

City of Scottsbluff, Nebraska
Monday, September 19, 2016
Regular Meeting

Item Consent1

Approve the minutes from the September 6, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
September 6, 2016

The Scottsbluff City Council met in a regular meeting on Tuesday, September 6, 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 September 2, 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 September 2, 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.

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. Also present was Deputy City Attorney Kent Hadenfeldt. 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 Council Member Gonzales, seconded by Mayor Meininger that,

1. "The minutes of the August 29, 2016 Regular Meeting be approved,"
2. "The Blight and Substandard Study for the East Overland Corridor be referred to the Planning Commission for Review and Recommendation,"
3. "A public hearing be set for September 19, 2016 at 6:05 p.m. to determine if the East Overland Corridor should be declared substandard and blighted," "YEAS", Colwell, Meininger, , Shaver and Gonzales, "NAYS", None. Abstain, McCarthy. 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 September 6, 2016, as on file with the City Clerk and submitted to the City Council," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

CLAIMS

21ST CENTURY WATER TECHNOLOGIES, LLC,GROUND MAINT, 1015.7; ACCELERATED RECEIVABLES SOLUTIONS, WAGE ATTACHMENT, 149.12; AIR EVAC EMS, INC, MEMBERSHIP, 6705; AIRGAS USA, LLC,DEPT SUPPLIES,75.2; AIRLINE MEDIA PRODUCTIONS ,DEPT SUPP,270; AMAZON.COM HEADQUARTERS,AV & DEP. SUP.,1063.19; ANITA'S GREENSCAPING INC,BID PRKNG LOTS,1261.11; AUTOZONE STORES, INC,VEH MAINT,20.66; B & H INVESTMENTS, INC,WATER FOR CREW,300.5; BALGER TAYLOR, CAMPGROUND,120; BLUFFS SANITARY SUPPLY INC.,DEPT SUP,526.83; CALM NIGHTS, LLC,SCHOOLS & CONF,179.9; CARR- TRUMBULL LUMBER CO, INC.,SUPP - HEM FIR,111.48; CASTILLO P RICHARD,CONTRACTUAL,228; CELLCO PARTNERSHIP,CELL PHONES,774.12; CEMENTER'S INC,DEPT SUP,508.26; CHELSI GRAHAM,CAMPGROUND,225; CITIBANK N.A., DEPT SUP,713.57; CITIBANK, N.A.,SUPP - BATTERY FOR DRILL,153.63; CITY OF SCB,PETTY CASH,123.42; CLARK PRINTING LLC, DEPT SUPPL, 247.1; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, INSURANCE, 48.7; CONSOLIDATED MANAGEMENT COMPANY,

