

# **City of Scottsbluff, Nebraska**

**Monday, July 15, 2019**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the July 1, 2019 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on July 1, 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 June 28, 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 June 28, 2019. Vice Mayor McKerrigan presided and City Clerk Wright recorded the proceedings. The meeting was called to order and the Pledge of Allegiance was recited. Vice Mayor McKerrigan 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. Vice Mayor McKerrigan 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: Jeanne McKerrigan, Nathan Green and Terry Schaub. Also present were City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: Raymond Gonzales and Scott Shaver.

Vice Mayor McKerrigan asked if there were any changes to the agenda. There were none. Vice Mayor McKerrigan 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 Green that,

- a) "The minutes of the June 17, 2019 Regular Meeting be approved," "YEAS," McKerrigan, Green, and Schaub. "NAYS," None. Absent: Gonzales and Shaver.

Moved by Council Member Schaub, seconded by Vice Mayor 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 July 1, 2019, as on file with the City Clerk and submitted to the City Council," "YEAS", Green, Schaub, and McKerrigan. "NAYS," None. Absent: Gonzales and Shaver.

#### CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,188.56; ADVANCE AUTO PARTS,ES STOCK DEF,560.35; ALFA LAVAL INC,EQUIP MAINT,353.61; AL'S TOWING,TOW SERVICE-PD,195; AMAZON.COM HEADQUARTERS,DEPT SUPP ADM,55.22; ARROWHEAD SCIENTIFIC,INVEST SUPPL-PD,199.83; ASSOCIATED SUPPLY CO, INC,BUILD MAINT REC,6333.8; AUTOZONE STORES, INC,SUPP - CARB. CLEANER, 23.88; B & H INVESTMENTS, INC,DEP. SUP. - LIBRARY,40.5;BAKER & ASSOCIATES INC,23 CLUB IMPROVEMENTS - FINAL,11945; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,3258.25; BLUFFS SANITARY SUPPLY INC.,DEPT SUP,349.84; BRUCE MEIER,PER DIEM FOR LEADERSHIP CONFERENCE- MEIER,76; BSN SPORTS, INC,DEPT SUPP,1319.73; CARR-TRUMBULLLUMBERCO,INC.,SUPPHEMFIR,109.41;CASHWADISTRIBUTING, CONCESSIONS, 558.42;CELLCOPARTNERSHIP,CELLPHONES-PD,1453.57;CITIBANKN.A.,DEPTSUPPPK,763.23;

