

City of Scottsbluff, Nebraska
Monday, September 16, 2019
Regular Meeting

Item Consent1

Approve the minutes of the September 3, 2019 Regular Meeting.

Staff Contact: Kim Wright, City Clerk

The Scottsbluff City Council met in a regular meeting on September 3, 2019 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. Since the regular meeting date would fall on a City recognized holiday the meeting was moved to the following day according to §6-1-12 of the Scottsbluff Municipal Code. A notice of the meeting had been published on August 30, 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 August 30, 2019.

Mayor Gonzales presided and City Clerk Wright recorded the proceedings. The meeting was called to order and the Pledge of Allegiance was led and recited by members of Boy Scouts Troop 13. 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 stated the first line of item 12d should address parcel Lot 3, Block 3, not Block 4 that was originally presented and there is no Lot in Block 4. The text should address the entire Block 4.

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.

Council Member Shaver asked that consent item 7b, approving the appointment of Nolan Troupe to the Parks, Recreation, and Tree Advisory Board for a five year term, be removed and restored to the agenda for discussion.

Moved by Council Member Shaver, seconded by Council Member Schaub that,

- a) The minutes of the August 19, 2019 Regular Meeting be approved, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Regarding approving the appointment of Nolan Troupe to the Parks, Recreation, and Tree Advisory Board, Council Member Shaver asked about his qualifications. City Manager Johnson stated Mr. Troupe is a new resident to Scottsbluff, works in the horticulture industry and has a desire to serve on the board, coming highly recommended. Council Member Schaub made the motion, seconded by Council Member McKerrigan, to approve the appointment of Nolan Troupe to the Parks, Recreation, and Tree Advisory Board for a five year term, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Council Member Shaver made the motion, 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 September 3, 2019, as on file with the City Clerk and submitted to the City Council, "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

CLAIMS

ADVANCE AUTO PARTS,WW #954- OIL AND AIR FILTER,69.78; AIRGAS USA, LLC,WELDING SUPPLIES,89.6; AMAZON.COM HEADQUARTERS,HP LASERJET PRINTER - J.BODE,89; AMERICAN LODGING, LLC,LB 840 AGMT,28280; ANITA'S GREENSCAPING INC,CONT. SRVCS.,252; ARROWHEAD SCIENTIFIC,INVEST SUPPL-PD,263.3; ASSOCIATED SUPPLY CO, INC,BUILD MAINT REC,1214.09; ASSURITY LIFE INSURANCE CO,LIFE INSURANCE,32.95; AUTOZONE STORES, INC,POLICE #4- WHEEL HUB ASSY,101.99; B & H INVESTMENTS, INC,DEP. SUP. - LIB.,50; BIRUTA D. WALTON,BUSH HOG SHAFTS COMPOST FACILITY,705; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,2026.33; BLUFFS SANITARY SUPPLY INC.,LARGE AND XLARGE NITRILE GLOVES,468.9; BUDGET DRAIN SERVICES LLC,HYDRO JETTED PIT IN YARD AND CLEANED OUT LINE,635; CELLCO PARTNERSHIP,CELL PHONES-PD,1449.52; CITIBANK N.A.,DEPT SUP,1323.84; CITY OF SCB,PETTY CASH,57.15; CLARK PRINTING LLC,DEPT SUPP,511.57; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; CONTRACTORS MATERIALS INC.,MEASURING WHEEL AND FLASHLIGHTS,622.59; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,389.84; CRESCENT ELECT. SUPPLY COMP INC, ELECT. SUPP - WIRE,54.04; CROSSROADS MUSIC LLC,MUSIC FOR FOOD TRUCK FRIDAYS,800; CYNTHIA GREEN,Dep. SUP.,95.74; DALE'S TIRE & RETREADING, INC.,TIRES FOR UNIT #815,1073.26; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,149.35; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135; ENGINEERED EQUIPMENT SOLUTIONSINC,EQUIPMINT,614.59;ENVIRONMENTALRESOURCEASSOCIATES,CONTRACTUAL SVC,166.29; ESQUIO RIOS JR,CONTRACTUAL,36; FASTENAL COMPANY,SUPP - BOLTS,1.51; FAT BOYS TIRE AND AUTO,EQUIP MAINT PK,53; FEDERAL EXPRESS CORPORATION,POSTAGE,472.14; FLIAM, TYLER,SCHOOLS & CONF-PD,515; FLOYD'S TRUCK CENTER SCOTTSBLUFF,REPAIRS TO UNIT #816,347.52; FRANCHETTI MATTHEW,CONTRACTUAL,72; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,185; FYR-TEK INC,FIRE INVESTIGATION SAFETY EQUIPMENT,628.21; GALLS INC,UNIFORMS-PD,74.55; GENERAL ELECTRIC CAPITAL CORPORATION,PRGRM.,329.75; GERING FIRE DEPT,WILDLAND EQUIPMENT FOR BRUSH 1,1655.9; HAWKINS, INC.,CHEMICALS,4919.7; HD SUPPLY FACILITIES MAINTENANCE LTD,EQUIP MAINT,597.56; HOBBS, CHAD,TUITION REIMBURSEMENT,2688.5; HOBBY LOBBY STORES INC,DEPT SUPPLIES,22.49; HONEY WAGON EXPRESS,CONTRACTUAL,180; HULLINGER GLASS & LOCKS INC.,BLD MAINT,334; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE & TRANS POWER KLEEN/ OIL,4096.3; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - HANDS TOWELS,1170.15; INDEPENDENT PLUMBING AND HEATING, INC,GR MAINT PK,628.84; INFINITY CONSTRUCTION, INC.,42ND STREET,177222.65; INGRAM LIBRARY SERVICES INC,BKS & AV,493.42; INTERNAL REVENUE SERVICE,WITHHOLDINGS,113183.71; INTRALINKS, INC,DATTO ALTO3 - 2 SERVERS - LIBRARY,357; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL PK,57.95; J & A TRAFFIC PRODUCTS, LLC,SOLAR BARRICADE LIGHTS,225; JAMES H. NEUWIRTH,E.OVLD GRANT - LAKOTA LUTHERAN CENTER & CHURCH,1200; JOHN DEERE FINANCIAL,7 PC TOOL COMBO KIT FOR COMPOST FACILITY,738.91; JOHN DEERE FINANCIAL,BULD MAINT PK,60.61; JOHN DEERE

