

City of Scottsbluff, Nebraska

Monday, March 2, 2020

Regular Meeting

Item Consent1

Approve the minutes of the February 18, 2020 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on February 18, 2020 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. Since the regular meeting would fall on a City recognized holiday the meeting was moved to the following day, according to §6-1-12. A notice of the meeting had been published on February 14, 2020, 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 February 14, 2020.

Mayor Gonzales presided and City Clerk Wright recorded the proceedings. 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, Scott Shaver, Nathan Green and Terry Schaub. Also present were City Manager Johnson and Deputy City Attorney John L. Selzer. Absent: None.

Mayor Gonzales asked if there were any changes to the agenda. City Clerk Wright stated that consent item 7b; approving the bid specifications for 23 Club Improvements 2020 need to be taken off the agenda. Public Works Director Mark Bohl came forward stating he needs time to go through some items and would like it removed for this meeting. Council Member Shaver made the motion, seconded by Council Member Schaub to, remove item 7b, approving the bid specifications for 23 Club Improvements 2020, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. 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 Shaver, seconded by Council Member Green that,

- a) The minutes of the February 3, 2020 Regular Meeting be approved,
- b) Council acknowledge a sewer claim from Mark Masterton and take no action on the claim. "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

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 February 18, 2020, as on file with the City Clerk and submitted to the City Council, "YEAS", Gonzales, Schaub, McKerrigan, and Green. "NAYS", Shaver. Absent: None.

CLAIMS

ACCELERATEDRECEIVABLESOLUTIONS,2-1PAYROLL,441.84;ACTION COMMUNICATIONS INC.,EQUIP MAINT-PD,2067.28;ADVANCE AUTO PARTS,POLICE #6- HEAD LIGHT BULB,56.07; AE SERVICES, LLC,RELOCATE METER LOOP AT 5TH AVE. & E. OVLD. FOR

