

City of Scottsbluff, Nebraska
Monday, November 18, 2019
Regular Meeting

Item Consent1

Approve the minutes of the November 4, 2019 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on November 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 November 2, 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 and posted at City Hall, Lied Scottsbluff Public Library and the Public Safety Building on November 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, Jeanne McKerrigan, Nathan Green, and Terry Schaub. Also present were City Attorney Kent Hadenfeldt and City Manager Nathan Johnson. 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.

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

- b) The minutes of the October 21, 2019 Regular Meeting be approved, "YEAS," McKerrigan, Green, Schaub, and Gonzales. "NAYS," None. Absent: Shaver.

Moved by Council Member Schaub, seconded by Council Member Green, that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated November 4, 2019, as on file with the City Clerk and submitted to the City Council, "YEAS", Green, Schaub, Gonzales, and McKerrigan "NAYS," None. Absent: Shaver.

CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS, WAGE ATTACHMENT, 219.3; ACTION COMMUNICATIONS INC.,SIREN - WESTMOOR POOL,27211.18; ADVANCE AUTO PARTS,POLIKCE #6- PADS, ROTORS, BRAKES,296.55; AIRGAS USA, LLC,WELDING WIRE FOR TREE DUMP,45.93;ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4026.81; AMAZON.COM HEADQUARTERS,MISC.,748.72;AMERICAN WATER WORKS ASSOCIATION,MEMBERSHIPS,204;B & H INVESTMENTS, INC,DEP. SUP. - LIBRARY,295.5; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,1868.92; BLUFFS SANITARY SUPPLY INC.,MEDICAL GLOVES AND HAND CLEANER,106.59; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,44; CARR- TRUMBULL LUMBER CO, INC.,GROUND MAINT PARK,679.71; CELLCO PARTNERSHIP,CELL PHONES-PD,1928.96; CHANNELL COLLIN,CONTRACTUAL,45; CITIBANK N.A.,TIME CLOCKS FOR SANITATION

AND TREE DUMP,1871.54; CITIBANK, N.A.,DEPT SUPPLIES,15; CLARK PRINTING LLC,TIME CARDS FOR ES AND TREE DUMP,151.75; COATS CALEB,CONTRACTUAL,90; CONTRACTORS MATERIALS INC.,MIKASA PLATE COMPACTOR,2504.88; CORE & MAIN LP,EQUIPMENT,50872.89; CRESCENT ELECT. SUPPLY COMP INC,SUPP - CONDUIT,49.44; CROELL INC,CONCRETE FOR STREET REPAIR,2650.13; CYNTHIA GREEN,DEPT SUPP ADM,171.47; D & H ELECTRONICS INC.,DEPT SUP,75.65; DAS STATE ACCOUNTING-CENTRALFINANCE,MONTHLYLONGDISTANCE,151.25;DECLUE ARRETT,CONTRACTUAL,75; DILLMAN NANCY,PRGRM.,7.98; DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,800; DYNA-TECH ELECTRIC INC,BLDG MAINT-PD,680; ELLIOTT EQUIPMENT COMPANY INC.,BLACK ROLL OUT CONTAINERS X 56,4088; EMBLEM ENTERPRISES INC,UNIFORMS-PD,98.95; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135; ENFORCEMENT VIDEO, LLC,EQUIP MAINT-PD,375; FASTENAL COMPANY,EQUIPMENT MTC.,6.03; FAT BOYS TIRE AND AUTO,NEWTIRESFORPICKUP,1438;FEDERALEXPRESS CORPORATION,POSTAGE,263.59; FLOYD'S TRUCK CENTER SCOTTSBLUFF,REPAIRS TO UNIT #815,742.67; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,100; FREMONT MOTOR SCOTTSBLUFF, LLC,POLICE #2- LAMP ASSY,535.47; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,1620.49; HARRIS KYLER,CONTRACTUAL,45; HAWKINS, INC.,CHEMICALS,4276.61; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,3372.64;HORIZON WEST, INC,EQUIPMENT- TRACTOR AND MOWER DECK FOR TREE DUMP,22835; HULLINGER GLASS & LOCKS INC.,BUILDING MAINT,328.3; HYDRONIC WATER MANAGEMENT,BLDG. MAIN.,850; IDEAL LAUNDRY AND CLEANERS, INC.,MOPS, RUGS, SHOP TOWELS,535.47; INGRAM LIBRARY SERVICES INC,BKS.,92.66;INTERNAL REVENUE SERVICE,WITHHOLDINGS, 59760.52; INTRALINKS, INC, EQUIP MAINT PD, 57.09; JOHN DEERE FINANCIAL, UNIFORMS, 1539.77;JOHN DEERE FINANCIAL,GROUND MAINT ARK,34.95;JOHN DEERE FINANCIAL,EQUIP MAINT PARK,74.28; KIRK BERNHARDT,CONTRACTUAL,90; KNOW HOW LLC,DEPT SUPPLIES,1049.74; KRIZ DAVIS,SUPP - CONDUIT FOR 18TH ST. PLAZA,9.24; LAWSON PRODUCTS, INC,CENTRAL GARAGE- SOLVENT & WHEEL WEIGHT,50.1; LEAGUE ASSOCIATION OF RISK MANAGEMENT,ENDORSEMENT #7 - METER INFRASTRUCTURE EQUIP.,321.12; LEAL JORGE,RE-IMBURSEMENT FOR DIESEL FUEL,85.04; LINCOLN COUNTY SHERIFF,LEGAL FEES-PD,21.05; LOMBARD MATTHEW,UNIFORMS-PD,12128.5; MACQUEEN EQUIPMENT INC,EQUIP MAINT,3663.32; MENARDS, INC,DEPT SUP,1210.79; MICHAEL B KEMBEL,BUILD MAINT CEM,197; MONUMENT CAR WASH INC,VEH MAINT,38.24; MULLEN MITCH,CONTRACTUAL,75; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.66; NE DEPT OF REVENUE,LODGING TAX,432.75; NEBRASKA MACHINERY CO,TRANS #447-SWITCH,109.28; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,22920.08; NEBRASKA STATE TREASURER'S OFFICE,UNCLAIMED PROPERTY,349.98; NELSON HUNTER,CONTRACTUAL,90; NEMNICH AUTOMOTIVE,ES #802- ALIGNMENT,79.88; NEWMAN, TIMOTHY,CONF. EXPENSE,120; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,SUPPLIES - MINI PARK,62.44; OLSON JOSEPH,CONTRACTUAL,45; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BUILD MAINT ADM,310; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,160; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5278.08; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,9799.26; POSTMASTER,POSTAGE,708.24; PRO OVERHEAD DOOR,DEPT SUP,3787.45; PROTEX CENTRAL, INC.,CONTRACTUAL SVC,662.33; QUILL CORPORATION,DEPT & JANIT SUPPL-PD,694; REAMS SPRINKLER SUPPLY