SCHOOLS & CONF,263.03; CONTRACTORS MATERIALS INC.,EQUIP MAINT,1267.55; CRESCENT ELECT. SUPPLY COMP INC,ELECT. SUPP - RELAY,60.87; CYNTHIA GREEN,DEPT SUPP,196.13; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC, 2901.89; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,138.32; DILLMAN NANCY,DEPT SUPP, 518.49; DUANE E. WOHLERS,DISPOSAL FEES,1350; ELLIOTT EQUIPMENT COMPANY INC., VEHICLE MTNC, 53.39; ENERGY LABORATORIES, INC,SAMPLES, 87; ENFORCEMENT VIDEO, LLC,EQUIP MAINT,199; ENVIRONMENTAL SERVICES INC, CONTRACTUAL SVC, 7951.2; ESIQUIO RIOS JR, CONTRACTUAL, 186; FASTENAL COMPANY,SUPP - SCREWS,55.77; FAT BOYS TIRE AND AUTO,VEHICLE MTNC, 6799.88; FEDERAL EXPRESS CORPORATION,POSTAGE,659.97; FLIAM, TYLER, SCHOOLS & CONF, 15; FLOYD'S TRUCK CENTER, INC,EQUIPMENT,185291.97; FUN EXPRESS, LLC,DEPT SUPP,718; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUPP,438.8; HAWKINS, INC.,CHEMICALS,5454; HEILBRUN'S INC.,VEH MAINT,3257.44; HENKEL'S MACHINE AND WELDING,DEPT SUPPLIES,733; HOLIDAY INN EXPRESS LINCOLN AIRPORT,SCHOOLS & CONF,89; HONEY WAGON EXPRESS,CONTRACTUAL,155; HYDRONIC WATER MANAGEMENT, EQUIP. MAIN.,550; HYDROTEX PARTNERS, LTD,POWER KLEEN, PIN TAC FOR CENTRAL GARAGE,2733.52; ICMA RETIREMENT TRUST-457,DEF COMP,945; ICMA ROTH IRA,ROTH IRA,530; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPP,1079.67; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,2281.47; INGRAM LIBRARY SERVICES INC,BKS,5711.83; INTERNAL REVENUE SERVICE,WITHHOLDINGS,62690.06; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,104.95; J G ELLIOTT CO.INC.,BOND RENEWALS,2352; JACOBS AUTO GLASS,VEH MAINT,180; JOHN DEERE FINANCIAL,DEPT SUPP,217.98; JOHN DEERE FINANCIAL,EQUIP MAINT,90.34; JOHN DEERE FINANCIAL, EQUIP MAINT, 350.47; JONES K ALEXANDRIA,CONTRACTUAL,400; KIRK BERNHARDT,CONTRACTUAL,369; KUCKKAHN, RICK,CONTRACT, 8000; LEAGUE ASSOCIATION OF RISK MANAGEMENT, INSURANCE, 578.08; LEXISNEXIS RISK DATA MANAGEMENT, CONSULTING, 100; LINCOLN WINWATER WORKS COMPANY,FACILITY REPAIR 3118; M.C. SCHAFF & ASSOCIATES, INC, PROFESSIONAL SERVICES, 5893.25; MADER, PERRY,SCHOOL & CONF,131.4; MAILFINANCE INC,MONTHLY LEASE,148.76; MAREZ FRANCISCO, CONTRACTUAL, 342; MARKETING CONSULTANTS, DEPT SUPPLIES,315; MATHESON TRI-GAS INC,WELDING SUPP FOR CENTRAL GARAGE,133.64; MENARDS, INC,DEPT SUPP,814.06; METECH RECYCLING, INC,DISPOSAL FEES,10544.8; MICHAEL B KEMBEL,OVERHEAD DOOR REPAIRS,368; MIDLANDS NEWSPAPERS, INC, LEGAL PUBLISHING,1164.76; MIDWEST MOTOR SUPPLY CO INC,SUPP - RETAINERS, DRILL BITS, SOLV. FOR C. GARAGE,369.76; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1237.93; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,74.74; NE DEPT OF REVENUE,TAX,22501.2; NE REC & PARKS ASSOC,SCHOOL & CONF,150; NEBRASKA RURAL WATER ASSOCIATION,SCHOOLS & CONF,1120; NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,CONTRACTUAL, 57.2; NEBRASKA MACHINERY CO,EQUIP MAINT,416.88; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,29231.58; NEMNICH AUTOMOTIVE, VEH MAINT, 79.13; NEW YORK TIMES,SUBSCRIP. RNWL - LIBRARY,447.2; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,140.59; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,961.91; ONE CALL CONCEPTS, INC,CONTRACTUAL,132.84; OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQUIP MAINT,829; PANHANDLE CONCRETE PRODUCTS, INC,DEPT SUP,400; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,18419.51; PANHANDLE ENVIRONMENTAL SERVICES INC, CONTRACTUAL SVC, 430.5; PANHANDLE HUMANE SOCIETY, CONTRACTUAL, 5023.88; PAUL REED CONSTRUCTION & SUPPLY, INC, STRUCTURES, 44833.44; PELCO CORP,DEPT SUPP,450; PLATTE VALLEY BANK,HEALTH SAVINGS, 13613.96; PONY EXPRESS PONY RIDES AND PETTING ZOO, LLC,SPECIAL EVENT,1100; POSTMASTER, POSTAGE,1158.48; QUILL CORPORATION,EQUIP MAINT,297.55; REAMS SPRINKLER SUPPLY CO.,GROUNDS MAINT,709.56; REGANIS AUTO CENTER, INC,VEH

