

**City of Scottsbluff, Nebraska**  
**Monday, September 17, 2018**  
**Regular Meeting**

**Item Consent1**

**Approve the minutes of the September 4, 2018 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on September 4, 2018 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on August 31, 2018, 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 August 31, 2018.

Mayor Meininger presided and City Clerk Wright 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 who they are representing 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, Scott Shaver, Jordan Colwell, Mark McCarthy, and Raymond Gonzales. Also present were City Manager Johnson and 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 McCarthy seconded by Council Member Colwell that,

- a) "The minutes of the August 20, 2018 Regular Meeting be approved,"
- b) "A special meeting be set for September 10, 2018 at 12:00 p.m. to consider the Ordinance adopting the budget statement to be termed the annual appropriation bill for FY 2018-2019. (second reading)" "YEAS," Colwell, Meininger, Shaver, McCarthy, and Gonzales" "NAYS," None. Absent: None.

Moved by Council Member Shaver, seconded by Council Member McCarthy, "that the following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated September 4, 2018, as on file with the City Clerk and submitted to the City Council," "YEAS," Meininger, Shaver, McCarthy, Gonzales, and Colwell. "NAYS," None. Absent: None.

#### CLAIMS

21st CENTURY WATER TECHNOLOGIES, LLC,GROUND MAINT PK,1048.54;ACTION COMMUNICATIONS INC.,VEHICLE MTNC,48; AE SERVICES, LLC,ELECTRICAL - 18TH ST PLAZA,2390;ALARM SECURITY TECHNICIANS,CONTRACTUAL-PD,14.95; AMAZON.COM HEADQUARTERS,DEPT SUPP,818.73; ANGEL FERNANDEZ,EAST OVERLAND GRANT,10000; ANITA'S GREENSCAPING INC,CONT. SRVCS.,242; AUTOZONE STORES, INC,TOWER ONE SERVICE,20.56;B & H INVESTMENTS, INC,Dep. SUP. - LIBRARY,62; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,1706.82; BLUFFS SANITARY SUPPLY INC.,JAN. SUP.,457.52; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,38; CARR-TRUMBULL LUMBER CO, INC.,TOWER ONE GREASE,143.88; CELLCO PARTNERSHIP,CELL

