

City of Scottsbluff, Nebraska

Monday, August 29, 2016

Regular Meeting

Item Consent1

Approve Minutes of the August 15, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on Monday, August 15, 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 August 12, 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 August 12, 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 (arrived at 6:05 p.m.) and Mark McCarthy. Absent: None. Mayor Meininger asked if there were any changes to the agenda. Moved by Mayor Meininger, seconded by Council Member McCarthy, "to make a change on item 6d, replacing "specifications" for "bids" in regards to paving district 313," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS: None. Absent: Shaver.

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. "The minutes of the August 1, 2016 Regular Meeting be approved,"
2. "A Public Hearing be set for August 29, 2016 at 6:05 p.m. as the date for a Public Hearing for the FY 2016-2017 Budget,"
3. "A Public Hearing be set for September 6, 2016 at 6:05 p.m. to consider a Community Development Block Grant application for the East Overland phase I development study,"
4. "Specifications be approved for the Avenue G Street Improvement District 313 and authorize the city clerk to advertise for bids to be received by September 8, 2016 at 2:00 p.m.,"
5. "A Community Festival Permit be approved for the Nebraska Horseshoe Pitchers Association for a horseshoe tournament at Frank Park on September 2, 2016 6:00 p.m. to 10:00 p.m.; September 3, and 4, 2016 from 6:00 a.m. to 6:00 p.m.,"
6. "A Community Festival Permit be approved for the Recreation Department on September 24, 2016, 7a.m. -10 p.m., for a Broadway Bash Monument Marathon After-Party, at the 18th Street Mini Park, including street closures," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS: None. Absent: Shaver (arrived at 6:05 p.m.).

Moved by Mayor Meininger, seconded by Council Member Colwell, "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 15, 2016, as on file with the City Clerk and submitted to the City Council," "YEAS", Meininger, Colwell, Gonzales, and McCarthy, "NAYS" None. Absent: Shaver (arrived at 6:05 p.m.).

CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,147.55; ACTION COMMUNICATIONS INC.,KMART WARNING SIREN REPAIRS,739.15; AIRLINE MEDIA

