

# **City of Scottsbluff, Nebraska**

**Monday, August 5, 2013**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the July 15, 2013 Regular Meeting.**

**Staff Contact: Cindy Dickinson**

Regular Meeting  
July 15, 2013

The Scottsbluff City Council met in a regular meeting on Monday, July 15, 2013 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 July 12, 2013, 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 accommodation 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 delivered to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and KDUH, and the Star Herald. The notice was also available on the City's website on July 12, 2013. An agenda kept continuously current was available for public inspection at the office of the city clerk at all times from publication of the notice to the time of the meeting.

Mayor Randy Meininger presided and City Clerk Dickinson recorded the proceedings. Mayor Meininger 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 address for the record. Mayor Meininger 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: David Boeckner, Raymond Gonzales, Randy Meininger, Mike Deibert, and Scott Shaver. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. There were none. Mayor Meininger 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 Boeckner, seconded by Council Member Deibert, that:

1. "The minutes of the July 1, 2013 Regular Meeting be approved,"
2. "The July 29, 2013 Regular Council meeting be cancelled as two regular meetings will have already been held in the month of July,"
3. "The Community Festival Permit for the Downtown Scottsbluff Association be approved for "Sidewalk Sales" on Broadway from 15<sup>th</sup> St. to 20<sup>th</sup> St. on July 18, 19 & 20, 2013 from 7:00 a.m. to 7:00 p.m., "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Council Member Boeckner declared a conflict of interest as it relates to the payment to the League of Nebraska Municipalities because he is a board member. Moved by Mayor Meininger, seconded by Council Member Deibert, "to declare a conflict of interest for Council Member Boeckner regarding a payment to the League Association of Risk Managers in the amount of \$95.00 and excuse him from voting on or discussing this item," "YEAS", Boeckner, Deibert, Shaver, and Meininger "NAYS" Gonzales. Absent: None.

Moved by Council Member Deibert, seconded by Mayor Meininger, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated July 15, 2013, as on file with the City Clerk and submitted to the City Council," "YEAS", Boeckner, Gonzales, Deibert, Shaver, and Meininger, "NAYS" None. Absent: None.

