

City of Scottsbluff, Nebraska

Monday, October 15, 2018

Regular Meeting

Item Consent1

Approve the minutes of the October 1, 2018 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on October 1, 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 September 28, 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 September 28, 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.

Mayor Meininger welcomed the University School of Nursing.

Moved by Council Member Gonzales seconded by Council Member McCarthy that,

- a) "The minutes of the September 17, 2018 Regular Meeting be approved,"
 - b) "Member appointments to boards and commissions be approved,"
 - c) "A Public Hearing be set for October 15, 2018 at 6:00 p.m. to consider a Class I Liquor License for Goonies Sports Bar & Grill, LLC dba Goonies Sports Bar & Grill, 1802 East 20th Place, Scottsbluff, NE. YEAS," Colwell, Meininger, McCarthy, and Gonzales" "NAYS," Shaver.
- Absent: None.

Moved by Council Member Shaver, seconded by Mayor Meininger, "that the following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated October 1, 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

AIR EVAC EMS, INC, CENSUS MEMBERSHIPS 10/1/18 10/1/19,7550; AMAZON. COM HEADQUARTERS, MISC.,2082.17; AMERICAN PUBLIC WORKS ASSOCIATION,SCHOOLS & CONF,200; ANITA'S GREENSCAPING INC,CONT. SRVCS.,242; ANTHONY J MURPHY,PER DIEM FOR ARSON CONFERENCE,130; AUTOZONE STORES, INC,EQUIP MTNC,22.56; B & H INVESTMENTS, INC,DEP. SUP - LIBRARY,50; BAILEY POTTERY EQUIPMENT CORP,LB840 GRANT - DER TOPHER,3050.92;BEELINE SERVICE INC,SUPP - FLARE PIPE,86.56; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,956.25; BLUFFS SANITARY

SUPPLY INC.,DEPT SUPP,351.67; BROWN, MATTHEW,SCHOOLS & CONF-PD,25; CARR-TRUMBULL LUMBER CO, INC.,SUPP - HEM FIR,11.26;CELLCO PARTNERSHIP,CELL PHONES-PD,776.19; CHRIS BRANNAN,UNIFORMS & CLOTHING,125; CITIBANK N.A.,SUPP - INK CART. & PAPER,582.62; CITY OF SCB,PETTY CASH,62.11; CLARK PRINTING LLC,PRGRM.,135; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,LIFE & ACCIDENT INS,48.7; CONTRACTORS MATERIALS INC.,SUPP - EXPANSION JOINT,188.65; CREATIVE SITES LLC,BCI BURKE PLAYGROUND STRUCTURE,29000;CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,218.06; CYNTHIA GREEN,DEPT SUPP ADM,360.35; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,2146.02;DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,126.48; DAVIS LARRY,CONTRACTUAL PK,1000; DEINES IRRIGATION, INC,GROUND MAINT PK,5070.68; DELL MARKETING LP,10 MONITOR MOUNTS - ECITATION,539.9; DELL MARKETING, LP,DESKTOP DOCK AND ACCESSORIES - FIRE CHIEF,307.02;DUANE E. WOHLERS,EQUIP MTNC,1678.9; ENERGY LABORATORIES, INC,SAMPLES,135; ENSEMBLE SOLUTIONS GROUP,WIRELESS ANTENNA/MOUNT - ECITATION,20763.22;FEDERAL EXPRESS CORPORATION,POSTAGE,924.16;FIRST STATE BANK,PAYDOWN WARRANTS,99231.63;FLOYD'S TRUCK CENTER, INC,REPAIRS TO D.TRUCK,3312.42; GATCH RICK,UNIFORMS & CLOTHING,114.74;GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,942.06; GREENKEEPER COMPANY, INC,DEPT SUPP,4972; HAWKINS, INC.,CHEMICALS,5067.81; HULLINGER GLASS & LOCKS INC., DEPT SUPP PK,13; HYDRONIC WATER MANAGEMENT,EQUIP. MAIN.,425;IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL SUPP PK,1049.8; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PK,244.1;INFINITY CONSTRUCTION, INC.,42ND STREET - AVE I TO 5TH AVE,269686.83; INGRAM LIBRARY SERVICES INC,BKS.,1659.22;INTERNAL REVENUE SERVICE,WITHHOLDINGS,60106.8;INTERNATIONAL PUBLICMANAGEMENT ASSOCIATION-HR,POLICE PROMOTION EXAMS,225; INTRALINKS, INC,CONTRACT SERVICES - LIBRARY,191.22;J G ELLIOTT CO.INC.,PUBLIC OFFICIAL BONDS (N.JOHNSON & E.HILYARD),1750;JOHN DEERE FINANCIAL,SUPP - IMPACT & DRILL DRIVER KIT,445.91; JOHN DEERE FINANCIAL,DEPT SUPP PK,110.43; JOHN DEERE FINANCIAL,EQUIP MTNC,321.52; KEEP SCOTTSBLUFF-GERING BEAUTIFUL,CONTRACTUAL SVC,5828.94; KIESEL, ROB,SCHOOLS & CONF-PD,25; KIRK BERNHARDT,CONTRACTUAL,500;KNOW HOW LLC,EQUIP MTNC,1457.51;KRIZ DAVIS,ELECT. SUPP - CLAMP METER,512.06; LEAGUE ASSOCIATION OF RISK MANAGEMENT, FY18-9 INSURANCE PREMIUMS,643199.19; LUCKINBILL BENJAMIN,SCHOOLS & CONF-PD,50; M.C. SCHAFF & ASSOCIATES, INC,PROF. SERVICES - 42ND ST. (AVE I TO 5TH AVE),35936; MACQUEEN EQUIPMENT INC,STANCHIONS FOR TOWER 1,62.03; MAILFINANCE INC,MONTHLY LEASE,148.76; MAIN STREET APPLIANCE,DISH WASHER PARTS,80;MASSIE ROYCE,SCHOOLS & CONF-PD,25; MENARDS, INC,SUPP - SOCKET SETS, BLADES, CLIPS, ELECT. TAPE,532.52; MIDLANDS NEWSPAPERS, INC, LEGAL PUBLISHING, 1809.58; MONUMENT PREVENTION COALITION, CONTRACTUAL- PD, 939.94; NATHAN JOHNSON, ICMA CONFERENCE EXPENSES,267.88; NAT'L LEAGUE OF CITIES,MEMBERSHIP DUES FY18-19,1533.67; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1350.55; NE DEPT OF REVENUE,TAXES,31520.1;NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,31784.27; NEBRASKALAND TIRE, INC,EQUIP MTNC,574.2; NEMNICH AUTOMOTIVE,EQUIP MTNC,79.5; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,61.67;OREGON TRAIL

