

City of Scottsbluff, Nebraska

Tuesday, January 22, 2019

Regular Meeting

Item Consent1

Approve the minutes of the January 7, 2019 Regular Meeting.

Staff Contact: Kim Wright, City Clerk

The Scottsbluff City Council met in a regular meeting on January 7, 2019 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 January 4, 2019, 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 January 4, 2019.

Mayor Gonzales presided and City Clerk Wright recorded the proceedings. The Pledge of Allegiance was recited. Mayor Gonzales 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 Gonzales 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: Raymond Gonzales, Scott Shaver, Jeanne McKerrigan, Nathan Green and Terry Schaub. Also present were City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: None.

Mayor Gonzales asked if there were any changes to the agenda. There were none.

Mayor Gonzales 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 Shaver, seconded by Mayor Gonzales that, "The minutes of the December 17, 2018 Regular Meeting be approved," "YEAS", McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS,"None. Absent: None.

Moved by Council Member Schaub, seconded by Council Member McKerrigan, "that the following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated January 7, 2019, as on file with the City Clerk and submitted to the City Council," "YEAS", Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS", None. Absent: None.

CLAIMS

ACTION COMMUNICATIONS INC., CONTRACTUAL SVC, 236.26; ALLO COMMUNICATIONS, LLC, LOCAL TELEPHONE CHARGES, 4675.3; AMAZON.COM HEADQUARTERS,MISC.,649.2; AMERICAN LIBRARY ASSOCIATION,MBRSH. RNWL.,60; ANITA'S GREENSCAPING INC,CONT. SRVCS.,242; AUTOZONE STORES, INC,EQUIP MAINT,154.95; B & H INVESTMENTS, INC,DEP. SUP. -LIBRARY,251.5; BAKER & ASSOCIATES INC,23 CLUB IMPROVEMENTS,21800; BEEHIVE INDUSTRIES,LLC,GIS CNTRCL SRVCS,3000; BIRUTA D. WALTON,EQUIP MTNC,80; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,4615.85; BLUFFS SANITARY SUPPLY INC.,DEPT SUPPL-PD,414.5; BROWN, MATTHEW,SCHOOLS & CONF-PD,2142; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,38; CARR- TRUMBULL LUMBER CO, INC.,EQUIP MAINT-PD,7.02; CELLCO PARTNERSHIP,CELL PHONES-PD,1385.23; CITIBANK N.A.,DEPT SUP,946.41; CITY OF SCB, PETTY CASH, 12.04; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, LIFE/ACCIDENT INS,48.7; CONSERV FLAG COMPANY,DEP. SUP.,61.95; CONTRACTORS MATERIALS INC.,SIGNING SUPP - BANDING,635.22; CORE & MAIN LP,METERS,4329.72; CROELL

