

City of Scottsbluff, Nebraska
Monday, November 21, 2016
Regular Meeting

Item Consent1

Approve the minutes of the November 7, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
November 7, 2016

The Scottsbluff City Council met in a regular meeting on Monday, November 7, 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 November 4, 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 emailed 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 November 4, 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 and Scottsbluff High School Representatives Jacob Krul and Chance Parker. Absent: None. Mayor Meininger asked if there were any changes to the agenda. Moved by Mayor Meininger, seconded by Council Member Shaver, "to remove item 8b, awarding the bid for a new sanitation vehicle for Environmental Services, from the agenda; and moving the Scottsbluff Youth Council report to item 7d," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "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. There were none. Moved by Council Member McCarthy, seconded by Council Member Colwell that,

1. "The minutes from the October 17, 2016 Regular Meeting be approved,"
2. "The absence of Council Member Gonzales from the October 17, 2016 Regular Meeting be approved,"
3. "The specifications be approved for the purchase of One, New Industrial Tractor with Loader and Backhoe and authorize the City Clerk to advertise for bids to be received by November 29, 2016 at 10:00 a.m.,"
4. "A public hearing be set for November 21, 2016 at 6:05 p.m. to consider the Class C Liquor License application for Kreman Restaurant Inc., dba MJ's Restaurant, 2621 5th Avenue, Scottsbluff, NE," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member McCarthy, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated November 7, 2016, as on file with the City Clerk and submitted to the City Council," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,189.49; ACTION COMMUNICATIONS INC.,DEPT SUPP,105; AHLERS BAKING INC,DEPT SUPPL,41.97; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4680.58; ALVARO SILVA,

CONTRACTUAL,1455; AMAZON.COM HEADQUARTERS,AUDIO VISUAL SUPPLIES,1718.42; AMERICAN WATER WORKS ASSOCIATION,MEMBERSHIPS,187; ASSURITY LIFE INSURANCE CO,LIFE INS,34.36; AUTOZONE STORES, INC,EQUIP MTNC,60.61; B & H INVESTMENTS, INC,BLDG MAINT,351.85; BIRUTA D. WALTON,EQUIP MAINT,1153.58; BLUFFS SANITARY SUPPLY INC.,DEPT SUPP,617.17; BOHL, MARK,RE-IMBURSEMENT FOR CDL LICENSE,57.5; BROWN'S SHOE FIT, CO.,UNIFORM & CLOTHING,791.64; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL,126.88; CARR- TRUMBULL LUMBER CO, INC., DEPT SUP,54.43; CELLCO PARTNERSHIP,CELL PHONES,738.77; CEMENTER'S INC,CONCRETE FOR STREET REPAIR,12562.25; CENCON OF KANSAS LLC,CONTRACTUAL SVC,783.34; CHRIS REYES,DEPT SUPPL,185; CITIBANK N.A.,DEPT SUPP,179.95; CITY OF SCB,PETTY CASH,88.36; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,LIFE & ACCIDENT INS,48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,258.23; CONTRACTORS MATERIALS INC.,SUPP - ADA PANELS, FLOAT,676.38; CYNTHIA GREEN,DEPT SUP,613.11; D & H ELECTRONICS INC.,THREE CAMERAS AND TERABYTE DVR,1444.8; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,474.55; DANKO EMERGENCY EQUIPMENT COMPANY,ANNUAL NFPA PUMP TESTING ON THREE ENGINES,1062.1; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE, 162.37; DAVID M GLENN JR.,TUITION REIMBURSEMENT,742.32; DUANE E. WOHLERS,DISPOSAL FEES,450; ESTATE OF ARTIS BENDER,QUITCLAIM DEED,200; FASTENAL COMPANY,SUPP - DRILL BITS,180.44; FEDERAL EXPRESS CORPORATION,POSTAGE,290.5; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,1835.35; FREMONT MOTOR SCOTTSBLUFF, LLC,EQUIP MTNC,202.12; FUN EXPRESS, LLC,SPECIAL EVENT,608.6; GALLS INC,UNIFORMS,43.99; GENERAL ELECTRIC CAPITAL CORPORATION, DEPT SUP / UNIFORM & CLOTHING,826.12; HANNA:KEELAN ASSOC, P.C. COM PLANNING & RESEARCH,CONTRACT,14500; HAWKINS, INC.,CHEMICALS,2861.5; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,586.7; HEILBRUN'S INC.,DEPT SUP,2246.36; HENKEL'S MACHINE AND WELDING,EQUIP MTNC,1741.17; HULLINGER GLASS & LOCKS INC.,SUPP - KEYS MADE,5.5; HYDROTEX PARTNERS, LTD,OIL & ANTRIFREEZE,2356.43; I C M A,MEMBERSHIP RENEWAL,704; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - MATS, TOWELS, CVRLLS,607.35; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT, 676.58; INFINITY CONSTRUCTION, INC.,PAYMENT FOR BULB OUT PROJECT,31891.03; INGRAM LIBRARY SERVICES INC,BKS,173.06; INTERNAL REVENUE SERVICE, WITHHOLDINGS,116890.02; INTRALINKS, INC,SERVICE CONTRACT,2536.18; JOHN DEERE FINANCIAL,UNIFORM & CLOTHING,1444.43; JOHN DEERE FINANCIAL,EQUIP MAINT,201.98; JOHN DEERE FINANCIAL,EQUIP MAINT,101.66; KRIZ-DAVIS COMPANY,SUPP - TAP KIT,223.01; M.C. SCHAFF & ASSOCIATES, INC,ENG. SERV. FOR BULB OUTS ON BROADWAY,5662; MADISON NATIONAL LIFE,INSURANCE,1844.72; MAILFINANCE INC,CONT. SRVCS.,514.76; MAIN STREET APPLIANCE,REPLACEMENT MICROWAVE AND PPE DRYER,1295; MARIE'S EMBROIDERY,UNIFORMS,35; MARKETING CONSULTANTS,DEPT SUPPLIES,150; MATHESON TRI-GAS INC,DEPT SUPP,153.4; MATTHEW M. HUTT,CONTRACT,450; MENARDS, INC,DEPT SUP,1773.14; MIDWEST MOTOR SUPPLY CO INC,SUPP - CLEAR INVERTED PAINT,419.08; MONUMENT CAR WASH INC,VEH MAINT,126.5; MONUMENT PREVENTION COALITION,CONTRACTUAL,939.94; NATIONAL TELEPHONE MESSAGE CORP,DEPT SUPPL,150; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,2475.86; NE COLORADO CELLULAR, INC,CONTRACTUAL