COMMUNITY FOUNDATION, INC,2018 OLD WEST BALLON FEST,10027.93; OREGON TRAIL PLUMBING, HEATING & COOLING INC,CONTRACTUAL SVC,560; PAGE MY CELL LLC,DISPATCH TO TEXT SUBSCRIPTION,600; PANHANDLE AREA DEVELOPMENT DISTRICT,FY18-19 DUES,11656.6; PANHANDLE COOPERATIVE ASSOCIATION,FUEL,103; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,330.5; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5174.59; PANHANDLE PARTNERSHIP FOR HEALTH & HUMAN SERVICES,SCHOOLS & CONF-PD,120; PANHANDLE RC&D,FY18-19 MEMBERSHIP,300;PEACEFUL PRAIRIE NURSERY, INC,DEPT SUP,444.48; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,15034.95;POLAR EXPRESS HVAC/R LLC,EQUIP MAINT,546.04; POSTMASTER,POSTAGE,618.76;PROTEX CENTRAL, INC.,FIRE ALARM SERVICE,268; REGANIS AUTO CENTER, INC,EQUIP MTNC,1285.37; REGIONAL CARE INC,CLAIMS,123262.36;REGIONAL WEST MEDICAL CENTER,KING TUBE AIRWAY,42.82; REGISTER OF DEEDS, LEGAL CEM, 100; RIVERSIDE ZOOLOGICAL FOUNDATION, CONTRACTUA, 87500; ROOSEVELT PUBLIC POWER DISTRICT, ELECTRICITY, 1645.89; ROSE DREW, INC,DEP. SUP.,538.68;RUSSELL INDUSTRIES INC,EQUIP MAINT,4596.75; S M E C,EMPLOYEE DEDUCTION,160; SANDBERG IMPLEMENT, INC,EQUIP MAINT PK,51.84; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCHOLASTIC INC.,BKS.,518.32; SCOTTS BLUFF COUNTY,FY18-19 COMMUNICATIONS INTERLOCAL AGREEMENT,82418; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,238; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,504; SHERIFF'S OFFICE,LEGAL FEES-PD,200.66; SHERWIN WILLIAMS,PAINT SUPP - PAINT BEADS,1234;SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,7356.08; SNELL SERVICES INC.,EQUIP. MAIN.,1982.1; STANDS ALEX,SCHOOLS & CONF-PD,25; STATE HEALTH LAB,SAMPLES,723; SUBWAY 6906,RECRUITMENT,53.31;SUPERIOR SIGNALS, INC,EQUIP MTNC,435.53;THE PEAVEY CORP,INVEST SUPPL-PD,72.25;TRAFFIC PARTS, INC,TRAFFIC SIGNAL SUPP - PED H/MAN,4620.8;TRANS IOWA EQUIPMENT LLC,EQUIP MTNC,1302.47;TYLER TECHNOLOGIES, INC,UB ONLINE FEES - (10/1/18 - 10/31/18),348;UNION BANK & TRUST,RETIREMENT,36649.74; US BANK,REGISTRATION FEE FOR WORK ZONE CLASS,2657.87; WESTERN COOPRTATIVE COMPANY,DEPT SUPP CEM,1314; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08;WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,48.84; ZAMARRIPA, TOM,UNIFORMS & CLOTHING,99.98; REFUNDS: ALVARO VILLANUEVA, 41.32; MARIA JENKINS, 3.13.