INC,DEPT SUP,141.78; CYNTHIA GREEN,DEP. SUP.,460.53; DALE'S TIRE & RETREADING, INC.,EQUIP MTNC,54.18;DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,128.4; DOOLEY OIL INC,EQUIP MTNC,135.35; DUANE E. WOHLERS,DISPOSAL FEES,800; DXP ENTERPRISES INC,O2 SENSOR FOR MX6,207.29; DYNA-TECH ELECTRIC INC,BLDG MAINT-PD,1421; ENERGY LABORATORIES, INC,SAMPLES,135; ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC,EQUIP MAINT,600; FASTENAL COMPANY,EQUIP MAINT,12.89; FAT BOYS TIRE AND AUTO,EQUIP MTNC,757.02; FEDERAL EXPRESS CORPORATION,POSTAGE,44.55; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,2425.53; FYR-TEK INC,TURNOUT GEAR FOR KELLEY AND GILL,4175; GALLS INC,UNIFORMS-PD,233.82;GENERAL ELECTRIC CAPITAL CORPORATION,TV & ACCES. FOR GPS MONITORING, 969.24; GFOA, MEMBERSHIP- C. BURBACH, 150; HAWKINS, INC.,CHEMICALS,3116.3; HD SUPPLY FACILITIES MAINTENANCE LTD,EQUIP MAINT,519.12; HOA SOLUTIONS, INC,CONTRACTUAL SVC,428; HOMEWOOD SUITES,SCHOOLS & CONF-PD,4514.1; HULLINGER GLASS & LOCKS INC.,SUPP - KEYS CUT,8.25; HYDROTEX PARTNERS, LTD,OIL & ANTIFREEZE,2725.42; ICC CERTIFICATION SERVICES,DEPT MMBRSH,135; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - TOWELS FOR SHOPS,1044.17; INFINITY CONSTRUCTION, INC.,42ND ST. (AVE I - 5TH AVE),120726.17; INGRAM LIBRARY SERVICES INC,Bks.,254.84; INTERNAL REVENUE SERVICE,WITHHOLDINGS,56924.41; J G ELLIOTT CO.INC.,BONDS - NEW COUNCIL MEMBERS,300; JOHN DEERE FINANCIAL,CLOTHING ALLOWANCE,72.99; JOHN DEERE FINANCIAL,EQUIP MAINT,25.98; JOHN DEERE FINANCIAL,EQUIP MAINT,3111.86; JOHN P. VAN DYKE,EQUIP MAINT,834; JOHNSEN CORROSION ENGINEERING, INC,CONTRACTUAL SVC,11056; KANZLER MIKE,UNIFORMS & CLOTHING,106.99; KENNETH LEROY DODGE,BLDG MAINT,80; KNOW HOW LLC,EQUIP MTNC,2485.7; KOVARIK, ELLISON & MATHIS PC,PROF.SERVICES - PRIME METAL PRODUCTS LB840,1015; KRIZ DAVIS,EQUIP MAINT-PD,348.87; LAWSON PRODUCTS, INC,DEPT SUPP,100.09;LOGAN CONTRACTORS SUPPLY INC,STREET REP. SUPP - DETACK,219.98; M.C. SCHAFF & ASSOCIATES, INC,PROF. SERVICES - 42ND ST (AVE I - 5TH AVE),17025.5;MAILFINANCEINC,MONTHLYLEASE,148.76; MARKETING CONSULTANTS,DEP. SUP.,22; MATHESON TRI-GAS INC,RENT - MACHINES,55.25; MENARDS, INC,VALVES FOR BRUSH TRUCK,1077.39;MIDLAND FUNDING LLC,WAGE ATTACHMENT,338.69; MIDLANDS NEWSPAPERS, INC, PUBLICATION - PD, 423.51; MID - STATES ORGANIZED CRIME INFORMATION CENTER,MEMBERSHIP-PD,200; MOTOROLA SOLUTIONS, INC,EQUIP MAINT-PD,388.35; MUNICIPAL EMERGENCY SERVICES INC,BATTERIES FOR THERMAL IMAGER CAMERA,90; MUNIMETRIX SYSTEMS CORP,IMAGESILO - DECEMBER 2018,39.99; NAEM,NAEM MEMBERSHIP RENEWAL,50; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1350.55; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.52; NE DEPT OF REVENUE,TAX PAYMENT,43681.56; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF-PD,135; NEBRASKA FLOODPLAIN & STORMWATER MANAGERS ASSOC,MEMBERSHIPS,35; NEBRASKA MACHINERY CO,EQUIP MTNC,689.11; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,21693.68; NEBRASKA SALT AND GRAIN CO,1 LOAD ICE SLICER,4227.97; NEMNICH AUTOMOTIVE,VEH MAINT-PD,189.76; ONE CALL CONCEPTS, INC,CONTRACTUAL,30.21; OREGON TRAIL PLUMBING, HEATING & COOLING INC, BUILDING MTNC,72; PANHANDLE COLLECTIONS INC, WAGE ATTACHMENT, 194.92; PANHANDLE COOPERATIVE ASSOCIATION,FUEL,136.5;

PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,390.5; PANHANDLE HUMANE SOCIETY, CONTRACTUAL, 5174.59; PLATTE VALLEY BANK, HEALTH SAVINGS ACCOUNT, 14805.6; POLYDYNEINC, CHEMICALS, 5379.93; POSTMASTER, POSTAGE, 1172.03; POWER PLAN,EQUIP MTNC,513.6; QUILL CORPORATION,DEPT SUPPL-PD,484.83; RAAJ LINCOLN LESSE, LLC,SCHOOLS & CONF,109; REGANIS AUTO CENTER, INC,VEH MAINT-PD,697.22; REGIONAL CARE INC,HEALTH INS. PREMIUM - JANUARY 2019,34872.68; RIVERSIDE ZOOLOGICAL FOUNDATION, CONTRACTUAL, 87500; ROOSEVELT PUBLIC POWERDISTRICT,ELECTRIC POWER,1769.05; RR DONNELLEY,DEPT SUPPL-PD,305.14; RURAL HEALTH DEVELOPMENT, INC.,ECONOMIC DEV,6383.33; S M E C,SMEC,160; SAFELITE FULFILLMENT, INC,VEH MAINT-PD,267.98; SANDBERG IMPLEMENT, INC,EQUIP MAINT,1200.95;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCB TENT & AWNING,VEH MAINT,95; SCOTTIES POTTIES INC,CONTRACTUAL,725; SCOTTSBLUFF BODY & PAINT,VEH MAINT-PD,60; SCOTTSBLUFF MOTOR CO, INC,HIDTA CAR LEASE,343.53; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,576; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC, UNIFORMS, 368; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,MEMBERSHIP INVESTMENT,6371; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,25604.22; SNELL SERVICES INC.,ELECTRIC,99.7; SONNY'S TOWING,TOW SERVICE-PD,890; SOUNDSLEEPER SECURITY INC.,DEPT SUP,5139.94; SPECTRUM PHOTO,CITY COUNCIL PHOTOS,200; STATE HEALTH LAB,SAMPLES,200; SUPERIOR SIGNALS, INC,EQUIP MTNC,404.55; TEXAS PNEUDRAULIC INC,EQUIP MTNC,480.15; THE PEAVEY CORP,INVEST SUPPL-PD,543.63; THOMPSON GLASS, INC,BLDG MAINT,120; THOMPSON, NOELLE,TUITION REIMBURSEMENT,600; TRI-TECH FORENSICS INC.,INVEST SUPPL-PD,231.5; TYLER TECHNOLOGIES, INC,UB ONLINE 1/1/19 - 1/31/19,348; UNION BANK & TRUST,RETIREMENT,35947.51; US BANK,PROGRAMMING AND CONFERENCE TRAVEL,2788.59; VERIZON WIRELESS-LERT B,WIRELESS INTERNET MOBILE CMD VEH,76.79; WINTER EQUIPMENT COMPANY, INC,EQUIP MTNC,1659.84; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,74.01; REFUNDS; ERIK TURNIDGE, 56.28; DANIEL MADELENO, 27.72; JUDY'S PHOTOGRAPHY, 8.06; GARY MEYER, 26.47; LEO P YSAC, 10.92

City Manager Johnson presented the November 2018 Financial Report to the City Council explaining that we are two months into the current budget. He wanted Council to take note that the engineering process for the 23 Club is coming out of Keno, several bond payments have been paid in November and December and a loan payment was made to the NDEQ for the Waste Water Treatment Plant. The next sales tax numbers should be available at the next Council meeting and the annual audit will begin on January 14th.

Regarding the change of location for the existing liquor license for Peggy S. McVay/A Lil Bit of Everything, Ms. McVay approached Council and explained she is moving her business from Broadway to the Mall and because of the new location being smaller will not be having wine tasting events, just selling bottles of wine. Police Chief Kevin Spencer stated he has had no calls to the prior location and does not have any issues with the change of location. Council Member Schaub made the motion, seconded by Council Member Shaver, "to approve the change of location regarding the existing liquor license for

Peggy S McVay/A Lil Bit of Everything from 1610 Broadway to 2302 Frontage Road #44,” “YEAS,” Shaver, Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: None.

Council introduced Ordinance No. 4242 regarding a Zone Change for parcel Lot 1, Block 1, Northern Heights by Foos from an R-1A Single Family to Office & Professional (O&P) and was read by title on third reading: : **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT LOT 1, BLOCK 1, NORTHERN HEIGHTS BY FOOS, SCOTTS BLUFF COUNTY, NEBRASKA, CURRENTLY ZONED AS R-1A SINGLE FAMILY, WILL NOW BE INCLUDED IN O & P OFFICE AND PROFESSIONAL, AND REPEALING PRIOR SECTION 25-1-4.** There were no comments from the public regarding this Ordinance. Council Member Shaver made the motion, seconded by Council Member McKerrigan “to adopt Ordinance No. 4242 regarding a Zone Change for parcel Lot 1, Block 1, Northern Heights by Foos from an R-1A Single Family to Office & Professional (O&P),” “YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: None.

