

City of Scottsbluff, Nebraska

Tuesday, September 3, 2013

Regular Meeting

Item Consent1

Approve the minutes of the August 19, 2013 Regular Meeting.

Staff Contact: Cindy Dickinson

The Scottsbluff City Council met in a regular meeting on Monday, August 19, 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 August 16, 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 August 16, 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. The Pledge of Allegiance was recited. 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 Mayor Meininger, that:

1. "The minutes of the August 5, 2013 Regular Meeting be approved,"
2. "The claim from Cherry Cooper for property damage be acknowledged and forward to the city's insurance carrier,"
3. "September 3, 2013 at 6:05 p.m. be set as the date for a Public Hearing for the FY 2013-2014 Budget,"
4. "September 3, 2013 at 6:05 p.m. be set as the date for a Public Hearing to consider a zone change request for Part of Block 2, & Blocks 3, 4, 5, 6, 7, and 8 Rugger Hospital Addition from R-1A Single Family Residential to O & P Office and Professional,"
5. "A Public Hearing be set for September 3, 2013 at 6:05 p.m. for the purpose of considering the report of the Economic Development Citizen's Advisory Committee,"
6. "A Public Hearing be set for September 3, 2013, 6:05 p.m., for a Class X Liquor License application for PIVO Inc. DBA High Plains Budweiser," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Moved by Council Member Boeckner, seconded by Council Member Deibert, "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 August 19, 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 \$62,418.20 W/H; REGIONAL CARE \$118,860.83 INS CLAIMS; WELLS FARGO \$26,666.93 RETIREMENT; PVNB-HEALTH SAVINGS \$11,965.96 EMP DED; STATE OF NE \$20,899.55 PAYROLL TAX; NEBRASKA CHILD SUPPORT PAYMENT CENTER \$2,374.79; 1ST IMPRESSIONS \$20.80 REFUND; 3M CENTER-TRAFFIC CONTROL \$2,601.50 SUPP; 911 CUSTOM \$516.00 SUPP; ACTION COMM \$19.53 RENTAL; MARISELA AGUILAR \$42.01 REFUND; ALAMAR UNIFORMS \$879.99 UNIFORMS; ALLO COMMUNICATIONS \$4,673.88 PHONE; AMP-TECH INC \$580.00 EQUIP; AQUA PRODUCT KC \$56.51 SUPP; B&C STEEL \$452.28 PARTS; BAKER & TAYLOR \$37.18 BOOKS; BAKER & TAYLOR \$1,154.48 BOOKS; BANNER CO. SHERIFF \$24.50 CONTRACTUAL; BANNER HEALTH \$625.30 PHYSICAL; BLUFFS SAN SUPPLY \$210.10 SUPP; FARM PLAN \$512.44 SUPP; CAPITAL BUSINESS SYST \$147.37 MAINT; CASH-WA DISTRIBUTING \$728.26 CONCESSIONS; CENCON \$650.00 CONSTRUCT; NATHANIEL CHERRY \$23.40 FEES; CITY OF GERING \$40,357.12 DISPOSAL; CITY OF SCOTTSBLUFF \$118.50 SUPP; COLONIAL LIFE \$48.70 INS; CONNECTING POINT \$48.07 RENTAL; CONTRACTORS MAT \$517.89 SUPP; CORNHUSKER