PHONES-PD,750.35; CHRIS REYES,DEPT SUPP,440.88; CITIBANK N.A.,DEPT SUPP HR,1082.05; CITIBANK, N.A.,EQUIP MAINT CEM,96.76; CITY OF SCB,PETTY CASH,90.5; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,LIFE & ACCIDENT INS,48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,143.89; CONTRACTORS MATERIALS INC.,SUPP - ORANGE SAFETY FENCE,873.77; CORE & MAIN LP,METERS,1671.12; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,218.06;CYNTHIA GREEN,DEP. SUP.,228.83;DASSTATE ACCOUNTING-ENTRALFINANCE, MONTHLYLONGDISTANCE,120.26; DEMCO, INC,PRGR,,106.82; DOCU-SHRED LLC,CONTRACTUAL ADM,150; DOOLEY OIL INC,OIL & ANTIFREEZE,76.75; DUANE E. WOHLERS,EQUIP MTNC,1428.35; ELLIOTT EQUIPMENT COMPANY INC.,EQUIP MTNC,135.75; ENERGY LABORATORIES, INC,SAMPLES,135; FASTENAL COMPANY,EQUIP MAINT CEM,9; FAT BOYS TIRE AND AUTO,EQUIP MTNC,450; FEDERAL EXPRESS CORPORATION,POSTAGE,67.47; FERGUSON KEITH,CONTRACTUAL,108; FLOYD'S TRUCK CENTER, INC,EQUIP MTNC,680.15; FRANCHATIMATTHEW,CONTRACTUAL,126;GENERAL ELECTRIC CAPITAL CORPORATION, DEPT SUP WTR,654.3; GENERAL TRAFFIC CONTROLS, INC,TRAFFIC SIGNAL EQUIP - DOOR LATCH,41.8; GUTWEIN APPRAISAL SERVICES INC,CONTRACTUAL SVC,850; HAWKINS, INC.,CHEMICALS,7007.86;HOA SOLUTIONS, INC,EQUIP MAINT,260; HONEY WAGON EXPRESS,CONTRACTUAL PK,180; HYDRONIC WATER MANAGEMENT,EQUIP MAIN.,850; HYDROTEX PARTNERS, LTD,EQUIP MTNC,761.24;IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL SUPP PK,927.29; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PK,7.68;INFINITY CONSTRUCTION, INC.,42ND STREET CONSTRUCTION,406009.71; INGRAM LIBRARY SERVICES INC, BKS.,576.49; INTERNAL REVENUESERVICE, WITHHOLDINGS,56963.29; INTRALINKS, INC,CIP-PO-PATROL CARS,167.67; JOHN DEERE FINANCIAL,UNIFORMS & CLOTHING WW,261.92; JOHN DEERE FINANCIAL,VEH MAINT PK,401.01; KEARNEY HOSPITALITY INC,SCHOOLS & CONF,117.95;KIRK BERNHARDT,CONTRACTUAL,72;KNOW HOW LLC,DEPT SUPPLIES CG,3516.52; LAWSON PRODUCTS,INC, DEPT SUPPLIES,240.81; LEAGUE OF NEBRASKA MUNICIPALITIES, REGISTRATION - NATHAN JOHNSON,326; LIPPSTREU RANDALL,TREE REBATE,259.96; LNK2 LODGING LLC,SCHOOLS & CONF,806.28; LOPEZ JESSIE,DEP. SUP.,78; M.C. SCHAFF & ASSOCIATES, INC,42ND STREET ENGINEERING,44912.77;MAILFINANCE INC,MONTHLY LEASE ADM,148.76; MATHESON TRI-GAS INC,DEPT SUPP PK,73.22; McMILLON JIM,CAMPGROUND REFUND,20;MENARDS, INC,DEPT SUP WTR,384.67; MICHAEL PEGGIE,REIM BUS. TRVL.,82.86; MOSCRIP DELORES,CAMPGROUND REFUND,25; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1350.55; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.5; NE DEPT OF REVENUE,LODGING TAX,553.51; NEBRASKA RURAL WATER ASSOCIATION, SCHOOLS & CONF,1720;NEBRASKA MACHINERY CO,EQUIP MTNC,42.2; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,29188.8; NELSON TRENT,DEPT SUPPLIES,353.95;NEMNICH AUTOMOTIVE,EQUIP MTNC,79.82;NNDC,REGISTRATION - STARR LEHL,50; NORTHERN LAKE SERVICE, INC,SAMPLES,10984; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PK,54.34;PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,250.5; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5174.59; PELCO CORP,PLAQUE,50;PH&S PRODUCTS LLC,INVEST SUPPL-PD,98; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,14929.95; PLATTE VALLEY BANK,ED AGREEMENT -

