

# **City of Scottsbluff, Nebraska**

**Monday, December 16, 2019**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the December 2, 2019 Regular Meeting.**

**Staff Contact: Kim Wright, City Clerk**

The Scottsbluff City Council met in a regular meeting on December 2, 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 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 November 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 Attorney Kent Hadenfeldt and City Manager Nathan Johnson. Absent: Scott Shaver. Council Member Shaver entered the meeting at 6:01 p.m.

Mayor Gonzales asked if there were any changes to the agenda. City Manager Johnson explained there are two items to be considered as emergency action items. City Manager Johnson further explained the emergency was due to the weather, blizzard conditions and snow emergency, this past weekend. The "Decorate the New Christmas Tree" and Holiday Parade events could not be held, therefore it has been requested to change the dates to December 7<sup>th</sup> from 1-3 p.m. for the decorating event and December 8<sup>th</sup>, 4-8 p.m. for the parade. The City Council must approve the Community Festival Permits for the activities on the new dates. Council Member Shaver questioned why they could not be held as the Plaza was cleared of snow. Council Member Schaub made a motion to put the items on the agenda as emergency items; moving them to 11b and 11c, seconded by Council Member McKerrigan. "YEAS," McKerrigan, Green, Schaub, and Gonzales. "NAYS," Shaver. 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 November 18, 2019 Regular Meeting be approved, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Moved by Council Member Schaub, 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 December 2, 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

ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,30.23;ADVANCE AUTO PARTS,CENTRAL GARAGE PICKUP- BRAKE SHOES, DRUMS, PADS,,742.92; AMAZON.COM HEADQUARTERS,DEP. SUP.,88.89; B & H INVESTMENTS, INC,DEP. SUP. - LIBRARY,52.5; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,3856.69; BLOEDORN

