

# **City of Scottsbluff, Nebraska**

**Monday, December 3, 2018**

**Regular Meeting**

## **Item Minutes1**

**Council to approve the minutes of the November 19, 2018 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on November 19, 2018 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been posted at the Lied Scottsbluff Public Library, The Public Safety Building and Scottsbluff City Hall on November 16, 2018. The notice was posted late, due to an error by the Star Herald, on November 17, 2018, a newspaper published and of general circulation in the City. The notices 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 16, 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 November 5, 2018 Regular Meeting be approved,"
- b) "A public hearing be set for December 3<sup>rd</sup> at 6:15 p.m. to consider an Ordinance-proposed text changes including definitions for Micro Distilleries and Distilleries and including such as a special permitted and permitted use in zoning districts C-1, C-2, C-3, M-1, & M-2."
- c) "A public hearing be set for December 3<sup>rd</sup> at 6:15 p.m. to consider an Ordinance-proposed text changes to include regulations regarding signs and revise the sign tables to allow for free standing signs in zoning districts PBC, C-1, C-2, C-3, M-1, & M-2."
- d) "A public hearing be set for December 3<sup>rd</sup> at 6:15 p.m. to consider a Zone Change for parcel Lot 1, Block 1, Northern Heights by Foos from an R-1A Single Family to Office and Professional (O&P)."
- e) "A public hearing be set for December 3<sup>rd</sup> at 6:15 p.m. to consider a Resolution taking formal action and adopting a uniform policy pursuant to the Local Government Miscellaneous Expenditure Act."
- f) "A public hearing be set for December 17<sup>th</sup> at 6:00 p.m. to consider a Redevelopment Plan by PIVO, Inc."
- g) "A public hearing be set for December 17<sup>th</sup> at 6:00 p.m. to consider a Redevelopment Plan by Auto Spa, LLC." "YEAS," Colwell, Meininger, Shaver, McCarthy, and Gonzales. "NAYS," None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "that the following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated November 19, 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