Mayor Meininger read the Proclamation naming October as Manufacturing Month as requested by Governor Pete Ricketts. Ms Starr Lehl, Economic Development Director, stated the second annual manufacturing day is Friday, October 5, 2018 at WNCC. There are 124 people registered; 100 of the registrants are students representing five area schools, which is a big increase from last year.

Council introduced Ordinance No. 4237 charging fees for inbound and outbound materials at the compost facility which was read by title on third 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.** There were no additional comments from the public regarding this Ordinance.

Moved by Mayor Meininger, seconded by Council Member Colwell “to adopt Ordinance No. 4237 charging fees for inbound and outbound materials at the compost facility,” “YEAS,” McCarthy, Gonzales, Colwell, and Meininger. “NAYS,” Shaver. Absent: None.

City Manager Johnson explained to Council that the Lease Agreements with Telecom West, Inc. for their wireless antennae systems on the Airport and Cemetery Water Towers are coming up for renewal. The Cemetery tower revenue is \$150.00 per month, plus one internet service connection valued at \$75.00, totaling \$225.00 per month. The Airport tower revenue is \$225.00 per month; each individual contract is \$2700.00 per year or \$5,400.00 for two years, totaling \$10,800.00. Council Member Shaver asked if the City was at the maximum return, with Mr. Johnson stating, yes, that Telecom West was not willing to go any higher. Council Member McCarthy made the motion, seconded by Council Member Gonzales “to approve the renewal of the Lease Agreements with Telecom West, Inc. for their wireless antennae systems on the Airport and Cemetery Water Towers and authorize the Mayor to execute the agreement,” “YEAS,” McCarthy, Gonzales, Colwell, and Meininger. “NAYS,” Shaver. Absent: None.

Mr. Johnson introduced an amendment to Jason and Sami Webb’s LB840 agreement. The Webb’s would like to change their fulltime equivalent employee hours to 32 hours per week. Mr. Jason Webb explained that his fulltime employees work less than 40 hours per week, but they get full time benefits. It was put into motion by Council Member Gonzales, seconded by Council Member Colwell “to approve the request from Jason and Sami Webb to modify their LB840 agreement,” “YEAS,” Gonzales, Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: None.

Chief of Police, Kevin Spencer, approached Council regarding the electronic speed signs in Downtown Scottsbluff, by the request of Council Member Shaver. Chief Spencer gave an explanation of North and Southbound reports pertaining to the digital signs in the 1700 block of Broadway. The Northbound sign report registered the average speed in that area to be 18 mph and in one month 43,547 inbound and 44,972 outbound vehicles traveled Broadway. Council Member Shaver asked Chief Spencer if he thought the sign helped. Chief Spencer acknowledged that it does; as he comes to work down Broadway over the tracks, in his unmarked vehicle, cars are slowing down. Regarding the Southbound sign, the only difference is that the inbound and outbound vehicles are substantially higher, (199,975/189,499) but that is because data shows more than one month on the report. Chief Spencer stated there are a total of four signs on Broadway, with two more recently installed near the college. He commented he would like to see more digital solar signs, but they are more expensive and would like to see more signs on 27th Street by the high school.

Mr. Dave Schaff, project manager of the Platte Alliance Water Supply (PAWS) explained to Council that they are looking for a governance board, with one representative from every community that would be able to update the Members on the progress of the project. This group’s focus would be to help set and negotiate water rights for Wyoming and Nebraska and be able to solidify applications for funding. During discussion, Council Member Shaver expressed concern about funding, due to verbiage in the agreement, about how participating communities could bind together and form a majority that might not benefit Scottsbluff. City Attorney Hadenfeldt explained that if that happened, Scottsbluff could get out of the agreement.