FINANCIAL,PARKS #311- CYLINDER KIT,304.92; KIESEL, ROB,SCHOOLS & CONF-PD,25; KIESLERPOLICESUPPLYINC,FIREARMSSUPPLPD,1334.35;KIRKBERNHARDT,CONTRACTUAL,518; KNOW HOW LLC,POLICE #19- BATTERY,224.49; KRIZ DAVIS,GROUND MAINT PK,754.02; KUSTOM SIGNALS, INC,EQUIP MAINT-PD,137; LA BAMBA,EAST OVERLAND GRANT PAYMENT,10000; LAWSON PRODUCTS, INC,CENTRAL GARAGE- MISC PARTS,125.36; M.C. SCHAFF & ASSOCIATES, INC,42ND STREET CONSTR ENGINEERING,15481; MADISON NATIONAL LIFE,LIFE INSURANCE,1843.93; MARKETING CONSULTANTS,DEPT SUPP GIS,90; MENARDS, INC,DEPT SUP,916; MIDLANDS NEWSPAPERS, INC,SBSCR. RNWL.,54.95; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,2066.7; NE DEPT OF REVENUE,WITHHOLDINGS,18833.41; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,28674.29; NEBRASKA STATE HISTORICAL SOCIETY,SBSCR. RNWL.,35; NELSON TRENT,CENTRAL GARAGE- PROBE KIT,48.95; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,SUPP - CORRIGATED PIPE,648.45; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,253; PANHANDLE GEOTECHNICAL & ENVIRONMENTAL INC,STRUCTURE,100; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5174.59; PANHANDLE PUBLIC HEALTH DISTRICT,2019 PANHANDLE SAFETY & WELLNESS CONF.- BODE,420; PH&S PRODUCTS LLC,INVEST SUPPL-PD,90; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,19698.52; POSTMASTER,POSTAGE,695.85; QUILL CORPORATION,DEPT SUPPL-PD,263.03; REAMS SPRINKLER SUPPLY CO.,GROUND MAINT PK,10539.42; REGIONAL CARE INC,HEALTH INS PREMIUM - SEPT 2019,66380.22; ROCKSTEP SCOTTSBLUFF LLC,OCC. TAX,35551.61; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRICITY,2511.63; ROSE DREW, INC,DEP. SUP.,594.84; ROTARY CLUB OF SCOTTSBLUFF/GERING,DUES - NATHAN JOHNSON,360; RURAL HEALTH DEVELOPMENT, INC.,ECON DEV,6383.33; RUSCH'S GENERAL CONTRACTING, LLC,EQUIP MAIN.,398; S M E C,EMPLOYEE DEDUCTION,293; SANDBERG IMPLEMENT, INC,PARKS K2- OIL SEAL AND VALVE KITS,1518.71; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,450; SCOTT AARON,CONTRACTUAL,18; SCOTTS BLUFF COUNTYCOURT,LEGALFEES-PD,102;SCOTTSBLUFFPOLICEOFFICERSASSOCIATION,POLICE EE DUES,1300; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORM T-SHIRTS PRINTING AND JACKET EMBRODARY,334; SIMON CONTRACTORS,RECYCLED BASE GRAVEL AND CRUSHED CONCRETE,7517.76; SNELL SERVICES INC.,ELECTRICAL PARK,7564.1; SOUCIE ANDREW,SCHOOLS & CONF-PD,678; SOUTHERN UNIFORM EQUIPMENT,LONG SLEEVE UNIFORM SHIRT,66.99; SPENCER, KEVIN,TUITION REIMBURSEMENT,1980;STATE HEALTH LAB,SAMPLES,377; STATE OF NE.,CONTRACTUAL-PD,420; SUNSET LAW ENFORCEMENT, LTD,FIREARMS SUPPL-PD,636; TRANS IOWA EQUIPMENT LLC,EQUIP MAINT,208.57; TYLER TECHNOLOGIES, INC,WATER DEPT CONVERSION - METER READ UPGRADE,187.5; UNDERWRITERS LABORATORIES INC,AERIAL AND GROUND LADDER TESTING,2228.65;UNION BANK & TRUST,RETIREMENT,72684.7; US BANK,MULTIPLE,2848.56; VAN PELT FENCING CO, INC,ELECTRONIC GATE FOR TRANSPORTATION DEPT. ENTRANCE,12187; WASSON, BRIAN,SCHOOLS & CONF-PD,70; WESTERN NEBRASKA ENVIRONMENTAL SERVICES,STRUCTURES,2650.24; WILSON ZACHARIAH,CONTRACTUAL,54; WINKLER ELECTRIC INC,ELECTRICAL WORK AT ES BUILDING,321.48; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPOT,1476.16; YOUNG MEN'S CHRISTIAN ASSOCIATION OF