HOTEL \$95.00 TRNG; CREATIVE SIGNS BY COZAD \$1,300.00 CAR SIGNS; CULLIGAN \$191.00 MAINT; DALES TIRE & RETREAD \$35.00 DISPOSAL; DITCH-WITCH \$122.56 SUPP; JACOB DOUGLAS \$64.17 REFUND; DUHAMEL BROADCASTING ENT. \$325.00 PUB ED; ENVIRO SERV \$45.00 SAMPLES; FARMERS IRRIGATION DIST \$105.30 WATER; FASTENAL \$79.02 SUPP; FEDERAL EXPRESS \$80.56 SAMPLES; FERGUSON SIGNS \$4,307.00 SIGNS; LORI FERTIG \$23.40 FEES; FLOYDS SALES & SERV \$167.34 REPAIRS; FRANK IMP \$235.30 REPAIRS; ROGER FRANK \$30.67 REFUND; FREMONT MOTOR COMPANY \$1,967.71 PARTS; MONICA M GARCIA \$3.62 REFUND; GENERAL TRAFFIC CONTROLS \$637.00 REPAIRS; GERING VALLEY PLUMBING & HTG. \$26,086.50 REPAIRS; GOLD WATCH LLC \$750.00 TRANSP RECYCLE; ROBERT GOMEZ \$252.00 UMPIRE FEES; TROY GREENE \$162.00 UMPIRE FEES; HAWKINS \$3,758.25 SUPP; HEILBRUN FARM IND SUPP \$1,444.12 PARTS; JERRY HIGEL \$1,350.00 PARTS; EVERGREEN PROPERTIES \$310.00 SUPP; DAVID MICHAEL HOSPODKA \$72.00 UMPIRE FEES; BRANT HUDSON \$64.17 REFUND; MATTHEW M HUTT, PH-D \$450.00 COND OFFER; ICMA RETIREMENT TRUST \$1,106.94 RETIRE; IDEAL LINEN \$2,000.59 SUPP; IND PLMBG & HTG \$93.94 PARTS; INLAND TRUCK PARTS \$876.00 PARTS; JACK'S UNIFORM & EQUIPMENT \$2,955.47 VEHICLES; JIRDON AGRI CHEM \$58.44 SUPP; JOHNSON CASHWAY \$43.84 REPAIRS; JEFFREY JOHNSON \$31.27 REFUND; JWC ENVIROMENTAL INC \$682.32 PARTS; KAREN SUE BRUNTZ \$75.00 CONTRACTUAL; KEMBEL SAND & GRAVEL \$445.95 SUPP; KIMBALL MIDWEST \$1,241.15 SUPP; KLM ENTERPRISES \$1,400.00 HARVEST NIGHT; KRIZ DAVIS \$954.72 PARTS; DON KRUG \$4.16 REFUND; KUSTOM SIGNALS \$46.00 SUPP; JAMY A LAWSON \$54.00 UMPIRE FEES; LINCOLN JOURNAL STAR \$585.52 PAPER; LITTLE CRITTERS \$1,027.60 SUPP; LONG'S EXTERIOR DESIGN LLC \$198.75 MAINT; LYNN PEAVEY CO \$250.00 SUPP; HASLER FINANCIAL SVC,LLC \$153.09 POSTAGE LEASE; MAIN STREET APPLIANCE \$70.00 REPAIRS; MENARDS \$448.55 SUPP; PAUL MENDOZA \$216.00 SUPP; MONEY WISE OFFICE SUPPLIES \$61.80 SUPP; PETE J MORENO \$72.00 UMPIRE FEES; MURDOCHS RANCH & HOME SUPPLY \$26.23 SUPP; NE DEPT OF REV \$287.48 TAX; NE LIBRARY COMMISSION \$1,260.00 TRNG; NEBRASKA SALT AND GRAIN \$10,481.90 SUPP; NEOPOST USA INC \$599.40 POSTAGE RENTAL; NEW YORK TIMES \$426.40 SUBSCPT; O'REILLY AUTO PARTS \$16.99 PARTS; OCLC \$1,204.01 CONTRACTUAL; UPSTART ENTERPRISES, LLC \$221.00 SUPP; ONE CALL CONCEPTS \$148.00 LOCATES; OREGON TRAIL PLBG & HTG \$2,950.00 REPAIRS; PANHANDLE COOP \$36,226.39 FUEL; PANHANDLE HUMANE SOC \$4,776.24 CONTRACTUAL; PEPSI COLA \$428.50 CONCESSIONS; LESLI PERSON \$26.15 REFUND; POSTMASTER \$400.71 POSTAGE; PRAISE WINDOWS \$420.00 MAINT; PRINT BROKER \$483.28 SUPP; PRINT EXPRESS \$402.19 SUPP; PRO TIRE \$4,861.28 MAINT; QUICK CARE MED \$105.00 PHYSICAL; QUILL