## CLAIMS

PAYROLL \$67,317.45 W/H; REGIONAL CARE \$14,390.85 INS CLAIMS; WELLS FARGO \$28,502.02 RETIREMENT; PVNB-HEALTH SAVINGS \$11,915.96 EMP DED; STATE OF NE \$0 PAYROLL TAX; NEBRASKA CHILD SUPPORT PAYMENT CENTER \$2,374.79; 3M CENTER-TRAFFIC CONTROL \$2,059.20 SUPP; ACTION COMM \$204.76 RENT; ALS TOWING \$95.00 TOW; ALLO COMMUNICATIONS \$4,680.82 PHONE; AQUA PRODUCT KC \$1,001.87 REPAIRS; ASSURITY LIFE INSURANCE CO \$73.43 INS; AULICK'S TLC \$1,331.91 TREES - CEMETERY; BAKER & TAYLOR \$45.49 BOOKS; BAKER & TAYLOR \$31.02 BOOKS; NATHAN & JOLEEN BLANK \$22.26 REFUND; BLUFFS SAN SUPPLY \$214.52 SUPP; BNSF RAILWAY COMPANY \$645.56 CLAIM; FARM PLAN \$43.41 PARTS; BROWN/NELSON ELECTRIC \$118.15 REPAIRS; CAPITAL BUSINESS SYST \$45.12 MAINT; CARR TRUMBULL LBR \$76.25 SUPP; CASH-WA DISTRIBUTING \$1,967.13 CONCESSIONS; CEMENTERS \$93.10 SUPP; CENTURY LUMBER CENTER \$8.00 SUPP; CITY OF GERING \$35,767.38 CONTRACTUAL; CITY OF SCOTTSBLUFF \$93.38 MISC SUPP; COMMUNITY HEALTH-RWMC \$158.00 VACCINATIONS; CONNECTING POINT \$53.87 COPIES; CONTRACTORS MAT \$1,051.72 SUPP; CNTY COURT SCB CNTY \$278.75 COURT ; FACTUAL DATA-MIDWEST \$38.00 BCKGRND CHK; CREDIT MANAGEMENT SERVICES INC \$194.77 WAGE ATTACH; CULLIGAN \$164.80 MAINT; D & H ELECTRONICS \$12.91 PARTS; DALES TIRE & RETREAD \$831.55 REPAIRS; ENVIRO SERV \$232.00 SAMPLES; FASTENAL \$23.30 PARTS; FEDERAL EXPRESS \$45.89 SHPING; FIRST WIRELESS, INC \$51.00 MAINT; FLOYDS SALES & SERV \$745.34 PARTS; FRANK IMP \$72.41 PARTS; ROGER FRANK \$20.00 REFUND; FREMONT MOTOR COMPANY \$2,341.55 MAINT; LYNN GARTON \$118.00 BUS TRVL; GENE STEFFY CHRYSLER \$52,408.00 AUTOS; GENERAL TRAFFIC CONTROLS \$683.67 REPAIRS; GERING FIRE DEPT \$91.95 TRNG; GOLD WATCH LLC \$1,550.00 TRANSP RECYCLABLES; ROBERT GOMEZ \$126.00 UMPIRE FEES; TROY GREENE \$18.00 UMPIRE FEES; HANDLEY IND \$2,764.96 PARTS; HAWKINS \$3,518.50 SUPP; HEILBRUN FARM IND SUPP \$2,704.22 PARTS; HELENA CHEMICAL \$7,554.46 SUPP; HI TECH AUTO \$216.65 MAINT; JERRY HIGEL \$1,375.00 MAINT; EVERGREEN PROPERTIES \$310.00 MAINT; DAVID MICHAEL HOSPODKA \$72.00 UMPIRE FEES; ICMA RETIREMENT TRUST \$1,114.97 RETIRE; IDEAL LINEN \$1,916.06 SUPP; IND PLMBG & HTG \$28.44 PARTS; INFINITY CONST \$4,048.00 REPAIRS; VALLEY INSURANCE \$24.45 REFUND; INTRALINKS \$47.50 MAINT; INTERNAL REVENUE SERVICE \$320.00 FEES; J & A TRAFFIC PRODUCTS \$324.00 PARTS; JOHN E REID & ASSOC \$130.00 TRNG; NATHAN JOHNSON \$67.68 BUS TRVL; KEMBEL SAND & GRAVEL \$381.52 SUPP; KEVIN KEPHART \$31.27 REFUND; KIMBALL MIDWEST \$232.43 SUPP; KRIZ DAVIS \$612.17 PARTS; MADISON NATIONAL LIFE \$2,069.82 INS; HASLER FINANCIAL SVC,LLC \$153.09 LEASE; MENARDS \$747.10 SUPP; PAUL MENDOZA \$180.00 UMPIRE FEES; MONEY WISE OFFICE SUPPLIES \$52.75 SUPP; MONUMENT PREVENTION COALITION \$880.00 SUPPORT; MURDOCHS RANCH & HOME SUPPLY \$45.83 PARTS; NE CRIME COMM \$7.50 DIRECTORY; NE LIBRARY COMMISSION \$1,650.00 SUBSCPTION; NEBR MACHINERY \$652.50 MAINT; NEBRASKA SALT AND GRAIN \$3,780.40 SUPP; NE STATE HISTORICAL SOC \$29.00 SUBSCRIPTIONS; NEBR ENVIRONMENTAL PRODUCTS \$272.94 PARTS; ELIJAH NICHOLS \$10.00 REFUND; NORTHERN SAFETY CO \$94.75 UNIFORMS; NW PIPE FITTINGS \$377.62 PARTS; NWEA \$10.00 MBERSHIP; ONE CALL CONCEPTS \$141.10 LOCATES; OREGON TRAIL PLBG & HTG \$70.00 MAINT; PANHANDLE COOP \$18,678.33 FUEL; PANHANDLE HUMANE SOC \$4,776.24 CONTRACTUAL; PANHANDLE LIBRARY SYSTEM \$17.75 CONTRACTUAL; PAUL REED CONST \$63.04 SUPP; PEPSI COLA \$704.10 CONCESSIONS; KRISTY PETERSEN \$30.00 REFUND; PLATTE VALLEY NATL BANK \$3,745.00 TIF BOND; POSTMASTER \$553.86 POSTAGE; PRINT BROKER \$726.54 SUPP; PRINT EXPRESS \$82.00 SUPP; PRO TIRE \$3,508.08 MAINT; QUILL CORP \$203.94 SUPP; R&C WELDING & FABRICATION \$1,870.49 REPAIRS; REAMS SPRINKLER SUPP \$1,857.54 PARTS; REGISTER OF DEEDS \$60.00 RECORDING FEES; WY FIRST AID/SAFETY \$36.95 SUPP; ESQUIO RIOS JR \$18.00 UMPIRE FEES; RON'S TOWING \$125.00 TOWING; SMEC \$274.50 UNITED WAY; SANDBERG

