

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(a) The School zones are described as follows:

(1) Alliance Middle School, Alliance High School and St. Agnes Academy: Box Butte Avenue from the north line of West Tenth Street to the north line of West Sixteenth Street; Laramie Avenue from the north line of West Tenth Street to the north line of West Fourteenth Street; Cheyenne Avenue from the north line of West Tenth Street to the north line of West Sixteenth Street; Bighorn Avenue from the north line of West Tenth Street to the north line of West Tenth Street to the north line of West Fourteenth Street; West Eleventh Street from the east line of Box Butte Avenue to the west line of Laramie Avenue and from the west line of Big Horn Avenue to the east line of Cheyenne Avenue; West Twelfth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; West Fourteenth Street from the west line of Big Horn Avenue to the east line of Box Butte Avenue; and West Sixteenth Street from the east line of Box Butte Avenue to the west line of Cheyenne Avenue.

(2) Emerson Elementary School: Dakota Avenue from the south line of West Sixth Street to the south line of West Ninth Street; Colorado Avenue from the south line of West Eighth Street to the south line of West Ninth Street; Black Hills Avenue from the south line of West Sixth Street to the south line of West Ninth Street; West Sixth Street from the west line of Platte Avenue to the west line of Dakota Avenue; West Seventh Street from the west line of Platte Avenue to the west line of Black Hills Avenue; and West Eighth Street from the west line of Dakota Avenue to the west line of Platte Avenue.

(3) Grandview Elementary School: Potash Avenue from the north line of East Fifth Street to the north line of East Seventh Street; Grand Avenue from the north line of East Fifth Street to the north line of East Seventh Street; East Seventh Street from the east line of Mississippi Avenue to the west line of Hudson Avenue; and East Sixth Street from the east line of Mississippi Avenue to the west line of Hudson Avenue.

(4) Little Angels Emmanuel Lutheran School: East Tenth Street from the west line of Block 1 of the YMCA Addition to the west line of Lot 4 of the Leo Rosa 2nd Addition to the City of Alliance, Nebraska.

(b) The speed limit within all school zones shall be 20 miles per hour between the hours of 7:00 a.m. and 4:00 p.m. when school is in session. (Code 1986, § 3-305; Ord. No. 2692, § 3, 10-20-2011; Ord. No. 2766, § 1, 11-4-2014; Ord. No. ____ §____, 3-____-2024)

State Law Reference—Local regulation of speed, R. R. S. 1943, § 60-6,190.”

Section 2. Existing Section 26-52 of the Alliance Municipal Code is repealed. This Ordinance shall not be construed to affect any cause of action, civil or criminal, existing or actions pending, at the time this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage and approval as provided by law, and publication shall be in pamphlet form.

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Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next item on the agenda for Council was Resolution No. 24-33, which accepts and awards the 2024 8th Street Overlay Rehab Project to Werner Construction in the amount of \$786,250.00. The following information was provided:

[RESOLUTION – APPROVE BID AWARD TO WERNER CONSTRUCTION FOR 2024 1 YEAR STREET OVERLAY PROJECT.

The City identified 8TH Street from Dakota Avenue to Mississippi Avenue as the overlay project for 2024. This project was advertised and bid opening was conducted on 3-14-2024. Three Contractors submitted bids for the project which are shown below:

Bidder Base	Bid Items 1 -16
Werner Construction, Hastings NE	\$768,250.00
Simon Contractors, North Platte NE	\$934,000.00
Peltz Companies, Alliance NE	\$999,900.00
<i>Engineer's Estimate \$1,070,000.00</i>	

M.C. Schaff and Associates as well as City Staff has reviewed the bid proposals and having done so both make the same recommendation:

We recommend the City accept the bid proposal from Werner Construction, bid items 1-16 in the amount of \$786,250.00

RECOMMENDATION: APPROVE AWARD OF BID FOR 2024 STREET OVERLAY PROJECT TO WERNER CONSTRUCTION AND APPROVE USE OF FUNDS FROM GL # 24-41-41-51-930 IN AMOUNT OF \$786.250.00]

A motion was made by Councilman Mashburn, seconded by Councilman Mischnick to approve the Resolution No. 24-33. Which follows in its entirety:

RESOLUTION NO. 24-33

WHEREAS, The City of Alliance is responsible for maintenance of the streets and alleys within the City of Alliance; and

WHEREAS, Staff determined that 8th Street from Dakota Avenue to Mississippi Avenue is in need of replacement; and

WHEREAS, Staff issued an Invitation to Bid, with a total of bids received;

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WHEREAS, The lowest and responsive responsible bidder was Werner Construction of Hastings, Nebraska; and

WHEREAS, Council has determined it is in the best interest of the City of Alliance to proceed with the work.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the replacement of the 8th Street Paving Project bid shall be awarded to Werner Construction of Hastings, Nebraska in an amount of Seven Hundred Sixty-eight Thousand Two Hundred Fifty and no/100ths Dollars (\$768,250.00).

BE IT FURTHER RESOLVED that Ross Grant, Public Facilities Director, shall have the authority to make in the field change orders not to exceed Five Thousand and no/100ths Dollars (\$5,000.00).

BE IT FURTHER RESOLVED this project will be paid from CNTSVC-Asphalt Overlay (GL# 24-41-41-51-930).

Roll call vote with the following results:

Voting Aye: Mashburn, Mischnick, McGhehey and Jones.

Voting Nay: None.

Motion carried.

- The final matter for Council on the agenda was a Board Appointment.

A motion was made by Vice Mayor McGhehey, seconded by Councilman Mischnick to appoint Geoff Hopkins to the Knight Museum and Sandhills Center Advisory Board with a term ending May 31, 2029.

Roll call vote with the following results:

Voting Aye: McGhehey, Mischnick, Mashburn and Jones.

Voting Nay: None.

Motion carried.

The Alliance City Council adjourned the April 2, 2024 City Council Meeting at 7:15 p.m.

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(SEAL)

A handwritten signature in blue ink that reads "Earl Jones". The signature is written in a cursive style with a large, looped initial "E".

Earl Jones, Mayor

A handwritten signature in blue ink that reads "Shelbi C. Pitt". The signature is written in a cursive style with a large, looped initial "S".

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