

City of Scottsbluff, Nebraska

Monday, July 18, 2016

Regular Meeting

Item Consent1

Approve Minutes of the July 5, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on Tuesday, July 5, 2016 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 July 1, 2016, 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 NBC Nebraska, and the Star Herald. The notice was also available on the city's website on July 1, 2016.

Mayor Randy Meininger presided and Deputy City Clerk Burbach 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: Randy Meininger, Raymond Gonzales, Jordan Colwell, Scott Shaver and Mark McCarthy. Mayor Meininger asked if there were any changes to the agenda. There were none. Moved by Mayor Meininger, seconded by Council Member Shaver, "remove item 6a from Consent Calendar and move to Item 7b due to changes needing to be made in the June 20, 2016 Regular Meeting minutes," "YEAS", Colwell, Meininger, Shaver, McCarthy and Gonzales, "NAYS", None. Absent: None.

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 McCarthy that,

1. "A Community Festival Permit be approved for National Night Out on Broadway from 15th St. to 19th St. on August 2, 2016 from 4:00 p.m. to 9:00 p.m. including street closures, vendors and noise permit,"
2. "A public hearing be set for July 18, 2016 at 6:05 p.m. to consider the purchase of approximately 0.34 acres located in part of Block 1, Second Power Station Addition, Scottsbluff, NE for the purpose of building a solar array project," "YEAS", Colwell, Meininger, Shaver, McCarthy, and Gonzales, "NAYS", None. Absent: None.

Moved by Council Member Colwell, 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 July 5, 2016, as on file with the City Clerk and submitted to the City Council," "YEAS", Meininger, Shaver, McCarthy, Gonzales and Colwell. "NAYS", None. Absent: None.

CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,505.89; ALAMAR CORP,UNIFORMS,465.06; ALARM SECURITY TECHNICIANS,SECURITY SYSTEM FOR TRANS/CENTRAL GARAGE,8942.87; AMAZON.COM HEADQUARTERS,MISC.,1354.91; ASSOCIATED SUPPLY CO, INC,DEPT SUPP,25.14; B & H INVESTMENTS, INC,DEP SUP,172; BLUFFS SANITARY SUPPLY INC.,SUPP - LINERS, MOPS,174.49; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,334; CASH WA DISTRIBUTING, CONCESSION,2089.5; CASTILLO P RICHARD,CONTRACTUAL, 360; CELLCO PARTNERSHIP, CELL PHONES,722.46; CEMENTER'S INC,CONCRETE FOR STREET REPAIR,2982.75; CENTURION HOLDINGS LLC,EQUIP. MAIN.,211.88; CITIBANK N.A., DEPT SUPP, 8.99; CITIBANK, N.A.,DEPT SUPP,299; CITY OF SCB, POSTAGE,13.15; CITY OF TORRINGTON,DEPT MMBRSH,15; CLARK PRINTING LLC,DEPT SUPP, 460.63; COMPUTER CONNECTION INC, CONT. SRVC., 240; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,194.72; CONTRACTORS MATERIALS INC., SUPP - ADA PANELS, INSECT REPELL, SAFETY GLASSES,519.72; DALE'S TIRE & RETREADING, INC.,EQUIP MAINT,154.26; DAN LONG,CONTRACTUAL SVC,500; DANKO EMERGENCY EQUIPMENT COMPANY,36 RUBBER TOOL CLAMPS,130.65; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,164.27; DICKINSON, CINDY,CONFERENCE EXPENSE,1475; DUANE E. WOHLERS,DISPOSAL FEES,900; ELAN CITY INC,CIP-PO#1,4000; ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MTNC,351.36; ESQUIO RIOS JR,CONTRACTUAL,432; FASTENAL COMPANY,DEPT SUP,16.69; FAT BOYS TIRE AND AUTO,VEH MAINT,1290.57; FEDERAL EXPRESS CORPORATION,POSTAGE,396.87; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,1278.92; FREMONT MOTOR SCOTTSBLUFF, LLC,VEHICLE, 28000.58; GALE/CENGAGE LEARNING,BKS,249.8; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,793.41; H D SUPPLY WATERWORKS LTD,DEPT SUP,299.6; HAWKINS, INC.,CHEMICALS,4573.25; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,817.83; HEILBRUN'S INC.,TIRE MOUNT FOR CENTRAL GARAGE,1454.05; HELENA CHEMICAL COMPANY,INDUSTRIAL SUPP,1037.67; HENDERSON AARON,SPECIAL EVENT, 600; HULLINGER GLASS & LOCKS INC.,BLDG MAINT, 16.5; ICMA RETIREMENT TRUST-457, DEF COMP,945; ICMA ROTH IRA, ROTH IRA, 530; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPP,952.78; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,317.87; INGRAM LIBRARY SERVICES INC, BKS, 771.32; INTERNAL REVENUE SERVICE, WITHHOLDINGS,65622.39; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,54.95; JOHN DEERE FINANCIAL,EQUIP MAINT,80.95; JOHN DEERE FINANCIAL,GROUND MAINT, 112.53; KIRK BERNHARDT,CONTRACTUAL, 162; KUCKKAHN, RICK, CONTRACT SERVICES, 4500; LEAGUE ASSOCIATION OF RISK MANAGEMENT, PROPERTY INSURANCE,1672.38; LEAL JORGE,REIMBURSEMENT FOR CDL LICENSE,57.5; MAILFINANCE INC,MONTHLY LEASE,297.52; MAREZ FRANCISCO, CONTRACTUAL,594; MATHESON TRI-GAS INC,DEPT SUP,126.12; MENARDS, INC,DEPT SUP,345.08; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,3566.87; NATIONAL TACTICAL OFFICERS ASSOCIATION,SCHOOLS & CONF,7259; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,149.48; NE LIBRARY COMMISSION,CONT. SRVCS., 750; NEBRASKA FLOODPLAIN & STORMWATER MANAGERS ASSOC,DEPT CONFRNC,100; NEBRASKA MACHINERY CO, EQUIP MAINT, 1491.62; NEBRASKA PUBLIC POWER DISTRICT, ELECTRICITY, 24538.56; NEMNICH AUTOMOTIVE,VEH MAINT,79.13; NEOPOST,POSTAGE,300; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,113.4; OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQUIP MAINT,4518; OWEN E ELMER,QUIT CLAIM DEED,375; PANHANDLE CONCRETE PRODUCTS, INC,DEPT SUP,30;

PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES, 162; PANHANDLE HUMANE SOCIETY, CONTRACTUAL, 5023.88; PAUL REED CONSTRUCTION & SUPPLY, INC, CRUSHED CONCRETE FOR ALLEYS, 150.4; PEPSI COLA OF WESTERN NEBRASKA, LLC, CONCESSION, 1084.6; PLATTE VALLEY BANK, HSA, 12253.96; POSTMASTER, POSTAGE, 769.75; POWERPLAN, EQUIP MTNC, 503.09; QUILL CORPORATION, DEPT/JANIT SUPPL, 337.54; REAMS SPRINKLER SUPPLY CO., GROUND MAINT, 214.45; REGIONAL CARE INC, CLAIMS, 97822.64; REGISTER OF DEEDS, LEGAL, 28; RICHARD CELL, JET SKI REPAIRS, 71.22; RICHARD JOHNSON, CONTRACTUAL, 1000; RIVERSIDE ZOOLOGICAL FOUNDATION, CONTRACTUAL, 87500; ROBERT GOMEZ, CONTRACTUAL, 306; ROOSEVELT PUBLIC POWER DISTRICT, PUMPING POWER, 2554.38; S M E C, EMPLOYEE DEDUCTION, 185.5; SAFELITE FULFILLMENT, INC, VEH MAINT, 362.9; SANDBERG IMPLEMENT, INC, EQUIP MAINT, 492.89; SCOTTS BLUFF COUNTY COURT, LEGAL, 364; SCOTTSBLUFF MOTOR CO, INC, VEH MAINT, 61.52; SCOTTSBLUFF SENIOR CENTER, CONTRACT, 5750; SHERIFF'S OFFICE, LEGAL, 102.8; SIMON CONTRACTORS, CONCRETE FOR STREET REPAIR, 3648.75; SIRSI CORPORATION, CONT. SRVCS, 1043.12; SMITH DONALD, TREE REBATE, 109.97; SNELL SERVICES INC., ELECTRICAL, 4968; SOLORZANO 111 MARIO, CONTRACTUAL, 108; SOURCE GAS, MONTHLY ENERGY FUEL, 3087.52; STATE HEALTH LAB, SAMPLES, 521; STATE OF NE., CONTRACTUAL, 210; THE CHICAGO LUMBER COMPANY OF OMAHA INC, DEPT SUPP, 12.68; THE PEAVEY CORP, INVEST SUPPL, 198; TORRINGTON SOD FARMS, GROUNDS MAINT, 163; TOTAL LANDSCAPE CONCEPTS, DEPT SUP, 125.99; TRI-STATE SPRINKLER SYSTEMS, LLC, CONTRACTUAL SVC, 305.16; TYLER TECHNOLOGIES, INC, FEES - ONLINE UB, 348; UPSTART ENTERPRISES, LLC, DEPT SUPP, 29.09; US BANK, SCHOOLS & CONF, 528.65; WEATHERCRAFT COMPANY OF SCOTTSBLUFF-GERING, BLDG MTNC, 809; WELLS FARGO BANK, N.A., RETIREMENT, 29219.4; WESTERN COOPERATIVE COMPANY, VEHICLE MTNC, 1785; WESTERN COOPRTATIVE COMPANY, GROUNDS MAINT, 197.4; WYOMING FIRST AID & SAFETY SUPPLY, LLC, FIRST AID KIT SUPPLIES, 286.71; YELLMAN, ABBIGAIL, REIMB., 155.85; REFUNDS: KELLI CERAOLO, 2.91; SUSAN MCQUISTAN, 43.37; MELVIN BLACK, 4.51; SHERRI PETERSON, 8.09; MIDWESTERN GRAIN & INVESTMENT CORP., 7.29; R & K LAND CO., 95.91; JOSEPH LOVELIDGE, 50.00.

