

October 1, 2024

**ALLIANCE CITY COUNCIL**

REGULAR MEETING, TUESDAY, OCTOBER 1, 2024

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

The Alliance City Council met in a Regular Meeting, October 1, 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 September 25, 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 October 1, 2024 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor McGhehey and Council Members Mischnick, Weisgerber, and Liptack. Also present were City Manager Sorensen, City Treasurer Baker, City Attorney Selzer and City Clerk Pitt.

- Mayor McGhehey excused Vice Mayor Mashburn.
- Mayor McGhehey read the Open Meetings Act Announcement.
- Councilman Weisgerber asked Police Chief Leavitt to come forward to announce the Alliance Police Department promotions.
- Councilman Mischnick next recognized the week of October 6 through October 12, 2024 as Public Power Week and read the following proclamation:

**PROCLAMATION**

*WHEREAS*, We, the citizens of Alliance, Nebraska place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and,

October 1, 2024

*WHEREAS*, The Alliance Electric Department provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and,

*WHEREAS*, The Alliance Electric Department is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and,

*WHEREAS*, The Alliance Electric Department is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place in which to live and work, as well as protecting the global environment.; and,

*WHEREAS*, That the Alliance Electric Department will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1911, the year when the utility was created to serve all the citizens of Alliance; and,

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

The week of October 6-12, 2024 as:

### **Public Power Week**

In the City of Alliance, Nebraska, and we urge all citizens to join me in honoring the Alliance Electric Department for its contribution to the community and to make its consumer-owners, policy makers, and employees more aware of its contributions to their well-being and how it makes their lives powerful

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 1<sup>st</sup> day of October in the year of the Lord Two Thousand Twenty-Four.

● The Consent Calendar was to follow next for the Council. A motion was made by Councilman Liptack, seconded by Councilman Mischnick to approve the Consent Calendar as follows:

### **CONSENT CALENDAR – OCTOBER 1, 2024**

1. Approval: Minutes of the Budget Workshop, September 13, 2024, Public Hearing Budget, September 17, 2024, Public Hearing Property Tax Request, September 17, 2024, Regular Meeting, September 17, 2024, and Special Meeting September 26, 2024.
2. Approval: Resolution No. 24-93 which will approve the Inter-Departmental Loan Extension.

October 1, 2024

3. Approval: Resolution No. 24-94 which will approve the Agreement of Contribution with Box Butte Development Corporation in the amount of \$78,250 to be paid in quarterly installments.
4. Approval: Resolution No. 24-95 which will approve the Agreement of Contribution with Chamber of Commerce in the amount of \$11,000 to be paid in quarterly installments.
5. Approval: Resolution No. 24-96 which will approve the Agreement of Contribution with Keep Alliance Beautiful in the amount of \$50,000 to be paid in quarterly installments.
6. Approval: Resolution No. 24-97 which will approve the Agreement of Contribution with Panhandle Area Development District in the amount of \$6,581.30 to be paid in one lump sum.
7. Approval: Resolution No. 24-98 which will approve the Agreement of Contribution with Heartland Express in the amount of \$2,937.72 to be paid in one lump sum.
8. Approval: Resolution No. 24-99 which will the purchase of a Snow Blower from Murphy Tractor and Equipment of Gering, Nebraska, in the amount of \$154,800.
9. Approval: Resolution No. 24-100 which will approve the purchase of an Air Burner from Air Burners, Inc., in the amount of \$189,196.78.
10. Approval: Resolution No. 24-101 which will approve the purchase of refuse containers from Synder Industries of Lincoln, Nebraska, in the amount of \$96,125.45.

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.

Councilman Weisgerber had the following questions regarding items on the Consent Calendar. Councilman Weisgerber first asked about Resolution No. 24-100 – Purchase of Landfill Air Burner, “is this green energy?” Public Works Director Grant explained to Councilman Weisgerber that this was diesel powered used for burning tree branch piles at the Landfill. Next Councilman Weisgerber asked about Resolution No. 24-101 – Purchase of Refuse Containers, “are there plastic wheels on the new refuse containers?” Public Works Director Grant replied, “no there are no wheels on the new dumpsters, the big roll outs have wheels.” Councilman Weisgerber asked, “what happened at the last Heartland Expressway meeting?” City Clerk Pitt replied, “they discussed the next phase of the highway to the South Dakota boarder.” Lastly, Councilman Weisgerber asked what PADD was. Mayor McGhehey told Councilman Weisgerber PADD stood for Panhandle Area Development District.

