

October 15, 2024

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, OCTOBER 15, 2024

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

The Alliance City Council met in a Regular Meeting, October 15, 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 October 9, 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 15, 2024 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor McGhehey, Vice Mayor Mashburn 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 read the Open Meetings Act Announcement.
- The Consent Calendar was the first item on the agenda. A motion was made by Councilman Mischnick, seconded by Vice Mayor Mashburn to approve the Consent Calendar as follows:

CONSENT CALENDAR – October 15, 2024

1. Approval: Minutes of the Regular Meeting, October 1, 2024.
2. Approval: Payroll from October 4, 2024 in the total amount of \$373,224.28.
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; \$1,705,745.39.
4. Approval: Carnegie Art Center Letter of Support.

5. Approval: Acceptance of Donation to Police Department.
6. Approval: Resolution No. 24-103 which will authorize the purchase of a KM4000TEDD Hot Box Asphalt Trailer from Rose Equipment Inc., in the amount of \$26,625.00 from GL # 24-41-41-59-950.
7. Approval: Resolution No. 24-104 which will authorize City of Alliance to enter into an engineering agreement with MC Shaff and Associates for the 2nd Street Pavement Rehabilitation Project in the amount of \$41,748.50 from GL # 24-41-41-43-331.

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, Mashburn, Weisgerber, Liptack and McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was the first reading of Ordinance No. 2983 which will amend and approve the City of Alliance Municipal Code Chapter 24-27, titled *Snow Removal*. The following information was provided:

[ORDINANCE – AMENDMENT TO CHAPTER 24, SECTION 24-27 OF THE ALLIANCE MUNICIPAL CODE TITLED “SNOW REMOVAL.”

The City of Alliance currently allows 48 hours to clear snow, slush, and ice from sidewalks after the end of a winter storm. This was changed from 24 hours in 2023. Taking in to consideration the additional 24 hour notice requirement placed on the City to notify the adjacent property owner, they are essentially given 72 hours after a storm to clear their sidewalks. By this point in time the snow is packed and very difficult to remove.

Staff compared our ordinance against those of other cities in our area:

| City | Time Allowed |
|-------------|-------------------------------|
| Alliance | 48 Hours |
| Chadron | 24 Hours |
| Gering | 12 Hours |
| Scottsbluff | 12 PM the day after the storm |

October 15, 2024

| | |
|--------------|---|
| Sidney | Sidewalks should remain clear, open, and unobstructed |
| North Platte | Sidewalks should remain clear, open, and unobstructed |

The proposed code amendment changes the time allowed to clear sidewalks of snow, ice, and slush back to 24 hours. This, combined with the 24 hour notification requirement gives people 48 hours to clear their sidewalks before the City is permitted to have it done for them.

RECOMMENDATION: APPROVAL OF THE ORDINANCE CHANGING THE TIME ALLOWED TO CLEAR SIDEWALKS OF SNOW, ICE, AND SLUSH FROM 48 HOURS TO 24 HOURS.]

A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2983. Which follows in its entirety:

Ordinance No. 2983

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTION 24-27 TO CHANGE THE TIME FOR AN OWNER OR OCCUPANT TO REMOVE SNOW, SLUSH, AND ICE FROM CITY SIDEWALKS ADJACENT TO THEIR PROPERTY FROM 48 HOURS TO 24 HOURS; REPEALING EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 24-27 of the Alliance Municipal Code is amended to read as follows:

Sec. 24-27. Snow removal.

- (1) Removal. It shall be the duty of the owner or occupant of every lot or parcel adjacent to a city sidewalk to clean and remove all snow, slush, and ice therefrom within 24 hours after such snow, slush, or ice has fallen, drifted, or accumulated thereon.
- (2) Extent: Removal shall include the entire width and length of the city sidewalk up to the centerline of any adjacent alley, and the portion of sidewalk extending into a street intersection.
- (3) Removal Location. Snow, slush, or ice shall not be moved from any lot, driveway, or adjacent sidewalk into the city street, alley, or onto any neighboring lot, nor shall any snow, slush, or ice be placed in the "sight vision triangle" or on any lot, in such a manner that may interfere with the regular flow of traffic or vision clearance of the roadway as determined by the city manager or designee. Such an offense of any part of this section

October 15, 2024

shall be considered a municipal code violation and may be punishable by a \$100 fine per occurrence. In locations within a central business district zoning designation, where the building adjacent to the city sidewalk is constructed to less than a five foot front or side street setback, snow may be pushed into the street from the city sidewalk provided it is placed there no later than 12 hours after any snow, slush, or ice has fallen, drifted, or accumulated thereon.

- (4) Failure to remove. If, after 24 hours, the lot or parcel owner or occupant has failed to remove any snow, slush, or ice as set out herein, the city manager or designee shall post a notice on the property adjacent to the sidewalk or serve the owner or occupant with a notice requiring the removal of any snow, slush, or ice within 24 hours of the notice posting or their receipt of said served notice. The city manager or designee may cause the sidewalk to be cleared by hiring a contractor or by city employees should the owner fail to comply, with the notice.
- (5) Recovering costs. The city manager shall bill the property owner for all costs incurred clearing the sidewalk. The property owner shall have no more than sixty days to pay their removal costs in full to the city. After nonpayment the city manager may:
 - (a) Levy an assessment against such property in accordance with the procedures set forth in section 24-26 (d); or
 - (b) Recover such costs in a civil action.

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

At this time Community Development Director Kusek presented City Council with an overview of said Ordinance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item to follow on the agenda for Council was the first reading of Ordinance No. 2984, which will amend and approve the City of Alliance Municipal Code Chapter 20, titled *Nuisance*. The following information was provided:

[ORDINANCE – AMENDMENTS TO CHAPTER 20 OF THE ALLIANCE MUNICIPAL CODE TITLED NUISANCES.

October 15, 2024

State of Nebraska Revised Statute 16-230 enables communities to adopt and enforce a nuisance abatement ordinance. The statute provides the minimum requirements of any nuisance abatement ordinance adopted by Cities of the First Class. The statute allows the city to establish the means of notifying property owners of nuisances on their property. Staff is aware of multiple issues with the City nuisance abatement code after working with it for the past 6 months.

The first proposed amendment is a saving clause (Sec. 20-6). The purpose of the saving clause is to state that any code violations in existence when the City Council amends or adopts a new nuisance abatement code, will remain in violation and not become legal. For example if a property is in violation of a certain code section and the City changes that code section number, they could argue they are no longer guilty of that section and the City would have to start the nuisance abatement process over.

The second set of proposed amendments are minor changes to the hangtag requirements (Sec. 20-23). Hangtags are not official notices and are meant to be a courtesy to the property owner from the City before issuing an official notice. They are not required by state law. Initial contact is attempted by the Nuisance Abatement Officer in person. Hangtags are left if contact wasn't made when knocking on the door of the property. The proposed code requires the violation section to be present on the hangtag and for staff to follow up in 5 days should the property owner not contact the City. The five day follow up is accomplished by attempting to contact the owner/occupant with a second visit to the property or by telephone. If these attempts fail or if the property looks abandoned, we proceed with an official notification.

The third set of proposed amendments are to the notification section (Sec. 20-24). The state statute only tells the city what has to be on the notification and that the City has to wait a minimum of 5 days after the notification before it can abate the nuisance. The statute does not dictate how to post or deliver the notice. Currently the municipal code allows for certified mail, personal service (city staff hand delivers it), or posting the notice on the property in a conspicuous location.

Code requires that if certified mail or personal service delivery notices fail we have to wait 14 days from the day we mailed or tried to serve the notice before we can publish the notice in the newspaper or post the property. Staff is not sure of the reason to wait 14 days when under normal circumstances, we will know within a few days if they can be reached by mail or personal service. Staff recommends reducing this to 7 days and adding the days that personal service delivery will be attempted. Staff also recommends the removal of publishing the notice in the newspaper. Fewer people read the newspaper than did when this code was drafted and they only publish it once a week which adds additional time to the notification process.

October 15, 2024

The fourth amendment requires the City to hold a hearing within 14 days should the property owner appeal the nuisance. The enabling statute requires the city to accept an appeal from the property owner or their agent provided they give it to the city within 5 days of receiving the notice. The statute also requires the city hold the appeal hearing within 14 days of receipt of the appeal form.

The fifth set of amendments (Sec. 20-26) will remove the requirement to wait 14 days after the property is posted before acting on the nuisance and adds the time requirement allowed by code to abate general nuisances. The code already dictates the amount of time property owners are permitted after posting the property to abate the nuisance before the city can move forward. The 14 day period is unnecessary.

The sixth set of amendments are additions to the process in abating nuisances. The additional sections come from the article on abating the accumulation of junk and litter. The amendment moves the "Sentencing" and "Suspended sentencing" sections to the abatement process article (Secs 20-28 and 20-29). The entirety of the abatement process should be detailed in the same article of code to make the process easier to follow. These sections do not only apply to junk and litter and should be moved to the procedural part of the code so that prosecutions of other nuisances are the same as junk and litter.

The seventh set of amendments fix an oversight in regard to tree branches in the street intersection sight vision triangle (Secs 20-67 and 20-74 through 20-76). The intent of the code is to require tree branches that are in the intersection sight vision triangle to be trimmed a minimum of 8 feet above the curb grade so that traffic can see around the corner without having to pull into the intersection. The street intersection vision triangle is a triangle created at the intersection of the front property line and the side street property line. It is drawn by measuring 25 feet from the intersection along each property line and connecting the hypotenuse between these two points. The code requiring 8 feet of clear space already exists but it was not placed correctly in the code. It was written under the code section for trees in the City rights of way. Street intersection vision triangles are not in the City rights of way which creates a potential conflict when enforcing the code. This amendment removes it from that section and makes the requirement its own code section eliminating any possible source of confusion.

