

# **City of Scottsbluff, Nebraska**

**Monday, December 16, 2013**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the December 2, 2013 Regular Meeting.**

**Staff Contact: Cindy Dickinson, City Clerk**

The Scottsbluff City Council met in a regular meeting on Monday, December 2, 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 29, 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 29, 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 Deputy City Clerk Burbach 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, and Scott Shaver. Absent: 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 Shaver, that:

1. "The minutes of the November 18, 2013 Regular Meeting be approved,"
2. "The City Hall office be closed to the public on January 9 and 10, 2014 due to utility software conversion," "YEAS", Gonzales, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

Moved by Council Member Gonzales, seconded by Council Member McCarthy, "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 December 2, 2013, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

#### CLAIMS

ALAMAR UNIFORMS, UNIFORMS, 364.31; ALTITUDE TRAINING ASSOCIATES, STORMWATER TRAINING, 1000; AM WATER WORKS ASSOC INC, MEMBERSHIP, 174; AMAZON.COM HEADQUARTERS, BKS, 46.81; ANTHONY KOERNER, ADV TRVL, 75; ASSOC SUPPLY COMPANY, INC, BLD MTC, 1124.42; ATCO MANUFACTURING COMPANY, DEP SUP, 64.47; B & C STEEL CORPORATION, BIOSOLIDS BLDG ADDN, 6218.36; BAKER & TAYLOR CO, BKS, 35.8; BLUFFS SANITARY SUPPLY INC., JAN. SUP., 353.46; BROWN NELSON ELECTRIC, EQUIP MAINT, 241.82; BYTES COMPUTER & NETWORK SOLUTIONS, DEPT. SUPPLIES, 805.79; CAPITAL BUSINESS SYSTEMS INC., CPR MNT, 209.04; CAREERTRACK, SUPERVISOR TRAIN, 199; CHADRON MEDICAL CLINIC, P.C., CONTRACTUAL, 392; COLONIAL LIFE & ACCIDENT INS CORP, I, SUPP INS, 48.7; CONNECTING POINT INC, DEPT. SUPPLIES, 887;

