

November 21, 2023

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, NOVEMBER 21, 2023

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

The Alliance City Council met in a Regular Meeting, November 21, 2023 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 15, 2023. 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 Jones opened the November 21, 2023 regular meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Jones, Vice Mayor McGhehey and Council Members Mischnick, Andersen, and Mashburn. Also present were City Manager Sorensen, City Attorney Swanson and City Clerk Pitt.

- Mayor Jones read the Open Meetings Act Announcement.
- The Consent Calendar was the first item on the agenda. A motion was made by Vice-Mayor McGhehey, which was seconded by Councilman Mischnick to approve the Consent Calendar as follows:

CONSENT CALENDAR – NOVEMBER 21, 2023

1. Approval: Minutes of the Regular Meeting, November 7, 2023.
2. Approval: Payroll from November 3, 2023 and November 17, 2023 in the total amount of \$615,540.03.
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; \$2,277,430.57.

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4. Approval: Resolution 23-102 which will amend the Golf Course trail fees rate increase from \$5.50 to \$6.00 effective January 1, 2024.
5. Approval: Resolution 23-103 which will authorize the purchase and installment of the new Landfill Scale from Scale Scales and Service in the amount of \$99,075.00.
6. Approval: Resolution 23-104 which will certify the 2023 Street Superintendent to the Nebraska Department of Transportation to qualify for the annual incentive payment.
7. Approval: Resolution 23-105 which will authorize a budget transfer in the total amount of \$122,750 to Capital Outlay-Buildings #01-71-77-59-915 from Capital Outlay-Other Improvements # 01-71-71-59-970 in the amount of \$35,000 and Capital Outlay-Buildings #01-31-315-915 in the amount of \$87,750 for the remaining balance on the Learning Center HVAC Project.
8. Approval: Resolution 23-106 which will authorize a budget transfer in the amount of \$40,000 from Capital Outlay-Buildings #01-31-31-59-915 Contractual Services #51-21-21-44-470 in the amount of \$35,000 and CNTSVC Other #01-11-44-479 in the amount of \$5,0000 for renew software services with ClearGov.

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.

Vice-Mayor McGhehey motioned for Resolution No. 23-102 be removed from Consent Calendar with keeping the Golf Course Trail Fees at \$5.00.

A motion was made by Vice-Mayor McGhehey, which was seconded by Mischnick to remove Resolution No. 23-102 from the Consent Calendar.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, McGhehey, and Andersen.

Voting Nay: Mashburn.

Motion carried.

- The second item on the agenda for Council was to proclaim for Small Business Saturday.

The Chamber of Commerce was in attendance to receive the proclamation for Small Business Saturday. Councilman Andersen read the following proclamation:

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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,

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 25, 2023 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 21st day of November in the year of the Lord Two Thousand Twenty-Three.

- The next item on the agenda for Council was the second reading of Ordinance No. 2968 which will approve the Final Plat application for Block 1, Myrtle Second Addition to the City of Alliance, Box Butte County, Nebraska. The following information was provided:

[The City of Alliance is in receipt of an application for a Final Plat for the dedication of Block 1, Myrtle Second Addition to the City of Alliance, Box Butte County, Nebraska.

The proposed addition is located at the northwest corner of West 16th Street and Buchfinck Avenue. The proposed addition is zoned Ag, Agriculture. It is adjacent

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to Ag zoning to the north and west, R-1, Single Family Residential Zoning to the east, and RP-3, Planned Multifamily Residential to the south. A rezone application to R-1 and an annexation will accompany the final plat.

The proposed lot is currently vacant. The plat creates a utility easement along the west side of the proposed lot. This is proposed for sanitary sewer extension and any other utilities that may need to co-locate there. The plat will create the south half of West 18th Street. Streets dedicated along section and half section lines are typically done in such a manner that property owners on each side of the line contribute half of the width of the street.

The City of Alliance Planning Commission met at its regular meeting October 10, 2023 and found that the Final Plat was consistent with the goals in the Comprehensive Plan. They voted yes on a recommendation to the Alliance City Council for the approval of the Final Plat of Block 1, Myrtle Second Addition to the City of Alliance, Box Butte County, Nebraska after making the following findings of fact:

- According to the Comprehensive Plan, and Box Butte Housing Study, the City is in need of additional housing and platting more land for that would help accomplish that goal.
- The proposed addition meets both the North Side and Core Neighborhoods recommendations that future land uses in these neighborhoods should be residential.
- The proposed addition dedicates a portion of W 18th Street which is consistent with the goal of extended the street from NE Highway 87 to US Highway 385.]

