

November 19, 2024

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, NOVEMBER 19, 2024

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

The Alliance City Council met in a Regular Meeting, November 19, 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 November 13, 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 November 19, 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 and Weisgerber. Also present were City Manager Sorensen, City Treasurer Baker, City Attorney Selzer and City Clerk Pitt.

Mayor McGhehey excused Councilman Liptack from the November 19, 2024 Meeting.

- Mayor McGhehey read the Open Meetings Act Announcement.
- First for Council was to Proclaim Saturday, November 30, 2024, as Small Business Saturday.

Vice Mayor Mashburn read the following proclamation:

PROCLAMATION

WHEREAS, The City of Alliance, Nebraska celebrates our local small businesses and the contributions they make to our local economy and community; and,

WHEREAS, the Small Business Administration (SBA) encourages the nation to shop, dine, and entertain at local businesses; and,

WHEREAS, small businesses are the heart and soul of our neighborhoods, powering local economies and strengthening communities; and,

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WHEREAS, the SBA encourages everyone to be a part of the nationwide movement that spotlights our small business owners, drives holiday shopping locally, and celebrates the spirit of entrepreneurship; and,

WHEREAS, together, we can make a difference for the vital small businesses that make our community thrive; and,

WHEREAS, The City of Alliance, NE supports our local businesses that create jobs, boost our local economy, and preserve our communities;

WHEREAS, advocacy groups, as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

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

Saturday, November 30, 2024 as:

Small Business Saturday

In the City of Alliance, Nebraska, and we urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Alliance to be affixed on this 19th day of November in the year of the Lord Two Thousand Twenty-Four.

- Police Chief Leavitt to come forward to announce the Alliance Police Department Promotions and Awards.
- The Consent Calendar was to follow next on the agenda. A motion was made by Councilman Weisgerber, seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – November 19, 2024

1. Approval: Minutes of the Regular Meeting, November 5, 2024.
2. Approval: Payroll from November 1, 2024 in the total amount of \$401,927.53.
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; \$750,917.65.
4. Approval: Cemetery Certificates for Goodvin, Gary T. & Diana L. and Picket Pin, Justin K.

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5. Approval: Resolution No. 24-123 which will award the 5 Year Tree Trimming Project to Panhandle Tree Service in the amount of \$25,000.00 for Urban Tree Trimming Project from GL #05-51-53-44-485, \$25,000.00 for Rural Tree Trimming Project from GL # 05-51-54-44-485, \$25,000.00 for Alleyways from GL #06-41-42-44-479, \$20,000.00 for Parks from GL #01-71-71-44-485, and \$5,000.00 for Cemetery from GL #01-71-74-44-485.
6. Approval: Resolution No. 24-124 which will authorize repairs to the 2018 John Deere 850K Bull Dozer in the amount of \$58,343.92, using \$14,333.76 from GL #06-51-55-45-558 and \$44,010.16 from GL #06-51-55-59-970 to be paid to Murphy Tractor & Equipment Co., Inc.
7. Approval: Resolution No. 24-125 which will authorize the software renewal for the GrayKey annual license in the total amount of \$33,105.00 from GL #01-31-32-43-374 Investigators Expense.
8. Approval: Resolution No. 24-126 which will authorize the purchase of a 2024 Ford F-150 Pickup from Wolf Ford in the amount of \$51,853.27 from GL #08-52-52-59-960.

NOTE: City Manager Sorensen and City Treasurer Baker have reviewed these expenditures and to the best of their knowledge confirm that they are within budgeted appropriations to this point in the fiscal year.

Any item listed on the Consent Calendar may, by the request of any single Council Member, be considered as a separate item in the Regular Agenda.

Roll call vote with the following results:

Voting Aye: Weisgerber, Mischnick, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- The next item to follow on the agenda for Council was the third and final reading of Ordinance No. 2983 which will amend and approve the City of Alliance Municipal Code Chapter 24-27, titled *Snow Removal*.

A motion was made by Councilman Mischnick, seconded by Vice Mayor Mashburn to approve the third and final reading of Ordinance No. 2983. City Clerk Pitt read the ordinance by title 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

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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 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

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(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.

Roll call vote with the following results:

Voting Aye: Mashburn, Weisgerber, Mischnick and McGhehey.

Voting Nay: None.

Motion carried.