ACTIONCOMMUNICATIONSINC.,RADIOBATTERY,456.9;ADVANCEAUTOPARTS,HEADLIGHT,37.49; ADVERTISING SPECIALTIES LLC,UNIFORM SHORTS WITH EMBROIDERY,681.8; AMERICAN WATER WORKS ASSOCIATION,MEMBERSHIPS,198; ANITA'S GREENSCAPING INC,CONT. SRVCS.,242; ARROWHEAD SCIENTIFIC,INVEST SUPPL-PD,379.77; AUTOZONE STORES, INC,EQUIP MTNC,273.82; B & H INVESTMENTS, INC,DEP SUP.. - LIBRARY,40.5; BLUFFS SANITARY SUPPLY INC.,DEPT SUPPL-PD,741.45; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,494.07; CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP,24.61; CELLCO PARTNERSHIP,CELL PHONES,181.1; CENTURY TOOL INC,DEPT SUPPLIES,10; CITY OF GERING,DISPOSAL FEES,44583.14; CLARK PRINTING LLC,DEPT SUPPL-PD,773.06; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTAL INS,48.7; COMPUTER CONNECTION INC,CONTRACTUAL-PD,44; CONTRACTORS MATERIALS INC.,DEPT SUP,390.2; CORE & MAIN LP,DEPT SUP,21670.68; COZY, INC,DOOR SIGNS AND LETTERING FOR UNIT 1,175; CREDIT BUREAU OF COUNCIL BLUFFS,FEE - OCTOBER 2018,50; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,218.06; CROELL INC,DEPT SUP,409.28; CYNTHIA GREEN,DEP. SUP.,87.51; D & H ELECTRONICS INC.,SUPP - SOLDER,27.06; DUANE E. WOHLERS,DISPOSAL FEES,800; ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,4803; ENSEMBLE SOLUTIONS GROUP,MOBILE CAD SIERRA WIRELESS, ANTENNA, OBDII DONGLE,1353; FASTENAL COMPANY,EQUIP MAINT,35.98; FATBOYSTIREANDAUTO,EQUIPMTNC,1442.2;FEDERALEXPRESSCORPORATION,POSTAGE,590; FERNANDEZ ROBERTO,CONTRACTUAL,150; FREMONT MOTOR SCOTTSBLUFF, LLC,EQUIP MTNC,359.45; GALLS INC,UNIFORMS-PD,786.15; GENERAL TRAFFIC CONTROLS, INC,CONTROLLER, CAMERA FOR 20TH & BROADWAY,23120; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,1390; HAWKINS, INC.,CHEMICALS,3941.22; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,3366.02; HYDROTEX PARTNERS, LTD,OIL & ANTIFREEZE,1659.88; IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL SUPP,1219.23; INGRAM LIBRARY SERVICES INC,BKS. & AV,1422.82; INLAND TRUCK PARTS&SERVICE,EQUIPMTNC,305.12;INTERNALREVENUESERVICE,WITHHOLDINGS,60864.29; INTRALINKS, INC,CONTRACT SERVICES - POLICE DEPARTMENT,11837.41; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,35.32; J G ELLIOTT CO.INC.,PUBLIC OFFICIAL BOND - SCOTT SHAVER,100; JONATHAN BRUMLEY,EXPONENTIAL ENGINE TRAINING COURSE,1322.45; KENNETH LEROY DODGE,EQUIP.MAINT.,80; KNOW HOW LLC,EQUIP MTNC,1524.31; KOLB T NATHAN,CONTRACTUAL,165; KRIZ DAVIS,DEPT SUPPLIES,164.7; LEXISNEXISRISKDATAMANAGEMENT,CONSULTINGPD,100;LOFINKBRADEN,CONTRACTUAL,165; LOGOZ LLC,SWEATSHIRTS,252; MALTOS-GARCIA ARNOLDO,CONTRACTUAL,165; MATHESON TRI-GAS INC,RENT - MACHINES,55.25; MATTHEW M. HUTT,PRE EMPL. EVAL - T. GILL,1350; MENARDS, INC,BUILDING SUPPLIES FOR TRAINING,1038.98; MIDLANDS