PRODUCTIONS, SPECIAL EVENTS,270; ALAMAR CORP,UNIFORMS,563.81; ALLO COMMUNICATIONS, LLC,LOCAL TELEPHONE CHARGES,4738.99; ALVARO SILVA, CONTRACTUAL SERV,1305; ARTHUR BILL, CAMPGROUND,135; ASSURITY LIFE INSURANCE CO, LIFE INS, 34.36; B & H INVESTMENTS, INC,DEPT SUPPLIES,230.71; BAKER & ASSOCIATES INC,CONTRACTUAL SVC,905.63; BATTERY ZONE,EQUIP MAINT,123.95; BLUFFS SANITARY SUPPLY INC.,DEPT SUPP,934.25; BRODART CO,DEP. SUP.,625.88; BRUCE ROLLS, UNIFORM,43.92; CAPITAL BUSINESS SYSTEMS INC.,MONTHLY MAINT, 108.02; CASH WA DISTRIBUTING, CONCESSION,882.5; CELLCO PARTNERSHIP,MONTHLY CELL PHONES - FIRE,364.72; CHRIS REYES,DEPT SUPPL,303; CITIBANK N.A.,DEPT SUP,686.9; CITY OF GERING,CONTRACTUAL SERV,19.86; CITY OF GERING,DISPOSAL FEES, 42821.34; COMPUTER CONNECTION INC,RENT-MACH,48.42; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,63.51; CONTRACTORS MATERIALS INC.,SUPP - EXP. JOINT, STAKES, TAPE,1162.12; CRESCENT ELECT. SUPPLY COMP INC,REPAIRS TO J BOX,40.93; CYNTHIA GREEN,DEPT SUP,153.08; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,1842.54; DUANE E. WOHLERS,DISPOSAL FEES,1250; ELECTRONIC RECYCLERS, INC,DISPOSAL FEES,3892; ENERGY LABORATORIES, INC, SAMPLES, 125; FASTENAL COMPANY,EQUIP MAINT,7.47; FEDERAL EXPRESS CORPORATION, POSTAGE,1631.62; FLOYD'S TRUCK CENTER, INC,EQUIP MAINT,232.12; FREMONT MOTOR SCOTTSBLUFF, LLC,REPAIRS ON RESCUE ONE,696.75; FUN EXPRESS, LLC, DEPT SUPP,148.77; GARTON, LYNN,SCHOOLS & CONF,329; GENERAL TRAFFIC CONTROLS, INC,SURGE PROTCTR - AVE. I & BELTLINE,440.32; GFOA,MEMBERSHIP - HILYARD, 190; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,695; HANNA:KEELAN ASSOC, P.C. COM PLANNING & RESEARCH,SERVICES - MULTI COUNTY REGIONAL HOUSING STUDY, 14500; HAWKINS, INC.,CHEMICALS,3810.75; HEILBRUN'S INC.,VEHICLE MTNC,826.74; HELENA CHEMICAL COMPANY,DEPT SUPP,427.68; HENKEL'S MACHINE AND WELDING,DEPT SUPPLIES,1920; HICKOX KEVIN,UNIFORMS & CLOTHING,125; HOA SOLUTIONS, INC,CONTRACTUAL SVC,2440; HODGES, JOSHUA H,CONTRACTUAL,960; HUGHEY JORDAN, LEGAL,23.24; HYDRONIC WATER MANAGEMENT,EQUIP. MAIN.,425; ICMA RETIREMENT TRUST-457,DEF COMP,945; ICMA ROTH IRA,ROTH,530; IDEAL LAUNDRY AND CLEANERS, INC.,UNIFORMS,1103.11; INGRAM LIBRARY SERVICES INC, BKS,186.19; INTERNAL REVENUE SERVICE,WITHHOLDINGS,62841.53; INTRALINKS, INC,CONTRACT SERVICES,1987.5; JEROLD E. HIGEL,TRAFFIC SIGNAL & CONTROLLER SERVICE,870; JOHN DEERE FINANCIAL,UNIFORMS,128.53; JOHN DEERE FINANCIAL,EQUIP MAINT,1 9.14; KEARNEY HOSPITALITY INC,DEPT BSNSS TRVL,329.85; KEARNEY INVESTMENT CORP,SCHOOLS & CONF,199.9; KUCKKAHN, RICK,CONTRACT,4250; LEAGUE OF NEBRASKA MUNICIPALITIES, MEMBERSHIP DUES, 32020; LINCOLN JOURNAL STAR, SBSCRPNWL - LIB.,705.11; M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTCRL SRVCS,1870.44; MADISON NATIONAL LIFE, LIFE INS,1854.43; MAILFINANCE INC, MACH. RNTL,366; MANUEL DON & ALICE, CAMPGROUND, 195; MARKETING CONSULTANTS, DEPT SUP, 85; MATHESON TRI-GAS INC, RENT-MACHINES, 43.36; MENARDS, INC, STRUCTURES, 1193.29; MID-IOWA SOLID WASTE EQUIPMENT CO, INC,VEH MAINT,3571.64; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,3915.1; MIDWEST MOTOR SUPPLY CO INC,SUPP - 1/2 2 WIRE FOR CENTRAL GARAGE,1160; MIZE, ROBERT,CONTRACTUAL SERVICES,57.5; MONUMENT CAR WASH INC, VEH MAINT,373.99; MONUMENT PREVENTION COALITION, CONTRACTUAL,939.94; MUNICIPAL PIPE TOOL CO, LLC,EQUIP MAINT,276.85; NATIONAL TELEPHONE MESSAGE CORP, DEPT SUPPL,150; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE, 1237.93; NE DEPT OF ENVIRONMENTAL QUALITY, LICENSE & PERMTS, 150; NE DEPT OF REVENUE, WITHHOLDING, 0885.19; NE DEPT OF ROADS,FINAL PAYMENT ON BDWY; 14TH - 20TH, 1733.14; NE LIBRARY COMMISSION,SBSCRPN.,1502.3; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 55798.72; NEOPOST, POSTAGE,1500; NETWORKFLEET, INC,GPS SERVICE,37.9; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,143.63; ONE CALL