SCOTTSBLUFF, NE, YMCA, 751; REFUNDS; CATHERINE R VINTON, 4.33; MONIQUE FLORES, 47.98; MICHELLE HOF, 80.84; ARTHUR H KRAFT, 11.24; DON KRUG, 43.80; JODY K ZIEGLER, 15.77

Mayor Gonzales opened the public hearing at 6:07 p.m. for authorizing the final tax request for the 2019-2020 year at a different amount than the prior year request. City Manager Johnson explained overall the City has a \$45.5 million dollar budget; FY20 budgeted governmental wide total revenues net of transfers is \$28,608,307, which is a two million dollar increase over FY 19 budget, due to the 2020 chip seal project.

The General Fund revenue for FY 20 is \$8,229,851, which is an increase of \$166,250 primarily due to the hotel occupation tax. The FY 20 budgeted Sales Tax revenue is \$5,296,950 decreased by 3%, at \$158,909. The budgeted Property Tax revenue for FY 20 shows an increase of 2.96% due to Scotts Bluff County valuation increases, totaling \$1,970,134; however the City levy remains the same with a limit of \$175,000 going into the General Fund. The remaining property tax dollars are deposited into a sinking fund for capital expenditures, public safety, cemetery, transportation and debt service. The NPPD Lease revenue amount is \$2.7 million due to the lease payment going from 12% to 12.5%.

The FY 20 budgeted Expenditures is \$45,490,079 which is primarily due to the chip seal project. The budgeted Total Operating Expenditures is \$29,917,907, showing a decrease of \$184,370 due to the collection of health insurance premiums. The FY 20 General Fund budgeted operating expense is \$11,294,397, which includes a \$250,000 contingency, approximately \$1.5 million for the Pathway expansion, \$600,000 for 23 Club improvements, and the addition of two full time Police/School Resource Officers. The budgeted full time equivalent employees for the FY 20 budget totals 137.5, due to the two added School Resource Officer positions at Western Nebraska Community College.

There were no comments from the public. Mayor Gonzales closed the public hearing at 6:14 p.m.

Mayor Gonzales opened the public hearing at 6:15 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the FY 2019-2020 budget. There were no comments from the public. Mayor Gonzales closed the public hearing at 6:16 p.m.

Mayor Gonzales opened the public hearing at 6:17 p.m. to consider the One and Six Year Street Improvement Plan. Public Works Director, Mark Bohl approached Council explaining a change by the State requiring the One and Six Year Street Improvement Plan be done during the fiscal year, rather than calendar year, hence the public hearing tonight. Mr. Bohl stated there is nothing on the one year plan, all the projects show in the six year plan and are mostly private builds turned over to the City to make public streets, with the exception of Avenue B from 27th to Highway 26. Council Member Shaver asked about the intersection at 27th Street and Avenue I, with Mr. Bohl stating he can do that project under street maintenance and it does not need to be reported under this plan. Council Member Shaver also asked if storm sewer would be completed with the Avenue B project. Mr. Bohl stated he was just looking at the surface, but would address the storm sewer at the time if needed during the project.

There were no comments from the public. Mayor Gonzales closed the public hearing at 6:21 p.m.