CITY OF SCB,PETTY CASH,141.94; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; CONTRACTORS MATERIALS INC.,SHRINK WRAP,373.41; CROELL INC,DEPT SUP,165.32; CYNTHIA GREEN,DEPT SUPP ADM,203.97; DAS STATE ACCOUNTINGCENTRALFINANCE,MONTHLYLONGDISTANCE,128.21;DEEJAYJANUARY,TRE EREBATE,239.95;DEMCO,INC,DEP.SUP.,425.59;DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,1600; EAST O WATERING HOLE,EAST OVERLAND GRANT #2,8658; ELLIOTT EQUIPMENT COMPANY INC.,LIDS FOR 2.0CY CANS,1012; ESIQUIO RIOS JR,CONTRACTUAL,126; EUREST JOANN,PARK SHELTER,25; FARMERS STATE BANK,ELITE HEALTH REDEV - TIF 6/30/19,88593.61; FASTENAL COMPANY,CENTRAL GARAGE- SHOP SUPPLIES,1.51; FAT BOYS TIRE AND AUTO,PARKS #331- TIRES,737.96; FEDERAL EXPRESS CORPORATION,POSTAGE,331.91; FINDAWAY WORLD LLC,A/V,281.2;FLOYD'S TRUCK CENTERSCOTTSBLUFF,REPAIRSTOUNIT#824,791.72;FRANCHETTIMATTHEW,CONTRACTUAL,252;FREMONT MOTOR SCOTTSBLUFF, LLC,POLICE #4- SEAL REPAIR,331.34; GENERALELECTRICCAPITALCORPORATION,MISC.,914.83;HAWKINS,INC.,CHEMICALS,3537.59; HONEY WAGON EXPRESS,CONTRACTUAL,180; HULLINGER GLASS & LOCKS INC.,DEPT SUPP PARK,5.5; HYDRONIC WATER MANAGEMENT,EQUIP. MAIN.,425; IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL SUPP PK,918.1; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PK,735.23; INFINITY CONSTRUCTION, INC.,42ND ST. - AVE I TO 5TH AVE.,272081.9; INGRAM LIBRARY SERVICES INC,BKS.,630.3; INTERNAL REVENUE SERVICE,WITHHOLDINGS,56418.03;INTRALINKS, INC,CONTRACT SERVICES - LIBRARY (MAY),1574.38; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL PK,57.95; JOHN DEERE FINANCIAL,EQUIP MAINT,272.23; JOHN DEERE FINANCIAL,DEPT SUPP PK,521.35; JOHN DEEREFINANCIAL,PARKS#397-GASKETS,ROPS,2467.6;JOHNSONEARL,CONTRACTUAL,1000; JOHNSON LORETTA,PERMIT REFUND,30; JULIUS D KONCABA,EAST OVERLAND GRANT #2,1060; KEMBEL JARED,CONTRACTUAL,144; KIRK BERNHARDT,CONTRACTUAL,918; KNOW HOW LLC,ES #818- HOSE AND FITTINGS,618.4; LAWSON PRODUCTS, INC,CENTRAL GARAGE- HOSE CLAMPS & SOLVENTS,172.68; LEAGUE ASSOCIATION OF RISK MANAGEMENT,WORKERS COMP DUE - PAYROLL AUDIT,2007.45; LINCOLN JOURNAL STAR,SBSCR. - ACCT#118-00057422,990; M.C. SCHAFF & ASSOCIATES, INC,PROF.SERVICES - 42ND ST. (AVE I TO 5TH AVE),32421.5; MARTIN SHELLEY,REFUND SEWER CHARGE,1080.27; MATHESON TRI-GAS INC,DEPT SUP,39.01; MENARDS, INC,DEPT SUPP REC,1245.78; MENTGEN JOHN,TREE REBATE,239.95; MICHAEL BEEBE,CONTRACTUAL SVC,616.17; MIDLANDS NEWSPAPERS, INC,LEGAL NOTICE,15.27; MIDWEST CONNECT, LLC,DEP. SUP.,219.95; MONUMENT CAR WASH INC,VEH MAINT,25.57; MONUMENT PREVENTION COALITION,CONTRACTUAL-PD,1879.88; NE CHILD SUPPORT PAYMENT CENTER,NECHILDSUPPORT PYBLE,1163.1; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.5; NE DEPT OF REVENUE,TAXES,22618.99; NEBRASKASAFETY & FIRE EQUIPEMENT INC.,EQUIP MAINT-PD,30;NEBRASKA CENTER FOR THE BOOK,POLICE #27 AIR ELEMENT,39.9; NEBRASKA MACHINERY CO,BLDG MAINT-PD,2143; NEBRASKA PUBLIC POWERDISTRICT,ELECTRICITY,22799.51;NEMNICHAUTOMOTIVE,POLICE#4ALIGNMENT,79.88; NETWORKFLEET, INC,GPS HARNESS KIT,30.23; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PK,319.85; PANHANDLE CARTAGE CO INC,EMER CMD VEH REPAIR,20;PANHANDLECOLLECTIONS INC,WAGE ATTACHMENT,194.92; PANHANDLE COOPERATIVE ASSOCIATION,GASOLINE,183; PANHANDLE ENVIRONMENTAL SERVICES

