

May 7, 2024

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, MAY 7, 2024

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

The Alliance City Council met in a Regular Meeting, May 7, 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 May 1, 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 May 7, 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, Mashburn and Weisgerber. Also present were City Manager Sorensen, City Treasurer Baker, City Attorney Swanson and City Clerk Pitt.

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

**CONSENT CALENDAR – May 7, 2024**

1. Approval: Minutes of the Regular Meeting, April 16, 2024.
2. Approval: Payroll from April 19, 2024 in the total amount of \$259,154.94.
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; \$548,242.86.
4. Approval: Cemetery Certificate for Mann, Larry D. and Judy J.

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5. Approval: Resolution No. 24-37 which approves the Agreement with the Box Butte County Softball Association for the lease agreement of the Hal Murray Softball Complex from May 1, 2024 to April 30, 2025.
6. Approval: Resolution No. 24-38 which approves the Agreement with the Old Timers Baseball Association for the lease agreement for the Hal Murray Softball Complex from May 1, 2024 to April 30, 2025.
7. Approval: Resolution No. 24-39 which approves the Agreement with the American Legion Baseball Association for the lease agreement for the Bower Baseball Field from May 1, 2024 to April 30, 2025.
8. Approval: Resolution No. 24-40 which approves KENO Community Days that allows for an extra \$7,000.00 to be paid for the jackpot, to be one day per calendar year, with the City Clerk to set the date with local KENO Operator Licensees.
9. Approval: Resolution No. 24-41 which accepts and awards the Pedestrian Crosswalk at 10<sup>th</sup> Street & Flack Avenue with Peltz Companies, Inc. of Alliance, NE, in the total amount of \$73,000.00.

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: Weisgerber, Mischnick, Mashburn, McGhehey and Jones.

Voting Nay: None.

Motion carried.

- Councilman Mischnick next recognized the week of May 5 through May 11, 2024 as Public Service Recognition Week and read the following proclamation:

## PROCLAMATION

*WHEREAS;* Americans are served every single day by public servants at the federal, state, county and local levels. These unsung heroes do the work that keeps our nation and community functioning. At all levels of government, our public servants put our country and our people first; and

*WHEREAS;* The women and men who work for our government tackle some of the most

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important challenges and opportunities facing our community, country and the global community; and

*WHEREAS*; Public employees are hired to not only fill a job, but take oaths that they will do it the best they are able; and

*WHEREAS*; Many public servants, including police officers, firefighters and military personnel, risk their lives each day in service to the public and others commit countless hours to provide basic and leisure services to citizens improving their quality of life and the community; and

*WHEREAS*; Public servants include accountants and street workers... landfill operators and elected officials . . . librarians and safety inspectors . . . utility and parks workers and countless other occupations. Day in and day out they provide the diverse services needed by the neighbors of Alliance with efficiency and integrity; and

*WHEREAS*; These public servants, at every level, provide continuity that would be impossible without them in a democracy and ensures that the quality of life in America, and the City of Alliance, is the best it can be. These public employees are the ones who, with the help and support of every neighbor, work every day to promote our community vision; “Building the Best Hometown in America.”

*NOW, THEREFORE*, the City Council of Alliance, Nebraska, does announce and proclaim to all citizens the week of May 5-11, 2024, as

### **Public Service Recognition Week**

And encourages all citizens to recognize the accomplishments and contributions of government employees at all levels — city, county, state and federal and requests that you show your support by thanking them when you interact with them this week.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 7<sup>th</sup> day of May in the year of the Lord Two Thousand Twenty-Four.

● Councilman Mashburn next proclaimed Provider Appreciation Day, May 7, 2024 and read the following proclamation:

## **PROCLAMATION**

*WHEREAS*, Child care has provided a safe, nurturing place for the enrichment and development of millions of children nationwide and is a vital force in our economy; and,

*WHEREAS*, The pandemic illuminated how indispensable child care providers are for the well-being and economic security of the City of Alliance’s young children, families, and communities; and,

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*WHEREAS*, Child care programs, which are mostly small businesses, run and staffed predominantly by women, continue to recover from the health and financial hardships stemming from the pandemic to the meet the needs of more families; and,

*WHEREAS*, The City of Alliance's recognizes that child care has been and continues to be a lifeline for families, communities, and the economy. As such, it has provided much-needed support to providers to help sustain the viability of child care; and,

WHEREAS, The future depends on the quality of the early childhood experiences provided to young children today; support for high-quality child care represents a worthy commitment to our children's future;

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

Friday, May 10, 2024 as:

### **Provider Appreciation Day**

In the City of Alliance, Nebraska, we urge all citizens to recognize Child Care Providers for their important work, and how valuable they are for our communities.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 7<sup>th</sup> day of May in the year of the Lord Two Thousand Twenty-Four.

