

August 6, 2024

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, AUGUST 6, 2024

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

The Alliance City Council met in a Regular Meeting, August 6, 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 July 31, 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 McGhehey opened the August 6, 2024 regular meeting of the Alliance, Nebraska City Council at 7:01 p.m. Mayor McGhehey, Vice Mayor Mashburn and Council Members Mischnick, Weisgerber, and Liptack. Also present were City Manager Sorensen, City Treasurer Baker, City Attorney Swanson and City Clerk Pitt.

- Mayor McGhehey read the Open Meetings Act Announcement.
- The first matter for Council was to move Item F – Police Department Quarterly Awards to Item A on the agenda. A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to approve moving Item F to Item A.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Police Chief Leavitt and Lieutenant Felker presented quarterly awards to the Alliance Police Department.
- A brief recess was called at 7:26 p.m.

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- Council entered back into session at 7:31 p.m.
- The Consent Calendar was the next item on the agenda. A motion was made by Councilman Mischnick, seconded by Councilman Liptack to request that Resolution No. 24-75 be considered as a separate item.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Mayor McGhehey requested that Resolution No. 24-74 be considered as a separate item, instead of a Consent Calendar item. A motion was made by Mayor McGhehey, seconded by Vice Mayor Mashburn to remove Resolution No. 24-74 off the Consent Calendar for a separate item.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

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

CONSENT CALENDAR – August 6, 2024

1. Approval: Minutes of the Regular Meeting, July 16, 2024.
2. Approval: Payroll from July 12, 2024 and July 26, 2024 in the total amount of \$729,670.30.
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; \$1,241,746.58.
4. Approval: Cemetery Certificate for McLaughlin, E.L. and Laretta H.

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5. Approval: Resolution No. 24-70 which will accept and award the Lift Station C Generator Replacement Bid with Power Tech, LLC, in the total amount of \$82,502.00.
6. Approval: Resolution No. 24-71 which will authorize a capital budget transfer in the amount of \$18,000 from System Contingency # 07-52-58-47-791 to Lift Station Improvement # 07-52-58-59-921 to cover remaining costs of the Lift Station C Generator Replacement Bid.
7. Approval: Resolution No. 24-72 which will authorize a capital budget transfer in the amount of \$25,000 from Capital Outlay – Mach, Equip # 06-51-55-59-950 to Baler Wire # 06-51-55-46-678 for the purchase of Baler wire that as ran out.
8. Approval: Resolution No. 24-73 which will authorize a budget transfer in the amount of \$10,000 from Capital Outlay – Other Improvements # 01-71-71-59-970 to Fountain Maintenance # 01-71-71-45-562 to cover costs of repairs to the Fountain.

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: Mischnick, Liptack, Weisgerber, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- The next Council had before them Item 10 – Approval of Resolution No. 24-75. This Resolution will approve the Library Policy Update.

A motion was made by Councilman Mischnick, seconded by Councilman Liptack to approve Resolution No. 24-75. Which follows in its entirety:

RESOLUTION NO. 24-75

WHEREAS, The City of Alliance owns and operates the Library Learning Center;
and

WHEREAS, Policies for the use of the library are established by the City Council;
and

WHEREAS, The Alliance Public Library Board and the Library Director are recommending changes to the Alliance Public Library Policies; and

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WHEREAS, City Council has reviewed the proposed Policies and find them appropriate for the Library Learning Center; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance Public Library Policies set forth are hereby approved, and adopted effective August 6, 2024, as the Policy of the Alliance Library Learning Center.

Mayor McGhehey asked for any discussion from the Council or Public.

Councilman Mischnick stated regular hours need to be maintained year-round.

Citizen of Alliance, Earl Jones, 808 Cheyenne Avenue, spoke before Council stressing his concerns of the new policy and the importance for the community use of the building. Library Director O'Connor responded appreciating Jones' comment, utilizing hours where it is needed – possibly Thursday night with all the programs.