Mayor McGhehey stated, “the passage and adoption of Ordinance No. 2983 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

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

A motion was made by Vice Mayor Mashburn, seconded by Councilman Weisgerber to approve the third and final reading of Ordinance No. 2984. City Clerk Pitt read the ordinance by title 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.
- (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 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.

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.

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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.

Roll call vote with the following results:

Voting Aye: Mashburn, Weisgerber, Mischnick and McGhehey.

Voting Nay: None.

Motion carried.

Mayor McGhehey stated, “the passage and adoption of Ordinance No. 2984 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

- The next agenda item for Council was the third and final 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*.

A motion was made by Councilman Weisgerber, seconded by Councilman Mischnick to approve the third and final reading of Ordinance No. 2985. City Clerk Pitt read the ordinance by title 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.

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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.

Roll call vote with the following results:

Voting Aye: Weisgerber, Mischnick, Mashburn and McGhehey.

Voting Nay: None.

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Motion carried.

Mayor McGhehey stated, “the passage and adoption of Ordinance No. 2985 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

- The next item to follow on the agenda for Council was the third and final reading of Ordinance No. 2986, which will amend and approve the City of Alliance Municipal Code Chapter 111-162, titled *Additional Requirements*.

A motion was made by Councilman Mischnick, seconded by Vice Mayor Mashburn to approve the third and final reading of Ordinance No. 2986. City Clerk Pitt read the ordinance by title 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.

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

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

Roll call vote with the following results:

Voting Aye: Mischnick, Mashburn, Weisgerber and McGhehey.

Voting Nay: None.

Motion carried.

Mayor McGhehey stated, “the passage and adoption of Ordinance No. 2986 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

- The next item on the agenda for Council was the third and final 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*.

A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to approve the third and final reading of Ordinance No. 2987. City Clerk Pitt read the ordinance by title 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

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seven paper copies for review. The City Manager or designee may permit the submittal of fewer copies for review.

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.

Roll call vote with the following results:

Voting Aye: Mashburn, Mischnick, Weisgerber and McGhehey.

Voting Nay: None.

Motion carried.

Mayor McGhehey stated, "the passage and adoption of Ordinance No. 2987 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published."

- Next item before Council was the second reading of Ordinance No. 2988, which will amend and approve the City of Alliance Municipal Code Chapter 26-50, titled *One-way Alleys*. The following information was provided:

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[Ordinance – Municipal Code Section 26-50 One Way Alleys to allow for two-way traffic.

Terry Curtiss sent a letter requesting a change to the one-way designation of the North South alley between Box butte Ave and Niobrara Ave in the 400 block. This request was submitted in writing and states his reasoning and justification. This alley is currently designated one way by City Ordinance 26-50 (1).

The Chief of Police and Public Works Director have both stated there is no know conflict with this requested change. After discussion with City Council at the October 1st City Council Meeting the Council recommended that the Municipal Code be amended to allow for two-way traffic.

RECOMMENDATION: AMMEND ORDINANCE 26-50 (1) TO ALLOW TWO-WAY TRAFFIC IN THE ALLEY DESIGNATED.]

A motion was made by Councilman Weisgerber, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2988. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2988

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTION 26-50 TO REMOVE THE ONE-WAY DESIGNATION OF THE ALLEY BETWEEN NIOBRARA AVENUE AND BOX BUTTE AVENUE FROM FOURTH STREET TO FIFTH STREET; 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 26-50 of the Alliance Municipal Code is amended to read as follows:

Sec. 26-50. One way alleys.

The following shall be the one-way alleys:

(1) The north and south alley between Niobrara Avenue and Box Butte Avenue, north of the north line of Second Street and south of the south line of Fourth Street; traffic shall proceed thereon only in a southerly direction;

(2) North from the north line of First Street to the south line of Fifth Street between Box Butte Avenue and Laramie Avenue, traffic shall proceed thereon only in a northerly direction;

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(3) South from the south line of 16th Street abutting the east boundary of blocks 3 and 4, Podhaisky Addition, traffic shall proceed thereon only in a southerly direction until the northern most portion of the west side of the high school parking lot.

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.

Roll call vote with the following results:

Voting Aye: Weisgerber, Mischnick, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2988.

Roll call vote with the following results:

Voting Aye: Mashburn, Mischnick, Weisgerber and McGhehey.

Voting Nay: None.

Motion carried.

