

# **City of Scottsbluff, Nebraska**

**Monday, August 15, 2016**

**Regular Meeting**

## **Item Consent1**

**Approve Minutes of the August 1, 2016 Regular Meeting**

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

Regular Meeting  
August 1, 2016

The Scottsbluff City Council met in a regular meeting on Monday, August 1, 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 29, 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 29, 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. Moved by Mayor Meininger, seconded by Council Member Shaver, "to move item 6c Authorization to bid Bulb-Out Project, from consent agenda to regular agenda item 8c," "YEAS", Colwell, Meininger, McCarthy, Shaver 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. Mr. Tom Holyoke, representing the Connie and Roger Frank family, asked to have an item included on the agenda to discuss the demolition of a building located at 15 East 18<sup>th</sup> Street. The building is being demolished to make room for a downtown plaza. The emergency is due to the fact that the building is scheduled to be demolished this week. He explained that the Frank family would like the demolition delayed to provide for more discussion and research regarding the preservation of this building. The Frank family owns the Powerhouse building and parking lot located south of this building. Mr. Holyoke added that the family is concerned about the downtown plaza plan for public restrooms and would like to see some cost comparisons of renovating this building for this use rather than building a new public restroom. He also noted that the building would be available to be on the historic register. Mr. Holyoke added that Mr. Neal Blomenkamp, Chairperson of the Business Improvement District, agreed to meet with the Frank family regarding the decision to demolish the building. Moved by Council Member Gonzales, seconded by Council Member McCarthy, "to listen to concerns regarding the demolition of the property located at 15 East 18<sup>th</sup> Street as emergency item 8d," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS: Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member McCarthy that,

1. "The Minutes of the July 18, 2016 Regular Meeting be approved,"
2. "A public Hearing be set for August 15, 2016 at 6:05 p.m. for the Board of Equalization to assess payments for Paving District 311," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS: None. Absent: None.

Moved by Council Member Shaver, seconded by Council Member Gonzales, "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 August 1, 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 ATTCHMENT,505.89: ACTION COMMUNICATIONS INC.,EQUIP MTNC,1359.45: AE SERVICES, LLC,EQUIP MAINT,123.33: ALVARO SILVA,CONTRACTUAL,1305: AMAZON.COM HEADQUARTERS,MISC.,211.88: ASSOCIATED SUPPLY CO, INC,BLDG MAINT,4660.17: B & H INVESTMENTS, INC,DEP SUP,29.5: BATT, GARY, DEPT SUP,20.19: BLUFFS SANITARY SUPPLY INC., DEPT SUPP, 248.08: BRUCE ROLLS,UNIFORM,261: BSN SPORTS, INC,GROUND MAINT,233.98: CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL,185.87: CARR- TRUMBULL LUMBER CO, INC., SUPP - PLYWOOD,45.74: CASH WA DISTRIBUTING,CONCESSIONS,419.1: CASTILLO P RICHARD,CONTRACTUAL, 234: CELLCO PARTNERSHIP, CELL PHONES, 507.32: CEMENTER'S INC, CONCRETE FOR STREET REPAIR,1419.25: CHESSMORE BRIAN, CAMPGROUND REFUND,100: CITIBANK, N.A.,DEPT SUPP,141.32: CITY OF SCB, POSTAGE, 57.85: COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,LIFE INSURANCE, 48.7: CONSOLIDATED MANAGEMENT COMPANY, SCHOOLS & CONF,92.81: CONTRACTORS MATERIALS INC., DEPT SUPPLIES,109.76: CYNTHIA GREEN,DEPT SUPP,142.93: DALE'S TIRE & RETREADING, INC.,EQUIP MAINT, 123.31: DAS STATE ACCOUNTING-CENTRAL FINANCE, MONTHLY LONG DISTANCE, 161.73: DEMCO, INC,DEP. SUP.,341.79: DUANE E. WOHLERS, DISPOSAL FEES,450: ESIQUIO RIOS JR, CONTRACTUAL,149: FASTENAL COMPANY, EQUIP MAINT,2.14: FAT BOYS TIRE AND AUTO,VEH MAINT,702: FYR-TEK INC, REGULATOR REPAIRS ON SCBA,55: GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,312.37: GI HOSPITALITY,SCHOOLS & CONF,104.95: HAWKINS, INC.,CHEMICALS,4974.9: HEILBRUN'S INC.,SOFTWARE UPDATE FOR ANALYZER FOR CENTRAL GARAGE,1825.51: HENWIL CORPORATION,CHEMICALS,5287.4: HONEY WAGON EXPRESS, CONTRACTUAL, 155: HULLINGER GLASS & LOCKS INC.,SUPP - PADLOCKS,216: ICMA RETIREMENT TRUST- 457,DEFERRED COMP, 945: ICMA ROTH IRA, ROTH IRA, 530: IDEAL LAUNDRY AND CLEANERS, INC., DEPT SUPP,885.56: INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT, 1051.28: INGRAM LIBRARY SERVICES INC,BKS,313.82: INTERNAL REVENUE SERVICE, WITHHOLDINGS, 65876.18: INVENTIVE WIRELESS OF NE, LLC, CONTRACTUAL, 109.9: JEROLD E. HIGEL,TRAFFIC SIGNAL REPAIR AT 20TH & I FROM ACCIDENT, 360: JOHN DEERE FINANCIAL,GROUND MAINT,15.98: JOHN DEERE FINANCIAL, DEPT SUPP,91.82: JOHN DEERE FINANCIAL,EQUIP MAINT,26.96: KIRK BERNHARDT, CONTRACTUAL, 144: KOVARIK, ELLISON & MATHIS PC,LEGAL FEES, 429: KRIZ-DAVIS COMPANY,BLDG MAINT,176.73: KUCKKAHN, RICK,CONTRACT, 3000: M.C. SCHAFF & ASSOCIATES, INC, CONTRACTUAL, 54: MAILFINANCE INC,POSTAGE,148.76: MAREZ FRANCISCO,CONTRACTUAL,432: MENARDS, INC,JAN SUP,700.89: MIDWEST CONNECT, LLC,DEP. SUP.,124.95: MIDWEST FARM SERVICE-ALLIANCE,EQUIP MAINT,