The final amendments add a section detailing the intention of the code regulating junk and litter and removes the requirement for the police to remove junk and litter from property and designates that to the city manager or designee for staffing flexibility purposes.

RECOMMENDATION: APPROVAL OF THE ORDINANCE AMENDING CHAPTER 20 OF THE ALLIANCE MUNICIPAL CODE COMPLETING AND UPDATING THE NUISANCE ABATEMENT PROCESS, REMOVING OBSOLETE AND UNNECESSARY NOTIFICATION REQUIREMENTS, AND

October 15, 2024

CLARIFYING THE STREET INTERSECTION SIGHT VISION TRIANGLE REQUIREMENTS.]

A motion was made by Councilman Liptack, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2984. Which follows in its entirety:

Ordinance No. 2984

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA CREATING ALLIANCE MUNICIPAL CODE SECTION 20-6 TO PROVIDE FOR A SAVINGS CLAUSE FOR PRIOR ORDINANCES RELATING TO EXISTING NUISANCE VIOLATIONS; AMENDING CODE SECTIONS RELATING TO NOTICES OF NUISANCE ABATEMENT, BOARD OF HEALTH PROCEEDINGS FOR NUISANCE VIOLATIONS APPEALS, ABATEMENT PERIODS, CONSEQUENCES FOR FAILURE TO ABATE NUISANCES, SIGHT VISION REQUIREMENTS FOR TREE BRANCHES, AND THE INTENT OF CODE SECTIONS REGARDING NUISANCE ABATEMENT; RENUMBERING PRIOR CODE SECTIONS; REPEALING EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 20-6 of the Alliance Municipal Code is created to read as follows:

Sec. 20-6. - Existing nuisance violations; saving clause.

All rights or remedies of the city are expressly saved as to any and all previous or existing violations of chapter 20 of the alliance municipal code that have accrued at the time of the effective date of the ordinance from which this chapter is derived; and that all previous and existing violations of previous nuisance regulations which would otherwise become legal under this chapter shall not become legal under this chapter unless specifically removed from this code, but shall be violations of this chapter in the same manner that they were violations of prior versions of chapter 20.

SECTION 2. Sections 20-23 through 20-28 of the Alliance Municipal Code are amended to read as follows:

Sec. 20-23. - Hangtags.

The city manager or designee may use hangtags to inform the owner or occupant of a property that a nuisance exists before sending a formal notice as detailed in section 20-24. At a minimum, the hang tag shall provide the section of code violated, a contact number for the city, and the date on which the hangtag was left. If the owner or occupant does not contact the City manager or designee within five business days after the hangtag is left, the city manager or designee shall begin the notification process as detailed in section 20-24.

Sec. 20-24. - Notice.

Notice shall be given to each owner or the owner's duly authorized agent, and to the occupant, if any, as prescribed by this code. Notice shall be by certified mail, personal service, or by posting the notice conspicuously on the property. If delivery is by personal service, staff shall have five working days to deliver said notice. A minimum of two attempts must be made with the first on day one and the second on day five; provided if delivery is made at an earlier date, staff is not required to attempt delivery again on day five. If notification by personal service is unsuccessful for a period of five working days or if certified mail is unsuccessful for a period of seven days, said notice shall be conspicuously posted on the lot or ground in which the nuisance is to be abated and removed. Regardless of notification method, the notice shall:

- (1) Describe the nuisance in enough detail to allow the owner or occupant to determine what the nuisance entails and what will effectively abate the nuisance;
- (2) Inform the owner that within five days of receipt or posting of the notice, as applicable, the owner or occupant may solicit a hearing with the city board of health by filing a written request with the city clerk;
- (3) State that if the owner or occupant does not request a hearing, they are ordered to abate and remove the nuisance within the time required in the notice or the city may:
 - (a) Abate and remove the nuisance(s) and bill the owner for any costs and expenses incurred by the city performing such work; or,
 - (b) Proceed with a civil action against the property owner.
- (4) And state that if any costs and expenses of the work performed by the city are unpaid for two months after such work is done, the city may either:
 - (a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited as a special assessment; or,
 - (b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

Sec. 20-25. - Board of health proceedings.

Appeals of nuisances to the board of health shall proceed as follows:

- (1) *Hearing.* Within five days of receipt or posting of the notice, the owner or occupant may request a hearing with the city board of health by filing a written request with the city clerk. Upon the clerk's timely receipt of a request for a hearing, the clerk shall notify the owner, the owner's duly authorized agent, or the occupant in writing of the hearing date. The hearing date shall occur within fourteen days after filing the appeal. At the hearing, the city attorney and the city manager or designee giving the notice shall provide evidence of the nuisance to the board of health. Thereafter, the board of health shall allow all interested persons an opportunity to be heard regarding the nuisance. The board of health may consider any information which it deems relevant and shall make a final determination of the existence or nonexistence of a nuisance.

October 15, 2024

(2) *Post hearing order.* If the board of health determines that a nuisance exists, the board shall, by resolution, order the city manager or designee to provide the owner or occupant with a letter stating that:

- (a) A nuisance indeed exists; and
- (b) The owner or occupant is ordered to abate and remove the nuisance in the time required by this code.

Sec. 20-26. Compliance time frame.

If the owner or occupant does not request a hearing with the board of health as provided for in this article, the owner or occupant shall abate and remove the nuisance(s) as prescribed in the notice within the following time frame:

- (1) Accumulation of junk or litter: thirty days.
- (2) Trimming or removal of trees, branches, shrubs, hedges, etc.: ten days.
- (3) Weeds, grass, and other worthless vegetation: five days.
- (4) General nuisances: five days.

If a hearing was requested with the board of health and the board found that a nuisance exists on the property, the time permitted to abate the nuisance shall be determined by the board except that such time granted shall not be greater than half the time permitted above. The time permitted to abate the nuisance shall begin the day following the date the board of health makes its ruling.

Sec. 20-27. - Failure to abate.

If the owner or occupant does not request a hearing as provided for in this article and fails to abate the nuisance as set forth in the notice, or, if a hearing is requested and the owner or occupant fails to comply with the board of health's order to abate and remove the nuisance, the city may:

- (1) Abate and remove the nuisance and bill the owner for any costs and expenses incurred by the city performing such work; or,
- (2) Proceed with a civil action against the property owner.

Sec. 20-28. Suspended sentencing.

Should the city proceed in a civil action against the property owner and upon a conviction for violation of this chapter, the presiding judge at their discretion may suspend the sentence for a period of time to be determined by the judge to allow the person convicted of such violation time to voluntarily abate the nuisance from the subject property. Upon compliance with the judge's orders the owner shall only be subject to payment of the court costs and not to the payment of a fine. Such voluntary abatement may consist of signing a consent form to allow the city to abate the nuisance and return the property to compliance. Said removal at the consent of

October 15, 2024

the owner of shall be at the owner's expense and billed by the city in accordance with this chapter.

SECTION 3. Section 20-29 of the Alliance Municipal Code is created to read as follows:

Sec. 20-29. Sentencing.

Any property owner or person in lawful possession of property who fails or refuses to remove the nuisance as prescribed by the city manager, designee, or judge, shall be guilty of a class V misdemeanor, shall pay any court costs, and a \$100.00 fine per offense. Each day the property is in violation of this Code shall be considered a separate offense.

SECTION 4. Section 20-30 of the Alliance Municipal Code is created to read as follows:

Sec. 20-30. - Recovery of costs.

If the city abates and removes the nuisance the city manager or designee shall bill the property owner for all costs incurred by the city in abating said nuisance. If the bill remains unpaid for more than two months the city shall:

- (1) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited as a special assessment; or,
- (2) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

SECTION 5. Section 20-67 of the Alliance Municipal Code is amended to read as follows:

Sec. 20-67. Trees.

No person shall plant any tree within any public right-of-way in the city without first contacting and obtaining permission from the city manager or designee, by filing an application in a form designated by the city manager or designee in accordance with the following:

- (1) *Application.* The applicant shall provide a site plan stating the variety and detailing the proposed location of each tree to be planted within the city right-of-way. The city manager or designee shall investigate the locality named in the application and shall approve the location of the proposed trees if such placement will, in the opinion of the city manager or designee, allow the normal growth and development of each tree. Furthermore, approval will only be granted if the applicant has complied with all other applicable sections of this article.
- (2) *Varieties approved.* The city manager or designee shall maintain a list of tree varieties permitted to be planted in public rights-of-way in the city.
- (3) *Planting area.* No tree shall be planted in a public right-of-way in a location where sidewalks are constructed or contemplated unless there is a clear space of at least four feet between the back of the curb line and the sidewalk line nearest the street. All trees

planted therein shall be centered between the back of the curb line and the sidewalk line nearest the street.

- (4) *Spacing.* All trees planted in any public right-of-way shall be a minimum of 25 feet apart. In the case of a corner lot, all trees planted in a public right-of-way shall also be a minimum of 25 feet from the intersecting property lines as if extended into the right-of-way. Furthermore, in areas of the city which are not platted in a uniform pattern, tree planting in the public rights-of-way shall be as designated by the city manager or designee in such a manner that traffic vision and public safety are not impaired by improper planting.
- (5) *Topping.* It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the trees. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the city manager or designee.

SECTION 6. Sections 20-74 of the Alliance Municipal Code is amended to read as follows:

Sec. 20-74. Sight Vision Requirements.

Tree branches that intrude into the sight vision triangle or branches on trees planted in the curb strip shall not be permitted to hang lower than eight feet above the adjacent curb elevation.

SECTION 7. Section 20-75 of the Alliance Municipal Code is amended to read as follows:

Sec. 20-75. Spraying.