Mayor McGhehey stated, “the passage and adoption of Ordinance No. 2988 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

- The next item on the agenda for Council was the second reading of Ordinance No. 2989, which will amend and approve the City of Alliance Municipal Code Chapter 26-56, titled *Trucks*. The following information was provided:

[ORDINANCE – Municipal Code Amendment Chapter Sec. 26-56. Trucks

Officers expressed that our Truck Ordinance was difficult to enforce due to vague language that allowed trucks to be on prohibited streets without proper justification. The City Attorney reviewed the ordinance and agreed. This amendment removes vague language which allowed trucks to operate on prohibited streets for “any legitimate business purpose” and allows only specific exceptions reasonable and necessary for general commerce and city operations.

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RECOMMENDATION: AMMEND ORDINANCE 26-56 TO REMOVE ABOVE LANGUAGE.]

A motion was made by Councilman Mischnick, seconded by Councilman Weisgerber to approve the second reading of Ordinance No. 2989. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2989

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTION 26-56 TO REMOVE SUBSECTION (C)(5) THAT ALLOWED TRUCKS ON RESTRICTED STREETS FOR LEGITIMATE BUSINESS PURPOSES NOT OTHERWISE ENUMERATED; 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 26-56 of the Alliance Municipal Code is amended to read as follows:

Sec. 26-56. Trucks.

(a) Trucks, certain vehicles restricted, exceptions. It shall be unlawful for any person to operate any truck, truck-tractor, farm or construction machinery or equipment, or any other machinery, equipment, or vehicle over eight feet in width on any public street, road, highway, or alley within the city, except:

(1) On those streets or portions of streets designated in subsection (b) of this section; or

(2) Under conditions described in subsection (c) of this section.

(b) Truck routes, designated.

(1) Kansas Street from U.S. Highway 385 to the intersection with SR 2.

(2) 25th Street between the city limits on the east and west.

(3) SR 87 (Flack Avenue) from Third Street north to the city limits.

(4) SR 2 from the east city limits to Flack Avenue.

(5) US Highway 385 wherever it is within the city limits.

(6) Cody Avenue from Third Street to Kansas Street.

(7) Third Street from U.S. Highway 385 to Cody Avenue.

(8) Such routes shall be posted according to the manual and uniform traffic control devices as adopted by the state department of roads.

(c) Exceptions. Vehicles otherwise prohibited by subsection (a) of this section may be operated on city streets for the following purposes:

(1) To pick up or deliver articles of merchandise or commodities at a location within the city not otherwise prohibited;

(2) To refuel or secure repair services on such vehicle;

(3) To park or place such vehicle on private property;

(4) To park or place such vehicle within authorized truck parking zones or other places specially designated and not otherwise prohibited.

The departure from and return to the truck routes designated in subsection (b) of this section shall be by the most direct route.

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.

Roll call vote with the following results:

Voting Aye: Mischnick, Weisgerber, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- The next item on the agenda for the council was the second reading of Ordinance No. 2991, which will amend and approve the City of Alliance Code Chapter 26-13 and 26-132, titled *Trailer and Recreational Vehicle Storage and Continuous Parking*. The following information was provided:

[ORDINANCE – Municipal Code Amendment Chapter Sec. 26-131 and Sec. 26-132, titled *Trailer and Recreational Vehicle Storage and Continuous Parking*.

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Our current ordinance regarding trailers and other recreational vehicles is vague and difficult to enforce. It has been revised to clearly define what appurtenances are included, what areas are defined as "City's right of way or property" and reduced the time period that appurtenances are allowed to be in the right of way from 72 hours to 24 hours. Further, clarifying language has been added which codifies that moving the appurtenance only briefly, for a short distance or otherwise failing to completely remove the appurtenance from the City's right of way violates the ordinance.

This amendment removes recreational vehicles and trailers from section (a) which addresses parking for more than seven days. Section (a) applies only to vehicles and motorcycles, as vehicle appurtenance parking is addressed in Sec. 26-131.

RECOMMENDATION: AMMEND ORDINANCE SEC. 26-131 AND SEC. 26-132 TO ADDRESS THE ISSUES NOTED ABOVE]

A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to approve the second reading of Ordinance No. 2991. City Clerk Pitt read the ordinance by title which follows in its entirety:

Ordinance No. 2991

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA AMENDING ALLIANCE MUNICIPAL CODE SECTIONS 26-131 AND 26-132 TO RESTRICT PARKING TRAILERS AND OTHER VEHICLE APPURTENANCES ON CITY RIGHT OF WAY FOR LONGER THAN 24 HOURS, TO DEFINE TERMS USED IN THE CODE SECTION, AND TO REVISE CONFLICTING 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. Sections 26-131 and 26-132 of the Alliance Municipal Code are amended to read as follows:

Sec. 26-131. Trailer and recreational vehicle storage.