Mr. Johnson advised Council that this interlocal agreement gives them the right to appoint a member and alternate to the board and with the pending election coming up, asked if they would want to elect a member now or wait until the reorganization meeting in December. Mayor Meininger encouraged Council to find someone who takes an interest in the future of the City to be on the board, with Council Member Shaver adding it should be an elected and not an appointed official. Mayor Meininger made a motion, seconded by Council Member McCarthy “to approve the Nebraska Platte Alliance Water Supply Interlocal Agreement and authorize the Mayor to sign the agreement,” “YEAS,” Meininger, McCarthy, Gonzales, and Colwell. “NAYS,” Shaver. Absent: None.

Regarding the Enhanced NPPD Professional Retail Operations Agreement, Mr. Johnson went over provisions which have been revised from the prior agreement. One provision considers term and effective date, extending the agreement thru 2043. Another provision identifies changes with lease payment collections. With this modified agreement, the City can start collecting lease payments from tax supported entities and can increase the lease payment from 12% to 12.5% with a one half percent increase per year for four years, capping at 14%. Mr. Johnson stated, starting January 1, 2019 bills would show lease payment amounts and the City would get monthly, instead of quarterly payments. During discussion, Mayor Meininger expressed concern about timing and how that would affect tax supported entities budgets. Ms. Terry Rajewich, with NPPD, explained to Council that the entities would be notified within 90 days and that solar could be offered as an option with the caveat of possibly locking in some of the lowest rates in the country. Council Member Shaver, seconded by Council Member Gonzales made the motion "to approve the Enhanced NPPD Professional Retail Operations Agreement and approve Resolution No. 18-10-01," "YEAS," Shaver, McCarthy, Gonzales, and Colwell. "NAYS," Meininger. Absent: None.

Resolution No. 18-10-01

RESOLUTION APPROVING EXTENSION OF PROFESSIONAL RETAIL OPERATIONS AGREEMENT

WHEREAS, the City owns its electric distribution system, and WHEREAS, the amendment to extend the term of the Professional Retail Operations Agreement on file with the Council has been proposed by Nebraska Public Power District (NPPD) and fully discussed and explained, and

WHEREAS, it is determined that it would be desirable to enter into said amendment to the Professional Retail Operations Agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. The said amendment to the Professional Retail Operations Agreement is approved and the Mayor is authorized to execute it, and the City Clerk to attest it on behalf of the City.
2. Notice of this transaction shall be given by publication once each week for three (3) successive weeks, of the following Notice:

NOTICE OF TRANSACTION

The Council has approved a Resolution authorizing execution on behalf of the City of an amendment to the Professional Retail Operations Agreement (Agreement) between Nebraska Public Power District and the City of Scottsbluff, Nebraska. The Agreement is on file with the City Clerk and available for inspection. It contains provisions summarized as follows:

1. The City will extend the lease of its electric distribution system to Nebraska Public Power District for a term of not less than fifteen (15) years from the effective date of the amendment and not more than twenty-five (25) years; provided, if either party terminates the Agreement at any time between year fifteen (15) and year twenty-five (25) of the term, the City will continue to take service from NPPD under

NPPD's standard Wholesale Power Contract, and such Wholesale Power Contract shall remain in effect through the remainder of the twenty-five (25) year term.

2. During the term of the Agreement, NPPD will pay to the City an amount equal to twelve percent (12%) of the retail revenues from the electric distribution system, adjusted to eliminate revenues from tax-supported agencies, fuel cost, and similar adjustments. NPPD will maintain the electric distribution system, will make payments in lieu of taxes as required by law, and will provide insurance, as set out in the Agreement.

This Notice will be published once each week for three (3) successive weeks. If, within thirty (30) days after the last publication thereof, a referendum petition signed by qualified electors of the City equal in number to at least twenty percent (20%) of the votes cast at the last general municipal election shall be filed with the City Clerk, this transaction shall not become effective until it has been approved by a vote of the electors. If no such petitions are filed, the transaction shall become effective at the expiration of said thirty (30) day period.

ATTEST:

City Clerk

CITY OF Scottsbluff, NEBRASKA

By: _____
Mayor

Under Council Reports, Mayor Meininger stated the Senior Center will meet on October 9th and the 911 Advisory Board will meet October 10th. Also, Zuercher will go live on October 23rd. Council Member Gonzales stated PADD will meet on October 11th.

It was put into motion by Council Member Shaver, seconded by Council Member Colwell "to adjourn the meeting at 6:48 p.m.," "YEAS," McCarthy, Gonzales, Colwell, Meininger, and Shaver. "NAYS," None. Absent: None.

Mayor

City Clerk

"SEAL"