LUMBER CO - ALLIANCE,DEP. SUP.,355.6; BLUFFS SANITARY SUPPLY INC.,JAN.SUP.,47.77; CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP,186.6; CELLCO PARTNERSHIP,CELL PHONES-PD,1672.35; CHRIS REYES,DEPT SUPPL-PD,170; CITIBANK N.A.,DEPT SUPP PARK,556.23; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; CONTRACTORS MATERIALS INC.,SHRINK WRAP,109.76; CORE & MAIN LP,METERS,7071.67; CROELL INC,DEPT SUP,137.5; CYNTHIA GREEN,DEPT SUPP,133.86; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,162.66; DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,800; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135; ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC,DEPT EQPMNT MNTNC,13600; FAIRFIELD INN & SUITES SCOTTSBLUFF,SCHOOLS & CONF,239.9; FASTENAL COMPANY,DEPT SUP,16.49; FAT BOYS TIRE AND AUTO,CENTRAL GARAGE PICKUP- NEW TIRES,665; FEDERAL EXPRESS CORPORATION,POSTAGE,274.15; FLOYD'S TRUCK CENTER SCOTTSBLUFF,ES #812- HOOD LATCH,48.16; GALLS INC,UNIFORMS-PD,363.92; GENERAL ELECTRIC CAPITAL CORPORATION,DEP. SUP.,525.86; GENERAL TRAFFIC CONTROLS, INC,TRAFFIC SIGNAL CONTROLLER CABINET,16525; HANSEN, JOSH,SCHOOL & CONF,204; HOBBS, CHAD,TUITION REIMB. - FY19-20,600; HULLINGER GLASS & LOCKS INC.,VEH MAINT-PD,8; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - MATS, TOWELS,637.67; INFINITY CONSTRUCTION, INC.,18TH ST. PLAZA ALLEY WORK,20860; INGRAM LIBRARY SERVICES INC,Bks.,1108.76; INTERNAL REVENUE SERVICE,WITHHOLDINGS,58409.2; INTRALINKS, INC,DATTO ALTO 3 - LIBRARY,218; JOHN DEERE FINANCIAL,SUPP - T POSTS FOR SNOW FENCE INSTALLATION,927.69; JOHN DEERE FINANCIAL,EQUIP MAINT PARK,36.97; KNOW HOW LLC,BATTERIES FOR DIVE BUS,1279.44; KRIZ DAVIS,EQUIP MAINT,518.95; MARK WESTPHAL,TREE - DOWNTOWN PLAZA,500; MENARDS, INC,DEPT SUP,572.34; MICHAEL B KEMBEL,OVERHEAD DOOR CAPACITOR REPLACEMENT,170; MOTOROLA SOLUTIONS, INC,EQUIP MAINT-PD,327.04; MUNIMETRIX SYSTEMS CORP,IMAGESILO - OCTOBER 2019,39.99;NCMA,MEMBERSHIP N.JOHNSON 11/1/19 - 10/31/20,470; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1107.1; NE DEPT OF ENVIRONMENTAL CONTR,DEBT SERVICE PMTS,170194.72; NE DEPT OF REVENUE,SALESTAX,30360.88;NEBRASKA MACHINERY CO,GROUND MAINT PARK,2130.95; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,21613.5; NEWMAN, TIMOTHY,TRAVEL EXPENSES,120; PANHANDLE COOPERATIVE ASSOCIATION,FLEET GASOLINE,24250.48; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,346; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5278.08; PLATTE RIVER GLASS RODNEY L FLOTH,VEH MAINT,198.4; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,9929.26; POSTMASTER,POSTAGE,255.66;POWERPLAN,CEMETERY#568GASKETANDTHERMOSTAT,17 .46; QUILL CORPORATION,DEPT & JANIT SUPPL-PD,437.16; REGIONAL CARE INC,CLAIMS,234776.25; REGIONAL WEST MEDICAL CENTER,MEDICAL SUPPLIES FOR ALS,319.56; REZNOR RANDAL & GAYLE,QUIT CLAIM DEED,685; RIVERSIDE ZOOLOGICAL FOUNDATION,CONTRACTUAL,87500;ROCKSTEP SCOTTSBLUFF LLC,BUSINESS OCC. TAX,20964.06; ROUNDHOUSE BUNKER GEAR SERVICE,TURNOUT ADVANCED CLEANING AND REPAIR- A SHIFT,1069.04; RURAL HEALTH DEVELOPMENT, INC.,ECONOMIC DEV,6383.33; RUSCH'S GENERAL CONTRACTING, LLC,BLDG MAINT REC,145; S M E C,EMPLOYEE DEDUCTION,146.5; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,650; SCOTTSBLUFF PUB

SCHOOLS,PERMIT/LICENSE FEES 4/1/19 - 9/30/19,12820; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS-PD,55; SHERWIN WILLIAMS,GROUND MAINT PAR,435.28; SNELL SERVICES INC.,BLDG. MAIN.,164; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95; STATE OF NE.,CONTRACTUAL-PD,525; THE PEAVEY CORP,INVEST SUPPL-PD,242.25; UNION BANK & TRUST,RETIREMENT,38371.66; UNITED STATES WELDING,TANK RENTALS,44.41; US BANK,CLERK INSTITUTE & ACADEMY - K.WRIGHT,804.89; VOGEL WEST, INC,SUPP - PUMP ARMOUR,19.4; WEBER TYLER,SCHOOL & CONF,204; WESTERN COOPERATIVE COMPANY,CEMETERY #568- OIL,213.35; WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,7072.6; WESTERN NEBRASKA HUMAN RESOURCE MANAGEMENT,MEMBERSHIP DUES - CAMI KITE,30; WIN INVESTMENTS INC,SCHOOLS & CONF,253.68; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; ZM LUMBER INC,GROUND MAINT PARK,6;

City Manager Johnson presented the September 2019 Financial Report, explaining this report is for the last month of the fiscal year; we are working on financial statements for the upcoming audit the first quarter of 2020. He also reminded Council they are looking at unaudited financial reports in their packet. Mayor Gonzales asked about sales tax. Mr. Johnson stated, due to the hail storm, the last reporting month is up approximately \$140,000 compared to the same month in the previous fiscal year.

