

# **City of Scottsbluff, Nebraska**

**Monday, October 19, 2015**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the October 5, 2015 Regular Meeting.**

**Staff Contact: Cindy Dickinson, City Clerk**

The Scottsbluff City Council met in a regular meeting on Monday, October 5, 2015 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on October 2, 2015, in the Star Herald, a newspaper published and of general circulation in the City. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodations to attend the Council meeting should contact the City Clerk's Office, 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 city council could modify the agenda at the meeting if it determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and KDUH, and the Star Herald. The notice was also available on the city's website on October 2, 2015. An agenda kept continuously current was available for public inspection at the office of the City Clerk at all times from publication of the notice to the time of the meeting.

Mayor Randy Meininger presided and City Clerk Dickinson recorded the proceedings. The Pledge of Allegiance was recited. Mayor Meininger welcomed everyone in attendance and encouraged all citizens to participate in the council meeting asking those wishing to speak to come to the microphone and state their name and address for the record. Mayor Meininger informed those in attendance that a copy of the Nebraska open meetings act is posted in the back of the room on the west wall for the public's review. The following Council Members were present: Jordan Colwell, Randy Meininger, Raymond Gonzales, Scott Shaver and Liz Hilyard. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. There were no changes.

Mayor Meininger asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none. Moved by Council Member Gonzales, seconded by Council Member Hilyard that,

1. "The minutes of the September 21, 2015 Regular Meeting be approved,"
2. "Council approve specifications for the purchase of One, New Truck Cab/Chassis with Dump Body and Snow Plow for the Transportation Department and authorize the City Clerk to advertise for bids to be received by October 26, 2015 at 11:00 a.m.," "YEAS", Colwell, Meininger, Gonzales, Shaver and Hilyard, "NAYS" None. Absent: None.

Moved by Council Member Shaver, seconded by Mayor Meininger, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated October 5, 2015, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

#### CLAIMS

ACTION COMMUNICATIONS INC., THREE RADIOS FOR NEW ENGINE, 9020; AIRGAS USA, LLC, DEPT SUPPLIES, 28.5; AMAZON.COM HEADQUARTERS, MISC, 319.76; ANTHONY J MURPHY, TRAVEL ADVANCE FOR TRAINING, 163; AUTOZONE STORES, INC, HEADLIGHT, 31.44; B & H INVESTMENTS, INC, BUILDING MAINTENANCE, 47.5; BLUFFS SANITARY SUPPLY INC., JAN SUP, 467.3; BUD'S RADIATOR, VEHICLE MTNC, 2983.55; CARLSON, DEBRA, REIMB, 18.46; CARR-TRUMBULL LUMBER CO, INC., SUPP - HEM FIR, 45.71; CELLCO PARTNERSHIP, AUGUST CELL PHONES FIRE, 215.08; CEMENTER'S INC,