Mayor McGhehey stated that Item M “Library Hours” be removed from the policy.

A motion was made by Councilmen Mischnick, which was seconded by Councilmen Liptack to approve the Library Policy with Item M “Library Hours” removed from the policy.

Roll call vote with the removal of Item M from the policy with the following results:

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

Voting Nay: None.

Motion carried.

- The Council now had before them Item 9 – Approval of Resolution No. 24-74. This Resolution will approve the Central Park Grant Acceptance. The following information was provided:

[NEBRASKA GAME AND PARKS & LAND AND WATER CONSERVATION FUND GRANT AWARD AGREEMENT.

The City of Alliance has been approved for Land and Water Conservation funding (Federal Award: P24AP00836) to assist with the replacement of the playground equipment and crash surfacing in Central Park.

The City of Alliance will receive \$78,188.50 or 50% of the total project cost, from the Game and Parks Commission and Land and Water Conservation Fund for the purchase and installation of a new Central Park playground. Approval of the attached agreement will allow staff to move forward with bid document assembly and playground selection for this project.

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RECOMMENDATION: APPROVE AGREEMENT WITH THE NEBRASKA GAME AND PARKS AND THE LAND AND WATER CONSERVATION FUND.]

A motion was made by Councilman Mischnick, seconded by Councilman Weisgerber to approve Resolution No. 24-74. Which follows in its entirety:

RESOLUTION NO. 24-74

WHEREAS, The City of Alliance submitted a Grant Application with the Nebraska Game and Parks & Land and Water Conservation Fund (LWCF) to assist with the replacement of the playground equipment and crash surfacing at Central Park; and

WHEREAS, The City of Alliance has received notice that we have been successful in our efforts and the grants have been awarded; and

WHEREAS, The Nebraska Game and Parks & Land and Water Conservation Fund (LWCF) has forwarded an Agreement for the City of Alliance Central Park Improvement Project No. P24AP00836 which awards the City \$78,188.50 or 50% of the total project costs; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, to authorize Mayor McGhehey to accept the grant and sign the Agreement with the Nebraska Game and Parks & Land and Water Conservation Fund.

Mayor McGhehey at this time asked if this grant was a matching grant. Culture and Leisure Director Brown replied no this is a 50/50 grant.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on agenda for Council was the first reading of Ordinance No. 2980 which will approve the City of Alliance annual appropriation bill for the fiscal year beginning October 1, 2024. The following information was provided:

[FY25 Budget Hearing Narrative for August 6, 2024

The submitted overall budget ordinance in front of Council today is nearly \$55.8 million, down \$11.7 million from two years ago and up around \$200,000 from last

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fiscal year. The proposed budget is balanced in that planned revenue is greater than or equal to expenditures. The budget ordinance reflects planned expenditures, but does not include all transfers or loans as reflected in State reporting forms.

City employee salaries are budgeted with a 3% cost-of-living adjustment, or approximately \$291,200 increase (salaries only) bring total salaries to around \$9,998,695. Police and Dispatch are slated for a 3.25% adjustment as per the most recent FOP contract. Full-time equivalents are budgeted to change as follows:

- The former Executive Administrative Assistant/Tourism director is replaced with a Secretary assigned to the Human Resources Department
 - Two part-time transit drivers will be replaced by one full-time transit driver
 - Addition of a Purchasing Manager
 - Addition of a City Engineer
 - Addition of a Metering and Load Technician for the Electric Department
 - Addition of a Heavy Equipment Operator at the Landfill
- for a net increase of 4.33 FTE bringing the total authorized strength to 119.6 full-time equivalents, not including seasonal employees.

Property tax rates will not be set until September as the City does not receive 2023 valuations until mid-August. The proposed budget is based on receiving the same revenue as last year with an additional 2.5% to the previous revenue base.