Ms. Michele Denton, Executive Director with the West Nebraska Arts Center approached Council regarding two Special Designated Liquor Licenses. The first event, a wine tasting fundraiser, will be held on January 18, 2020, from 6-11 p.m.; the second, an image photography reception, on February 6, 2020 from 4-8 p.m. Council Member Shaver asked if they were the ones doing the wine, Ms. Denton answered yes. Police Chief Spencer also added he had never has a problem with any of their events. Council Member Schaub made the motion, seconded by Council Member Green, to approve the request to issue two Special Designated Liquor licenses to serve wine at events for the West Nebraska Arts Center, 106 East 18<sup>th</sup> Street on January 18, 2020 from 6-11 p.m. and February 6, 2020 from 4-8 p.m., “YEAS,” Schaub, McKerrigan, Green, Gonzales, and Shaver. “NAYS,” None. Absent: None.

Regarding the tree decorating permit application, Mayor Gonzales reminded Council this was approved at their last meeting and could not be held on the date specified because of weather and requires Council to take action and approve the new date. Council Member Schaub made the motion, seconded by Council Member McKerrigan, to approve the Community Festival Permit application for the “Decorate the New Christmas Tree” event on December 7<sup>th</sup> from 1-3 p.m., “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

Council Member Schaub made the motion, seconded by Council Member Green, to approve the new date for the Holiday Parade Community Festival Permit application to be held on December 8<sup>th</sup> from 4-8 p.m. This also was postponed from its original date, due to weather. “YEAS,” McKerrigan, Shaver, Green, Schaub, and Gonzales. “NAYS,” None. Absent: None.

Regarding the application for the creation of an Agricultural Estate Dwelling Site at 210086 Raymond Drive, Scottsbluff; Mr. Daniel Raymond, who lives at the residence, was present for questions.

City Manager Johnson explained to Council that section 25-3-19 in our zoning code allows to establish an Ag Estate Dwelling Site between two and twenty acres; because this is an existing farmstead it falls under that acreage. Also the code specifies that 80 acres or less deemed agricultural in nature gives City Council the authority to approve, and with this specific property, the Ag Estate Dwelling will encompass approximately 7 acres, with the remaining 60 acres to be used for agricultural purposes.

Mr. Dennis Sullivan with M.C. Schaff came forward to explain he did the surveying for the

family due to the death of their mother who owned the property and land; the property now needs to be subdivided. Daniel will get the home including the land around it and the siblings will divide the farmland.

Legal Counsel Hadenfeldt informed Council this matter went before the Planning Commission and they recommended the approved subdivision. Council Member Schaub made the motion, seconded by Council Member Green, to approve the application for the creation of an Agricultural Estate Dwelling Site from John Raymond, Executor of the Patricia Raymond Estate for property located at 210086 Raymond Drive, Scottsbluff, NE, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Concerning the Certificate for Recording the Agricultural Estate Dwelling Site owned by Patricia Raymond Estate, John Raymond Executor; Legal Counsel Hadenfeldt explained this will authorize the Mayor to sign the Certificate that will need to be recorded with the Register of Deeds for the subdivision. Council Member Green made the motion to authorize the Mayor to sign the Certificate for recording, seconded by Council Member Shaver, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

City Manager Johnson presented Resolution 19-12-01 authorizing the Mayor to sign the Year-End Street Superintendent form appointing Public Works Director, Philip Mark Bohl, License No. S-1103, Class B as the City of Scottsbluff Street Superintendent beginning January 1, 2019. Council Member Shaver made the motion, seconded by Council Member Schaub to approve Resolution 19-12-01 authorizing the Mayor to sign the Year-End Street Superintendent form appointing employee Philip Mark Bohl as the City of Scottsbluff Street Superintendent "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None

## **RESOLUTION**

### **SIGNING OF THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT FORM 2019**

Resolution No. 19-12-01

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment;

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form;

Whereas: The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, Le., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

Be It resolved that the Mayor ☒ Village Board Chairperson ☐ of Scottsbluff  
(Check one box)j (Print Name of Municipality)

is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.

