

# **City of Scottsbluff, Nebraska**

**Monday, August 1, 2016**

**Regular Meeting**

## **Item Consent1**

**Approve Minutes of the July 18, 2016 Regular Meeting.**

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

Regular Meeting  
July 18, 2016

The Scottsbluff City Council met in a regular meeting on Monday, July 18, 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 15, 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 15, 2016.

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: Randy Meininger, Raymond Gonzales, Jordan Colwell, Scott Shaver and Mark McCarthy. Absent: None. Mayor Meininger asked if there were any changes to the agenda. There were 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 Mayor Meininger, seconded by Council Member Gonzales that,

1. "The Minutes of the July 5, 2016 Regular Meeting be approved,"
2. "The Minutes of the July 12, 2016 Budget Workshop Special Meeting be approved,"
3. "A claim from Steve Coulter regarding personal property damage be acknowledged and forward the claim to the city's insurance carrier," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS, Shaver. Absent: None.

City Manager Johnson presented the warrant for Paving District 313, Owen's Avenue G project. This payment is for engineering fees. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve Resolution No. 16-07-02 approving payment to Baker and Associates for fees associated with Paving District 313," "YEAS", Colwell, Meininger, McCarthy, Shaver, and Gonzales, "NAYS. Absent: None.

RESOLUTION NO. 16-07-02

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

That the claim of Baker & Associates, Inc. in the amount of \$1,150.00, being the third pay estimate for Paving District #313, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 18th day of July, 2016.

ATTEST:

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City Clerk

“seal”