MAINT,200.3; REGION I OFFICE OF HUMAN DEVELOPMENT,CONTRACTUAL SERVICES,825; REGIONAL CARE INC,CLAIMS,160750.42; REGIONAL WEST MEDICAL CENTER, CAMPGROUND, 134.29; RELIABLE REFRIGERATION & APPLIANCE REPAIR,EQUIP MAINT,200; RICHARD JOHNSON,CONTRACTUAL,500; ROBERT GOMEZ, CONTRACTUAL, 210; ROCKSTEP SCOTTSBLUFF LLC,OCCUPATION TAX,30374.32; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,2988.71; S M E C,EMPLOYEE DEDUCTION,185.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT,375.89; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,180; SCB TENT & AWNING,EQUIPMENT BAG REPAIR,9.5; SCHOOL-TECH, INC,DEPT SUPPL,145.96; SCOTTSBLUFF MOTOR CO, INC,VEH MAINT,299.88; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,504; SCOTTSBLUFF PUBLIC SCHOOLS,PERMIT,450; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC, UNIFORMS, 203.4; SEIFERT LANE,BLDG MAIN. - LIBRARY,220; SHERIFF'S OFFICE,LEGAL, 60.32; SHERWIN WILLIAMS,BRUSH KIT SCARIFIER FOR GRIND/LAZR,242.83; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,14994.79; SIMON CONTRACTORS, CONCRETE FOR STREET REPAIR,11107.35; SNELL SERVICES INC.,EQUIP. MAIN. - LIBRARY,3365; SOLORZANO 111 MARIO,CONTRACTUAL,141; SOURCE GAS,MONTHLY ENERGY FUEL,1810.86; STATE HEALTH LAB,SAMPLES,251.25; STATE OF NE., CONTRACTUAL, 210; SWBC,ED INCENTIVE PAYMENT,50000; TAMARA REICHERT,DEPT SUPL,87; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,365.69; TRAFFIC PARTS, INC,SUPP - BRASS TERMINAL BLOCKS,90; TRANS IOWA EQUIPMENT LLC,PARTS FOR SWEEPERS - SHAFT ASSY, BRGS, SHOE RUNNER,4301.55; TYLER TECHNOLOGIES, INC,FEES,348; UNITED STATES WELDING, INC,WELDING SUPP - CUTTING TIPS FOR CENTRAL GARAGE,134.84; UPSTART ENTERPRISES, LLC,SUPP - YELLOW INK CARTRIDGES, 20.88; US BANK,GIS CLASSES, 9195.85; US COMPOSTING COUNCIL MEMBERSHIPS, 295; WELLS FARGO BANK, N.A.,RETIREMENT,29389.34; WEST NEBRASKA CLAIMS SERVICE, INC,CONTRACTUAL SVC,859.25; WESTERN COOPERATIVE COMPANY,EQUIP MAINT,3.8; WESTERN COOPERATIVE COMPANY,GROUND MAINT,22.38; WESTERN COOPERTATIVE COMPANY,GROUND MAINT,216.12; WESTERN LIBRARY SYSTEM, EQUIP. MAIN.,21.25; WESTERN PLAINS BUSINESS FORMS INC,DEPT SUPPLIES,124; WILSON T RONALD,SCHOOLS & CONF,15; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,270.57; UTILITY REFUNDS: PAT OBUCHOWSKI 77.35; ASCENCION OLIVARES 2.4; JESIKA GILLETT 33.72; CROWN WEST 3; JANICE OLSEN 8.33; TAMARA OLSEN 14.38; FED EX GROUND 50.72.

City Manager Johnson presented the Resolution for payment of the fourth claim by warrant for expenses related to Paving District 313, which is the Owen Development on Avenue G. Moved by Mayor Meininger, seconded by Council Member McCarthy, "to approve the request for payment of claim by warrant in the amount of \$600.00 for Paving District #313, Avenue G – Owen Development, and approve Resolution No. 16-09-01," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

RESOLUTION NO. 16-09-01

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

That the claim of Baker & Associates, Inc. in the amount of \$600.00, being the fourth 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 6th day of September, 2016.