Adopted this 2nd \_\_\_\_\_ day of December, 2019 at Scottsbluff, Nebraska  
(MONTH)

**City Council/Village Board Members**

Raymond Gonzales  
Scott Shaver  
Terry Schaub

Jeanne McKerrigan  
Nathan Green

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)

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Mr. Johnson brought forward the 2018 International Building Code and the 2018 International Residential Codes which are the current State Building Codes adopted by the State of Nebraska. He went on to explain the State of Nebraska Legislature passed LB348 adopting the 2018 International Building Code and the 2018 International Residential Code, with the exception of Chapter 313 which is the Automatic Fire Sprinkler System requirement. He also explained LB130 is for radon-resistant construction for residential, commercial, educational, and medical structures; staff is recommending approval of the adoption of these to be compliant with the State of Nebraska.

Council Member Shaver was concerned the last time we did this no one else did. Mr. Johnson answered, stating the last time was a timing issue with the State; now the State has adopted it and we need to follow suit. Council Member Shaver then asked if everything in the code is currently available to use, adding in the past, it was an issue as things were put in the code internationally and was not available in the United States. Mr. Johnson answered that is why there is some exclusion, including the Automatic Fire Sprinkler System Requirement; we rely heavily on the State and the International Building Codes and what they do trumps what we do. We need to be compliant with what they have adopted.

Council Member Schaub made a motion to adopt the International Building Code 2018 Edition and the International Residential Code 2018 Edition, approve the Ordinance and waive the three readings. Council Member McKerrigan seconded the motion. Council Member Shaver, during discussion, expressed he did not think the three readings should be waived, feeling that contractors need to come and express their opinions on the codes.

Mr. Anthony Murphy, Fire Marshall, approached Council and explained at the Planning Commission Meeting held on November 25<sup>th</sup>, there were contractors present. He also stated the documents are peer reviewed before they come to this point, with input from contractors.

Mayor Gonzales asked Legal Counsel Hadenfeldt if they should have a separate motion to waive the three readings and then a motion to adopt the Ordinance. Mr. Hadenfeldt stated it has to be done that way; the International Building codes cannot be adopted until the Ordinance is passed because the Ordinance changes the code. Council Member Schaub amended his motion to remove waiving the three readings from his original motion and introduced the Ordinance. Council Member McKerrigan consented to the amendment of the motion with her second.

The Ordinance to adopt the International Building Code 2018 Edition, with Appendix F and International Residential Code 2018 Edition was read by title on first reading: **AN ORDINANCE DEALING WITH THE BUILDING CODE, ADOPTING THE INTERNATIONAL BUILDING CODE 2018 EDITION, WITH APPENDIX F, AND THE INTERNATIONAL RESIDENTIAL CODE 2018 EDITION EACH WITH EXCLUDED PORTIONS; AMENDING CURRENT SECTIONS OF THE SCOTTSBLUFF MUNICIPAL CODE; REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

Moved by Council Member Schaub, seconded by Council Member McKerrigan, that the statutory rule requiring the Ordinance to be read by title on three different days be suspended, “YEAS,” Gonzales, McKerrigan, and Schaub. “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 or a second time if the same motion is introduced at the next meeting.

Regarding the Ordinance setting forth rates on Outbound Mulch and Compost at City disposal sites, Mr. Johnson reminded Council this was brought forward at their direction to modify the Ordinance to not charge for any inbound materials coming into the compost facility. Council Member Shaver stated he is confused because he thought at the last meeting we said to repeal the Ordinance for the inbound; how do we get items into the facility without an Ordinance. Mr. Johnson answered this is the Ordinance that was approved in July; essentially after the last Council meeting it was agreed not to charge for any inbound material, hence the modified Ordinance. He also commented it was agreed by Council, at the budget workshop, to charge everyone due to not knowing how to determine who lived in town or not. He added, however, recently because of the complaints of two businesses it was determined not to charge anything for inbound material.

