

City of Scottsbluff, Nebraska
Monday, December 5, 2016
Regular Meeting

Item Consent1

Approve the minutes of the November 21, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
November 21, 2016

The Scottsbluff City Council met in a regular meeting on Monday, November 21, 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 18, 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 18, 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 Manager Johnson and Deputy City Attorney Kent Hadenfeldt. Absent: None. 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 Council Member McCarthy that, "The minutes from the November 7, 2016 Regular Meeting be approved," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

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 November 21, 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

2627 OPERATING INC.,SCHOOLS & CONF,91; ACTION COMMUNICATIONS INC.,EQUIP MAINT,433.93; ANITA'S GREENSCAPING INC,BID PRKNG LOTS MNTNC,1261.11; AUTOZONE STORES, INC,DEPT SUPP,9.99; B & H INVESTMENTS, INC,JAN. SUP.,77; BLUFFS BROADCASTING,DEPT SUPP,1500; BLUFFS SANITARY SUPPLY INC.,DEPT & JANIT SUPPL,224.77; BROWN'S SHOE FIT, CO.,UNIFORM & CLOTHING,196.88; CAPITAL BUSINESS SYSTEMS INC.,CONT. SVCS.,245.22; CARR- TRUMBULL LUMBER CO, INC.,SUPP - LUMBER,8.71; CELLCO PARTNERSHIP,CELL PHONE USE,148.37; CEMENTER'S INC,CONCRETE FOR STREET REPAIR,593.75; CITIBANK, N.A.,INVEST SUPPL,23.2; CITY OF GERING,DISPOSAL FEES,40904.51; CLARK PRINTING LLC,SPECIAL EVENT,536.29; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTAL INS,48.7; COMPUTER CONNECTION INC,RENT-MACH,47.17; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,194.72; CONTINUUM EAP,CONTRACT SERVICES,5500; CONTRACTORS MATERIALS INC.,DEPT SUPP,946.11; CREDIT BUREAU OF COUNCIL BLUFFS,EMPLOYMENT SCREEN - OCTOBER,9.5; CRESCENT ELECT. SUPPLY COMP INC,SUPP - FLUOR BULBS,275.27; CYNTHIA GREEN,DEPT SUPP,120.98; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,883.52; DUANE E. WOHLERS,DISPOSAL FEES,900;

ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MTNC,5340.88; ENERGY LABORATORIES, INC,SAMPLES,135; FAT BOYS TIRE AND AUTO,EQUIP MAINT,36.45; FEDERAL EXPRESS CORPORATION,POSTAGE,556.75; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,3035.51; GALLS INC,UNIFORMS,131.97; GATCH RICK,UNIFORMS & CLOTHING,125; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUPP,199.84; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,670; HAWKINS, INC.,CHEMICALS,4142.25; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,4008.89; HEILBRUN'S INC.,EQUIP MTNC,1510.6; HYDROTEX PARTNERS, LTD,OIL & ANTIFREEZE,1474.34; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - MATS, TOWELS, CVRLLS, SOAP,937.68; INGRAM LIBRARY SERVICES INC,BKS,31.82; INLAND TRUCK PARTS & SERVICE,ENGINE ONE EXHAUST REPAIRS,124.54; INTERNAL REVENUE SERVICE,WITHHOLDINGS,61382.19; INTERNATIONAL ASSOCIATION OF ELECTRICAL INSPECTORS,D.S. BOOKS,35; INTRALINKS, INC,CONTRACT SERVICES - LIBRARY,375; J G ELLIOTT CO.INC.,BOND,70; JOHN DEERE FINANCIAL,UNIFORM & CLOTHING,203.94; JOHN DEERE FINANCIAL,CAPITAL,17006.08; KENT NEWS,SBSCR.,217.73; KRIZ-DAVIS COMPANY,BID-18TH STR PLAZA,328.32; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING,100; M.C. SCHAFF & ASSOCIATES, INC,ENG. SERVICE FOR BULB OUTS,4672.5; MANKA RYAN,REIMB TRANS DAMAGE,76.37; MATHESON TRI-GAS INC,RENT - MACHINES,46.67; MENARDS, INC,DEPT SUP,906.76; MICHAEL B KEMBEL,OVERHEAD DOOR ADJUSTMENT PSB,85; MID-IOWA SOLID WASTE EQUIPMENT CO, INC,VEH MAINT,103.25; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,2674.07; N & E INC,CONTRACTUAL,625; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1492.93; NE DEPT OF REVENUE,WITHHOLDINGS,17678.84; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF,10; NEBRASKA MACHINERY CO,EQUIP MAINT,2459; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,40267.32; NEBRASKA TITLE COMPANY,SERVICES,177.5; NEOPOST,POSTAGE,1442.96; NEOPOST USA INC,RENT-MACH,787.88; NETWORKFLEET, INC,SUPP - GPS SERVICE,18.95; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SVCS.,339.44; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT,523; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,17997.66; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,180; PLATTE VALLEY BANK,HSA SAVINGS,13696.18; POSTMASTER,POSTAGE,868.29; QUILL CORPORATION,DEPT SUPPL,800.69; RAHMIG CLAYTON,UNIFORM & CLOTHING,64; RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,389.1; REGANIS AUTO CENTER, INC,VEHICLE MTNC,125.2; REGION I OFFICE OF HUMAN DEVELOPMENT,CONTRACTUAL SERVICES,825; REGIONAL CARE INC,CLAIMS,26980.88; REGISTER OF DEEDS,LEGAL,144; RIGHT BRAIN UNLIMITED,GROUND MAINT,689.92; S M E C,EMPLOYEE DEDUCTIONS,179.5; SANDBERG IMPLEMENT, INC,VEHICLE MTNC,826.63; SATO, LEANN,SCHOOLS & CONF,39; SCB COUNTY TREASURER,TAXES,412.27; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,165; SCOTTS BLUFF COUNTY COURT,LEGAL,153; SCOTTSBLUFF BODY & PAINT,TOW SERVICE,775; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,528; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORM & CLOTHING,614.08; SHERIFF'S OFFICE,LEGAL,186.96; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,14000.79; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,5826.32; SNELL SERVICES INC.,ELECTRICAL MAINT,435; STEVE'S TRUCK & EQUIPMENT INC,VEHICLE MTNC,25; UNIQUE MANAGEMENT SERVICES, INC,CONT. SVCS.,232.7; UNITED STATES WELDING, INC,WELD. SUPP - ACET & OXYGEN,105.75; UPSTART ENTERPRISES, LLC,DEPT SUPP,229.47; US BANK,FORMS,474.82; VANTAGEPOINT TRANSFER AGENTS-300793,DEFFERED COMP,655; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,530; W & R INC,ELECTRICAL MAINT,1016.08; WELLS FARGO BANK, N.A.,RETIREMENT,31351.73; WESTERN PATHOLOGY CONSULTANTS, INC,SERVICES,221.5; WESTERN STATES BANK,PUBL SAFETY TAX BOND,58793.75; WESTERN SURETY COMPANY,BOND - RANDY

MEININGER,100; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,67; WIN INVESTMENTS INC,SCHOOLS & CONF,476.38; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEPT SUPPLIES,24.99; REFUNDS: STEVE'S AUTO SALES 14.83; RUZICKA 24.75; BEAM 2.69; AREA II OMR 201.78; WALL 250; BEGLEY 1.56.

City Manager Johnson presented the bids for the new Sanitation Truck, which was included in the CIP budget for this fiscal year. The budgeted amount was \$200,000.00 and all bids came in under budget. The following bids were received: MHC Kenworth, Cheyenne \$181,278.05 with trade-in; Floyds Truck had two bids for a Freightliner and Southwest Equipment body, \$173,450.00 with trade-in and Western Star with Southwest Equipment body \$173,450.00. Staff is recommending awarding the bid to Floyds Truck Center for the Southwestern Equipment body and Western Star Chassis. Public Works Director Bohl commented that they have other trucks with the Western Star Chassis and have been pleased with the performance. Moved by Council Member McCarthy, seconded by Council Member Gonzales, "to approve the bid to Floyds Truck Center and Southwest Equipment for the purchase of a new Sanitation Vehicle for Environmental Services in the amount of \$173,450.00, with trade in," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Donna Thompson with the West Nebraska Arts Center, presented her request for approval of three special arts-related event wine permits to be held at the Art Center. They have had these special events for many years with no incidents involving serving minors. Everyone who pours the wine will be trained and will check ID's if they are suspicious. These events are for those 21 and older. Council Member Shaver asked if they have a license holder provide the wine. The board members provide the wine, and currently have a board member who has a wholesale license. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve issuance of a special arts-related event wine permits for the West Nebraska Arts Center, 106 East 18th Street and special designated liquor licenses for three events on January 21, 2017; February 2, 2017; and May 4, 2017," "YEAS", Gonzales, Meininger, McCarthy, Shaver and Colwell "NAYS", None. Absent: None.