- The next action item on the agenda for Council was to proclaim the week of May 5 through May 11, 2024 as Municipal Clerk's Week. Vice Mayor McGhehey read the following proclamation:

## PROCLAMATION

*WHEREAS*, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and,

*WHEREAS*, The Office of the Professional Municipal Clerk is the oldest among public servants; and,

*WHEREAS*, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and,

*WHEREAS*, Professional Municipal Clerk have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and,

*WHEREAS*, The Professional Municipal Clerk serves as the information center on functions of local government and community; and,

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*WHEREAS*, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and,

*WHEREAS*, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

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

The week of May 5 - 11, 2024 as:

**55<sup>th</sup> Annual Professional Municipal Clerks Week  
Appreciation to our Professional Municipal Clerk  
Shelbi C. Pitt**

In the City of Alliance, Nebraska, we further extend appreciation to our Professional Municipal Clerk and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 7<sup>th</sup> day of April in the year of the Lord Two Thousand Twenty-Four.

- The next item on the agenda for Council was the third and final reading of Ordinance No. 2979, which approves and amends 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: 8<sup>th</sup> Street from Dakota Ave to Platte Ave. was added in the ordinance. 6<sup>th</sup> Street from Mississippi Ave. to Hudson Ave. was added. One block of W. 11<sup>th</sup> street and two blocks of Big Horn Ave. were removed from the ordinance.

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

A motion was made by Councilman Weisgerber, seconded by Councilman Mischnick to approve the second 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.**

(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

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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 2<sup>nd</sup> 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.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next before Council was Resolution No. 24-42 which accepts and awards the Airport Seal Coat Bid Project for Runway 12/30 and 8/26 to American Road Maintenance in the amount of \$922,735.50. The following information was provided:

**[RESOLUTION - AIRPORT RUNWAY 12/30 & 8/26 SEAL COAT BID AWARD**

M.C. Schaff and Associates on behalf of the City of Alliance prepared an Invitation to Bid for the Federally-approved airport seal coat project number 3-31-0003-027-2024. The project was advertised for three weeks with six general contractors and two subcontractors requesting plans and specifications.

Five bids were opened at the scheduled time on April 18, 2024, at City Hall. The bids have been reviewed by the Engineer with two pricing errors identified and corrected. Compliance noted with Disadvantaged Business Enterprise (DBE) goals, Buy American Certification, and bid bond requirements. The lowest responsive and responsible bidder was American Road Maintenance, headquartered in Tucson,

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Arizona at a base bid of \$922,735.50. The engineer's recent estimate for the project was \$946,241.25.

Five contractors submitted bids on the project:

<b>Bidder</b>	<b>Total Base Bid</b>
American Road Maintenance, Tucson, AZ	\$922,735.50
Gee Asphalt Systems, Cedar Rapids, IA	\$1,023,925.45
Maxwell Asphalt, Salt Lake City, UT	\$1,181,554.15
Straight Stripe Painting, St. George, UT	\$1,218,617.75
C.R. Contracting, Bend, OR	\$1,490,092.25
<b><i>Engineer's Estimate</i></b>	<b><i>\$946,241.25</i></b>

M.C. Schaff and Associates is recommending that the Council approve the bid proposal from American Road Maintenance in the amount of \$922,735.50 for the seal coat of Runway 12/30 & Runway 8/26 project. This recommendation is contingent upon the final approval of the bid by the Federal Aviation Administration and Nebraska Department of Transportation, Aeronautics Division. It is also contingent upon the City and the Contractor executing a change order to deduct \$10,000 from the mobilization bid item in order to eliminate the requirement for the additional insured costs. M.C. Schaff's formal letter of recommendation is included in the packet as well as the bid tabulation.

In addition to the actual construction costs, engineering costs and administrative fees of \$188,375.62 will be added for a total project cost of \$1,101,111.12. The current fiscal year budget includes authority of \$1,056,000 with the City of Alliance's 10% match. As it is unlikely that the MALSR project will be moving forward in the current fiscal year, we ask that the difference in price (\$1,101,111.12 vs. \$1,056,000) be redesignated by the Council from the MALSR project as spending authority for the seal coat project. The City's portion for the additional cost will be \$4,511. It is unsure if this project will take place this summer or the summer of 2025, it will depend when federal funds become available.

**RECOMMENDATION: APPROVE RESOLUTION AWARDDING THE AIRPORT SEAL COAT OF RUNWAY 12/30 & RUNWAY 8/26 PROJECT TO AMERICAN ROAD MAINTENACE SUBJECT TO FEDERAL AND STATE APPROVAL.]**

A motion was made by Councilman Mischnick, seconded by Vice Mayor McGhehey to approve Resolution No. 24-42. Which follows in its entirety:

RESOLUTION NO. 24-42

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*WHEREAS*, The City of Alliance, operates the Alliance Municipal Airport; and

*WHEREAS*, M.C. Schaff and Associates on behalf of the City prepared an Invitation to Bid for the Federally-approved Airport Seal Coat Project No. 3-31-0003-027-2024; and

*WHEREAS*, Five bids were received and opened at the scheduled time on April 18, 2024 at City Hall. Our engineers, M.C. Schaff and Associates reviewed the received bids; and

*WHEREAS*, American Road Maintenance, headquarters in Tucson, Arizona was the lowest responsive and responsible bidder of the project at a base bid in the amount of Nine Hundred Twenty-Two Thousand Seven Hundred Thirty-Five and 50/100ths (\$922,735.50); and

*WHEREAS*, M.C. Schaff and Associates on behalf of the City recommends the Alliance City Council approve the bid proposal from American Road Maintenance in the amount of Nine Hundred Twenty-Two Thousand Seven Hundred Thirty-Five and 50/100ths (\$922,735.50) for the seal coat of Runway 12/30 and Runway 8/26 project; and

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to enter into a contract with American Road Maintenance in the amount of Nine Hundred Twenty-Two Thousand Seven Hundred Thirty-Five and 50/100ths (\$922,735.50) for the Alliance Municipal Airport Project No. 3-31-0003-027-2024.