PIONEER ANIMAL CLINIC,135971.95;POSTMASTER,POSTAGE,412.66;POWERPLAN,EQUIP MTNC,7.76;QUILL CORPORATION,DEPT SUPPL-PD,519.33; REAMS SPRINKLER SUPPLY CO.,DEPT SUPP PK,48.35; REGANIS AUTO CENTER, INC,EQUIP MTNC,354.45;REGIONAL CARE INC,HEALTH INS. PREMIUM - SEPT 2018,95787.47; RICHARD JACKSON,DIVE CLASS,1600;RICHARD P CASTILLO,CONTRACTUAL,72; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,1732.62;RUSCH'S GENERAL CONTRACTING, LLC,BLDG MAINT,63; S M E C,EMPLOYEE DEDUCTION,161; SANDBERG IMPLEMENT, INC,EQUIP MAINT WW,178.34; SATO, LEANN,SCHOOLS & CONF,52.6; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,210; SCOTTIES POTTIES INC,CONTRACTUAL,675; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,528; SCOTTSBLUFF WINSUPPLY COMPANY,GROUND MAINT PK,382.31; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,15474.29; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,6991.33; SNELL SERVICES INC.,EQUIP MAIN.,316;SPENGLER MICHAEL,CONTRACTUAL,72;STATE HEALTH LAB,SAMPLES,2144;STATE OF NE.,CONTRACTUAL-PD,105;STATE OF NEBRASKA DEPT OF HEALTH,LICENSE & PERMITS,115;STRICKER MARTIN,CONTRACTUAL,90; SWANK MOTION PICTURES INC,SPECIAL EVENT REC,463; THE PEAVEY CORP,INVEST SUPPL-PD,110;TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,365.69; TYLER TECHNOLOGIES, INC,ONLINE UTILITY BILLING FEES,348;UNION BANK & TRUST,RETIREMENT,35372.28;US BANK,SCHOOLS & CONF,1822.55; VAN DIEST SUPPLY COMPANY,MOSQUITO SPRAY,1042.5; WASSON, BRIAN,SCHOOLS & CONF-PD,85; WESTERN COOPRTATIVE COMPANY,GROUND MAINT PK,187.5; WRIGHT MICHAEL,REIM BUS. TRVL.,22.86; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,94.94; WYOMING WATER DEVELOPMENT OFF,PAWS FEASIBILITY STUDY,7415.12;

Ms. Sabrina Esparza was recognized by the Council with a plaque for her involvement with cleanup efforts within the City of Scottsbluff. Ms. Esparza has spearheaded and organized a neighborhood committee in southeast Scottsbluff for the last twenty years.

Mayor Meininger opened the public hearing at 6:03 p.m. for authorizing the final tax request for the 2018-2019 year at a different amount than the prior year request. City Manager Johnson explained that the County property tax valuation increased by 1.18% or \$22,402, the levy has not changed and because of this Scottsbluff has the third lowest property tax valuation in the State.

There were no comments from the public. Mayor Meininger closed the public hearing at 6:05 p.m. Mr. Johnson went over the Resolution for the property tax request. The 2018-2019 property tax request for the City of Scottsbluff is \$1,913,738; the Business Improvement District \$54,100. It was put into motion by Council Member Gonzales, seconded by Council Member Shaver "to approve Resolution No. 18-09-01 setting the final tax request for the 2018-2019 year at a different amount than the prior year request," "YEAS," Shaver, McCarthy, Gonzales, Colwell, and Meininger. "NAYS" None. Absent: None.

#### RESOLUTION NO. **18-09-01**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Scottsbluff passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Scottsbluff that the property tax request for the current year shall be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Scottsbluff, by a majority vote, resolves that:

1. The 2018-2019 property tax request be set at \$1,913,738 for the City of Scottsbluff.
2. The 2018-2019 property tax request be set at \$54,100 for the Business Improvement District.
3. A copy of this resolution be certified and forwarded to the County Clerk on or before October 12, 2018.

PASSED AND APPROVED this 4th day of September, 2018.

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Mayor

ATTEST:

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City Clerk (seal)

Mayor Meininger opened the public hearing at 6:07 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the FY 2018-2019 budget. City Manager Johnson explained that the budgeted revenues net of transfers in the amount of \$26,542,634 shows a decrease over the previous year of 2.5 million, which is mainly due to the bond issuance for 42<sup>nd</sup> Street for the prior fiscal year.

The General Fund revenue for FY19 is \$8,063,604, which is a decrease of \$65,976. The FY19 budgeted sales tax revenue is \$5,455,859 decreased by 4%, at \$227,328. The Budgeted Property Tax revenue for FY19 is an increase of \$22,402 due to Scotts Bluff County valuation increases, however the City levy remains the same with a limit of \$175,000 going into the General Fund. The remaining property tax dollars are deposited into a sinking fund for capital expenditures, public safety, cemetery, transportation and debt service. The NPPD Lease Revenues amount is \$2,539,750, which is no change from FY18.

The FY19 Budgeted Expenditures is \$43,080,070 which includes capital expenditures of \$6,321,540, debt service \$2,788,259. This is an increase from the previous year of \$1,976,099; mainly due to debt service expenses.