CONCEPTS, INC, CONTRACTUAL, 172.02; OREGON TRAIL PLUMBING, HEATING & COOLING INC, BLDG MAINT, 328; PANHANDLE CONCRETE PRODUCTS, INC,FACILITY MAINT,1821; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,126; PANHANDLE GEOTECHNICAL & ENVIRONMENTAL INC,BID CNTRCL SRVCS,700; PATRICK & KRISTIN MAAG,SPECIAL EVENT,800; PAUL REED CONSTRUCTION & SUPPLY, INC,CRUSHED CONCRETE,184.32; PEPSI COLA OF WESTERN NEBRASKA, LLC,CONCESSION,71.1; PLATTE VALLEY BANK,HSA,13613.96; POSTMASTER,POSTAGE,625.56; PRAISE WINDOWS INC, BLDG MAIN.,645; QUILL CORPORATION,DEPT SUPPL,688.11; REGANIS AUTO CENTER, INC,VEH MAINT, 251.14; REGIONAL CARE INC,CLAIMS,33896.93; REGIONAL WEST PHYSICIANS CLINIC, CONSULTING,24; REGISTER OF DEEDS,LEGAL,20; RON'S TOWING, CONTRACTUAL, 25; RR DONNELLEY,DEPT SUPPL,200.39; RUSSELL INDUSTRIES INC, EQUIP MAINT,736.3; S M E C, MPLOYEE DEDUCTION,185.5; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES, 180; SCOTTS BLUFF COUNTY COURT, EGAL,85; SCOTTSBLUFF BODY & PAINT, TOW SERVICE,705; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES, 504; SHERWIN WILLIAMS,5 GALLON PAINT SHAKER,11818.53; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,4396.5; SIRSI CORPORATION,DEP SUP.,854.5; SNELL SERVICES INC.,ELECTRICAL,4378.88; SPENCER MCMURTRY,DEPT SUP,200; THE CHICAGO LUMBER COMPANY OF OMAHA INC,BLDG MAINT,74.99; THE PEAVEY CORP,INVEST SUPPL,322.6; THOMAS P MILLER & ASSOCIATES, LLC, PROFESSIONAL SERVICES - JULY 2016, 8333.33; THOMPSON GLASS, INC,BLDG MAIN. - LIB.,228; TRANS IOWA EQUIPMENT LLC,PARTS FOR SWEEPER - BROOM, DRAG SHOE, BUSH,6067.09; TRI-TECH FORENSICS INC.,INVEST SUPPL,43.5; TWIN CITIES DEVELOPMENT ASSOC, INC,ECENTER AGREEMENT - JULY 2016,6775; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS.,214.8; UPSTART ENTERPRISES, LLC,SUPP - CARTRIDGES,103.16; US BANK, SCHOOLS & CONF,1693.79; VAN DIEST SUPPLY COMPANY,BIOMIST - MOSQUITO SPRAY, 2726; VAN PELT FENCING CO, INC,BLDG MTNC, 1826; W & R INC, ELECTRICAL MAINT, 923.2; WELLS FARGO BANK, N.A., RETIREMENT, 30541.93; WESTERN COOPRTATIVE COMPANY, GROUND MAINT,131.6; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,306.4; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEPT SUPPLIES, 104.96; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, YMCA, 1770.75; RJ APARTMENTS 239.49; GRED PODOBENSKY 6.47; CARA McRAE 13.72; JANICE HUBBARD 8.33; SHAWN LEMMON 48.01;ADRIAN VALDEZ 44.94; RUTH BALTAZAR 42.87; CHRISTINE SERUIDO 28.10; DALE ESTERLY 87.91; SEAN MICHAEL 7.81; ERIKA MORENO 39.43; RACHEL SCHERBARTH 41.98; MARK MASTERTON 127.90.

Council reviewed the Financial Report. City Manager Johnson commented that there is nothing unusual with the financial report.

Moved by Mayor Meininger, seconded by Council Member Colwell, "to convene as the Board of Equalization," "YEAS", Meininger, Colwell, Gonzales, Shaver and McCarthy, "NAYS" None. Absent: None.

The Scottsbluff Board of Equalization met in a special meeting on Monday, August 15, 2016 at 6:05 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. Notice was given by publication in the Star Herald on August 12, 2016. 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.

Board Chairman Randy Meininger presided and City Clerk Dickinson recorded the proceedings. Board Chairman Meininger welcomed everyone in attendance and encouraged all citizens to participate in the meeting asking those wishing to speak to come to the microphone and state their name and address for the record. Board Chairman 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 Board Members were present: Raymond Gonzales, Randy Meininger, Jordan Colwell, Scott Shaver and Mark McCarthy. Absent: None.

