

April 21, 2020

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, APRIL 21, 2020

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

The Alliance City Council met in a Regular Meeting, April 21, 2020, at 7:00 p.m. in the Alliance Learning Center Community Meeting Room, 1750 Sweetwater Avenue, Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on April 15, 2020. 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 delivered 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 Dafney opened the April 21, 2020 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Dafney, Council Members Mischnick, Jones, Reynolds and Bentley. Also present were City Manager Sprock, City Attorney Hoelsing, Finance Director Waggener, and City Clerk Johnson.

- Mayor Dafney read the Open Meetings Act Announcement.
- Council was first introduced to the City’s new employee: Martin Heredia Delgado, Street Maintenance Worker.
- The Consent Calendar was next on the agenda for Council’s consideration. A motion was made by Councilman Bentley and seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – APRIL 21, 2020

1. **Approval:** Minutes of the Regular Meeting, April 7, 2020.
2. **Approval:** Payroll Costs for the period March 21, 2020 to April 3, 2020 \$287,793.64.
3. **Approval:** Claims against the following funds for the period of April 1, 2020 through April 14, 2020: 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; \$667,551.57.

April 21, 2020

4. For Your Information: Attached is a listing of Demand Checks which were generated over the last financial quarter ending March 31, 2020. The report lists checks that have been issued which are not expenses within the budget. These are primarily made up of fund transfers, meter deposit refunds, utility overpayments and an occasional check which was required to be reissued.
5. Approval: The *Special Events Request for Use of Public Facilities, Parks, Streets* of the Alliance Jaycees for their annual Fireworks Display. The show date is scheduled for Saturday, July 4, 2020, with the rain date set for July 5, 2020. The staging area will be on the west side of the lake with spectators required to be 450 feet outside the area. A Certificate of Insurance has been provided naming the City as an additional insured.
6. Approval: Resolution No. 20-39 will authorize the renewal of D-Head, Inc. dba The Gathering Spot, 217 box Butte Avenue, Keno Operator License.
7. Approval: SCS Engineers amended Scope-of-Services for FY 2020-21 for engineering services, scientific and regulatory compliance support services for the Alliance Landfill.
8. Proclamations: Proclaim April 24, 2020 as Arbor Day and the week of April 19-25, 2020 as National Laboratory Professional Week.

NOTE: City Manager Sprock has reviewed these expenditures and to the best of his knowledge confirms 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: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Ordinance No. 2902 which will amend the Alliance Municipal Code in regards to speed limit zones as recommended by the Nebraska Department of Transportation was next before Council on second reading. The following information was provided to Council:

[Nebraska Department of Transportation (NDOT) has recently completed speed studies on US-385, N-2, and N-87. As result, NDOT has made the following recommendations:

Highways 385: 50 mph from 300 feet south of West Kansas Street (south corporate limits) to W. 10th Street (north corporate limits)

Highway N-2: 40 mph from Gold Rush Byway to Cody Avenue, 35 mph from Cody Avenue to Toluca Avenue, 30 mph from Toluca Avenue to Yellowstone

April 21, 2020

Avenue, 35 mph from Yellowstone Avenue to Flacke Avenue (Highway N-87), and 45 mph from Flack Avenue to 50 feet west of Woolrich Road (south corporate limits).

N-87: 35 mph from 3rd Street to 12th Street (leave corporate limits) and 45 mph from 400 feet north of 12th street (re-enter corporate limits) to 800 feet north of 12th Street (north corporate limits).

NDOT has provided updated plats showing current corporate limits with the existing speed limit zones and the proposed speed limits for reference. In order for NDOT to proceed with new authorizations, Council will need to adopt an amended ordinance that include the recommended changes.]

A motion was made by Councilman Reynolds, seconded by Councilman Bentley to approve the second reading of Ordinance No. 2902. City Clerk Johnson read the ordinance by title which follows in its entirety:

ORDINANCE NO. 2902

AN ORDINANCE AMENDING THE ALLIANCE MUNICIPAL CODE AT SECTION 26-51 AND REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HERewith.

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

SECTION 1. The City Code provides that speed limits within the City shall be those established by the State Statutes at §60-6,186, except as provided in City Code.

SECTION 2. State law allows, at §60-6,190, cities to deviate from the statutory guidelines for speed limits when the deviation is based on engineering and traffic investigation.