The City, through the authorization of the city manager or designee, may spray or otherwise treat any trees or other growth located in the public rights-of-way. The city shall have the authority to move any personal property which might be damaged by said spray. The city shall not be liable for any damage caused by said spray.

SECTION 8. Section 20-76 of the Alliance Municipal Code is created to read as follows:

Sec. 20-76. Removal.

All trees, bushes, shrubs, vegetation, etc. located in the city rights of way are done so at the sufferance of the city. As such the city may, through the authorization of the city manager or designee, remove or order the removal by the appropriate property owner, any tree, bush, or shrub located in the public right-of-way which does not comply with city codes or regulations without notice. All trees, bushes, shrubs, or hedges removed from the public right-of-way shall be completely removed, including the roots and stumps, which shall be removed to a depth of at least six inches. In addition, the city may trim trees planted on the public rights-of-way. Furthermore, the city manager or designee shall have the authority to order the removal of a tree or part of a tree which is damaging the abutting sidewalk, curb, gutter, or road surface.

October 15, 2024

SECTION 9. Sections 20-81 through 20-83 of the Alliance Municipal Code are amended to read as follows:

Sec. 20-81. Intent

It is the purpose of this code to encourage, create, and maintain an attractive community and to promote and protect the public health, safety, and general welfare by providing for the regulation of junk and litter as defined by this code within the City and the two mile extraterritorial jurisdiction.

Sec. 20-82. Declared Unlawful.

It shall be unlawful for any property owner or person to allow the accumulation of junk and or litter on any property except those granted a conditional use permit for a junk yard. Such an accumulation is hereby declared to be a nuisance in need of regulation for the public welfare.

Sec. 20-83. - Owner not found.

If, after notice has been given in accordance with chapter 20, article II, the owner is not found, and the junk or litter is not removed within 30 days of the posted notice given, the city manager or designee is hereby authorized to have the junk or litter hauled away and the same be destroyed upon authorization by the city manager or designee. The city manager or designee shall proceed by placing an assessment on the property abated in the total amount of the costs incurred by the city.

SECTION 10. Section 20-28 of the Alliance Municipal Code, as amended in Section 2 of this Ordinance was moved from Section 20-84, so Section 20-84 of the Alliance Municipal Code is repealed.

SECTION 11. Section 20-83 of the Alliance Municipal Code, as amended in Section 9 of this Ordinance was moved from Section 20-85, so Section 20-85 of the Alliance Municipal Code is repealed.

SECTION 12. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 13. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Community Development Director Kusek gave an overview of Ordinance No. 2984.

Roll call vote with the following results:

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

October 15, 2024

Voting Nay: None.

Motion carried.

- The next agenda item for Council was the first reading of Ordinance No. 2985, which will amend and approve the City of Alliance Municipal Code Chapter 24-2 and 24-42, titled *Prohibited Activities* and *Illegal Obstruction*. The following information was provided:

[ORDINANCE – AMENDMENTS TO CHAPTER 24 OF THE ALLIANCE MUNICIPAL CODE SECTIONS 24-2 AND 24-42 TITLED “PROHIBITED ACTIVITIES” AND “ILLEGAL OBSTRUCTION” RESPECTIVELY.]

The State of Nebraska enables communities to enforce its nuisance abatement code in rights of way; however, the City must adopt the ordinance doing so and provide the method for the abatement thereof. The City code declares certain things in the right of way to be illegal but it doesn't have any prescriptive methods to deal with them. The proposed code amendments declare that nuisances in the right of way including alleys, streets, and curb strips, are indeed nuisances in need of abatement and provides a reference to chapter 20 for the abatement of said nuisances.

The other amendment fixes a poorly worded code section that in effect makes grass illegal in the curb strip. The proposed code was reworded to remove the items covered under the nuisance abatement chapter and lists the other illegal activities so they are easier to understand. These proposed code amendments are accompanying the proposed amendments to Chapter 20 in regard to nuisances as the two are related.

RECOMMENDATION: APPROVAL OF THE ORDINANCE PROVIDING FOR THE ABATEMENT OF NUISANCES IN THE CITY ALLEYS, STREETS, AND CURB STRIPS IN ACCORDANCE WITH CHAPTER 20 OF THE ALLIANCE MUNICIPAL CODE.]

A motion was made by Councilman Weisgerber, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2985. Which follows in its entirety:

Ordinance No. 2985

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTIONS 24-2, AND 24-42 DEFINING NUISANCES IN THE PUBLIC RIGHT OF WAY, PROVIDING THAT ABATING NUISANCES IN THE PUBLIC RIGHT OF WAY IS THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER, AND DEFINING ILLEGAL OBSTRUCTIONS OF THE CURB STRIP; REPEALING EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

October 15, 2024

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

SECTION 1. Section 24-2 of the Alliance Municipal Code is amended to read as follows:

Sec. 24-2. - Prohibited activities.

(1) *Defacement.* It shall be unlawful for any person to willfully, maliciously, or carelessly injure, change, deface, or destroy any street, sidewalk, building, ditch, drain, curb, curb and gutter, or grade in any public right-of-way or easement.

(2) *Encroachment.* No person shall place, erect, construct or maintain any sign, sign post, telegraph or other posts or poles, racks, advertisements, or any other device, building, or structure, upon or across any city rights-of-way or easement, except as provided for in Code.

(3) *Auctions.* It shall be unlawful for any person to sell at public auction on any street, alley, highway or any public grounds, any domestic animal, any goods, wares, and merchandise.

(4) *Nuisances.* Alleys, streets, and all public rights of way shall be subject to the same requirements as found in chapter 20 of the alliance municipal code. Such nuisances shall be the responsibility of the adjacent property owner and may be abated in accordance with that chapter.

SECTION 2. Section 24-42 of the Alliance Municipal Code is amended to read as follows:

Sec. 24-42. – Illegal Obstruction.

The following shall be considered obstructions of the curb strip:

- (1) Items taller than 30 inches.
- (2) Vehicle, trailer, camper, boat, personal water craft, motorcycle, or other similar apparatus or attachment; or
- (3) Any items that are found by the city manager or designee that interfere with the safe use of the right of way or interfere with access to utilities.

SECTION 3. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Community Development Director Kusek gave the Council an overview of Ordinance 2985.

Roll call vote with the following results:

October 15, 2024

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

Voting Nay: None.

Motion carried.

- Next up the Council on the agenda was the first reading of Ordinance No. 2986, which will amend and approve the City of Alliance Municipal Code Chapter 111-162, titled *Additional Requirements*. The following information was provided:

[ORDINANCE – AMENDMENT TO CHAPTER 111 OF THE ALLIANCE MUNICIPAL CODE SECTION 111-162 TITLED “ADDITIONAL REQUIREMENTS.”

For the City Councils consideration is an addition to the Alliance Municipal Code adding the requirement for a permanent foundation for modular and premanufactured housing constructed **outside** mobile home parks. The City used to rely on mortgage lenders to require houses be constructed on permanent foundations that meet the minimum requirements of the City’s adopted building code. In the current mortgage market, some lenders are allowing modular and premanufactured houses to be set on ABS (plastic) pads placed on bare ground. The proposed code amendment does not affect mobile homes in mobile home parks which are intended to provide a location for “mobile” home placement.

Staff discussed the matter with the building official in Chadron shortly after the issue was presented to us. Chadron requires permanent foundations for premanufactured housing located outside mobile home parks on the grounds that mobile homes in mobile home parks are installed more so in accordance with the guidelines of the Nebraska Department of Environment and Energy and the Federal Government’s Department of Housing and Urban Development. Other mobile home requirements such as utility hookups and zoning are constructed using the City’s adopted construction codes.

Utilizing this interpretation, staff will enforce the requirement for a permanent perimeter foundation from here forward; however, staff recommends codifying it. This ensures that local building code requirements and expectations are clear to any premanufactured housing providers or city personnel in the future. Staff will also point out that the requirement for a permanent foundation already exists in the R-4, Atypical Residential Housing Zoning District portion of our code but it does not apply to the other residential zoning districts. This amendment applies to the other residential districts.

The City of Alliance Planning Commission met at its regular meeting on June 11, 2024 and voted to recommend the approval of the code amendment requiring a permanent foundation be constructed according to the adopted City

October 15, 2024

building codes for premanufactured houses outside of mobile home parks after making the following findings of fact:

1. Lenders are no longer requiring permanent foundations for premanufactured houses.
2. The requirement would keep residential neighborhoods more attractive.
3. The requirement already exists in the R-4 residential zoning district.
4. The requirement would provide for a more permanent investment in housing in Alliance.

RECOMMENDATION: APPROVAL OF THE ORDINANCE ADDING THE REQUIREMENT FOR A PERMANENT FOUNDATION FOR MODULAR AND PREMANUFACTURED HOUSING CONSTRUCTED OUTSIDE MOBILE HOME PARKS.]

A motion was made by Councilman Mischnick, seconded by Councilman Liptack to approve the first reading of Ordinance No. 2986. Which follows in its entirety:

Ordinance No. 2986

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTION 111-162 TO REQUIRE THAT MANUFACTURED HOMES BE PLACED UPON A BASEMENT OR PERMANENT PERIMETER FOUNDATION COMPLYING WITH THE CITY'S BUILDING CODE; REPEALING EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 111-162 of the Alliance Municipal Code is amended to read as follows:

Sec. 111-162. Additional requirements.

The following guidelines shall be required for manufactured homes in addition to all other pertinent zoning and building codes.

- (1) The home shall have no less than an 18-foot exterior width;
- (2) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
- (3) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
- (4) The home shall have a non-reflective roof material.
- (5) The home shall have wheels, axles, transport lights, and towing apparatus removed.
- (6) The home shall be placed upon a basement or permanent perimeter foundation complying with the city's building code.