IMPLEMENT \$81.29 SUPP; SCOTTSBLUFF BODY & PAINT \$590.00 TOWING; SCB COUNTY \$73.00 MAINT; SCB FIREFIGHTERS UNION LOCAL 1 \$195.00 DUES; SCB POLICE OFFICERS ASS'N \$378.00 DUES; SHERWIN WILLIAMS \$249.00 SUPP; SIMMONS, OLSEN, EDIGER, SELZER \$11,917.12 CONTRACTUAL; SIMON CONT \$7,136.00 SUPP; SIMON CONTRACTORS \$75.08 SUPP; SNELL SERVICES \$585.64 PARTS; SPECIAL INVESTIGATIONS \$3,000.00 HIDTA FUNDS; STAPLES \$586.20 SUPP; STAR HERALD \$17.94 NOTICE; STATE OF NE \$3.35 PHONE; STATE PATROL \$38.00 BKGRND CHK; THOMMY JOHNNYS \$1,265.00 EQUIP; TOTAL FUNDS BY HASLER \$1,300.00 POSTAGE; TOYOTA FINANCIAL SVCS \$383.99 LEASE; JOHN TRAPP \$18.00 UMPIRE FEES; TYLER TECHNOLOGIES, INC \$63,832.80 TECH FEES; UNITED CHAMBER OF COMMERCE \$129.00 TRNG; US BANK-CPS \$464.07 EQUIP,SUPPORT; USA BLUEBOOK \$338.20 SUPP; CELESTINO VEGA \$31.27 REFUND; VERIZON WIRELESS \$128.69 PHONE; VIAERO WIRELESS \$36.22 LOCATES; MIGUEL ANGEL VILLAGRANA JR \$162.00 UMPIRE FEES; STEPHEN WAECHTER \$25.00 REFUND; WALMART \$204.80 SUPP; WESTCO \$391.90 SUPP; WESTERN PATHOLOGY \$127.00 TESTING; WESTERN TRAIL SPORTS \$307.24 UNIFORMS; YMCA \$1,576.20 FITNESS; MONTY ZEILER \$126.00 UMPIRE FEES; ZMLUMBER \$9.28 SUPP.

Moved by Mayor Meininger, seconded by Council Member Deibert, "that the claim to the League of Nebraska Municipalities in the amount of \$95.00 for a conference fee be paid as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Deibert, Shaver, and Meininger, "NAYS" None. Absent: None. Abstain: Boeckner.

City Manager Kuckkahn presented a draft agreement with Scotts Bluff County for the Consolidated Communication Center. This agreement is for the upcoming budget purposes. It does include a list of member communities who will be contributing only to capital items, not maintenance. Scottsbluff's contribution request is \$140,000 for the first year, approximately the same for the second year, then declining for future years. The funding request should taper down to about \$50,000 per year after the initial equipment items are purchased.

Mayor Meininger voiced his concern about the contract as it seems to be mixing services with equipment. City Attorney Olsen agreed that it is not clear, and since this agreement would terminate the 1990 agreement, services should be included in the agreement. Staff will continue to work on the agreement, and provide a caveat that provides for services also. We will need to consider if this caveat would include a provision for services to all entities. Another issue to consider would be the number of votes Scottsbluff would have based on our population.

Mr. Kuckkahn suggested that the contract be split into two sections to address service and equipment. He explained that he does not want anything to do with managing employees for the program.