Mayor Meininger stated that a correction needed to be made on Page 6, paragraph 2 of the minutes as it states that Council Member Shaver seconded the motion, but Shaver was absent at that meeting. It should state that Council Member Colwell seconded the motion "that Ordinance No. 4190 be adopted". Moved by Mayor Meininger, seconded by Council Member McCarthy "that the minutes of the June 20, 2016 Regular Meeting be approved as corrected," "YEAS", McCarthy, Gonzales, Colwell and Meininger. "NAYS", None. Abstained: Shaver. Absent: None.

Ms. Robin Darnall, from the Elks BPO Lodge 1367, 1614 1st Ave., Scottsbluff, approached the Council regarding her appointment as Liquor License Manager for the business. Ms. Darnall stated that the liquor license is in place and that she is making application to be the manager of the Class CK liquor license at the Elks BPO Lodge 1367. Moved by Mayor Meininger, seconded by Council Member Colwell, "to make a positive recommendation to the Nebraska Liquor Control Commission regarding the appointment of Robin Darnall as the Elks BPO Lodge 1367 Liquor License Manager, 1614 1st Ave., Scottsbluff, NE," "YEAS", Gonzales, Colwell, Meininger, Shaver and McCarthy. "NAYS", None. Absent: None.

Ronetta Green and Natasha Koncaba, from the Tangled Tumbleweed LLC were present to request a positive recommendation from the Council to the Liquor Control Commission to amend their current liquor license to include an outdoor seating area that is 16' x 40' on the west side of

the business that will be fenced in. Chief Spencer stated that everything is in compliance. Moved by Council Member Shaver, seconded by Council Member McCarthy “to make a positive recommendation to the Nebraska Liquor Control Commission for the addition of the outdoor seating area to the Tangled Tumbleweed LLC Class C Liquor License,” “YEAS”, Colwell, Meininger, Shaver, McCarthy and Gonzales. “NAYS”, None. Absent: None.

