

City of Scottsbluff, Nebraska

Monday, October 7, 2019

Regular Meeting

Item Consent4

Approve the minutes of the September 30, 2019 Regular Meeting.

Staff Contact: Kim Wright, City Clerk

The Scottsbluff City Council met in a regular meeting on September 30, 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 September 27, 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 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 September 27, 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, Jeanne McKerrigan, Nathan Green, and Terry Schaub. Also present were City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: Scott Shaver.

Mayor Gonzales asked if there were any changes to the agenda. There were none. Mayor Gonzales asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none.

Council Member Shaver entered the meeting at 6:01 p.m.

Ms. Lynn Rex, Executive Director of the League of Nebraska Municipalities approached Council to give a presentation and have discussion on governance and other municipal related items. Ms. Rex explained her mission is to review forms of government; to talk about Council's role in that form of government, and differentiate the Scottsbluff City Manager plan verses a Mayor/Council plan, which is the type of government the City of Gering has.

She started her presentation by emphasizing Dillon's Rule, stating Nebraska is a "grants of powers" state under this rule, citing as a municipal government you only have three powers; 1) those that are expressly granted in state statute; 2) those that are implied; or 3) those that are necessary to effectuate corporate powers.

She continued, stating, with first class cities there are three forms of government; Commission Form of Government, Mayor/Council Form of Government, and City Manager Plan of Government. Scottsbluff is one of eight cities in the State of Nebraska that have a City Manager plan of Government. In this type of Government voters elect the Council; Council elects one of its own members to be the President (Ex-officio Mayor), who can vote, but have no veto. They also elect a Vice-President. Council appoints the City Manager, who is in charge of administration and appoints positions by statute. This is different from the Mayor/Council Form of Government, which the City of Gering has, where the voters elect the Mayor, who can only vote in the event of a tie, but has veto power. The Mayor/Council appoints positions and has the freedom to delegate power and responsibilities.

Ms. Rex went on to explain Conflict of Interest Laws and how the LEPS test of, is it legal, is it ethical, and is it politically smart should always be a factor when making a determination. She also briefly touched on the Local Government Miscellaneous Expenditure Act, de minimus use of public resources, Open Meetings Act and the two reasons for going into closed session. She also provided Council an example of a form that Grand Island uses as a request for future agenda items.

Council Member McKerrigan asked Ms. Rex what are some of the most successful City Governments in Nebraska she has seen. Ms. Rex answered in the Form of Government, the City Manager

Plan, adding it is the premier plan of local government because it takes away a majority of the politics. Also, the most successful cities are personality driven; people that are walking in the same path and collaborate.

Mayor Gonzales asked if she has seen other cities use a council code of conduct. Ms. Rex answered yes she has, she feels it is very important and sets the tone.

Council Member Schaub asked about the form Grand Island uses and if that could be administered in lieu of our agenda item of Public Comments. Ms. Rex respectfully suggested that we “tighten up” the section of public comments on our agenda and to consider using the form because requests will be in writing, can be addressed in meetings where they fit, and meet the test of reasonable advanced publicized notice.

At the conclusion of the presentation, Ms. Rex thanked the council for the invitation and acknowledged former City Manager Frank Kohler and former Mayor Don Overman for laying the groundwork many years ago to help make Scottsbluff a city that is highly regarded in the State.

Under Council Reports, Council Member Shaver stated he attended the League and LARM meetings and he encourages all to attend the League meetings in the future. Council Member Schaub reported on the 911 committee meeting. Council Member Green reported on the Zoo meeting and Heartland Expressway.

Council Member Schaub, seconded by Council Member Shaver made the motion, to adjourn the meeting at 7:23 p.m., “YEAS,” McKerrigan, Shaver, Green, Schaub, and Gonzales. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk “SEAL”