

City of Scottsbluff, Nebraska

Monday, October 17, 2016

Regular Meeting

Item Consent1

Approve the minutes from the October 3, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
October 3, 2016

The Scottsbluff City Council met in a regular meeting on Monday, October 3, 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 30, 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 30, 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. Also present was City Attorney Howard Olsen. Absent: None. Mayor Meininger asked if there were any changes to the agenda. City Clerk Dickinson informed the Council that item 6e, "approve the City Manager's appointment of Kim Kuster-Dale to the Park, Cemetery and Tree Board" should be pulled from the agenda. Moved by Mayor Meininger, seconded by Council Member Shaver, "to remove item 6e from the agenda," "YEAS", Colwell, Meininger, McCarthy, Shaver, and Gonzales, "NAYS. Absent: None.

Mayor Meininger asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none. Moved by Council Member Gonzales, seconded by Council Member Colwell that,

1. "The minutes from the September 19, 2016 Regular Meeting be approved,"
2. "The absence of Scott Shaver from the September 19, 2016 Regular Meeting be approved,"
3. "A public hearing be set for October 17, 2016, 6:05 p.m. to consider the Class C Liquor License application for Blackstone Spirits LLC dba Kelley's Liquor, 817 West 27th St., Scottsbluff, NE,"
4. "Bid specifications for a new sanitation vehicle be approved and authorize the city clerk to advertise for bids to be received by October 24, 2016 at 1:00 p.m. local time," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS. Absent: None. Abstain: Shaver.

Moved by Council Member Shaver, seconded by Mayor Meininger, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated October 3, 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,149.12; ALAMAR CORP,24 UNIFORM SHIRTS,730.73; ALVARO SILVA, CONTRACTUAL SERV, 1305; AMAZON.COM HEADQUARTERS,MISC.,461.4; ANITA'S GREENSCAPING INC,BID PRKNG