CO.,GROUND MAINT PARK,1141.7; REGANIS AUTO CENTER, INC,POLICE #6-SHAFTS,673.74; REGIONAL CARE INC,HEALTH INS. PREMIUM - NOV. 2019,80240.81; REVIZE LLC,ANNUAL FEE (12/1/19 - 11/30/2020) WEBSITE,2568; RODRIGUEZ JOSE R,TOW SERVICE-PD,500; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,1898.42; RR DONNELLEY,DEPT SUPPL-PD,321.33;RURAL HEALTH DEVELOPMENT, INC.,ECON DEV,6383.33; S M E C,EMPLOYEE DEDUCTION,146.5; SAFELITE FULFILLMENT, INC,VEH MAINT PARK,307.98; SANDBERG IMPLEMENT, INC,EQUIP MAINT CEM,1.56; SCOTTSBLUFF MOTOR CO, INC,ADMIN IMPALA- LAMP,113.6;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS PARK,576; SHERWIN WILLIAMS,DEPT SUPPLIES,356.9; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,5729.95;SNELL SERVICES INC.,BLDG. MAIN.,133.5; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95;STATE HEALTH LAB,SAMPLES,772; STATE OF NE.,CONTRACTUAL-PD,1155; TERRI ROSE,SUPP - INK, PAPER, DESK CALENDARS,190.42; THOMPSON MATTHEW,CONTRACTUAL,45; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,343.53; TWIN CITY ROOFING & SHEETMETAL, INC,HAIL STORM REPAIR,9711; TYLER TECHNOLOGIES, INC,EPSON RECEIPT PRINTER MAINTENANCE - ANNUAL,1328.79; UNION BANK & TRUST,RETIREMENT,39053.81; US BANK,2015 LEASING CORP BONDS,1583484.42; US BANK,CONF. EXPENSE,8776.31; WESTERN NE COMMUNITY COLLEGE,SCHOOLS & CONF-PD,30; WESTERN PATHOLOGY CONSULTANTS, INC,ANNUAL FEE - RANDOM POOL MGNT - 2020,200;WOMACK MATTHEW,CONTRACTUAL,90; ZM LUMBER INC,DEPT SUPPLIES,38.43;

Regarding the Community Festival Permit for the “Decorate the New Christmas Tree” Event, City Manager Johnson explained the function is sponsored by the Downtown Scottsbluff Association and will be held on November 30th from 1:00 p.m. to 3:00 p.m. in the Downtown Plaza. The event will include vendors and noise permit, but absolutely no alcohol; staff is recommending approval of the application. Council Member Schaub made the motion, seconded by Council Member McKerrigan, to approve the Community Festival Permit for the “Decorate the New Christmas Tree” Event at the 18th Street Plaza, sponsored by the Downtown Scottsbluff Association on November 30, 2019 from 1:00 p.m. to 3:00 p.m. including vendors and noise permit, “YEAS,” Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: Shaver.