The FY19 Budgeted operating expenses is \$30,102,277 which is an increase from the previous year of \$2,905,138 mainly due to economic development. The General Fund budgeted operating expense is \$11,095,613, which includes a \$250,000 contingency and two million for the pathway expansion. The number of full time employees has remained the same from last year and in the future more is to be allocated into economic development to reinvest in the community.

Ms. Katie Bradshaw asked about the right of way to the Pathway and if that was included in the budget. Mr. Johnson explained that the parks department budget has been increased by two million and therefore that is included.

There were no more comments from the public and Mayor Meininger closed the public hearing at 6:12 p.m.

Mayor Meininger introduced the Ordinance which was read by title on first 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.**

Mayor Meininger opened the public hearing at 6:15 p.m. to consider the Class I Liquor License for La Musica, LLC dba El Baile Nightclub. Mr. Jose Carrillo, Manager of El Baile Nightclub, Mr. Susano Morales Lopez, owner of El Baile Nightclub, Police Chief Kevin Spencer, and Ms. Sabrina Esparza, resident were sworn in to testify about the liquor license. Moved by Council Member Shaver, seconded by Council Member McCarthy "that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) La Musica, LLC El Baile Nightclub, Liquor License application; 2) City Council check list for section 53-132 cum supp 2016; 3) written statement of Police Chief Kevin Spencer dated August 31, 2018; 4) written statement of City Clerk dated September 4, 2018; 5) written statement from the Development Services Department dated August 9, 2018; "YEAS," McCarthy, Gonzales, Colwell, Meininger, and Shaver. "NAYS," None. Absent: None.

Mr. Carrillo explained to Council that he has a plan for his business which will involve everyone in the community. He will require everyone who enters the establishment to wear a wristband, including different bands for minors, marking them with an "M" with permanent marker. He has installed 32 cameras which will be fully functioning at all times and he will be taking, along with all employees, later this month responsible alcohol training. Mayor Meininger asked who would be ordering and have access to the alcohol. Mr. Carrillo stated that would be himself and Mr. Morales Lopez. He also mentioned there are cameras in the area as well. Mr. Carrillo stated he has a zero tolerance policy of selling alcohol to minors, with employees being terminated if they do. Council Member Colwell asked if minors will be allowed in the establishment until closing. Mr. Carrillo stated that they will be allowed as long as they are eighteen, due to curfews. City Attorney Hadenfeldt asked if Mr. Morales Lopez still had a liquor license in Colorado and if there was a purchase agreement on the building, with both questions answered yes by Mr. Carrillo.

Police Chief Spencer reported that he does extensive background checks on all the applicants and there is no criminal history on either of the applicants. He is somewhat impressed with the 32 cameras and the security protocol for the business. He did mention that Mr. Morales Lopez did have a violation on his license in Colorado and the bartender was immediately terminated.

Ms. Sabrina Esparza, resident, commented that it was concerning that minors would be with adults and that it would be too easy for them to get alcohol.

With there being no more comments from the public Mayor Meininger closed the public hearing at 6:28 p.m. Council Member Colwell asked that they reconsider a curfew for the minors. It was put into motion by Council Member Gonzales, seconded by Mayor Meininger "to forward a positive recommendation to the Nebraska Liquor Control Commission for La Musica, LLC dba El Baile Nightclub, Class I liquor license pursuant to Nebraska§53-132 (2)a, (2)b, (2)c, and (2)d," "YEAS," Colwell, Meininger, Shaver, Gonzales, McCarthy. "NAYS," None. Absent: None.