CORP \$98.91 SUPP; REAMS SPRINKLER SUPP \$936.13 PARTS; RGN 1 OFC HUMAN DVLPMNT \$825.00 CONTRACTUAL; REGISTER OF DEEDS \$50.00 RECORDING; WY FIRST AID/SAFETY \$48.73 SUPP; ESQUIO RIOS JR \$72.00 UMPIRE FEES; ROBINSON ELECTRIC \$76.40 REPAIRS; SMEC \$328.50 UNITED WAY; ALESIA SALDIVAR \$250.00 REFUND; SCOTTSBLUFF BODY & PAINT \$495.00 CONTRACTUAL; SCB COUNTY \$184.00 PERMITS; SCB FIREFIGHTERS UNION LOCAL 1 \$195.00 DUES; SCOTTSBLUFF LANDSCAPING \$425.00 CONTRACTUAL; SCB POLICE OFFICERS ASS'N \$378.00 DUES; SHERIFFS OFFICE \$792.33 PAPERS SERVED; SHERWIN WILLIAMS \$3,891.50 SUPP; MARY ANN SHOCKLEY \$130.00 REFUND; SIMMONS, OLSEN, EDIGER, SELZER \$12,467.12 CONTRACTUAL; SIRCHIE \$51.63 SUPP; SLAFTER OIL \$55.65 FUEL; MAKALA SNOVER \$23.40 WITNESS FEE; SOCIETY FOR HUMAN RESOURCE MAN \$180.00 MBSHIP; STAPLES \$66.46 SUPP; STAR HERALD \$20.23 PUB NOTICE; STATE HEALTH LAB \$14.00 SAMPLES; TETRA TECH, INC \$6,395.15 STUDY; THOMMY JOHNNYS \$1,265.00 SUPP; TOTAL FUNDS BY HASLER \$1,700.00 POSTAGE; JOHN TRAPP \$162.00 UMPIRE FEES; TRI-STATE CARPORTS \$970.20 LABOR; TAMEKA UNZICKER \$20.00 FEES; US BANK-CPS \$908.67 SUPP; VAN DIEST SUPP. \$492.70 SUPP; JONATHAN VANGALDER \$54.00 UMPIRE FEES; VERIZON WIRELESS \$128.43 PHONE; MIGUEL ANGEL VILLAGRANA JR \$252.00 UMPIRE FEES; TROY WALKER \$67.84 REFUND; WALMART \$123.28 SUPP; WATCHGUARD VIDEO \$21,180.00 PATROL CAR ADD; WESTERN PATHOLOGY \$89.00 SCREENING; WINNELSON \$218.74 SUPP; MONTY ZEILER \$36.00 UMPIRE FEES; ZMLUMBER \$124.66 EQUIP.

Council reviewed the June 2013 Financial Report. There were no questions or comments from Council.

City Manager Kuckkahn presented information on the general fund projects as it relates to the 2013-2014 Fiscal Year. Finance Director Griffiths provided various projections, which increased the Code Enforcement position from part-time to full-time and an additional firefighter position to show the effects to the budget.

These projections show a reserve of \$2.3 to \$2.9 million in 10 years, depending on each scenario presented. At this time, staff is recommending increasing the Code Enforcement position to full – time and will work on scheduling with the current fire department staff. Mr. Kuckkahn noted that there are no other big changes to the budget. The bottom line is that the reserve looks very good for the next years. Council Member Boeckner was supportive of looking at alternate scheduling for the Fire Department. Council Member Shaver was not supportive of increasing the Code Enforcement activity. Mayor Meininger recommended keeping both positions plugged into the budget and continue to look at alternative scheduling for the Fire Department. Mr. Kuckkahn noted that we need to keep the reserve close to \$1.8 million, which these projections provide.