CONCRETE FOR AVE. A PARKING LOT, 2304.94; CITIBANK N.A., DEPT SUPPLIES, 582.17; CITIBANK, N.A., DEPT SUPP, 764.78; CITY OF SCB, PETTY CASH, 26.97; CLARK PRINTING LLC, SPECIAL EVENT, 749.3; CLEAR EDGE FILTRATION, INC, DEPT SUP, 1866.92; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, COLONIAL LIFE, 48.7; COMPUTER CONNECTION INC, DEPT SUP, 3.6; CONTRACTORS MATERIALS INC., SUPP - SONOTUBES, 257.35; COPIER CONNECTION, DEPT SUP & CNTRCL SRVCS, 150.36; COZY, INC, WRAP CAR 6,650; CREDIT MANAGEMENT SERVICES INC., CREDIT MANAGEMENT SERV, 222.16; CYNTHIA GREEN, DEPT SUP, 121.14; D & H ELECTRONICS INC., EQUIPMENT PARTS, 18.66; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC, 2590.92; DIAMONDBACK ENGINEERING & SURVEYING, INC, LB840 UTILITY EXTENSION PROJECT, 11421; DIGITAL HIGHWAY, INC,DATA ANTENNA FOR COMMAND UNIT, 208.5; DILLMAN NANCY, SPECIAL EVENT, 258.77; DUANE E. WOHLERS, DISPOSAL FEES, 1600; ECOVERSE INDUSTRIES, LTD, DEPT SUP,7900; ELECTRONIC RECYCLERS, INC, DEPT SUPPLIES, 80; ELLIOTT EQUIPMENT COMPANY INC., DEPT SUPPLIES, 3921.38; ELXSI, EQUIP MAINT, 22.72; FASTENAL COMPANY, EQUIP MAINT, 1.04; FLOYD'S TRUCK CENTER, INC, EQUIPMENT, 162890.42; FYR-TEK INC, TWO SETS OF BUNKER GEAR, 3594.5; GENE STEFFY CHRYSLER CENTER INC, 2015 DODGE CHARGER, 29213; GENERAL ELECTRIC CAPITAL CORPORATION, DEPT SUPP, 94.07; GREENKEEPER COMPANY, INC, DEPT SUPP, 907.5; H D SUPPLY WATERWORKS LTD, METERS, 14513.64; HAWKINS, INC., CHEMICALS, 3188.4; HEILBRUN'S INC., PALLET OF OIL DRY, 1659.82; HONEY WAGON EXPRESS, CONTRACTUAL, 150; HULLINGER GLASS & LOCKS INC., LOCKS - 15 & 23 E 18TH ST., 193.5; HYDRONIC WATER MANAGEMENT, EQUIP. MAIN., 425; ICMA RETIREMENT TRUST- 457,DEF COMP, 1325.14; IDEAL LAUNDRY AND CLEANERS, INC., DEPT SUPP, 748.88; INDEPENDENT PLUMBING AND HEATING, INC, CONTRACUTAL, 415.97; INGRAM LIBRARY SERVICES INC, BKS, 1329.64; INTERNAL REVENUE SERVICE, WITHHOLDINGS 9-2,72887.81; INTRALINKS, INC, COMPUTER, 3114.86; INVENTIVE WIRELESS OF NE, LLC, DEPT SUPP, 54.95; JOHN DEERE FINANCIAL, DEPT SUPP, 29.98; JOHN DEERE FINANCIAL, EQUIP MAINT, 161.46; JOHN E. REID & ASSOCIATES, INC., CONFERENCE, 1650; JONES & BARTLETT LEARNING LLC, FIREFIGHTER 1 & 2 TRAINING BOOK SETS, 2208; KEEP SCOTTSBLUFF-GERING BEAUTIFUL, CONTRACTUAL SVC, 5847.37; KOIS BROTHERS EQUIPMENT CO INC, DEPT SUPPLIES, 2695; KRIZ-DAVIS COMPANY, EQUIPMENT MAINTENANCE, 119.1; LANDMARK CREATIONS INT'L INC, SPECIAL EVENT, 2735; M.C. SCHAFF & ASSOCIATES, INC, DEPT CNTRCL SRVCS, 1300; MAILFINANCE INC, POSTAGE MACHINE, 297.52; MATHESON TRI-GAS INC, DEPT SUPP, 156.42; MENARDS, INC, DEPT SUP, 929.78; MIDLANDS CONTRACTING, INC, FACILITY REPAIRS, 16726; MIDLANDS NEWSPAPERS, INC, LEGAL PUBLICATIONS, 35.49; MIDWEST CONNECT, LLC, DEPT SUPP, 386; MIDWEST MOTOR SUPPLY CO INC, SUPP, 371.07; MONUMENT PREVENTION COALITION, FUNDING, 939.94; NATHAN JOHNSON, ICMA ANNUAL CONF. EXPENSES, 911.26; NAT'L LEAGUE OF CITIES, MEMBERSHIP RENEWAL/DUES, 1489; NE CHILD SUPPORT PAYMENT CENTER, NE CHILD SUPPORT PYBLE, 1863.43; NE COLORADO CELLULAR, INC, CONTRACTUAL SVC,32.37; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 29364.74; NEBRASKA SAFETY COUNCIL, INC, SCHOOLS & CONF, 140; NELSON TRENT, TOOLS FOR CENT. GAR. ADJ. FILTER PLIERS, SLACK ADJ., 215.32; NEOPOST, POSTAGE, 300; ONE CALL CONCEPTS, INC, CONTRACTUAL SERV, 138.85; PANHANDLE CONCRETE PRODUCTS, INC, DEPT SUP, 74; PANHANDLE COOPERATIVE ASSOCIATION, GAS, 4019.11; PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES, 72; PANHANDLE HUMANE SOCIETY, CONTRACTUAL, 5023.88; PAUL D LEE, UNIFORMS & CLOTHING, 125; PAUL REED CONSTRUCTION & SUPPLY, INC, DEPT

