

# **City of Scottsbluff, Nebraska**

**Monday, May 5, 2014**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the April 21, 2014 Regular Meeting.**

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

The Scottsbluff City Council met in a regular meeting on Monday, April 21, 2014 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 April 18, 2014, 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 April 18, 2014. 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, Scott Shaver and Liz Hilyard. 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 McCarthy, that: "The minutes of the April 7, 2014 Regular Meeting be approved," "YEAS", Gonzales, McCarthy, Meininger and Hilyard, "NAYS" Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member Gonzales, "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 April 21, 2014, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

#### CLAIMS

ABBIGAIL YELLMAN,REIMB.,31.45; ADVANCE SERVICES, INC,CONTRACT,548.1; ALAMAR UNIFORMS,UNIFORMS,879.41; AMAZON.COM HEADQUARTERS,BKS & SUPP,717.84; ANDERSON FORD INC,CIP-PO#1 PUB SAFETY,61176; ANITA'S GREENSCAPING INC,1ST AVE #3,281; ASSURITY LIFE INSURANCE CO,LIFE INS,34.36; B & C STEEL CORPORATION,SUPP,87.4; BLUFFS SANITARY SUPPLY INC.,DEPT SUPPL,145.02; BRODART COMPANY,DEPT SUPP,188.63; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVC,194.2; CARR TRUMBULL LBR INC.,SUPP,19.99; CENCON, LLC,CONTRACTUAL SVC,750; CENTURY LUMBER CENTER,BLD MTC,66.59; CITY OF GERING,DISPOSAL FEES,36967.71; CITY OF SCB,PETTY CASH,60; CLARK, DAWN,WITNESS FEES,93.46; CONNECTING POINT

INC,SUPPLIES,3129.35; CONSOLIDATED MANAGEMENT,SCHOOLS & CONF,120.5;  
 CONTRACTORS MATERIALS INC.,HARD HATS,328.09; CREATIVE SIGNS BY COZAD,CIP  
 PO#1-PUB SAFETY,750; CREDIT INFORMATION SYSTEMS,SERVICES,19; CREDIT  
 MANAGEMENT SERVICES INC.,WAGE ATTACH,218.53; CULLIGAN OF SCOTTSBLUFF,BLDG  
 MAINT,16.2; DALE'S TIRE & RETREADING, INC.,EQUIPMENT MTNC,54.81; DEEDS,  
 RICK,CONF,389.66; FARMERS IRRIGATION DIST,CON SRV,2028; FIRST WIRELESS,  
 INC,TOWER MAINT,302.3; FITZGERALD, SCHORR, BARMETTLER, &,SERVICES,5722.16;  
 FLOYD'S SALES & SERV INC.,VEHICLE MTNC,15877.95; FYR-TEK,BUNKER GEAR,6365.19;  
 GAMETIME,STRUCTURES,59954.02; GENERAL TRAFFIC CONTROLS, INC,SUPP,199.76;  
 GERING VALLEY PLUMBING & HTG. INC,BLD MTC,755; GOLD WATCH LLC,DISPOSAL  
 FEES,750; GRAPHIC SCREEN PRINTING,UNIFORMS,368; HAWKINS, INC.,CHLORINE,1337.6;  
 HEILBRUN FARM IND SUPP.INC.,DEPT SUPPLIES,1790.58; ICMA RETIREMENT TRUST-  
 457,DEFERRED COMP - EE,1225.14; IDEAL LINEN SUP INC.,DEPT SUPPLIES,1434.49;  
 INGRAM LIBRARY SERVICES INC,BKS,81.82; INTERNAL REVENUE SERVICE,941 TAXES  
 WITHHELD,57853.96; INTRALINKS, INC,SUPPLIES,20532.07; J G ELLIOTT CO.INC.,BOND,975;  
 JAMES COMBS,TRAINING,60; JERRY HIGEL,ELECT. MAIN,1725; JIRDON AGRI  
 CHEM.INC.,GRD MTC,335.3; JOHN DEERE FINANCIAL,DEPT SUP,29.53; JOHN DEERE  
 FINANCIAL,SUPP,23.95; JOHNSON CASHWAY INC,GRD MTC,799.2; KERRAN HESSLER,SCH  
 CON,30; KEVIN SPENCER,SCHOOLS & CONF,171; KRAMES STAYWELL, LLC,DEP  
 SUP,490.12; LEFT HAND, EMILY,WITNESS FEES,23.4; LEXISNEXIS RISK DATA  
 MANAGMENT INC,CONSULTING,100; MADISON NATIONAL LIFE INS CO, INC,LIFE  
 INSURANCE - ER,1872.63; MATHESON TRI-GAS INC,DEPT SUP,272.82; MCMASTER -  
 CARR,DEPT SUP,123.33; MEININGER, RANDY,TRAVEL REIMB,48.85; MENARDS,DEPT  
 SUP,766.77; MES,EQUIP REPAIRS,341.96; MIDWEST MACHINERY & SUPPLY  
 CO,SUPP,1108.07; MONEY WISE OFFICE SUPPLIES,DEPT SUPPL,229.64; MONUMENT CAR  
 WASH,VEH MAINT,290.57; MONUMENT PREVENTION COALITION,CONTRACTUAL,880;  
 MOORE WALLACE NORTH AMERICA, INC.,DEPT SUPPL,104.58; NE CHILD SUPPORT  
 PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1982.31; NE DEPT OF REVENUE,W/H  
 TAXES,17148.03; NE LAW ENFORCEMENT TRAINING CENTER,TRAINING,44; NE SOCIETY  
 OF CPA'S,DUES,130; NEBR ENVIRONMENTAL PRODUCTS,PARTS,354.27; NEBR. RURAL  
 WATER ASSOC.,CONFERENCE,275; NEBRASKA PRINTWORKS, LLC,WATER QUALITY  
 REPORT,2232.82; NEBRASKALAND TIRE,VEH MAINT,14.5; NORTHWEST PIPE FITTINGS,  
 INC. OF SCB,BLD MTC,69.7; OCLC, INC,CONT. SRVC.,301.85; OREGON TRAIL PLBG & HTG  
 INC,BLDG MAINT,570; PANHANDLE CLERK'S ASSOC,DUES,10; PANHANDLE COOP  
 INC.,GASOLINE,14289.59; PANHANDLE HUMANE SOC,CONTRACTUAL SVC,4881.32; PERRY  
 MADER,SCH CON,30; PIER GENIUS DOCK SYSTEMS,STRUCTURE,20000; PIERCE,  
 GERALD,CDL RE-IMBURSEMENT,57.5; PLATTE VALLEY BANK,HSA EE PYBLE,13998.46;  
 POSTMASTER,POSTAGE,638.02; QUILL CORP,INVEST SUPPL,352.3; RAILROAD  
 MANAGEMENT CO III,LLC,PIPELINE CROSSING,146.16; RAMADA INN-KEARNEY,NPZA  
 CONF LODGING,708.11; RCI,MEDICAL CLAIMS,34197.37; REGION I OFFICE OF HUMAN  
 DEVEL,CONTRACTUAL SERVICES,825; RESPOND FIRST AID SYSTEMS,FIRST AID KIT  
 SUPP,76.8; ROBINSON ELECTRIC,AIRPORT ROAD SOUTH,2831; ROMERO,  
 DAMEND,WITNESS FEES,23.4; S M E C,EE CONTRIBUTION - BIWEEKLY,240; SAFELITE