Mayor Meininger opened the Public Hearing at 6:10 p.m., which was scheduled for this date, to consider a proposal to declare a portion of the City blighted and substandard. Mike Bacon, City Attorney for the City of Gothenburg, addressed the Council, explaining that he has done a number of Tax Increment Financing (TIF) projects for his community and others. TIF financing can only occur in areas that have been designated as “blighted and substandard”. Mr. Bacon explained the reason for adding the pristine neighborhood close to the college, is because the streets are gravel, therefore qualifying for the designation. The development planned for the vacant lot being considered would include the new Reganis Car lot and a potential hotel. One of the major developments included in the blight study is the current Monument Mall. Mr. Bacon sited some of the successful developments in Omaha and Gothenburg that have utilized tax increment financing. He stressed that the designation of “Blighted and Substandard does not reduce the property value, but rather, it enables the surrounding properties to be improved. Council Member Shaver asked why the agricultural land and property by the Residency were included. Mr. Bacon explained that these may be potential properties for residential development, and stated that you can't grow commercial development without growing rooftops. TIF can be used for

affordable housing. The City of Scottsbluff cannot have more than 35% of its property designated as blighted and substandard. We are not close to this maximum with the new proposed area. This particular blight study is for the development of Reganis Auto and a hotel, however, if the entire area isn't included in the Blight and Substandard, the area would not qualify on its own. Council Member Gonzales asked if the proposed development was a part of the city's comprehensive plan. Staff will report back on the proposed use of this land.

There were no comments from the public during this Public Hearing. The Public Hearing was closed at 6:35 p.m. Council Member Boeckner added that this designation is basically a tool for development. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to accept the Blighted and Substandard plan for Area #7 by Resolution No. 13-08-01," "YEAS", Boeckner, Deibert, and Meininger, "NAYS" Shaver. "ABSTAIN", Gonzales; Absent: None.

RESOLUTION 13-08-01

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

Recitals:

a. It is necessary, desirable, advisable, and in the best interests of the City of Scottsbluff, Nebraska (the "City"), for the City to undertake and carry out redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment;

b. The Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects;

c. Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard;

d. At its regular City Council meeting on August 19, 2013, the Mayor and City Council of the City held a public hearing (the "Public Hearing") to determine whether the area more fully described on Attachment 1 (the "Redevelopment Area") should be declared blighted and substandard, and in need of redevelopment, as required by the Act;

e. The City published and mailed notices of a public hearing regarding the consideration of declaring property to be blighted and substandard pursuant to Section 18-2115 of the Act;

f. The Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a blight and substandard determination analysis (the "Blight Study") prepared by Charles K. Bunger, Attorney at Law;

g. The Blight Study was forwarded to the Planning Commission of the City for its review and recommendation and the Mayor and City Council reviewed the recommendations received from the Planning Commission; and

h. The Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

Resolved that:

1. The Redevelopment Area is declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area for meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Redevelopment Area is more particularly described on Attachment 1.
2. The Redevelopment Area is further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(11) of the Act, as described and set forth in the Blight Study.
3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is found to be a public purpose and declared to be in the public interest.
4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect to the Redevelopment Area.
5. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on August 19, 2013.

Mayor

ATTEST:

City Clerk (Seal)

Assistant City Manager Nathan Johnson presented quotes for a new server for the Lied Scottsbluff Public Library. The current server is 8 years old and an upgrade is required. Staff reviewed the three local bids and recommended Connecting Point as the best and lowest quote of \$6,273.00 for this server. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to award the bid for the server for the Lied Scottsbluff Public Library to Connecting Point in the amount of \$6,273.00 as the best and lowest quote," "YEAS", Boeckner, Deibert, Gonzales and Meininger, "NAYS" Shaver. Absent: None.

City Manager Kuckkahn explained the final plat located in the city's extraterritorial. Moved by Council Member Boeckner, seconded by Mayor Meininger, "to approve the final Plat for Tracts 18A and 19A, Weber's Tracts, a replat of Tracts 17, 18, and 19, Weber's Tracts and replat of Tracts 16 and 17 Weber's Tracts and approve Resolution No. 13-08-02, "YEAS", Boeckner, Deibert, Gonzales, Shaver and Meininger, "NAYS" None. Absent: None.

RESOLUTION NO. 13-08-02

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

That the final plat of Tracts 18A and 19A, Weber's Tracts, a replat of Tracts 17, 18, and 19, Weber's Tracts, and replat of Tracts 16 and 17, Weber's Tracts, situated in part of Government Lot 5, in the Southeast Quarter of Section 20, T22N, R55W, of the 6th P.M, Scotts Bluff County, Nebraska dated July 17, 2013, duly made, acknowledged and certified, is approved. Such Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 19th day of August 2013.