(a) No person may park or store a vehicle appurtenance within the City's right of way or property, except as provided for in Subsections (b) and (c) of this Section.

(b) Subsection (a) of this section shall not apply to parking or leaving any roll-off or construction trailers used by contractors or property owners with the issuance of a building permit for construction on the adjacent property, so long as the permit remains valid and the location does not interfere with any other sections of this article.

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(c) It shall not be a violation of Subsection (a) of this Section to park any vehicle appurtenance within the City's right of way or property for a period of less than 24 hours for purposes of utilizing such vehicle appurtenance, as long as within such 24 hour period, the vehicle appurtenance is completely removed from the City's right of way or property (other than when it is being transported). Moving the vehicle appurtenance briefly with the intent to return it to the same or nearby spot, or for a short distance, does not constitute completely removing the vehicle appurtenance from the City's right of way or property.

(d) As used in this Section, the term "vehicle appurtenance" means trailer, utility trailer, recreational vehicle, motor home, camper, travel trailer, boat, personal watercraft, trailered barbecues and other similar appurtenances intended to be attached to a vehicle.

(e) As used in this Section, the term "City's right of way or property" means any property owned or controlled by the City including municipal parking lots, streets, sidewalks, and alleys. The term "street" shall include the curb strip between the curb and property line.

Sec. 26-132. Continuous parking.

(a) For all parking spaces, lots, stalls, streets, and avenues not otherwise addressed by this article, no person shall park any vehicle or motorcycle in the same stall or location continuously for a period in excess of seven days.

(b) For all parking spaces, lots, stalls, streets, and avenues not otherwise addressed by this article, parking of any vehicle, trailer, camper, boat, personal water craft, motorcycle, or other similar apparatus or attachment that is not operational or is without current license and registration is prohibited at all times.

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.

Roll call vote with the following results:

Voting Aye: Mashburn, Mischnick, Weisgerber and McGhehey.

Voting Nay: None.

Motion carried.

- Resolution No. 24-127 which will recommend and approve the purchase of fifteen MSA G1 self-contained breathing apparatus (SCBA) from MacQueen in the total amount of \$144,047. The Alliance Fire Department is requesting that the SCBAs be paid from the Fire Department Budget Authority of \$60,000 and the remaining balance of \$84,047 from ARPA Funds. The following information was provided:

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[MSA G1 SCBA PURCHASE

The Alliance Fire Department has been diligently planning the replacement of our current self-contained breathing apparatus (SCBA) for several years, recognizing the urgency as the equipment's life expectancy is fifteen years, and we are approaching the end. The need for replacement is upon us due to increased wear and tear, no repair parts available, changes in safety regulations, recent incidents highlighting the equipment's limitations, and the fact that we had two of our current SCBAs fail their yearly testing just recently. Fire Chief Shoemaker has no doubt we will experience more failures. We took the initiative to submit an Assistance to Firefighters Grant with the Federal Emergency Management Agency in March 2024, designating the \$60,000 capital funds in the FY 23-24 capital budget as part of the required matching funds for the grant. Submitting the AFG grant has pushed the SCBA replacement project a year further than initially planned.

At the end of September 2024, we received unofficial word that our grant application for federal funding for our replacement plan was unsuccessful. This news was a significant setback for our department and a moment of disappointment for all of us who were optimistic about this funding to support our crucial equipment replacement. On October 16, 2024, we received official word of our unsuccessful grant application via email from FEMA.

MSA (Mine Safety Appliances) has a cooperative purchasing agreement with Sourcewell, and the Nebraska dealer for MSA, MacQueen, was contacted. The fire department has long used MSA SCBAs, and we want to stay with the MSA platform. Several of our mutual aid partners are MSA G1 users, such as Hemingford, Chadron, Scottsbluff, and Rushville, to name just a few. Assisting departments with similar equipment makes operations on the fire ground smoother and safer for all involved.