NEWSPAPERS,INC,LEGALPUBLISHING,3781.61;MONUMENTPREVENTIONCOALITION,CONTRACTUAL-PD,939.94; MULLEN MITCH,CONTRACTUAL,150; MUNICIPAL EMERGENCY SERVICES INC,THERMAL IMAGER BATTERIES,431.31; MUNICIPAL PIPE SERVICES, INC.,DEPT SUP,5522.84; MUNIMETRIX SYSTEMS CORP,IMAGESILE - OCTOBER 2018,39.99; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1350.55; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.52; NE DEPT OF ENVIRONMENTAL QUALITY,SRF LOAN PMT,325959.12; NE DEPT OF REVENUE,TAX,30849.64; NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,EQUIP MAINT-PD,30; NEBRASKA MACHINERY CO,EQUIP MAINT,166.46; NEBRASKA MUNICIPAL CLERKS' ASSOCIATION,MEMBERSHIP DUES - K. WRIGHT FY 18-19,90; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,38437.56; NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL SVC,232.5; NEMNICH AUTOMOTIVE,EQUIP MTNC,79.5; NEOPOST,POSTAGE,1000; NEOPOST USA INC,RENT-MACHINES-PD,767.88; NETWORKFLEET, INC,CONTRACTUAL SERVICES,204.5; NORTHERN SAFETY COMPANY, INC.,DEPT SUP,631.15; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,364.49;OLSON JOSEPH,CONTRACTUAL,210; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,24592.13; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,274.5; PATTLEN ENTERPRISE, INC,EQUIP MAINT,329.42; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,14989.1; PLATTE VALLEY BANK,ED ASSISTANCE AGREEMENT - PAYMENT #3,157879.61; POSTMASTER,POSTAGE,884.86; POWERPLAN,EQUIP MTNC,3745.76; PROTEX CENTRAL, INC.,CONTRACTUAL SVC,1088.19; QUILL CORPORATION,DEPT/INVEST SUPPL-PD,294.3; RAAJ LINCOLN LESSE, LLC,LODGING FOR STATE THIRA,376; RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,470.82; REGIONAL CARE INC,CLAIMS,83246.55; REGIONAL WEST MEDICAL CENTER,2018 HEALTH FAIRS,7585.55; S M E C,EMPLOYEE DEDUCTION,160; SAFETYLINE CONSULTANTS, INC,DEPT SUPPL-PD,20.6; SANDBERG IMPLEMENT, INC,EQUIP MAINT,307.04; SCB COUNTY,DEPT CNTRCL SRVCS,71.5; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCOTTIES POTTIES INC,CONTRACTUAL,675; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,289; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,576; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS & CLOTHING,352.03; SCOTTSBLUFF WINSUPPLY COMPANY,EQUIP MAINT,816; SIMMONS JACOB,CONTRACTUAL,45; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL-PD,4167.18; SIMON CONTRACTORS,STREET PATCH - MIDWEST THEATER PKG LOT IMPROVEMENT,3299.11; SNELL SERVICES INC.,ELECTRICAL MAINT,1172.5; SONNY'S TOWING,TOW SERVICE-PD,510; STATE ELECTRICAL DIV,LICENSE & PERMITS,40; SUBWAY 6906,LUNCH - CIVIL SERVICE POLICE OFFICER INTERVIEWS,34.56; SUPERIOR SIGNALS, INC,EQUIP MTNC,227.98; TEXAS PNEUDRAULIC INC,EQUIP MTNC,2946.52; THE CHICAGO LUMBER COMPANY OF OMAHA INC,SUPP - HEM FIR,192.93; THE PEAVEY CORP,INVEST SUPPL-PD,87.5; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE-PD,365.69; TRANS IOWA EQUIPMENT LLC,EQUIP MTNC,1643.41; TY MCANINCH,CONTRACTUAL,60; UNION BANK & TRUST,RETIREMENT,37154.13; UNIQUE MANAGEMENTSERVICES, INC,CONT. SRVCS.,286.4;US BANK,E-CITATION PRINTERS,1314.1; WARREN GARRETT,CONTRACTUAL,90; WESTERN COOPERATIVE COMPANY,DEPT SUPP,50; WESTERN COOPERATIVE COMPANY,EQUIP MAINT,51.43; WESTERN

COOPRTATIVE COMPANY,GROUND MAINT,1314; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM DOT TESTING & PRE EMPL. FIREFIGHTER,410.5; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,384; WOODS & AITKEN LLP,PROF SERVICES - CIR CASE 1464-IBEW 1597,957; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; REFUNDS: JASMINE SANTOS, 16.30; KYLEE DAVIS, 21.73; STANLEY HAAS, 28.91; WESTERN PROPERTIES MATT ZIEGLER, 10.92

Mayor Meininger opened the public hearing at 6:02 p.m. to consider acquiring property at 1306 East Overland located over the Scottsbluff Drain, with City Manager Johnson explaining the property owner requested the property be purchased by the City to the Scottsbluff Drain Board. The purchase price, per the appraisal, is \$95,000.00 and would be an equal split between the City of Scottsbluff and Scotts Bluff County; including demolition, potential asbestos abatement and acquisition of the property. Mr. Johnson also affirmed the Drain Board recommends purchasing the property to open up the Scottsbluff Drain. Council Member Shaver asked if \$95,000.00 was for everything, or just the purchase of the property. Mr. Johnson stated it was just for the purchase of the property.

Mr. Brendan Rice, legal counsel for the property owner, Ms. Teresa Lucius, approached the Council and pointed out that the property will have to be purchased to fully open up the drain at some point in time and reminded them that the appraisal has already been completed and the closing costs would be split equally between the parties. There were no additional comments from the public. Mayor Meininger closed the public hearing at 6:05 p.m.