October 15, 2024

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Community Development Director Kusek gave the City Council an overview of said Ordinance 2986.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The first reading of Ordinance No. 2987 was next on the agenda, which will amend and approve the City of Alliance Municipal Code Chapter 107-81, 107-86, and 107-102, titled *Application and Filing, City Council Approval, and Application Review*. The following information was provided:

ORDINANCE – AMENDMENTS TO CHAPTER 107 OF THE ALLIANCE MUNICIPAL CODE, SECTIONS 107-81, 107-86, AND 107-102, TITLED “APPLICATION AND FILING,” “CITY COUNCIL APPROVAL,” AND “APPLICATION AND REVIEW” RESPECTIVELY.

The proposed amendments to the municipal code would add the use of 24lb paper for the final plat of subdivisions that are filed at the Courthouse. Currently Mylar is the only media allowed by our code. Mylar is a transparent plastic sheet. Surveyors have commented to City staff that both paper and Mylar have their drawbacks. Inkjet and ink signatures printed on Mylar tend to fade over a period of 30-40 years. Mylar will retain ink provided it is printed using a laser jet printer or some type of thermal ink jet. Paper is more readily available, retains the original ink and signatures better, but the media is more easily torn.

Property subdivision plats in Alliance were printed on paper until the late 1970’s when Mylar became more widely accepted. Drawings on Mylar were easier to make copies of using the blue line copy machine technology at the time because of the sheets transparency. With large format copiers available it is no longer necessary to print plats on transparent sheets since we now have the ability to copy and scan large sheets of plain paper.

There aren’t any State requirements dictating what type of media final plats must be printed on and the Box Butte County Clerk is also unaware of any specific rule or regulation that would prohibit paper. The State Statutes in regard to

October 15, 2024

subdivision regulations leave most of the guidelines and requirements to the City to draft.

The City of Alliance Planning Commission met at its regular meeting on June 11, 2024 and voted to recommend the approval of the code amendments allowing the use of paper and Mylar as a suitable material for subdivision final plats after making the following findings of fact:

1. Inkjet fades and smears on Mylar.
2. 24lb paper is a suitable media for platting as it retains the ink and remains durable.
3. There are paper plats at the courthouse drawn in 1888 that retain their original detail.
4. We can easily make copies of plats printed on both paper and Mylar using modern large format copier technology.

RECOMMENDATION: APPROVAL OF THE ORDINANCE ALLOWING THE USE OF HIGH QUALITY PAPER AS WELL AS MYLAR AS SUITABLE MATERIALS FOR SUBDIVISION FINAL PLATS.]

A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to approve the first reading of Ordinance No. 2987. Which follows in its entirety:

Ordinance No. 2987

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTIONS 107-81, 107-86, AND 107-102 TO ALLOW THE USE OF 24LB PAPER FOR THE RECORDABLE FINAL PLAT OF SUBDIVISIONS; REPEALING EXISTING PROVISIONS OF THE CITY CODE NOT CONSISTENT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 107-81 of the Alliance Municipal Code is amended to read as follows:

Sec. 107-81. Application and filing.

After approval of the preliminary plat the subdivider shall prepare and submit to the city manager or designee a final plat for recording purposes, together with other supplementary information and certificates. Said final plat, application, and filing fee shall be submitted at least 15 working days prior to a regular meeting of the planning commission. There shall be a digital copy and well as eight copies of the final plat submitted; one on Mylar or on 24lb paper, and seven paper copies for review. The City Manager or designee may permit the submittal of fewer copies for review.

October 15, 2024

SECTION 2. Section 107-86 of the Alliance Municipal Code is amended to read as follows:

Sec. 107-86. City council approval.

After a public hearing by the planning commission, the city manager or designee shall submit the final plat to the city council for a public hearing. The council may specify changes or modifications therein which it deems necessary and may make its approval subject to such alterations. In case of the planning commission's disapproval, the subdivider may, on appeal, present the final plat to the council and seek approval. Upon approval by the council by ordinance duly passed, such approval shall be endorsed on the final copy under the hand of the mayor and city clerk.

SECTION 3. Section 107-102 of the Alliance Municipal Code is amended to read as follows:

Sec. 107-102. Application and review.

The subdivider shall submit an application, filing fees, and the final copy of the plat on either Mylar or on 24lb paper. Within five working days of receipt of all necessary material, the city manager or designee shall review the plat to ensure its conformance with city code and either approve or disapprove said plat. Upon its approval, the city manager or designee shall file the administrative replat at the Box Butte County Clerk's office.

SECTION 4. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this ordinance are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

Community Development Director Kusek gave the Council an overview of Ordinance No. 2987.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Council next held a Public Hearing on Resolution No. 24-105 Expenditure of Public Funds, regarding the City's uniform policy setting a dollar limit on the value of plaques, certificates of achievement, or items of value to be awarded to elected or appointed officials, employees, or volunteers of the City. The following information was provided:

October 15, 2024

[RESOLUTION – POLICY CONCERNING EXPENDITURES OF PUBLIC FUNDS FOR CERTAIN PURPOSES

Nebraska State Statute 13-2203, which outlines specific provisions for the expenditure of public funds, requires the governing body to adopt a policy concerning the expenditure of funds for certain purposes. This statute provides clear guidance on how public funds can be used for expenses related to official duties. This Resolution will formalize a policy to ensure the City operates within these legal guidelines.

Under this Statute, the governing body is empowered to authorize the use of public funds for certain expenses incurred by elected officials, employees, or volunteers when attending workshops, conferences, or training sessions that support the City's mission. This includes costs for registration, travel, meals, and lodging. Among other things, the statute outlines spending allowed for employee recognition dinners and awards, ensuring that we honor our staff and volunteers in a manner that is fair and fiscally responsible.

By adopting a uniform policy, we can ensure transparency and accountability when approving such expenditures, providing clarity for both the City and the individuals involved. The adoption of this policy is not just a legal formality, but also a reflection of our commitment to good governance and responsible financial stewardship.

RECOMMENDATION: APPROVE THE RESOLUTION ESTABLISHING A POLICY CONCERNING EXPENDITURES OF PUBLIC FUNDS FOR CERTAIN PURPOSES.]

Mayor McGhehey, stated “now is the date, time and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions or observations of the taxpayers relating to Resolution No. 24-105 and opened the public hearing at 7:19 p.m.

Mayor McGhehey invited anyone in the public to speak on behalf or against the proposed expenditure of public funds.

Human Resources Director Mayhew came before the council giving them an overview of the Expenditure of Public Funds.

With no further testimony offered, Mayor McGhehey closed the Public Hearing at 7:20 p.m.

A motion was made by Councilman Liptack, seconded by Councilman Weisgerber to approve Resolution No. 24-105 Which follows in its entirety:

RESOLUTION NO. 24-105

October 15, 2024

WHEREAS, in 1993 the Nebraska Legislature adopted the Local Government Miscellaneous Expenditures Act, Neb. Rev. Stat. Sections 13-2201 to 13-2204, and such Act has been amended from time to time; and

WHEREAS, the Local Government Miscellaneous Expenditure Act provides for the formal adoption of the uniform policy concerning certain expenditures by the city government covered by the Act; and

WHEREAS, the Mayor and City Council of the City of Alliance desire to amend the previously adopted formal policy concerning the expenditures authorized by the Local Government Miscellaneous Expenditure Act.

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

SECTION 1. That the “Policy Concerning Expenditures of Public Funds for Certain Purposes”, marked as Exhibit “A”, attached hereto and incorporated herein by this reference, is hereby adopted in accordance with the Local Government Miscellaneous Expenditures Act, Neb. Rev. Stat. Sections 13-2201 to 13-2204.

SECTION 2. That Resolution Number 22-101 and all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

POLICY CONCERNING EXPENDITURES OF PUBLIC FUNDS FOR CERTAIN PURPOSES

1. Attendance at Conferences and Meetings.

The actual and necessary expenses incurred by elected and appointed officials and employees of the City of educational workshops, conferences, training programs, official functions, hearings, and meetings, whether incurred within or outside the City of Alliance, shall be paid or reimbursed to the respective official, or employee so long as such payment or reimbursement is in accordance with Neb. Rev. Stat. Section 13-2203 or other applicable law for elected and appointed officials and Neb. Rev. Stat. Section 13-2203 and also for employees, the City’s Travel Reimbursement Policy. Authorized expenses include:

- a. Registration costs, tuition costs, fees, or charges;
- b. Mileage at the rate allowed by Neb. Rev. Stat. Section 81-1176 for travel by personal automobile, but if travel by rental vehicle or commercial or charter means is economical and practical, then authorized expenses shall include only the actual cost of the rental vehicle or commercial or charter means; and
- c. Meals and lodging at a rate not exceeding the applicable federal rate unless a fully itemized claim is submitted substantiating the costs actually incurred in excess of such rate and such additional expenses are expressly approved by the City Council.

October 15, 2024

Authorized expenditures shall not include expenditures for meals for the City Council members while such members are attending a public meeting of the City Council unless such meeting is a joint public meeting with one (1) or more other governing bodies.