Mr. Johnson presented the application for the Downtown Holiday Parade on Sunday December 1 between 4:00 and 8:00 p.m. The event will include food and sidewalk vending, street closures and noise permit. There will be no alcohol at the event and staff is recommending approval of the application. Council Member Green made the motion, seconded by Council Member Schaub, to approve the Community Festival Permit for the Holiday parade and special events on Broadway, sponsored by the Downtown Scottsbluff Association on December 1, 2019 from 4:00 p.m. to 8:00 p.m. including street closures, vendors, and noise permit, “YEAS,” Schaub, McKerrigan, Gonzales, and Green. “NAYS,” None. Absent: Shaver.

Mr. Johnson went over the agreement with the State of Nebraska Department of Transportation and BNSF Railway regarding the Monument Valley Pathway North. He explained as we move forward with the project we will need to install crossing surfaces and railroad crossing signals at Avenue I. He added this will be an 80/20 split, 80% paid by the State and 20% paid by the City, which is similar to how the majority of the project has been funded.

During discussion, Legal Counsel Hadenfeldt clarified once the items are installed they become the property of the City and if they are damaged they become the City’s responsibility to repair. Council

Member Green asked how long we would have for liability if something was damaged. Mr. Hadenfeldt answered we would have to take reasonable action to repair upon discovery. Council Member McKerrigan made the motion, to approve Resolution No. 19-11-01 authorizing the Mayor to sign an agreement with the State of Nebraska Department of Transportation and BNSF Railway to install a concrete crossing surface, railroad crossing signals and activation equipment on Avenue I for the Monument Valley Pathway North Project, seconded by Council Member Schaub. "YEAS," Gonzales, Green, McKerrigan, and Schaub. "NAYS," None. Absent: Shaver.

RESOLUTION NO. _____

WHEREAS, the City of Scottsbluff, the BNSF Railway Company and the State intend to install a 16 ft. concrete crossing surface and railroad crossing signals and activation equipment known as the Scottsbluff Monument Valley Pathway North (ENH-79(42)) at BNSF Railway DOT No 089157E.

WHEREAS, the parties have provided for the terms and conditions for making those improvements in a Grade Crossing Signal and Surface Installation Agreement.

WHEREAS, the City of Scottsbluff wishes to enter into this three-party agreement

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Scottsbluff hereby authorizes the Mayor to sign an agreement with the State of Nebraska, Department of Transportation and BNSF Railway to install a 16 ft. concrete crossing surface and railroad crossing signals and activation equipment located at BNSF Railway Company DOT. No. 089157E.

NDOT Project Number: ENH-79(42)

NDOT Control Number: 51512

NDOT Project Description: Scottsbluff Monument Valley Pathway North

RESOLVED THIS _____ DAY OF _____, 20__ .

ATTEST: _____
City Clerk

City Council Chair

Regarding the proposed Operation Support Agreement received from the Riverside Zoological Foundation, City Manager Johnson stated he is looking for direction as to how Council would like to proceed concerning the agreement, commenting the Foundation's budget was also included in the packet by request.

Council Member Green started discussion, stating he acknowledges the agreement, but feels it needs to be modified and needs to address an end game if that is the wish of Council.

Council Member McKerrigan added she also acknowledges the agreement, but feels it definitely

needs to be modified. She would like the City to counter and come back with something that can be agreed upon, feeling they need to set a deadline and not just walk away.

Council Member Schaub also acknowledges the agreement, but is having a difficult time with the proposed funding amount requested. He agrees the City cannot afford the proposed amount, but feels we do have a responsibility because we own the land.

Mayor Gonzales commented he does not feel the requested amount of \$350,000 is sustainable; he is looking more towards a figure of \$275,000. He also would like to see an out clause in the agreement if the City has to make drastic adjustments to their budget.

Council Members McKerrigan and Schaub, with Mayor Gonzales agreed the clause introducing the Consumer Price Index for All Urban Consumers (CPI-U) was not something they could support. They also expressed dissatisfaction with the non-compete clause regarding the splash pad.