Mayor Gonzales opened the public hearing at 6:22 p.m. to consider a Zone Change for parcel Lot 3, Block 3, Panhandle Cooperative Subdivision from Planned Business Center (PBC) to C-3 Heavy Commercial. Mr. Austin Aulick representing AKAJRV 314, LLC came forward to explain the zone change. Mr. Aulick explained they acquired the two parcels after a recent tax increment financing project and they want to be able to subcategorize the two parcels to be zoned C-3, the same as the truck shop, so TIF will cover both properties. The properties, which will be used to park trailers on, will be covered in rock and fenced to be aesthetically pleasing.

There were no more comments from the public. Mayor Gonzales closed the public hearing at 6:26 p.m.

Mayor Gonzales opened the public hearing at 6:27 p.m. to consider a Zone Change for parcel Block 4, Panhandle Cooperative Subdivision from C-2, Neighborhood Commercial to C-3 Heavy Commercial. Legal Counsel Hadenfeldt explained again this parcel does not include a lot; it includes the entire Block 4. It is adjacent to the property above.

There were no comments from the public. Mayor Gonzales closed the public hearing at 6:28 p.m.

Ms. Susan Wiedeman, Marketing Director, with Panhandle Cooperative Association was present regarding the Special Designated Liquor License (SDL) for the West Nebraska Arts Center. Ms. Wiedeman explained the event will be an artist's reception on October 3, 2019 from 4:00 to 8:00 p.m. Council Member Shaver asked how many events, needing an SDL, the Arts Center will have for the year. Ms. Michele Denton, Executive Director of West Nebraska Arts Center came forward and explained they usually have six, but this year are having seven in order to do a fund raiser on account of the hail storm. Panhandle Coop is catering the extra event for them because they are only allowed six per year. Council Member Shaver made the motion, seconded by Council Member Schaub, to approve the Special Designated Liquor License for Panhandle Cooperative Association to serve beer, wine, & distilled spirits at the West Nebraska Arts Center for a reception on October 3, 2019 from 4:00 p.m. to 8:00 p.m., "YEAS," Gonzales, Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: None.

Regarding the Purchase Agreements for the sale of Parking Lots, Mr. Johnson explained he approached Western States Bank and the law office of Chaloupka, Holyoke, Snyder, Chaloupka & Longoria, at the request of Council, if they would be receptive to letting the City use the lots after business hours and during special events for the general public. He added Western States Bank was receptive as long as it was after business hours and the law firm was not receptive. During discussion, Council Member Shaver commented he thinks the lots are in good shape and does not see a reason to sell them. Mr. Johnson stated the City Engineer has looked at them and has made the evaluation that it will take more than \$100,000 to fix them. Mr. Mark Bohl came forward, at the request of Mayor Gonzales, and stated they do not look bad, but in his opinion, structurally they are tired and in need of repair. Council Member Green expressed concern if the price was a fair asking price and would the City pay more if they wanted it back or purchased another property. Council Member Schaub expressed his frustration of waiting too long and not being able to sell them. Mayor Gonzales added his objective was about special events downtown and if we would have enough parking. He asked Economic Director Starr Lehl if she has had any complaints with downtown parking and events. Ms. Lehl stated, for events, the parking lots were full, but they did not receive any complaints. She also added she would email the downtown businesses to get their thoughts, with Mayor Gonzales commenting he would like to get an updated opinion from the Businesses Improvement District before doing anything. Council Member Shaver made a motion to not accept the purchase agreements. The motion died for lack of a second. Mayor Gonzales made a motion to table the Purchase Agreements for sale of Parking Lots until the next meeting, seconded by Council Member Green, "YEAS," McKerrigan, Green, and Gonzales. "NAYS," Shaver and Schaub. Absent: None.

Mr. Johnson explained the Resolution setting the final tax request for the 2019-2020 year at a different amount than the prior year request stating the property tax request for the City of Scottsbluff is \$1,970,134, an increase of 2.96% or \$56,396. Council Member McKerrigan made the motion, seconded by Council Member Schaub to approve Resolution No. 19-09-01 setting the final tax request for the 2019-2020 year at a different amount than the prior year request, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

RESOLUTION NO. 19-09-01

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Scottsbluff passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Scottsbluff that the property tax request for the current year shall be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Scottsbluff, by a majority vote, resolves that:

1. The 2019-2020 property tax request be set at \$1,970,134 for the City of Scottsbluff.
2. The 2019-2020 property tax request be set at \$54,100 for the Business Improvement District.
3. A copy of this resolution be certified and forwarded to the County Clerk on or before October 12, 2019.

PASSED AND APPROVED this 3rd day of September, 2019.

