

City of Scottsbluff, Nebraska

Monday, February 4, 2019

Regular Meeting

Item Consent1

Approve the minutes of the January 22, 2019 Regular Meeting.

Staff Contact: City Council

Regular Meeting
January 22, 2019

The Scottsbluff City Council met in a regular meeting on January 22, 2019 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. Since the regular meeting would fall on a City recognized holiday according to 6-1-12, a notice of the meeting had been published on January 18, 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 18, 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. City Clerk Wright asked that consent item 7d, approving the appointment of Nate Merrigan to the LB840 Application Review Committee, be moved off consent agenda. City Manager Johnson added we need to identify Mr. Merrigan as an alternate member as required by the LB840 Economic Development Plan. Council Member Shaver made the motion, seconded by Council Member McKerrigan "to move item 7d, approving the appointment of Nate Merrigan to the LB840 Application Review Committee off consent agenda to item 9b on the agenda," "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: 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 McKerrigan, seconded by Council Member Green that,

- a) "The minutes of the January 7, 2019 Regular Meeting be approved,"
- b) "The minutes of the January 7, 2019 Goal Setting/Strategy Session Meeting be approved,"
- c) "Set a public hearing for February 4, 2019, 6:05 p.m. for the One and Six Year Street Improvement Plan," "YEAS," Green, Schaub, Gonzales, and McKerrigan. "NAYS," Shaver. 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 22, 2019, as on file with the City Clerk and submitted to the City Council," "YEAS", Shaver, Green, Schaub, McKerrigan, and Green. "NAYS", None. Absent: None.