A motion was made by Councilman Mischnick, seconded by McGhehey to approve the second reading of Ordinance No. 2968. which follows in its entirety:

ORDINANCE NO. 2968

AN ORDINANCE APPROVING THE FINAL PLAT OF BLOCK 1, MYRTLE SECOND ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, SITUATED IN THE SOUTH HALF OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA, REPEALING PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Alliance has received the application for approval of the Final Plat of a tract of land Situated in the South Half of Section 26, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

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SECTION 2. The Planning Commission held a public hearing October 10, 2023, and has recommended the approval of the Final Plat of Block 1, Myrtle Second Addition to the City of Alliance, Box Butte County, Nebraska, Situated in the South Half of Section 26, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

SECTION 3. The City Council finds that the Final Plat contains the information required by Article 5 of the city of Alliance Municipal Code.

SECTION 4. The Final Plat of Block 1, Myrtle Second Addition to the city of Alliance, Box Butte County, Nebraska, Situated in the South Half of Section 26, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska is hereby approved by the City of Alliance and shall be filed with the County Clerk as provided by City Code and State law within 30 days of this approval. The plat map which has been prepared is a part of these proceedings and is attached hereto and is incorporated herein and made a part hereof by reference.

SECTION 5. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are 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: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Mischnick, seconded by Councilman McGhehey to suspend the statutory rule requiring three separate readings of Ordinance No. 2968.

Roll call vote to approve Ordinance No. 2968 on final reading with the following results:

Voting Aye: Jones, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

Mayor Jones stated, "the passage and adoption of Ordinance No. 2968 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published."

Roll call vote with the following results:

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Voting Aye: Jones, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- Council next held a Public Hearing on the second reading of Ordinance No. 2969 which will approve and amend the City Limit Map of City of Alliance and annex Block 1, Myrtle Second Addition to be within corporate limits of the City of Alliance, Box Butte County, Nebraska. The following information was provided:

[The City of Alliance is in receipt of an application for a Final Plat for the dedication of Block 1, Myrtle Second Addition to the City of Alliance, Box Butte County, Nebraska. This addition is currently located outside the Corporate City Limits of Alliance.

Properties that receive the benefits of City services including police, fire protection, water, electric, sanitary sewer, streets, snow removal, etc. should be included within the corporate limits of the City. This ensures the before mentioned benefits are paid for and maintained by the collection of taxes assessed against the property, and in the case of many businesses, a sales tax as well. Properties that receive these benefits without being included in the corporate limits are in effect subsidized by those properties that are located within City Limits.

Upon approval of the Final Plat of Block 1, Second Myrtle Addition to the City of Alliance, Box Butte County, Nebraska, a second public hearing must be held for the annexation of the subdivision. The annexation will amend the City Limit Map of the City of Alliance and include Second Myrtle Addition within the corporate limits of the City. The City is the owner of this parcel and staff recommends its annexation within City Limits.

The City of Alliance Planning Commission met at its regular meeting October 10, 2023 and found that the annexation was consistent with the goals in the Comprehensive Plan finding that the plan for the lot as single family residential was not rural in character and that future development should pay for City benefits. Future development would also place the area within the high priority criteria for annexation according to page Land Use 29 of the Plan. They voted yes on a recommendation to the Alliance City Council for the approval of the annexation of Block 1, Myrtle Second Addition to the City of Alliance, Box Butte County, Nebraska.]

Mayor Jones 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 Ordinance No. 2969 and opened the public hearing at 7:10 p.m.

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Mayor Jones invited anyone in the public to speak on behalf or against the proposed Annexing located at Block 1, Myrtle Second Addition to the City of Alliance, Box Butte County, Nebraska.

With no testimony offered, Mayor Jones closed the Public Hearing at 7:11 p.m.

A motion was made by Councilman Mashburn, seconded by Mischnick to approve the second reading of Ordinance No. 2969. which follows in its entirety:

ORDINANCE NO. 2969

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, ANNEXING CERTAIN PROPERTY LOCATED AT BLOCK 1, MYRTLE SECOND ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, SITUATED IN THE SOUTH HALF OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA, REPEALING PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The following described real estate is found and declared to be contiguous and adjacent to the corporate limits of the City of Alliance, Nebraska, to be urban or suburban in character, and not to be agricultural land which is rural in character.