Moved by Council Member Shaver, seconded by Council Member McCarthy, “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 18, 2016, as on file with the City Clerk and submitted to the City Council,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS, WAGE ATTACHMENT, 505.89; ACTION COMMUNICATIONS INC., DEPT SUPP, 725.6; AIRGAS USA, LLC, UNIFORMS & CLOTHING, 29.4; ALAMAR CORP, UNIFORMS, 30.48; ALLO COMMUNICATIONS, LLC, LOCAL TELEPHONE CHARGES, 4965.93; ALVARO SILVA, CONTRACTUAL, 150; ANITA'S GREENSCAPING INC, BID CNTRCL SRVCS, 1261.11; ASSURITY LIFE INSURANCE CO, LIFE INS, 34.36; AUTOZONE STORES, INC, EQUIP MAINT, 11.09; B & H INVESTMENTS, INC, WATER & COOLER FOR SHOP, 457.5; B&C STEEL CORPORATION, EQUIP MAINT, 7.65; BLUFFS SANITARY SUPPLY INC., JAN SUP, 183.6; BUD'S RADIATOR, REPAIR AIR COMPRESSOR RADIATOR, 128; CAPITAL BUSINESS SYSTEMS INC., QUIP MAINT, 117.11; CARR- TRUMBULL LUMBER CO, INC., DEPT SUP, 15.84; CASH WA DISTRIBUTING, CONCESSIONS, 814.05; CELLCO PARTNERSHIP, CELL PHONES, 200.04; CEMENTER'S INC, CONCRTE FOR STR. REPAIR, 2176.92; CHRIS REYES, DEPT SUPP, 431.42; CITIBANK N.A., DEPT SUPP, 81.44; CITIBANK, N.A., DEPT SUPP, 69; CITY OF GERING, DISPOSAL FEES, 45816.7; CITY OF SCB, PETTY CASH, 149; CLARK PRINTING LLC, DEPT SUPP, 418.45; COMPUTER CONNECTION INC, RENT-MACH, 45.24; CONSOLIDATED MANAGEMENT COMPANY, SCHOOLS & CONF, 164.81; CONTRACTORS MATERIALS INC., SUPP - EXP. JOINT, 711.84; CYNTHIA GREEN, DEPT SUPP, 30.65; D & H ELECTRONICS INC., ELECT. SUPP - TEST LEADS, 18.7; DALE'S TIRE & RETREADING, INC., VEHICLE MTNC, 4054.69; DAS MANUFACTURING INC, DEPT SUP, 2019.95; ELLIOTT EQUIPMENT COMPANY INC., DEPT SUPPLIES, 7577.51; ENGLELAND ROXI, PARK RESERVATION, 50; FASTENAL COMPANY, EPT SUP, 23.17; FEDERAL EXPRESS CORPORATION, POSTAGE, 82.74; FILLBRO LLC, METER, 366; FLOYD'S TRUCK CENTER, INC, VEHICLE MTNC, 1895; FREMONT MOTOR SCOTTSBLUFF, LLC, MODULE REPAIRS TO RESCUE ONE, 1813.94; GALE/CENGAGE LEARNING, BKS, 23.79; GENERAL ELECTRIC CAPITAL CORPORATION, DEPT SUPP, 74.08; GRAY TELEVISION GROUP INC, CONTRACTUAL SVC, 735; HAWKINS, INC., CHEMICALS, 1094.7; HEILBRUN'S INC., NEW SHORE AIR LINES FOR KME ENGINE, 976.66; HENKEL'S MACHINE AND WELDING, DEPT SUPPLIES, 1280; HODGES, JOSHUA H, CONTRACTUAL, 960; HONEY WAGON EXPRESS, CONTRACTUAL, 155; HOWTON TIFFANY, LEGAL FEE, 20; HYDROTEX PARTNERS, LTD, 55 GAL. 5W-40 OIL FOR CENTRAL GARAGE, 2948.68; ICMA RETIREMENT TRUST-457, DEF COMP, 945; ICMA ROTH IRA, ROTH IRA, 530; IDEAL LAUNDRY AND CLEANERS, INC., JANIT