CLAIMS

ACTION COMMUNICATIONS INC., DEPT SUPP, 931.46; AMERICAN PUBLIC WORKS ASSOCIATION, MEMBERSHIPS, 340; ASSURITY LIFE INSURANCE CO, LIFE INS, 32.95; AUTOZONE STORES, INC, DEPT SUPP, 83.13; B&C STEEL CORPORATION, EQUIP MAINT, 231.33; BAILEY POTTERY EQUIPMENT CORP, ROD CLAUSE - LB840 GRANT, 1347.79; BLR, FAIR LABOR STANDARDS HANDBOOK UPDATES, 536.99; BLUFFS SANITARY SUPPLY INC., DEPT SUPP, 328.99; CAPITAL BUSINESS SYSTEMS INC., CONT. SRVCS, 295.51; CARLSON, DEBRA, BSN. TRVL., 50; CARR- TRUMBULL LUMBER CO, INC., SUPP - SCREWS, 150.34; CELLCO PARTNERSHIP, CELL PHONES, 182.79; CITIBANK, N.A., BOLTS AND NUTS TO MOUNT PUMP TO BRUSH TRUCK, 10.4; CITY OF GERING, DISPOSAL FEES, 37745.06; CITY OF SCB, PETTY CASH, 34.21; CLARK PRINTING LLC, DEPT SUPP, 306; COAST TO COAST PRODUCTS, DEP. SUP, 44.99; COMPUTER CONNECTION INC, CONTRACTUAL-PD, 44; CONDRAD FIRE EQUIPMENT, INC., PUMP HOUSING AND GASKET KIT FOR BRUSH 1, 887.5; CONSOLIDATED MANAGEMENT COMPANY, SCHOOLS & CONF-PD, 63.51; CORE & MAIN LP, METERS, 2481.27; CREDIT BUREAU OF COUNCIL BLUFFS, DECEMBER FEES & EMPLOYMENT SCREEN, 61; CROELL INC, DEPT SUP, 585.83; CYNTHIA GREEN, FOLDER FILE/MANILLA ENVELOPES, 42.76; DALE'S TIRE & RETREADING, INC., EQUIP MTNC, 116; DIVE RESCUE, INC, BREATHING CONECTORS AND WEIGHTS- DIVE RESCUE, 623.75; DUANE E. WOHLERS, DISPOSAL FEES, 800; DXP ENTERPRISES INC, SENSOR FOR 4-GAS MONITOR, 254.45; EMBLEM'S INC, UNIFORMS-PD, 382; E-ONE INC, EQUIP MTNC, 663.01; FAT BOYS TIRE AND AUTO, EQUIP MTNC, 265.4; FLOYD'S TRUCK CENTER, INC, EQUIP MTNC, 332.04; FREMONT MOTOR SCOTTSBLUFF, LLC, EQUIP MTNC, 390.08; GALLS INC, UNIFORMS-PD, 68.93; GENERAL ELECTRIC CAPITAL CORPORATION, DEPT SUPPL-PD, 24.86; GENERAL TRAFFIC CONTROLS, INC, TRAF. SIGNAL EQUIP. - MONITORS, BUS INTRFACE UNITS, 2938.66; GRAY TELEVISION GROUP INC, CONTRACTUAL SVC, 1390; HAWKINS, INC., CHEMICALS, 1712.4; HD SUPPLY FACILITIES MAINTENANCE LTD, DEPT SUP, 3268.53; HOA SOLUTIONS, INC, EQUIP MAINT, 1258.77; HOBBY LOBBY STORES INC, VELCRO FOR WASHING PPE, MARKERS/SCALE MAT, 31.26; HULLINGER GLASS & LOCKS INC., BLDG MAINT, 67.6; IDEAL LAUNDRY AND CLEANERS, INC., UNIFORMS-PD, 910.31; INGRAM LIBRARY SERVICES INC, BKS., 1338.93; INTERNAL REVENUE SERVICE, WITHHOLDINGS, 60100.45; INTRALINKS, INC, DELL POWER EDGE T440 SERVER - LIBRARY, 14160.18; KIESLER POLICE SUPPLY INC, CIP-PO-PATROL CARS, 96; KNOW HOW LLC, VEH MAINT, 1021.69; KOIS BROTHERS EQUIPMENT CO INC, DEPT SUPPLIES, 3633.7; LEAGUE OF NEBRASKA MUNICIPALITIES, REGISTRATION - SCOTT SHAVER, 2262; LEXISNEXIS RISK DATA MANAGEMENT, CONSULTING-PD, 100; M.C. SCHAFF & ASSOCIATES, INC, ENGINEERING, 4355; MADISON NATIONAL LIFE, LIFE/DISABILITY INS, 1828.27; MARKETING CONSULTANTS, DEPT SUPPLIES, 225; MATHESON TRI-GAS INC, HYDROSTATIC TEST- HAZMAT TRAILER CASCADE, 100; MENARDS, INC, BLDG MAINT, 548.37; MICHAEL B KEMBEL, BUILDING MTNC, 2986.16; MIDLANDS NEWSPAPERS, INC, LEGAL PUBLISHING, 2183.8; MIDWEST MACHINERY & SUPPLY CO, SUPP - CABLE POST FOR GUARD RAIL REPAIRS, 638; MONUMENT CAR WASH INC, VEH MAINT, 5.32; MUNICIPAL EMERGENCY SERVICES INC, FIRE HELMETS- RED FOR LIEUTENANTS, 776.82; NE CHILD SUPPORT PAYMENT CENTER, NE CHILD SUPPORT PYBLE, 1350.55; NE DEPT OF REVENUE, TAXES, 21899.36; NEBRASKA MACHINERY CO, EQUIP MTNC, 67.37; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 40342.29; NEBRASKA RURAL RADIO