Mayor Gonzales introduced the Ordinance setting forth rates on Outbound Mulch and Compost at City disposal sites and was read by title on first 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 FOR OUTBOUND MULCH AND COMPOST, REPEALING THE FORMER SECTION, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

Council Member Shaver commented he would like to get feedback from people and would like to see the Ordinance read out. Council decided to read the Ordinance on three different days.

Ms. Starr Lehl, Economic Development Director, approached Council regarding the Economic Development Agreement for McKinney Manufacturing and Sales, LLC. She explained they will be purchasing a water jet machine which will help them grow and diversify their business by adding two positions to their staff of five.

Mr. Roger McKinney, Member of McKinney Manufacturing and Sales, LLC approached Council explaining they are applying for assistance again because of the addition of the water jet machine center. They are looking at an extra cost of bringing in utilities to one of their buildings and for the purchase of raw material as the prime factors for assistance. Council Member Shaver asked if this was a grant or a loan because of verbiage in the agreement. Mr. Johnson answered it is a refinance of the Economic Assistance package done in 2018 being combined into one to get a lower rate; it is a loan payable through job credits combined with cash payments. Council Member Shaver asked where the business is located. Ms. Lehl stated it is located in Mitchell. Council Member McKerrigan made the motion, seconded by Council Member Schaub, to approve the Economic Development Agreement for McKinney Manufacturing and Sales, LLC., “YEAS,” Schaub, McKerrigan, Gonzales, and Green. “NAYS,” Shaver. Absent: None.

Police Chief Kevin Spencer was present to explain the Security Officer Agreement with Western Nebraska Community College. Mr. Spencer first thanked Council for their support with the project. He

then went on to add it is a very good agreement that will go into effect January 13, 2020. Council Member Shaver asked about payment. Mr. Spencer stated it is a split between wages and benefits the nine months the college is in session; if the officers have to be there during summer session the college will pay their share also. Council Member Shaver made the motion, seconded by Council Member Schaub, to approve the Security Officer Agreement with Western Nebraska Community College (WNCC) and authorize the Mayor to sign the Agreement, "YEAS," Gonzales, Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: None.

Before presenting the Agreement with Copier Connection for the Library, Mr. Johnson introduced Erin Aschenbrenner, the Library Director, to Council. He explained the Agreement is \$240.00 per year for copier maintenance, is the same as last year and staff is recommending approval. Council Member Green made the motion, to approve the Agreement with Copier Connection for the Library and authorize the Mayor to execute the Agreement, seconded by Council Member Shaver, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Regarding the Council Appointed Committee's Report on Zoo contract negotiations, Mr. Johnson explained the reason for the agenda item is to get direction from Council and because of transparency he also wants to give a brief overview of the Council Appointed Committee meetings. He stated there have been two meetings with lengthy discussions on contract length and funding. Regarding contract length, discussions included a minimum of five years, although he stated, a seven year contract is more preferable due to accreditation purposes and funding sources. Regarding funding, Mr. Johnson reminded Council the number on record in an open meeting that was brought forward was \$275,000 for five years, budgeted amount 1,375,000 over the life of the contract. He voiced the zoo was hesitant at that number because that would include a cut of approximately 21.5%. During discussion, a number of \$350,000 per year, reducing at 5% every year, for a span of five years was explored. This figure comes to approximately \$285,000 at year five with a total budgetary impact of approximately \$1,583,500; a difference of about \$213,000 over the five year period, compared to the number on record. Mr. Johnson added the Zoo committee members were more receptive of this figure. He then asked for direction from Council, opening it up for discussion, stating many of the outside funding sources are contingent on what Council decides to do.

Council Member Shaver commented if we are going to talk numbers he would like to go into closed session to discuss it, not discuss our numbers in public and then try to have a discussion about it later in another meeting, that's dumb; that is not how you do contracts. Legal Counsel Hadenfeldt expressed you can go into closed session for two purposes. First is clear and necessary for the protection of the public interest, in which Council Member Shaver stated right, which is clear and necessary for the public interest because paying more money than the City can afford is not in the public interest, it protects the City's funds. So having the discussion in closed session rather than throwing a bunch of numbers out and having those numbers thrown back up at the people in discussions is the reason.