Mr. Johnson explained to Council the three locations for the Water Tower Lease Agreements with Inventive Wireless of Nebraska, LLC dba Vistabeam would be located at the airport, cemetery and hydro pillar towers. The lease agreements are for five years at \$150.00 per month; totaling \$5,400.00 per year/\$27,000.00 for the five year term, stating they currently have equipment on the Coke tower and would like to expand. Council Member Shaver asked what the rate is at the current location and why the lease is five years; Mr. Johnson stated it is the same amount of \$150.00 per month. Ms. Rebecca Shields and Mr. Drew Wickard with Vista Beam explained that most of their contracts are five years and they would like to be consistent and not have to renew quite as often. Council Member Schaub made the motion, seconded by Mayor Gonzales, “to approve the Water Tower Lease Agreement with Inventive Wireless of Nebraska, LLC dba Vistabeam to put wireless internet transmission equipment on three water towers,” “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

Mr. Johnson went over the bid proposals for the sanitation department with monetary breakdowns including details, informing Council of the two businesses that proposed bids for the RFP. The two businesses who made proposals were Waste Connections and TDS out of Torrington, Wyoming. Mr. Johnson explained that Waste Connections gave bids for both Scope A and Scope B, where TDS gave a bid for scope B only. Scope A privatizes the current sanitation operation into an entity whether private or governmental. Scope B takes the current set up to a commonality point such as a transfer station or landfill. A breakdown of Scope A includes pickup to disposal point and includes trash, recycling and yard waste. The yard waste would be taken to the compost facility and the recycling would be transferred to the City of Gering or a location in Kansas. Mr. Johnson pointed out that if we privatize we need to come up with revenue to pay for sanitation expenses for the entire City operations and the compost facility, as the compost facility is split between Environmental Services and Wastewater. Scope B entails maintaining current operations, taking to a point of interest; Waste Connections has their own transfer station in good standing with the DEQ; TDS does not have a transfer station, but is looking at 65 acres at or near the compost facility in exchange for the City being a partner to build one.

Outstanding items to consider, Waste Connections, being the lowest and most responsible bid, does not cover recycling disposal. Currently we take recycling to the City of Gering and if we removed ourselves from Gering the cost could go up and it would need to be transported; the closest location being Cheyenne. Council Member Shaver asked if single stream recycling could be billed only to people who use it and what the true cost would be. Mr. Johnson stated he would look into getting those numbers and reminded Council that we are waiting on the phase one landfill study from Trihydro, which should be available by the end of January.

Mr. Bobby Allbaugh, citizen, commented to Council that he has done research on the J Bar J Landfill associated with Waste Connections. He mentioned they do not have violations with the DEQ

and the third quarter water report shows no evidence with any contact with the Ogallala aquifer. He is very impressed with Waste Connections and their concern for the environment.

Regarding the Scottsbluff City Youth Council, Mr. Johnson directed Council to the Ordinance in the packet reminding them we need direction on how to move forward, whether it is modifying or repealing the Ordinance. Council Member Shaver commented that the Ordinance does not match what we are doing with the school. Legal Counsel Hadenfeldt suggested not cutting off the opportunity in case a student from the school would take an interest in city government. After discussion it was agreed Council Member McKerrigan would make contact with the faculty advisor at the school and see if they still have interest in the program.

Mr. Johnson advised Council that the previous City Council had brought forth the idea of implementing a restaurant occupation tax as a means of generating revenue for the City. The proposed tax would be 1%, generating around \$343,000.00 per year, however, as he has been doing research with communities who do this type of tax found an additional staff person would need to be hired to administer the tax and he does not recommend moving forward with this. Council Members Schaub and Shaver, during discussion, agreed no one wants more tax, but in order to have amenities we need to find a way to pay for them or stop spending money. After discussion, Council asked for more information regarding the staff position, including pay and benefits and what the tax would be designated for. It was agreed to have this item on the next agenda.