A tract of land situated in the South Half of Section 26, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, more particularly described as follows:

Block 1, Myrtle Second Addition to the City of Alliance, Box Butte County, Nebraska, situated in the South Half of Section 26, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.
Hereinafter "Real Estate."

SECTION 2. The Real Estate is annexed to and included within the corporate limits of the City as of the effective date of this Ordinance.

SECTION 3. The inhabitants of the Real Estate shall be entitled to all rights and privileges, and subject to all laws and ordinances, rules, and regulations of the City of Alliance, Nebraska. Such inhabitants shall receive substantially the benefits of other inhabitants of lands within the City of Alliance, Nebraska as soon as practical, and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal, and water service shall be adopted as provided in Neb. Rev. Stat. §16-120.

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SECTION 4. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are 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: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Mashburn, seconded by Councilman Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2969.

Roll call vote to approve Ordinance No. 2969 on final reading with the following results:

Voting Aye: Jones, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

Mayor Jones stated, "the passage and adoption of Ordinance No. 2969 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published."

Roll call vote with the following results:

Voting Aye: Jones, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- Next Council held a Public Hearing on the second reading of Ordinance No. 2970 which will approve Rezone application of Block 1, Myrtle Second Addition City of Alliance from Ag Agriculture to R-1, Single Family Residential zoning. The following information was provided:

[The City of Alliance has submitted an application to rezone Block 1, Second Myrtle Addition to the City of Alliance, Box Butte County, Nebraska, from Ag, Agriculture to R-1, Single Family Residential zoning. The rezone is requested to open up the lot for single family housing development.

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The proposed rezone is located at the northwest corner of West 16th Street and Buchfinck Avenue. The parcel is zoned Ag, Agriculture. It is adjacent to Ag zoning to the north and west, R-1, Single Family Residential Zoning to the east, and RP-3, Planned Multifamily Residential to the south. The lot is currently vacant/undeveloped. The parcel is bordered by farming to the west and north, storage to the southwest, single family housing to the east and south.

The parcel is approximately 1.56 acres in size. It meets the minimum lot size requirement for R-1 but not for Ag zoning. The proposed rezone will change the front setback from 50' to 25', the rear setback will remain 25', the side setback from 10' to 5' where it is adjacent to other lots or 15' from rights of way. The proposed plat will not create any new non-conforming yards or structures. The parcel is bordered by West 16th Street to the south, and Buchfinck Avenue to the east. The south half of West 18th Street is dedicated to the north but not developed.

The proposed rezone is located adjacent to the North Side and Core Neighborhoods as identified on page Land Use 5 (LU5) of the Comprehensive Plan. Both Neighborhoods are described as primarily single family residential with the North Side being the newer part of town than the older developed Core Neighborhood. Page LU 12-13 details the transition in this area from the older residential to the newer residential and states that the primary future land use should be residential. Page LU 7 states the same for the North Side Neighborhood and that the neighborhoods residential characteristic needs to be maintained. Page Housing 34 recommends utilizing infill when possible. The proposed rezone would be another tool in accomplishing that by allowing for residential development on this currently unutilized parcel of land.

The City of Alliance Planning Commission met at their regular meeting on October 10, 2023 and voted to recommend the City Council approve the rezone of Block 1, Second Myrtle Addition to the City of Alliance, Box Butte County, Nebraska, from Ag, Agriculture to R-1, Single Family Residential, after making the following findings of fact:

1. The rezone would not create any nonconforming lot sizes.
2. The rezone would not create any nonconforming building setbacks.
3. There is ample access to the rezone parcel.
4. A rezone to R-1 would be consistent with the North Side and Core Neighborhoods recommendations that future land uses in these neighborhoods should be residential as identified in the Comp Plan.
5. The proposed rezone is adjacent to existing residential zoning.

Options:

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Leave the zoning the same and:

1. The size remains nonconforming because it is less than the 10 acres required in Ag zoning.
2. The City cannot market the lot for single family housing development.

Change the zoning to a district other than Ag or R-1 which would not accomplish any of the stated goals in the Comp Plan.

Change the zoning to R-1 for the reasons the Planning Commission made in the findings of fact.]

Mayor Jones 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 Ordinance No. 2970 and opened the public hearing at 7:13 p.m.

Mayor Jones invited anyone in the public to speak on behalf or against the proposed Rezoning located at Block 1, Myrtle Second Addition to the City of Alliance from Ag, Agriculture to R-1, Single Family Residential.