Roll call vote with the following results:

Voting Aye: Mischnick, Liptack, Weisgerber and McGhehey.

October 1, 2024

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was Tabled Item – Resolution No. 24-88 – Refuse Rate Increase which includes the amended rates of Solid Waste Disposal and potential contract rate with H & H Sanitation. The following information was provided:

A motion was made by Councilman Weisgerber, seconded by Mischnick to approve Tabled Item – Resolution No. 24-88 – Refuse Rate Increase. Which follows in its entirety:

**RESOLUTION NO. 24-88**

A RESOLUTION AMENDING DISPOSAL RATES FOR SOLID WASTE AND REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

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

SECTION 1. Staff has prepared amendments to disposal rates for solid waste for submission to the City Council.

SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted pursuant to Sec. 28-483(a) and 28-484(a) of the Alliance Municipal Code. All such rates are hereby amended effective October 1, 2024, in the following particulars:

		<b>October 1, 2024</b>
<b>Rate Class</b>	<b>Existing Rate</b>	<b>New Rates</b>
Residential – City	\$24.15	\$25.36
Commercial – City (3 yard container)	120.10	126.11
Commercial – City (1.5 yard container)	61.49	64.56
<b>Disposal Fee Types</b>		
Asbestos	Not Accepted	Not Accepted
Ashes	72.49	76.11
Brush	22.75	23.89
Construction and Demolition	74.91	78.66

October 1, 2024

Contaminated Soil	122.25	128.36
Fill	19.89	20.88
Metal	26.99	28.34
Municipal Solid Waste	75.69	79.47
Non-baleable MSW	122.25	128.36
Pallet	Not Accepted	Not Accepted
Shingles	74.91	78.66
Tire – Truck and Tractor	23.96	25.16
Tire – Over 16”	12.10	12.71
Tire – 15” and below	7.46	7.83
White Goods	14.95	15.70
White Goods w/Freon	37.69	39.57
Minimum Fee	10.94	11.49

SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed. Provided, however, that the annual adjustment as set forth in Sec. 28-483(h) and Sec. 28-484(c) of the Alliance Municipal Code shall not be repealed by this Resolution.

SECTION 4. This resolution shall go into effect as upon its passage, approval, and publication according to law, provided that rate increases shall not take effect until October 1, 2024.

At this time Troy Hoxworth of H & H Sanitation came before Council stated he would like 3 months to get everything in place. Mayor McGhehey stated Mr. Hoxworth and City Manager Sorensen needed to get together.

A motion was made by Councilman Mischnick, seconded by Councilman Weisgerber to approve Resolution No. 24-88 – Refuse Rate Increase with a non-rate change of Municipal Solid Waste – Commercial until City Manager Sorensen and Mr. Hoxworth of H & H Sanitation have a meeting. The following information was provided:

**RESOLUTION NO. 24-88**

A RESOLUTION AMENDING DISPOSAL RATES FOR SOLID WASTE AND REPEALING PORTIONS OF ORDINANCES OR RESOLUTIONS NOT CONSISTENT WITH THE CHANGES HEREIN.

October 1, 2024

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

SECTION 1. Staff has prepared amendments to disposal rates for solid waste for submission to the City Council.

SECTION 2. The City Council has received and reviewed the proposed changes and finds such changes to be in the best interest of the City of Alliance and should be therefore adopted pursuant to Sec. 28-483(a) and 28-484(a) of the Alliance Municipal Code. All such rates are hereby amended effective October 1, 2024, in the following particulars:

Rate Class	Existing Rate	October 1, 2024
		New Rates
Residential – City	\$24.15	\$25.36
Commercial – City (3 yard container)	120.10	126.11
Commercial – City (1.5 yard container)	61.49	64.56
<b>Disposal Fee Types</b>		
Asbestos	Not Accepted	Not Accepted
Ashes	72.49	76.11
Brush	22.75	23.89
Construction and Demolition	74.91	78.66
Contaminated Soil	122.25	128.36
Fill	19.89	20.88
Metal	26.99	28.34
Municipal Solid Waste - Residential	75.69	79.47
Municipal Solid Waste - Commercial	75.69	75.69
Non-baleable MSW	122.25	128.36
Shingles	74.91	78.66
Tire – Truck and Tractor	23.96	25.16
Tire – Over 16”	12.10	12.71
Tire – 15” and below	7.46	7.83
White Goods	14.95	15.70
White Goods w/Freon	37.69	39.57
Minimum Fee	10.94	11.49

SECTION 3. All other ordinances, resolutions, or policies of the City of Alliance not consistent with the amendment made herein are hereby repealed. Provided, however, that the annual adjustment as set forth in Sec. 28-483(h) and Sec. 28-484(c) of the Alliance Municipal Code shall not be repealed by this Resolution.