ASSOCIATION,CONTRACTUAL SVC,232.5; NETWORKFLEET, INC,CONTRACTUAL SERVICES,109.75;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GALVANIZED NIPPLE FOR BRUSH TRUCK,12.63; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,364.49; PANHANDLE COLLECTIONS INC,WAGE ATTACHMENT,194.92; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,18057.05;PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,36589.26; POSTMASTER,POSTAGE,877.07; POWERPLAN,EQUIP MTNC,200; QUILL CORPORATION,DEPT SUPPL-PD,153.65; REGIONAL CARE INC,FLEX FUNDING,2849.6; REGIONAL WEST MEDICAL CENTER,LANCETS FOR GLUCOMETER,13.92; REGISTER OF DEEDS,LEGAL,32; RUSSELL INDUSTRIES INC,EQUIP MAINT,1261.5; S M E C,EMPLOYEE DEDUCTION,224; SALES MIDWEST, INC,EQUIP MAINT,558.32; SANDBERG IMPLEMENT, INC,DEPT SUPP,744.7; SCB COUNTY,DEPT CNTRCL SRVCS,125; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,261; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,576; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS,672; SCOTTSBLUFF SENIOR CENTER,QUARTERLY INSTALLMENT 1/1/2019,5750; SHERIFF'S OFFICE,LEGAL FEES-PD,333.72;SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL-PD,8334.36; SIMON CONTRACTORS,DEPT SUPP,67.3; SOCIETY FOR HUMAN RESOURCE MANAGEMENT,MEMBERSHIP - CAMI KITE (3/1/19 - 2/29/20),209; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95; THE PEAVEY CORP,INVEST SUPPL-PD,65.75; THE WESTERN SUGAR COOPERATIVE,VEH MAINT,162; TRANS IOWA EQUIPMENT LLC,DEPT SUPPLIES,903.33; TRI-TECH FORENSICS INC.,INVEST SUPPL-PD,77.71; TWIN CITY AUTO, INC,NEW SNOW PLOW BLADE,5574.88; TYLER TECHNOLOGIES, INC,UB TRANSACTION FEES 10/1/18 - 12/31/18,2578.75; UNION BANK & TRUST,RETIREMENT,39396.99; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS,152.15; UNL-PANHANDLE RESEARCH,SCHOOLS & CONF,35; US BANK,REGISTRATION - TYLER CONNECT - LIZ HILYARD,1692.1; WATSON MACKENZIE,BSN. TRVL.,50; WESTERN NEBRASKA HUMAN RESOURCE MANAGEMENT,2019 MEMBERSHIP - JANA BODE,60; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,351; WOODS & AITKEN LLP,PROF. SERVICES CIR CASE 1464-IBEW 1597,2110.83; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,753;

City Manager Johnson presented the December 2018 Financial Report to the City Council explaining we are through the 1st quarter of the fiscal year with about 75% of the budget remaining; this includes monies spent and revenues. Council Member Green asked when we expect to see some of the internet tax, with Mr. Johnson stating we are waiting for the State Legislature to make it into a law; as of now, nothing has been passed.

Mr. Nate Merrigan approached Council regarding his appointment as an alternate to the LB840 Application Review committee. Mr. Merrigan explained he was raised here and graduated from Scottsbluff High School and is currently working for Great Western Bank as a Commercial and Ag Loan Officer. He thinks the LB840 program is an advantage to the community and looks forward to contributing. Council Member Shaver made the motion, seconded by Council Member Schaub, "to

approve the appointment of Nate Merrigan as alternate to the LB840 Application Review Committee,” “YEAS,” Shaver, Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: None.

City Manager Johnson directed Council to a hard copy provided to them that listed the various contracts with outside entities. He stated this is on the agenda to help the new council by talking about budgetary items and to make them aware, prior to June, to have discussion on what is appropriate to support and what is not. This was brought forward because revenues have flat lined, especially with the local economy and because there could be changes in sales tax earnings, reminding them about their discussion in the goal setting/strategy session to concentrate on sustainability for the City. With that, Council Member Shaver asked for the amounts of numbers coming in, an example being the softball program, so they could get a net gain/cost.

During discussion, Mayor Gonzales reminded council when they look for additional funding to do projects; it is the general fund or debt service fund that allows for that flexibility. Mr. Johnson also reiterated the general fund is the most flexible fund that we can allocate money towards for various projects and regarding the outside contracts, council is to be getting updated financials, but the majority of entities do not provide them. Mr. Johnson did state, however, as the contracts renew, we are looking for more performance based criteria to make sure the money allocated is not used frivolously and books are balancing. Council Member McKerrigan expressed that it is very important to receive financials; especially from the entities that are receiving larger amounts of money. Mayor Gonzales asked if any of the contracts are coming up for renewal, with Mr. Johnson stating the Zoo contract is coming up for renewal in 2020; this being a larger contract, Council agrees that financials, both historical and current, need to be provided as well as open lines of communication.

Regarding occupation taxes and council asking for more information, Mr. Johnson stated Nebraska City has a 3% tax on cell phones and other telecommunication lines, garnering around \$105,000.00 per year and he is still waiting to hear back from the City of Beatrice. At the last meeting, Council Member Shaver asked for information regarding hiring an employee to administer the restaurant tax. Mr. Johnson stated the position would be part time with wages starting around \$20,000.00/\$25,000.00 per year with no benefits due to the job not being full time. Council Member Shaver asked if the cell phone tax would be just phone or include internet and television, with Legal Counsel Hadenfeldt stating we would have to limit the tax to the definitions of telecommunications in statute.