SVC,74.74; NE DEPT OF REVENUE,TAXES,22364.12; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF,280; NEBRASKA ASSOCIATION OF CHIEF'S OF POLICE,MEMBERSHIPS,50; NEBRASKA FIRE CHIEFS' ASSOCIATION,CHIEF ASSOCIATION ANNUAL DUES,50; NEBRASKA MACHINERY CO,EQUIP MAINT,3497.33; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,22405.9; NEBRASKA STATE TREASURER'S OFFICE,UNCLAIMED PROPERTY,405.88; NEWMAN, TIMOTHY,SCHOOLS & CONF,12; NORTHERN SAFETY COMPANY, INC.,UNIFORM & CLOTHING,281.17; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,217.2; ONE CALL CONCEPTS, INC,CONTRACTUAL,108.78; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT,115; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,72; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5023.88; PATTLEN ENTERPRISE, INC,EQUIP MAINT, 477.14; PAUL REED CONSTRUCTION & SUPPLY, INC,CONCRETE FINES FOR ALLEYS,52.31; PLATTE VALLEY BANK,HEALTH SAVINGS,27199.86; POSTMASTER,POSTAGE,1170.23; POWERPLAN,EQUIP MTNC,232.42; PRO OVERHEAD DOOR,BUILDING MAINT,205.9; QUILL CORPORATION,DEPT SUPPL,55.75; REGANIS AUTO CENTER, INC,EQUIP MTNC,79.28; REGIONAL CARE INC,CLAIMS,116083.92; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,1911.95; RUSSELL INDUSTRIES INC,EQUIP MAINT,299.52; S M E C,EMPLOYEE DED,359; SANDBERG IMPLEMENT, INC,AIR FILTERS FOR GRINDLZR,31.59; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,345; SCOTTS BLUFF COUNTY COMMUNICATIONS CENTER,FY16-17 COMMUNICATIONS INTER-LOCAL AGREEMENT, 91575; SCOTTSBLUFF LANDSCAPING INC,BID CNTRCL SRVCS,1800; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1056; SCOTTSBLUFF PUB SCHOOLS, FEES - LIQUOR LICENSES,6900; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,SPECIAL EVENTS,293; SCOTTSBLUFF WINSUPPLY COMPANY,DEPT SUP,85.43; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,SCHOOL & CONF,100; SENSUS USA INC,CONTRACTUAL SVC,1893.15; SHERIFF'S OFFICE,LEGAL,171.15; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,2412.1; SIRCHIE ACQUISITION COMPANY, LLC,INVEST SUPPL,65.31; SOURCE GAS,MONTHLY ENERGY FUEL,938.74; STATE HEALTH LAB,SAMPLES,711; SUPERIOR SIGNALS, INC,VEH MAINT,503.1; SWANK MOTION PICTURES INC,SPECIAL EVENTS,250; THE PEAVEY CORP,INVEST SUPPL,207.35; THOMAS P MILLER & ASSOCIATES, LLC,CONTRACTUAL,8333.33; TORRINGTON SOD FARMS,BID CNTRCL SRVCS,3309; TOTAL LANDSCAPE CONCEPTS,DEPT SUP,937.74; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,365.69; TRANS IOWA EQUIPMENT LLC,CHEMICALS,6091.95; TRI-STATE SPRINKLER SYSTEMS, LLC,BID - SPRINKLER SYSTM DWNTWN PLZA,4960; TYLER TECHNOLOGIES, INC,CONTRACTUAL,1084.89; US BANK,LEASE RENTAL REV. & REFUNDING BOND PAYMENT,909002.5; US BANK,SCHOOLS & CONF,2887.97; VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,1600; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,1060; W & R INC,ELECTRIC MAINT,68.75; WELLS FARGO BANK, N.A.,RETIREMENT,60617.32; WESTERN COOPRTATIVE COMPANY,GROUND MAINT, 8668.14; WESTERN NEBRASKA ENVIRONMENTAL SERVICES,STRUCTURE TEAR DOW,16000; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM POOL MGMT - DOT TESTING 2017,200; WESTERN STATES BANK,REGANIS - TIF INTEREST,7232.94; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,1586.75; REFUNDS: GUTIERREZ 22.11; GONZALES 3.94; PALAZZOLO 13.27; BOWHAY 3.25.