T.S,1045;AHLERS BAKING INC,DEPT SUPPL-PD,63.34; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4087.15; AL'S TOWING,TOW SERVICE-PD,85; ALTEC INDUSTRIES INC,PM & DIELECTRIC INSPECTION ON BUCKET TRUCK,1025.5; ANTHONY J MURPHY,PER DIEM FOR NATIONAL FIRE ACADEMY,408; ASSURITY LIFE INSURANCE CO,2-1 PAYROLL,32.95; AUTOZONE STORES, INC,WIRE AND ITEMS TO INSTALL LIGHTS NEW UNIT 2,60.53; B & H INVESTMENTS, INC,SUPP - WATER,121;B&C STEEL CORPORATION,EQUIP MAINT PARK,393.24; BAKER TILLY VIRCHOW KRAUSE, LLP,1ST INSTALLMENT - PROF. SERVICES,7350; BLUFFS SANITARY SUPPLY INC.,DEPT SUP,407.08; BROWNELLS INC,EQUIP MAINT-PD,16.94; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,573.77; CELLCO PARTNERSHIP,CELL PHONE,343.36; CITY OF GERING,TRASH& RECYCLINGDISPOSAL JAN 2020,40140.76; CITY OF SCB,PETTY CASH,69.1;COLLABORATIVE SUMMERLIBRARYPROGRAM,PRGRM.,1648;COMPUTER CONNECTION INC,CONTRACTUAL-PD,44; CONTRACTORS MATERIALS INC.,SUPPLIES - 18TH ST. PLAZA FENCE,10.09; CREDIT BUREAU OF COUNCIL BLUFFS,MONTHLY FEE & EMPL.SCREEN,61; CYNTHIA GREEN,DEPT SUP,353.53; DALE VITITO,CIP-PATROL CARS-PD,46.82; DALE'S TIRE & RETREADING, INC.,MISC TIRE REPAIRS,2504.36; ELLIOTT EQUIPMENT COMPANY INC.,ES #818- CHAINS, GRIPPERS, TENSIONERS,1975.49; ENFORCEMENT VIDEO, LLC,EQUIP MAINT-PD,260; FASTENAL COMPANY,BOLTS, NUTS, WASHERS FOR 18TH ST. PLAZA FENCE,25.66; FEDERAL EXPRESS CORPORATION,POSTAGE,110.08; FLOYD'S TRUCK CENTER SCOTTSBLUFF,EQUIPMENT- NEW RAPID RAIL TRUCK,227510.39; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,95; FURNITURE LEISURE INC,KENO PARK,4639.65; FYR-TEK INC,TURNOUT GEAR FOR ABEL, MEIER, LEVICK, HOBBS,8865.2; GENERAL TRAFFIC CONTROLS, INC,GRIDSMART DETECTION SYSTEM FOR 5TH AVE & 27TH ST.,17780; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,1390; HALE FLORENCE,QUIT CLAIM DEED,100; HAWKINS, INC.,CHEMICALS,1691.4; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,1454.82;HOLIDAY INN - KEARNEY,HOTEL FOR LES LUKERT FIRE CONFERENCE- ABEL,299.85; HULLINGER GLASS & LOCKS INC.,BLDG. MAIN.,90; IDEAL LAUNDRY AND CLEANERS, INC.,UNIFORMS-PD,969.55; INGRAM LIBRARY SERVICES INC,BKS & AV,554.92; INTERNAL REVENUE SERVICE,2-1 PAYROLL,59165.75; INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC,MEMBERSHIPS-PD,190;INTRALINKS, INC,CONTRACT SERVICES - JAN. 2020,3434.7; INVENTIVE WIRELESS OF NE, LLC,INTERNET,35.9; KNOW HOW LLC,EQUIP MAINT PARK,1089.3; LEXISNEXIS RISK DATAMANAGEMENT,CONSULTINGPD,100;M.C.SCHAFF&ASSOCIATES,INC,PROF.SERVICES - PATHWAY,4320; MADISON NATIONAL LIFE,2-1 PAYROLL,2505.83; MAILFINANCE INC,CONT. SRVCS.,366; MASEK DISTRIBUTING INC,EQUIP MAINT PARK,27.42; MATHESON TRI-GAS INC,CENTRAL GARAGE- WELDING GAS,171.81; MENARDS, INC,DEPT SUP WTR,1498.51; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,2693.43; MUNIMETRIX SYSTEMS CORP,IMAGESILO - JAN. 2020,39.99; NE CHILD SUPPORT PAYMENT CENTER,2-1 PAYROLL,1107.1; NE DEPT OF REVENUE,WITHOLDINGS,20676.87;NEBRASKA INTERACTIVE, LLC,DRIVERS LICENSE REQ,111; NEBRASKA MACHINERY CO,GROUND MAINT PARK,1298.54; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,45011.06; NEBRASKARURALRADIOASSOCIATION,CONTRACTUALSVC,332.5;NEOPOST,POSTAGE,1000 ;NEOPOST USA INC,RENT-PD,219.56; NETWORKFLEET, INC,GPS SERVICE FOR FLEET,350.2; ONE CALL CONCEPTS, INC,CONTRACTUAL,60.64; OREGON TRAIL PLUMBING, HEATING &