*BE IT FURTHER RESOLVED* that said award is contingent upon final approval of the bid by the Federal Aviation Administration and the Nebraska Department of Aeronautics, and the City and the Contractor executing a change order to deduct \$10,000 from the mobilization bid item in order to eliminate the requirement for additional insured costs.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next agenda item for Council was Resolution No. 24-43 which accepts the selection of Armstrong Consultants, Inc. of Centennial, Colorado as the Consultant for the Airport Layout Plan Project. The following information was provided:

**[RESOLUTION – CONSULTANT SELECTION – AIRPORT LAYOUT PLAN PROJECT**

The City of Alliance solicited statement of qualifications and experience from airport consultants for airport planning services at Alliance Municipal Airport. The Federal Aviation Administration (FAA) requires a separate consultant selection

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process for planning projects to give an equal opportunity for airport consultants that only do planning projects. The update to the airport layout plan with narrative is considered a planning project.

The airport received two proposals for consideration on April 10, 2024. The consultants were:

- Coffman Associates of Overland Park, Kansas
- Armstrong Consultants, Inc of Centennial, Colorado

Interviews were conducted with both firms on April 29, 2024. A qualification-based selection process was utilized by a committee of three. Selection criteria included recent experience in airport planning projects, capability to perform all aspects of project, relevant experience of key personnel, ability to meet schedules within budget, understanding of potential challenges of project, and consultant qualifications. Fee schedules are not permitted to be considered during the selection process and must not be submitted in the proposals. Fees are negotiated for projects as federal funds become available. The airport is selecting the best-qualified consultant, not the least expensive. NDOT will also complete a cost analysis of any draft agreement on this project to confirm the consultant of choice does not overcharge for their services.

The selection committee, after reviewing qualifications, references, and interview data, is recommending that Armstrong Consultants, Inc be selected as the consultant for the airport layout plan project.

**RECOMMENDATION: APPROVE THE RESOLUTION TO SELECT ARMSTRONG CONSULTANTS, INC AS AIRPORT CONSULTANT FOR THE AIRPORT LAYOUT PLAN PROJECT.]**

A motion was made by Councilman Mashburn, seconded by Councilman Mischnick to approve Resolution No. 24-43. Which follows in its entirety:

RESOLUTION NO. 24-43

*WHEREAS*, The City of Alliance owns and operates the Alliance Municipal Airport; and

*WHEREAS*, The Federal Aviation Administration (FAA) requires a separate consultant selection process for planning projects; and

*WHEREAS*, The City of Alliance solicited statements of qualifications and experience from airport consultants for airport planning projects; and

*WHEREAS*, The City conducted interviews with two firms that submitted proposals for consideration; and

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*WHEREAS*, Those interviews were conducted by a committee on April 29, 2024; and

*WHEREAS*, The selection committee reviewed qualifications, references and interview data, and is recommending Armstrong Consultants, Inc. and;

*WHEREAS*, The Mayor and City Council agree with the recommendations of staff.

*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the City of Alliance, Nebraska, that Armstrong Consultants, Inc. be selected as the consultant for the airport layout plan project.

*BE IT FURTHER RESOLVED* that staff shall notify Armstrong Consultants, Inc. of their selection as the Alliance Municipal Airport planning consultant for the airport layout plan project.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- A Board Appointment was next for Council.

A motion was made by Vice Mayor McGhehey, seconded by Councilman Mischnick to appoint Don Tschacher to the Knight Museum and Sandhills Center Board with a term ending May 31, 2026.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next agenda item was the presentation and acceptance of the Quarterly Financial Statement.

City Treasurer Baker presented and reviewed the Quarterly Financial Statement Report.

A motion was made by Councilman Weisgerber, seconded by Councilman Mischnick to accept the Second Quarter Financial Statement.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Discussion of Summer Hours was next for Council to discuss on the agenda.
- Next item on the agenda for Council was the discussion of setting Budget Workshops.
- Last matter before Council on the agenda was an Annual Review performance evaluation of City Clerk Pitt. Council at this time entered into a closed session to conduct the job performance of the City Clerk.

Council and City Clerk Pitt entered closed session at 8:12 p.m. The closed session concluded at 8:35 p.m.

A motion was made by Vice Mayor McGhehey, which was seconded by Councilmen Mischnick to classify the City Clerk at a 107 step 3 for a superior performance evaluation.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

The Alliance City Council adjourned the May 7, 2024 City Council Meeting at 8:36 p.m.

(SEAL)



Earl Jones, Mayor



Shelbi C. Pitt, City Clerk