ATTEST:

City Clerk

“seal”

Ms. Connie Frank, a downtown property owner, presented concerns to the City Council regarding the closure of a portion of 18th Street for the development of the Downtown Street Plaza. She owns the building at 1721 Broadway, which is adjacent to the proposed plaza. She is concerned about losing 65 parking places next to her building when the Downtown Plaza is developed. She has events at her building and parking will become a problem for the patrons. Ms. Frank had a number of concerns regarding this development and the role of the Business Improvement District. She commented that the Farmer’s Market is in operation for only 36 hours each year, which does not justify closing 18th Street permanently. There are many police calls to downtown Scottsbluff and she is concerned that the plaza will increase these calls. Ms. Frank owns two other buildings in downtown Scottsbluff, so she has an interest in the proposed development.

Mr. Bruce Rolls, Owner Western Trail Sports, 1802 Broadway, also expressed his concern over losing 65 parking stalls across the street from his business. His customers find it difficult if they have to carry their guns a few blocks to his store because of the lack of parking. He is not in favor of closing 18th Street for the downtown plaza.

Ms. Heath Harsh, Owner Platte Valley Vac & Sew, 1804 Broadway, is concerned about losing the parking as her clients carry their sewing machines to her business. She also commented about the trash at the park and the need to keep it picked up, which many business owners have done over the years.

Mayor Meininger thanked the downtown business and property owners for their comments.

City Manager Johnson presented the bids for the bulb-out project on Broadway. Bids were received from Eric Reichert Insulation and Construction in the amount of \$396,880.65 and Infinity Construction in the amount of \$391,283.00. The engineer’s estimate for this project is \$605,200.00. Mr. Johnson explained that staff is recommending awarding the bid to Infinity Construction as the best and lowest bid for this project.

Mr. Eric Reichert, owner Eric Reichert Insulation and Construction, approached the Council and explained that his bid had a start date of October 3, 2016, and he will be done with the project by the 1st of December. The other bidder, Infinity Construction, had a start date as “fall of 2016 or spring of 2017”. Mr. Reichert asked for a clarification for deciding which company receives the bid. He felt the earlier start date would provide for an earlier notice to proceed and the project would be completed sooner. There is a 60 day completion period from the time the work begins. Mr. Reichert explained that if he could wait until spring to do the work, he could cut \$8,000.00 from his bid for winterization.

Mr. Mark Bohl, Public Works Director, commented that the successful bidder can begin prior to winter, however, the State and the City will not allow the concrete work to be completed if there is snow or cold weather.

City Manager Johnson explained that this bid includes a continuous curb line along 18th Street, which will close 18th Street by the Park. If Council chooses to not close 18th Street, they can award the bid and make change orders. Mr. Johnson further explained that since the removal of the stop lights, the bulb-out design was presented because it minimizes the distance for pedestrians to cross the street and gives better visibility. It also addresses handicap parking issues downtown.

Council Member Shaver asked about the price of stop lights. Mr. Bohl responded that they are approximately \$180,000.00 and about \$25,000.00 per intersection to maintain the stop lights. He added that the main purpose of the bulb-outs is to extend the intersection so people can see to cross the street.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to award the bid for the intersection bulb-out project on Broadway to Infinity Construction in the amount of \$391,283.00 and authorize the Mayor to execute the contracts,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”, Shaver. Absent: None.

Mayor Meininger opened the public hearing at 6:40 p.m. as scheduled for this date, to consider an application for a Community Development Block Grant for a Phase I Pre-Development Plan for East Overland. Annie Folck, City Planner, explained that the City’s comprehensive plan is complete, and the redevelopment plan for southeast Scottsbluff is in response to the comments from the comprehensive plan. The Blighted and Substandard study is important for any projects in the redevelopment area for Tax Increment Financing. In addition, staff is working on a Community Development Block Grant application for a pre-development plan through the Nebraska Department of Economic Development which would provide for a planning grant, then we could apply for \$700,000 for an implementation grant. We are working with Panhandle Area Development District (PADD) as they are certified grant administrators, and as a member of PADD, this is one of the services they provide to the City.

