

# **City of Scottsbluff, Nebraska**

**Monday, March 18, 2019**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the March 4, 2019 Regular Meeting.**

**Staff Contact: City Council**

Regular Meeting  
March 4, 2019

The Scottsbluff City Council met in a regular meeting on March 4, 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 March 1, 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 March 1, 2019.

Mayor Gonzales presided and City Clerk Wright recorded the proceedings. The meeting was called to order and 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. Council Member Shaver asked that consent item 7c, approving the appointment of Jim Schmucker to the Library Board, be moved off of consent agenda. Council Member Shaver made the motion, seconded by Council Member Green "to move item 7c, approving the appointment of Jim Schmucker to the Library Board," off consent agenda to item 10c 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 Schaub, seconded by Council Member McKerrigan that,

- a) "The minutes of the February 19, 2019 Regular Meeting be approved,"
- b) "A special meeting be set for May 9, 2019, 8:00 a.m., Scottsbluff Council Chambers for the purpose of conducting a budget workshop. "YEAS," Green, Schaub, Gonzales, and McKerrigan. "NAYS," Shaver. Absent: None.

Council Member Shaver declared a conflict of interest regarding the claims. Moved by Council Member Green, seconded by Council Member McKerrigan "to accept Council Member Shaver's conflict of interest and remove his individual item of reimbursement from his trip to the League of Municipalities Conference from the regular claims," "YEAS," Gonzales, Schaub, McKerrigan, and Green. Abstain: Shaver. "NAYS," None

Moved by Council Member Shaver, 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 March 4, 2019, as on file with the City Clerk and submitted to the City Council," "YEAS", Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