Market-specific volatility items, such as oil, gas, plastics, chemicals, etc. are based on last year's usages with an estimated increase for inflation. Also included in this year's budget are funds for Fraternal Order of Police (Union) negotiations, negotiations for health insurance, and bidding for our risk insurance carrier. Internal transfers were reduced this year utilizing surplus for internal services built up over the past few years.

This year's budget includes ARPA funds which must be designated to comply with the December 31, 2024 deadline. Current planned expenditures include housing for the Community Redevelopment Authority, procurement and demolition of the 1st Interstate Inn, restrooms and improvements at Bower Park, and design of walking trails.

This year's general fund budget includes enterprise fee transfers which are performed in-lieu of a right-of-way usage charge. This source will provide approximately \$2.68 million toward the general fund operations. This includes planned transfers of:

- \$1,750,000 from the electric fund
- \$420,000 from the water fund
- \$300,000 from the refuse fund,
- \$207,000 from the sewer fund.

Also included in this budget is a transfer of nearly \$600,000 from the public safety tax which is planned to cover the cost of vehicles, equipment, and radios for fire and police.

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The submitted budget includes capital projects of \$9.5 million. Primary city-wide projects include approximately:

- \$1,000,000 for engineering and decommissioning of the old electric power plant
- \$900,000 for baler replacement at the landfill
- \$500,000 for completion of the automatic meter reading infrastructure for water
- \$400,000 for Airport Layout Plan
- \$351,625 for Airport electrical repair design
- \$100,000 for Public Safety Center planning
- \$160,000 for Central Park playground replacement
- \$300,000 for city hall ADA upgrades design (carryover from FY22-23 and FY23-24)
- \$300,000 for purchase of a new ambulance (carryover from FY23-24)

Of note is \$835,000 for fire department equipment (Class A pumper). Due to extensive lead times in procuring vehicles and equipment, this money is earmarked now though it is highly unlikely for the equipment to arrive before 2028. The money is shown in this year's budget to establish spending authority which must be created prior to committing the City to an expenditure. Some vendors are requiring down payments well in advance as a show of good faith and to offset costs during the lengthy build time.

Due to high interest rates and the availability of cash in Electric Fund reserves, it is proposed to borrow from the Electric Fund for capital improvement projects for the water, refuse, and airport departments.

The budget includes the following approximate increases for fees and utilities:

- Water +5%
- Sewer +5%
- Refuse +5%
- Golf +5%
- Electric -5%

Fees will come to council for approval in September.

With that, I would invite for public comment on the budget as presented.]

A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2980. Which follows in its entirety:

ORDINANCE NO. 2980

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2024; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

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Section 1: The City Manager, in accordance with the requirements of Nebraska Revised Statute § 19-646, has submitted a proposed budget statement to the City Council, which statement is attached hereto as Exhibit A and incorporated herein by reference (the “Budget Statement”).

Section 2. A public hearing will be held on the Budget Statement in accordance with the requirements of Nebraska Revised Statute § 13-506. Before the final passage and approval of this Ordinance, the Budget Statement may be amended in accordance with comments received at the public hearing, the property valuations provided by Box Butte County, any action to exceed the allowable growth for restricted funds as determined by law, and as necessary to adjust for any other information gathered by the City before October 1, 2024.

Section 3. In accordance with the requirements of the Nebraska Budget Act and Nebraska Revised Statute § 16-704, the amounts set forth in the attached and incorporated Budget Statement shall be and are hereby recognized as the budget appropriations for the City of Alliance, Nebraska for the fiscal year 2024-2025. The fund descriptions and amounts are as follows:

Fund Description	Amount
General	\$12,060,141
Electric	\$17,051,913
Refuse	\$3,127,001
Sewer	\$861,290
Water	\$3,038,259
Golf Course	\$803,908
Airport Operations	\$2,709,562
Public Transit	\$584,741
Streets	\$2,186,856
RSVP	\$98,381
Museum Exhibit	\$15,000
HUD/Housing	\$150,000
Community Betterment (KENO)	\$100
Economic Development	\$742,600
LB 840 Fund	\$510,000
Redevelopment (TIF)	\$1,750,000
Sales Tax Fund	\$2,400,000
Lodging Occupation Tax	\$1,000
Capital Projects Fund	\$799,000
Public Safety Tax	\$599,725
State 911 Funds	\$0
General Internal Service	\$2,711,959
Enterprise Internal Service	\$651,100
Health Support Internal Service	\$2,353,450