COOLING INC,BLDG MAINT ADM,285; PANHANDLE COOPERATIVE ASSOCIATION,FLEET FUEL - GASOLINE,18614.11; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,140; PARRISH ABEL,FUEL FOR TRAVEL TO LES LUKERT CONFERENCE,26.5; PELCO CORP,NAME PLATES - CRA & LB840,135; PLATTE VALLEY BANK,2-1 PAYROLL,10467.5; POSTMASTER,POSTAGE,570.58; POWERPLAN,CHECK ENGINE & MACHINE INSPECTION ON SWEEPER,633.98; QUILL CORPORATION,DEPT SUPPL-PD,590.34; REGIONAL CARE INC,FLEX FUNDING,1070.7;REGIONAL WEST MEDICAL CENTER,ANNUAL JOB CREDIT - LB840,174175; RODRIGUEZ JOSE R,TOW SERVICE-PD,250; RON'S TOWING,TOW SERVICE-PD,175; ROSEMARY FLORES,EAST OVERLAND GRANT PROGRAM,10000;S M E C,2-1 PAYROLL,130.5; SALES MIDWEST, INC,EQUIP MAINT PARK,727.05;SANDBERG IMPLEMENT, INC,EQUIP MAINT PARK,709.81; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCOTT WALTON,EQUIP MAINT PARK,380; SCOTTIES POTTIES INC,CONTRACTUAL,360; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,650; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,CIP-UNIFORMS/UNIFORMS-PD,163; SIMMONS OLSEN LAW FIRM, P.C.,LEGAL,16540.04;SMITH, RON,EAST OVERLAND GRANT PROGRAM,3329.98; SNELL SERVICES INC.,BLDG. MAIN.,297.5; SOCIETY FOR HUMAN RESOURCE MANAGEMENT,MEMBERSHIP - C.KITE (3/1/20 - 2/28/21),219; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95; SPECIALINVESTIGATIONS,INVEST SUPPL-PD,20; STARR LEHL,PLAQUE - N.JOHNSON,286.42; SUHOR INDUSTRIES, INC.,DEPT SUPP CEM,130; TACTICAL MEDICAL SOLUTIONS LLC,EQUIP MAINT-PD,185.14; TIFFANY SCHANK,EAST OVERLAND GRANT PROGRAM,2935.75; UNION BANK & TRUST,2-1 PAYROLL,19494.29; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS.,161.1; UNITED STATES WELDING,WELDING TIPS,18.6; UNITED STATES WELDING, INC,WELD. SUPP - ACETYLENE,110.42; VAN PELT FENCING CO, INC,SUPPLIES - 18TH ST. PLAZA FENCING,2506.3; VERMEER HIGH PLAINS,EQUIP MAINT PARK,145.89; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,450; WOODS & AITKEN LLP,PROFESSIONAL SERVICES,12153.93; WYOMING CHILD SUPPORT ENFORCEMENT,2-1 PAYROLL,738.08; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,2-1 PAYROLL,765;

City Manager Johnson presented the January 2020 Financial Report to the City Council explaining the audit is complete and will be presented March 2nd. Sales tax numbers have not been received at this time.

Mayor Gonzales opened the public hearing at 6:05 p.m. to consider the Class D Liquor License for Essential Fuel, LLC dba Essential Fuel.

Mr. Eric Reichert, Essential Fuel Manager and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Council Member Schaub, seconded by Council Member Green, that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) Essential Fuel, LLC dba Essential Fuel Liquor License application; 2) City Council check list for section 53-132 com sup 2016; 3) written statement of Police Chief Kevin Spencer dated February 14, 2020; 4) written statement of City Clerk dated February 18, 2020; 5) written statement from the Development Services Department dated February 6, 2020; "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

Mr. Reichert explained to City Council that the Liquor License Investigatory Board had some

questions at their meeting regarding some violations of his that were not listed on the application. He further stated he had his insurance agent pull the report and the items listed that did not show were older. He added he has hired a store manager and two assistant managers that have extensive experience with alcohol. They will run ID checks through their passport POS system on anyone that looks under 40 years of age. The liquor inventory will be brought in the back of the building; however everything will be stored on the floor or in coolers under camera surveillance. He explained all employees will be required to take the TIPS training with the State Patrol; if there are compliance failures the employee will be immediately terminated.

Police Chief Spencer stated his biggest concern was the violations not reported on Mr. Reichert's record; however he did give a valid explanation. He went on to state he is impressed with Mr. Reichert's plan and that he has hired someone with experience in the alcohol industry to run the business. There is no disqualifying information and the Liquor License Investigatory Board sent a positive recommendation to Council.

There were no comments from the Public. Mayor Gonzales closed the public hearing at 6:12 p.m. Moved by Council Member McKerrigan, seconded by Council Member Green, to forward a positive recommendation to the Nebraska Liquor Control Commission for Essential Fuel, LLC dba Essential Fuel Class D Liquor License pursuant to Nebraska §53-132 (2)a, (2)b, (2)c, and (2)d, "YEAS," Gonzales, Green, McKerrigan, and Schaub. "NAYS," Shaver. Absent: None.