With no testimony offered, Mayor Jones closed the Public Hearing at 7:14 p.m.

A motion was made by Vice Mayor McGhehey, seconded by Andersen to approve the second reading of Ordinance No. 2970. which follows in its entirety:

ORDINANCE NO. 2970

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, AMENDING THE OFFICIAL ZONING MAP, IN PARTICULAR REZONING BLOCK 1, MYRTLE SECOND ADDITION TO THE CITY OF ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, REPEALING PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Official Zoning Map of the City of Alliance, Nebraska is hereby amended to provide that Block 1, Myrtle Second Addition to the City of Alliance, Box Butte County, Nebraska shall be zoned as Single-Family Residential District (R-1 District). The Official Zoning Map of the City of Alliance shall be reincorporated as amended herein.

SECTION 2. All ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with this Ordinance are repealed. The Official Zoning Map of the City of Alliance is hereby amended in accordance with this Ordinance, and shall be updated in the records of the City.

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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: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

A motion was made by Vice Mayor McGhehey, seconded by Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2970.

Roll call vote to approve Ordinance No. 2970 on final reading with the following results:

Voting Aye: Jones, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

Mayor Jones stated, “the passage and adoption of Ordinance No. 2970 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted, and order it published.”

Roll call vote with the following results:

Voting Aye: Jones, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- The next item on agenda was the first reading of Ordinance No. 2971 which will adopt the proposed 2024 City Council meeting schedule. The City Council Meetings will be the first and third Tuesday’s of the month, with no changed needed due to Holidays. Staff requested the second and third readings be waived, if there are no conflicts in the presented calendar.

A motion was made by Councilman Andersen, seconded by Mischnick to approve the first reading of Ordinance No. 2971. which follows in its entirety:

ORDINANCE NO. 2971

AN ORDINANCE ESTABLISHING THE TIME AND PLACE OF REGULAR COUNCIL MEETINGS FOR THE CALENDAR YEAR 2024.

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

SECTION 1. Nebraska Statutes at Section 19-615 provide that ". . . the Council shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month in cities of the first class."

SECTION 2. The City Code provides at Section 2-25, that "The City Council shall hold its regular meeting on the first and third Tuesday of each month. The Council may, by adoption of a calendar each year, establish regular meeting dates other than the first and third Tuesday of each month."

SECTION 3. Attached hereto is a "proposed 2024 calendar," which is incorporated herein by reference as if fully set forth.

SECTION 4. The City Council of Alliance, Nebraska shall conduct regular meetings during calendar year 2024 on the dates that are indicated on the attached proposed 2024 calendar at the hour of 7:00 o'clock P.M. at the Alliance Learning Center Community Meeting Rooms, 1750 Sweetwater Avenue, Alliance, Nebraska. The time and place of these meetings may be changed from time to time as provided by law.

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

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

A motion was made by Councilman Andersen, seconded by Mischnick to suspend the statutory rule requiring three separate readings of Ordinance No. 2971.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

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Mayor Jones stated, “the passage and adoption of Ordinance No. 2971 has been concurred by a majority of all members elected to the Council, I declare it passed, adopted and order it published.”

Roll call vote with the following results:

Voting Aye: Jones, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- A motion was made by Councilmen Mischnick, and seconded by Councilmen Andersen to remove the Table of Resolution No. 23-101.

Roll call vote with the following results:

Voting Aye: Jones, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

Next, before Council was Resolution No. 23-101 which will establish and approve the Hiring and Retention Pay Policy for the City of Alliance. The following information was provided:

[

1. Purpose and Objective

The Hiring and Retention Pay Policy aims to incentivize and reward employees who demonstrate commitment and dedication to their roles in departments facing substantial staffing challenges. The driver behind this policy is to acknowledge the value of employee retention, particularly in departments that are significantly understaffed or experience high turnover rates and to attract quality professionals who can have an immediate impact on the success of the City of Alliance, Nebraska (“City”). This policy outlines the requirements for eligibility, the timing of payments, and implementation of the hiring and retention pay programs.

Retention pay is a sum of money paid to an employee with the sole objective of incentivizing the employee to remain employed at the City despite staffing shortages. Retention pay is subject to state and federal taxes. Additional compensation at hiring is payment to attract skilled and certified employees, typically transferring laterally from a similar position.