The MSA G1 SCBAs have a 15-year warranty on the entire pack and are the most advanced SCBAs on the market. This platform will allow our department to add future technology, such as Bluetooth radios, for the best communication from the firefighters to the entire fireground. We have already purchased the new LUNAR thermal camera, which also can Bluetooth to the MSA G1, which allows us to have better accountability, find a downed firefighter if ever needed, and use a GPS mapping system and monitor firefighters' air management all standard. With the new NFPA standards, there will be no need to add additional equipment to the SCBAs to make them compliant.

The MSA G1 has the most safety features of any SCBA on the market, such as the 360-degree "Buddy Lights" that illuminate in three distinct colors, indicating the firefighter's remaining air in their cylinder, thus making all fireground staff aware. It has a standard speaker module, which is clear, easy to hear, and understand the firefighter wearing the SCBA speak. Suppose the firefighter wearing the SCBA

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needs to communicate with other firefighters or in a Mayday situation. In that case, the communication between the IC and the firefighter is very understandable, lessening the time needed to help the trapped firefighter.

MacQueen provided the City with two quotations using the City's Sourcewell member number. The first quotation is keeping within the spending authority of the approved budget of \$60,000. Quotation# 028791 will allow us to purchase six complete SCBA sets for \$59,802.00. Please remember that the original plan was a three-year phase of at least five SCBAs yearly. In years two and three, we were told to add 7-10 percent per year to the cost. Chief Shoemaker asked for a quotation to purchase all fifteen immediately after being informed of the yearly price increase. Quotation# 028789 was provided, with the cost being \$144,047.00.

To have the best chance of avoiding potential price increases and take advantage of the special pricing issued to us by MacQueen, we should consider ordering all fifteen SCBAs now. They offered a leasing option for us to consider using the scales of the economy that would save both the city and taxpayer money overall. Both purchasing quotes along with the leasing quote are provided for your reference.

This approach ensures we have the necessary equipment and utilizes the \$60,000 budget authority in the FY 24-25 budget as a down payment, saving us money overall by avoiding future price hikes. Another option to explore is to use the \$60,000 budget authority and \$84,047 of the American Rescue Plan Act funds that the City of Alliance has available to pay for the entire project at once and not phase in the purchase over time.

Chief Shoemaker strongly recommends that the City Council approve the SCBA purchase using quotation# 028789 for \$144,047.00. The Alliance Rural Fire District is also considering the same proposal from MacQueen for their fifteen MSA G1 SCBA purchases, further underlining the significance of this decision.

Recommendation: APPROVE RESOLUTION]

Fire Chief Shoemaker gave Council an overview of Resolution No. 127.

A motion was made by Councilman Weisgerber, seconded by Councilman Mischnick to approve Resolution No. 24-127 which follows in its entirety:

RESOLUTION NO. 24-127

WHEREAS, The City of Alliance Fire Department has on their capital improvements the purchase of self contained breathing apparatus (SCBA) units; and

WHEREAS, The Alliance Fire Department has been diligently planning the replacement of SCBA units for several years, and now has deemed the replacement urgent due to some units failing their yearly testing; and

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WHEREAS, MacQueen provide the City of Alliance Fire Department with two quotes, one with the purchase six complete SCBA sets in the amount \$59,802 and the other for fifteen complete SCBA in the amount of \$144,047; and

WHEREAS, The Alliance Fire Department original purchase phase plan of five complete SCBA sets over three years; and

WHEREAS, MacQueen indicated that a 7-10% increase to cost per year should be expected on the purchase price; and

WHEREAS, The Alliance Fire Department Chief feels that it is in the best interest of the City to purchase the fifteen complete SCBA units using the budget authority of \$60,000 and utilize the American Rescue Plan Act (ARPA) Funds for the remaining \$84,047, at the lower cost; and

WHEREAS, The Alliance Fire Department recommends that the Council approve the use of American Rescue Plan Act (ARPA) Funds for the remaining balance of \$84,047 as the SCBA Units help to maintain the safety and well-being of firefighter in the Community; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the Mayor be and hereby is authorized to enter into a contract for the purchase of fifteen new MSA G1 SCBA units from the quote provided by MacQueen, said contract being in an amount not to exceed One Hundred Forty-Four Thousand Forty-Seven and NO/100s Dollars. The purchase is authorized to be paid from the Alliance Fire Department authorized budget of \$60,000 and the remaining \$84,047 be paid with American Rescue Plan Act (ARPA) Funds.