LOT MNTNC,1261.11; ANTHONY J MURPHY,MEALS FOR MURPHY AT NSFM TRAINING,87; B & H INVESTMENTS, INC,DEP SUP - LIBRARY,77; BLUFFS SANITARY SUPPLY INC.,JAN SUP. - LIBRARY,78.45; BRETTHAUER, JERRY,CONTRACTUAL,310; CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP,84.74; CELLCO PARTNERSHIP,CELL PHONES,532.34; CEMENTER'S INC,DEPT SUP,308.16; CITIBANK N.A.,OFFICE SUPPLIES,306.65; CITY OF SCB,PETTY CASH,50.4; CLARK PRINTING LLC,OFFICE SUPPLIES,1038.75; CLIFTON SPENCER,CAMPGROUND,128.57; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,LIFE & ACCIDENT INS,48.7; COMPUTER CONNECTION INC,RENT-MACH,45.73; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,194.72; CONTRACTORS MATERIALS INC.,CONCRETE BLADE & SAFETY GLASSES,993.92; CYNTHIA GREEN,DEPT SUPPL,225.69; DALE'S TIRE & RETREADING, INC.,EQUIP MAINT,90.82; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,160.63; DAVID LEIS,LB840 LOAN,88000; DUANE E. WOHLERS,DISPOSAL FEES,900; ENERGY LABORATORIES, INC,SAMPLES,135; FAT BOYS TIRE AND AUTO,NEW TIRES FOR GRADER,8939.6; FEDERAL EXPRESS CORPORATION,POSTAGE,174.03; FLOYD'S TRUCK CENTER, INC,VEHCILE MTNC,358.31; FREMONT MOTOR SCOTTSBLUFF, LLC,VEHICLE MAINT,40.51; FUN EXPRESS, LLC,DEPT SUPP,130.32; GALLS INC,DEPT SUPPL,38.94; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUPP,506.1; GREENKEEPER COMPANY, INC,DEPT SUPP,4345; H D SUPPLY WATERWORKS LTD,METERS,5053.45; HAWKINS, INC.,CHEMICALS,2688.25; HEILBRUN'S INC.,DEPT SUPPLIES,712.11; HOLIDAY INN - KEARNEY,CONFERENCE EXPENSE,269.85; HYDROTEX PARTNERS, LTD,ATF FOR CENTRAL GARAGE,201.42; IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL SUPPLIES,739.06; INDEPENDENT PLUMBING AND HEATING, INC,DEPT SUPP,45.03; INGRAM LIBRARY SERVICES INC,BKS,4693.91; INTERNAL REVENUE SERVICE,WITHHOLDINGS,60538.97; INTERNATIONAL PUBLIC MANAGEMENT ASSOCIATION-HR,TESTING MATERIALS - FIRE CAPT,175; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL SERV,54.95; J G ELLIOTT CO.INC.,NOTARY BOND,350; JENSEN MARVIN,QUIT CLAIM DEED,105; JOHN DEERE FINANCIAL,DEPT SUPP,17.99; JOHN DEERE FINANCIAL,DEPT SUPP,721.88; JONES K ALEXANDRIA,CONTRACTUAL,800; KEHM GLENDA,QUIT CLAIM DEED,85; KRISA SHELLY,SCHOOLS & CONF,265; KUHLMAN, BOBBI,SCHOOLS & CONF,45; LEAGUE ASSOCIATION OF RISK MANAGEMENT,ENDORSMENT FOR PETTING ZOO,50; M.C. SCHAFF & ASSOCIATES, INC,STRUCTURES,56207; MADER, PERRY,SCHOOL & CONF,158.22; MATTHEW M. HUTT,PRE EMPL. EVALUATION,450; MED-TECH RESOURCE LLC,EMS SUPPLIES,152.29; MENARDS, INC,DEPT SUPPLIES,1647.72; MENTGEN JOHN,TREE REBATE,249; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,686.68; MIDWEST CONNECT, LLC,DEPT SUPP,850.67; MIDWEST MOTOR SUPPLY CO INC,SAFETY GLASSES FOR CREW,79.68; NATHAN JOHNSON,CONFERENCE EXPENSE,111; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1237.93; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,74.74; NE DEPT OF ENVIRONMENTAL QUALITY,CONTRACTUAL SERVICES,2100; NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,BATTERIES FOR PSB FIRE ALARM SYSTEM,125; NEBRASKA MACHINERY CO,EQUIP MTNC,1411.24; NEBRASKA

PUBLIC POWER DISTRICT,ELECTRICITY,27870.71; NWEA,SCHOOLS & CONF,200; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT,355; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,19533.6; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,144; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5023.88; PAUL REED CONSTRUCTION & SUPPLY, INC,STRUCTURES,53310.6; PLATTE VALLEY BANK,HEALTH SAVINGS,13607.71; POSTMASTER,POSTAGE,285.21; PROTEX CENTRAL, INC.,CONTRACTUAL SVC,342.65; QUILL CORPORATION,DEPT SUPPL,87.78; REGANIS AUTO CENTER, INC,VEH MAINT,89.45; REGIONAL CARE INC,HEALTH INS. PREMIUM,86647.44; RIVERSIDE ZOOLOGICAL FOUNDATION,CONTRACTUAL,87500; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,2716.95; S M E C,EMPLOYEE DEDUCTION,179.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT,7; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,180; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,528; SHERIFF'S OFFICE,LEGAL,289.5; SHERWIN WILLIAMS,YELLOW & WHITE LATEX PAINT,4868.5; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,9793.55; SNELL SERVICES INC.,EQUIP MTNC,513.8; SOURCE GAS,MONTHLY ENERGY FUEL,840.75; SPECIAL INVESTIGATIONS,CONTRACTUAL,85.93; STATE HEALTH LAB,SAMPLES,7461; STATE OF NE.,CONTRACTUAL,420; THE SUPPLY CACHE INC,DEPT SUPPL,616.5; TOTAL LANDSCAPE CONCEPTS,DEPT SUP,227.98; TRANS IOWA EQUIPMENT LLC,VEH MAINT,268.67; TWIN CITIES DEVELOPMENT ASSOC, INC,CONTRACT,7000; TYLER TECHNOLOGIES, INC,ONLINE UB FEES,485.5; UNITED STATES WELDING, INC,DEPT SUPPLIES,1705.01; US BANK,HAZARDOUS MATERIAL RESPONSE SUPPLIES,2341.28; USGS NATIONAL CENTER MS 270,CONTRACTUAL SVC,12625; VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,945; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,530; WAGNER RITA,REFUND,35.8; WELLS FARGO BANK, N.A.,RETIREMENT,30844.29; WESTERN COOPERATIVE COMPANY,EQUIP MAINT,23; WESTERN COOPERATIVE COMPANY,CONTRACTUAL SERVICES,65.79; ZM LUMBER INC,DEPT SUPP,11.52; REFUNDS: PATRICIA KOLLER, 56.12; JANE OURADA, 2.73; MICHELLE WILLEY, 10.60.