INC, CONTRACTUAL SVC, 253; PANHANDLE HUMANE SOCIETY, CONTRACTUAL, 5174.59; PATTLEN ENTERPRISE, INC, EQUIP MAINT PK, 178.03; PAUL MENDOZA, CONTRACTUAL, 126; PAUL REED CONSTRUCTION & SUPPLY, INC, GROUND MAINT PK, 140.64; PEPSI COLA OF WESTERN NEBRASKA, LLC, CONCESSIONS, 261.5; PHILIPSEN KEN, TREE REBATE, 119.98; PLATTE VALLEY BANK, HEALTH SAVINGS ACCOUNT, 9774.26; POSTMASTER, POSTAGE, 717.88; QUILL CORPORATION, DEPT SUPPL-PD, 182.21; REAMS SPRINKLER SUPPLY CO., GROUND MAINT PK, 1848.46; REGIONAL CARE INC, HEALTH INS. PREMIUM - JULY 2019, 56873.45; REGIONAL WEST MEDICAL CENTER, NASAL AIRWAYS SIZES 6.5-8.5, 96.7; RICHARD P CASTILLO, CONTRACTUAL, 72; RIVERSIDE ZOOLOGICAL FOUNDATION, CONTRACTUAL, 8750 0; RODRIGUEZ JOSE R, TOW SERVICE-PD, 95; RON'S TOWING, TOW SERVICE-PD, 700; ROOSEVELT PUBLIC POWER DISTRICT, ELECTRIC POWER, 2001.44; RURAL HEALTH DEVELOPMENT, INC., ECON DEV GRANT, 6383.33; S M E C, EMPLOYEE DEDUCTION, 156.5; SANDBERG IMPLEMENT, INC, DEPT SUPP CEM, 520.74; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES, 225; SCOTT AARON, CONTRATUAL, 162; SCOTTS BLUFF COUNTY COURT, LEGAL FEES-PD, 330; SCOTTS BLUFF COUNTY ROADS DEPT, CONTRACTUAL SVC, 428.49; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES, 576; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC, UNIFORMS, 843; SCOTTSBLUFF WIN SUPPLY COMPANY, DEPT SUPP CEM, 49.48; SHERIFF'S OFFICE, LEGAL FEES-PD, 851.25; SIMMONS OLSEN LAW FIRM, P.C., CONTRACTUAL, 1000.5; SIMON CONTRACTORS, GROUND MAINT PK, 6171.41; SNELL SERVICES INC., ELECTRICAL, 8069.6; SOCIETY FOR HUMAN RESOURCE MANAGEMENT, MEMBERSHIP - J.BODE, 380; SOUNDSLEEPER SECURITY INC., MAINTENANCE ON SECURITY CAMERAS, 2814.95; STATE HEALTH LAB, SAMPLES, 354; STATE OF NE., CONTRACTUAL-PD, 210; STRAUCH HARRY, TREE REBATE, 119.98; STRICKER MARTIN, CONTRACTUAL, 108; TOYOTA MOTOR CREDIT CORPORATION, HIDTA CAR LEASE, 343.53; UNION BANK & TRUST, RETIREMENT, 35202.7; UNITED STATES WELDING, INC, CUTTING TIPS, ELECTRODES, CARTRIGES, 117; US BANK, BUILD MAINT REC, 8090.85; VAN DIEST SUPPLY COMPANY, SUPP - MOSQUITO SPRAY, 2724; WEITZEL JOHN, SCHOOLS & CONF/GASOLINE-PD, 305.7; WESTERN COOPERATIVE COMPANY, VEH MAINT PK, 50; WESTERN COOPERATIVE COMPANY, DEPT SUP, 58.77; WESTERN COOPRTATIVE COMPANY, GROUND MAINT PK, 682.8; WILSON ZACHARIAH, CONTRACTUAL, 180; WYOMING CHILD SUPPORT ENFORCEMENT, CHILD SUPPORT, 738.08; WYOMING WATER DEVELOPMENT OFF, PAWS FEASIBILITY STUDY, 2185.25;

Mr. Dan Marshall, Chairman of the Park, Rec., Cemetery, & Tree Board Advisory Committee approached Council with a letter of support for the Scottsbluff Monument Valley Pathway North Project. Mr. Marshall read the letter, which expressed the sentiment of the board, recognizing the countless hours and the substantial amount of money invested in the project, which if not completed, would result in nothing to show for the good of the public. The letter also addressed two studies that show trails do not cause a lower quality of life, but the opposite. Multi-use trails are amenities that help sell homes, increase property values and increase the quality of life, offering inexpensive recreation and better routes for alternative transportation options. The board asked that this very important addition to the community be continued and all measures necessary be taken to insure the viability of the project.

Council Member Shaver entered the meeting at 6:13 p.m.

Mr. Jeff Kelley, Executive Director with Panhandle Area Development District (PADD), was in attendance to give a presentation on Owner Occupied Rehabilitation Grants (OOR). This type of grant encompasses every Nebraska incorporated municipality that is not a CDBG Entitlement Community. Mr. Kelley briefly gave an overview explaining activities that are eligible for the program. The activities defined involve rehabilitation, including rehabilitation that promotes energy efficiency of owner occupied homes and special projects directed to the removal of material and architectural barriers, which restrict the mobility and accessibility of elderly and handicapped persons. He went on to explain the grant amounts; minimum \$250,000.00, maximum \$750,000.00, stating matching funds are not required, however additional points are awarded if a cash match is provided. Also, City Council determines how funds are used, with \$25,000.00 being the maximum allowed for each home rehab. In addition, to qualify, the homes must be owner/occupied with the owner(s) meeting income guidelines. There are two steps involved to get the process started. The first is a pre-application which needs to be completed by July 31, 2019; the second, full application, needs to be completed by September 30, 2019. Anticipated award notification would be in December of 2019.