Roll call vote with the following results:

Voting Aye: Weisgerber, Mischnick, Mashburn and McGhehey.

Voting Nay: None.

Motion carried.

- Resolution No. 24-128 was the next item on the agenda for the Council, which will accept and award Riverfront Concrete and Excavation, LLC the bid for Boarding and Securing of Abandoned Motel, 1st Interstate Inn, in the amount of \$17,884.38. The following information was provided:

[RESOLUTION – Award contract to Riverfront Concrete and Excavation, LLC in the amount of \$17,884.38 for Boarding and Securing of Abandoned Motel (1st Interstate Inn)

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With the direction of the City Council after the October 15, 2024 Council Meeting, staff created and advertised an invitation to bid to board up openings at the 1st Interstate Inn located at 1207 W. 3rd Street. This direction was following concerns voiced over safety and security of the building due to illegal trespassing and ongoing vandalism of the building.

The Invitation to Bid (ITB) was advertised on October 23, 30, and November 6, 2024. Bids were received at 2:00 pm on November 14, 2024 and opened by Seth Sorensen, City Manager, witnessed by Shelbi Pitt, City Clerk. Two bids were received, the first from Panhandle Gutter & Siding, LLC (Panhandle) in the amount of \$24,000; the second bid was received from Riverfront Concrete and Excavation, LLC (Riverfront) in the amount of \$17,884.38. Both companies are local to Alliance.

Both bids include materials, labor, insurance, etc. and intended to be an “all-in” bid. As part of their bid, Panhandle submitted an alternative to the bid specifications (which required that construction be completed in accordance with the 2018 IPMC Appendix A Standards) whereas Riverfront made no such request. While Riverfront did not submit their City Contractor’s license, we do have them on file. Community Development Staff and the City Manager reviewed bids for compliance with the ITB and believe that Riverfront best meets the criteria set forth in addition to being the lowest bid and therefore Riverfront is recommended to the City Council for award of the contract.

Approving this resolution will allow the City Manager to negotiate and execute a contract with the awarded bidder with the expectation that work be completed within 30 calendar days of the notice to proceed. Painting of the boarding will depend on sufficiently high temperatures to allow proper curing of the paint, which may be difficult given the time of year. Funding for this project is recommended to come from either ARPA funds or Council Contingency and should be identified as part of the motion to approve entering into a contract with the awarded bidder.

RECOMMENDATION: AWARD CONTRACT TO RIVERFRONT CONCRETE AND EXCAVATION, LLC IN THE AMOUNT OF \$17,884.38 FOR BOARDING AND SECURING OF ABANDONED MOTEL (1ST INTERSTATE INN)]

A motion was made by Councilman Mischnick, seconded by Vice Mayor Mashburn to approve Resolution No. 24-128 which follows in its entirety:

RESOLUTION NO. 24-128

WHEREAS, The Alliance City Council directed City Staff to create and advertise an invitation to bid to secure the 1st Interstate Inn located at 1207 W. 3rd Street; and

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WHEREAS, Staff issued an Invitation to Bid on November 14, 2024, with a total of two bids received; and

WHEREAS, Staff recommends that the bid be awarded to Riverfront Concrete and Excavation, LLC of Alliance, Nebraska, in the amount of Seventeen Thousand Eight Hundred Eighty-Four and 38/100ths Dollars (\$17,884.38) as the lowest, responsive, and responsible bidder for the Securing 1st Interstate Inn; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the boarding and securing of abandoned motel (1st Interstate Inn) bid shall be awarded to Riverfront Concrete and Excavation, LLC, as the lowest responsive, responsible bidder.

BE IT FURTHER RESOLVED, That the Mayor and City Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign a contract with Riverfront Concrete and Excavation, LLC of Alliance, Nebraska, in the amount of Seventeen Thousand Eight Hundred Eighty-Four and 38/100ths Dollars (\$17,884.38).

Roll call vote with the following results:

Voting Aye: Mischnick, Mashburn and McGhehey.

Voting Nay: Weisgerber.

Motion carried.