SECTION 3. The Alliance Municipal Code, at Section 26-51 is hereby amended as follows:

26-51. Speed limits; exceptions

The Revised Statutes of the State of Nebraska, Section 60-6,186, regulating the speed of vehicles within cities and villages shall be applicable upon all streets except as this section declares and determines, upon the basis of an engineering and traffic investigation, that certain speed regulations shall be applicable upon specified streets or in certain areas. In which event, it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed declared in this section.

- (a) The speed limit on all through streets shall be 30 miles per hour except as follows:
 - (1) Those portions of Box Butte Avenue which are situated within the business district shall have a speed limit of twenty (20) miles per hour; those portions of Box Butte Avenue from the south line of

April 21, 2020

Sixth Street to the South line of Eighteenth Street shall have a speed limit of twenty-five (25) miles per hour; those portions of Box Butte Avenue from north line of 18th Street to the south line of Twenty-fifth Street shall have a speed limit of (30) thirty miles per hour.

- (2) On Cody Avenue from the south line of Third Street to the north line of Kansas Street, (40) forty miles per hour.
 - (3) Kansas Street - 45 miles per hour from U.S. Highway 385 to Nebraska Highway 2. The portion situated from Nebraska Highway 2 for a distance of 700 feet to the west shall have a speed advisory of 15 miles per hour.
 - (4) Gold Rush Byway (Highway US-385) – (50) Fifty miles per hour from 300 feet south of West Kansas Street (south corporate limits) to West 10th Street (north corporate limits).
 - (5) Third Street (Highway N-2) – (40) Forty miles per hour from Gold Rush Byway to Cody Avenue, (35) Thirty-five miles per hour from Cody Avenue to Toluca Avenue, (30) Thirty miles per hour from Toluca Avenue to Yellowstone Avenue, (35) Thirty-five miles per hour from Yellowstone Avenue to Flack Avenue (Highway N-87), and (45) Forty-five miles per hour from Flack Avenue to 50 feet west of Woolrich Road (southeast corporate limits).
 - (6) Flack Avenue (Highway N-87) – (35) Thirty-five miles per hour from 3rd street to 12th Street (leave corporate limits) and (45) Forty-five miles per hour 400 feet north of 12th Street (re-enter corporate limits) to 800 feet north of 12th Street (north corporate limits).
- (b) On all streets in Federal Addition the speed limit shall be 10 miles per hour.
On all alleys in Federal Addition the speed limit shall be 5 miles per hour.

SECTION 4. That current applicable City Codes of the City of Alliance, Nebraska, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. 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: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

April 21, 2020

- Resolution No. 20-40 which will amend the One and Six Year Improvement Plan and will authorize submittal to the State of Nebraska Board of Public Roads, Classifications and Standards, In addition to, approve the budget transfer to complete the amended Plan, was the next agenda item. The following background information was provided to Council:

[Council requested staff to explore expanding current street projects for this year due to the postponement of the Highway 2 Mill and Overlay Project. Attached are several documents explaining the existing Six-Year Street Plan, newly identified street improvements and the Nebraska Department of Transportation (NDOT) Highway 2 Mill and Overlay Project. This also includes the removal of Sweetwater Avenue from 18th Street to 25th Street.

The existing Six-Year Street Plan projects total \$1,200,000 based on engineer estimates. The newly identified projects total \$1,218,531 based on engineer estimates and include the following street projects and engineering services:

- Black Hills Avenue, 3rd to 10th Street
- Emerson Avenue, 3rd to 10th Street
- West 6th Street, Black Hills Ave 150 ft. west
- Colorado Avenue, 16th to 18th Street
- **Removal** – Sweetwater Avenue, 18th Street to 25th Street

The Highway 2 Mill and Overlay Project is expected to cost the City of Alliance an estimated \$2,000,000 based on recent feedback from NDOT. Also attached are financial projections from the Street Department assuming the completion of \$1,218,531 in projects this year and \$3,200,000 in projects next year. This total would complete all of the existing six-year plans, newly identified projects and Highway 2.

If all projects (i.e., Highway 2, newly identified, and six-year) are completed, the Street Department would require an estimated \$3,000,000 bond issue next fiscal year. In order to fund the bond, there would be a limitation on capital expenditures (streets and equipment) for the next five to six years to an amount of \$300,000 to \$400,000 per year with current cash flow projections. If there were an increased ½ cent sales tax as requested on the primary ballot, the capital limit could potentially increase to \$800,000 to \$900,000 per year with the extra sales tax providing the debt service.

The Highway 2 Mill and Overlay Project was budgeted for FY 2019-20. Due to the postponement of the project and the amendments to the One and Six Year Plan, a budget transfer is necessary to complete the newly added projects and cover engineering costs. A budget transfer of \$1,220,000 from Account No. 24-41-41-51-932 – 3rd Street Howard to Elkorn to Account No. 24-41-41-44-471 – CNTSVC – Asphalt Street Repairs has also been included for Council's approval.