The cell phone occupation tax was brought forth for discussion, with City Manager Johnson informing council the only comparable municipality that has this type of occupation tax is Beatrice and they charge their residents 5%. He does not have the revenue breakdown since the City Administrator of Beatrice has not gotten back to him yet, but this has been brought forward, with the thought being, starting at 1% for the City of Scottsbluff. The tax would be generated through the billing address, being produced from the total bill and would not require an extra employee of the City, like the restaurant tax. After discussion, Council asked Mr. Johnson to get the information from the City of Beatrice and put it on the next agenda.

Mr. Geoff Nemnich with the 23 Club addressed the Council and explained they are the largest youth organization this side of the State, with over 800 boys and girls participating in the baseball and softball programs. The facility they are using is currently out of date and they would like to be considered for a State Department Economic Development grant, but in order to do so need the City to write a letter of intent to apply for the grant funding. The City will apply for the grant maximum amount of \$600,000.00, but there is a requirement to have \$300,000.00 available prior to February 15th. The 23 Club feels they can, through grants and donations, raise the \$300,000.00, with the biggest portion of that coming from the Oregon Trail Community Foundation Fund, but need the letter of intent on City letter head and signed by the Mayor. Mr. Nemnich also stated that if they do not have the money raised by February 15th, they will not be considered for the grant. Council Members Green and Shaver expressed concern the City would be responsible if they did not reach the monetary goal; Mr. Nemnich stated they could not apply if that was the case. Council Member McKerrigan made the motion, seconded by Council Member Schaub, "to authorize the Mayor to sign the letter of intent to apply for grant funding," "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales." "NAYS," None. Absent: None.

Mr. Johnson gave the Economic Development update, due to the absence of Ms. Starr Lehl, Economic Development Director. Mr. Johnson outlined where the City stands regarding the Thomas P. Miller Economic Development Plan, going over the report Ms. Lehl had produced for the packet. Some items addressed were: forging the Scottsbluff/Gering Highway Initiative, expanding current business retention and expansion, continuing to cultivate existing talent, as well as driving talent attraction and establishing a talent pipeline. Regarding LB840 projects, since August of 2018, three businesses have

benefited from the program, creating 15 fulltime jobs with benefits. The first phase of the East Overland Façade Improvement Program has been completed and the City has \$100,000.00 budgeted for additional assistance to property owners on East Overland. Also, the City is working on shovel ready sites, wanting to utilize the Opportunity Zone.

Regarding the license agreement with BDS3C, LLC dba Flyover Brewery, Mr. Johnson explained it is a license agreement for the business to use the City Right of Way for an outdoor patio. Council Member Shaver asked if there is a fence requirement because they serve alcohol in an outdoor area. Police Chief Spencer stated the State no longer requires a fence, but a barrier instead. Council Member Schaub, seconded by Council Member McKerrigan made the motion, “to approve a License Agreement with BDS3C, LLC dba Flyover Brewery at 1824 Broadway and authorize the Mayor to execute the agreement,” “YEAS,” Gonzales, Schaub, McKerrigan, and Green. “NAYS,” Shaver. Absent: None.

Mr. Johnson explained to Council the amended Fire Contract for health and dental insurance. He stated the fire union contract specifically outlines health and dental insurance premiums and due to the increase in health insurance premiums the amended article needs to be brought back. Council Member Shaver asked why this contract doesn’t align with the fiscal year, but uses the calendar year. Mr. Johnson stated 2019 is a negotiating year for both Police and Fire and this is something they will work on. Council Member Schaub made the motion, seconded by Council Member McKerrigan, “to approve the amended Fire Contract ARTICLE XXI – HEALTH & DENTAL INSURANCE.” “YEAS,” McKerrigan, Shaver, Green, Schaub, and Gonzales. “NAYS,” None. Absent: None.

There were no comments from the public. Regarding Council reports, Council Member Schaub mentioned he cannot make the East Overland Steering Committee meeting on January 8th, asking Mayor Gonzales to attend. Mayor Gonzales will be attending the Regional Governance Meeting at ESU on January 9th and the PADD meeting on January 10th. Council Member Schaub will be attending the Emergency 22 meeting on January 9th. Council Member Green reported the Riverside Discovery Board has a new president. Mr. Johnson stated the League of Municipality Midwinter Conference meeting is February 25-26 in Lincoln and is making arrangements. Mayor Gonzales and Council Members Shaver and Green stated they would like to attend.

Moved by Council Member Schaub, seconded by Council Member McKerrigan, “to adjourn the meeting at 7:30 p.m.,” “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”