SUP, 316.12; PERALES JR CHRISTOPHER, TRAVEL ADVANCE FOR TRAINING, 63; PLATTE VALLEY BANK, HSA, 13659.66; POSTMASTER, POSTAGE, 682.96; QUILL CORPORATION, DEPT SUPPLIES, 1388.52; REGANIS AUTO CENTER, INC, VEH MAINT, 168.62; REGIONAL CARE INC, HEALTH CLAIMS, 79495.77; REGIONAL WEST PHYSICIANS CLINIC, IMMUNIZATIONS-BASIC TRAINING, 129; RICHARD JOHNSON, CAMPGROUND, 850; RICK KUCKKAHN, LNM ANNUAL CONF. EXPENSES, 57; RIVERSIDE ZOOLOGICAL FOUNDATION, CONTRACTURAL, 87500; ROOSEVELT PUBLIC POWER DISTRICT, ELECTRIC POWER, 2046.08; RUSCH'S GENERAL CONTRACTING, LLC, CONTRACTUAL, 803.06; SMEC, 252; SANDBERG IMPLEMENT, INC, PARTS FOR HIGH WEED MOWER - BLADES, 70.6; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES, 195; SCOTTSBLUFF BODY & PAINT, TOWING, 430; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES, 600; SCOTTSBLUFF PUBLIC SCHOOLS, BLDG MAINT, 3916.59; SCOTTSBLUFF SENIOR CENTER, CONTRACT, 5750; SHERWIN WILLIAMS, YELLOW LATEX PAINT, 3021.5; SIMON CONTRACTORS, CONCRETE, 6334.65; SIRSI CORPORATION, DEP SUP, 854.5; SNELL SERVICES INC., ELECTRICAL MAINT, 3669.48; SOURCE GAS, MONTHLY ENERGY FUEL, 700.27; STATE HEALTH LAB, SAMPLES, 2138; STATE OF NEBR, MONTHLY LONG DISTANCE, 147.08; STEVE LOPEZ, TRAINING, 120; SUHOR INDUSTRIES, INC., DEPT SUPP, 110; SWANK MOTION PICTURES INC, SPECIAL EVENT, 201; THE PEAVEY CORP, TEST KITS, 198; TOTAL LANDSCAPE CONCEPTS, DEPT SUP, 361.1; UNDERWRITERS LABORATORIES INC, LADDER TRUCK AND GROUND LADDER TESTING, 2168; UPSTART ENTERPRISES, LLC, SUPPLIES, 55.49; US BANK, DEPT SUPPLIES AND FUEL, 1785.65; VAN DIEST SUPPLY COMPANY, GROUNDS MAINT, 1363.2; WELLS FARGO BANK, N.A., RETIREMENT, 33588.27; WESTERN COOPERATIVE COMPANY, GROUNDS MAINT, 31.72; WESTERN TRAVEL TERMINAL, LLC, VEH MAINT, 57; WILSON T RONALD, NLETC, 580; WINGET L MICHAEL, NLETC - MICHAEL WINGET, 580; YELLMAN, ABBIGAIL, REIM, 272.92; ZM LUMBER INC, GROUND MAINT, 36.06; REFUNDS: TONI WICKARD 15.86; STACE LEE 22.01.