Council Member Green commented he would like to see how many would qualify for this type of program and asked before Council does anything, get input from persons who express interest. Council Member Shaver agreed stating it would be nice to get a number to be able to put on the pre-application. Mr. Kelley addressed the concerns, acknowledging by filling out the one page pre-application there is no commitment and Council could change the figure they requested if needed.

Council Member Schaub made a motion, seconded by Vice Mayor McKerrigan, "to authorize completing the pre-application for the Owner Occupied Rehabilitation Grant," "YEAS," Schaub and McKerrigan. "NAYS," Shaver and Green. Absent: Gonzales. Motion failed.

Council Member Shaver made a motion, seconded by Council Member Green, "to request getting more information from the public regarding the Owner Occupied Rehabilitation Grant for the July 15, 2019 meeting," "YEAS," Schaub, McKerrigan, Green, and Shaver. "NAYS," None. Absent: Gonzales.

Council introduced the Ordinance updating disposal at the compost facility to include all commercial and residential tree and yard waste, which was read by title on second 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, SETTING FORTH RATES AND CHARGES FOR ACCEPTING ALL COMMERCIAL AND RESIDENTIAL YARD WASTE AND TREE DISPOSAL, REPEALING THE FORMER SECTION, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

Regarding the discussion and instruction to staff on a License Agreement for property located on the southwest corner of the intersection of 27<sup>th</sup> Street and Avenue I, City Manager Johnson explained this was at the request of Council Member Green and turned discussion on this item over to him. Council Member Green commented that he has seen the property is for sale and was wondering if the license agreement would be transferred to the new owner or needed to be removed. He also expressed concern that future owners are not made aware of what the City intends to do with their property. Mr. Johnson addressed the concern, stating we have been clear in previous meetings what the City plans to do with the property. Council Member Shaver asked if the agreement needed to be terminated. Legal Counsel Hadenfelt stated that property owner Casey York cannot assign the license agreement, it cannot be transferred and it could be terminated if that is what Council chose to do.

Council Member Shaver made a motion, "to terminate both License Agreements concerning the property at 27<sup>th</sup> Street and Avenue I." Mr. Johnson asked if we had any documentation that Mr. York was not moving forward, adding the City would not set a specific time frame allowing Mr. York to use their property, but offered the license agreement instead. After discussion, Council Member Shaver rescinded his motion, asking staff to contact Mr. York to see what his intentions are with the property.

Under public comments, Starr Lehl, Economic Development Director approached Council to invite them to a ribbon cutting/open house on July 2<sup>nd</sup> at 11:00 a.m. for the bicycle playground located at the ice skating rink. Tri-City Active Living Advisory Committee, Western Nebraska Bicycle Club and the City of Scottsbluff worked collaboratively to make this a reality. Bands on Broadway summer series starts on July 4<sup>th</sup>; this event will host a kiddie bicycle parade which will lead them to the bicycle playground.

Under Council Reports, Council Member Green stated he went to a zoo board meeting; financials were discussed as well as goals. They are still looking for City input and he would like to schedule another committee meeting to see if there are new solutions and to go over numbers. PAWS had a meeting in Torrington where they drafted a potential letter to help with revenue sources concerning the water program. Council Member Shaver did not attend any meetings; he went on a trip where he specifically looked for pathways. He stated the eastern part of Nebraska has pathways, but nowhere else in the United States, other than one by a National Park in Canada has them. He has no intention of taking anyone's land for making a pathway. Council Member Schaub expressed his thanks to everyone in the City who attended the procession and funeral of Nebraska State Patrol Trooper Jerry Smith.

Council Member Schaub, seconded by Vice Mayor McKerrigan made the motion, "to adjourn the meeting at 6:47 p.m.," "YEAS," Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: Gonzales.

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Vice Mayor

Attest:

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City Clerk      "SEAL"