2. Retention Pay Eligibility

Payment of retention pay to the employee from the entity is contingent upon the following eligibility factors:

- I. Employee must currently be employed as a W-2 employee. If the employee had served any time as a subcontractor and/or independent consultant for the entity, any time spent and any amounts paid to that employee will not be utilized in determining eligibility to receive and amount of the retention pay.
- II. Employee must be a Full-time employee, scheduled to work regularly a minimum of 40 hours per week. Employees whose regular schedule is less than 40 hours per week are ineligible.
- III. Employees must have completed a minimum of one year of continuous service in the department at the time of the eligibility review.
- IV. Employees must maintain a satisfactory performance record, and have not received any written warnings and/or disciplinary actions during the previous year, as determined by their respective supervisors through regular performance evaluations.
- V. Employees must be actively employed in a department that is currently operating with a staff level below 70% of its authorized capacity for the previous calendar quarter. Two tiers are included for compensation:
 - a. Tier I – 70% of authorized capacity
 - b. Tier II – 50% of authorized capacity

3. Compensation at Hiring Eligibility

Payment of Compensation at Hiring to the employee from the City is contingent upon the following eligibility factors:

- I. Employee must currently be employed as a W-2 employee. If the employee had served any time as a subcontractor and/or independent consultant for the entity, any time spent and any amounts paid to that employee will not be utilized in determining eligibility.
- II. Employee must be a Full-time employee, scheduled to work regularly a minimum of 40 hours per week. Employees whose regular schedule is less than 40 hours per week are ineligible.
- III. Employees must maintain a satisfactory performance record, and have not received any written warnings and/or disciplinary actions during the previous year, as determined by their respective supervisors through regular performance evaluations.

4. Notice to Employees

For union employees: By participating in this program, employees agree that this policy in no way alters the conditions of the FOP #51 contract.

For all employees: By participating in this program, employees agree that this program may be discontinued at any time at the discretion of the City of Alliance, with or without advanced notice.

5. Actions

Every quarter of the calendar year, the City determines the eligibility of employees and the level of retention pay to be paid to those eligible employees by verifying work status, hours, and satisfactory performance. Staffing levels will be determined using data from the most recently completed calendar quarter.

Before communication of the retention pay to the eligible employees, the payment terms and payment amounts will be reviewed by the City Manager, who will make

the final determination of the pay to be granted, as well as the determination of the payment date.

6. Payment Structure

Retention:

- Tier I – Up to \$750.00 per quarter, not to exceed \$3,000.00 per 12-month period.
- Tier II – Up to \$1,500.00 per quarter, not to exceed \$6,000.00 per 12-month period.

Hiring:

- The City Manager may authorize an amount of compensation of up to ten percent (10%) of the maximum salary of the position being offered as a one-time compensation pay. The amount of compensation to be paid shall be based upon qualifications determined by the City Manager and the Department Head for the relevant position.
- Situations that require emergency action or special consideration, the City Manager, with City Council's approval, may authorize an amount that exceeds ten percent (10%) of the maximum salary of the position being offered as compensation pay.
- Full-time Police Officers currently Certified in the State of Nebraska at the time of hire (typically as a lateral transfer from another agency) are eligible to receive \$20,000.00 of compensation subject to the Compensation at Hiring outlined in Section 8 of this Policy.
 - For lateral transfers, the compensation may be used to "purchase" vacation time-off.

7. Retention Pay Implementation

a. Retention Pay eligibility determinations will be made around the following dates:

- 1.) January 15th
- 2.) April 15th
- 3.) July 15th
- 4.) October 15th

b. The amount of retention paid to eligible employees will not be pro-rated, except that in the event that an employee transfers to a different department, the retention pay will no longer apply, and any pending payments will be prorated based on the period of service within the qualifying department.

c. Retention pay may be paid by the first pay period following the completion of the quarter-year during which the determination to give the retention pay was made, but no later than two and a half months after the fiscal year-end date.

d. Retention payments will be subject to taxation and other mandatory deductions as per the prevailing laws and regulations.

8. Compensation at Hiring

a. Additional Compensation Packages shall be paid incrementally.

b. The first payment shall be disbursed after the employee has completed 30 days of employment. The second payment shall be disbursed upon the employees' satisfactory completion of the probationary period. The final payment shall be disbursed upon completion of the employees' first year of employment.

9. Review Process

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- a. The Human Resources Department will conduct a review of departmental staffing levels as needed to determine eligibility.
- b. Eligible employees will be notified in writing of their qualification for the retention payment.
- c. Employees may appeal the decision if they believe they meet the eligibility criteria but were not identified during the review process. The appeal process will be outlined and managed by the City Manager.