Jeff Kelley, Executive Director of Panhandle Area Development District, explained the following details of the grant application for the public: The City of Scottsbluff, Nebraska is requesting \$30,000 in Community Development Block Grant funds for a Comprehensive Development (CD) Phase I Pre-Development plan. The total project cost is expected to be \$37,500.00. Of that amount, a total of \$7,500.00 will come from the City of Scottsbluff General Funds and \$30,000 from CDBG funds. The \$30,000 in CDBG funds also includes \$3,000.00 for general grant administration. It is estimated that 66.2% or \$24,825.00 will benefit Low and Moderate-Income individuals. No displacement of individuals is expected to occur as result of this project.

Mr. Johnson noted that all funds for this grant have been budgeted.

The Council received comments from the following citizens:

Astrid Munn grew up in Southeast Scottsbluff and is in support of investing in the infrastructure of East Overland. The City has worked hard and made great strides to engage the residents of Southeast Scottsbluff, overcoming geographic and language barriers and balancing the needs of the neighborhood against the need to cut budgets.

Father Jonathan Sorenson from Our Lady Guadalupe Church explained that he is privileged to live in Southeast Scottsbluff, which is much different than the rest of Scottsbluff. He commented that pursuing this redevelopment grant is an example of loving our neighbors. He encouraged the Council to take advantage of this grant opportunity.

Josephina Guadarama explained that she has lived in Southeast Scottsbluff her entire life. She would like to see some improvements with cleaning up the area, removing trash, weeds and junk cars. She offered her support of this grant application.

Pete Marez has also lived in Scottsbluff the majority of his life and also encouraged the city to address the code enforcement issues in the neighborhood.

Norma Rodriguez urged the Council to proceed with the grant application to keep good, local businesses in the Southeast neighborhood.

Rob Franco commented that he is concerned about the Blighted and Substandard designation as it may increase property value, and we may have some businesses come to our area that we do not want. In addition, our traffic may increase. He noted that there are some pitfalls, however, he is supportive of the grant application.

Mayor Meininger reiterated that this is an important partnership with PADD and the City, as the City does not have a certified grant administrator, which is required by the state. PADD will be responsible for the administration of the grant.

Mayor Meininger closed the public hearing at 7:10 p.m. Comments from Council included a question regarding deadlines and grant award date. The deadline to submit the grant is September 15, 2016, and the award date is unknown at this time.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to approve Resolution No. 16-09-02 authorizing the Mayor to execute the Community Development Block Grant

Application and all related documents,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”, None. Absent: None.

RESOLUTION 16-09-02
RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN
APPLICATION FOR CDBG FUNDS

Whereas, the City of Scottsbluff, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program; and,

Whereas, the City of Scottsbluff, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$30,000 to complete a Comprehensive Development Phase I pre-development plan for improvements to Southeast Scottsbluff.

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of Scottsbluff, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Scottsbluff, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Mayor
September 6, 2016

Council introduced the Ordinance regarding the FY 2016-2017 Budget which was read by title on second reading: **AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.**

Council introduced Ordinance No. 4195 dealing with utility user fees which was read by title on third reading: **4195 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.**

Moved by Mayor Meininger, seconded by Council Member Colwell, “to approve Ordinance No. 4195 amending the code regarding utility user fees, effective October 1, 2016,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”, Shaver. Absent: None.

Council introduced Ordinance No. 4196 levying a special assessment in Paving District No. 311 which was read by title on third 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.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve Ordinance No. 4196 levying a special assessment in Paving District No. 311," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

City Manager Johnson presented a proposed occupation tax Ordinance at the request of a Council Member. The proposed tax is 1.5% restaurant tax, to be effective January 1, 2017 if the Ordinance is approved.

Mayor Meininger commented that we have a need to improve infrastructure, and, if passed, would like a certain amount or percentage allocated for infrastructure. Mr. Johnson responded that the City Council can direct staff to set aside a certain amount for infrastructure. Council Member Shaver had a concern that if it is not specified in the Ordinance, then the City Council could allocate the funds to whatever project they choose.