City Manager Johnson presented the request for payment of \$3200.00 to M.C. Schaff and Associates for Paving District #312, which is the Reganis Subdivision. Moved by Mayor Meininger, seconded by Council Member McCarthy, “to approve the request for payment of claims by warrant for Paving District #312, Reganis Subdivision and approve Resolution No. 16-11-01,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

RESOLUTION NO. 16-11-01

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

That the claim of M.C. Schaff and Associates, Inc. in the amount of \$3,200.00, being the fourteenth pay estimate for Paving District #312, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 7th day of November, 2016.

Mayor

ATTEST:

City Clerk

“seal”

City Manager Johnson presented the request for payment to Infinity Construction in the amount of \$97,693.20 for expenses related to construction of Paving District #313, Avenue G project. Moved by Mayor Meininger, seconded by Council Member Colwell, “to approve the request for payment of claims by warrant for Paving District #313, Owen/Avenue G Subdivision and approve Resolution No. 16-11-02,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

RESOLUTION NO. 16-11-02

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

That the claim of Infinity Construction in the amount of \$97,693.20, being the fifth 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 7th day of November, 2016.

Mayor

ATTEST:

City Clerk

“seal”

Scottsbluff Student Council representatives Jacob Krul and Chance Parker were present to give the Scottsbluff Youth Council Representative Report. Mr. Krul updated the Council on academic, music, and extra-curricular activities at Scottsbluff High School. They will try to attend all City Council meetings and share information from the high school.

Mr. Johnson presented the bids for the new rescue truck for the Fire Department; he explained that this new truck will be paid for with a grant from FEMA. There were four bids submitted, which the Rescue Committee reviewed and submitted a recommendation to award the bid to Firefox/SVI, in the amount of \$289,850.00, which met all of the necessary criteria. There is a 15 year warranty with this truck, also. The new truck will be replacing two older trucks. Moved by Mayor Meininger, seconded by Council Member Gonzales, “to award the bid to Fire Fox/SVI in the amount of \$289,850.00 for the purchase of a new Rescue Truck for the Fire Department,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson presented the Community Festival Permit for the Christmas on Broadway and Jingle Jog event which will be held on Saturday December 3, 2016. This is a 5K which ends at the Broadway and 18th Street Park, where there will be holiday activities. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve the Community Festival Permit for Christmas on Broadway / Jingle Jog sponsored by Scottsbluff Parks and Recreation on December 3, 2016, 3:00 p.m. to 7:00 p.m., including street closures, vendors and noise permit,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