Mayor

Attest:

City Clerk

SEAL

City Attorney Howard Olsen gave a presentation on the Council's Code of Conduct. He developed guidelines in 2003, which have been reviewed and minor changes made. Many of the items are based on common sense, civility and commitment to each other to conduct business productively. He reminded the Council that there are no laws that require a Code of Conduct be adopted. The City Council is comprised of a wide variety of backgrounds with varying opinions. A healthy Council can agree to disagree and maintain order while making important decisions. The Council is to be reminded that all comments are public, and the media may report comments.

Scottsbluff has a City Manager form of government, so any issues with employees need to be handled by the City Manager.

Council Members should not make promises to the public unless directed to do so by the City Council.

Regarding conflict of interest, there are accountability statutes which require the Council Member to declare a conflict if they serve on a board or have a personal conflict with an item being discussed. The Council has addressed this and the proper forms and actions are in place.

Mr. Olsen also discussed the use of email among Council Members, which should only be used for informational purposes. Mayor Meininger voiced his appreciation to the Legal staff for the continued support they provide to the City Council.

Mr. Kuckkahn presented a contract from Scott Rempe for the purchase of property located on Avenue B, Block Two, Webber Manor Subdivision, for \$20,000.00. Since this property is located adjacent to the Scottsbluff Drain Stormwater Lift Station, Council previously asked for a recommendation from the Scottsbluff Drain Board regarding the sale of this city-owned property. The Drain Board provided a positive recommendation under the conditions that the loss of retention in the drain is mitigated and the city is able to keep access for maintenance and operations of the drain and lift

station. The purchaser must be willing to fill in the drain for every square yard built, that amount would need to be removed from the drain.

Mr. Kuckkahn noted that we want to avoid selling properties for future profit by the purchaser. In this case, Mr. Rempe has provided a letter stating his intention of developing the property and his commitment to keeping the property maintained. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the contract from Scott Rempe to purchase the city-owned property located at Block Two, Webber Manor Subdivision, for \$20,000.00," "YEAS", Boeckner, Deibert, Gonzales, Shaver and Meininger, "NAYS" None. Absent: None.

Mayor Meininger introduced the Ordinance which was read by title on first reading: AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 2, WEBBER MANOR SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.

City Manager Kuckkahn presented a resolution for construction of Avenue I from South Beltline to 27th Street. Moved by Council Member Boeckner, seconded by Mayor Meininger, "to approve Resolution No. 13-08-03 authorizing the construction of Federal aid Project URB-5703(2), Avenue I from South Beltline to 27th Street," "YEAS", Boeckner, Deibert, Gonzales, Shaver and Meininger, "NAYS" None. Absent: None.

Regarding the insurance renewal with the League Association of Risk Management (LARM), Council Member Boeckner declared a conflict of interest as he is a member of the LARM Board. Moved by Mayor Meininger, seconded by Council Member Shaver, "to declare a conflict of interest for Council Member Boeckner regarding the insurance renewal with the League Association of Risk Management and excuse him from discussing or voting on the item," "YEAS", Boeckner, Deibert, Gonzales, Shaver and Meininger, "NAYS" None. Absent: None.

City Manager Kuckkahn explained that our insurance rates have increased as a result of two recent hail storms and additional claims. The LARM Board had voted on a 15% increase in premiums including a 3% inflationary increase, however, our increase was much greater. Mr. Kuckkahn explained that the reason we originally joined LARM was because we had a few years with high claims, and our private carrier did not want to cover us any longer. The advantages of LARM includes additional services beyond what the private companies can provide. Council agreed that they would like to have a presentation by a LARM representative to explain the increase, concentrating only on our policy. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to table the Resolution regarding the renewal of participation in the League Association of Risk Management (LARM)," "YEAS" Deibert, Gonzales, Shaver and Meininger, "NAYS" None. Absent: None. Abstain: Boeckner.

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

Mayor

ATTEST:

City Clerk

"SEAL"