Mr. Chad Leeling with Shots Bar and Grill approached the Council and explained his application for a "Cool October Nights Car Show" Community Festival Event on October 15, 2016 from 12:00 noon to 6:00 p.m. He originally submitted a request for 2:00 p.m. to 8:00 p.m., however, wanted to have the event start right after the Old West Weekend Parade. There will not be any outdoor music, but may have some food caterers. The permit also calls for blocking the 1700 Block of Broadway and 18th Street from Broadway to Ave. A. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the Cool October Nights Car Show Community Festival Permit for The Stomping Ground dba SHOTS on the 1700 block of Broadway and 18th Street between Broadway and Avenue A, including street closures for a car show on October 15, 2016, from 12:00 p.m. to 6:00 p.m." "YEAS", Meininger, Colwell, Gonzales, Shaver, and McCarthy, "NAYS" None. Absent: None.

Mayor Meininger opened the public hearing at 6:05 p.m. as scheduled for this date to determine if the East Overland Corridor should be declared substandard and blighted. City Planner Annie Folck explained that the City's Comprehensive Plan was completed this spring showing that redevelopment was

one of the important projects from that plan, specifically the Southeast part of town. The Blight and Substandard Study completed by Rick Kuckkahn, if approved, will provide for use of Tax Increment Financing in this area. The City is being proactive by initiating this study first, which will assist any prospective developers with their projects. The City has already been approached by some potential developers. An open house was held on August 25, 2016, informing the Southeast Neighborhood residents and business owners of the study and what the designation provides for development.

Astrid Munn addressed the Council on behalf of the residents of the Southeast area. She thanked the City Council for their on-going efforts to consider the needs of Southeast Scottsbluff and work on improvements to the neighborhood.

Robert Blanco commented that he originally had concerns about a Blight and Substandard designation of this neighborhood, but after meeting with Ms. Folck, he was assured that the designation will be a good thing for improving the neighborhood. He added that it's important to pay attention to the zoning and what businesses may want to locate in the area.

Duane Hvorka, Executive Director, Nebraska Wildlife Federation, commented that he has helped with the clean-up efforts in Southeast Scottsbluff and feels this is a very vital part of our community. In addition, he is supportive of the Solar Array project the City and NPPD are working on.

There were no additional comments on the Blight and Substandard designation of Southeast Scottsbluff. Mayor Meininger closed the public hearing at 6:15 p.m. Ms. Folck informed the Council that the City currently has 22% of property designated as blighted and substandard. This area would add approximately .5% more; the total amount allowed is 33%.

Moved by Council Member Shaver, seconded by Council Member McCarthy, "to approve the designation of the East Overland Corridor as substandard and blighted as described in the study," "YEAS", Meininger, Colwell, Gonzales, Shaver, and McCarthy, "NAYS" None. Absent: None.

Cassidy Baum, Executive Director of Keep Scottsbluff Gering Beautiful, explained the impact of the Stormwater Educational program with students, residents and partnership with many area civic groups. The Storm Water Program Agreement is a two year agreement to provide public education and the application of stickers on storm drains, reminding residents to not dump pollutants into the storm drain. Moved by Council Member Gonzales, seconded by Council Member Shaver, "to approve the Keep Scottsbluff Gering Beautiful Storm Water Program Agreement for a two year period October 1, 2016 to October 1, 2018," "YEAS", Meininger, Colwell, Gonzales, Shaver, and McCarthy, "NAYS" None. Absent: None.