Mr. Neal Blomenkamp, owner Runza Restaurant, commented that he is in favor of the sales tax, but would like to know if there is an easier way for businesses to pay these taxes. He also asked that a percentage of the taxes collected could be used for projects to promote the city.

Mayor Meininger asked the Council if they would support earmarking a percentage of the revenue for infrastructure. Council Member Shaver's concern is that the proposed revenue was supposed to be an option to help pay for the streets. The use of the fund may change from year to year if it's not dedicated to infrastructure. He does not think we need a slush fund for the general fund.

Mayor Meininger commented that if we bond an amount for streets, we could set an amount to pay back each year from the tax revenue. Council Member Shaver's concern is that if it's not locked in, then the use of the funds could change in the future. Council Member Gonzales said he was supportive of having a certain amount earmarked for infrastructure. Regarding a potential slush fund in the future, he commented that hopefully the leadership in the future will be responsible and put the fund to good use.

Mayor Meininger added that \$350,000.00 of revenue would support a \$3.5 million bond for infrastructure improvements. So, we could possibly bond a project such as 42nd Street and pay the bond by the occupation tax.

Council Member McCarthy commented that the goal of putting LB357 on the ballot was to take care of infrastructure projects. Since it did not pass, we've looked at other options of paying for infrastructure, and the Restaurant Occupation tax seems to be the best option.

Council Member Colwell added that he was against a restaurant tax in the beginning; however, he wants to have visitors to our community help pay for the improvements to our infrastructure. We also need to consider the purpose of the entire general fund and the other departments, such as police and fire, library, parks and administration. We need to support all departments. He is also concerned about the logistics of collecting these taxes.

Mayor Meininger added that he would like the Council to come together to make the decisions of where the revenue would be allocated if the Occupation Tax passes. Mayor Meininger introduced the Ordinance providing for a new 1 ½% restaurant occupation tax, effective January 1, 2017, which was read by title on first reading: **AN ORDINANCE PROVIDING FOR A NEW OCCUPATION TAX ENTITLED FOOD SERVICE, DRINKING PLACES AND RESTAURANT TAX, REPEALING PRIOR SECTIONS LOCATED IN CHAPTER 6, ARTICLE 6 AND CHAPTER 11, ARTICLE 2 OF THE SCOTTSBLUFF MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Johnson explained that the Monument Valley Pathway project is progressing and the agreement with the Nebraska Department of Roads is a permit to occupy the right of way for a twenty-five year period. This will provide for the development of the pathway which will go throughout the community. Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve the Permit to Occupy State Highway Right of Way between the Nebraska Department of Roads and the City for the Scottsbluff Monument Valley Pathway project and approve Resolution No. 16-09-03," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", Shaver. Absent: None.

RESOLUTION SIGNING OF THE PROJECT TRAIL
AGREEMENT

Resolution No. 16-09-03

Whereas: City of Scottsbluff is developing a transportation project for which it would like to obtain Federal funds;

Whereas: City of Scottsbluff understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: City of Scottsbluff and Nebraska Department of Roads (NDOR) wish to enter into a new Project Trail Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Scottsbluff that:

Randy Meininger, Mayor of the City of Scottsbluff, is hereby authorized to sign the attached Project Trail Agreement between the City of Scottsbluff and the NDOR.

City of Scottsbluff is committed to providing local funds for the project as required by the Project Program Agreement.

NDOR Project Number: ENH-79(42)

NDOR Control Number: 51512

NDOR Project Name: Scottsbluff Valley Pathway North

Adopted this 6th day of September, 2016 at Scottsbluff, Nebraska.

_____, Randy Meininger, Mayor

Under Council reports, Council Member Gonzales will attend the PADD meeting this week and Mayor Meininger will attend the Senior Center meeting. Council Member Shaver commented that Chief Spencer did a very nice job speaking at the Balloon Festival last weekend.

Moved by Council Member Shaver, seconded by Council Member Colwell, "to adjourn the meeting at 7:25 p.m.," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

Mayor

Attest:

City Clerk

"SEAL"