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American Recovery Plan Act Fund	<u>\$588,532</u>
Total Appropriations	\$55,794,518

Section 4. Upon final passage and approval of this Ordinance, the Budget Statement is adopted by the City of Alliance Nebraska as the adopted budget statement. A copy of the Budget Statement shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Box Butte County, Nebraska, for use by the levying authority.

Section 5. This Ordinance shall become effective October 1, 2024.

Concerned citizen of Alliance, Earl Jones, stated the Human resources position “can’t afford”, spending too much for too many positions.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next for Council on the agenda was the first reading of Ordinance No. 2981 which will amend and approve the City of Alliance Municipal Code Article II, titled “*City Council Decorum*.” The following information was provided:

[ORDINANCE - UPDATE OF CITY COUNCIL MEETING RULES

The attached ordinance updates Sections 2-25 through 2-70 of the City Code of Ordinances regarding actions of city council members and the public during city council meetings and detailing the time and location of city council meetings.

Major revisions include:

- Physical address of City Council Chambers
- Dates and times of city council meetings
- Clarifying public comment to comply with state law
- Clarifying physical and verbal participation/interaction between the Council and the Public
- Clarifying procedures for the presiding officer and determination of protocol

RECOMMENDATION: APPROVE ORDINANCE UPDATING THE RULES GOVERNING COUNCIL AND PUBLIC DECORUM FOR CITY COUNCIL MEETINGS.]

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A motion was made by Councilman Weisgerber, seconded by Councilman Liptack to approve the first reading of Ordinance No. 2981. Which follows in its entirety:

ORDINANCE NO. 2981

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING PART I - GENERAL ORDINANCES, CHAPTER 2 – ADMINISTRATION, ARTICLE II. CITY COUNCIL SECTIONS 2-25 THROUGH 2-70 OF THE ALLIANCE MUNICIPAL CODE DEALING WITH CITY COUNCIL MEETINGS, REPEALING PRIOR SECTIONS, 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. Sections 2-25 through 2-70 of the Alliance Municipal Code are amended to provide as follows:

“Sec. 2-25. City council meeting; regular.

(a) *Time.* The city council shall hold its regular meeting on the first and third Tuesday of each month. The city council may, by adoption of a calendar each year, establish regular meeting dates other than the first and third Tuesday of each month. The city council may, by resolution adopted not less than one week prior thereto, change its regular time of meeting. If the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such alternate meeting shall be set by agreement of the councilmembers.

(b) *Place.* Regular meetings of the council shall be held in the meeting room located at 1750 Sweetwater Avenue; provided, that the city council may adjourn any meeting to such other place as it may deem necessary, desirable or convenient for the holding of its session; provided, further, that if such meeting is adjourned to some other place, notice the place of the meeting being held shall be affixed to the door the meeting room.

(Code 1986, § 1-101; Ord. No. 2005, 12-18-1990; Ord. No. 2056, 12-19-1996; Ord. No. 2262 12-19-1996)

State law reference(s) – Authority to fix meeting time and date, R.R.S. 1943, §§ 16-401, 19-615; Open Meetings Act, R.R.S. 1943, § 84-107 et seq.

Sec. 2-26. Presiding officer.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the city council; shall state every question coming before the city council, announce the decision of the city council on all subjects and decide all questions of order, subject,

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however, to an appeal to the city council, in which event a majority vote of the city council shall govern and conclusively determine such question of order. Such appeal shall be immediately presented and voted upon by the city council. The mayor or other presiding officer shall vote on all questions and shall sign all ordinances and resolutions adopted by the city council during their presence. In the event of the absence of the mayor and vice-mayor, the temporary chairperson shall sign ordinances or resolutions as then adopted.