141.88: MIDWEST MOTOR SUPPLY CO INC,SUPP FOR CENTRAL GARAGE - WIRE HOSE, TIES, SOLVENT,2202.17: NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1448.43: NE DEPT OF ENVIRONMENTAL QUALITY,LICENSE/PERMITS,300: NE DEPT OF REVENUE,TAX,31818.05: NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,31727.79: NEMNICH AUTOMOTIVE,VEH MAINT,79.13: NEWMAN, TIMOTHY,SCHOOLS & CONF,100: NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,785.21: OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQUIP MAINT,260: PANHANDLE CONCRETE PRODUCTS, INC, DEPT SUP,653: PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES, 162: PANHANDLE HUMANE SOCIETY,CONTRACTUAL, 5023.88: PAUL REED CONSTRUCTION & SUPPLY, INC, CONTRACTUAL SVC,7433.68: PEPSI COLA OF WESTERN NEBRASKA, LLC,CONCESSIONS, 399.5: PLATTE VALLEY BANK,HEALTH SAVINGS, 13541.46: POSTMASTER,POSTAGE,284.76: POWERPLAN,VEH MAINT,741.63: PRO OVERHEAD DOOR,BUILDING MTNC,639.5: PROTEX CENTRAL, INC.,RETUN INSPECTION, 10.5: QUILL CORPORATION,DEPT SUPPL,480.05: REAMS SPRINKLER SUPPLY CO.,DEPT SUPP, 784.31: REGANIS AUTO CENTER, INC, VEH MAINT, 339.7: REGION I OFFICE OF HUMAN DEVELOPMENT, CONTRACTUAL SERVICES,825: REGIONAL CARE INC,CLAIMS,267677.19: RICHARD JOHNSON, CONTRACTUAL, 1000: RIGHT BRAIN UNLIMITED, GROUND MAINT, 208.94: ROBERT GOMEZ,CONTRACTUAL,144: ROOSEVELT PUBLIC POWER DISTRICT,PUMPING POWER,1953.17: RUSCH'S GENERAL CONTRACTING, LLC, BLDG MAIN., 137.5: RUSSELL INDUSTRIES INC,EQUIP MAINT,123.81: S M E C,EMPL DEDUCTION,185.5: SANDBERG IMPLEMENT, INC, EQUIP MAINT ,232.75: SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195: SCHMIDT JASON, CONTRACTUAL,18: SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,528: SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS,55: SHERWIN WILLIAMS, GROUND MAINT, 206.32: SIMON CONTRACTORS,CONCRTE FOR STREET REPAIR, 11178.75: SNELL SERVICES INC.,ELECTRICAL MAINT,1160: SOLORZANO 111 MARIO, CONTRACTUAL, 144: SOURCE GAS,MONTHLY ENERGY FUEL,3033.75: STATE HEALTH LAB, SAMPLES,237: STATE OF NE., CONTRACTUAL,630: THE PEAVEY CORP,INVEST SUPPL, 36.1: TORRINGTON SOD FARMS,GROUND MAINT,157: TRANS IOWA EQUIPMENT LLC, EQUIP MAINT, 255.39: TYLER TECHNOLOGIES, INC, FEES-ONLINE UB, 348: UPSTART ENTERPRISES, LLC, DEPT SUPPL, 31: US BANK,DEPT SUPP, 512.01: USGS NATIONAL CENTER MS 270, CONTRACTUAL SVC,12625: VAN DIEST SUPPLY COMPANY,MOSQUITO SPRAY, 681.5: VAN PELT FENCING CO, INC,GROUND MAINT,9: WELLS FARGO BANK, N.A., RETIREMENT, 29586.43: WESTERN COOPERATIVE COMPANY,GROUND MAINT,65.8: WESTERN COOPERATIVE COMPANY,DEPT SUPP,32.9: WESTERN PLAINS BUSINESS FORMS INC,CONTRACTUAL SVC,55.86: WRISTBANDS MEDTECH USA, INC., DEPT SUPP,1064.86: WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,101.69: REFUNDS: JUDY WOODEN 17.23; ERIC BRUNS 62.67; YESENIA LOOMIS 41.28; CLIFF HILBERT 20.64; CHRISTIAN BACH 85.94; OPEN DOOR COUNSELING LLC 10.58.