Moved by Mayor Meininger, seconded by Council Member Boeckner, "to direct staff to work with Scotts Bluff County to develop a final agreement for the Consolidated Communication Center for Council approval," "YEAS", Boeckner, Gonzales, Deibert, Shaver, and Meininger, "NAYS" None. Absent: None.

Mr. Kuckkahn presented the annual Memorandum of Understanding for the WING Task force. This provides for the day to day operations regarding the drug task force. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve the Memorandum of Understanding for the WING/HIDTA Drug Task Force and authorize the Mayor to execute the agreement," "YEAS", Boeckner, Gonzales, Deibert, Shaver, and Meininger, "NAYS" None. Absent: None.

Mr. Kuckkahn presented the 2013 non-supplanting certification which specifies that the officer who is funded by this program works strictly on the drug program. Moved by Council Member

Boeckner, seconded by Mayor Meininger, "to approve the HIDTA Program Policy 2013 Non-Supplanting Certification and authorize the Mayor to execute the certification," "YEAS", Boeckner, Gonzales, Deibert, Shaver, and Meininger, "NAYS" None. Absent: None.

City Manager Kuckkahn presented a proposal to consider removing the traffic light at 11<sup>th</sup> Avenue and 20<sup>th</sup> Street. He reported that traffic lights cost approximately \$20,000.00 each year to maintain. Dave Schaff, City Engineer, reviewed the nine warrants applied to this stop light, and reported to staff that the light is no longer warranted due to reduced traffic at this intersection. Mr. Schaff's recommendation is to remove the stop light and add stop signs for north/south traffic. Mayor Meininger voiced his concern regarding the school children who use this crossing. Mr. Richard Schank addressed the Council, saying he lives at that intersection, and feels that the lights need to stay in place. There are a large number of children using this intersection for school and going to the mall. Before the stop light was installed, he had a number of cars in his front yard from accidents.

Mark Bohl, Public Works Director, reported that the controller on that stop light is beginning to fail. Temporary stop signs could be placed at the intersection on a temporary basis to test the intersection. The controller will cost approximately \$15,000.00 to \$20,000.00 so now would be a good time to remove the stop light. Maunette Loeks, resident, commented on the speed limit and traffic flow. She feels that more stop signs may be needed to slow the traffic as 20<sup>th</sup> Street going east is a main exit from the community. Council discussed a test run without the light to see how the traffic flows and motorists respond.

Tyler Thompson, resident, reminded the Council that there is now a bar and liquor store just a few blocks to the east of this intersection, and the stop light does help slow the traffic at that intersection. Ms. Loeks also mentioned the proposed pathway which was planned for 11<sup>th</sup> Ave. Staff was directed to get more information about the pathway plans to combine with the pathway along the Scottsbluff Drain. Moved by Council Member Boeckner, seconded by Mayor Meininger, "to cover the existing stop light and install temporary North/South traffic stop signs at the corner of 11<sup>th</sup> Avenue and East 20<sup>th</sup> Street for a 90 day trial," "YEAS", Boeckner, Deibert, and Meininger, "NAYS" Gonzales, Shaver. Absent: None.

City Manager Kuckkahn presented the sprinkler inspection contract for the Library. Council Member Deibert mentioned the exclusions listed on the contract and asked who performs those inspections. Staff will review and bring the contract back to Council to make sure all suppression systems are being tested.

Mayor Meininger presented the KENO fund allocation for discussion and information to be used in the upcoming City Council budget workshop. Previous Councils have approved using KENO funds for community betterment purposes. There are other items the funds could be used for, including awarding prizes, taxes, etc. The annual revenue from KENO funds runs between \$30,000 and \$60,000 per year. In the past we have used these funds for allocated improvements to the community, which have included parks improvements, pathway ADA compliance, tree rebate program, Riverside Park, and signage. Mayor Meininger discussed the state statute which describes "community betterment" for which KENO funds can be used.