(Code 1986, § 1-105; Ord. No. 2056, 12-19-1996)

State law reference(s) – Presiding officer designated, R.R.S. 1943, § 19-617.

Sec. 2-27. Ordinance, resolutions, motions and contracts.

- (a) *Preparation of ordinances.* The city attorney shall, on request of the city manager, city council or any member thereof, prepare any ordinance or resolution.
- (b) *Approval of ordinances and resolutions.* Before any ordinance or resolution shall be finally adopted, the city attorney or his authorized assistant shall endorse thereon his approval as to form and legality.
- (c) *Prior approval of bonds, contracts, etc.* Before any bond, contract or other legal document binding the city shall be presented to the city council for final approval, the city manager shall approve the same in writing as to the terms thereof, and the city attorney or his authorized assistant shall approve the same as to its form, and shall endorse such approval thereon.
- (d) *Ordinances relating to administration.* Any ordinance, except those containing an emergency clause, relating to the duties, powers and functions of any administrative department or office or affecting in any substantial manner the administration of the city government shall, on first reading, be referred by the presiding officer to the city manager for his report and recommendations thereon, unless such ordinance shall have been previously approved by the city manager. Further action on such ordinances not previously approved by the city manager shall be deferred until the next meeting of the city council.
- (e) *Procedure for introduction and passage of ordinances.*
 - (1) Ordinances, resolutions, and other matters or subjects requiring action by the city council may be introduced and sponsored by any member of the city council and by no other person, provided, that the city manager or the city attorney may present ordinances, resolutions and other matters or subjects to the city council, and any city councilmember assumes sponsorship thereof by introducing the same and moving its adoption; otherwise, such matters shall not be considered by the city council.
 - (2) Upon its introduction, each ordinance may be considered for its first reading, except for emergency ordinances or upon motion sustained to postpone. If such motion for first reading is adopted, the ordinance shall be open for discussion and amendment.

- (3) If any ordinance shall have been amended upon any of its readings, it shall be referred to the city attorney for approval as to form as amended before final passage; and if the amendment shall constitute a change in substance, the ordinance, as amended, shall be filed in the office of the city clerk for at least one additional week, after which it shall be placed on the agenda for a subsequent meeting when final action may be taken thereon.
- (4) No ordinance, except those making appropriations and those codifying and rearranging existing ordinances, shall relate to more than one subject.
- (5) Any resolution may be passed at the meeting at which it is introduced.

(Code 1986, § 1-117; Ord. No. 2056, 12-19-1996)

State law reference(s) – Adoption of ordinances, R.R.S. 1943, §§ 16-403, 16-404; style and publication of ordinances and emergency ordinances, R.R.S. 1943, § 16-405; effective date of ordinances, R.R.S. 1943, § 19-3701; publication of ordinances, R.R.S. 1943, § 18-131,

Secs. 2-28 – 2-44. Reserved.

Sec. 2-45. Agenda, preparation: directions to staff.

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the city council shall, if possible, be delivered to the city clerk, no later than seven business days, prior to the date and time of each regular city council meeting, whereupon the city clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the city council, the city manager or designee and the city attorney with a copy of the same prior to the city council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the city council by administrative officials, except those of an urgent nature, and the same, when so presented, shall have the written approval of the city manager before presentation.

(Code 1986, § 1-104; Ord. No. 2056, 12-19-996; Ord. No. 2641, 7-16-2009)

Sec. 2-46. Calling of meetings to order.

The mayor, or in his absence, vice-mayor or the temporary chairperson shall take the chair precisely at the hour appointed for the city council meeting, and shall immediately call the city council to order. In the absence of the mayor or vice-mayor, the city clerk or their assistant shall call the city council to order, whereupon a temporary chairperson shall be elected by the members of the city council present. Upon the arrival of the mayor or vice-mayor the temporary chairperson shall immediately relinquish the chairperson upon the conclusion of the business immediately before the city council.