SECTION 4. This resolution shall go into effect as upon its passage, approval, and publication according to law, provided that rate increases shall not take effect until November 1, 2024.

Roll call vote with approving Resolution No. 24-88 with non-rate change of Municipal Solid Waste - Commercial the following results:

October 1, 2024

Voting Aye: Liptack, Weisgerber, Mischnick and McGhehey.

Voting Nay: None.

Motion carried.

- Resolution No. 24-102 – Airport Amendment #1 to the Engineering Agreement for the Alliance Airport Tw/Apron Rehab Project, which will accept and approve the amendments to Change Order No. 1 with Simon Contractors and Engineering Contract Amendment No. 1 with M.C. Schaff & Associates, Inc. The following information was provided:

**[RESOLUTION – AIRPORT TAXIWAY/APRON REHABILITATION PROJECT – CHANGE ORDER #1 AND AMENDMENT #1**

The City of Alliance entered into a contract with Simon Contractors in May of 2022 to rehabilitate the Taxiways and Apron. A change order is required by the FAA because the contractor went over on the contracted working days which resulted in liquidated damages. The contract was to be completed in 100 working days but lasted 190 working days. Since a change order is required, it also includes any changes to quantities outside of the contracted amounts. For that reason, this change order includes the deduction for liquidated damages in addition to quantity changes in concrete, paint product, and asphalt. The letter included with the change order explains each specific item.

When this change order is approved M.C. Schaff's engineering agreement needs to be amended to account for the extra construction oversight related to the change order. The amount deducted in liquidated damages from the contractor of \$114,210.00 is the amount of the amendment for M.C. Schaff.

The change order will increase the contract price by \$8,670.00. The current fiscal year budget includes this additional amount with the City of Alliance's 10% match being \$867.00.

**RECOMMENDATION: APPROVE RESOLUTION TO APPROVE CHANGE ORDER #1 ON AIRPORT TAXIWAY/APRON REHABILITATION AND AMENDMENT #1 ON ENGINEERING AGREEMENT.]**

A motion was made by Councilman Mischnick, seconded by Liptack to approve Resolution No. 24-102. Which follows in its entirety:

RESOLUTION NO. 24-102

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

October 1, 2024

*WHEREAS*, The City of Alliance entered into a contract with Simon Contractors to rehabilitate the Taxiways and Apron in May 2022; and

*WHEREAS*, The Federal Aviation Administration requires a change order for the overage of contracted working days which results in liquidated damages; and

*WHEREAS*, Due to the change order M.C. Schaff & Associates, Inc., Engineering Agreement requires an amendment to account for the extra construction oversight; and

*WHEREAS*, City Staff is recommending Change Order No. 1 with Simon Contractors and Amendment No. 1 to the Consultant Agreement with M.C. Schaff & Associates, Inc. be approved for the Airport Rehabilitation at the Alliance Municipal Airport.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and City Council of Alliance, Nebraska, that the Mayor is authorized to sign Change Order No. 1 with Simon Contractors and Amendment No. 1 to the Consultant Agreement between M.C. Schaff & Associates, Inc. in the amount of \$114, 210.00 for liquidated damages and \$8,670.00 for the contract price.

*BE IT FURTHER RESOLVED*, that staff is authorized to expend the funds as set forth above in accordance with the contract to pay for the engineering services provided by M.C. Schaff & Associates, Inc., of Scottsbluff, Nebraska and Change Order No. 1 with Simon Contractors, of North Platte, Nebraska.

Roll call vote with the following results:

Voting Aye: Weisgerber, Mischnick, Liptack and McGhehey.

Voting Nay: None.

Motion carried.

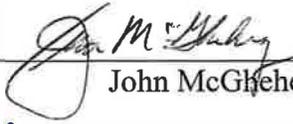
- The last matter for Council was a Discussion Item – Amendment to Ordinance No. 26-50 (1) One Way Alleys.

Public Works Director Grant came before Council making them aware this Ordinance included several alleyways and whether other areas should be addressed instead of just this particular request. Mayor McGhehey asked Public Works Director Grant to get Council a list of areas affected.

The Alliance City Council adjourned the October 1, 2024 City Council Meeting at 7:41 p.m.

October 1, 2024

(SEAL)

  
\_\_\_\_\_  
John McGhehey, 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