Moved by Chairman Meininger, seconded by Board Member Gonzales, “to approve the minutes of the previous meeting of June 1, 2009,” “YEAS”, Meininger and Gonzales; Abstain: Shaver, Colwell and McCarthy. The members abstaining were not in this position when the meeting took place and did not want to vote to approve the minutes. City Attorney Olsen encouraged at least one of the members to approve the minutes. Mr. Olsen explained that the Board operates by majority vote. The law states that if there is a conflict or if members are unable to vote on some matter, it frustrates the action and the board can disregard the conflict. If there is not a majority vote, they will not ever be able to convene the meeting. Board Member McCarthy changed his vote to approve the minutes, resulting in a majority vote to approve the minutes of the June 1, 2009 meeting.

Chairman Meininger opening the Public Hearing as advertised for this date, at 6:10 p.m. to consider setting special assessments to properties benefitted by construction of Paving District No. 311, Five Oaks Subdivision. City Manager Nathan Johnson, explained that the assessment provides the lowest bank rate plus 2.5% administrative rate for a 15 year term. The interest rate would be 5.76% for the property owners benefitting from the street improvement district. Staff is recommending approval of the Ordinance supporting the Paving District No. 311 assessment. There were no comments from the public. Chairman Meininger closed the public hearing at 6:10 p.m.

Mr. Johnson also reported on the current assessments. There are some outstanding assessments, and staff is working with our legal department to provide a report back to the Council regarding a solution to collecting these assessments.

Moved by Chairman Meininger, seconded by Board Member Shaver, “to adjourn as the Board of Equalization and reconvene as the City Council,” “YEAS”, Meininger, Colwell, Gonzales, Shaver and McCarthy, “NAYS” None. Absent: None.

Board Chairman

Attest: _____
City Clerk

Mayor Meininger introduced the Ordinance setting special assessments for Paving District 311 which was read by title on first reading: **AN ORDINANCE FINDING, ASCERTAINING, DETERMINING, EQUALIZING AND FIXING THE BENEFITS TO AND LEVYING SPECIAL ASSESSMENTS UPON THE LOTS, LAND AND REAL ESTATE ABUTTING UPON AND ADJACENT TO AND ESPECIALLY BENEFITTED BY THE IMPROVEMENTS IN PAVING DISTRICT NO. 311 OF THE CITY OF SCOTTSBLUFF, NEBRASKA, FOR THE PURPOSE OF PAYING THE COSTS OF SUCH IMPROVEMENTS TO THE EXTENT OF SPECIAL BENEFIT TO SUCH LOTS, LANDS, AND REAL ESTATE BY REASON OF SUCH IMPROVEMENTS.**

City Manager Johnson presented the amendment to the agreement with James Becker, to extend the closing date for him to purchase city-owned property. The land Mr. Becker is purchasing is under a farm lease. The closing has been extended to occur on or before December 30, 2016 to allow time for the crops to be harvested and the lease ended. Moved by Council Member Gonzales, seconded by Mayor Meininger, “to approve the amendment to the agreement with James Becker to sell city-owned property located at Immigrant Trail Subdivision and authorize the Mayor to execute the contract,” “YEAS”, Meininger, Colwell, Gonzales, Shaver and McCarthy, “NAYS” None. Absent: None.

City Attorney Howard Olsen presented information regarding the personal property claims submitted by property owners on West 42nd Street. He explained that on June 12, 2016, the day of the incident, we experienced a significant rain storm in a short amount of time, which could be considered an “act of God”. However, the question remains of how the rain water got into the sanitary sewer system of the properties affected. In the past there was a theory called “inverse condemnation”, which held the city

responsible for sewer back-ups. It is a confined pipe under the city's control, causing the city to take property of a private individual without paying for it. There is a recent case from Columbus, NE that watered down that theory. Now the only time that "inverse condemnation" can hold the city responsible is if there is a continuous issue on behalf of the city. Mr. Olsen and City Engineer Dave Schaff inspected the property and the reports from the Wastewater Department staff. The City has invested a lot of money in specialized cameras and began a five-seven year rotation program to camera all lines and locate any trouble spots throughout the entire city. The trouble spots that are identified are visited on a more frequent schedule. The area on 42nd Street was not one of the trouble spots. The sewer inspection was conducted right after the incident happened on June 12, 2016 and there were no issues with the sanitary sewer system. During the inspection, they noticed a number of clean out caps were missing in the barrow pit by the Northside Mobile Home Ranch, located on 42nd street. Staff also noted that the lid of the man hole behind Morton Building was also off by a little bit. Dave Schaff, City Engineer, believes the clean outs and manhole could have let enough water into sanitary sewer system to take it to capacity. The Mobile Home Park has been advised of these missing caps, and they have now been replaced. The rain brought the system up to capacity to where it hooks into our main. The City has no responsibility for the lines that hook to our main.