The following rules shall be followed:

- d. All registration and reservation for lodging, air travel, rental vehicle, or other commercial or charter means by elected or appointed officials will be made through the City Clerk's office.
 - e. When a claim for an elected or appointed official is presented for payment that includes the expenses of more than one (1) individual, then the names of those individuals who incurred the expenses must appear on the voucher or receipt.
 - f. Employees must request to attend educational workshops, conferences, and training programs in order for expenses to be paid by the City in accordance with the City's Travel Reimbursement Policy. The request shall include the dates, location of the meeting, purpose, and expected expenditures.
 - a. The expenditure of funds for the payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, or employees at educational workshops, conferences, training programs, official functions, hearings, or meetings, whether incurred within or outside the City of Alliance that is not specifically covered by this policy may be authorized by a formal vote of the City Council so long as such expenditures comply with the requirements of state law.
2. Beverages at Meetings.
The expenditures of funds for nonalcoholic beverages provided to individuals attending public meetings of the City Council is authorized.
 3. Emergency and Volunteer Services
 - a. The expenditures of funds for nonalcoholic beverages and meals is authorized for any individuals while performing or immediately after performing relief, assistance, or support activities in emergency situations, including, but not limited to tornado, severe storm, severe snowstorm, flood, fire, or accident.
 - b. The expenditures of funds for nonalcoholic beverages and meals is authorized for any volunteers during or immediately following their participation in any activity approved by the City Council, including, but not limited to, mowing parks, picking up litter, removing graffiti, or snow removal.
 4. Recognition Dinner.
The expenditure of funds is authorized for one (1) recognition dinner each year held for elected and appointed officials, employees, and volunteers of the City. The maximum cost per person for such dinner shall be \$50.00. An annual recognition dinner may be held

separately for employees of each department or separately for volunteers, or any of them in combination.

5. Plaques, Certifications of Achievement, or Items of Value Awarded.

The expenditure of funds for plaques, certificates of achievement, and items of value awarded to elected or appointed officials, employees, or volunteers, including persons serving on local government boards or commissions, is authorized subject to the following dollar limit on value (the cost of a "Certificate" as noted below shall not exceed \$10.00):

| | |
|---|---------------------|
| Volunteer Service on Boards and Commissions | Up to \$25 |
| Employee Retirement Recognition after 10 years of service | Up to \$100 |
| City Council Award Ceremony/Farewell Party | Up to \$150 |
| Employee Years of Service Award (\$5 per year/max. \$200) | |
| 5 years of employment | \$25 + Certificate |
| 10 years of employment | \$50 + Certificate |
| 15 years of employment | \$75 + Certificate |
| 20 years of employment | \$100 + Certificate |
| 25 years of employment | \$125 + Certificate |
| 30 years of employment | \$150 + Certificate |
| 35 years of employment | \$175 + Certificate |
| 40 years of employment | \$200 + Certificate |

The City will comply with all tax laws on awards.

6. Expenses of Spouses.

The expenditures of funds to pay any expenses incurred by a spouse of an elected or appointed official, employee, or volunteer is prohibited unless the spouse is also an elected or appointed official, employee, or volunteer of the City of Alliance.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was Resolution No. 24-106 which will approve the renewal of health insurance with UNUM, Regional Care, Inc., and Symetra as the City of Alliance's Underwriters. The following information was provided:

[RESOLUTION - EMPLOYER HEALTH INSURANCE RENEWAL

Brown and Brown, the City's health benefits broker, has completed insurance renewal and searched the market for competitive rates for benefits offered to

October 15, 2024

employees. The City aims to maintain the same level of coverage without reducing or eliminating benefits, as it navigates the rising national cost of health coverage.

Administration

- Administration for the health insurance program will continue through Regional Care, Inc. (RCI).
- In regards to reinsurance, we secured an early-bird renewal with Symetra at a guaranteed 28.7% increase. This is higher than the current trend of 25%, which is an estimate of how the market would have priced our plan. Due to significant recent and upcoming large claims, the City chose the conservative route by accepting the offer to avoid the risk of a potentially substantial increase because of large claim activity. This decision also acknowledges a low likelihood of savings on the market.
- Fixed costs increased by 15% and claims liability for medical and dental is projected to increase 21%. As a reminder, the City plans to meet fixed-cost expenditures; however, claims liability will depend on usage that varies over time. The City budgets for expected costs but if those claims aren't realized, the City saves any unspent money. As of August, medical and prescription claims this year total approximately \$585,466 with seven individuals accounting for 66% of expenditures.
- Employee premiums for medical, dental, and vision coverage will remain the same again this year. They have not increased since 2019 (the seventh consecutive year) also when Brown and Brown were hired. Although the City is facing an overall increase, the Health Support Fund will cover these costs. Employees should anticipate a premium increase for the 2026 plan year as this fund is being spent down and may not be able to absorb all future costs.
- Accounting for both fixed cost and expected claims, the City will pay the following for employee medical, dental, vision, HSA, and life benefits per month.

| | Fixed Costs | Expected Claims | Monthly Value | Yearly Value | Hourly Value |
|--------|-------------|-----------------|---------------|--------------|-----------------|
| Single | \$503 | \$805 | \$1,308 | \$15,699 | \$7.55 per hr. |
| Family | \$1,155 | \$1,817 | \$2,972 | \$35,660 | \$17.14 per hr. |

RECOMMENDATION: APPROVE THE RESOLUTION FOR HEALTH INSURANCE RENEWAL WITH UNUM, REGIONAL CARE INC., AND SYMETRA AS UNDERWRITERS.]

A motion was made by Councilman Weisgerber, seconded by Councilman Mischnick to approve Resolution No. 24-106. Which follows in its entirety:

RESOLUTION NO. 24-106

WHEREAS, The City of Alliance has engaged in a process with Brown and Brown, our health benefits broker, evaluating its current healthcare benefit plans offered to employees; and

October 15, 2024

WHEREAS, Various options and proposals have been considered by staff and Brown and Brown, and staff has recommended the options contained herein; and

WHEREAS, The City of Alliance recommends a proposal to renew our contract for reinsurance carrier with Symetra as set forth herein; and

WHEREAS, The City of Alliance has received a proposal to renew its contract with the Third-Party Administrator, Regional Care Incorporated; and

WHEREAS, The City of Alliance has received a proposal to renew its contract with Unum to provide group term-life employee coverage and voluntary coverage options for employees; and

WHEREAS, The City of Alliance has received a proposal to renew its contract with VSP, Inc. to provide vision coverage enhancing the benefit to include prescription safety glasses with a \$20 co-pay; and

WHEREAS, The City of Alliance has received a proposal to renew its contract with AirMedCare for 2025 AirLink Membership; and

NOW, THEREFORE, BE IT RESOLVED, City Monthly premium payments per employee to Symetra as the reinsurance carrier effective January 1, 2025, shall be as follows:

| | |
|-------------------------|-----------|
| Specific Single Premium | \$ 315.10 |
| Specific Family Premium | \$ 897.83 |
| Aggregate Premium | \$ 19.31 |

NOW, THEREFORE, BE IT RESOLVED, City Monthly premium payments per employee to Regional Care, Inc. as the TPA effective January 1, 2025, shall be as follows:

| | | | |
|-----------------------------|----------|--------|----------|
| Transplant Coverage: Single | \$ 10.02 | Family | \$ 24.88 |
| Vision Coverage: Single | \$ 14.16 | Family | \$ 27.10 |

The administrative service fees to Regional Care, Incorporated, shall be \$35.60 monthly per covered employee; and

NOW, THEREFORE, BE IT RESOLVED, City Monthly premium payments per employee to Unum as the provider term-life employee coverage effective January 1, 2025, shall be as follows:

| | | | |
|-------|----------------|--------|---------|
| Life: | Single \$ 8.80 | Family | \$ 9.80 |
|-------|----------------|--------|---------|

NOW, THEREFORE, BE IT RESOLVED, administrative service fees paid to AirMedCare for 2025 AirLink Membership, shall be no more than \$75 per covered employee; and

BE IT FURTHER RESOLVED, the City of Alliance shall make monthly contributions to our Health Support Fund, effective January 1, 2025, for the payment of medical and dental claims up to the following amounts:

October 15, 2024

Per Single Employee \$ 805.28

Per Family Employee \$1,817.17

Human Resources Director Mayhew gave an overview of Resolution No. 24-106 Employer Health Insurance Renewal.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 24-107 Employee Health Insurance Renewal was the next item on the agenda, which will approve the employee health insurance renewal for medical, dental, vision and in-lieu benefits. The following information was provided:

[RESOLUTION - EMPLOYEE HEALTH INSURANCE RENEWAL

Brown and Brown, the City's health benefits broker, has completed insurance renewal and searched the market for competitive rates for benefits offered to employees. The City aims to maintain the same level of coverage without reducing or eliminating benefits, considering the rising national cost of health coverage.

- **Employee Premiums and Coverage** – Employee premiums for medical, dental, and vision coverage will remain the same. Premiums have not increased since 2019 (the seventh consecutive year) also when Brown and Brown were hired. Although the City is facing an overall increase, the Health Support Fund will cover these costs. Employees should anticipate a premium increase for the 2026 plan year as this fund is being spent down and may not be able to absorb all future costs.

- **Deductible and Co-insurance:** IRS Guidelines for a medical plan with an embedded deductible require the individual deductible to increase \$100 to \$3,300. The family deductible also increases \$100 to \$5,700 (from \$5,600 set in 2020). The maximum out-of-pocket amount per calendar year for both single and family plan participants was reduced in 2023 and remains unchanged (chart below). To help offset some employee expenses, the City is increasing co-insurance from 80/20 to 90/10. Coinsurance is the percentage of costs an employee pays toward a covered expense or service after the deductible is met. By increasing this cost share, the City assumes an additional 10% of employee expense. Coverage for out-of-network co-insurance will decrease from 70/30 to 60/40. The City and employees receive the best pricing for in-network services.