SUPP,1184.49; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,576.64; INGRAM LIBRARY SERVICES INC,BKS,488.58; INTERNAL REVENUE SERVICE, WITHHOLDINGS, 67576.98; INTRALINKS, INC,CONTRACT SERVICES,4161.35; JEROLD E. HIGEL, TRAFFIC SIGNAL & CONTROLLER REPAIR,1710; JOHN DEERE FINANCIAL,DEPT SUPPLIES, 304.61; JOHN DEERE FINANCIAL, EQUIP MAINT, 8.43; KOIS BROTHERS EQUIPMENT CO INC, DEPT SUPPLIES, 1356.5; KRIZ-DAVIS COMPANY,ELECTRIC MAINT, 587.63; KUCKKAHN, RICK,CONTRACT SERVICES, 2400; LEXISNEXIS RISK DATA MANAGEMENT, CONSULTING, 100; M.C. SCHAFF & ASSOCIATES, INC, CONTRACTUAL SERV, 6724.75; MADISON NATIONAL LIFE,LIFE INS, 1882.61; MAIN STREET APPLIANCE, THERMAL FUSE STATION WASHING MACHINE, 64.95; MASSIE ROYCE, SCHOOLS & CONF, 580; MATHESON TRI-GAS INC,DEPT SUPP, 93.05; MENARDS, INC, DEPT SUPPLIES, 415.23; MIDLANDS NEWSPAPERS, INC, LEGAL PUBLISHING, 2663; MIDWEST FARM SERVICE - ALLIANCE, EQUIP MAINT, 274.22; MINCKS ELDON, CAMPGROUND, 25; MONUMENT PREVENTION COALITION, CONTRACTUAL, 939.94; NE AMATEUR SOFTBALL ASSOC, DEPT SUPP, 960; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE, 1448.43; NE DEPT OF REVENUE,WITHHOLDINGS, 29498.17; NE LAW ENFORCEMENT TRAINING CENTER, SCHOOLS & CONF, 95; NEBRASKA FLOODPLAIN & STORMWATER MANAGERS ASSOC,SCHOOLS & CONF, 100; NEBRASKA MACHINERY CO, FAN FOR AIR COMPRESSOR, 389.12; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 43110.65; NEBRASKA STATE HISTORICAL SOCIETY,MMBRSH, 32; NEBRASKALAND TIRE, INC, TIRE REPAIR AND ROTATION TOWER ONE, 89.2; NELSON ELECTRIC MOTOR SERVICE, INC, EQUIP MAINT, 227.5; NEMNICH AUTOMOTIVE,ALIGNMENT ON PICKUP,205.12; NEOPOST,POSTAGE,1500; NETWORKFLEET, INC,SUPP - GPS SERVICE,18.95; NOEL ANTHONY,TREE REBATE,99.98; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,57.69; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS,310.39; ONE CALL CONCEPTS, INC, CONTRACTUAL,196.83; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,18576.35; PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES, 564.5; PAUL REED CONSTRUCTION & SUPPLY, INC,STRUCTURES,110263.7; PEPSI COLA OF WESTERN NEBRASKA, LLC, CONCESSION, 164.5; PLATTE VALLEY BANK,HSA, 13541.46; POSTMASTER, POSTAGE, 871; QUILL CORPORATION, DEPT SUPPL, 674.42; REAMS SPRINKLER SUPPLY CO., GROUND MAINT, 309.85; REGANIS AUTO CENTER, INC, VEH MAINT, 310; REGIONAL CARE INC, CLAIMS, 17852.31; REGIONAL WEST MEDICAL CENTER, MEDICAL EXPENSE, 1171.85; REGIONAL WEST PHYSICIANS CLINIC, CONSULTING, 283; REGISTER OF DEEDS, LEGAL FEES, 60; REPCO MARKETING, INC, EQUIP MAINT, 43.25; RICHARD CELLI, SEA DOO REPAIRS, 373.55; S & S PLUMBING LLC, GROUND MAINT, 648.5; S M E C, EMPLOYEE DEDUCTION, 185.5; SANDBERG IMPLEMENT, INC, EQUIP MAINT, 4368.92; SARGENT IRRIGATION INC., EQUIP MAINT, 20910.98; SATO, LEANN, SCHOOLS & CONF, 89; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES,195; SCOTTS BLUFF COUNTY COURT,LEGAL,34; SCOTTSBLUFF BODY & PAINT,TOW SERVICE, 1525; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,528; SHERIFF'S OFFICE, LEGAL,212.2; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES, 11070.29; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,8158.75; SNELL SERVICES INC.,DEPT SUP,190.15; SOCIETY FOR HUMAN RESOURCE MANAGEMENT, MEMBERSHIP,190; STATE OF NE.DEPT.OF LABOR, BLDG MAINT,36; SUPERIOR SIGNALS, INC,SUPP - LIGHTS FOR EQUIPMENT,122.36; THE CHICAGO LUMBER COMPANY OF OMAHA INC,DEPT SUPPLIES,42.95; THOMAS P MILLER & ASSOCIATES, LLC, PROFESSIONAL SERVICES,9588.55; TOMMY'S JOHNNYS INC, CONTRACTUAL, 1305; TOYOTA MOTOR