**RESOLUTION NO. 18-09-02**

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

1. On September 4, 2018 the matter of the application of a Class I liquor license for La Musica, LLC dba El Baile Nightclub, 705 East Overland, 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 La Musica, LLC dba El Baile Nightclub, 705 East Overland, Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2016)

Exhibit 3 - Written statement of Police Chief dated August 31, 2018

Exhibit 4 - Written statement of City Clerk dated September 4, 2018

Exhibit 5 - Written statement of Development Services Department dated August 9, 2018

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Jose M. Carrillo, Manager; 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 I liquor license for La Musica, LLC dba El Baile Nightclub 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 4th day of September, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

“seal”

Moved by Council Member Shaver, seconded by Council Member Gonzales “to submit a positive recommendation for Jose M. Carrillo as Manager of La Musica, LLC dba El Baile Nightclub,” “YEAS,” Meininger, Shaver, McCarthy, Gonzales, and Colwell. “NAYS,” None. Absent: None

Mayor Meininger opened the public hearing at 6:34 p.m. to consider a zone change for 1116 Avenue C from R-1A, single family to C-2 neighborhood and retail commercial zone. Mr. Johnson stated to Council the planning commission has unanimously approved this request and Mr. Rick Wayman, owner of the property, came forward and explained that he would like to remove an unsafe structure and put a comm shop on the property, hence the rezone.

Mayor Meininger closed the public hearing at 6:36 p.m. It was put into motion by Mayor Meininger and seconded by Council Member Gonzales “to direct legal counsel to write an Ordinance to authorize the rezone of the property,” “YEAS,” Gonzales, Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: None.

Mr. Bill Winburg, Director of Operations of RMH Franchise Corporation, dba Applebee’s was in attendance, due to the absence of manager applicant Jennifer Hansen. Ms. Hansen had a prior travel commitment and could not make the meeting, but wrote a letter explaining her responsibilities as the liquor license manager, which Mr. Winburg read. Ms. Hansen explained in her letter that RMH has decided to move all liquor licenses in the State of Nebraska, due to the absence of the Director of Risk, into her name. She explained that if any location fails a compliance check the person(s) involved will be immediately terminated and the staff retrained. All new hires will undergo responsible alcohol training and staff will have annual training. They will keep all invoices on site and will deliver proper notification posters in the establishment. Council Member Shaver asked if Ms. Hansen would ever be at the location. Mr. Winburg explained that the Director of Risk has always had the license in their name and Ms. Hansen will be at the store periodically, but Mr. Winburg will have the physical presence at the establishment. Mayor Meininger, seconded by Council Member Colwell made a motion “to forward a positive recommendation to the Nebraska Liquor License Commission naming Jennifer L. Hansen as the manager of RMH Franchise Corporation, dba Applebee’s Neighborhood Bar & Grill,” “YEAS,” Meininger, Shaver, McCarthy, Gonzales, and Colwell. “NAYS,” None. Absent: None.

Regarding the Ordinance on solid waste collection fees for non-residential electronic recycling materials, Council introduced the Ordinance that 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.**

Regarding the Ordinance on updating utility user fees, including water and sewer fees, solid waste collection and surcharge for storm water, Council introduced the Ordinance that was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING SEWER USER FEES AT CHAPTER 6, ARTICLE 6, INCLUDING SURCHARGE FOR STORMWATER REGULATORY REQUIREMENTS, AMENDING AND CHANGING THE SOLID WASTE COLLECTION FEES AT CHAPTER 6, ARTICLE 6, AND WATER SERVICE FEES AT**

**CHAPTER 6, ARTICLE 6, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Meininger asked if anyone had any comments on the Ordinances, with Council Member Shaver asking for red letter versions to see the changes made.

Regarding the Ordinance on updating the use of special collections and additional containers, Council introduced the Ordinance which was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING CHAPTER 6, ARTICLE 6, INCLUDING SPECIAL COLLECTIONS AND ADDITIONAL CONTAINERS REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Meininger made a motion, seconded by Council Member Shaver “to remove from the table the consideration of an Ordinance charging fees for inbound and outbound materials at the compost facility,” “YEAS,” McCarthy, Gonzales, Colwell, Meininger, and Shaver. “NAYS,” None. Absent: None.

Mr. Johnson explained there will be one change to the Ordinance charging fees for inbound and outbound materials at the compost facility. All residential and commercial users within city limits will be able to use the facility to dispose of yard waste for free with non-residential and outside city commercial users being charged an inbound fee. Council Member Shaver asked how that would be monitored; with Mr. Johnson answering the physical location of the business will be used.