April 21, 2020

Account No. 24-41-41-51-932 – 3rd Street Howard to Elcorn would have a remaining budget authority of \$55,000 and the new budget authority for Account No. 24-41-41-44-471 – CNTSVC – Asphalt Street Repairs would be \$1,270,000.]

Ross Grant, Public Works Director, reviewed the Amended Plan with Council and provided an overview of the projected 3rd Street Overlay construction timeline.

A motion was made by Councilman Mischnick, seconded by Councilman Bentley to approve Resolution No. 20-40 which follows in its entirety:

RESOLUTION NO. 20-40

WHEREAS, The Nebraska Law requires that the City of Alliance approve and submit with the Board of Public Roads Classifications and Standards, any changes to the current Alliance One and Six Year City Street Improvement Plan; and

WHEREAS, The City of Alliance desires to change the current One and Six Year Plan; and

WHEREAS, The City of Alliance desires to add the following Projects to the current One and Six Year Plan;

- 6th Street – Black Hills Avenue West 150-ft: M-108(208)
- Black Hills Avenue – 3rd Street to 10th Street: M-108(209)
- Colorado Avenue – 16th Street to 18th Street: M108(210)
- Emerson Avenue – 3rd Street to 10th Street: M108(211)

And

WHEREAS, the City of Alliance desires to remove the following Projects to the current One and Six Year Plan;

- Sweetwater Avenue – 18th Street to 25th Street: M-108(164)

WHEREAS, The One and Six Year Plan Projects were submitted to the Council and examined by the City Council at a regular meeting conducted on March 3, 2020; and

WHEREAS, Council believes the amended Plan is appropriate and should be approved for the current One and Six Year Plan

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that the One and Six Year City Street Improvement Plan be revised to include the described Projects and remove described Projects prepared by the City of Alliance Department of Public Works is hereby approved.

BE IT FURTHER RESOLVED, City staff is authorized to submit the Revised Plan to the Board of Public Roads and Classifications and Standards.

Roll call with the following results:

April 21, 2020

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

Motion carried.

- Next for Council was Resolution No. 20-41 which will approve the Engineering Services Agreement with M.C. Schaff in the amount of \$90,031.00 and includes civil design, bidding services and construction oversight for the Amended One and Six Year Street Improvement Plan.

A motion was made by Councilman Mischnick, seconded by Councilman Jones to approve Resolution No. 20-41 which follows in its entirety:

RESOLUTION NO. 20-41

WHEREAS, The Nebraska Law requires that the City of Alliance approve and submit with the Board of Public Roads Classifications and Standards, any changes to the current Alliance One and Six Year City Street Improvement Plan; and

WHEREAS, The City of Alliance desires to change the current One and Six Year Plan; and

WHEREAS, M.C. Schaff & Associates, Inc. has submitted a proposal in the amount of Ninety Thousand Thirty-one Dollars and no/100ths (\$90,031) to provide the necessary engineering services to include civil design, bidding and construction oversight of the amended One and Six Year Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Alliance, Nebraska, that the Mayor is authorized to sign the documents associated with the Proposal from M.C. Schaff & Associates, Inc. for the necessary engineering services to include civil design, bidding and construction oversight of the amended One and Six Year Plan.

BE IT FURTHER RESOLVED that payment for this service will be made from Account No. 24-41-41-44-471, CNTSVC-Asphalt Street Repairs.

- The last matter before Council was a performance evaluation of City Manager Sprock.

Councilman Jones motioned, pursuant to Section 84-1410 Reissue Revised Statutes of Nebraska 1943, that Council finds it necessary to enter into a closed session to conduct the job performance of City Manager Sprock. City Manager Sprock did not request a public hearing. The motion was seconded by Councilman Bentley.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Reynolds, Bentley.

Voting Nay: None.

April 21, 2020

Motion carried.

Council and City Manager Sprock entered into closed session at 7:23 p.m. The closed session concluded at 8:05 p.m. and returned to open session at 8:06 p.m.

Council directed City Clerk Johnson to place an agenda item on the April 28, 2020 Special Meeting Agenda in order for Council to establish a date to conduct a goal setting session with City Manager Sprock.

There being no further business before Council, Mayor Dafney adjourned the meeting at 8:07 p.m.



Mike Dafney, Mayor

(SEAL)



Tarrah S. Johnson, 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.