CREDIT CORPORATION, HIDTA CAR LEASE, 365.69; TRANS IOWA EQUIPMENT LLC, SHOCKS FOR SWEEPERS,234.2; TWIN CITIES DEVELOPMENT ASSOC, INC, FEE FOR SERVICES,15200; TYLER TECHNOLOGIES, INC,UB TRANSACTION FEES,1271.25; UNIQUE MANAGEMENT SERVICES, INC,CONT.SRVCS, 98.45; US BANK,BOND ADMIN EXP, 1900; US BANK, DEPT SUPP, 868.99; W & R INC,EQUIPMENT,110; WALZ TRENT,CAMPGROUND REFUND, 345; WELLS FARGO BANK, N.A.,RETIREMENT,30610.97; WESTERN COOPERATIVE COMPANY,EQUIP MAINT,3.34; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM DOT SCREENING - JUNE 2016,76; WESTERN STATES BANK, REGANIS LLC - TIF PAYMENT, 7889.88; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, YMCA, 1755.5; ZM LUMBER INC, BLDG MAINT,16.99; REFUNDS: LEO SMITH 3.95; JOSEPH OSTRY 18.70; GARY HERNANDEZ 84.16; BARBARA JOLIFFE 4.86; DAVE JOHNSON 7.79.

Council reviewed the June 2016 Financial Report. Mr. Johnson noted that we are currently nine months into the 2015/2016 FY budget.

Mayor Meininger opened the public hearing at 6:05 p.m. as advertised for this date, to consider the purchase of approximately 0.34 acres located in Second Power Station Addition, Scottsbluff, NE for the purpose of building a solar array project. Mr. Johnson explained that this .34 acres is located on the southwest corner of the NPPD property and will be purchased and used for a community solar project. Mayor Meininger clarified that this land would be used for the community project and not for any one particular property or business owner. Mr. Johnson added that the City is required to hold a public hearing regarding the purchase of property. There were no comments from the public regarding the purchase of this property. Mayor Meininger closed the public hearing at 6:07 p.m.

The Council reviewed the Memorandum of Understanding (MOU) regarding the purchase of the land for the NPPD Solar Project. City Attorney Howard Olsen explained that the MOU requires a Phase I Environmental Assessment on the property, and if something is found in the Phase I Environmental, NPPD has the sole discretion regarding proceeding with the project and a Phase II Environmental Assessment. He said the City should have the same right regarding proceeding with the project and the Phase II Environmental Assessment. The contract requires us to restore the property to the original condition, following the environmental assessments, if the project does not go forth. The City may want to modify the portion of the contract regarding the requirement to return the property to the original condition.

Council Member Shaver commented that he is not in favor of NPPD having "sole discretion" proceeding with the project following the Phase I Assessment. Mr. Olsen agreed, and commented that neither the City or NPPD may want to incur the costs of a Phase II Environmental and any clean up required. Terry Rajewich, NPPD Customer Representative, commented that if a Phase II is required, all parties may want to reconsider a new contract or possibly a different location, in order to keep the costs down.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the Memorandum of Understanding with Nebraska Public Power District regarding 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, conditional upon the amendment of item #2, to provide that the city will also have the discretion to opt out of the contract after the Phase I Environmental Assessment is complete, if a Phase II Assessment is needed," "YEAS", Meininger, Colwell, Gonzales, Shaver, and McCarthy, "NAYS" None. Absent: None.

Chad Leeling with SHOTS Bar and Grill approached the Council requesting a Community Festival Permit for an annual street party on August 13, 2016. He explained that they would have DJ music on 18<sup>th</sup> Street between Broadway and Avenue A. George Bolzer and Dan Ramirez (D & G Entertainment) explained the type of entertainment they plan to offer to the public during the event. Bluffs Broadcasting is a co-sponsor of this event. Chief Spencer commented on the request and said there have not been any major issues at this bar, and the owners seem to be handling any disruptions in a professional manner. Mr. Leeling said they would only offer beer in the outside area, and would have additional security on hand. Moved by Council Member Shaver, seconded Council Member McCarthy, “to approve a Community Festival Permit for The Stomping Ground dba SHOTS on 18<sup>th</sup> Street between Broadway and Avenue A, including street closures, vendors, and noise permit for the SHOTS Annual Street Party on August 13, 2016, from 7:00 p.m. to 1:00 a.m.,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Shaver, “to make a favorable recommendation to the Nebraska Liquor Control Commission regarding a Special Designated Liquor License for The Stomping Ground dba SHOTS to serve beer at the Shots Annual Street Party on August 13, 2016, from 7:00 p.m. to 1:00 a.m.,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson presented a request from The Easting Establishment – Scottsbluff, Inc. (Runza) to use the City Right-of-Way by their business for landscaping. City code 20-6-1 provides for the private entities to use the Right of Way as long as they comply with the standards and have an executed agreement allowing this use. The plans that have been submitted present a very nice landscaping plan which fits in with the downtown master plan. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve a License Agreement with The Eating Establishment-Scottsbluff, Inc. for the use of City right-of-way for landscaping, and authorize the Mayor to execute the agreement,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson presented the Ordinance required to approve the sale of city-owned property located in the Immigrant Trail Subdivision to Samuel Adams. Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE AUTHORIZING THE SALE OF LOT 2, BLOCK 6, IMMIGRANT TRAIL SUBDIVISION, SCOTTS BLUFF COUNTY, NEBRASKA.**