Mario Chavez with the Scottsbluff Public School District gave a presentation on the “Every Child, Every Day, Everywhere Initiative.” This is a 10 year Tacoma Whole Child Initiative to instill community wide accountability of safety, respect, and responsibility among students and all citizens. The schools are looking for 100 pledges of support from public and private entities. Moved by Council Member Gonzales, seconded by Council Member Colwell, “to support the Scottsbluff Public School District Every Child, Every Day, Everywhere Initiative,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS: Shaver. Absent: None.

Police Chief Spencer gave the Council an overview of the events planned for National Night Out which takes place Tuesday, August 2, 2016, on Broadway. There are around 90 vendors and exhibits for families, including public safety exhibits, sports, games, etc. Chief Spencer encouraged everyone to participate in this great family event.

City Manager Johnson presented information regarding the re-bidding of the downtown bulb-out project. Council Member Shaver commented that this project is a bad idea for downtown Scottsbluff and does not feel we should move forward. Moved by Council Member Colwell, seconded by Mayor Meininger, “to authorize the City Clerk to advertise for bids for the Intersection Bulb-Out Project to be received by August 30, 2016 at 2:00 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”: Shaver. Absent: None.

Council addressed the emergency item requested by Mr. Tom Holyoke, on behalf of the Jason and Connie Frank family, regarding postponing the demolition of the building located at 15 East 18<sup>th</sup> St. Council Member Shaver commented Mr. Jason Frank was aware of the demolition of the building last week, which would have given him enough time to request an item be on the agenda prior to tonight, therefore he does not feel this item should be considered as an emergency item. Mr. Kent Hadenfeldt, Deputy City Attorney commented that Mr. Holyoke presented this as an emergency because the building will be demolished this week. He explained that the City Council can make the determination if the emergency nature of this item is unforeseen or unexpected. Mr. Holyoke commented that Mr. Frank is asking that this item be postponed to allow for more discussion regarding the demolition of the building. He feels this is a reasonable request under the circumstances.

Mayor Meininger asked about the obligations of the contract with Paul Reed, Contractor. Mr. Hadenfeldt commented that if the City does not proceed with the work that has been agreed to, it would be considered a breach of contract. Council Member Gonzales commented that the Council has discussed this project numerous times at public meetings, with no negative input from the public regarding the demolition of the buildings. Council was informed that conversations with Mr. Paul Reed, contractor, and the Frank family, indicate he would be willing to stop the demolition and further discuss the project. Council Member Shaver commented that Mr. Reed was not present at tonight’s meeting to discuss the project and his contract. The Council agreed that this project has been discussed at public meetings many times over the past year during presentations of the comprehensive plan and downtown plan. The Council took no action on the emergency item to postpone the demolition of the building located at 15 East 18<sup>th</sup> St.

Council introduced an Ordinance approving the sale of approximately 39.22 acres of city-owned property in Immigrant Trail Subdivision to Samuel G. Adams, which was read by title on second reading: **AN ORDINANCE AUTHORIZING THE SALE OF LOT 2, BLOCK 6, IMMIGRANT TRAIL SUBDIVISION, SCOTTS BLUFF COUNTY, NEBRASKA.**

Council introduced Ordinance No. 4193 allowing certain sizes of kayaks, canoes and non-motorized water craft on the East Riverside pond, which was read by title on third 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.**

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to approve Ordinance No. 4193 allowing certain sizes of kayaks, canoes and non-motorized on the East Riverside Pond,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”: Shaver. Absent: None.