Mayor

ATTEST:

City Clerk (seal)

Council Member Shaver introduced the Ordinance adopting the budget statement to be termed the annual appropriation bill for FY 2019-2020 and was read by title on first reading: **AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.**

Council Member Shaver made the motion, seconded by Council Member Schaub, to approve Resolution No. 19-09-02 authorizing the signing of the Annual Certification of Program Compliance to Nebraska Board of Public Roads Classifications and Standards 2019, "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

RESOLUTION

SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM

2019

Resolution No. 19-09-02

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

Be it resolved that the Mayor ☒ Village Board Chairperson ☐ of Scottsbluff _____
(Check one box) (Print name of jurisdiction)
is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

Adopted this 3rd day of September 2019 at Scottsbluff Nebraska.
(Month)

City Council/Village Board Members

<u>Raymond Gonzales</u>	<u>Scott Shaver</u>
<u>Jeanne McKerrigan</u>	<u>Nathan Green</u>
<u>Terry Schaub</u>	

City Council/Village Board Member Shaver
Moved the adoption of said resolution
Member Schaub Seconded the Motion
Roll Call: 5 Yes 0 No 0 Abstained 0 Absent
Resolution adopted, signed and billed as adopted.

Attest:

(Signature of Clerk)

Council Member Schaub introduced the Ordinance for the rezones of parcels Lot 3, Block 3 and Block 4 of Panhandle Cooperative Subdivision from Planned Business Center (PBC) and C-2 Neighborhood Commercial to C-3 Heavy Commercial and was read by title on first reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT LOT 3, BLOCK 3, PANHANDLE COOPERATIVE SUBDIVISION, IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA CURRENTLY ZONED AS PLANNED BUSINESS CENTER (PBC), AND BLOCK 4, PANHANDLE COOPERATIVE SUBDIVISION, IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA CURRENTLY ZONED AS C-2 NEIGHBORHOOD COMMERCIAL, WILL BOTH NOW BE INCLUDED IN C-3 HEAVY COMMERCIAL, AND REPEALING PRIOR SECTION 25-1-4.**

Moved by Council Member Schaub, seconded by Mayor Gonzales, that the statutory rule requiring the Ordinance to be read by title on three different days be suspended, "YEAS," Schaub, McKerrigan, and Gonzales. "NAYS," Green and Shaver. Absent: None. The motion was not approved by three-fourths of the Council Members and therefore the Ordinance will be read by title on three different days.

Council introduced Ordinance No. 4245 updating Cable Television Systems including Franchise Procedures and guidelines for Rights-of-Way and was read by title on third reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING THE MUNICIPAL CODE BY AMENDING CHAPTER 11, ARTICLE 5, DEALING WITH CABLE TELEVISION SYSTEMS AND THE ISSUANCE OF FRANCHISES TO OPERATORS OF CABLE TELEVISION SYSTEMS, ALLOWING FOR THE USE OF RIGHTS-OF-WAY FOR CABLE TELEVISION SYSTEMS, AND REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.** Council Member Schaub made the motion, seconded by Council Member McKerrigan to adopt Ordinance No. 4245 updating Cable Television Systems including Franchise Procedures and guidelines for Rights-of-Way, "YEAS," Gonzales, Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: None.

Council introduced the Ordinance updating utility user fees, including water and sewer fees, solid waste collection and surcharge for storm water and was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING SEWER USER FEES AT CHAPTER 6 ARTICLE 6, INCLUDING SURCHARGE FOR STORMWATER REGULATORY REQUIREMENTS, AMENDING AND CHANGING THE SOLID WASTE COLLECTION FEES AT CHAPTER 6 ARTICLE 6, AND WATER SERVICE FEES AT CHAPTER 6 ARTICLE 6, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

Council introduced the Ordinance authorizing the issuance of General Obligation Highway Allocation Fund Pledge Bonds, Series 2020, for improvements to streets of the City and was read by title on second reading: **AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2020, OF THE CITY OF SCOTTSBLUFF, NEBRASKA IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,520,000 TO PAY THE COSTS OF CONSTRUCTING IMPROVEMENTS TO CERTAIN STREETS OF THE CITY; PRESCRIBING THE FORM AND CERTAIN DETAILS OF THE BONDS AND PROVIDING FOR THE FIXING AND ESTABLISHING OF OTHER DETAILS OF THE BONDS; PLEDGING FUNDS RECEIVED FROM THE NEBRASKA HIGHWAY ALLOCATION FUND AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS.**

Due to the tabling of the Purchase Agreements for the sale of Parking Lots, the agenda items of authorizing the sale of city-owned property Lots Five (5) and Six (6), Block One (1), ORIGINAL TOWN ADDITION to Western States Bank for \$20,000.00 and Lot Four (4), EXCEPT the North Four Feet (4'), Block One (1), ORIGINAL TOWN ADDITION to Chaloupka, Holyoke, Snyder Chaloupka & Longoria, PC, LLO for \$12,500.00 will remain on the table.