Jeff Kelley, Executive Director of Panhandle Area Development District (PADD) explained that the Support Agreement is the same as last year's, the dues has remained the same for approximately seven years. The City of Scottsbluff is the largest city, paying the largest dues amount in the Panhandle. Over the past year PADD has assisted with the City's Comprehensive Plan, received a Brownfields inventory grant, hosted a Brownfields redevelopment workshop, hosted a planning workshop in Gering, assisted two businesses with economic development loans, assisted the City of Scottsbluff with a Community Development Block Grant application, assisted with contacts for the walkability study, and continues to provide staff to assist with the Heartland Expressway.

Council Member Gonzales asked about adding a performance measure to assist with the Economic Development Plan as the city moves forward with an Economic Development Director. PADD is planning to add an additional employee the first of the year, so they will be able to offer assistance. City Manager Johnson commented that the additional duties may change the amount of PADD's contract. Mayor Meininger commented that since PADD is a quasi-government agency, LB 840 funds cannot be used to pay their contract. Mr. Johnson and Mr. Kelley will discuss the details of the additional work, which can be considered with an addendum to the contract. Moved by Council Member Shaver,

seconded by Mayor Meininger, “to approve renewal of the current Support Agreement with Panhandle Area Development District and authorize the Mayor to execute the agreement,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

Lanette Richards, Project Coordinator for Monument Prevention Coalition, gave a report on activities of her organization for the last quarter. She has sponsored Human Performance Project training for coaches, sponsors and youth, and facilitated group meetings, working on a Human Performance Project vision. They conducted two TIPS training for servers, helped with monthly coalition meetings at WNCC, held a law enforcement meeting with all agencies in Scotts Bluff County, and attended trainings through the Behavioral Health Department. There has been a decline in underage use arrests and compliance checks, which is encouraging. Moved by Mayor Meininger, seconded by Council Member Gonzales, “to approve the renewal of the Monument Prevention Coalition Support Agreement and authorize the Mayor to execute the agreement,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

Martin Mickey, Riverside Discovery Center (RDC) Board President, gave the Council an update on recent changes to their organization. One of the Managers and the Executive Director are no longer at the RDC, so the board has been working with the Association of Zoos and Aquariums (AZA) for assistance and to build their relationship. The AZA received input from the previous staff that the relationship between the RDC and the City has been strained; the current staff recognizes the need to build a more transparent relationship. They would like to have conversations regarding our future together to include funding, cross promotion and city involvement. They are interested in cooperating more with the Police Department regarding night security and policies regarding animal escapes.

The RDC staff has made many improvements to the grounds and operations. The AZA is willing to allow time for the RDC to get their new management in place. Mr. Mickey said they hope to have a new Executive Director in place within 90-120 days, and will consider also hiring a Senior Keeper and Curator. Council Member Gonzales suggested that all communication between the RDC and the City Council go through the Council’s representative, Council Member McCarthy.

Currently there are seven zoo keepers and three maintenance workers. Regarding funding, fifty percent of their budget is funded by City, and the rest of the funding comes from fund raisers and events. Mr. Mickey added that the staff at the Riverside Discovery Center has done an excellent job and are to be commended.

City Manager Johnson presented the eCenter Support Agreement, explaining that he would like to get additional information from Twin Cities Development (TCD) on a few items. As we work with the eCenter and the Regional Economic Development Plan, we need to make sure all items are in place to make sure the eCenter is a valuable, sustainable operation. Mayor Meininger asked if there was any certified eCenter training available. Mr. Johnson informed the Council that the International Economic Development Council provides special training for entrepreneurial centers that would be very valuable as we move forward with this endeavor.