Mr. Johnson presented another Community Festival Permit for the Holiday Parade and special events which will take place on Saturday, November 26, 2016 on Broadway and additional events at the Broadway and 18th Street Park. This event is sponsored by the Downtown Scottsbluff Association. Moved by Council Member Colwell, seconded by Council Member McCarthy, “to approve the Community Festival Permit for the Holiday Parade and special events on Broadway sponsored by the Downtown Scottsbluff Association on November 26, 2016, 4:00 p.m. to 8:00 p.m., including street closures, vendors and noise permit,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson presented the Ordinance updating the fees for collecting nonresidential electronics. This will provide for a \$.50 per pound fee for non-residential electronic collection. This additional fee will help defray the costs of collecting a substantial amount of electronic items from non-residents. Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING THE MUNICIPAL CODE SOLID WASTE COLLECTION FEES AT CHAPTER 6, ARTICLE 6, ADDING A FEE PER POUND FOR NONRESIDENTIAL ELECTRONIC RECYCLING MATERIALS, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Mr. Johnson explained that the CDBG downtown pre-development grant submitted to the Nebraska Department of Economic Development (DED) required a 25% match. The original application calculated the match at \$7500.00, however DED’s calculation requires a \$9000 match, one-half of which can be in-kind services. Staff is asking approval for the Mayor to sign a letter identifying the amount and source of the matching funds and in-kind contribution. If awarded, this grant would make the City eligible to apply for a \$700,000.00 implementation grant. Moved by Council Member Gonzales, seconded by Council Member McCarthy, “to authorize the Mayor to send a letter to the Nebraska Department of Economic Development regarding matching funds for the CDBG pre-development grant,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

Council discussed the deteriorating condition of the railroad crossings in the City and City Manager Johnson explained that city staff has received numerous calls and complaints about the crossings. Katie Bradshaw, resident, addressed the Council and explained that along with the street crossings, the sidewalk crossings are also in need of repair. City Attorney Olsen commented that the sidewalks are considered part of the Right of Way and would be the responsibility of the Burlington North Railroad. Moved by Mayor Meininger, seconded by Council Member Shaver, "to authorize the city Manager to send a letter to the Burlington Northern Railroad regarding the condition of the railroad crossings and pedestrian crossways," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Mr. Johnson presented the Memorandum of Agreement with Panhandle Area Development District (PADD) to for a Brownfields Coalition. Mr. Daniel Bennett, PADD, explained that they will be applying for an EPA Assessment grant and need coalition partners to apply for the grant. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the Memorandum of Agreement with Panhandle Area Development District to form a Brownfields Assessment Coalition Partnership and authorize the Mayor to sign the agreement," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Regarding the resignation of two members of the Community Redevelopment Authority (CRA), Kelly Beatty and Seth Covalt, City Manager Johnson explained that the terms of these two members have not expired yet. City Attorney Olsen explained to the Council that these positions need to be appointed by the City Council. After the initial terms of each of the members have expired, the City Manager can then appoint members to fill the positions.

Bill Trumbull, Chairman of the CRA, said that the Committee set the term limits, and Mr. Beatty's one year term would expire in February 2017, so a new appointment would only be for two months. Mr. Olsen added that following this initial appointment, the City Manager can extend the appointment for an additional term. Mayor Meininger directed staff to advertise for people to fill these vacancies and bring letters of interest back to the Council the first meeting in December.

City Manager Johnson explained that his contract with the City Council provided for a six month performance evaluation. He would like to know if any Council Members had any concerns to address regarding his performance. Mayor Meininger asked for a list of the major projects that Mr. Johnson is currently working on. Council Member Gonzales noted that when Mr. Johnson was hired as City Manager, he presented a list of goals, which should also be reviewed. Council Member Colwell asked if it would be appropriate to survey Department Heads regarding his performance. City Attorney Olsen informed the Council that this type of evaluation produces two things, department heads with an axe to grind; and it can put department heads on the spot, with hard feelings as a result. He added, however, that there is nothing wrong with asking department heads for information regarding the City Manager's performance. Council Member Colwell explained that he does not know about the everyday operation of the City Manager's position. He wants to help develop the position and have meaning to the evaluation. Mayor Meininger asked the Council to let Mr. Johnson know if they decide to contact a department head.

Moved by Mayor Meininger, seconded by Council Member Colwell, "to adjourn to Executive Session at 6:30 p.m. for the protection of the public interest to discuss a real estate purchase and strategy in purchasing parcels of land for an industrial tract, to include City Council, City Manager and Legal Council," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Mayor Meininger stated that the Council would go into Executive Session at 6:30 p.m. for the protection of the public interest to discuss a real estate purchase and strategy in purchasing parcels of land for an industrial tract.

The Council convened out of executive session at 7:00 p.m., the following Council Members were present: Randy Meininger, Raymond Gonzales, Jordan Colwell, Scott Shaver and Mark McCarthy.

Mayor Meininger instructed staff to continue to negotiate with the sellers on property for an industrial tract.

Under Council reports, Mayor Meininger reported on some maintenance items at the Senior Center, which are currently being addressed.

City Manager Johnson reported that there is a Platte Alliance Water Supply (PAWS) meeting is this week and they are planning to kick off the project.

Moved by Council Member McCarthy, seconded by Council Member Colwell, "to adjourn the meeting at 7:02 p.m.," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Mayor

Attest:

City Clerk

"SEAL"