We need to determine whether our employees were negligent, and the investigation shows that they were not. In order to avoid a claim of negligence, the city needs to develop a process of inspecting these lines, which they have done, including purchasing the equipment to conduct regular camera inspections. Staff developed an inspection rotation schedule, which is approximately every 5 years. Mr. Johnson explained that when we have issues, the staff inspects the area immediately.

Mayor Meininger commented that four to five years ago city sent out letters informing property owners to install back flow devices. Some homeowners installed them and some did not. The City did hire an adjustor to inspect the properties to evaluate the amount of damage at each property. Council Member Shaver commented that he's not sure how we can claim responsibility for something we didn't do. He stated that he would like to know how the water got into the main sewer line.

Mr. Gary Hutzel, owner of the property located at 2709 West 42nd St., approached the Council and said that he received a call from his tenant on June 12, 2016 explaining that sewer water was flooding his basement. Mr. Hutzel and his wife helped remove the water until 1:30 a.m., and then called Fisher Restoration to clean the property, as they could not keep up. Their expenses so far are approximately \$10,000.00 to repair the damage. He would like to have assurance that this problem won't happen again; the City should provide a system that doesn't back up into the sewer system. Having a system in place should not be the reason to not be responsible for the sanitary sewer system damaging his property.

Melissa Price, 2717 West 42nd St. also sustained approximately \$20,000.00 of damage to her house. She explained that they just moved to their house in November of 2015, so they would not have received the letter regarding back flow devices. She is also concerned and worried about this happening again in the future. She is hopeful that the City will work with her to resolve this issue.

Nathan Green, citizen, commented that he used to live in the Cornette Heights area and noted that since the canal has been covered, there always seems to be a lot of water running through the streets and storm drains in that area. Mr. Shaver added that some large trees have also been removed, which may have had an impact also.

Mayor Meininger commented that the main was open and clear and he does not see where the City was liable for this damage. It is an unfortunate circumstance; however, we can't control the amount of rain that got into the system. Moved by Mayor Meininger, seconded by Council Member Colwell, to deny the claims submitted by residents on West 42nd Street as a result of sewer back up from the June 12, 2016 storm," "YEAS", Meininger, Colwell, Gonzales, and McCarthy, "NAYS" Shaver. Absent: None.

Mr. Johnson presented a contract for campground hosts to complete the remainder of the contract, as the present hosts are unable to complete their contract. The prorated amount for the remainder of the contract is \$1238.00. Moved by Council Member Shaver, seconded by Council Member McCarthy, "to approve the contract with Roy and Andrea Jones, Riverside Park campground hosts, and authorize the Mayor to execute the contract," "YEAS", Meininger, Colwell, Gonzales, Shaver and McCarthy, "NAYS" None. Absent: None.

City Manager Johnson provided the Council with a recommendation regarding the request for an additional \$50,000.00 of funding from the Splash Foundation. He explained that the current fiscal year KENO budget is over spent by \$40,000.00 from what was budgeted. Some of the projects that were funded include upgrades to Cleveland field, grant match, the Balloon Festival, and other projects. The direction from the Council during the Budget Workshop was that we need to pay cash for expenditures and projects. In order to replenish the KENO funds and keep with Council's direction, we do not have additional funds for the Splash. Council also denied all additional outside agency requests. In order to fulfill this request, we would need to take additional funds from the reserve, which would take the balance below the amount set by Council. Therefore, City Manager Johnson stated his recommendation is to not fund the Splash Foundation at this time. There is no action to be taken on this item. Council Member Shaver commented that he disagrees with his recommendation, and he knows that the Splash Foundation can't make it without the additional funding from the City of Scottsbluff. He added that the City spends too much money on the Westmoor Pool, which should be spent on the Splash. This request is very inexpensive to keep the pool going. Council Member Colwell stated that he agrees, and encouraged a meeting with the City of Gering, the YMCA, and the Webb's to discuss a Recreation Center. We need a program for the Torpedoes and a year-round program and regional recreation center for the future.