Sean Overeynder, with TCD, will look into the training and feels this would definitely be a helpful tool. Council Member Shaver asked what the guidelines are for a qualifying business under the LB840 plan. Mr. Overeynder explained that he has a matrix that helps define how to build and enhance the business with a business plan and projections. Council Member Shaver wanted to clarify that the businesses in the eCenter are ones that actually need the help, not existing businesses that are already up and running. Mr. Overeynder explained that the more experienced businesses are actually mentoring other businesses through the Mastermind program to build the eco center from within.

Council Member Gonzales added that the existing businesses are growing through the Business and Expansion Program. Mr. Johnson explained that it's important to look into certification training to align the City's mission and TCD's mission with the eCenter. Mayor Meininger commented that he is a supporter of the eCenter, however the benefits are long term, so we are not going to see progress for many years. Moved by Mayor Meininger, seconded by Council Member Shaver, "to bring the eCenter agreement with Twin Cities Development back to the City Council to include educational requirements, performance measures and guidelines," "YEAS", Meininger, Colwell, Gonzales, Shaver, and McCarthy, "NAYS" None. Absent: None.

City Manager Johnson presented the agreement with Nebraska Public Power District (NPPD) to purchase property for the Solar Array Project. The Phase I Environmental Assessment is complete and the report came back clean, so we are ready to move forward on this project. This property is located in front of the NPPD building and the purchase price is \$20,000.00. Duane Hvorka, Executive Director, Nebraska Wildlife Federation, commented that he has been working with utility companies across the state and is pleased to see solar energy projects move forward.

Mayor Meininger explained that this solar array project is a community project, so it is available to anyone in the community to utilize. Terry Rajewich, Account Manager, NPPD, announced that there will be an open house soon to explain what the program will offer. Moved by Council Member Gonzales, seconded by Council Member McCarthy, "to approve the agreement with Nebraska Public Power District to purchase property (approximately .34 acres) to be used for the Solar Array Project and authorize the Mayor to execute the agreement," "YEAS", Meininger, Colwell, Gonzales, Shaver, and McCarthy, "NAYS" None. Absent: None.

Mr. Johnson presented the bids for the landfill excavator, which will be split with the City of Gering. There were two bids received by the City of Gering for this equipment, with the lowest and best bid from Murphy Tractor & Equipment in the amount of \$164,655.00. This equipment will substantially extend the life of the current landfill. The funds for this purchase are from a sinking fund with the City of Gering to be used for the purchase of a new landfill site and equipment. Moved by Mayor Meininger, seconded by Council Member Colwell, "to authorize the expenditure from the Landfill Fund for the purchase of a Landfill Excavator from Murphy Tractor in the amount of \$164,655.00, cost split between Scottsbluff and Gering," "YEAS", Meininger, Colwell, Gonzales, Shaver, and McCarthy, "NAYS" None. Absent: None.

City Manager Johnson presented the release of lien for special assessments in Paving District No. 308 and Water District No. 102, which have been paid by the owner. Finance Director Liz Hilyard explained that these special districts could be paid out of debt service, however, warrants allows us to cash flow better. This is basically a short term note, and we are paying minimal interest. Ms. Hilyard said she is not concerned about the amount we currently owe, as our debt service fund is healthy. We anticipate that the other property owners in these districts will pay off their assessments also. Moved by Mayor Meininger, seconded by Council Member Shaver, "to authorize the Mayor to execute the Release of Lien for Special Assessments for Paving District No. 308 and Water District No. 102," "YEAS", Meininger, Colwell, Gonzales, Shaver, and McCarthy, "NAYS" None. Absent: None.

Mr. Johnson presented the agreement with the Nebraska Department of Roads for engineering services for the Monument Valley Pathway. Agreement number two provides for an increase in the consultant's fee due to some additional title searches required for the project. Funds for this project have been budgeted; the project is more than what was anticipated. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve the agreement with the Nebraska Department of

Roads for preliminary engineering services with M.C. Schaff and Associates for the Monument Valley Pathway and approve the Resolution.,” “YEAS”, Meininger, Colwell, Gonzales, and McCarthy, “NAYS” Shaver. Absent: None.

