

City of Scottsbluff, Nebraska

Monday, November 18, 2013

Regular Meeting

Item Consent1

Approve the minutes of the November 4, 2013 Regular Meeting.

Staff Contact: Cindy Dickinson

The Scottsbluff City Council met in a regular meeting on Monday, November 4, 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 November 1, 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 November 1, 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: Raymond Gonzales, Mark McCarthy, 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 Gonzales, seconded by Council Member Deibert, that:

- a) "The minutes of the October 21, 2013 Regular Meeting be approved,"
- b) "A public hearing be set for November 18, 2013, 6:05 p.m., regarding the acquisition of property located at 1308 E. 17th Street, Scottsbluff,"
- c) "The City Manager's appointment of Megan Heyward to the Parks, Recreation and Cemetery Board be approved,"
- d) "The City Manager's appointment of David Gompert to the Planning Commission be approved," "YEAS", Gonzales, Deibert, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

Moved by Council Member Gonzales, 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 November 4, 2013, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Deibert, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

CLAIMS

ABBIGAIL YELLMAN,REIMB,27.13; ACTION COMMUNICATION INC.,PAGER RENT,19.53; AIR CYCLE,DISPOSAL FEE,996.80; AIRPORT DEVELOPMENT,LLC,BOND PAYMENT,17573.21; ANITA'S GREENSCAPING,RAIN GDN MAINT/IMPROVE,390.98; BAKER & TAYLOR CO,BOOKS,330.53; BATTERY ZONE,DEPT SUPP,63.95; BLUFFS SANITARY SUPPLY INC.,DEPT