Mayor Meininger opened the public hearing at 6:10 p.m. to consider the Class C Liquor License application for Kreman Restaurant Inc., dba MJ's Restaurant, 2621 5th Avenue, Scottsbluff, NE. David and Mary Jane Kreman, owners, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Mayor Meininger, seconded by Council Member Shaver, "that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) Kreman Restaurant Inc., dba MJ's Restaurant application; 2) City Council check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated November 17, 2016; 4) written statement of City Clerk dated November 21, 2016; 5) written statement of City Planner Folck dated November 7, 2016; "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

David and Mary Jane Kreman explained that they will be opening a restaurant in the previous Applebees building. They explained that they have a separate locked room to store the alcohol. Mr. Kreman will place all of the alcohol orders. Everyone who is employed will take the server training classes. They will have a no-tolerance policy for any employee who sells to a minor.

Chief Kevin Spencer explained to the Council that he conducts a very extensive background check for all liquor license applicants to make sure they are fit, willing and able to hold a liquor license. He found a couple of violations in the background check, however, they were not disqualifying offenses. The applicants have a good process in place. The Liquor License Investigatory Board met on November 10, 2016 and unanimously voted on a positive recommendation to the City Council regarding the liquor license for Kreman Restaurant, Inc.

Mayor Meininger closed the public hearing at 6:20 p.m. He stressed the importance of having policies and procedures in place to prevent the sale of alcohol to minors. Moved by Mayor Meininger, seconded by Council Member Shaver, "to make a positive recommendation to the Nebraska Liquor Control Commission to approve the Class C 120702 Liquor License application for Kreman Restaurant

Inc., dba MJ's Restaurant, Scottsbluff, NE," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

RESOLUTION NO. 16-11-03

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

1. On November 21, 2016, the matter of the application of a Class C liquor license for Kreman Restaurant Inc., dba MJ's Restaurant, 2621 5th Ave., Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class I liquor license for Kreman Restaurant Inc., dba MJ's Restaurant, 2621 5th Ave., Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2010)

Exhibit 3 - Written statement of Police Chief dated November 17, 2016

Exhibit 4 - Written statement of City Clerk dated November 21, 2016

Exhibit 5 - Written statement of Development Services Director dated November 7, 2016

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from David and Mary Jane Kreman. Police Chief Kevin Spencer spoke on behalf of the City.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
 - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.
 - b. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2010) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes.

Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class C liquor license be issued to MJ's Restaurant, at the premises described in the application.

5. The City Clerk shall transmit a copy of this Resolution to the Commission.
6. Cost of publication: \$15.65.

Passed and approved this 21st day of November, 2016.

Mayor

ATTEST:

City Clerk
“seal”

Moved by Mayor Meininger, seconded by Council Member Shaver, “to make a positive recommendation to the Nebraska Liquor Control Commission naming David Kreman as the Liquor License Manager of the Class C 120702 liquor license for Kreman Restaurant Inc., dba MJ’s Restaurant, 2621 5th Ave., Scottsbluff, NE,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson presented the annual Certification and Resolution required to appoint Philip Mark Bohl as the city’s street Superintendent. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve the Certification and Resolution No. 16-11-04 appointing Philip Mark Bohl as the City of Scottsbluff Street Superintendent,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

RESOLUTION NO. 16-11-04

WHEREAS, the State of Nebraska, through the Nebraska Department of Roads (“NDOR”) requires a licensed Street Superintendent be named each year for municipalities within the State of Nebraska; and

WHEREAS, the City of Scottsbluff (“City”) has an employee, Philip Mark Bohl, who is a licensed Street Superintendent; and

WHEREAS, the City has appointed and Philip Mark Bohl has agreed to be the City’s Street Superintendent for the 2017 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council and Mayor of the City of Scottsbluff, Nebraska that Philip Mark Bohl, Nebraska Street Superintendent #1103 is appointed as the Street Superintendent for the City of Scottsbluff.