Current

| Employee | | Family | |
|----------|-----|--------|-----|
| In | Out | In | Out |

October 15, 2024

| | | | |
|---------|---------|---------|----------|
| \$3,200 | \$3,600 | \$5,600 | \$6,720 |
| 80/20 | 70/30 | 80/20 | 70/30 |
| \$4,000 | \$8,000 | \$8,000 | \$16,000 |

New

| Employee | | Family | |
|----------|---------|---------|----------|
| In | Out | In | Out |
| \$3,300 | \$3,600 | \$5,700 | \$6,720 |
| 90/10 | 60/40 | 90/10 | 60/40 |
| \$4,000 | \$8,000 | \$8,000 | \$16,000 |

- The following is an example of how co-insurance typically works on our plan to help understand how it impacts employees. Our **single plan** has a 90/10 coinsurance provision, a \$3,300 out-of-pocket deductible, and a \$4,000 out-of-pocket maximum. Unfortunately, an employee requires a procedure early in the year that costs \$9,500. Because the surgery is in-network and they have not met their deductible, they must pay the first \$3,300 of the bill. They are then responsible for 10% of the remaining balance (\$620) up to a maximum of \$700, meeting the max-of-pocket expense of \$4,000. The City covers the remaining balance (\$5,580). The employee is responsible for an additional \$80 during the plan year then all other medical and prescription expenses are covered at 100%. This scenario holds for the **family plan** because of the embedded deductible.

- For example, in a **family** of five, one member has an event that costs \$30,500. They must pay the first \$3,300 of the bill. They are responsible for 10% of the remaining balance, or \$700 in this case, meeting the maximum out-of-pocket expense of \$4000. The City covers the remaining balance (\$26,500). This individual is now covered at 100% for any other charges during that plan year. Without the embedded deductible, the employee pays the family deductible of \$5,700, then 10% (co-insurance) of remaining expenses (\$2,300) until they reach the maximum out-of-pocket of \$8,000. They've now paid the family max out-of-pocket of \$8,000 without the embedded deductible, expenses for the whole family are now covered at 100%. The embedded deductible allows a single family member access to medical benefits sooner and saves families money if one family member incurs large medical expenses. The rest of the family works together to reach the remaining family deductible of \$1,700 (\$5,700 - \$4,000) and then be responsible for 10% (co-insurance) of costs until they reach the family max-out-of-pocket of \$2,300 (\$8,000 – \$5,700). This is a worst-case scenario and, as of today, no employee on the family plan has experienced this level of claims.

- The **in lieu** benefit (waive medical coverage) remains at \$350 per month (\$4,000).

- **Health Savings Account** – The City contributes \$1,200 annually to the Health Savings Account for single enrollees and \$1,680 for families. This contribution is intended to assist with covering employee deductibles for medical or prescription costs and can also be utilized for dental and vision expenses.

- **Dental** –The City enhanced dental coverage by capping the family dental deductible at \$150 (currently \$50 per plan participant); and increasing coverage for Basic Dental services from 80% to 90%, and Major and Ortho Services from 50 to 60%. Employee dental insurance dollars remain at \$2,000, including orthodontia. This benefit is available to full-time and designated part-time employees.

- **Vision** – The City also enhanced vision benefits offered through VSP, Inc. to include coverage for Prescription Safety Glasses with a \$20 co-pay. The allowance for contact lenses and frames remains at \$200. This benefit is available to full-time and designated part-time employees.

- **Additional Benefits**
 At no cost to employees, the City provides **Airlink** to all *eligible* medical plan participants. Full and designated part-time employees can enroll in **Colonial Life** for supplemental benefits including accident, cancer, critical illness, and short-term disability plans. They also have options for a flexible spending account (FSA) and dependent care FSA for childcare or elder care expenses. Additionally, the City provides \$55,000 in employee life and accidental death insurance through UNUM, but also allows employees the opportunity to purchase extra, portable **voluntary life coverage** for themselves, their spouses, and their children.

| Employee Monthly Premium | Single | Family |
|---------------------------------|---------------|---------------|
| Medical | \$60 | \$170 |
| Dental | \$15 | \$ 40 |
| Vision | \$ 5 | \$ 20 |
| | \$80 | \$230 |
| | | |
| Medical In-Network Deductible | \$3,300 | \$5,700 |
| In-Network Out-of-Pocket Max. | \$4,000 | \$8,000 |
| | | |
| City’s Annual HSA Contribution | \$1,200 | \$1,680 |

RECOMMENDATION: APPROVE THE RESOLUTION FOR HEALTH INSURANCE RENEWAL WITH UNUM, REGIONAL CARE INC., AND SYMETRA AS UNDERWRITERS. A RESTATED MEDICAL AND DENTAL PLAN DOCUMENT WILL BE FORTHCOMING.]

October 15, 2024

A motion was made by Councilman Mischnick, seconded by Vice Mayor Mashburn to approve Resolution No. 24-107. Which follows in its entirety:

RESOLUTION NO. 24-107

WHEREAS, The City of Alliance has engaged in a process with Brown and Brown Corporation, our benefit broker, evaluating its current healthcare benefit plan offered to employees; and

WHEREAS, Employees will be able to choose single or family medical, dental, and vision insurance coverage options that best meet their needs; and

WHEREAS, Eligible employees who elect to waive medical coverage with proof of other medical coverage will be eligible for a \$350 monthly benefit to help off-set the cost of other coverage; and

WHEREAS, Employees will be eligible for monthly health savings account contributions of \$100 for single plan participants and \$140 for family plan participants; and

WHEREAS, Employees will be eligible for \$2,000 insurance dollars with the dental benefit and \$200 insurance dollars for the vision benefit; and

WHEREAS, Eligible employees will be able to purchase voluntary term-life coverage through the company Unum; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that the following monthly employee contribution levels for coverage are hereby established effective January 1, 2025.

| | Employee | | Family | |
|------------------------------|----------|---------|---------|----------|
| Medical Premium | \$60 | | \$170 | |
| | In | Out | In | Out |
| Annual Medical Deductible | \$3,300 | \$3,600 | \$5,700 | \$6,720 |
| Co-Insurance | 90/10 | 60/40 | 90/10 | 60/40 |
| Annual Max. Cost to Employee | \$4,000 | \$8,000 | \$8,000 | \$16,000 |
| Dental Premium | \$15 | | \$40 | |
| Vision Premium | \$5 | | \$20 | |

Human Resources Director Mayhew gave the Council an overview of Resolution No. 24-107 Employee Health Insurance Renewal.

Roll call vote with the following results:

October 15, 2024

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

Voting Nay: None.

Motion carried.

- The next item on the agenda for the council was Resolution No. 24-108 Personnel Policy Changes, which will accept and approve the amendments to the City of Alliance Personnel Policy. The following information was provided:

[RESOLUTION – PERSONNEL HANDBOOK UPDATED

Effective January 1, 2025, update the following personnel policies as follows.

14.2 – Floating Holidays

Allocate all Floating Holidays during the first Pay Period of the year instead of throughout the year. They are currently awarded the first pay period of January, May, and September. Providing these days at the start of the year is advantageous for both new and existing employees, as it gives them immediate access to paid time off. Probationary employees without vacation leave and existing employees who have exhausted their other leave types can utilize these days for personal commitments or emergencies. This helps to reduce financial stress and serves as an attractive recruitment tool. At the same time, this is a use-it-or-lose-it benefit, and some employees struggle to use their Floating Holidays before the end of the year; therefore, losing them. Awarding all days at the beginning of the year gives employees more calendar days to utilize the leave (whereas awarding a day in September requires they use a day between September and December).

9.2 – Compensation Upon Separation

Clarify that floating holidays are not paid upon separation.

12.10 – Compensatory Time

We propose increasing the maximum number of compensatory hours that employees can accumulate from 60 to 75. This adjustment will benefit both the employees, as they can choose to take paid time off at a later date, and the organization, as it can help manage labor costs more effectively by reducing the need for overtime pay while also ensuring employees are available during peak needs. In our organization, employees have the option to either receive paid time-and-a-half for hours worked beyond 40 or store those hours as leave earned at time-and-a-half. For instance, if an employee works 42 hours in a 7-day period, they can choose to either receive overtime pay for 2 hours or store 3 hours as compensatory time (2 x 1.5). This increased flexibility, similar to Floating Holidays, will assist employees in managing personal commitments and alleviating financial stress.

13.9 – Wellness Incentive Benefit

The purpose of this benefit is to motivate employees on the medical plan to attend an annual check-up, stay informed, and monitor potential medical issues.

October 15, 2024

Administration recommends Council authorize an incentive increase from \$100 to \$250 as a taxable payment for employees. The potential benefit is better managed medical conditions and a reduction in medical claims. The Wellness Incentive Benefit in section 13.9 of the Personnel Handbook outlines the steps employees take to receive the funds. The change in language makes it easier to verify the office visit before payment is made.

13.10 – ARC Membership

Create a partnership with the Alliance Recreation Center by subsidizing a portion of employee gym membership costs. The ARC, a local non-profit recreation center, offers affordable membership rates, including access to a fitness center, fitness classes, 24-hour access, and child-watch services. Additionally, employees can enjoy discounts on ARC activities such as the After-School Program, and youth and adult recreation leagues. This arrangement ensures maximum value for employees, reduces administrative burden, and supports a local community recreation center. The details of the benefit are in the policy language where employees complete enrollment with the ARC, which then bills the City based on enrollment.

RECOMMENDATION: APPROVE RESOLUTION AUTHORIZING CHANGED TO THE CITY OF ALLIANCE PERSONNEL HANDBOOK.]

A motion was made by Vice Mayor Mashburn, seconded by Councilman Liptack to approve Resolution No. 24-108. Which follows in its entirety:

RESOLUTION NO. 24-108

WHEREAS, The City of Alliance is revising certain Personnel Policies; and

WHEREAS, The proposed policy revisions have been reviewed by management and legal staff; and

WHEREAS, The following Policies are proposed to be revised and made part of the Personnel Policies of the City of Alliance:

- 14.2 Floating Holidays
- 9.2 Compensation Upon Separation
- 12.10 Compensatory Time
- 13.9 Wellness Incentive Benefit
- 13.10 ARC Membership

WHEREAS, City Council has reviewed the proposed Policies and finds them appropriate for the needs of the Employees of the City of Alliance.