10. Policy Compliance

- a. The policy will be implemented and monitored by the City Manager, with support from departmental managers and supervisors.
- b. Any misrepresentation of data or attempts to manipulate staffing records to gain undue advantage under this policy will be subject to disciplinary action, up to and including termination, in accordance with the City's policies.

11. Policy Amendments

- a. The Alliance City Council will evaluate this policy no less than annually, with the program continuing only on a majority vote of the Council to that effect.
- b. Any amendments to the policy will be communicated to all employees and will be effective upon the specified date of implementation.

12. Effective Date

This Employee Retention Payment Policy is effective from November 7, 2023. Please direct any queries or concerns regarding this policy to the City Manager.]

A motion was made by Councilman Mischnick, seconded by Andersen to approve Resolution No. 23-101 which follows in its entirety:

RESOLUTION NO. 23-101
Hiring and Retention Pay Policy

WHEREAS, Box Butte County is experiencing near-record lows in unemployment; and

WHEREAS, Due to local competition for employees, the still-ongoing effects of COVID-19 in the workplace, and the dearth of law enforcement officers across the nation; and

WHEREAS, The City of Alliance, Nebraska (“City”) continues to experience difficulties in attracting qualified candidates for employment with the City including but not exclusive to Police Officers and Journey Lineman; and

WHEREAS, The City places a premium on providing for the health, comfort, and safety of its citizens, realizing that our employees are the driving force in providing services; and

WHEREAS, The City proposes to establish an updated pay policy to provide competitive compensation in hopes of attracting new employees to the City for difficult-to-fill positions; and

WHEREAS, The proposed Hiring and Retention Pay Policy has been prepared and reviewed by the City Manager, City staff, and legal staff; and

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WHEREAS, City Council has reviewed the proposed Policy and finds it appropriate for the needs of the City.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, the Compensation at Hiring and Retention Pay Policy as attached, is hereby approved and adopted effective upon passage, as the “Hiring and Retention Pay Policy” of the City.

BE IT FURTHER RESOLVED that this policy shall supersede any previous policies on hiring bonuses

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

- Next on the Council’s agenda was Resolution No. 23-107 which will accept and approve the update to Section 16.5 – titled *Social Media* to the City of Alliance Personnel Policy. The following information was provided:

[16.5 SOCIAL MEDIA

Updated November 7, 2023

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the internet, including, but certainly not limited to to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site or app, web bulletin board or chat room, as well as any other form of electronic communication, whether or not associated the media of choice is affiliated with the City.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that reflects poorly on the City, adversely affects your job performance or the performance of fellow employees, or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City or the City’s legitimate business interests may result in disciplinary action *up to and including termination with each situation evaluated on a case-by-case basis*

Use common sense when using social media sites, regardless of whether for personal or professional use. Remember that what you write is public and may be public for a long time, possibly spreading to large audiences. Refrain from posting information that you would not want your supervisor or other employees to read or that you would be embarrassed to see in the newspaper or on television.

INTERNAL POLICY PURPOSE

This document defines the social networking and social media policy for the City of Alliance, Nebraska, the “City.” To address the fast-changing landscape of the internet and the way residents communicate and obtain information online, city departments may consider using social media tools to reach a broader audience. The city encourages the use of social media to further the goals of the city and the missions of its departments, where appropriate. Inappropriate or unlawful conduct will not be tolerated and may subject employees to disciplinary action. (See 16.4)

PERSONAL VS. PROFESSIONAL GUIDELINES

Personal Use

All City employees may have personal social media sites. These sites should remain personal in nature and share personal opinions. While City employees may have a First Amendment right to comment on some City issues that are of significant public concern, employees should know that posts about City issues that are closer to employment complaints or human resources concerns may not be protected. Employees should be mindful of the distinction between sharing personal and city views.