Mayor Meininger made the motion, seconded by Council Member Colwell “to approve Resolution No. 18-11-02 authorizing the purchase and acquisition of real estate and authorizing City Manager Johnson to sign closing documents for the purchase of property located at 1306 East Overland,” “YEAS,” Shaver, McCarthy, Gonzales, Colwell, and Meininger. NAYS, None. Absent: None.

#### **RESOLUTION NO. 18-11-02**

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

**WHEREAS**, the City of Scottsbluff in an effort to help clean up the right of way for the Scottsbluff Drain has entered into an agreement to purchase property, located within the City known as 1306 East Overland;

**WHEREAS**, one of the requirements from the Title Insurance Commitment is to have a Resolution from the City Council of the City of Scottsbluff to approve the transaction and to designate a party authorized to sign the closing documents.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Scottsbluff that approval is now given for the purchase and acquisition of real estate with the address of 1306 East Overland, Scottsbluff, Nebraska and more particularly described as follows:

The North 202' of the West 102' of Tax Lot 5G, unplatted lands in a part of the NW1/4NE1/4 of Section 25, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., in Scotts Bluff County, Nebraska described as follows:

Beginning at the Northwest corner of the said NW1/4NE1/4 of Section 25; thence South, along the West line of the said NW1/4NE1/4, a distance of 202 feet; thence

East, parallel with the North line of the said NW1/4NE1/4 a distance of 102 feet; thence North, parallel with the West line of the said NW1/4NE1/4 distance of 202 feet; thence West along the North line of said NW1/4NE1/4 a distance of 102 feet to the point of beginning; more commonly known as 1306 East Overland, Scottsbluff, NE.

The Council further resolves the City Manager, Nathan Johnson, shall have authority to sign any and all closing documents required by the title company, including a HUD-1 Closing Statement for the completion of this transaction.

2. This Resolution shall become effective following its passage and approval.

Passed and approved on November 19, 2019.

---

Mayor

Attest:

---

City Clerk

(Seal)

Mr. Johnson presented the Annual Street Superintendent Certification as required to determine the Nebraska Department of Roads incentive payment. It was put into motion by Council Member McCarthy and seconded by Council Member Shaver “to approve the Certification identifying Philip Mark Bohl as the City of Scottsbluff Street Superintendent for determining incentive payment for 2018,” “YEAS,” McCarthy, Gonzales, Colwell, Meininger, and Shaver. “NAYS,” None. Absent: None.

Council Member McCarthy, seconded by Council Member Colwell made the motion “to approve Resolution 18-11-03 naming Philip Mark Bohl as the City of Scottsbluff Street Superintendent,” “YEAS,” Gonzales, Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: None.

#### RESOLUTION NO. 18-11-03

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 2019 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 19, 2018.

---

Mayor

ATTEST:

---

City Clerk

City Manager Johnson explained to Council an Ordinance requesting annexation from two property owners, Western Sugar Company and Eric and Brandy Reichert. The area is approximately 35-36 acres and the request is due to economic development and growth potential in the City limits. Council Member Gonzales introduced the Ordinance which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, ANNEXING TRACTS OF LAND KNOWN AS LOT 1, BLOCK 1, WESTERN ADDITION AND TRACTS OF LAND SITUATED IN THE W1/2 SW1/4 OF SECTION 19, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6<sup>TH</sup> P.M., ALL IN SCOTTS BLUFF COUNTY, NEBRASKA, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Fire Chief Schingle approached Council regarding the Ordinance establishing a fee for non-medical assistance to individuals. He explained this is a red line version of the original Ordinance that was introduced last week, noting changes made due to concerns and comments. This Ordinance is revised to