October 15, 2024

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City of Alliance Personnel Policies set forth herein, are hereby approved, and adopted effective January 1, 2025, as the Policy of the City of Alliance.

The Human Resources Director Mayhew gave an overview of Resolution No. 24-108 Personnel Policy Changes.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Resolution No. 24-109 Airport Electrical Project Consultant Agreement was the next item to follow on the agenda, which will allow the City of Alliance to enter into an agreement with M.C. Schaff and Associates, Inc. of Scottsbluff, Nebraska for the Municipal Airport Runway Lighting Project. The following information was provided:

[RESOLUTION - CONSULTANT AGREEMENT FOR AIRPORT ELECTRICAL PROJECT

The Alliance Municipal Airport has included in its capital improvement program through the Federal Aviation Administration (FAA) engineering fees for an electrical project to replace runway lighting on the airfield. The airport has experienced numerous power problems and lighting malfunctions over the past several years with the runway lights. This project is a crucial step towards ensuring safety, reliability, and efficiency of aircraft operations.

The proposed project will replace the current lights for Runway 12/30 with High Intensity Runway Lights (HIRL) along with replacing the Medium Intensity Runway Lights (MIRL) on Runway 8/26. In addition, Runway guidance signs, wind cones, and the airfield generator will be replaced. New Precision Approach Path Indicator (PAPIs) and Runway End Indicator Lights (REIL) will be two pilot landing aids installed for Runway 8/26. The last part of the project will be removing the old shoulders of Runway 8/26 that remained after it was narrowed.

The consultant agreement includes services for design, bid, construction oversight, testing, and close out. The engineering portion of this project is \$543,478 with the FAA participating at the current funding levels of 90% and the City of Alliance providing the 10% match. The current budget includes a portion of the engineering fees as the project is not expected to be completed this fiscal year.

This is the second step in proceeding with the project with application for grant and agency agreement to follow at a later date. The City Council approved Airport

October 15, 2024

Engineer Selection on December 15, 2020 and this is the consultant agreement for this specific project.

RECOMMENDATION: APPROVE THE RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN THE CONSULTANT AGREEMENT WITH M.C. SCHAFF & ASSOCIATES.]

A motion was made by Councilman Liptack, seconded by Councilman Mischnick to approve Resolution No. 24-109. Which follows in its entirety:

RESOLUTION NO. 24-109

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

WHEREAS, The Airport included runway light replacement as a capital improvement project through Federal Aviation Administration (FAA) program; and

WHEREAS, The proposed project will replace the current lights for Runway 12/30 with High Intensity Runway Lights and Runway 8/26 with Medium Intensity Runway Lights; and

WHEREAS, The City of Alliance Municipal Airport has experienced power problems and light malfunctions deeming this a crucial project; and

WHEREAS, The City desires to enter a Consultant Agreement with M.C. Schaff & Associates of Scottsbluff, Nebraska for the design, bid, construction oversight, testing and close out of the project; and

WHEREAS, City Staff recommends entering the agreement with M.C. Schaff & Associates in order to proceed with the project; 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, enter the Consultant Agreement with M.C. Schaff & Associates of Scottsbluff, Nebraska for the Airport Electrical Project of the replacement of Runway 12/30 and 8/26 Lighting.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the Consultant Agreement with M.C. Schaff & Associates.

City Manager Sorensen gave the Council an overview of Resolution No. 24-109 Airport Electrical Project Consultant Agreement.

Roll call vote with the following results:

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

October 15, 2024

Voting Nay: None.

Motion carried.

- Resolution No. 24-110 Police Vehicle Purchase was next for the Council on the agenda, which will approve the purchase of three patrol vehicles and equipment installation, for the Alliance Police Department. The following information was provided:

[As discussed in our initial budget workshops, the APD continues to work to replace aging, high mileage police vehicles. While purchase of brand-new vehicles would be the best-case scenario, there are several reasons why the purchase of used vehicles is more advantageous for the City of Alliance.

- Currently, the cost of a brand-new patrol vehicle with full upfitting (lights, siren, partition, cameras, radar, computer, etc.) is approximately \$75,000 - \$95,000 each.
- Due to supply chain issues, wait time on new vehicles can be up to a year or more.
- A new vehicle will cost the city more than double the cost of a low-mileage used vehicle, however, it is unlikely that the useful life of a new vehicle will be double that of a low-mileage used vehicle.
- The purchase of new vehicles, due to budget constraints, would limit us to purchasing two vehicles per year. In order to get to our goal of a 10-year replacement cycle, we need to purchase at least three to four vehicles per year.

We currently have an opportunity to purchase three used police vehicles for a total price of \$70,000.00. We have equipment in existing vehicles that can be moved to the new vehicles. This will keep upfitting costs to a minimum. We hope to be able to decal and equip each vehicle for 20,000 or less. This means that we will spend approximately \$130,000 of our vehicle budget, leaving \$20,000 available. If we are successful at staying within those cost projections, we may be able to purchase another low mileage vehicle during the current fiscal year, enabling us to reach our goal of four cars per year for this year. The vehicles being considered are below:

1. 2018 AWD Dodge Charger Police Package with 35,000 miles.
2. 2018 AWD Dodge Charger Police Package with 36,000 miles.
3. 2020 AWD Dodge Durango Police Package with 37,000 miles.

*It is worth noting that most mechanical issues on police package vehicles are covered by service bulletins and are repaired at no cost within the first 100,000 miles.

October 15, 2024

Many departments depreciate and take their vehicles out of service based on age, regardless of miles. This enables us to purchase vehicles with very low miles, despite being 4-6 years old at significant savings. These vehicles are a perfect example of this practice and the savings that can be realized. You will note that the total price on these totals about \$74,000. Because we are buying three, they are offering free delivery (an \$1800.00 savings) and significant discounts to keep us at \$70,000. This the largest dealer of used police vehicles in the country serving departments all over the nation. We have researched several sources; however, reputation and pricing make this retailer a standout.

Once these vehicles are put into service, we will auction three Ford Explorers with mechanical issues and extremely high mileage. These vehicles should bring \$12,000 – \$15,000 at auction which will be returned to the General Fund.

Finally, I have attached our 10-year vehicle replacement proposal for reference. Thank you for your consideration.]

A motion made by Councilman Weisgerber, seconded by Councilman Mischnick to approve Resolution No. 24-110. Which follows in its entirety:

RESOLUTION NO. 24-110

WHEREAS, The City of Alliance oversees and operates the Alliance Police Department;

WHEREAS, The daily operations of the Police Department requires replacing aged, high mileage police vehicles; and

WHEREAS, Police Chief Leavitt is recommending the purchase of three (3) used patrol vehicles in the amount of Seventy Thousand Dollars and no/100ths (\$70,000); and

WHEREAS, The three (3) vehicles 2018 AWD Dodge Charger with 35k miles, 2018 AWD Dodge Charger with 36k miles and a 2020 AWD Dodge Durango with 37k miles; and

WHEREAS, The vehicles will need safety equipment installed and decals place with the estimated cost of Twenty Thousand Dollars and no/100ths (\$20,000) per vehicle; and

WHEREAS, Budget Authority is available in Capital Outlay-Vehicles GL # 01-31-32-59-960 to complete the purchase and equipment installation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, authorizes the purchase of three (3) used patrol vehicles in the total amount of Seventy Thousand Dollars and No/100ths (\$70,000) and the equipment installation in the amount of Twenty Thousand Dollars and no/100ths (\$20,000) per vehicle.

BE IT FURTHER RESOLVED, that the City Council is authorizing the purchase from Capital Outlay- Vehicles Account No. 01-31-32-59-960 to allow for the purchase and equipment

October 15, 2024

installation not exceeding the total amount of One Hundred Thirty Thousand Dollars and no/100ths (\$130,000).

Police Chief Leavitt gave the Council an overview of Resolution No. 24-110 Police Vehicle Purchase

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- To follow was Resolution No. 24-111, which will enter the City of Alliance into an agreement with StreetScan USA, Inc., for the data and processing collection. The following information was provided:

[RESOLUTION – Sign agreement with StreetScan USA Inc. for data collection, processing, reporting and work order program.

Over the past two years the Street Department has been working with StreetScan USA to collect and process data related to the condition and maintenance of city streets. The data collection process includes the use of a collection vehicle to obtain the condition of the road surfaces in the community. Once the information is collected it is analyzed by an AI data processing program (StreetLogix). This includes mapping and condition assesment of all assets compiled by the data collection vehicle. This has been key in the prioritizing of street projects and organization of future infastructure needs.

Staff is recomending the implementation of this program on a wider scale than what has been used in the past. This overall project obtains the condition of the road with hi-resolution cameras and classifies them in a management program for future planning. Staff is also reusing this process for the condition assesment of our sidewalks. Streetscan USA is also capeable of a work order and asset management program for use in multiple departments. The agreement for Council consideration includes the following:

- Scan car data collection and data processing
- Pavement project management and GIS coordination
- Scooter data collection for sidewalk assessment and data processing
- Sidewalk condition management
- Work order program for Water/Sewer/Streets department asset management

RECOMMENDATION: APPROVE AGREEMENT WITH STREETSCAN USA FOR DATA COLLECTION AND PROCESSING IN THE AMOUNT OF 72,667.00.]

October 15, 2024

A motion was made by Councilman Mischnick, seconded by Vice Mayor Mashburn to approve Resolution No. 24-111. Which follows in its entirety:

RESOLUTION NO. 24-111

WHEREAS, The City of Alliance maintains the Streets and Rights of Way within the City;

WHEREAS, The City of Alliance Street Department has been working with StreetScan USA to collect and process data related to the condition and maintenance of city streets; and

WHEREAS, The City is requesting that an agreement be entered with StreetScan USA for Data Collection and Processing; and

WHEREAS, Staff is recommending the implementation of this program on wider scale to help with future planning.