RESOLUTION NO. 20-02-02

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

1. On February 18, 2020 the matter of the application of a Class D liquor license for Essential Fuel, LLC dba Essential Fuel, 2319 East Overland, Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:
 - Exhibit 1 - Application of Class D liquor license for Essential Fuel, LLC dba Essential Fuel, 2319 East Overland, Scottsbluff, NE 69361
 - Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2016)
 - Exhibit 3 - Written statement of Police Chief dated February 14, 2020
 - Exhibit 4 - Written statement of City Clerk dated February 18, 2020
 - Exhibit 5 - Written statement of Development Services Department dated February 6, 2020
2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Eric Reichert, Manager; Police Chief Kevin Spencer spoke on behalf of the City.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
 - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.

- b. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2016) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes.
Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class D liquor license be issued for Essential Fuel, LLC dba Essential Fuel, at the premises described in the application.
5. The City Clerk shall transmit a copy of this Resolution to the Commission.
6. Cost of publication: \$11.92.

Passed and approved this 18th day of February 2020.

Mayor

ATTEST:

City Clerk

“seal”

Regarding naming Eric Reichert as the Liquor License Manager of Essential Fuel and forwarding a recommendation to the Nebraska Liquor Control Commission, Council Member Schaub was concerned that Mr. Reichert did not have the TIPS training and did not have much hands on experience. He asked how much involvement Mr. Reichert will have with the business. Mr. Reichert stated not a lot; that is why he hired managers who have experience. Council Member Schaub then questioned why he was the Liquor License Manager. Police Chief Spencer came forward and explained there are quite a few businesses that do not have on site managers; this is allowed and is becoming more common. Moved by Council Member McKerrigan, seconded by Council Member Schaub, to submit a positive recommendation for Eric Reichert as Manager of the Class D liquor license for Essential Fuel, LLC dba Essential Fuel, “YEAS,” McKerrigan, Green, Schaub, and Gonzales. “NAYS,” Shaver. Absent: None.

Mayor Gonzales opened the public hearing at 6:17 p.m. to consider the Class I Liquor License for RP Empire Holdings, LLC dba 16th Empire.

Ms. Heather Hayes, 16th Empire Manger and Police Chief Kevin Spencer were sworn in to testify on the liquor license.

Ms. Hayes came forward and explained to Council they are mostly a restaurant; 85% of their sales are from food. All of the staff members have taken the responsible beverage training course with the exception of one and she will take the training in the next couple weeks. Their policy is to ID anyone who

looks under 35 and they only serve alcohol in glass containers; all other drinks in plastic. The alcohol is stored upstairs in a locked container and their policy is automatic termination if they fail a compliance check.

Police Chief Spencer reported the Police Department conducts extensive background checks on the applicants to see if they are fit, willing, and able and Ms. Hayes had a very uneventful report. He went on to state they have a good plan and are serious about preventing underage drinking with good policies in place.

Moved by Council Member Schaub, seconded by Council Member Green, that the following exhibits, presented on behalf of the City Council be entered into the record: 1) RP Empire Holdings, LLC dba 16th Empire Liquor License Application; 2) City Council check list for section 53-132 cum sup 2016; 3) written statement of Police Chief Kevin Spencer dated February 14, 2020; 4) written statement of City Clerk dated February 18, 2020; 5) written statement from Development Services Department dated February 7, 2020; "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

There were no comments from the Public. Mayor Gonzales closed the public hearing at 6:20 p.m. Council Member Schaub moved, seconded by Council Member McKerrigan, to forward a positive recommendation to the Nebraska Liquor Control Commission for RP Empire Holdings, LLC dba 16th Empire Class I liquor license pursuant to Nebraska Nebraska§53-132 (2)a, (2)b, (2)c, and (2)d. "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

RESOLUTION NO. 20-02-03

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

2. On February 18, 2020 the matter of the application of a Class I liquor license for RP Empire Holdings, LLC dba 16th Empire, 1605 Ave. A Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class I liquor license for RP Empire Holdings, LLC dba 16th Empire, 1605 Ave. A, Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2016)

Exhibit 3 - Written statement of Police Chief dated February 14, 2020

Exhibit 4 - Written statement of City Clerk dated February 18, 2020

Exhibit 5 - Written statement of Development Services Department dated February 7, 2020

3. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Heather Hayes, Manager; Police Chief Kevin Spencer spoke on behalf of the City.
7. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
 - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.
 - c. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2016) and demonstrates a willingness and ability to properly serve or

sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.

8. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes.
Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class I liquor license be issued for RP Empire Holdings, LLC dba 16th Empire, at the premises described in the application.
9. The City Clerk shall transmit a copy of this Resolution to the Commission.
10. Cost of publication: \$11.92.

Passed and approved this 18th day of February 2020.

Mayor

ATTEST:

City Clerk

“seal”

Council Member Schaub moved, seconded by Council Member Green to submit a positive recommendation for Heather Hayes as Manager of the Class I liquor license for RP Empire Holdings, LLC dba 16th Empire, “YEAS,” Shaver, Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: None.

Ms. Michele Denton, Executive Director of West Nebraska Arts Center approached Council regarding a special arts related wine permit and special designated liquor license for an art exhibit reception on March 5, 2020 from 4:00-8:00 p.m. Ms. Denton explained they are allowed six per year and this is their second request. Police Chief Spencer stated he has no concerns as they have never been called to the Arts Center. Council Member Shaver made a motion, seconded by Council Member Green to approve the Special Designated Liquor License for the West Nebraska Arts Center, “YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: None.

Mr. Anthony Mason, Executive Director with Riverside Discovery Center was present to give an update to City Council on the Zoo. Mr. Mason went over the budget statement of activities for the fiscal year and zoo attendance. He commented in the last two years they have stayed stable with just over 45,000 visitors; their goal is to continue to grow by utilizing the bear exhibit and marketing grants. The current membership totals are right around 750 for 2019 and they are continuing to grow. They offer both offsite and onsite educational programs and depending on the situation there is a fee. Mr. Mason also added a big draw will be the bear exhibit which is expected to break ground in March or April and will open before the end of summer.

Mr. Johnson approached Council regarding awarding the bid for the purchase of one new 72" rotary mower with 60" blade and 51" snow blower attachments for the Parks Department. Mr. Johnson explained there was one bid received from Sandberg Implement, Inc. for \$32,157.91. The bid met all specifications, is under the budgeted amount of \$35,000, and staff is recommending approval. Council Member Shaver made a motion, seconded by Council Member Schaub to approve awarding the bid for the purchase of a new mower for the Parks Department to Sandberg Implement, Inc. for \$32,157.91, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Fire Chief, Tom Schingle and Anthony Murphy, Fire Code Official presented the International Fire Code 2018 Edition, commenting they are looking to update the Fire Code to be more align with the building code and the State of Nebraska, transitioning from the National Fire Protection Association (NFPA) Uniform Fire Code (UFC) to the International Fire Code (IFC). Mr. Murphy explained they are trying to do cleanup to Chapter 8 to keep things streamlined and harmonized with the building code; they also wanted to remain consistent with the City of Gering and what they adopted. Also, to keep a level of consistency between the two cities, both men would like to make a recommendation to keep the residential sprinklers section included in one and two family dwellings, however, Mr. Schingle pointed out the Planning Commission recommended to exempt one and two family residential dwelling fire suppression systems at their meeting earlier this month.