Council Member McCarthy introduced the Ordinance charging fees for inbound and outbound materials at the compost facility, which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF DEALING WITH DISPOSAL OF TREES, BRUSH AND YARD WASTE AT CITY DISPOSAL SITES, AMENDING THE SCOTTSBLUFF MUNICIPAL CODE SECTION 6-6-26, EXEMPTING YARD WASTE AND TREE DISPOSAL FROM A CITIZEN’S RESIDENCE, SETTING FORTH RATES AND CHARGES FOR ACCEPTING COMMERCIAL AND NON-RESIDENTIAL YARD WASTE AND TREE DISPOSAL, REPEALING THE FORMER SECTION, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Johnson reported that the City has received the revised 90% plans and the right of way cost estimate for the Monument Valley Pathway North Project. This phase of the project is an 80-20 split between the City and the State, with the City’s portion being \$201,200. This is more than the \$40,000 that was originally budgeted in previous years, but the City has budgeted in FY 19 for the increase. It was put into motion by Mayor Meininger and seconded by Council Member Colwell “to approve Resolution No. 18-09-03 for the revised 90% plans and right of way cost estimate for the Monument Valley Pathway North Project,” “YEAS,” Colwell, Meininger, McCarthy, and Gonzales. “NAYS,” Shaver. Absent: None.

**RESOLUTION**

**“REVISED 90% PLANS AND ROW**

**COST ESTIMATE “APPROVAL**

City of Scottsbluff

Resolution No. 18-09-03

**Whereas:** City of Scottsbluff (City) and State entered into an LPA Program Agreement for State to assist City in the development and construction of an LPA Federal-aid transportation project;

**Whereas:** The State or the design consultant has developed the project plans to the "90% Plans" stage of development, dated March 20, 2018;

Whereas: The "90% Plans" also includes Right of Way Plans and the Right of Way Cost Estimate;

Whereas: The LPA Program Agreement requires the City to review the "90% Plans and ROW Cost Estimate" and either request modification or approve them as acceptable at this stage;

**Whereas:** City wishes to approve the "90% Plans", including the Right of Way Plans and ROW Cost Estimate as prepared.

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

The Mayor, Randy Meininger, is hereby authorized to sign the bottom of this resolution and submit it to the State signifying the City's approval of the "90% Plans" dated March 20, 2018, including Right of Way Plans for the project.

NDOR Project Number: ENH-79(42)

NDOR Control Number: 51512

NDOR Project Description: Scottsbluff Valley Pathway North

Adopted this 4th \_\_\_\_ day of September \_\_\_\_\_, 2018 at Scottsbluff \_\_\_\_\_ Nebraska.  
(Month) (Year)

The City Council of the City of Scottsbluff, Nebraska

Randy Meininger, Raymond Gonzales, Scott Shaver, Jordan Colwell and Mark McCarthy

Board/Council Member

Moved the adoption of said resolution Mayor Meininger  
Member Colwell \_\_\_\_\_ Seconded the Motion  
Roll Call: 4 \_\_\_\_ Yes 1 \_\_\_\_ No 0 \_\_\_\_ Abstained 0 \_\_\_\_ Absent  
Resolution adopted, signed and billed as adopted

CITY OF SCOTTSBLUFF

Randy Meininger

\_\_\_\_\_  
Mayor

Attest:

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**Signature City Clerk**

Regarding the request for the advertising of a proposal for sanitation services, City Manager Johnson explained to Council that this is not due to any public testimony, but is due to the City trying to get data to make an informed and educated decision. The RFP covers three options 1). Privatize all sanitation services. 2). Keep existing sanitation services, but use a transfer station or landfill. 3). The public or a private entity can submit an alternate proposal. He reiterated the City would like to measure services and make sure those services are cost effective in all areas, with Mayor Meininger asking if the RFP includes roll offs, which it does.

Mr. Bobby Allbaugh addressed Council and thanked them for being open minded and looking at all options, including the private sector.