CONSOLIDATED MANAGEMENT, TRAINING, 561.25; CONTRACTORS MATERIALS INC., SUPP, 438.55; CREDIT MANAGEMENT SERVICES INC., WAGE ATTACHMENT, 203.42; CRESCENT ELECT. SUPPLY COMP INC, ELECT. BOXES, 708.38; DALE FOOTE, ADV TRVL, 15; DALE'S TIRE & RETREADING, INC., EQP MTC, 28.95; DEUEL COUNTY SHERIFF DEPT, LEGAL FEES, 27.5; DOUGLAS PRODUCTS & PACKAGING, TRAINING, 300; EDDY GONZALEZ, UTILITY REF, 75.7; ENVIRO SERV INC, SAMPLES, 135; FASTENAL CO., SYSTEM MAINT, 42.23; FEDERAL EXPRESS CORP., SHIPPING FEES, 305.47; FLOYD'S SALES & SERV INC., VEHICLE MTNC, 550.2; FRANCISCO'S BUMPER TO BUMPER INC, VEH MTC, 1093.85; FRANK IMPLEMENT INC., EQP MTC, 35.84; FREMONT MOTOR SCOTTSBLUFF, LLC, VEHICLE REP, 785.35; GOLD WATCH LLC, HAULING RECYCABLES, 750; HAWKINS, INC., CHLORINE, 1588.9; HEILBRUN FARM IND SUPP. INC., VEHICLE MAINT, 467.76; ICMA RETIREMENT TRUST 457, DEF COMP, 1125.14; IDEAL LINEN SUP INC., SUPP, 272.78; J G ELLIOTT CO. INC., BOND, 100; J.D.'S ACE BODY SHOP, VEH MTC, 2755.8; JIM HARRISON, SCL&CON, 39; JOHN DEERE FINANCIAL, UNIFORM SUP, 139.96; JOHN DEERE FINANCIAL, DEP SUP, 14.99; JOHN DEERE FINANCIAL, SUPP, 4.95; KYLER BRUNZ, SCL&CON, 39; LANCE KITE, REIMB TRVL EXP, 48; LOGAN CONTRACTORS SUPPLY INC, JOINT SEALANT, 31.54; LYNN PEAVEY CO INC, INVEST SUPPL, 111; M.C. SCHAFF & ASSOC, INC, OCTOBER 2013, 1492.75; MENARDS, DEPT SUP, 259.18; MONEY WISE OFFICE SUPPLIES, DEPT SUPPL, 475.8; MONUMENT PREVENTION COALITION, CONTRACTUAL, 880; MUNICIPAL SUPPLY, INC., DEPT SUP, 1044.92; NAT'L FIRE PROTECTION, FIRE CERT, 250; NE ASS'N OF POLICE CHIEFS, MEMBERSHIP, 50; NE DEPT OF ENVIRONMENTAL CONTROL, SRF LOAN PMTS, 334189.77; NE DEPT OF REVENUE, OCT 2013 SALES & USE TAX, 28793.18; NE LIBRARY COMMISSION, EMP TRG, 10; NE REC & PARKS ASSOC, MEM, 120; NE SAFETY & FIRE EQUIPEMENT INC., SUPP, 923; NORTHWEST PIPE FITTINGS, INC. OF SCB, GRD MTC, 508.69; NPPD, ELECTRIC, 60191.72; OCLC, INC, CAT SVC, 166.37; O'REILLY AUTOMOTIVE, INC, VEHICLE MAINT, 13.66; PANHANDLE COOP INC., FUEL, 3733.26; PERRY MADER, SCHOOL & CONF, 65; PLATTE VALLEY BANK, BOND PAYT., 125745; POSTMASTER, POSTAGE, 176.19; PRINT BROKER, DEPT SUPPL, 308; RANDY'S AUTO SERVICE, UTILITY REF, 31.27; RCI, FLEX & MED CLAIMS, 78, 146.42; REGION I OFFICE OF HUMAN DEVEL, CONTRACTUAL SERVICES, 825; REGISTER OF DEEDS, LEG FEE, 50; RESPOND FIRST AID SYSTEMS, SUPP, 32.77; RICK DEEDS, SCL&CON, 39; ROOSEVELT P P DIST, ELECTRIC, 1672.18; S M E C, EMPLOYEE DED, 249.5; SCB FIREFIGHTERS UNION LOCAL 1454, UNION DUES, 195; SCB POLICE OFFICERS ASS'N, UNION DUES, 378; SCOTTSBLUFF LANDSCAPING INC, STORMWATER PROJECT SUP, 1528; SHANE T DENNIS, UTILITY REF, 65.86; SIMON CONTRACTORS, CONCRETE, 3717.89; SIRSIDYNIX, DPT SUP, 364.5; SLAFTER OIL CO INC., EQUIP REP, 76.3; SNELL SERVICES INC., ELC MTC, 960.85; SPECIAL INVESTIGATIONS, GRANT-ALCOHOL, 408; STAPLES, OFFICE SUP, 143.97; STATE HEALTH LAB, SAMPLES, 368; STATE OF NE., CONTRACTUAL, 525; STATE PATROL, HIDTA OVERTIME WAGES, 123.92; STEPHANIE M CURR, UTILITY REF, 31.27; THE SHERWIN-WILLIAMS CO, BDG MTC, 112.73; TIMOTHY SHASKE, SCL&CON, 39; TOMMY'S JOHNNY'S INC, CON SVC, 150; TOTAL FUNDS BY HASLER, PSTG, 500; TYLER TECHNOLOGIES, INC, CONTR. SERV., 7959.04; UNIQUE MANAGEMENT SERVICES, INC, C. SVCS, 465.4; UPSTART ENTERPRISES, LLC, DEP SUP, 33.36; US BANK, BOND PAYT, 239318.75; US BANK-CPS, EQUIP MAINT, 836.72; USA BLUEBOOK, SYSTEM MAINT, 229.19; VISTABEAM, CON SRV, 16; WALMART COMMUNITY/GEMB, DEPT SUPP, 158.84; ZM LUMBER CO., DEP SUP, 78.55.