Pertaining to these agenda items, Mayor Gonzales asked about tying occupation taxes to specific projects, an example being the 23 Club, and asked Council if they would be for eliminating outside contracts or taxing to fund projects. Council Member McKerrigan stated we need to come up with creative ways to fund projects and look at both sides whether it be raising taxes or eliminating outside contracts. Council Member Schaub expressed we need to live within our means and it would be a hindrance to charge occupation taxes. Council Member Green stated we need to look at other funding sources as well as tightening our belts and is not opposed to taxing as long as it goes to specific projects and goes away once the need is met. Council Member Shaver stated we need to know what our options are, have the facts, but not go forward with anything at this time. It was the conclusion of council to view financials on outside contracts and then make decisions based on those reports, while continuing to put this item on future agendas.

Ms. Starr Lehl, Economic Development Director explained the guidelines and application for the East Overland Façade Improvement Program, explaining this is the second year for the program with

\$100,000.00 available for the project. The application period runs from January 23rd thru February 28th and last year 15 applicants were able to benefit from the program. Council Member Shaver expressed his opinion by stating the money should be spent at Scottsbluff businesses and not spent in the same location, adding it should be something comprehensive that will benefit the whole town. Mayor Gonzales asked Ms. Lehl what the return was from the last money spent; Ms. Lehl said 1.5 million, with the majority of the improvement materials being purchased at Scottsbluff businesses. Council Member Shaver moved, “to not approve the guidelines and application for the East Overland Façade Improvement Program.” The motion died for lack of a second. Council Member Schaub made the motion, “to approve the guidelines and application for the East Overland Façade Improvement Program,” seconded by Council Member McKerrigan. “YEAS,” Schaub, McKerrigan, and Gonzales. “NAYS,” Green and Shaver. Absent: None.

Mr. Johnson went over the two interlocal agreements with the City of Terrytown explaining the first agreement for street sweeping; charging \$55.00 per man hour, \$85.00 per street sweeper with a 15% administration fee added to the final cost. The second, for paint striping; \$55.00 per hour, per man for labor (2 men minimum), \$65.00 per hour for paint machine, \$30.00 per hour for paint gun and \$30.00 per hour for a pickup. Paint is also added to the cost along with a 15% administration fee and both agreements are for one year. Council Member Shaver asked how this compares to last year; City Manager Johnson stated it is the same. Council Member Shaver made the motion, seconded by Council Member Schaub, “to approve the interlocal agreements with the City of Terrytown for paint striping and street sweeping services through December 31, 2019,” “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

Regarding the agreement with Felsburg, Holt and Ullevig, Inc. for updating services for the railroad quiet zone, Mr. Johnson explained this is due to the Federal Railroad Administration (FRA) following compliance by recertifying the quiet zones every four and a half to five years. The cost is \$6,350.00 and the firm is partnering with M.C. Schaff and Associates, so there should be no travel expenses. Council Member McKerrigan made the motion, seconded by Council Member Schaub, “to approve the Railroad Quiet Zone Services Agreement between the City and Felsburg, Holt and Ullevig, Inc. for update services and authorize the Mayor to execute the Agreement.” “YEAS,” McKerrigan, Green, Schaub, and Gonzales. “NAYS,” Shaver. Absent: None.

There were no comments from the public. Under Council Reports, Council Member Shaver stated he and Council Member Green were present for a PAWS meeting, but the meeting did not happen due to the lack of a quorum. Also, Council Member Shaver attended the 911 meeting. Council Member McKerrigan attended the Senior Center meeting and explained student council is going to try to have a voted member attend the meetings. The advisor is reviewing the Ordinance and may request changing it to allow different students the ability to attend. Council Member Green was at the zoo committee meeting and Council Member Schaub was unable to attend the Region 22 Emergency Management meeting.

Council Member McKerrigan, seconded by Council Member Schaub made the motion “to adjourn the meeting at 7:49 p.m.” “YEAS,” Green, Schaub, Shaver, Gonzales, and McKerrigan. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk
"SEAL"