## CLAIMS

911 CUSTOM, LLC,CIP-PO-UNMARKED CAR,819.6; ADVANCE AUTO PARTS,PARKS #336-HUB AND BEARING ASSY,581.03; AIRGAS USA, LLC,CYLINDER LEASE,475.9; AIRPORT DEVELOPMENT,LLC,TIF-AIRPORT REDEV.,323.4;AZON.COM HEADQUARTERS,MISC.,579.37; ANDERSON FORD INC,CIP-PO-UNMARKED CAR,17935; AUTOZONE STORES, INC,BATTERY FOR 1 TON PICKUP,89.99; B & H INVESTMENTS, INC,SUPP - WATER,208.5; BAKER & ASSOCIATES INC,23 CLUB IMPROVEMENTS,9930; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,5362.51;BLUFFS SANITARY SUPPLY INC.,DEPT SUPP ADM,100.92; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,38; CARR- TRUMBULL LUMBER CO, INC.,EQUIP MAINT PARK,85.76; CELLCO PARTNERSHIP,CELL PHONES-PD,1436.21; CITIBANK N.A.,IPAD & SLIM FOLIO - CITY MANAGER,1272.93; CITIBANK, N.A.,BUILDINGMAINT,3499.26;COLONIALLIFE&ACCIDENTINSURANCECOMPANY,INSURANCE,48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,173.55; CONTRYMAN ASSOCIATES, P.C.,FINAL - AUDIT SERVICES FY ENDING 9/30/18,4000; CORE & MAIN LP,METERS,883.04; CORNHUSKER MARRIOTT HOTEL,SCHOOL & CONF,318; COZY, INC,GRAPHICS FOR BRUSH 1,575; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,218.06; CYNTHIA GREEN,DEP. SUP.,28.38; DALE'S TIRE & RETREADING, INC.,REPAIR FLAT TIRE,15; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,136.97; DOCU-SHRED LLC,CONTRACTUAL,90; DOOLEY OIL INC,CENTRAL GARAGE- CASES OF OIL,67.67; ELAN CITY INC,SPEED SIGNS - HIGH SCHOOL,5841;ELLIOTT EQUIPMENT COMPANY INC.,95 GALLON TRASH CARTS,4915.68; FARMERS STATE BANK,TIF - ELITE HEALTH REDEV,3688.08; FASTENAL COMPANY,EQUIP MAINT PARK,7; FEDERAL EXPRESS CORPORATION,POSTAGE,93.82; FUN EXPRESS, LLC,SPECIAL EVENT REC,1440.62; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,948.52; HAWKINS, INC.,CHEMICALS,1984.2; HEIMAN INC,30 INCH PROBAR FOR RESCUE 1,263.15; HOBBY LOBBY STORES INC,SUPPLIES - RECOGNITION DINNER,21.66; HULLINGER GLASS & LOCKS INC.,BLDG MAINT PARK,126.75; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE- 1 BARREL OF OIL,2272.08;IDEAL LAUNDRY AND CLEANERS, INC.,RUGS, MOPS, SHOP TOWELS,432.04;INGRAM LIBRARY SERVICES INC,BKS.,300;INTERNAL REVENUE SERVICE,WITHHOLDINGS,53488.79;INVENTIVEWIRELESSOF NE, LLC,CONTRACTUAL,17.95; J G ELLIOTT CO.INC.,BONDS-PD,70; JOHN DEERE FINANCIAL,TORCH TIP FOR TAR KETTLE,79.46;JOHN DEERE FINANCIAL,DEPT SUPP PARK,166.41; JOHN DEERE FINANCIAL,EQUIP MAINT PARK,1779.72;JONES & BARTLETT LEARNING LLC,FIREFIGHTER II TEST PREPERATION,164.85; KELLY KAVA,UNIFORMS-PD,192; KNOW HOW LLC,PARKS #336- SHOCKS & OXYGEN SENSOR,941.72; KRIZ DAVIS,BLDG MAINT REC,91.93; LAWSON PRODUCTS, INC,DEPT SUPP PARK,101.81; LEAGUE ASSOCIATION OF RISK MANAGEMENT,ENDORSEMENT #4 - 2018 MF TRACTOR/LOADER,137.7;MAILFINANCE INC,MONTHLY LEASE,148.76; MENARDS, INC,BLDG MAINT REC,1389.3; MIDLANDS NEWSPAPERS,INC,LEGALNOTICE,48.1;MONUMENTPREVENTIONCOALITION,CONTRACTU AL-PD,1879.88; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1350.55; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.52; NE DEPT OF HLTH & HUMAN SVCS,MEMBERSHIP REC,80; NE MOSQUITO & VECTOR CONTROL ASSN.,1 MAN ATTEND MOSQUITO WORKSHOP & CALIBRATE MACHINE,60; NEBRASKA CHAMBER OF COMMERCE,NE CHAMBER LEG.CAUCUS/ANNUAL MEETING -STARR LEHL,150; NEBRASKA MACHINERY CO,CABIN FILTERS FOR COMPOST FACILITY,159.48; NEBRASKA PRINTWORKS, LLC,CONTRACTUAL SVC,766.02; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,23786.76;NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL

SVC,400; NEBRASKA SALT AND GRAIN CO,1 LOAD ICE SLICER,4049.1; NEBRASKALAND TIRE INC,EQUIP MAINT,3772.86;NEBRASKALAND TIRE, INC,WATER #039- NEW TIRES,1722.04; NEMNICH AUTOMOTIVE,PARKS #336- ALIGNMENT,123.93; NEOPOST,POSTAGE,1000; OMAHA WORLD- HERALD COMPANY,SBSCR.,389.48; OWEN DEVELOPMENT, LLC,TIF - OWEN ORAL SUR. REDEV,296.52; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,253; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5174.59;PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,12322.74; POSTMASTER,POSTAGE,701.81; REGIONAL CARE INC,HEALTH INS. PREM. - MARCH 2019,35588.99; REGIONAL WEST MEDICAL CENTER,LB840 ANNUAL JOB CREDIT,165539.14; REGIONAL WEST PHYSICIANS CLINIC,CONSULTING-PD,192; REGISTER OF DEEDS,LEGAL,64; ROCKSTEP SCOTTSBLUFF LLC,TIF - MONUMENT MALL REDEV,299.72;ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,1856.66; ROUNDHOUSE BUNKER GEAR SERVICE,TURNOUT REPAIR FOR LEVICK AND LAURUHN,270.54; RURAL HEALTH DEVELOPMENT, INC.,ECONOMIC DEV,6383.33; S M E C,EMPLOYEE DEDUCTION,156.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT PARK,243.07; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCHOOL-TECH, INC,DEPT SUPPL-PD,188.15; SCOTT SHAVER,BUSINESS TRAVEL,277.71; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,170; SCOTTSBLUFF MOTOR CO, INC,PARKS #336- BUMPER,60.14; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,576; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,AWARD - RECOGNITION DINNER,60;SHERWIN WILLIAMS,GROUND MAINT PARK,311.85; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL-PD,4167.18; SIMON CONTRACTORS,SAND FOR DE ICER,77.95; SNELL SERVICES INC.,BLDG MAINT PARK,366.84;SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95; STARR LEHL,EXPENSE - RECOGNITION DINNER,117.56; STATE HEALTH LAB,SAMPLES,290;TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,343.53; TRAFFIC SAFETY CORPORATION,SUPP - BATTERIES FOR NEW TS40 TRAFFIC SIGNALS,347.6; TWIN CITY AUTO, INC,CUTTING EDGES FOR SNOW PLOWS,879.09; TYLER TECHNOLOGIES, INC,SOFTWARE MAINTENANCE 4/1/19 - 3/31/20,17631.41; UNION BANK & TRUST,RETIREMENT,35534.27; US BANK,SCHOOLS & CONF-PD,4233.54; WESTERN STATES BANK,TIF - REGANIS REDEV,1133.2; WORLD BOOK INC,BKS.,269; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; ZM LUMBER INC,GROUND MAINT PARK,349.26;

Council Member Schaub made the motion, seconded by Council Member McKerrigan, “to approve Council Member Shaver’s reimbursement claim in the amount of \$277.71 for his trip to the League of Municipalities Conference,” “YEAS,” Gonzales, Green, McKerrigan, and Schaub. Abstain: Shaver. “NAYS,” None.

City Manager Johnson presented the January 2019 Financial Report informing Council that the first half fiscal year budget transfer from the Cemetery Perpetual Care fund to the Cemetery fund for general operating and capital expenditures has been completed. Also, the City has closed on the property at 1306 East Overland, which is located over the Scotts Bluff drain.

Mr. Monty Stoddard, Vice President and Ms. Tevyn Baldwin, Secretary of the Western Nebraska Cattlemen Association were present to give information and address questions from Council regarding a May Beef Chili Cook-Off the association would like to hold in the Downtown Plaza on May 25<sup>th</sup> from

7:00 a.m. to 5:00 p.m. The purpose of the chili cook-off is to promote agriculture, while informing the health benefits of beef to the public; with the primary goal being to provide more scholarships for the youth who choose to enter an agricultural path. They are striving to have a safe, family friendly environment, hoping to generate around 250 people from around the area. The event will host 20 teams with educational booth displays alongside the cook-off tents for the public to view. The Flyover Brewery will be selling wine and beer for the event and each person entering will have to show their ID and will be given a colored wrist band which will signify their eligibility to drink.

Council Member Shaver asked if there would be a separate area for the alcohol; Mr. Stoddard stated no, they have enough security and feel confident with the colored wristbands that they will be able to handle any problems that may arise. He also stated they probably will not start serving alcohol until after judging, around 12:30 p.m.

Police Chief Spencer acknowledged Council Member Shaver's concern and stated they will have two officers at the event to help with security and will meet with the association to handle any questions they may have. Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to approve a Community Festival Permit for the Western Nebraska Cattlemen at the Downtown Plaza, including vendors and noise permit for a May Beef Chili Cook-Off on May 25, 2019 from 7:00 a.m. to 5:00 p.m.," "YEAS," McKerrigan, Green, Schaub, and Gonzales. "NAYS," Shaver. Absent: None.