be a non-medical assist and the \$100.00 fee will be assessed after two responses. Mr. Schingle also noted after the first response a letter or phone call could be made to another responsible source, including Office of Aging or DHHS, to assist in helping the individual. Council Member Shaver asked who would get the bill if the patient was in a nursing home. Fire Chief Schingle stated the individual would get the bill, per the wording in the Ordinance. Council Member Gonzales asked how many calls the fire department receives. Mr. Schingle stated for the last twelve consecutive months they have had 127 calls for service with 9-10 individuals requesting more than three times. He also stated thirteen times they were not able to respond to a medical call because of a fire response. Council Member Colwell asked if they get calls to assisted Living and nursing homes, with Mr. Schingle stating they get calls to both, as well as individual homes. After discussion, Fire Chief Schingle was asked to change the number of times before assessing the fee from two to three and modify assisted living and nursing care facilities wording in the Ordinance.

Regarding the Ordinance designating the public way in Immigrant Trail Subdivision as Migrant Way, authorizing its use as a street, Mr. Johnson explained to Council that this is due to growth and economic development needing to use the public way as a street to get access to the backside of the property. Council Member Shaver asked who would pay to upgrade to public street standards. Mr. Johnson stated the wording in the Ordinance says it is not contingent on street standards because of topography and other physical conditions rendering it impractical to alter. Mayor Meininger introduced the Ordinance, which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, DESIGNATING THE PUBLIC WAY IN IMMIGRANT TRAIL SUBDIVISION AS MIGRANT WAY, AUTHORIZING ITS USE AS A STREET, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

After discussion, Council Member Shaver asked that the Ordinance be read one more time so he can make sure the public way meets the requirements of a street.

Mr. Johnson, due to a request from Council, introduced some funding mechanisms regarding the Riverside Discovery Contract. Suggestions brought forth included property tax and an occupation tax for restaurants. Mr. Johnson reminded Council that any property tax adjustment would have to go back to the vote of the people and mentioned an occupation tax for restaurants would require hiring another City employee because of the workload. He also stated that sales tax numbers are down \$25,179.00 or -5.14 compared to this time last year. During discussion, Council Member Shaver stated we need to get support from people in this community with ideas and Mayor Meininger asked Mr. Johnson to bring back figures regarding an occupational tax on food, while taking in account the extra position. Council Member Gonzales suggested reaching out to cities the size of Scottsbluff that have a zoo and finding out how they pay for it and what financial resources they are using.

Ms. Starr Lehl, Economic Development Director approached Council regarding a \$150,000.00 Economic Development loan for Bsquared Farming & Trucking, LLC., which is an interstate over-the-road, long-haul flatbed trucking and fuel/propane distribution business. They will integrate thirteen new fulltime jobs and they focus on the distribution of retail, automotive fuel products and propane, as well as farming supplies and building materials. Mr. Clifford Brabson, manager, explained to Council they haul in supplies/fuel for local businesses; starting in April with two trucks and have grown to eight. Council Member Shaver asked why instead of a scale for the jobs credits, they have a flat fee. Ms. Lehl stated that would be the maximum amount and the total job credit would not exceed 37,500.00 per year, no matter how many employees, for four years. Mayor Meininger made the motion, seconded by Council Member McCarthy "to approve an Economic Development Agreement for Bsquared Farming and Trucking, LLC," "YEAS," Meininger, McCarthy, Gonzales, and Colwell. "NAYS," Shaver. Absent: None.

Regarding the signage for East Overland, Council Member Gonzales explained to Council that there needs to be signage off of Main Street to direct traffic to East Overland, reminding Council that a consultant the East Overland Steering Committee hired made a recommendation for the signs. He also would like to have the signage on Broadway as approaching 14<sup>th</sup> Street. Mark Bohl, Public Works



Director, agreed to look into what it would take to make the signs, with Mayor Meininger suggesting we review past studies done involving sign placement and locations.

Legal Counsel, Kent Hadenfeldt explained to Council a sewer claim the City received for a property located at 314 East 27<sup>th</sup> Street, Scottsbluff which happened on August 24, 2018. The City was called to respond to the location and upon cleaning visualized large amounts of paper towel, wet wipes and PVC pipe, in which the debris was removed and flows returned to normal. The crew later returned on Monday, August 27<sup>th</sup> to inspect the mainline, which was clean containing no debris. They also, however, checked the lateral at the school and found more PVC pipe to be in the system, determining it possibly came in during construction when the sewer line was tapped.