Council Member Schaub expressed concern with the residential sprinklers, stating it is putting too much restriction on single family development; also he has a concern with the storage of flammable liquids in excess of six gallons. Council Member Green stated he also has a hard time with the sprinkler system clarification for both codes and agrees with the gas can stipulation as well. Mr. Murphy commented the gas can stipulation has been in the City Code for some time and they are definitely willing to look at changing the amount. Council Member Shaver expressed concern residents would be in violation and asked for the amount to be adjusted. He also is not in favor of the sprinkler systems as that can get cost prohibitive for anybody doing construction. Mr. Murphy answered, by stating, the amount would run 1 to 1.5% of the total project. After discussion, City Manager Johnson expressed that research can be brought back what other communities our size are doing in the State. Council Member Shaver moved to table the International Fire Code 2018 Edition and Ordinance until we get the information. This was seconded by Council Member Green, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Ms. Starr Lehl, Economic Development Director approached Council regarding an Economic Development Assistance Agreement for Prime Metals, Inc. for \$1,500,000. Ms. Lehl stated the business is a sheet metal fabrication company that makes HVAC systems for commercial buildings and they are proposing to bring 70 full time union waged jobs to the area. The project is being jointly funded through the City of Scottsbluff; the State of Nebraska is committing \$789,000 in Community Development Block Grant funds; the City of Gering, \$211,000 in Community Development Block Grant reuse funds; and also the company is applying for Nebraska Advantage.

Mr. Herb Gibson, President of Prime Metal Products, came forward and explained the company will market over a regional area, as there is quite a bit of trucking capacity to get product to market; they are very excited to get going in April. Council Member Shaver asked if this is a new company completely. Mr. Gibson answered yes, he was previously employed with Lukjan; his last day is March 1st. Council Member Green asked what brought Mr. Gibson to the City of Scottsbluff. Mr. Gibson answered they were looking for a place where property value, labor cost and work ethic matched and they

feel they have found that here. He is very excited to create a career by offering great benefits, including health insurance and 401K. They will also wage equalize. Mr. Gibson further explained there is a market here, as there is only one competitor in the Denver area.

Council Member Shaver asked if there is anything that needs to be put back in case something happens to the company. Ms. Lehl stated we have personal guarantees from the ownership and second position on all the equipment. Ms. Lehl went on to comment, stating, this is a great project that both communities and the State are investing in; the number of jobs is perfect because it is something the community can absorb and sustain. At the end of discussion, Council Member Shaver commented his biggest concern is that the business is in Gering, but they are not giving any LB840 at all. Council Member Schaub made the motion to accept the Economic Development Assistance Agreement for Prime Metals, Inc., seconded by Council Member McKerrigan. Before the vote, Ms. Lehl reminded Council that the City of Gering will be losing a substantial amount of their sales tax into their City for seven years; to her that is a huge investment into the company. Mayor Gonzales then asked for roll call. "YEAS," Gonzales, Schaub, McKerrigan, and Green. "NAYS," Shaver. Absent: None.

Mr. Johnson brought forth the Agreement with Larry Davis as the Campground Host for Riverside Park Campground, explaining Mr. Davis is a previous campground host; the only change to the agreement is increasing the amount from \$1,000 to \$1,200. The increase will amount to \$1,000 over the span of the contract and the fees will cover the cost of the contract as the campground makes around \$60,000 per year; staff is recommending approval. Moved by Council Member McKerrigan, seconded by Council Member Schaub, to approve the Agreement with Larry Davis as Campground Host for Riverside Park Campground and authorize the Mayor to sign the Agreement, "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

Council took a five minute break reconvening at 7:09 p.m.

Regarding LB357 one-half additional sales tax, Mayor Gonzales stated he asked to have this on the agenda to consider since this is an election year. He wants to have the discussion now to identify a project to use the one-half cent sales tax on. Council Member Shaver commented, he thought it would have gone through the last time. Had they stuck to the storm sewers and not thrown everything at it; that is what killed it last time. He added, the only way it will go through is to have something specific that it has to be spent on, so it doesn't appear to be a slush fund to the public because they don't understand how it works; it needs to be very specific to what it is used for.

Council Member Schaub stated he is thinking more along using it for streets within the community that are getting tired; feeling it needs to be the top priority, then storm water.

Council Member Green added the streets have a funding mechanism and if we do this we need to use it for something that is pretty specifically not getting taxed or getting money from another place. He would like to see it used for storm water; as this is our one chance for that. He would prioritize storm water, but thinks the roads need help too.

Mayor Gonzales commented the interest is there and because of that, this will show up on future agendas. There was no action taken on the item.

Council Member Shaver made the motion, seconded by Council Member Schaub to remove from the table receiving an update, discussion, and considering action on moving forward with siting a regional landfill, "YEAS," Gonzales, McKerrigan, Shaver, and Schaub. "NAYS," Green. Absent: None.