Council discussed the request for a permit for a horse and carriage operation from Margaret Blaha. The legal department has researched the codes and found there isn't an ordinance that addresses this type of business. City Attorney Olsen explained that the definition of vehicle found in our ordinance included this horse and carriage. There are a number of items that would need to be considered for a new ordinance allowing a horse and carriage operation. Mr. Olsen explained that for now, a taxi cab license would work

for a temporary license during the holiday season until an ordinance is created. Moved by Mayor Meininger, seconded by Council Member Shaver, "to have staff work with Margaret Blaha to permit her horse and carriage operation under the current taxi cab licensing process until a separate licensing procedure and Ordinance can be developed," "YEAS", Gonzales, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

Mayor Meininger opened the public hearing at 6:05 p.m. as scheduled for this date to consider the Preliminary Plat for Blocks 1 through 7, Reganis Subdivision. Mr. Kuckkahn explained that staff was concerned about the review process, and suggested that a third party look at the preliminary plat. Baker and Associates will conduct the additional review on this plat. Mr. Kuckkahn explained the preliminary plat, pointing out the commercial development and residential lots. Mr. Dave Schaff with M.C. Schaff and Associates approached the Council and explained that he is part of the development team for this project. He informed Council that the sanitary sewer will need to be relocated for this project. Mayor Meininger added that since there will be a third party looking at the plat, an additional review will take place by the planning commission. There were no further comments by the public. Mayor Meininger closed the public hearing at 6:20 p.m.

Mayor Meininger opened the public hearing at 6:20 p.m. as scheduled for this date to consider the zone change requests for the Reganis Subdivision. Mr. Kuckkahn explained the rezone request which will adjust the current zoning in this area, changing .80 acres to Residential and 3.22 acres rezoned to Neighborhood & retail Commercial. There were no comments by the public. Mayor Meininger closed the public hearing at 6:25 p.m.

Mayor Meininger introduced the Ordinance which was read on first reading by title: AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT REAL ESTATE IN THE IDLEWYLDE ADDITION, IN THE CITY OF SCOTTSBLUFF CONTAINING AN AREA OF 0.80 ACRES, MORE OR LESS, WHICH IS CURENTLY ZONED AS C-2, WILL NOW BE INCLUDED IN THE R-1 SINGLE FAMILY RESIDENTIAL ZONE, AND REPEALING PRIOR SECTION 25-1-4.

Mayor Meininger introduced the Ordinance which was read on first reading by title: AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT REAL ESTATE IN THE IDLEWYLDE ADDITION, IN THE CITY OF SCOTTSBLUFF CONTAINING AN AREA OF 3.22 ACRES, MORE OR LESS, WHICH IS CURENTLY ZONED AS R-1, WILL NOW BE INCLUDED IN THE C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL ZONE, AND REPEALING PRIOR SECTION 25-1-4.

City Manager Kuckkahn explained that a developer had requested consideration of a city ordinance which requires individual water and sewer taps for each building on a property, as they are interested in only having one tap for multiple buildings on their development. Kelley Strey with B & C Steel approached the Council and explained that he is working on the Skiles Industry project by the airport. They are building two buildings with the same owner, same use and would like to have one water and sewer tap for both buildings. City Manager Kuckkahn explained the reasons why we currently require one tap for each building, which is in place if the property is ever split and sold to separate owners. The main issue involves the problems with billing. Mayor Meininger suggested amending the ordinance to allow for only one tap for multiple buildings if they are common use and common ownership. If the property is split, there needs to be a requirement for additional meters. Council directed staff to review the ordinance and work on a solution to this particular issue.