SUPPLIES,161.87; BROWN NELSON ELECTRIC,EFFLUENT BLDG MAINT,90.86; CAPITAL BUSINESS SYSTEMS INC.,EQUIP MAINT,76.07; CARR TRUMBULL LBR INC.,BUILD. MAIN.,149.34; CEMENTER'S INC,CEMENT,232.74; CENTURY LUMBER CENTER,DEPT SUPPLIES,54.59; CIRRUS HOUSE APT LLP,TREE REBATE,99.98; CITY OF GERING,HIDTA REIMB,2721.13; COLONIAL LIFE & ACCIDENT INS CORP, I,CONVERSION INVOICE,48.70; COMFORT INN-GRAND ISLAND,TRAINING,73.91; CONSOLIDATED MANAGEMENT,TRAINING,209.25; CONTRACTORS MATERIALS INC.,EQUIP MAINT,227.22; CREDIT MANAGEMENT SERVICES INC.,CONVERSION INVOICE,203.42; CULLIGAN INC.,BLDG MAINT,16.20; D&D COMMUNICATIONS,EQUIP MAINT,461.05; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,3885.63; ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MTNC,401.72; ENERGY LABORATORIES, INC,SAMPLES,108.00; ENVIRO SERV INC,SAMPLES,135.00; FASTENAL CO.,SUPP,15.48; FEDERAL EXPRESS CORP.,SHIPPING FEES,98.84; FLOYD'S SALES & SERV INC.,VEHICLE MTNC,95.64; FRED PRYOR SEMINARS,SCHOOLING,199.00; FREMONT MOTOR SCOTTSBLUFF,LLC,VEHICLE MTNC,46.05; GENERAL TRAFFIC CONTROLS, INC,SUPP,572.09; GOLD WATCH LLC,DISPOSAL FEES,3000.00; HARRIS COMPUTER SYSTEMS,TECH SPRT,4743.40; HAWKINS, INC.,CHLORINE,1308.10; HD SUPPLY WATERWORKS, LTD,METER SUP,51,926.05; HEILBRUN FARM IND SUPP.INC.,EQUIP MAINT,297.21; HOME DEPOT CREDIT SERVICES,BLDG MAINT,99.01; HULLINGER GLASS & LOCKS INC.,DEPT SUP,7.75; HYDROTEX,FUEL SUPP,732.35; ICMA RETIREMENT TRUST-457,CONVERSION INVOICE,1106.94; IDEAL LINEN SUP INC.,DEPT SUP,199.99; INDEPENDENT PLUMBING & HEATING, INC,BUILD. MAIN,80.00; INTERNAL REVENUE SERVICE,FED,FICA,MED W/H,58639.59; JOHN DEERE FINANCIAL,UNIFORMS,3752.34; KIMBALL MIDWEST,SUPP,1058.61; KRIZ-DAVIS COMPANY INC.,ELECT. SUPP,262.38; LEAGUE ASSOC OF RISK MANAGEMENT,INS.RENEWAL,542,866.00; LOGAN CONTRACTORS SUPPLY INC,PARTS,61.65; LYNN GARTON,ADV TRAVEL,89.00; M.C. SCHAFF & ASSOC, INC,SB DRAIN REDESIGN,1767.50; MAILFINANCE INC,RENT MACHINE,345.00; MATHESON TRI-GAS INC,SUPP,181.10; MATTHEW M HUTT, PH-D,CONTRACTUAL SVC,450.00; MB COMPANIES, INC,PARTS,399.21; MENARDS,BLDG MAINT,297.93; MID-CONTINENT SAFETY,EQUIP REPAIR,23.19; MIDWEST MAILING SYSTEMS INC,DEPT SUPPL,170.00; MONEY WISE OFFICE SUPPLIES,DEPT SUPPLIES,323.00; NAT'L REC & PARK ASSOC.,MEMBERSHIPS,390.00; NE CHILD SUPPORT PAYMENT CENTER,CHILD SUPPORT,2217.16; NE DEPT OF REVENUE,STATE PYRL W/H,17740.11; NE LAW ENFORCEMENT TRAINING CENTER,TRAINING,10.00; NE LIFE MAGAZINE,SUBSCRIPTIONS,24.00; NEBRASKA MACHINERY COMPANY,EQUIP MAINT,4434.20; NEBRASKA MUNICIPAL CLERKS' ASSOC.,ANN DUES,35.00; NEBRASKA SALT AND GRAIN,DE-ICER,472.50; NEBRASKA STATEWIDE ARBORETUM,RAIN GARDEN PLANTS,192.00; NORTHWEST PIPE FITTINGS, INC. OF SCB,GROUND MAINT,68.78; NPPD,ELECTRIC,63,950.57; OREGON TRAIL PLBG & HTG INC,BLDG MAINT,218.00; PANHANDLE AREA DEVELOP DIST.,MEMBERSHIP,11,656.60; PANHANDLE RC&D,DUES,300.00; PLATTE VALLEY BANK,HSA EE & ER,11,975.96; POSTMASTER,POSTAGE,481.93; PRINT BROKER,DEPT SUPP,1559.82; PRINT EXPRESS,500.00 - EPM PERMITS,203.90; QUILL CORP,SUPPLIES,257.68; RCI,HEALTH PREM,57,645.43; RED BARN SHOP LLC,EQUIP MAINT,135.00; REGIONAL WEST MEDICAL CENTER,DEPT SUP,246.20; REGISTER OF DEEDS,LEGAL FEES,52.00; RESPOND FIRST AID SYSTEMS,DEPT SUPPLIES,68.99; SMEC,EMPLOYEE DEDUCTIONS,261.50; SANDBERG IMPLEMENT, INC,EQUIP MAINT,102.87; SCB FIREFIGHTERS UNION LOCAL 1454,UNION DUES,195.00; SCB POLICE OFFICERS ASS'N,UNION DUES,396; SCB TENT & AWNING,EQUIP REPAIR,54; SENSUS METERING SYSTEMS,SOFTWARE SUPPORT,1732.50; SHERIFF'S OFFICE,HIDTA OT REIMB,3079.50; SLAFTER OIL CO INC.,OTHER FUEL,146.90; SOURCE GAS,MONTHLY FUEL,1321.93; STAPLES,CONVERSION INVOICE,415.89; STATE HEALTH