Mr. Johnson approached Council and explained the item of siting a regional landfill was tabled at the last meeting, due to waiting for the WNED discussion on a regional landfill. Council Member Shaver was the first to comment on this discussion, stating, if we could get the Solid Waste Association of Northwest Nebraska (SWANN) to run ours or be able to get our stuff to them it would be amazing. They are extremely reasonable on their fees; they do it straight across the board with everybody, but they do have a different fee with the County because they do not do pickup. He also liked that the City is not directly involved. Council Member Green added he likes the no nonsense secondary benefits such as less road litter. It has opened his eyes to a bigger picture; it would be nice to have that format. Council Member Schaub commented he doesn't think we should bail out of the Trihydro stuff and allow it to still move forward. We need to look towards the near future, adding he thinks the landfill will be full before 2026.

Council Member Green then clarified he didn't look at SWANN as taking over or privatizing it, he likes their structure and their models. If we could tie that model or a combination of the models into what we are working for with Trihydro, that is where he is taking the takeaways from, not necessarily outsource everything. At the end of discussion, Council Member Schaub suggested directing staff in moving forward, before July 31st, looking into other options; at the same token, however, authorize the change order, but in the interim time look at other options. Mayor Gonzales then asked Council if they support the concept and want to move forward with it. Council Member Schaub made a motion to support moving forward with the siting of a regional landfill, seconded by Council Member McKerrigan, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Council Member Schaub moved, seconded by Council Member McKerrigan to remove from the table the Work Change Order Agreement with Trihydro Corporation, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Regarding the Work Change Order Agreement with Trihydro Corporation, Mayor Gonzales explained this is the change order Trihydro has asked us to sign off on extending the deadline to July 31st as they continue to try to find a site. Council Member Green stated his concern is the automatic authorization for Step 2 without knowing the outcome of Step 1. He thinks there needs to be a stipulation that it comes back to Council before we authorize Step 2. Council Member Shaver agreed with Council Member Green. City Manager Johnson then clarified to Council that Step 2 is for permit application and the various tasks involved with Step 2; if a site is found you need to go through this process before you can continue on. That is the reason Step 2 is included with Step 1, you have different things such as ground water monitoring, drawings, modelings, and analysis of the land, which is why it is tied to Step 1, because you have to find a site. He went on to add it is basically to get to the property to put monitoring wells on, which will have to come back to Council for approval. Council Member Shaver asked if any fees would be attached to Step 2. City Manager Johnson answered the change order states none, but he assumes there will be costs associated with test wells, but we do not know that yet.

Mayor Gonzales commented that we are far into this process and he does not see the harm with extending this out until July. Council Member Shaver made a motion to extend the time on Step 1 and bring it back when they have a site to the Council. The motion died for lack of a second. Mayor Gonzales moved to extend the work order for Trihydro to July 31st and authorize commencement of Step 2 upon completion of Step 1 and give the Mayor approval to sign the Agreement. The motion was seconded by Council Member Schaub. "YEAS," Schaub, McKerrigan, Gonzales, and Green. "NAYS," Shaver. Absent: None.

Under Council Reports, Council Member Shaver stated the 911 Committee Meeting was cancelled for lack of a quorum. He went to the First Net Meeting at the Public Safety Building instead. Council Member McKerrigan went to a Senior Center Meeting and Tri City Active Living Advisory meets this coming Monday. Mayor Gonzales stated a PADD meeting was last week and they are searching for a new director. Ms. Lehl came forward and added she attended a WNED meeting last Thursday; they voted to support LB720 and the City of Kimball would like help with nuisance abatement properties. They also discussed the Land Bank Bill. Council Member McKerrigan added she and Mayor Gonzales attended a meeting with Rick Myles, Andrew Dick and Bob Hastings to work towards possibly bringing in a residential treatment center for juveniles as there is a great need in our middle and high school for behavioral treatments.

Council Member Schaub made the motion, seconded by Mayor Gonzales, to adjourn the meeting at 7:35 p.m., “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”