City Manager Johnson presented the Resolution regarding continued participation with the League Association of Risk Management (LARM) for the city’s insurance coverage. The five year commitment provides a 5% discount, making our total premium for FY 2016/2017 \$705,568.38. Moved by Mayor Meininger, seconded by Council Member Colwell, “to approve Resolution 16-08-01 extending the date for written notice of termination in participation in the League Association of Risk Management (LARM) to 180 days and consider the contribution credits for a 3 year multi-year commitment,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

**League Association of Risk Management  
2016 - 2017 Renewal Resolution**

RESOLUTION NO. 16-08-01

WHEREAS, The City of Scottsbluff is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of The City of Scottsbluff, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2019. **(180 day and 3 year commitment: 5% discount)**
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2018. **(180 day and 2 year commitment: 4% discount)**
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2017. **(180 day notice only; 2% discount)**

- O Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2019. **(90 day notice and 3 year commitment only; 2% discount)**
- O Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2018. **(2 year commitment only; 1%)**
- O Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2017. **(90 day Notice only)**

Adopted this 1<sup>st</sup> day of August, 2016.

Signature: \_\_\_\_\_  
 Title: Mayor  
 ATTEST: \_\_\_\_\_  
 Title: City Clerk

Mr. Johnson presented the contract for the petting zoo at the annual Harvest Night event. This is the same company and amount, \$1100.00, as last year's event. Harvest Night is September 30, 2016 at Riverside Park. Moved by Council Member Colwell, seconded by Council Member McCarthy, "to approve the contract with Pony Express Pony Rides for the Harvest Night petting zoo and authorize the Mayor to execute the contract," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS": Shaver. Absent: None.

Council reviewed the Department of Roads map which provides the labeling for arterials and collector streets. Public Works Director Mark Bohl reviewed and approved the map, and explained that the purpose of this approval is to make sure that the City is eligible for state funding. Moved by Council Member Shaver, seconded by Council Member Colwell, "to approve the Scottsbluff Urban Area Map and authorize the Mayor to sign the map," "YEAS", Meininger, Colwell, Gonzales, Shaver, and McCarthy, "NAYS" None. Absent: None.

Regarding clarifications of the proposed 2016/2017 FY Budget, City Manager Johnson explained that since the budget workshop, staff received an additional request for funding from the Splash Foundation. He informed the Council that the General Fund is not in the best shape for the upcoming budget year and many precautions are already in place, including no overtime except public safety and a hiring freeze. We need to take a close look at internal and external funding needs. We have many challenges as there are many organizations in the community who are very beneficial, however there may not be enough funding to help everyone.

Council Member Shaver suggested closing the Westmoor Pool, giving one-half of the funds used for Westmoor Pool to the Splash and one-half to the general fund to solve the problem. He feels that the Westmoor Pool is a drain on society, the Splash is a benefit. Mr. Johnson informed the Council that the request from the Splash Foundation is \$50,000.00; we are taking approximately \$385,000.00 from the reserves to balance the budget. If we take an additional \$50,000.00 out for this request, we will drop below the policy set by Council to have three months of reserves.

Council Member Gonzales asked about using LB840 funds for this request. Mr. Johnson explained that that our legal department has confirmed that this is not an eligible expense for LB840

funds. The request from the Splash was received after the budget workshop, so it was not an item of discussion during the meeting. Mayor Meininger asked staff to look into KENO funds and any other options to help fund the Splash. Mr. Johnson explained that we need to look at all areas of the City, as we have other positions that are currently vacant, which are essential to the City, including one currently at the Library.

Mr. Dan Smith, Splash Foundation, explained that he appreciates the Council's position, and understands why the City stepped away from the agreement with Scottsbluff School District. He explained that currently, the school is supporting the Splash pool with maintenance costs. They are paying \$50,000.00 for lifeguards only. They currently have \$26,000.00 in sales and \$70,000.00 in expenses per year, however, they expect their sales to increase. They requested \$16,000.00 from Gering, based on the percentage of use by Gering residents. Gering funded them at \$8,000, or one-half of their request. They receive no money from the Scottsbluff Schools, other than the maintenance costs.

Jennifer Galindo, Scottsbluff Splash Foundation, explained that if there is no funding from the City of Scottsbluff, the pool will go dark. They are not looking for 100% support of the pool, however, they would like to bridge the gap. Council Member Colwell asked about the funds budgeted for the locker rooms. This is an obligation, and the City needs to keep this amount budgeted. Mayor Meininger informed the Splash Foundation members that the city is in good shape, but funding for city government has to come from specific sources.

City Manager Johnson reminded the Council that our ultimate goal is not to dip into reserves. This is the reason we need to look at the occupation tax on hotels/motels and restaurants. The sales tax is up 1.36% for the month of July, 2016 as compared to the same month in FY 2015. Mayor Meininger instructed staff to come back with more information regarding KENO funds and any solutions to help fund the Splash Foundation.

Moved by Council Member McCarthy, seconded by Mayor Meininger, "to adjourn the meeting at 7:15 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"