- The next item on the agenda was Resolution No. 24-129, which will award the contract for Tourism Services for the City of Alliance to the Carnegie Arts Center (CAC) of Alliance, Nebraska, to not exceed the amount of \$80,400. The following information was provided:

[RESOLUTION – Award contract to Carnegie Arts Center to provide Tourism Services for the City of Alliance during the 2024-2025 Fiscal Year

With the direction of the City Council to outsource Tourism during the FY24-25 budget process, City Staff prepared a Request for Proposals (RFP) to secure these services. This RFP was issued and advertised on October 16, 23, 30, 2024 and received at 2:00 pm on November 14, 2024. Proposals were opened by City Manager Seth Sorensen and witnessed by City Clerk Shelbi Pitt. Two proposals were received: Bigtop Collective (Bigtop) from Kalispell, Montana and Carnegie Arts Center (CAC) from Alliance, Nebraska.

Bigtop's proposal demonstrated their strength in digital media and brings an experienced team of six individuals to bear. Their request for compensation was

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\$72,600 (\$6,050 per month) plus travel. It is estimated that travel and expenses would be a minimum of \$3,000 (three trips at \$1,000/each), subject to negotiation. From three reviewers, Bigtop averaged a score of 73 out of 100. There are concerns over Bigtop's presence at local events and their ability to establish and strengthen local ties with businesses and volunteers to pull these events together.

CAC's proposal drew upon their history of putting events together, first-hand knowledge of local groups and local events, and a focus on Carhenge as a local attraction. Their request for compensation is not to exceed \$80,400 (with an estimated \$5,000 for travel, registration, and accommodations for tourism trainings and conferences paid based on actual costs). While the proposed cost for CAC is higher than that of Bigtop, it ensures a greater local presence and contact and keeps the dollars local. From three reviewers, CAC averaged a score of 83 out of 100. Given the weight of scores and costs, along with local presence, it is recommended to award this contract to Carnegie Arts Center.

Funding for these services comes from Hotel Occupancy Tax, which is dedicated for tourism and community purposes. Awarding this contract authorizes the City Manager to negotiate and execute the contract for services with the award recipient and to make payment for services rendered.

RECOMMENDATION: Award contract to Carnegie Arts Center to provide Tourism Services for the City of Alliance during the 2024-2025 Fiscal Year in an amount not to exceed \$80,400.]

A motion was made by Vice Mayor Mashburn, seconded by Councilman Mischnick to approve Resolution No. 24-129 which follows in its entirety:

RESOLUTION NO. 24-129

WHEREAS, The Alliance City Council directed City Staff to prepare a Request for Proposals (RFP) for the outsource of Tourism Services for the City of Alliance; and

WHEREAS, Staff issued an Invitation to Bid on November 14, 2024 at 2:00 p.m., with a total of two bids received from Bigtop Collective from Kalispell, Montana and Carnegie Arts Center (CAC) from Alliance, Nebraska; and

WHEREAS, City Staff reviewed and scored the proposal from Bigtop Collective and Carnegie Arts Center, scoring each proposal for what best suits the Tourism needs of the City of Alliance; and

WHEREAS, City Staff has determined it is in the best interest of the City of Alliance to award the Contract for Tourism Services to the Carnegie Arts Center (CAC) of Alliance, Nebraska, as it ensures a greater local presence and contact, and keeps the dollars local.

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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

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NOW, THEREFORE, BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska, that the Contract for Tourism Services be awarded to the Carnegie Arts Center (CAC) of Alliance, Nebraska.

BE IT FURTHER RESOLVED, By the Mayor and City Council of the City of Alliance, Nebraska, that the City Manager is authorized to negotiate and execute the contract for services with the Carnegie Arts Center and make payment for services, that is not to exceed the amount of Eighty Thousand Four Hundred and NO/100ths Dollars (\$80,400.00).

Roll call vote with the following results:

Voting Aye: Mashburn, Mischnick and McGhehey.

Voting Nay: Weisgerber.

Motion carried.

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

City Treasurer Baker presented the presentation and acceptance of the fourth quarter financial report.

A motion was made by Councilman Mischnick, seconded by Councilman Weisgerber to accept the presentation of the Quarterly Financial Report.

Roll call vote with the following results:

Voting Aye: Mischnick, Weisgerber, Mashburn and McGhehey.

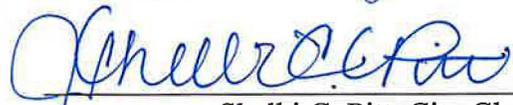
Voting Nay: None.

Motion carried.

The Alliance City Council adjourned the November 19, 2024 City Council Meeting at 8:26 p.m.

(SEAL)


John McGhehey, Mayor


Shelbi C. Pitt, City Clerk