Council introduced Ordinance No. 4191 creating requirements for the placement of shipping containers which was read by title on third reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 25 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH ZONING AND MISCELLANEOUS REGULATIONS BY INCLUDING REGULATIONS CONCERNING SHIPPING CONTAINERS USED FOR STORAGE, ADDING §25-3-25(16) RESTRICTING THE USE OF SHIPPING CONTAINERS AS STORAGE, REPEALING ALL PRIOR SECTIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.** Moved by Mayor Meininger, seconded by Council Member Colwell “to adopt Ordinance No. 4191 creating requirements for the placement of shipping containers,” “YEAS”, Meininger, Shaver, McCarthy, Gonzales and Colwell, “NAYS”, None. Absent: None.

Council introduced the Ordinance to consider a zoning requirement for permanent cosmetic facilities which was read by title on second reading: **AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING SECTIONS 3, 11 AND 12 IN CHAPTER 25, ARTICLE 3, AMENDING VARIOUS ZONING DISTRICTS R-1A SINGLE FAMILY, O-P OFFICE AND PROFESSIONAL AND PBC PLANNED BUSINESS CENTER AS DISTRICTS IN WHICH A PERMANENT COSMETIC FACILITY WILL BE ALLOWED AS A SPECIAL PERMITTED USE OR A PERMITTED USE, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

City Manager Johnson presented the Ordinance to allow certain sizes of kayaks, canoes and non-motorized water craft on the East Riverside pond. Mr. Johnson explained that staff has made the recommendation for this ordinance after sponsoring a class on kayaking, that was put on by the State of Nebraska Game & Parks Commission. This class was very well attended and staff felt this would be a great amenity to add for the public. Council Member Shaver stated concerns over having the class without having the ordinance in place and questioned why the ordinance was needed. Mr. Johnson stated that we need the ordinance to be in compliance and establish rules and regulations. Mr. Shaver asked what would stop people from going out in kayaks without life jackets. Mr. Johnson stated that this would need to be policed. Mr. Shaver stated that he believed policing would not happen.

Mayor Meininger asked for clarification about the east ponds where the floating docks are, if that is considered one or two ponds. Park Director Perry Mader stated that it is considered one pond.

Council Member Gonzales brought to attention some typographical errors in the ordinance as presented.

Mayor Meininger asked for council discussion. Council Member Colwell asked Chief Spencer what his thoughts were on policing of this ordinance. Chief Spencer stated that his officers are in the area quite often and would probably need to do a little bit of training, but policing could be done. Mr. Mader stated that signs would be posted stating the need to wear life jackets along with the rules and regulations. He also indicated that his Park staff is in the area quite a bit and could help monitor this. Council Member Shaver asked what hours during the day the public would be able to kayak, canoe or use a non-motorized water craft. Mr. Mader stated that it would be the regular park hours. Chief Spencer informed the council that his officers check the park and if violators are there after hours, they are removed from the park. Mayor

Meininger also stated that the Nebraska Game and Parks would also be able to police this. Mr. Mader stated that by holding the classes, they have taught people how to correctly use the recreational equipment, but they have nowhere in the City to be able to use them. Staff has done some research and spoken to other cities that have rules and regulations in place and used these as a guideline to create rules and regulations for the City of Scottsbluff. Other cities also rent out equipment for use at their facilities. Mr. Mader told the council that eventually it is the hope, that the City could do rentals for use on the ponds and felt that rentals could be handled by the Campground hosts.

Mr. Johnson stated for the record that the city had been in contact with LARM, the insurance carrier, and they did not have an issue with the implementation of this ordinance.

Council Member Gonzales asked if the YMCA had been doing classes. Mr. Mader stated that yes the YMCA has been doing supervised classes. Mr. Gonzales asked if the current ordinance stated that nothing could be done in the ponds. Deputy City Attorney, Kent Hadenfeldt stated that there were exceptions in the current ordinance that allowed for Game & Parks activities and also the City Manager could give special approval for activities. It was suggested to change the ordinance so that if one group is allowed than all should be allowed to do the activities as long as they follow the rules and guidelines. Mayor Meininger stated that requests for special approvals for classes have come before the council several times before from the Boy Scouts and the YMCA.

Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING SECTIONS 13-10-17 AND 15-1-7 OF THE MUNICIPAL CODE ALLOWING CERTAIN SIZES OF KAYAKS, CANOES AND NON MOTORIZED WATER CRAFT ON THE PONDS IN RIVERSIDE PARK, REPEALING ALL PRIOR ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

City Manager Johnson informed the council that the Monument Valley Pathway North project plans are at 90% completion and Parks Director Perry Mader will give a presentation as to where we are today with the project. Mr. Mader proceeded to inform the council that the engineer submitted the plans to the Nebraska Department of Roads and the State requires a Resolution to be submitted from the City approving the 90% plans. Mr. Mader showed council a map of the proposed pathway and stated that there are no major changes to the plans. It will be a 10ft wide path along the whole route. The environmental stage has been completed and they are working on the Right of Way stage right now, determining who owns the property involved. The path will go from the YMCA camp up to the Hospital and then over to WNCC. Mr. Mader stated that he is waiting to hear on the next phase of the pathway. Moved by Council Member Gonzales, seconded by Council Member McCarthy “to approve Resolution No. 16-07-01 approving the 90% plan completion of the Monument Valley Pathway North project,” “YEAS”, Meininger, Shaver, McCarthy, Gonzales and Colwell, “NAYS”, None. Absent: None.

RESOLUTION NO. 16-07-01

WHEREAS: City of Scottsbluff (City) and State entered into an LPA Program Agreement for State to assist City in the development and construction of an LPA Federal-aid transportation project;

WHEREAS: The State or the design consultant has developed the project plans to the “90% Plans” stage of development, dated May 3, 2016;

WHEREAS: The LPA Program Agreement requires the City to review the “90% Plans” and either request modification or approve them as acceptable at this stage;

WHEREAS: City wishes to approve the “90% Plan”;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF
THAT:**

The Mayor, Randy Meininger, is hereby authorized to sign the bottom of this resolution and submit it to the State signifying the City's approval of the "90% Plans" dated May 3, 2016.

NDOR Project Number: ENH-79(42)

NDOR Control Number: 51512

NDOR Project Description: Scottsbluff Valley Pathway North

Adopted this 5th day of July, 2016 at Scottsbluff, Nebraska.

The City Council of the City of Scottsbluff, Nebraska

Randy Meininger

Raymond Gonzales

Jordan Colwell

Scott Shaver

Mark McCarthy.

Mayor

Attest:

City Clerk

SEAL

City Manager Johnson presented a letter from Samuel Adams requesting to purchase approximately 39.22 acres of city owned property located in the Immigrant Trail Subdivision in the amount of \$215,000.00 and is willing to have the property annexed into the city limits.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to adjourn to executive session for protection of public interest in reviewing the proposal from Samuel Adams for the purchase of city owned property and to discuss strategy in responding to the offer, and to include the City Council, City Manager and Deputy City Attorney in executive session," "YEAS", Shaver, McCarthy, Gonzales, Colwell and Meininger, "NAYS", None. Absent: None.

Mayor Meininger announced that at 6:25 p.m. the City Council entered executive session to discuss the potential sale of city owned property for protection of the public interest, regarding the sale of city owned real estate; reason - discussion of strategy in responding to Samuel Adams offer.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to reconvene out of executive session at 6:46 p.m.," "YEAS", McCarthy, Gonzales, Colwell, Meininger and Shaver, "NAYS", None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member McCarthy to accept the offer from Samuel Adams to purchase approximately 39.22 acres of city owned property located in the Immigrant Trail Subdivision in the amount of \$215,000.00, contingent upon the City Attorney's office developing all of the necessary paperwork and reviewing the covenants so that everything is in compliance," "YEAS", Gonzales, Colwell, Meininger, Shaver and McCarthy, "NAYS", None. Absent: None.

Under Council Reports, Council Member Gonzales reminded everyone about the Budget workshop that is scheduled for next week, Tuesday, July 12th at 8:00 a.m. at City Hall in the Council Chambers. Mayor Meininger commented that the NITC (Nebraska Information

Technology Commission) will be having a meeting in Scottsbluff for the first time ever at Regional West Medical Center in the Education Unit next Thursday, July 14th.

Moved by Council Member McCarthy, seconded by Mayor Meininger, "to adjourn the meeting at 6:50 p.m.," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", Shaver. Absent: None.

Mayor

Attest:

Deputy City Clerk "SEAL"