Ms. Andrea Margheim, of Flyover Brewery explained she will be applying for the Special Designated Liquor License (SDL) for the May Beef Chili Cook-Off. She stated there will be different colored wristbands and their staff will be serving the alcohol; they have discussed using different colored cups for the alcoholic beverages as well. She noted there was a discrepancy on the time of the event and what was noted on the SDL application because both parties had a miscommunication, stating they wanted to get on the agenda to be able to start planning the event. Council Member Green asked if this was a special use permit to allow them to serve alcohol on public property, with Legal Counsel Hadenfeldt explaining the SDL is thru the Liquor Control Commission. Ms. Margheim added her license includes catering and if this event was held on private property, would only have to go thru the state, but since this event is being held on City property will need to be approved by City Council as well. Council Member Green voiced concern that all bases were covered and questioned if there was a loophole regarding this process; Mr. Johnson explained there are no loopholes as Council is voting on the SDL to allow Flyover Brewery to serve alcohol on City property. Council Member Schaub made the motion, seconded by Mayor Gonzales, "to approve a Special Designated Liquor License for BDS3C, LLC dba Flyover Brewing Company and Western Nebraska Cattlemen to serve wine and beer at a Community Festival Event at the Downtown Plaza on May 25, 2019 from 9:00 a.m. to 9:00 p.m.," "YEAS," Schaub, Gonzales, and McKerrigan. "NAYS," Green and Shaver. Absent: None.

Regarding the appointment of Jim Schmucker to the Library Board, Mr. Johnson informed Council that Mr. Schmucker has 39 years' experience in teaching and administration and he is very impressed and excited to learn of the library's outreach to the community; staff and the library both recommend Mr. Schmucker serving on the board. Council Member Green, seconded by Council Member Shaver made the motion, "to approve the appointment of Jim Schmucker to the Library Board," "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

Ms. Starr Lehl, Economic Development Director presented an Economic Development Assistance Agreement from Croell, Inc. for \$750,000. The applicant is in the business of manufacturing

and selling ready mix concrete, being in business since 1968. The primary use of the funds will be used for adding eleven new full time positions at the Scottsbluff Regional Site with an estimated annual wage and benefit cost of \$820,000., with the possibility of adding an asphalt plant in the future.

Council Member Green asked about job credits and how that pertains to the loan, with Ms. Lehl explaining the loan is forgivable, but the jobs set forth in the agreement have to be maintained with the business paying interest when they receive the money. During discussion, Mayor Gonzales asked Ms. Lehl, when she gives her next Economic Development quarterly report, to give a brief overview on LB840 including how companies pay back loans and grants. Council Member Schaub made the motion, seconded by Council Member Green, “to approve the Economic Development Agreement for Croell, Inc,” “YEAS,” Schaub, McKerrigan, Gonzales, and Green. “NAYS,” Shaver. Absent: None.

Regarding the agreement with Eric and Brandy Reichert, Mr. Johnson explained to Council that it consists of the City waiving the storm water requirements for the onsite storm water retention facility for the Reichert’s new development on East Overland in front of Western Sugar. In exchange Mr. Reichert agrees to excavate the storm water detention area, opening up the drain and allowing for storm water management. The excavation would happen after a controlled burn and Mr. Reichert would gain control of the dirt to put on his parcel in front of Western Sugar to build the ground up out of the floodplain. Mr. Mark Bohl, Public Works Director, commented by doing this we can get the water moving to the river quicker, controlling it better, being a win for both parties.