- City employees must never use a city e-mail account or password in conjunction with a personal social media site.
- Personal or business venture social media account names shall not be tied to the City. For example, “CityofAllianceCop” would not be an appropriate personal account name.
- Whether on or off duty, the City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City. Employees shall not engage in name-calling or personal attacks or other such demeaning behavior.
- City resources, work time, social media tools, and a City employee’s official position shall not be used for personal profit or business interests or to participate in political activity. For example, a building inspector may not use the City’s logo (or its likeness), email, or work time to promote a side business as a plumber.
- Except as otherwise allowed by law, employees, whether on duty or off duty, shall not utilize social media to communicate (e.g. verbally, non-verbally, or in writing), depict, or use any hate speech, slurs, connotations, caricatures, or references that derogate, ridicule, degrade, malign, or disparage another’s protected class, including but not limited to race, ethnicity, national origin, religion, sex, gender, sexual orientation, or sexual identity, where such conduct satisfies one or more of the following three criteria: it would (1) adversely affect the employee’s job performance, work, job duties or ability to function in the employee’s position; (2) adversely affect the City’s (including the department’s) ability to fulfill its mission or to serve the public; or (3) create a hostile work environment.

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The following guidance is for city employees who decide to have a personal social media or who decide to comment on posts about official City business:

- State your name and, if relevant, role, when discussing city business;
- Never represent yourself as a spokesperson for the City.
 - Be clear and open about the fact that you are an employee and make it clear that your personal views do not represent those of the City or fellow employees.
 - If commenting on City business, employees should use a disclaimer which establishes that their comments represent their own opinions and do not represent those of the City of Alliance.
 - Use a disclaimer such as: “The postings on this site are my own and don’t reflect or represent the opinions of the city for which I work.”
 - Employees may not attribute personal statements or opinions to the City when engaging in private blogging or postings on social media sites.
- City employees, contract employees for the City, and City volunteers shall not post images, files, or text depicting City property, equipment, or personnel in any manner that would adversely affect the reputation of the City or a City department.
- Personal and professional posts are not to divulge the privileged information of the City or of coworkers.
- Posting on social media is to be done on personal time and is not to conflict with work duties while on work time.

Professional Use

If social media is used for official city business, the entire city site, regardless of any personal views, is subject to best practice guidelines and standards.

- Be fair and courteous.
- Be always honest and accurate when posting information or news.
- If a mistake is made, correct it quickly. Be open and honest about any previous posts you have altered.
- Never post any information or rumors that you know to be false.
- Avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating; that disparage customers or coworkers, or that might constitute harassment or bullying.
- Avoid posts that may be viewed as offensive which either intentionally or unintentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or city policy.

All official city-related communication through social media should remain professional in nature and should always be conducted in accordance with the City’s communications policy, practices and expectations.

Employees must not use official city social media for political purposes, to conduct private commercial transactions, or to engage in private business activities. City employees should be mindful that inappropriate use of official city social media can be

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grounds for disciplinary action. Only individuals authorized by the City may publish content to the City's online platforms.

RETALIATION

Retaliation is prohibited! The City of Alliance prohibits the use of its social media outlets for taking negative action against any coworker, business, or citizen(s) for any reason whatsoever. Any employee who retaliates against another person using official city channels will be subject to disciplinary action. Any employees who uses privileged information in retaliation, regardless of whether the post is personal or professional will be subject to disciplinary action.

POSTING

Official social media sites need to be clear, precise and follow industry best practices for posting updates.

All content posted to city social media should be:

- Relevant – Information that engages residents and pertains to their daily lives
- Timely – Pertains to deadlines, upcoming events, or current news
- Actionable – Prompts residents to take action Please refer to the city style guide for specific guidelines on content format.

What Not to Post:

City employees may not publish content on city social media sites that includes:

- Confidential information
- Copyrighted material without permission
- Profane, racist, sexist, threatening, harassing or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM

RETENTION

Social media sites are subject to public records laws of the State of Nebraska. Any content produced or maintained on a city social media site, including communication posted by the city and communication received from citizens, is a public record. The department maintaining a site shall preserve records pursuant to the relevant records retention schedule in a format that preserves the integrity of the original record and is easily producible. Furthermore, retention of social media records shall fulfill the following requirements:

- Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site.
- Social media records are maintained in an authentic format (i.e. ideally the native technical format provided by the social network, such as XML or JSON) along with complete metadata.

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- Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.
- Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
- Each employee who administers one or more social networking sites on behalf of the City has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed. The City utilizes an automated archiving solution provided by ArchiveSocial to comply with applicable public records law and fulfill the above record retention requirements. The City archive is available at [\[applicable archive link\]](#), or contact your records coordinator.

MANAGING SOCIAL MEDIA

All City of Alliance social media sites shall be (1) approved by [\[contact\]](#), (2) published using approved social networking platform and tools, and (3) administered by the contact or their designee.