(Code 1986, § 1-106; Ord. No. 2056, 12-19-996)

Sec. 2-47. Order of business

Promptly at the hour set by law on the day of each regular meeting, the members of the city council, the city clerk, city attorney, and city manager or their assistants shall take their regular stations in the city council chambers, and the business of the city council shall be taken up for consideration and disposition in the following order, unless the city council votes affirmatively to change the order for good cause:

- (1) Call to order.
- (2) Roll call.
- (3) Open Meetings Act announcement.
- (4) Invocation and Pledge of Allegiance.
- (5) New employee introductions.
- (6) Approval of consent calendar.
- (7) Petitions, remonstrances, and communications.
- (8) Introduction of ordinances:
 - a. First reading.
 - b. Second reading and subsequent readings.
 - c. Final passage.
- (9) Introduction and adoption of resolutions.
- (10) Unfinished business.
- (11) New business.
- (12) Miscellaneous.
- (13) Adjournment.

(Code 1986, § 1-108; Ord. No. 2056, 12-19-996)

Sec. 2-48. Rules of debate.

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- (a) *Presiding officer may debate and vote.* The mayor or such other member of the city council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are imposed by these rules on all members, and shall not be deprived of any of the rights and privileges of a councilmember by reason of his acting as the presiding officer.
- (b) *Getting the floor; improper references to be avoided.* Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- (c) *Interruptions.* A member, once recognized, shall not be interrupted when speaking, unless it is to call him to order as otherwise provided in this article. If a member, while speaking, is called to order, shall be permitted to proceed.
- (d) *Yielding the floor.* A member having the floor shall yield the same for a point of order addressed to the chair, a question of personal privilege raised by any member and an inquiry for information addressed to the chair.
- (e) *Limitation on debate.* The city council may, by a general rule, limit debate or discussion on any matter, or may, by motion adopted at the time, limit debate or discussion on any particular subject or motion, and may, by majority vote of the members present, extend any such limit.
- (f) *Motion to reconsider.* A motion to reconsider any action taken by the city council may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor and it shall be debatable. Nothing in this subsection shall be construed to prevent any member of the city council from making or remaking the same or any other motion at a subsequent meeting of the city council.
- (g) *When remarks of councilmember entered in minutes.* A councilmember may request, through the mayor, the privilege of having an abstract of his statement on any subject under consideration by the city council entered in the minutes. If the city council consents thereto, such statement shall be entered in the minutes.
- (h) *When synopsis of debate entered in minutes.* The city clerk may be directed by the presiding officer with consent of the city council, to enter in the minutes a synopsis of the discussion of any question coming before the city council.
- (i) *Protests by members.* Any member shall have the right to have the reasons for his dissent from or protest against any action of the city council entered in the minutes.

(Code 1986, § 1-111; Ord. No. 2056, 12-19-1996; Ord. No. 2641, 7-16-2009)

Sec. 2-49. Addressing the council.

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- (a) The presiding officer of the city council shall provide opportunity during city council meetings for discussion by interested persons or their authorized representatives on any city council matter before the city council prior to final passage, provided, that the preference shall be given to any person, who, at least 24 hours prior to the city council meeting, shall have requested opportunity for discussion by written notice directed to the city clerk.
- (b) Any person may direct a written communication to the city council on any matter concerning the city's business by directing the communication to the city council through the city clerk.
- (c) Any person desiring to personally address the city council on any matter not then before it shall notify the city clerk in writing of their desire. Such written notice shall include the name and address of the person making the request, the issue and a description of their concern no later than seven business days prior to the city council meeting at which wishes to appear.
- (d) The city staff shall examine every request to determine whether the issue raised can be addressed administratively. If an administrative resolution is determined to be appropriate, the issue shall be delegated to the city manager to attempt to resolve the issue. The city manager may delegate the issue to any department head. If the citizen is not satisfied with the administrative resolution, the citizen may make another written request to be on the agenda for the next regularly scheduled city council meeting. Unless the request is regarding a personnel matter, the city clerk shall place the request on the agenda of the next regular city council meeting; provided that the next regularly scheduled council meeting is not less than five business days from the date of receipt of the request, under the order of the business entitled, "Petitions, Remonstrances and Communications," subject to the requirements of notice under public meetings law. All personnel matters should be referred to the personnel manager or the city manager.
- (e) The presiding officer of the city council shall, from time to time, make such rules as may be deemed necessary to fulfill and carry out the intent of the provisions of this section.