Mr. Johnson explained the 2019-2020 Pay Resolution stating the change is a 2% Cost of Living Wage to General Employees, totaling approximately \$35,000.00; staff is recommending approval. Council Member Green asked if there is an average grade employee's start at and if there is a majority where employees fall on the scale. Mr. Johnson stated it is whatever their job duties are and it ranges according to the job description. Some positions vary with more than one employee, but with others there is only one person in the position. Council Member Shaver made the motion, seconded by Council Member Green, to adopt the 2019-2020 Pay Resolution No. 18-09-03, "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

RESOLUTION NO. 19-09-03

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

1. That the following Pay Plan for officers and employees of the City of Scottsbluff, Nebraska employed in Classified Positions be approved September 3, 2019 and effective September 30, 2019.

**PAY SCHEDULE – GENERAL EMPLOYEES ONLY
HOURLY RATES (Based on 40 hour work week)**

<u>Grade</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>L1</u>	<u>L2</u>
2	9.08	9.54	10.02	10.52	11.05	11.60	12.18
3	9.54	10.02	10.52	11.05	11.60	12.18	12.79
4	10.02	10.52	11.05	11.60	12.18	12.79	13.43
5	10.52	11.05	11.60	12.18	12.79	13.43	14.11
6	11.05	11.60	12.18	12.79	13.43	14.11	14.81
7	11.60	12.18	12.79	13.43	14.11	14.81	15.56
8	12.18	12.79	13.43	14.11	14.81	15.56	16.33
9	12.79	13.43	14.11	14.81	15.56	16.33	17.15
10	13.43	14.11	14.81	15.56	16.33	17.15	18.00
11	14.11	14.81	15.56	16.33	17.15	18.00	18.90
12	14.81	15.56	16.33	17.15	18.00	18.90	19.85
13	15.56	16.33	17.15	18.00	18.90	19.85	20.84
14	16.33	17.15	18.00	18.90	19.85	20.84	21.88
15	17.15	18.00	18.90	19.85	20.84	21.88	22.97
16	18.00	18.90	19.85	20.84	21.88	22.97	24.12
17	18.90	19.85	20.84	21.88	22.97	24.12	25.33
18	19.85	20.84	21.88	22.97	24.12	25.33	26.59
19	20.84	21.88	22.97	24.12	25.33	26.59	27.92
20	21.88	22.97	24.12	25.33	26.59	27.92	29.31

BI-WEEKLY RATES – GENERAL EMPLOYEES

18	1584.80	1664.05	1747.25	1834.61	1926.34	2022.66	2123.79
19	1664.05	1747.25	1834.61	1926.34	2022.66	2123.79	2229.99
20	1747.25	1834.61	1926.34	2022.66	2123.79	2229.99	2341.48
21	1834.61	1926.34	2022.66	2123.79	2229.99	2341.48	2458.56
22	1926.34	2022.66	2123.79	2229.99	2341.48	2458.56	2581.49
23	2022.66	2123.79	2229.99	2341.48	2458.56	2581.49	2710.56
24	2123.79	2229.99	2341.48	2458.56	2581.49	2710.56	2846.09
25	2229.99	2341.48	2458.56	2581.49	2710.56	2846.09	2988.39
26	2341.48	2458.56	2581.49	2710.56	2846.09	2988.39	3137.81
27	2458.56	2581.49	2710.56	2846.09	2988.39	3137.81	3294.69
28	2581.49	2710.56	2846.09	2988.39	3137.81	3294.69	3459.43
29	2710.56	2846.09	2988.39	3137.81	3294.69	3459.43	3632.40
30	2846.09	2988.39	3137.81	3294.69	3459.43	3632.40	3814.02
31	2988.39	3137.81	3294.69	3459.43	3632.40	3814.02	4004.72

2. That the following positions in the Classification Plan are assigned to the following Class Grades:

HOURLY POSITIONS – GENERAL EMPLOYEES ONLY

<u>Grade</u>	<u>Class Titles</u>	<u>Grade</u>	<u>Class Titles</u>
7	Library Technician	13	Maintenance Worker – Parks, Cemetery
7	Waterpark Manager	15	Crew Leader
9	Building & Grounds Custodian	18	Utilities Administrative Coordinator
9	Compliance Officer	18	Account Clerk - Finance
10	Library Assistant	18	Admin. Assist. - Police Department
11	Record Technician	19	Cemetery Supervisor
11	Humane Officer	20	Fire Prevention Officer
12	Administrative Services Assistant	20	Code Administrator I
12	Administrative Records Technician	20	Deputy City Clerk
13	Account Clerk	20	Payroll Clerk/Benefit Administrator
13	Administrative Assistant		