City Attorney Olsen informed the Council that the Ordinance will need to be passed before the Council can take action on the purchase contract. Moved by Mayor Meininger, seconded by Council Members Shaver, “to table the item dealing with the contract selling approximately 39.22 acres of city-owned property in Immigrant Trail Subdivision to Samuel G. Adams in the amount of \$215,000.00,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

Council introduced the Ordinance dealing with zoning requirements for permanent cosmetic facilities which was read by title on third 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.**

Moved by Council Member Shaver to deny the Ordinance. The motion died due to lack of a second. Moved by Council Member Gonzales, seconded by Council Member McCarthy, “to approve

Ordinance 4192 dealing with zoning districts for Permanent Cosmetic Facilities,” “YEAS”, Meininger, Colwell, Gonzales, and McCarthy, “NAYS” Shaver. Absent: None.

Council introduced the Ordinance allowing certain sizes of kayaks, canoes and non-motorized water craft on the East Riverside pond, which was read by title on second 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 EAST POND IN RIVERSIDE PARK, REPEALING ALL PRIOR ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Mr. Johnson presented the three-year contract for the Fire Fighters Local 1454 Union. This contract provides for a 2% Cost of Living Adjustment (COLA), for this year. This provides an opener for discussion purposes and will help us get our wages and benefits closer to the standards set by the Court of Industrial Relations (CIR). The CIR has an hourly rate value which includes wages, pension, and health care. We eventually need to be within the range of 98-102% of the CIR standards, and have to be above 93% to prevent going to court with the Union. We are currently between 93% and 98%, and are working to get closer to the desired range. Mr. Johnson added that this length of contract provides the City more flexibility in their negotiations with new employees.

Council Member Colwell asked about tracking the fitness standards, which are administered by the Fire Chief. Mr. Johnson responded that this is tracked monthly. Council Member Gonzales asked about incentives to get more volunteers. Mr. Johnson explained that the staff is working on increasing the number of volunteers and will report back to Council regarding incentives. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve the contract for the Fire Fighters Local 1454 Union and authorize the Mayor to execute the contract,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson presented the three-year contract for the Police Officers Association Union contract. One of the major changes was to eliminate the first step in the pay grade, moving it to seven grades, like the general employees. A three year contract will help to increase moral and remain consistent with the department. There are also fitness standards for the Police Officers and they use the Cooper Standards Fitness testing process. Police Officers can choose which fitness facility they want to work out in. This contract will bring us to 98% of the CIR standard for Police Officers. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve the contract for the Police Officers Association Union and authorize the Mayor to execute the contract,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

Under Council Reports, Mayor Meininger reported on the Nebraska Information Technology Commission and commended Perry Mader, Park and Recreation Supervisor, on his presentation on the Pathway GIS projects. Council Member Gonzales noted that the WNED will meet this Wednesday, July 20<sup>th</sup> in Gering. Mayor Meininger informed the Council that the Scottsbluff Senior Center has begun working on their CIP for the upcoming year.

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

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Mayor

Attest:

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City Clerk  
“SEAL”