(Code 1986, § 1-112; Ord. No. 2056, 12-19-1996)

Sec. 2-50. Manner of addressing council; time limit.

Each person addressing the city council, other than city staff, shall step up to a microphone, shall give their name, any organization they are representing, and their address for the record, unless the presiding officer waives the address requirement to protect the security of the individual. Unless further time is granted by the city council, the person shall limit their address to the time limit determined by the presiding officer of the meeting. All remarks shall be addressed to the city council as a body and not to any individual member thereof. No person, other than the members of the city council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the city council, without the permission of the presiding officer. Persons addressing the council are prohibited from addressing audience members and from entering into discussion with members of the audience. No questions shall be asked of a city councilmember or city staff except through the presiding

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officer. The city council may, from time to time, adopt other rules and regulations regarding the conduct of persons attending meetings.

(Code 1986, § 1-113; Ord. No. 2056, 12-19-1996)

Sec. 2-51. Decorum.

(a) *By councilmembers.* While the city council is in session, the members shall preserve decorum and order, and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the city council, nor disturb any member while speaking, nor refuse to obey the orders of the city council or its presiding officer, except as otherwise provided in this article.

(b) *By other persons.* No person shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the city council, nor disturb any member while speaking, nor refuse to obey the orders of the city council or its presiding officer. No person shall make personal, impertinent or slanderous remarks, nor otherwise disturb the order and decorum of any city council meeting. A police officer summoned for that purpose at the direction of the presiding officer, shall remove any person violating the provisions of this subsection.

(Code 1986, § 1-113; Ord. No. 2056, 12-19-1996)

Sec. 2-52. Persons authorized to be in front of or behind council table.

No person shall be permitted in front of the city council table in the city council chamber without the express consent of the presiding member. No person other than the members of the city council, the city clerk, city attorney, and city manager, or their assistants, may go behind the council table without the express consent of the presiding member.

(Code 1986, § 1-115; Ord. No. 2056, 12-19-1996)

Secs. 2-53 – 2-70. Reserved.”

Section 2. Existing Sections 2-25 through 2-70 of the Alliance Municipal Code are 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, Liptack, Mashburn and McGhehey.

Voting Nay: None.

August 6, 2024

Motion carried.

- The next item on the agenda for council was Tabled Item – Resolution No. 24-60, which was tabled at the July 2, 2024 City Council Meeting, will accept the purchase of two containers for the Landfill from Falcon Containers. The following information was provided:

[RESOLUTION – PURCHASE OF CONTAINERS FOR LANDFILL

Employees at the landfill have been using a portable outhouse for the past year. Prior to that time, employees often had to leave the landfill to find suitable restroom facilities. Employees also do not have a designated lunch/break room, with flies being a major threat to their health while eating. City Council identified these needs and appropriated \$240,000 in the FY2023-2024 budget for providing these facilities.

Due to challenges with obtaining the services of local builders, for their durability, and for the ability to move these facilities in the future if needed, staff is recommending the purchase of metal shipping containers. Staff sought quotes for two twenty-foot (20') metal containers; one outfitted as a break room and one as a restroom, from ABC containers, Bob's Containers, and Falcon Containers.