Council Member Green remarked the only one number mentioned in public session was where the starting point was and we are north of that already.

Council Member McKerrigan voiced confusion, stating, we talk all the time about being transparent but at the same time nobody wants to speak up and say where they are. She and Mr. Johnson went and tried to negotiate on behalf of the City, but nobody would ever say anything.

Council Member Shaver stated no one asked him. He then asked what percentage of the population lives in Scottsbluff for the region. Mr. Johnson answered approximately 45% live in Scottsbluff for the County. Council Member Shaver asked, what 45% of 350,000 is, suggesting there is the starting point.

Council Member Green suggested we need to find a balance where we can support the Zoo at a decent level, but we need to find a balance for the City too. He would like to have an offer to start with a three year deal and then find other options once on stable ground.

Mayor Gonzales proposed \$275,000; in the contract remove the splash pad and CPI, but add an

out clause for the City. Ms. Katy Gompert, Zoo Committee Member, approached Council to discuss the offer of \$275,000. Ms. Gompert stated that is too much of a drastic reduction and does not see how the Zoo can make that work; it will not be sustainable for very long.

Council Member Shaver stated they have talked about going regional and having everyone in the region support the Zoo. If everyone in the region would do their part, they would be over \$350,000. Mr. Anthony Mason, Executive Director of the Zoo, answered Council Member Shaver stating they have sent repeated letters to cities with mixed results. Some have sent letters saying they are hesitant due to not knowing what the City of Scottsbluff is going to do.

Mayor Gonzales asked Mr. Mason what they need to keep things where they are right now, would it be \$350,000? Mr. Mason stated, ideally, to break even, at least to have a couple years to work their way down; they think \$285,000 to \$290,000 would be a crushing point unless they had a stop gap.

Mr. Jordan Colwell, President of the Riverside Zoological Society asked Council if they would consider a 5 year commitment at \$300,000. Mayor Gonzales stated that would be doable, but if the City hit a bump in the road the Zoo would have to take a cut, along with other City departments.

Council Member Green asked about giving a pledge of a sustainable number for the City and then contract higher, that way if the City goes into reserves we still have a guaranteed number that we would do for them; a base pledge that gives them the longevity they need that is lower than their sustainable point, but that is the pledge. If our numbers turn around we can sustain higher, if we get into our reserves and are done we know we have pledged for six years this amount. That way we give them the stability they are looking for, they have a number they can use for their budgets and get their donors and we can worry about our finances.

Ms. Renee Jimenez, resident, approached Council and wanted clarification if the Zoo is budgeted for or not, because she has heard conflicting information tonight. Council Member Shaver stated it is until fiscal year 2020. She also asked what the current general fund cash reserves are. Mr. Johnson stated around three million.

Mayor Gonzales asked Council how they felt about \$300,000 for 5 years with an out clause, adding, because it is tied to the general fund that is the risk we have to take. Mr. Mason stated he was concerned about the details of the out clause and asked if they could go back to the group setting to discuss it along with other matters.

Council Member Schaub was fine with what Mayor Gonzales proposed. Council Member Green commented the number was high to start with and is curious about what kind of contract it will be. Council Member Shaver stated he is concerned about five years, where it goes beyond anybody who is currently elected.

It was determined to take the suggestions under advisement and have the Council Appointed Committee meet with the Zoo Committee to discuss what was brought forward.

Under Council Reports, Council Member Shaver attended two PAWS meetings. Council Member Schaub stated the 911 Committee meeting was cancelled. He did tour the tower project, however. Mayor Gonzales added there is a PADD meeting next Thursday at the Scottsbluff Chamber of Commerce Board Room

Council Member Schaub, seconded by Council Member McKerrigan made a motion, to adjourn the meeting at 7:56 p.m., "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

Attest:

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Mayor

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City Clerk      “SEAL”