Council Member Shaver commented that he felt the Parks Department had received their fair share of KENO funds and it was time to use it for other projects. Mayor Meininger added that the definition of "community betterment" from the Nebraska State Statutes allows for many uses of KENO funds. He would like to use this as a guide and have staff make recommendations to Council. Council Member Boeckner would like to see some funding go to ADA improvements to intersections, especially those by the schools. Mr. Bohl said the cost for ADA compliant intersections would be approximately \$5,000 to \$6,000 each and he could provide a list of possible intersections for Council. Council Member Boeckner suggested doing one ADA intersection each year.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to use the definition of Community Betterment per Nebraska State Statute, to determine future KENO projects, with staff recommendations for specific projects," "YEAS", Gonzales, Boeckner, Deibert, and Meininger, "NAYS" Shaver. Absent: None.

Council introduced Ordinance No. 4105 on third reading: **AN ORDINANCE AUTHORIZING THE SALE OF LOT TWO (2) OF LOTS ONE AND TWO (1 AND 2), MACKRILL REPLAT, A REPLAT OF LOTS FOUR H AND FOUR I (4H AND 4I); MACKRILL SUBDIVISION, A SUBDIVISION IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.**

Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve Ordinance No. 4105 authorizing the sale of city-owned property at 120 5<sup>th</sup> Ave.," "YEAS", Gonzales, Boeckner, Deibert, and Meininger, "NAYS" Shaver. Absent: None.

Council introduced Ordinance No. 4106 on third reading: **AN ORDINANCE AUTHORIZING THE SALE OF LOTS 1-4, BLOCK 2, PAULMOHR ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.**

Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve Ordinance No. 4106 authorizing the sale of city-owned property located at Lots 1-4, Block 2, Paul Mohr Addition," "YEAS", Gonzales, Boeckner, Deibert, and Meininger, "NAYS" Shaver. Absent: None.

Council Member Boeckner introduced an Ordinance on first reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT PROPOSED LOT 1, SPENGLER SUBDIVISION, A REPLAT OF LOT 1, HESSLER SUBDIVISION AND UNPLATTED LAND SITUATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., IN SCOTTS BLUFF COUNTY, AND PROPOSED BLOCK 1, KING'S ACRES SUBDIVISION SITUATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., IN SCOTTS BLUFF COUNTY, BOTH OF WHICH ARE CURRENTLY ZONED AS A-AGRICULTURAL, WILL NOW BOTH BE INCLUDED IN THE AR-AGRICULTURAL RESIDENTIAL ZONE, AND REPEALING PRIOR SECTION 25-1-4.**

City Manager Kuckkahn explained that the proposed Ordinance text change amendment will provide for cell tower placements in utility sublots. Council Member Boeckner introduced Ordinance No. 4107 on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA PERTAINING TO ZONING AND SUBDIVISIONS, AMENDING SECTION 21-1-10 RELATING TO THE APPLICABILITY OF SUBDIVISION REQUIREMENTS AND AMENDING THE CODE TO EXEMPT UTILITY SUBLOTS FROM SUBDIVISION REQUIREMENTS, PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING EXISTING PROVISIONS OF THE MUNICIPAL CODE NOT CONSISTENT WITH THIS ORDINANCE.**

Moved by Council Member Boeckner, seconded by Council Member Gonzales, "That the statutory rule requiring the Ordinance to be read by title on three different days be suspended." "YEAS", Boeckner, Gonzales, Meininger, Deibert, "NAYS" Shaver. Absent: None. The motion carried having been approved by three-fourths of the Council Members.

Moved by Council Member Boeckner, seconded by Council Member Gonzales, "That Ordinance No. 4107 be adopted," "YEAS", Boeckner, Gonzales, Meininger, Deibert, "NAYS" Shaver. Absent: None.

Under Council reports, Council Member Deibert reported that he attended the Scottsbluff Senior Center Board Meeting. They have received some funding from the United Way to replace some appliances. In addition, he wanted to clarify the information from the previous meeting regarding Twin

Cities Development recommendation to the Council on the Future Food Energy (F2E) project. The recommendation stated that TCD voted unanimously to not support the project, however, they did reserve the right to change that decision if F2E provided additional information.

Moved by Council Member Boeckner, seconded by Mayor Meininger, “to adjourn the meeting at 7:05 p.m.,” “YEAS”, Boeckner, Gonzales, Meininger, Deibert, Shaver. “NAYS”: None. Absent: None.

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Mayor

ATTEST:

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City Clerk

“SEAL”