After discussion, Council Member Green asked if this agreement would need three readings or a public hearing; Mr. Johnson explained that this is not an Ordinance, so three readings is not required and a public hearing is not needed because the main purpose concerning this is to alleviate the water to enable storm water management. Council Member Schaub made the motion, seconded by Council Member McKerrigan, “to approve an Agreement with Eric & Brandy Reichert to excavate and remove soil and fill material from the storm water detention facility located east of the 27<sup>th</sup> Street and Highway 26 intersection and authorize the Mayor to execute the Agreement.” “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

Mr. Johnson reminded Council that at previous meetings they extended phase one with TriHydro Corporation until December 31, 2019 and they rejected the rejection of the sanitation bids; because of this he is asking Council how they would like to proceed with the bids. The contract with the City of Gering is still active and at this time, if broken, could result in a substantial financial loss to the City. Council Member Green asked if there was any more information relating to the contract that would need to be discussed in closed session to protect the public interest. Mr. Johnson stated this is a public matter and there is nothing to go into executive session for. Mayor Gonzales agreed that if the contract is broken the City would lose money and added the only action to be considered at this time is the sanitation bids; making a motion, “to reject the sanitation bids,” seconded by Council Member Schaub, “YEAS,” McKerrigan, Schaub, and Gonzales. “NAYS,” Shaver and Green. Absent: None.

Regarding the agenda item to discuss and consider action on the City’s recycling efforts; City Manager Johnson stated this was at the request of Council Member Shaver and because of that request turned discussion on this item over to him. Council Member Shaver expressed his concern with single stream recycling and feels that the City should either get rid of it or only charge the people who use the service. He added the City bills went up when the City chose to offer single stream recycling to everyone. He is frustrated that the City pays money to recycle when half of the materials that aren’t restricted by

Environmental Protection Agency (EPA) get thrown away anyway; stating that recycling wastes more energy than it saves according to a National study he had seen and is a waste of money; asking why items like glass, that cost the City extra money to recycle, are not just put in the landfill? Council Member Green also commented on the subject, stating the landfill would be at capacity quicker, helping us get out of the contract sooner and we would be able to go out for bids, adding concerning financials, there are two separate recycling philosophies being combined and some of that is in the bids that were rejected.

Mr. Johnson answered, stating single stream recycling is something that the community wanted and it does not cost the City that much money. Mr. Johnson explained that the current trash tipping fee is \$48.87/per ton and single stream recycling is \$24.65/per ton. Mayor Gonzales added that people take recycling to heart, especially children and asked this topic be part of the City Council retreat if approved. At the end of discussion, Council Member Green asked that Mr. Johnson come back with better financials concerning the recycling portion of sanitation, with Council Member Shaver questioning the rates with the City of Gering, asking Mr. Johnson to get clarification regarding those rates, because the math does not add up. No action was taken on this item.

Concerning the item of a City Council retreat, Mr. Johnson explained to Council that it may be beneficial to have someone from outside the organization come and facilitate by discussing different initiatives, such as single stream recycling and the landfill; including items such as team building and roles inside the organization. Council Member Shaver stated that the meeting he attended in Lincoln just covered these topics and he feels it would be a waste of money to have someone come out and do it again. Mayor Gonzales disagreed, commenting it would be a good idea and made a motion, seconded by Council Member McKerrigan, "that we move forward with having the retreat," "YEAS," Schaub, Gonzales, and McKerrigan. "NAYS," Green and Shaver. Absent: None.

There were no comments from the public. Under Council Reports, Council Member Shaver stated that at the League Meeting in Lincoln they covered many topics including branding cities, land banks and how different legislation impacts the City. He also visited with other cities the same size concerning their difficulties and accomplishments. Council Member Green added that he learned quite a bit from the new member meetings and was able to talk with other municipalities regarding their hurdles and shortfalls. He was also able to learn about internet security and emails. Council Member Schaub commented he found the meeting to be repetitive but informative and found the networking portion was the most helpful to him. Mayor Gonzales reported the PADD meeting is next Thursday at noon at the Cirrus Conference Room, East Overland Meeting is next Tuesday and Regional Governance Meeting next Wednesday.

Council Member Schaub made the motion, seconded by Council Member Green, "to adjourn the meeting at 7:04 p.m." "YEAS," Gonzales, Schaub, McKerrigan, and Green. "NAYS," Shaver. Absent: None.

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Mayor

Attest:

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City Clerk  
"SEAL"