Mr. Johnson presented the Ordinance amending the code regarding utility user fees, effective October 1, 2016. As directed at the budget workshop, this Ordinance provides for the following monthly increases: \$.25 increase for Stormwater; \$.61 increase to Wastewater; \$.33 to Water, for a total monthly increase of \$1.19. This Ordinance also includes a delinquent charge for sanitation. If passed, this Ordinance would take affect October 1, 2016 to align with the City's fiscal year.

Mayor Meininger introduced the Ordinance which was read by title on first reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE IN REGARD TO SEWER USER FEES AT CHAPTER 6 ARTICLE 6, AMENDING WATER SERVICE FEES AT CHAPTER 6 ARTICLE 6, AMENDING THE SURCHARGE FOR STORMWATER AT CHAPTER 6 ARTICLE 6, AND AMENDING ARTICLE 19, CHAPTER 3, BY INSTITUTING A DELINQUENT CHARGE FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PUBLICATION BY PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Johnson presented the Ordinance, as directed by the City Council, to provide an Occupation Tax for restaurants. Council directed staff to provide the Ordinance with a 2% tax, however, revenue projections would be close to \$700,000.00. If revenues exceed this amount, a vote of the people would be required. The Ordinance reflects a 1 ½% restaurant occupation tax. Mayor Meininger commented that he has heard from the restaurant owners who asked, if the ordinance is passed, if a portion of the collected tax could be used for revitalization of businesses. He thought this may be a good combination with the Community Revitalization Authority. So far, staff has not received any comments from the public or restaurant owners.

Council Member Shaver asked where the additional funds will go. He would like to see it go strictly to infrastructure. City Manager Johnson's recommendation is that it go back to the General Fund to make sure it's strong to fund projects, and the general fund budgets such as public safety, library and parks. Council Member Shaver thinks we need to cut spending to save money. Mr. Johnson informed the Council that we are already making changes with overtime and a hiring freeze. Council Member McCarthy added that the lodging tax is less burdensome on the residents than the restaurant tax. Council Member Colwell commented that he does not feel we should tax food to fund the general budget. This would also be applied to catering and cafeteria operations. Council Member Gonzales noted that we will need additional revenue from an occupation tax to help with economic development efforts.

There was no introduction of the Ordinance providing for a new 1 ½% restaurant occupation tax, effective October 1, 2016.

Mr. Johnson presented the Hotel Occupation tax, as directed at the budget workshop. The projection with a 2% occupation tax is \$175,000.00 per year, which does not include the Fairfield Inn. The projected 2% occupation tax is currently lower than many communities in Nebraska. This revenue

still does not balance our budget. Council Member Gonzales suggested that 4% would provide the revenue we need.

Moved by Council Member Shaver, seconded by Council Member Gonzales, “to direct staff to bring back an Ordinance for Council’s consideration with a new 4% occupation tax on hotel accommodations,” “YEAS”, Colwell, Gonzales, Shaver and McCarthy, “NAYS” Meininger. Absent: None.

Council introduced Ordinance No. 4194 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 third reading: **AN ORDINANCE AUTHORIZING THE SALE OF LOT 2, BLOCK 6, IMMIGRANT TRAIL SUBDIVISION, SCOTTS BLUFF COUNTY, NEBRASKA.** Moved by Mayor Meininger, seconded by Council Member Gonzales, “to approve Ordinance No. 4194 approving the sale of 39.22 acres of city-owned property located at Lot 2, Block 6, Immigrant Train Subdivision, to Samuel G. Adams,” “YEAS”, Meininger, Colwell, Gonzales, Shaver and McCarthy, “NAYS” None. Absent: None.

Under Council Reports, Chief Spencer commented that eight Requests for Proposals were received by Scotts Bluff County for the CAD system.

Moved by Council Member Shaver, seconded by Council Member McCarthy, “to adjourn the meeting at 7:10 p.m.,” “YEAS”, Meininger, Colwell, Gonzales, Shaver and McCarthy, “NAYS” None. Absent: None.

Mayor

Attest:

City Clerk

“SEAL”