On September 9, 2018 Mike & Marcia Green made a claim to the City in the amount of \$16,810.89 due to a sewer backup on their property located at 314 East 27<sup>th</sup> Street. Upon receiving the claim, the City sent it to West Nebraska Claims Service for verification and they determined, if any loss was warranted, their assessment would be \$12,975.69, which is lower than the original claim.

City Manager Johnson reported that when a sewer backup occurs within the City main, two claims could be asserted against the City; one for inverse condemnation and the other for negligence. With inverse condemnation the City would have to take action under eminent domain powers; that did not happen. As far as negligence, the City has inspected this sewer main three times over the past four years and has had no problems with the main on any of the inspections. Also, the City does routine maintenance and has no control over improper or inadequate customer connections. During discussion the Green's approached Council and told them they had neighbors that have had issues prior to the incident, but they have not had any until now. After discussion Council Member Shaver made a motion, seconded by Mayor Meininger "to deny the sewer claim from Mike and Marsha Green for property located at 314 East 27<sup>th</sup> Street," "YEAS" Shaver, Colwell, & Meininger. "NAYS," McCarthy and Gonzales. Absent: None.

Mr. Johnson went over the updated Interlocal Cooperation Agreement with the County for the operation of the Scotts Bluff Drain Basin which was unanimously approved by the Scotts Bluff Drain Board. Revisions include the term being effective as of November 1, 2018 and ending on December 31, 2021, being automatically renewed every year for a one year term unless written notice is provided by either the City or the County no later than six (6) months prior to the expiration of the current term. The delineated area to determine drain ownership lists the County's acres at 58.5% with the City's acres being at 41.5%; changing, however, as areas grow due to annexation. The last revision is the City and County shall have the authority to acquire, hold or dispose of real property or personal property as it relates to the Agreement. Mayor Meininger made the motion, seconded by Council Member McCarthy "to approve the Interlocal Cooperation Agreement with the County for the operation of the Scotts Bluff Drain and authorize the Mayor to sign the Agreement," "YEAS," McCarthy, Gonzales, Colwell, Meininger, & Shaver. "NAYS," None. Absent: None.

Regarding technology devices for new Council members, City Manager Johnson asked, since we are sitting new Council members, if we want to acquire technology devices to make sure they have everything they need in one consistent form; concern being if there is a public records request, everything is accessible from the device. Council Member Shaver stated if someone texts you, it is on your personal phone and that would have to be given as part of the request; feeling everything is intertwined and would be hard to go to just one device for City business. Council Members McCarthy and Colwell feel that the need to get devices is not necessary, with Council Member Gonzales and Mayor Meininger suggesting it would be good to have all City business on one device.

Ms. Starr Lehl, Economic Development Director, under public comments, let everyone know that Scottsbluff was named the most calming town in the State of Nebraska. She also thanked all City staff for their help with the Holiday Parade. City Manager Johnson also thanked the outgoing Council members for their service to the community.

Under Council reports, Council Member Shaver stated he attended a PAWS meeting and a 911 task force meeting; Zuercher is now live in Morrill and Mitchell, five sheriff units and the interlink line. Scottsbluff football team is going to Lincoln to play in the state playoff game on Tuesday, November 20th and students can also go, for a fee of \$10.00, on a bus. Council Member Gonzales stated East Overland Steering Committee met last Tuesday and will meet again on December 12<sup>th</sup>.

Council Member Colwell, seconded by Mayor Meininger made the motion “to adjourn the meeting at 7:23 p.m.” “YEAS,” Gonzales, Colwell, Meininger, Shaver, & McCarthy. “NAYS, “ None. Absent: None.

---

Mayor

---

City Clerk

“SEAL”