Mayor Meininger, seconded by Council Member Shaver made a motion “to approve the advertising of a Request for Proposal for sanitation services,” “YEAS,” Shaver, McCarthy, Gonzales, Colwell, and Meininger. “NAYS,” None. Absent: None.

Mr. Johnson introduced an engineering agreement with Trihydro to review five potential landfill sites, the amount being \$264,512, which will come out of the joint sinking fund with the City of Gering. .

Mr. Bobby Allbaugh approached Council and stressed he is still fearful and hopes multiple sites will be looked at. He questioned why 88 out 113 landfills show contamination in the Wyoming area and asked Council if the five sites looked at will be on different properties. Ms. Marge Bedessem of Trihydro Corporation explained that the 88 facilities are small and have been in existence for many years and they should not impact the decision making for the new state of the art facilities. She stressed having transparency and good communication throughout the process while looking at many different sites.

Mayor Meininger made a motion, seconded by Council Member Shaver “to approve an engineer for Step 1, in connection with the siting of a municipal solid waste facility with the City of Gering, contingent on Gering approving the agreement and payment to come out of the joint sinking fund between the two cities,” “YEAS,” McCarthy, Gonzales, Colwell, Meininger, and Shaver. “NAYS,” None. Absent: None.

Mr. Johnson introduced the amended fire contract which is due to the pay resolution being approved at a previous council meeting. It includes wages, a promotional position of lieutenant and an added step 8. Council Member Shaver, seconded by Council Member Colwell made a motion “to approve the amended Fire Contract Article VIII Wages,” “YEAS,” Gonzales, Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: None.

Regarding the amended police contract referring to Article XXII wages, this is a one percent increase across the board to keep Police Officers, Corporals, and Sergeants in line with the array, as identified by the Commission of Industrial Relations, to be between 98 and 102. Council Member Shaver, seconded by Council Member McCarthy made a motion “to approve amended Police Contract Article XXII Wages,” “YEAS,” Meininger, Shaver, McCarthy, Gonzales, and Colwell. “NAYS,” None. Absent: None.

Mr. Johnson explained to Council that during the annual inspection of the wastewater treatment facility and the water system, the City received a directive from The Department of Health and Human Services that they cannot have cross connection between our potable water and sludge pump. As a result of this, an agreement was made with the North Platte NRD and Minatare Mutual Canal & Irrigation Company that allows the City to install a non-potable well for \$10,575. The money will come from the wastewater fund and will ensure there is no cross connection. Mayor Meininger made the motion, seconded by Council Member Shaver “to approve an agreement with the North Platte NRD and Minatare Mutual Canal & Irrigation Company that mitigates water use associated with the installation of a small water well for the Wastewater Treatment Plant process and authorize the Mayor to execute the agreement,” “YEAS,” Gonzales, Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: None.

Mr. Johnson introduced a flag football agreement with Kirk Bernhardt as coordinator. Teams will have a sign- up fee of \$300.00 and there are twenty teams interested, which will cover the payment to Mr. Bernhardt of \$1,000.00. Council Member Colwell asked about age limits and this league is for adults only. Council Member McCarthy asked about liability to the City; the contract states each participant will sign a waiver. Council Member McCarthy, seconded by Council Member Shaver made a motion “to approve an agreement with Kirk Bernhardt as the Flag Football Coordinator and authorize the Mayor to execute the agreement,” “YEAS,” Meininger, Shaver, McCarthy, Gonzales, and Colwell. “NAYS,” None. Absent: None.

There were no comments from the public. Mayor Meininger reminded everyone that Zuercher goes online October 23<sup>rd</sup> and the Senior Center meeting is September 11<sup>th</sup>. He also acknowledged the nursing students in attendance who explained they are attending meetings to satisfy a class they are taking, which requires them to write a paper on how the meeting agenda relates to nursing.

It was put into motion by Council Member Shaver, seconded by Council Member Colwell “to adjourn the meeting at 7:19 p.m.,” “YEAS,” Shaver, McCarthy, Gonzales, Meininger, and Colwell. “NAYS,” None. Absent: None.

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Mayor

Attest:

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City Clerk

“SEAL”