LAB,SAMPLES,950.00; STATE OF NE.,CONTRACT SVCS,945.00; STATE OF NEBR-DEPT OF ADMIN SVC,MONTHLY LONG DISTANCE-OCT,141.21; STATE PATROL,HIDTA OT REIMB,3361.76; STEVE SCHANAMAN,ADV TRAVEL,110.00; THE SHERWIN-WILLIAMS CO,DEPT SUP,48.34; TOYOTA FINANCIAL SVCS,HIDTA CAR LEASE,383.99; TYLER TECHNOLOGIES, INC,CONSULT SERVICES,1625.00; U S WELDING,INC,DEPT SUPPLIES,51.78; UPSTART ENTERPRISES, LLC,DEPT SUPPLIES,25.98; US BANK-CPS,TRAINING,424.39; VERIZON WIRELESS,CELL PHONES,481.36; VIAERO WIRELESS,DIGGERS LOCATES,37.39; VOGEL PAINT - TED'S COOK PAINT,SUPP,16.70; WALMART COMMUNITY/GEMB,DEPT SUPL,39.41; WELLS FARGO BANK N.A.,RETIREMENT,28,253.45; WESTERN PATHOLOGY CONSULTANTS, INC,CONT SVC,275.00; WINKLER ELECTRIC INC,ELECT MAINT,159.08; WINTER EQUIPMENT CO, INC,PARTS,2532.50.

Moved by Mayor Meininger, seconded by Council Member Deibert, "to remove from the table the manager application for Applebee's liquor license," "YEAS", Gonzales, Deibert, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

Margaret Stine, with Applebee's Neighborhood Grill and Bar, approached the Council to explain her role as manager of the Liquor License. She explained that she manages the licenses for all Nebraska Applebee's locations. The policy they have adopted includes immediate termination for any employee who serves to a minor. In addition, the manager on duty is also disciplined. All personnel who serve alcohol receive the alcohol training upon hire and twice a year. Mayor Meininger expressed his concern that usually the liquor license manager works on location and asked Ms. Stine how she would control alcohol sales. She explained that she is on location at least two times each year and the area director makes visits every two weeks. She explained that the proper sale of alcohol is strictly enforced and the company is very passionate about their responsibility and service to the community. The alcohol is stored in a locked closet with access restricted to the bar manager and general manager.

City Attorney Olsen questioned Ms. Stine about the location of the Area Director and responsibilities of the Bar Manager and General Manager. The Area Director is based in Cheyenne and visits our local Applebee's every two weeks. The Bar Manager and General Manager are responsible for ordering alcohol and the safekeeping of the products in a locked cabinet. As Manager of the Liquor License, Ms. Stine also has contact with the employees through webinars and contact calls. Their alcohol server training has been recognized nationally. Chief Spencer interviewed Ms. Stine and has no concerns regarding her role as manager of the Applebee's Liquor License.

Moved by Council Member Gonzales, seconded by Council Member McCarthy, "to forward a positive recommendation to the Nebraska Liquor Control Commission for Margaret Stine as the liquor license manager at Applebee's Neighborhood Grill and Bar, located at 2621 5th Ave., Scottsbluff," "YEAS", Gonzales, Deibert, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

Council reviewed the claim submitted by Jim Graff for reimbursement for paving his alley. Staff investigated this claim and reported that Mr. Graff had an agreement with the City regarding use of this alley, of which he has not complied. Staff is recommending denial of the claim. Moved by Mayor Meininger, seconded by Council Member Shaver, "to deny the claim from Jim Graff in the amount of \$850.00 for alley maintenance of the 1700 Block of Ave. E," "YEAS", Gonzales, Deibert, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

City Manager Kuckkahn presented the bids on the new street sweeper for Transportation. Both bids were from Nebraska Environmental, one for a demonstration sweeper and one for a new model. The new unit was only \$2500.00 more than the demo. Staff is recommending approving the bid for the new unit, which is less than the amount budgeted. Moved by Mayor Meininger, seconded by Council Member Deibert, to award the bid for a new, six wheel street sweeper for the Transportation Department to

Nebraska Environmental in the amount of \$126,306.00,” “YEAS”, Gonzales, Deibert, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