This Resolution shall become effective upon its passage and approval.

PASSED and APPROVED on November 21, 2016.

Mayor

ATTEST:

City Clerk

Mayor Meininger introduced Ordinance No. 4200 updating fees for collecting electronic recycling materials, which was read by title on second 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.**

Moved by Mayor Meininger, seconded by Council Member Shaver, "that the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS" None. Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Shaver, "that Ordinance No. 4200 be adopted," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS" None. Absent: None.

City Manager Johnson presented the Interlocal Agreement with the City of Gering for the Industrial Tract Development. He explained that himself and Mr. Lane Danielzuk, City Administrator for Gering have been meeting regarding this agreement. The City of Gering has approved the agreement and staff is recommending approval also. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve the Interlocal Agreement with Gering for the development of an Industrial Tract and authorize the Mayor to execute the agreement," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Police Chief Kevin Spencer explained the Memorandum of Understanding with the Nebraska Human Trafficking Task Force. This MOU is not binding, however, we will appoint a couple of officers to train and respond to human trafficking offenses. This will also require special training for the staff twice a year. Chief Spencer would like to eventually add a Sexual Assault Response Team to the department and this is a good initial step. He has been working with the Task Force for over one year on this process. Council Member Shaver commented that this may be daunting on our officer resources locally. Chief Spencer responded that if staffing becomes an issue, he will manage this issue to make sure all shifts are covered. The benefit is that if there is an event, it will most likely be within our jurisdiction, and we will have access to additional agencies to assist.

This is similar to our participation with the Wing Task Force, however, not as time consuming. Council Member Shaver was positive about the access to other agencies in this important issue. Moved by Council Member McCarthy, seconded by Council Member Shaver, "to approve the Memorandum of Understanding with the Nebraska Human Trafficking Task Force and authorize the Mayor to execute the agreement," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS" None. Absent: None.

Regarding the City Manager's six-month evaluation, Mayor Meininger commented that the Council received Mr. Johnson's list of objectives and goals which was developed when he was appointed as the City Manager. In addition, Council received an ICMA Evaluation form to be used for his evaluation. Council Member Colwell asked if the evaluation form would be helpful for Mr. Johnson. He commented that some of the items on the evaluation may be hard to accomplish in six months, however, there are some good goals listed.

Mayor Meininger commented that in reviewing the list of goals and current projects, he doesn't see any major concerns. There are some key positions currently that staff is waiting to fill.

Council Member Colwell commented that he visited with some Department Heads regarding City Manager Johnson's performance, and found resounding positivity from the employees. In another six months, he would like to go back to employees to review the evaluation again. He is interested in assisting with the evaluation as useful tool for Mr. Johnson.

City Manager Johnson commented that many of the projects and goals listed are not attributable to him; the success begins at the ground level with our employees and goes up. Council Member McCarthy added that he appreciates the prompt responses from Mr. Johnson whenever he contacts him. He asked what can council do to help him. Mr. Johnson responded that he would like to set some goal setting sessions specific to projects, which is critical in moving forward. He understands that the City Council values infrastructure and public safety. He would like to identify what projects we could do to accomplish those goals.

Mayor Meininger added that we will continue to move forward to meet goals and will use the ICMA evaluation at the end of first year.

Under public comments – Dave Strang (KNEB) and Irene North (Star Herald) both commented that Mr. Johnson is very accessible to the media, which they appreciate.

Under Council Reports Council Member Gonzales reported that the WNED Meeting was moved to November 22, 2016 at 6pm in Bayard, Mr. Johnson will be attending. He attended the PADD meetings, and it appears that that they are making progress on a number of projects. Mayor Meininger reported that the 911 Committee has met and they have received some very good RFP's for the software. The Senior Center is working on repairing doors and replacing lighting.

Moved by Council Member McCarthy, seconded by Council Member Colwell, "to adjourn the meeting at 6:35 p.m.," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Mayor

Attest:

City Clerk
"SEAL"