EXEMPT POSITIONS

Professional, Administrative and Executive

<u>Grade</u>	<u>Class Titles</u>	<u>Grade</u>	<u>Class Titles</u>
18	Librarian	26	Deputy Director of Finance
19	Recreation Supervisor	26	Deputy Director of Public Works
20	GIS Analyst	27	Director of Economic Development
22	Transportation Supervisor	27	Police Captain
22	Water System Supervisor	27	Director of Human Resources

22	Wastewater Plant Supervisor	29	Director of Public Works
22	Environmental Services Supervisor	29	Fire Chief
22	Code Administrator II	30	Police Chief
23	Planning Administrator	31	Director of Finance
24	City Clerk/Risk Manager		
24	Library Director		
24	Emergency Management Director		
24	Park Supervisor		

3. That the following pay schedule for officers and employees in Unclassified Positions of the city is approved September 3, 2019 and effective October 1, 2019.

<u>Position</u>	<u>Salary Minimum</u>	<u>Salary Maximum</u>
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City Manager Established by City Council

**Seasonal and Part-time
Hourly Rates**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
School Crossing Guard	\$9.20	\$9.70	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00
Library Page	\$9.20	\$9.70	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00
Laborer	\$9.20	\$9.70	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00
Field Mntc. Groundskeeper	\$9.60	\$10.10	\$10.60	\$10.80	\$11.00	\$11.20	\$11.40

Waterpark Aide	\$9.20	\$9.70	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00
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*Lifeguard	\$9.20	\$9.70	\$10.20	\$10.40	\$10.60	\$10.80	\$11.00

*Lifeguard with Nebraska Certified Pool Operator's License & assigned to the maintenance of the waterpark facility will receive an additional 30 cents per hour.

NOTE: Pay step increase may be given after one year of service from hire date, at the discretion of the Department Head.

4. The Pay Schedule for the position of Firefighters, Fire Lieutenants and Fire Captains working a 56 hour week shall be the schedule approved in a Resolution adopted by the Mayor and City Council on September 3, 2019 and effective September 30, 2019.

<u>Class Title</u>	<u>Hourly Pay Schedule (56 hour week)</u>							
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Firefighter	13.95	14.65	15.38	16.15	16.96	17.81	18.70	19.64
Fire Lieutenant	16.04	16.85	17.68	18.57	19.50	20.48	21.50	22.58
Fire Captain	18.07	18.97	19.92	20.92	21.97	23.07	24.22	25.43

5. That the Pay Schedule for the position of Patrol Officer, Corporal and Police Sergeant shall be the Schedule approved in a resolution approved by the Mayor and City Council on September 3, 2019 to be effective September 30, 2019.

<u>Class Title</u>	<u>Hourly Pay Schedule</u>						
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
Patrol Officer	19.49	20.47	21.49	22.56	23.70	24.88	26.12
Police Corporal	21.12	22.18	23.29	24.45	25.67	26.96	28.31
Police Sergeant	23.29	24.45	25.67	26.96	28.31	29.72	31.21

6. That the following positions in the Classification Plan are assigned to the following Class Grades:

HOURLY POSITIONS – IBEW UNION ELIGIBLE POSITIONS

<u>Grade</u>	<u>Class Titles</u>	<u>Grade</u>	<u>Class Titles</u>
13	Maintenance Worker - Water	16	Maintenance Mechanic
13	Maintenance Worker - Wastewater	17	Wastewater Plant Operator II
13	Motor Equipment Operator-Transportation	17	Water System Operator II
14	Wastewater Plant Operator I	17	Construction-Locator Specialist
14	Water System Operator I	18	Lead Maintenance Mechanic
14	Transportation - Heavy Equipment Operator	19	Stormwater Program Specialist
14	Solid Waste Equipment Operator		

7. That the following Pay Schedule for the above listed IBEW eligible positions of the City of Scottsbluff, Nebraska employed in Classified Positions be approved September 3, 2019 and effective September 30, 2019.

**PAY SCHEDULE – IBEW ELIGIBLE EMPLOYEES ONLY
HOURLY RATES (Based on 40 hour work week)**

<u>Grade</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>L1</u>	<u>L2</u>
13	15.25	16.01	16.81	17.65	18.53	19.46	20.43
14	16.01	16.81	17.65	18.53	19.46	20.43	21.45
16	17.65	18.53	19.46	20.43	21.45	22.52	23.65

17	18.53	19.46	20.43	21.45	22.52	23.65	24.83
18	19.46	20.43	21.45	22.52	23.65	24.83	26.07
19	20.43	21.45	22.52	23.65	24.83	26.07	27.37

8. Resolution No. 18-08-04 and all other resolutions in conflict with this resolution are repealed.

Passed and approved this 3rd day of September, 2019.