Mr. Kuckkahn presented the bids for a new compost windrow turner. The staff has recommended awarding the bid for a new Compost Windrow Turner for the Wastewater Department to N40, LLC, in the amount of \$340,600.00. Staff has inspected the equipment and was satisfied with the quality of the

equipment bid from Murphy Tractor, which substantially met all specifications. Mr. Ryan Puckett with Power Screening LLC addressed the Council and felt that the bid they submitted was the only one that complied with the bid specifications. They were the only company who brought the actual machine for a demonstration of the windrow turner. Lynn Garton, Wastewater Supervisor, commented that when they developed the bid specifications, they looked at current equipment options from the three firms who submitted bids. Cody Isom, Wastewater Department, visited a couple of composting sites and inspected the equipment. Murphy Tractor submitted a bid for equipment that was substantially less expensive, but still performed satisfactorily. Council Member Shaver asked if the other bidders were contacted regarding staff's willingness to look at equipment with fewer options. Mr. Garton said they did not contact them. The equipment they are recommending be purchased does have the necessary features and staff could not support spending \$100,000 – \$200,000 more for the other equipment. Council Member Shaver commented that if the standards change, we should contact the other bidders. Mr. Kuckkahn stated that we need to provide equipment that suits our needs. The specifications are not to be interpreted as restrictive, but rather as a measure of the safety, quality and performance against which all equipment bids will be compared. Consideration will not be confined to price only, contract will be awarded for the equipment which best serves the interests of the City of Scottsbluff when cost, equipment, safety, quality and delivery are considered. The City of Scottsbluff reserves the right to reject any or all bids or any part thereof, and to waive any minor technicalities. He added, these are high price pieces of equipment and it is important that we consider the interest of the taxpayer.

Mr. Garton explained that they used guidelines from Power Screening for the specifications, and included a disclosure regarding the guidelines in the specifications. City Attorney Howard Olsen questioned whether needs and specifications are two different things. Mr. Garton explained that the differences between the pieces of equipment were insignificant. Mr. Olsen commented that minor differences will exist, he is mainly concerned if there are major differences. Mr. Todd Dunderdale and Mr. Ryan Puckett, representing the companies that supply equipment to Power Screening were also present to offer additional information about their equipment.

Tom Murphy from Murphy Tractor gave the Council additional information on the equipment and their bidding process. Michael McCusker, who supplies equipment to Murphy Tractor explained the differences between their equipment and the equipment from Power Screening.

Ryan Puckett from Power Screening clarified, that the difference in just this one piece of equipment was \$50,000.00 which included an extended warranty. Mayor Meininger clarified that the difference was actually \$61,400.00 for the record.

Moved by Council Member Gonzales, seconded by Council Member Shaver, "to reject the bids received for the new Compost Windrow Turner for the Wastewater Department and re-bid the equipment," "YEAS", Gonzales, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

Moved by Council Member McCarthy, seconded by Council Member Shaver, "to reject the bids received for the new low speed, high torque Shredder for the Environmental Services Department and re-bid the equipment," "YEAS", Gonzales, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

Moved by Council Member Shaver, seconded by Council Member McCarthy, "to reject the bids received for the new Mobile Star Screen for the Wastewater Department and re-bid the equipment," "YEAS", Gonzales, Shaver, McCarthy and Meininger, "NAYS" None. Absent: None.

Assistant City Manager Nathan Johnson presented the bids received for the downtown streetscape from Dropseed and Big Muddy Workshop. Proposals were reviewed by Mr. Johnson, Amy Seiler (Nebraska Forest Services), and Annie Folck, Stormwater Specialist. Staff is recommending awarding the bid to Dropseed because of their superior experience with irrigation systems and a lower cost. Moved

by Mayor Meininger, seconded by Council Member Shaver, “to award the bid for a streetscape master plan for the downtown business district to Dropseed Studio in the amount of \$24,340.00,” “YEAS”, Gonzales, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

Assistant City Manager Johnson gave information regarding software license for Beehive, which will provide additional information on the city’s website regarding our GIS information and extended information for developers. Moved by Council Member McCarthy, seconded by Council Member Gonzales, “to approve the software license for Beehive Homebase and authorize the Mayor to sign the notice to proceed,” “YEAS”, Gonzales, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

City Manager Kuckkahn explained the amended Police Contract is part of the negotiations and was acceptable by the Union. Moved by Council Member Gonzales, seconded by Council Member Shaver, “to approve the amended Police Contract ARTICLE XXIII Health Insurance and authorize the Mayor to execute the contract,” “YEAS”, Gonzales, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