Assistant City Manager Johnson presented the information regarding the playground equipment for Frank Park. The proposals were voted on by the local school children to decide which equipment was preferred. The equipment from Burke Premier Play Environment received the most votes from the children. Mr. Johnson explained that this equipment has compounded plastic which is preferred, a better warranty, more features, more climbing equipment and is equivalent in size to the previous equipment. The children based their decision on the size, color and climbing features.

Funding for the playground equipment will come from KENO funds. Moved by Council Member Hilyard, seconded by Council Member Colwell, "to approve the bid for playground equipment at Frank Park to Burke Premier Play Environments in the amount of \$29,975.00," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

City Manager Kuckkahn presented the offer to purchase property located at Lot 3a, Block 1, Immigrant Trail Subdivision. He explained that this is a small 2.54 parcel located by the City of Scottsbluff 43 acre industrial tract. The Council previously considered the sale of property in this area for \$10,000.00 per acre. That was about 10 years ago, so staff is recommending getting a current appraisal on the property to determine the value. Mr. Kuckkahn added that he would also like a summary of the intended use of the property from any prospective buyers. Moved by Council Member Shaver, seconded by Council Member Hilyard, "to direct staff to obtain an appraisal on the Lots 2A and 3A, Block 1 and Block 6 of Second Immigrant Trail Subdivision," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

Trinita Burgner, Recreation Supervisor, presented information about a new winter event "Christmas on Broadway and Jingle Jog", a special event on Broadway and a 5K Walk/Run on December 5, 2015. This event will also be sponsored by First State Bank and participants will have an opportunity to provide a toy for the bank's Christmas Truck of Love project, which will reduce their entry fee for the 5K. Ms. Burgner explained that this is a family friendly event with many activities on Broadway and at the downtown park. Area merchants have been contacted and will also participate in the many events. Moved by Council Member Shaver, seconded by Council Member Hilyard, "to approve the Community Festival Permit for Christmas on Broadway / Jingle Jog sponsored by the City on December 5, 2015, 3:30 p.m. to 9:30 p.m., including street closures, vendors and noise permit," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

Assistant City Manager Johnson presented the request to rent a snow machine from Blank Extreme Entertainment for the Jingle Jog which will be used as participants cross the finish line. The total rental amount is \$1960.00 which will come from the general fund. Mayor Meininger agreed that it is a novel idea, however, given the date of the event, it may snow anyhow. Council Member Shaver commented that it he can't see the benefit of spending almost \$2,000.00 to make snow in December, and then have to clear it away. Moved by Council Member Shaver "to deny the request to rent the snow machine for a special event," Motion died due to lack of a second.

Mr. Johnson added that staff can check with the vendor to see if there is a refund if there is snow or if it is predicted, on the day of the event. Staff can also check to see how far in advance they would need to notify the vendor. Ms. Burgner commented that there is a possibility of purchasing a smaller snow machine rather than renting. Moved by Council Member Gonzales, "to table the item regarding the rental agreement for snow machine equipment for a special event and direct staff to get additional information," "YEAS", Gonzales, Colwell, Meininger, and Hilyard. "NAYS" Shaver. Absent: None.

Mark Bohl, Public Works Director, gave the Council an update on the snow removal ordinances for streets and sidewalks. He explained that the snow removal route map is on the city's web site. The department has one truck that is dedicated to Highway 26. For a snow up to 4" they clear the driving lane. If the snow is 5" or more, a snow emergency is declared along with the Cities of Gering and Terrytown. The downtown streets are cleared early in the morning, moving the snow to the center, then clearing the row. All city facilities, schools and emergency routes are also the first areas to be cleared. Mr. Kuckkahn added that we are not equipped nor do we have the budget to go beyond the major arterial routes into the residential areas.