WHEREAS, StreetScan USA has provided an agreement for the data collection and processing in the amount of (\$72,667) Seventy-Two Thousand Six Hundred Sixty-Seven Dollars and No/100s.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, authorizes the Mayor to sign the agreement with StreetScan USA, Inc. in the amount of \$72,667.00 Seventy-Two Thousand Six Hundred Sixty-Two Dollars and No/100s., to be paid from Account No. # 24-41-41-44-479.

Public Works Director Grant gave the Council an overview of Resolution No. 24-111.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- The next item on the agenda for Council was Resolution No. 24-112, which will accept and approve the commercial rates of Solid Waste Disposal for the 2024/2025.

A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to approve Resolution No. 24-112. Which follows in its entirety:

RESOLUTION NO. 24-112

October 15, 2024

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:

| | November 1, 2024 | January 1, 2025 |
|---|-------------------------|------------------------|
| Rate Class | Existing Rate | New Rates |
| Residential – City | \$25.36 | \$25.36 |
| Commercial – City (3 yard container) | 126.11 | 126.11 |
| Commercial – City (1.5 yard container) | 64.56 | 64.56 |
| | | |
| Disposal Fee Types | | |
| Asbestos | Not Accepted | Not Accepted |
| Ashes | 76.11 | 76.11 |
| Brush | 23.89 | 23.89 |
| Construction and Demolition | 78.66 | 78.66 |
| Contaminated Soil | 128.36 | 128.36 |
| Fill | 20.88 | 20.88 |
| Metal | 28.34 | 28.34 |
| Municipal Solid Waste - Residential | 79.47 | 79.47 |
| Municipal Solid Waste - Commercial | 75.69 | 79.47 |
| Non-baleable MSW | 128.36 | 128.36 |
| Shingles | 78.66 | 78.66 |
| Tire – Truck and Tractor | 25.16 | 25.16 |
| Tire – Over 16” | 12.71 | 12.71 |
| Tire – 15” and below | 7.83 | 7.83 |
| White Goods | 15.70 | 15.70 |
| White Goods w/Freon | 39.57 | 39.57 |
| Minimum Fee | 11.49 | 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.

October 15, 2024

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 the following results:

Voting Aye: Mashburn, Mischnick, Liptack and McGhehey.

Voting Nay: Weisgerber.

Motion carried.

- Resolution No. 24-113 was next for Council on the agenda, which will approve and amend the Golf Course Administrator Commission Agreement.

A motion made by Councilman Liptack, seconded by Councilman Mischnick to approve Resolution No. 24-113. Which follows in its entirety:

RESOLUTION NO. 24-113

WHEREAS, The City of Alliance operates the Alliance Municipal Golf Course; and

WHEREAS, The City advertised for a Golf Administrator to oversee the City's interests in the management of the Alliance Municipal Golf Course; and

WHEREAS, Staff and the Golf Course Advisory Board reviewed the applications and completed the process to select a Golf Administrator; and

WHEREAS, The City would like to offer commissions to the Golf Administrator to provide an incentive to increase course use and revenues; and

WHEREAS, The use of such commissions is a standard practice in the golf industry; and

WHEREAS, The original Commissions Agreement was agreed to by the City Council in January 2020 via Resolution 20-10; and

WHEREAS, An updated draft of the Commissions Agreement was requested by Jerad Palmer for Council's consideration; and

WHEREAS, Jerad Palmer has been successful in increasing course membership, play, and condition over the past nearly five years and the Council desires to recognize his contributions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the City Manager is authorized to sign a Commissions Agreement between Golf Course Administrator Palmer and the City of Alliance to provide for commission payments which may be earned by Mr. Palmer for professional services as part of the operation and oversight of the Alliance Municipal Golf Course.

October 15, 2024

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

- Next for Council was Resolution No. 24-114, which will accept and approve the amendment to the City of Alliance Firefighters' Retirement Plan. The following information was provided:

[RESOLUTION - FIREFIGHTER RETIREMENT PLAN AMENDMENT

Earlier this year the Nebraska legislature passed LB 686 which requires the Alliance Firefighters Plan to be amended to adopt certain changes made to the Cities of the First-Class Firefighters Retirement Act (the "Act"), including changes to the definition of Compensation, the required employee and employer contribution rates, and other changes. Attached for your review and approval is the first amendment of the Alliance Firefighters Plan to adopt the following required changes:

Summary of Changes:

- Part I of the First Amendment changes the definition of "Compensation" as set forth in the Act. The new definition now specifically includes overtime, call-in, and callback pay, while clothing allowances remain excluded.
- Part II of the First Amendment changes the required employee contribution percentages as amended in the Act. The required employee contribution percentage will be as follows:
 - 6.5% until September 30, 2024;
 - 8.7% from October 1, 2024, through September 30, 2025;
 - 10.7% from October 1, 2025, through September 30, 2026; and
 - 12.7% on and after October 1, 2026.
- Part III of the First Amendment changes the required employer contribution percentages as amended in the Act. The required employer contribution percentage will be as follows:
 - 13% until September 30, 2025;
 - 14% from October 1, 2025, through September 30, 2026; and
 - 15% on and after October 1, 2026.
- Part IV of the First Amendment adds a new provision that an underpaid pension of a deceased firefighter will be paid in a lump sum to the surviving spouse, even if

October 15, 2024

the surviving spouse remarries, if there are no minor children at the time of the surviving spouse's remarriage. See 9.3(c) in the attached amendment.

- Part V of the First Amendment adds new statutory language to Section 12.2 of the Plan (related to Plan Investments) that would allow the Retirement Committee to pool assets and administration of the Plan with one or more other cities of the first class.

RECOMMENDATION: APPROVE THE RESOLUTION APPROVING AMENDMENT 1 OF THE CITY OF ALLIANCE FIREFIGHTERS' RETIREMENT PLAN.]

A motion was made by Councilman Mischnick, seconded by Councilman Weisgerber approved Resolution No. 114. Which follows in its entirety:

RESOLUTION NO. 24-114

WHEREAS, The City of Alliance has a Retirement Plan for Firefighters; and

WHEREAS, The Nebraska legislature passed LB 686 which requires the Alliance Firefighters Plan to be amended to adopt certain changes:

NOW, THEREFORE, BE IT RESOLVED, that in order to adopt certain changes enacted under the Cities of the First Class Firefighters Retirement Act, and to adopt such other changes required by applicable law or as otherwise determined to be necessary and appropriate by the City, the City of Alliance Firefighters Retirement Plan (the "Plan") shall be, and it hereby is, amended in the form of the First Amendment attached hereto and by this reference fully incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and other appropriate elected officials and officers of the City of Alliance shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolution, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the Plan, including such actions as may be necessary or appropriate to achieve and maintain qualification of the Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended, as such sections apply to government plans.

Human Resources Director Mayhew gave an overview of Resolution No. 24-114.

Roll call vote with the following results:

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

Voting Nay: None.

Motion carried.

October 15, 2024

- The next item on the agenda for Council was a Discussion Item Code Amendment.

At this time a concern citizen Ralph Yeager, 411 Anthony Avenue, Alliance, Nebraska, came before the Council to ask for consideration of restricted parking on 9th and Laramie by the Collection Basket for roughly 10 hours a week to help the elderly.

Councilman Weisgerber asked if this location would need additional handicap parking. Mr. Yeager told Council Weisgerber, "Just one is needed for now."

Vice Mayor Mashburn asked if the neighbors have been spoken too. Mr. Yeager replied, "yes, neighbors are in favor to help the elderly."

Councilman Mischnick was in favor of making restrictions on parking. Vice Mayor stated, "What precedence does this set?" My Yeager replied, "can't have businesses like that in people's homes." Mayor McGhehey stated there are other areas with restrictions.

- Next the Council discussed a Discussion Item Public Safety.

Police Chief Leavitt and Fire Chief Shoemaker each gave their overviews of the 1st Interstate Inn property. Police Chief Leavitt suggested boarding all access points. Fire Chief Shoemaker suggested preparedness for code information and safety.

Community Development Kusek then gave the Council his overview and explained he does not have the same permissions as the Chiefs do.

Mayor McGhehey brought up the company who bought the property in tax lien but agrees it's time to board up the building. And would like to see an RFP put out.

Citizen Tim Smith, 186 Burnham, was in favor of boarding the building.

Citizen Randy Hitchcock, 315 Grad Avenue, is also in favor of boarding up the building with continued pressure on the property owner.

- Council would next discuss a Discussion Item Community Splash Pad and Ice-Skating Rink.

Councilman Weisgerber stated he'd like something for the younger generation.

Culture and Leisure Director stated "Our current ice rink has not be operable because it has not got cold enough to freeze over, I do think a splash pad would get used."

Citizen Russell Satio, 603 E 9th Street, we need more things for the kids to do, suggesting miniature golf.

Public Works Director Grant stated we will need a recycled water system for a splash pad.

October 15, 2024

- Last matter before Council was Executive Session for City Manager Contract Review.

A motion was made Mayor McGhehey, seconded by Vice Mayor Mashburn to enter into closed session for City Manager Contract Review.

Roll call vote with the following results:

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

Voting Nay: None.

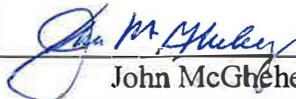
Motion carried.

The City Council entered into closed session at 8:45 p.m.

The closed session concluded at 9:23 p.m. with no action taken.

The Alliance City Council adjourned the October 15, 2024 City Council Meeting at 9:23 p.m.

(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