Mr. Kuckkahn presented the amended Fire Contract, which was also part of the Union negotiations. Moved by Council Member Shaver, seconded by Council Member McCarthy, “to approve the amended Fire Contract ARTICLE XXI Health Insurance and authorize the Mayor to execute the contract,” “YEAS”, Gonzales, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

Council reviewed the proposal to place a cellular phone tower on property owned by the City. The location is a remote corner of the 23 Club Ball Field. The Parks Department has reviewed the proposal and the location and do not have any issues with this portion of the land being used. Council directed staff to pursue a lease agreement with Verizon for a cellular phone tower on city-owned property and bring it back to Council.

Mr. Kuckkahn explained that the City of Alliance needs our assistance with their Historic Lighting project in providing a certified “Responsible Charge” (RC) for the project. Perry Mader, Parks Superintendent, is certified as a RC, and we are agreeable to helping Alliance with their project, but we do not want Mr. Mader working on this project during the summer months when the Parks Department is busy. We can provide Mr. Mader’s assistance until March 1<sup>st</sup>, at which time, Alliance will need to find another RC to assist with their project. Staff will bring the documents, which will limit the amount of time Mr. Mader will work this project, back to Council at the next meeting. Moved by Council Member Gonzales, seconded by Council Member Shaver, “to approve the interlocal agreement with Alliance, Nebraska naming Perry Mader the Responsible Charge for their Historic Lighting Federal Air Project, conditional upon Mr. Mader working on the project no later than March 1, 2014 and agreeing to a satisfactory number of hours,” “YEAS”, Gonzales, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None. Staff will bring the amended documents back to Council at the next meeting.

City Manager Kuckkahn presented the agreement to purchase property for the purpose of Stormwater Management. Mayor Meininger declared a conflict of interest regarding this agreement as he is now a member of the Scottsbluff Drain Board. Moved by Council Member Shaver, seconded by Council Member McCarthy, “to declare a conflict of interest for Mayor Meininger regarding the purchase of property for the purpose of stormwater management and excuse him from discussing or voting on the item,” “YEAS”, Gonzales, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

Moved by Council Member Shaver, seconded by Council Member McCarthy, “to authorize the Mayor to sign the agreement for purchase of property at 1308 East 17<sup>th</sup> Street for the price of \$15,000.00 for the purpose of Stormwater Management,” “YEAS”, Gonzales, Shaver, and McCarthy, “NAYS” None. Absent: None. Abstain: Meininger.

Mayor Meininger presented the five candidates who have submitted letters of interest to fill the Council vacancy left by Council Member Mike Deibert. He stated that each candidate possessed qualities that would make them an excellent Council Member. Mayor Meininger shared information about each

candidate and asked each of them to come forward to explain why they would like to serve on the Scottsbluff City Council. The following candidates addressed the Council: Mike Mawhinney, Dennis Duffield, Jordan Colwell, Elizabeth Hilyard, and Pete Marez.

The Council thanked each candidate and Mayor Meininger reminded them that there will be three Council positions up for re-election for the 2014 election and encouraged all of them to consider filing for election.

Moved by Mayor Meininger, seconded by Mark McCarthy, to elect Elizabeth Hilyard to fill the vacant City Council position,” “YEAS”, Gonzales, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

Council introduced Ordinance No. 4115 which was read by title on third 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.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to approve Ordinance No. 4115, amending various fees,” “YEAS”, Gonzales, McCarthy and Meininger, “NAYS”, Shaver. Absent: None.

Under Council Reports, Mayor Meininger reminded everyone about the Call to Action Forum which will be held on Tuesday, December 3, 2013 at the WNCC Harms Center from 6 – 9 p.m.

Moved by Council Member McCarthy, seconded by Council Member Gonzales, “to adjourn the meeting at 8:00 p.m.” “YEAS”, Gonzales, Shaver, McCarthy and Meininger, “NAYS” None. Absent: None.

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Mayor

ATTEST:

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Deputy City Clerk

“SEAL”