Mayor Meininger asked if it is easier to push the snow to the center, then remove the row. Mr. Bohl agreed that is the best method, if they have enough trucks. We have contracted with other companies to assist in clearing the snow, which has worked well. Moved by Mayor Meininger, seconded by Council Member Shaver, "to give the Public Works Director the discretion to move the snow to the center of the roads if that method is determined more effective and easier," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

Council Member Colwell asked about the time period allowed to clear sidewalks following a snow storm as determined by the City's Ordinance. Mr. Bohl explained that walks should be cleared within 5 hours of the end of the storm unless if the storm ends during the night, residents have until 8:30 a.m. to clear their walks. Mr. Kuckkahn added that this is a practical matter, and code enforcement generally works on a complaint basis as it's hard to respond to every violation. Council Member Colwell expressed his concern about having an Ordinance that we can't enforce. City Attorney Olsen explained that the Ordinance includes a definitive time, without a definitive time, there is chaos. City Manager Kuckkahn said that we can look at the Ordinance and possibly modify the time period so it's more practical and easier to comply and enforce.

Assistant City Manager Johnson presented the contract for transportation of recyclables with Gold Watch LLC. This contract adds Cheyenne, Wyoming as one of the recycling locations, which will actually save us money. Trips to Cheyenne will be \$450.00 round trip and Denver is \$800.00 round trip. We normally have two trips per week. Moved by Council Member Shaver, seconded by Council Member Gonzales, “to approve the amended contract with Gold Watch LLC for transportation of recyclables and authorize the Mayor to execute the contract,” “YEAS”, Gonzales, Colwell, Meininger, Shaver, and Hilyard. “NAYS” None. Absent: None.

Mr. Johnson presented a proposal from American Tower with four options to either purchase or lease the cell tower site located at the 23 Club. The options included purchase of the land for \$128,000.00; Purchase with 60 monthly installments for a total payout of \$154,691; 120 monthly installments for a total payout of \$185,125; and extension of the existing lease agreement to 2034 with an option to renew and a \$15,000 signing bonus upon execution of contract.

Mr. Johnson explained that there are many projects now with Verizon installing small cells with fiber to existing towers. He recommended rejecting the purchase offer and extending the lease agreement with Verizon. Council Member Shaver expressed a preference for leasing the property and keeping control, rather than selling the property. Moved by Council Member Shaver, seconded by Mayor Meininger, “to reject the purchase offer from American Tower to purchase the cell tower site at the 23 Club location and request a modified lease agreement,” “YEAS”, Gonzales, Colwell, Meininger, Shaver, and Hilyard. “NAYS” None. Absent: None.

Mr. Kuckkahn presented the support agreement with Panhandle Area Development District (PADD) with deliverables for an annual payment of \$11,657.00. He explained that they have been very helpful with support in all areas including the assistance with the Comprehensive Plan. This support payment is a good value for the City. Moved by Council Member Gonzales, seconded by Council Member Hilyard, “to approve the support agreement with Panhandle Area Development District (PADD) and authorize the Mayor to execute the agreement,” “YEAS”, Gonzales, Colwell, Meininger, Shaver, and Hilyard. “NAYS” None. Absent: None.

Under Council Reports, Captain Brian Wasson informed the Council that Chief Jim Livingston will be inducted, posthumously, in the Nebraska Police Officer Hall of Fame this week. His wife and Chief Kevin Spencer will be present to accept this honor on his behalf.

Moved by Council Member Colwell, seconded by Council Member Gonzales, “to adjourn the meeting at 6:45 p.m.,” “YEAS”, Gonzales, Colwell, Meininger, Shaver, and Hilyard. “NAYS” None. Absent: None.

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Mayor

Attest:

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City Clerk

“Seal”