Mr. Kuckkahn presented the agreement with ETS, a credit card merchant that will offer lower credit card processing fees and who’s servicing works seamlessly with our new software. This agreement will switch our credit card service for customer’s utility payments. This will provide lower fees for these payments. The savings will be approximately \$500.00 per month. Mr. Kuckkahn and Mayor Meininger complimented Finance Director Griffiths on the conversion to the new software, which is currently in process and will allow for the new credit card merchant. Moved by Council Member Shaver, seconded by Council Member Deibert, “to approve the credit card merchant agreement with ETS and approval of terminal rental agreement with ETS,” “YEAS”, Gonzales, Deibert, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

Mr. Kuckkahn presented the contract with Seewald Construction to complete the Diamond Bright work on the Westmoor Pool. He informed the Council that Sewald is one of two companies who do this type of work. Their schedule is very unpredictable and there are no guarantees that the work will be completed by the time the pool opens. Moved by Council Member Deibert, seconded by Council Member McCarthy, “to approve the agreement and authorize the Mayor to sign the agreement with Seewald Construction for work to be done at the Westmoor Swimming Pool,” “YEAS”, Gonzales, Deibert, McCarthy and Meininger, “NAYS” Shaver. Absent: None.

Council reviewed the contract with Scotts Bluff County approving the remote locations of KENO at Racks Wine and Spirits and the Sugar Club. This is a three year contract which is required for the KENO operation. Moved by Council Member Deibert, seconded by Council Member McCarthy, “to approve the Keno Remote Location Operating Agreement with Scotts Bluff County for Racks Wine and Spirits, 1402 East 20th Street and the Sugar Club, 705 East Overland and authorize the Mayor to execute the agreement,” “YEAS”, Gonzales, Deibert, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

City Manager Kuckkahn explained the changes in the Ordinance dealing with fees for proposed budgeted fees charged for water, wastewater, environmental services, and miscellaneous fees. Department heads reviewed fees as they relate to their departments and made recommendations based on comparisons with other communities for increases or amendments to the fees. Council Member Deibert introduced the Ordinance which was read by title on first reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING SEWER USER FEES AT CHAPTER 6 ARTICLE 6, INCLUDING SURCHARGE FOR STORMWATER REGULATORY REQUIREMENTS, AMENDING AND CHANGING THE SOLID WASTE COLLECTION FEES AT CHAPTER 6 ARTICLE 6, WATER SERVICE FEES AT CHAPTER 6 ARTICLE 6, PARKING FEES AT CHAPTER 6 ARTICLE 6, AND MISCELLANEOUS POLICE FEES FOR POLICE SERVICES AND PERMITS AT CHAPTER 6 ARTICLE 6, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Meininger presented Council Member Deibert with a plaque expressing appreciation for the three years of service that he has served on the City Council. Mayor Meininger highlighted the work Council Member Deibert has done to get the pathway project extended and assistance with the walkability study. Council Member Deibert commented that he hopes he has made a difference in the community during his service on the City Council. He added that Scottsbluff is a fantastic community and hopes to see it listed as one of the top ten cities in which to live. Council Member Deibert will be moving to Lincoln for his job duties. His resignation from the Council will be effective as of November 8, 2013.

Under Council Reports, Mayor Meininger explained that the process for filling Council Member Deibert’s vacancy will be similar to the one when Mr. Boeckner’s Council seat was vacated last month. A notice and press release have been published stating that letters of interest can be submitted to the City Clerk by November 13, 2013 at noon. The Council will decide when to interview the candidates at the

November 18, 2013 meeting; the election of the new council member will take place at the December 2, 2013 meeting; and the new council member will be sworn in on December 16, 2013.

Moved by Council Member McCarthy, seconded by Council Member Deibert, "to adjourn the meeting at 6:30 p.m.," "YEAS", Deibert, McCarthy and Meininger, "NAYS" Gonzales, Shaver. Absent: None.

Mayor

ATTEST:

City Clerk

"SEAL"