If a social media page is no longer of use, (1) notify [\[contact\]](#), (2) ensure records have been archived according to city guidelines, (3) unpublish and delete page.

EXTERNAL POLICY PURPOSE

To build communication and trust with our residents and visitors, and encourage participation through comments and feedback.

GOALS

The City of Alliance aims to effectively use Social Media Accounts to:

- Increase the transparency of local government
- Engage new audiences
- Provide information
- Monitor and respond to “hot topics” and emerging issues quickly
- Support community engagement and outreach
- Support marketing and promotional campaigns
- Frame the public conversation around City business
- Assist with recruitment efforts
- Strengthen Democracy

Please be aware that when engaging with the city through Social Media, you agree to the following:

MODERATION OF THIRD PARTY CONTENT - The city does not necessarily endorse, support, sanction, encourage, verify or agree with Third Party comments, messages, posts, opinions, advertisements, videos, promoted content, external hyperlinks, linked websites (or the information, products or services contained therein),

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statements, commercial products, processes or services posted on any Social Media Site. This city social media site serves as a limited public forum and all content published is subject to preservation and disclosure in accordance with Public Record Laws of the State of Nebraska.

Any information or material placed online, including advice and opinions, are the views and responsibility of those making the comments and do not represent the views of City. When submitting a comment for posting, users agree that the City is not responsible, and shall have no liability to the user, with respect to external websites, any information or materials posted by others or the user, including defamatory, criminal, offensive, or illicit material and even material that violates this disclaimer.

User-generated posts may be rejected or removed if the content:

- contains obscenity, pornography, solicitation, defamatory, or sexually explicit material,
 - incites or promotes violence or illegal activities,
 - contains information that may compromise the security, safety, or health of the public,
 - contains obscene, hateful, indecent, or threatening messages,
 - contains spam or links to malware,
 - promotes illegal discrimination such as discrimination based on race, sex, gender, religion, national origin, age, or disability,
 - contains actual defamation,
 - contains malicious or harmful software or links
 - promotes commercial services or products (not including noncommercial links that are relevant to the topic)
- includes any private or sensitive information (i.e. phone numbers, email, or postal addresses)
- promotes or opposes any person campaigning for election to a political office
 - uses the copyrighted, trademarked, or intellectual property work of others.

Users may be temporarily or permanently restricted from accessing the City's social media platforms if they repeatedly or consistently violate this policy. Should the user wish to contest the City's action, the user must submit a written statement providing grounds for reinstatement to the City Clerk and must contain a statement that the user will abide by this policy in the future.

RETENTION

Any communications sent to or received by the City and its employees via social media may be subject to public records and disclosure laws, as well as discovery in litigation. This may include, but is not limited to, information made available through a user's privacy settings on their own social media and other Internet pages. We are required to comply with the public records statutes of the State of Nebraska to ensure government is open and that the public has access to public records and information of which our

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city is the custodian. These retention requirements apply regardless of the form of the record (e.g. digital text, photos, audio, and video).

To that end, we automatically collect and store all information posted on this city social media site. All information posted on this site may be subject to public disclosure under public records statutes of the State of Nebraska, even if it has been deleted. The Department maintaining a site shall preserve records pursuant to a relevant records retention schedule.

EMERGENCY POSTINGS

Social media sites are not monitored 24/7. If there is an emergency, contact 9-1-1.

PUBLIC INFORMATION.

Public Information Act requests, subpoenas, requests for assistance and legal service, and/or complaints must be made directly to the City in accordance with the law and not via a Social Media Site.].

A motion was made by Councilman Mashburn, seconded by Andersen to approve Resolution No. 23-107. which follows in its entirety:

RESOLUTION NO. 23-107

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 Policy is proposed to be revised and made part of the Personnel Policies of the City of Alliance:

16.5 Social Media
and

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

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 November 21, 2023, as the Policy of the City of Alliance.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

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Motion carried.

- The last item on the agenda was the presentation and acceptance the Fourth Quarter Financial Statement.

City Treasurer Baker presented and reviewed the Fourth Quarter Financial Report.

A motion was made by Councilman Mischnick, seconded by Andersen to accept the Fourth Quarter Financial Report.

Roll call vote with the following results:

Voting Aye: Jones, Mischnick, McGhehey, Andersen and Mashburn.

Voting Nay: None.

Motion carried.

There being no further business, the Alliance City Council adjourned the November 21, 2023, Special City Council Meeting at 7:38 p.m.

(SEAL)



Earl Jones, 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.