Council initially considered, then tabled this item at its July 6, 2024 meeting. At that time, Council requested additional information from ABC containers to be able to equitably consider their proposal in comparison to Bob's and Falcon bids. A quote on official letterhead to include specifications and pictures demonstrating the quality of construction was requested of ABC. In response we received the same pictures as are on their website and still have not received an official quote. Due to the delay and lacking additional construction details, the City Manager recommends that ABC Mobile Storage be considered as "non-responsive" and no longer be considered for this purchase despite being the apparent low bid initially.

Should Council determine to proceed with ABC Containers, City Manager recommends award in an amount not to exceed \$42,000 from funds set aside for this purpose in line item 06-51-55-59-915, being the low bid.

Should Council determine to not proceed with ABC Containers based on the lack of information, City Manager recommends award to Falcon Structures in an amount not to exceed \$60,000 (to allow for volatility in shipping prices). It is the opinion of the City Manager that the quality of product is similar between Falcon Structures and Bob's Containers, however Bob's quote at \$79,251 is higher than that of Falcon.

Remaining funds in line item 06-51-55-59-915 will be used for concrete, plumbing and electrical work.

August 6, 2024

RECOMMENDATION: APPROVE RESOLUTION APPROVING THE PURCHASE OF TWO 20 FOOT CONTAINERS FROM FALCON STRUCTURES FOR USE AT THE LANDFILL IN AN AMOUNT NOT TO EXCEED \$60,000.]

A motion was made Councilman Liptack, seconded by Councilman Mischnick to approve Resolution No. 24-60. Which follows in its entirety:

RESOLUTION NO. 24-60

WHEREAS, The City of Alliance has identified the need to provide sanitary facilities for use at the City Landfill; and

WHEREAS, Current restroom and break room facilities are either temporary, unworkable, or non-existent; and

WHEREAS, The City Council approved funding to provide restrooms as part of the FY2023-2024 budget; and

WHEREAS, The City Council finds it beneficial to employees to provide these facilities.

NOW, THEREFORE, BE IT RESOLVED, By the Mayor and Council of the City of Alliance, Nebraska, that the purchase of two twenty-foot (20') metal containers; one outfitted as a break room and one as a restroom, from Falcon Containers in an amount not to exceed \$60,000 from funds set aside for this purpose in line item # 06-51-55-59-915.

A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to table Resolution No. 24-60 until the next Council Meeting.

Roll call vote to table action on Resolution No. 24-60 until the next Council Meeting with the following results:

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

Voting Nay: None.

Motion carried.

- Next item on the agenda was Resolution No. 24-76 which will recommend approval of the Manager Application for Stephanie Harpole for B & W Gas and Convenience dba Yes Way, to the Nebraska Liquor Control Commission.

A motion was made by Councilman Mischnick, seconded by Vice Mayor Mashburn to approve Resolution No. 24-76. Which follows in its entirety:

RESOLUTION NO. 24-76

August 6, 2024

WHEREAS, The City of Alliance has received a notice and copy of a Manager Application for YesWay 1170, 610 East 3rd Street, Alliance, Nebraska submitted by Stephanie Harpole; and

WHEREAS, City staff has reviewed the application and finds no reason why the proposed manager, Stephanie Harpole, would be disqualified from serving as manager; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Alliance, Nebraska, that the Manager's Application of Stephanie Harpole, YesWay 1170, 610 East 3rd Street, Alliance, Nebraska is hereby recommended for approval to the Nebraska Liquor Control Commission; and

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: Mischnick, Mashburn, Weisgerber, Liptack and McGhehey.

Voting Nay: None.

Motion carried.

- Last matter on the agenda for Council was the presentation of the Quarterly Financial Report.

City Treasurer Baker presented the presentation and acceptance of the third quart financial report.

The Alliance City Council adjourned the August 6, 2024 City Council Meeting at 8:33 p.m.

(SEAL)



John McGhehey, Mayor



Shelbi C. Pitt, City Clerk