Mayor

ATTEST:

City Clerk

Concerning the Resolution regarding the application for federal assistance from the Land and Water Conservation Fund Program for the purpose of building improvements at the 23 Club Baseball Field, Mr. Johnson explained the total project estimated cost is \$1,433,631.00, with the grant request being \$200,000.00. 23 Club has hired a grant writer to help them with the process of the grant, which has to be applied for by a political subdivision. Council Member McKerrigan made the motion, seconded by Council Member Green, to approve Resolution No. 19-09-04 regarding the application for federal assistance from the Land and Water Conservation Fund Program for the purpose of building improvements at the 23 Club Baseball Field, "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

Resolution 19-09-04

Land and Water Conservation Fund Application FY 2019
RESOLUTION ON ACQUISITION OR DEVELOPMENT FOR OUTDOOR RECREATION

The (City, Village or Other) of Scottsbluff _____, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of (description of project).

The (Mayor, Chairperson of the Board, or designated Project Official) is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The (City, Village or Other) of Scottsbluff _____, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The (City, Village or Other) of Scottsbluff _____, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The (City, Village or Other) of Scottsbluff _____, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner.

The (City, Village or Other) of Scottsbluff _____; Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The (City, Village or Other) of Scottsbluff _____, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The (City, Village or Other) of Scottsbluff _____, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the (City, Village or Other) of Scottsbluff _____, Nebraska at a duly advertised public meeting held this ____ day of _____, 20____.

(Mayor/Chairperson of the Board Signature)

Attest (Clerk)

Note: Resolution must be signed and sealed.

Mr. Johnson brought forward discussion regarding an Ordinance increasing the Occupation Tax on Hotel Accommodations as directed by staff. The increase would be from 4% to 8%. Council Member Green stated he had a concern of increasing the tax to 8%. He was also troubled with the timing of adding the tax, stating if we are going to raise the tax, he would like to see it balance the budget to finish what we are doing, rather than look for more money to put into our budget before we get it set.

Mr. Clarence Gealy, hotel owner, approached Council and questioned what the purpose of the tax is. He explained the first tax was detrimental to his business and wanted Council to understand what they are doing. Council Member McKerrigan responded to Mr. Gealy, stating, she did research on the tax and hotels in Scottsbluff are paying 17%; if the tax is increased that will go to 21%. Mr. Gealy stated that was correct because there is sales tax, occupancy tax, and tourism tax added together to make that number. Council Member Shaver made the motion, seconded by Council Member McKerrigan, to reject the Ordinance increasing the Occupation Tax on Hotel Accommodations, "YEAS," Gonzales, Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: None

Mr. Johnson explained he would like Council to discuss and consider establishing representatives to go to Lincoln to testify when certain bills are in committee. An example, he cited, was the City bringing forward creating stormwater as a utility for first class cities to the League of Nebraska Municipalities. He added the League was receptive and it would be proactive to have officials testify on behalf of the City because it was introduced by us. Council Member Shaver commented he thinks the Mayor should be one of those people to testify. Council Member Schaub asked that he be considered to testify also, due to his experience with working with different Senators. Council Member Green asked how that would set into the scope of Council Members being able to speak on behalf of the City, rather than the City Manager. Mr. Johnson answered saying it would be most beneficial if elected officials talk on behalf of the City, rather than appointed officials. Council Member Green also commented he would like to see a framework of how the committee should be put together. Council Member Schaub agreed, asking Mr. Johnson to come back with information from other councils regarding legislative committees. After discussion, Mayor Gonzales asked Mr. Johnson to bring Lynn Rex with the League of Nebraska Municipalities to speak at the September 30th meeting to help with the process.

Under public comments, Mr. Dan Marshall approached Council with three comments. The first was regarding the Scottsbluff Fire Department. He was very impressed with their professionalism and respect for an individual that needed help at a location he was at. He feels we have a great Fire Chief that shows leadership and commends the great staff under him. The second comment is concerning the water tower by the soccer complex. During the balloon festival, there was a picture with the balloons by the water tower and you can hardly see Scottsbluff on the tower. He would like to see it painted to show pride in our community. The third comment is also at the soccer complex. He is very disappointed with the fencing and the electrical boxes needed for the solar panels, feeling it is taking away from the aesthetics of the soccer complex. He would like to see trees put around the chain link fence.

Under Council Reports, Council Member Shaver attended a 911 Advisory Committee Meeting. They received bids back for the tower and other items and they are working with priority dispatch regarding payments. Council Member Schaub said the Emergency Management Committee is meeting on September 11th at noon, which is a conflict with the council meeting. Mayor Gonzales stated the PADD meeting is September 12th at the Cirrus House. Council Member McKerrigan will be attending the RC&D meeting this month.

Council Member Schaub made the motion, seconded by Council Member Green, to adjourn the meeting at 7:36 p.m., "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Attest:

Mayor

City Clerk
“SEAL”