Mr. Brendan Rice, Riverside Discovery Board Member and Attorney approached Council stating he prepared the contract at the request of the Zoo president. He asked if they could get back to the small group meetings, feeling it will be the best avenue to move forward. He addressed the splash pad clause, citing it was in the initial City contract and added it could be discussed in the small group meetings. He asked that a deadline be set for the end of this year because they have lost out on grants and monies due to lack of clarity by the City. He would like to start working forward with realistic negotiations.

Council Member Schaub added he would not be opposed to bringing back the small committee meetings, but he felt the Zoo committee was stacked and he personally felt attacked. Council Member Green commented he thought they started out well, but soured at the end.

Mr. Anthony Mason, Executive Director with Riverside Discovery Center approached Council. He suggested reducing the number of people involved with the meetings and requested City Manager Johnson be present at them. He believes all parties can move forward in good faith and hammer out something.

Council Member Green asked Mr. Mason what happens if the Zoo cannot continue; by either losing their accreditation or the City cannot provide funding. What is the plan moving forward; do we keep throwing money at it because we are scared to close it? Mr. Mason answered, stating, he feels we are not throwing money at it to keep it from closing. He knows we are investing money in a valuable asset for the community as many people love the zoo and it has a great economic impact to the City. He stressed they are trying to increase revenues to offset costs by raising prices for membership and feels they are genuinely making progress. He acknowledges they have contingency plans in place, but they cannot afford to lose fifty percent of their funding overnight.

Mr. Johnson asked if other funding opportunities such as the Kiewit Foundation have a minimum contract length they are looking for. Mr. Mason answered he is not quite sure; it will probably vary by the organization, but he believes a contract with length shows stability and support.

Mayor Gonzales made the motion, seconded by Council Member Schaub, to approve a committee consisting of City Manager Nathan Johnson, Council Member McKerrigan, and Council Member Green to meet with the Riverside Zoological Foundation to negotiate terms of an agreement, "YEAS," McKerrigan, Green, Schaub, and Gonzales. "NAYS," None. Absent: Shaver.

Mr. Johnson explained the lease extension agreement for stamps on mail for the Police Department. The monthly lease payment is \$73.19 billed quarterly; term is 36 months. Staff is recommending approval. Council Member Green made the motion, seconded by Council Member Schaub to have the Mayor authorize the Agreement. Due to wording of the motion, Council Member Green rescinded his motion and Council Member Schaub rescinded his second.

Council Member Green made the motion to approve the agreement with Mail Finance and have the Mayor sign it, seconded by Council Member Schaub. "YEAS," Green, Schaub, Gonzales, and McKerrigan. "NAYS," None. Absent: Shaver.

Regarding the Scotts Bluff County Mutual Association Mutual Aid Agreement, City Manager Johnson explained this is a cleanup of a prior agreement that had not been updated since 1980. It covers

every jurisdiction in Scotts Bluff County, plus Torrington Fire and U.S. Fish and Wildlife. Council Member Schaub made the motion, seconded by Council Member McKerrigan, to approve the Scotts Bluff County Mutual Association Mutual Aid Agreement and authorize the Mayor to sign, “YEAS,” Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: Shaver.

Legal Counsel Hadenfeldt presented the Franchise Agreements with Spectrum Mid-America, LLC and Allo Communications, LLC, stating this is the final step in the revision of the Cable Ordinance. Council Member Green asked if this would get in the way of the legal payment issues with Allo. Mr. Hadenfeldt answered no, it will not. Allo began paying the payments in 2019 under the old Franchise Agreement. We revised the Franchise Ordinance and the Agreement says they will comply with the Ordinance. Mr. Hadenfeldt also stated our Franchise payments will increase because we increased the percentage in the Ordinance. Council Member Schaub made the motion, seconded by Council Member McKerrigan to approve both Franchise Agreements with Spectrum Mid-America, LLC and Allo Communications, LLC and authorize the Mayor to sign, “YEAS,” Schaub, McKerrigan, Gonzales, and Green. “NAYS,” None. Absent: Shaver.

Under Council Reports, Mayor Gonzales stated there is a TCD meeting next Thursday at noon at the Chamber of Conference Room and the TCD annual meeting is also next Thursday at the Harms Center.

Council Member Schaub made the motion, seconded by Council Member McKerrigan to adjourn the meeting at 6:50 p.m., “YEAS,” Gonzales, Green, McKerrigan, and Schaub. “NAYS,” None. Absent: Shaver.

Mayor

Attest:

City Clerk “SEAL”