RESOLUTION No. 16-10-01

**PRELIMINARY ENGINEERING SERVICES AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 2 - B01231**

CITY OF SCOTTSBLUFF

Whereas: City of Scottsbluff and M.C. Schaff & Associates, Inc., have previously executed a Preliminary Engineering Services Agreement (B01231) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

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

Whereas: City of Scottsbluff and M.C. Schaff & Associates, Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

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

Randy Meininger, Mayor of City of Scottsbluff is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 2 between the City of Scottsbluff and M.C. Schaff & Associates, Inc.

NDOR Project Number: ENH-79(42)

NDOR Control Number: 51512

NDOR Project Description: Scottsbluff Valley Pathway North

Adopted this 3rd day of October, 2016 at Scottsbluff, Nebraska.

The City Council of City of Scottsbluff, Nebraska:

_____, Mayor

Attest:

_____, City Clerk

Council introduced the Ordinance providing for a new 1 ½% restaurant occupation tax, effective January 1, 2017 which was read by title on third 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.**

Mayor Meininger asked for public comment regarding this Ordinance. Mr. Dave Thiele, owner of Godfathers Pizza, explained to the Council that he has talked to a number of restaurant owners regarding the occupation tax. He presented a petition signed by 20 restaurant owners who are opposed to the 1.5 % restaurant tax. In addition, he presented petitions with 337 signatures from customers of various restaurants who also oppose the restaurant tax. He commented that the election in May regarding the vote on LB 357 showed that it was mandated by the people that they did not want an additional sales tax.

Moved by Mayor Meininger, seconded by Council Member Shaver, “to accept the petitions with signatures of restaurant owners and customers opposing the Ordinance providing for a 1.5% restaurant tax,” “YEAS”, Meininger, Colwell, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None.

Ronetta Green, owner of Tangled Tumbleweed, commented that her business would struggle if this additional tax would be imposed, adding that she would need to increase her prices to pay the tax.

Marty Manley, owner of Prime Cut also commented that customers in his restaurant do not want the additional tax.

Terry Jessen, citizen, commented that Section 11-2-6 (E) of the Ordinance, regarding the revenue purposes of the tax, states that the sales tax is purely for revenue purposes for the city. He commented further that Section 11-2-8 states that the tax collected shall be placed to the credit of the general fund to be used for infrastructure improvements projects or such other funds as designated by the City Council. He feels these two sections are in conflict and open to challenge. The public has already voted against the sales tax and this appears to be end run to that attempt.

Mayor Meininger commented that the purpose of the proposed Ordinance is to provide revenue to support infrastructure. Mr. Theile commented that the Ordinance should clarify that all funds collected should go only to infrastructure. He feels that the previous attempt at the Hotel tax should have been more specific and pursued since this taxes visitors to our community rather than residents. Mayor Meininger commented that the hotel tax would not generate enough funds to pay for the necessary infrastructure improvements.

Council Member Shaver added that another concern about the Restaurant Tax is the accounting required to pay and collect the additional 1.5% tax. Mayor Meininger informed the Council that the Ordinance regarding the proposed restaurant sales tax will be discussed at a later meeting.

Council introduced the Ordinance allowing for Tiny Home Communities as a Planned Unit Development which was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25 ARTICLE 7 RELATING TO PLANNED UNIT DEVELOPMENTS PROVIDING FOR AN ADDITIONAL SECTION RELATING TO A TINY HOME COMMUNITY PLANNED UNIT DEVELOPMENTS, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE.**

Under Council Reports, Mayor Meininger reported that the Senior Center met recently and are working on some interior improvements and working with NPPD to replace their lighting to LED. Mr.

Johnson will be attending the pre-kick off meeting of PAWS with the Wyoming Water Development Commission. Mayor Meininger reported on the 911 task force, they have bids from four companies to provide for the CAD and records management. Council Member Shaver reported that there is currently a transition of leadership at Scottsbluff High School, so they hope to get a Youth Council representative soon .

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

Mayor

Attest:

City Clerk
“SEAL”