FULFILLMENT, INC,VEH MTC,74.94; SANDBERG IMPLEMENT, INC,NEW WEED EATER,823.79; SCB COUNTY,SPRAY DESIGNATED WEED AREAS,1850; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,210; SCB POLICE OFFICERS ASS'N,POLICE EE DUES,378; SCOTTS BLUFF COUNTY COURT,LEGAL FEES,306; SCOTTSBLUFF BODY & PAINT, INC,VEH MAINT,156.35; SD SHERIFFS' ASSOCIATION,SCHOOLS & CONF,390; SHERIFF'S OFFICE,LEGAL FEES,262.46; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,10617.12; SIMON CONTRACTORS,CONCRETE,4485.92; SIRSIDYNIX,CPTL OUT.,6437.5; SPECIAL INVESTIGATIONS,HIDTA BUY MONEY,5000; STAPLES,DEPT SUPPL,210.97; STAR HERALD,LEGAL PUBLISHING,1716.71; THE SHERWIN-WILLIAMS CO,BLD MTC,179.03; THOMAS, MARILYN,WITNESS FEES,23.4; TRINITY BURGNER,SCH CON,30; TYLER TECHNOLOGIES, INC,CONVERSION,93.75; U S WELDING, INC,WELD. SUPP,76.68; UNIQUE MANAGEMENT SERVICES, INC,CONT. SVCS,196.9; UPSTART ENTERPRISES, LLC,DEPT SUPPL,30.25; US BANK,AIR FARE NFA,1140.48; VAN HOOSEAR, KATHY,WITNESS FEES,20; VAN PELT FENCING CO,INC,SUPP,134.07; VERIZON WIRELESS,CELL SERVICE,161.79; VOGT, BILL,WITNESS FEES,23.4; WALMART COMMUNITY/GEMB,BKS & SUPP.,252.21; WELLS FARGO BANK N.A.,RETIREMENT GENERAL - EE,28341.5; WESTERN PATHOLOGY CONSULTANTS, INC,SERVICES,254; WESTERN PLAINS BUSINESS FORMS INC,COPIER MAINT,154.83; YMCA OF SCOTTSBLUFF,EE - FAMILY,1371.3; ZEKE BOWEN,MEALS FOR NFA,360.6; ZM LUMBER CO.,GRD MTC,146.82; JOSEPHINA GONZALES, REFUND, 8.07; CHARLES WALGREN, REFUND, 79.61; KYLIE CONE, REFUND, 1.33; JOSE ARAUJO, REFUND, 1.94; CHRISTINA LOPEZ, REFUND, 5.97.

Council reviewed the January and February 2014 Financial Reports.

Council considered a Business Promotional Event Permit for the Downtown Scottsbluff Association as sponsors of the "Farmers Market" to be held in the mini-park and adjacent parking lot on Saturday mornings, June 7, 2014 through September 27, 2014, 7:00 a.m. to 12:00 p.m. The permit includes street closure of 18<sup>th</sup> Street between Broadway and 1<sup>st</sup> Avenue. Moved by Mayor Meininger, seconded by Council Member McCarthy "to approve the Business Promotional Event Permit for the Downtown Scottsbluff Association as sponsors of the "Farmers Market" to be held in the mini-park, parking lot and a portion of East 18<sup>th</sup> Street from Broadway to 1<sup>st</sup> Ave. on Saturday mornings, June 7, 2014 through September 27, 2014, 7:00 a.m. to 12:00 p.m.", "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

City Manager Kuckkahn presented the Electrical Code Ordinance, explaining that the Governor has recently signed a law that changed the effective date of adopting the National Electrical Code. The Council had agreed some time ago to adopt the updated code at the same time as the state. The new code has been in place for some time, however, the state has only recently adopted it. He added that a new code is not updated every year. Mr. Kuckkahn added that we would lose our state certification if the Ordinance is not adopted, however, we have some time to review the code. One of the reasons of the time delay in adopting this code is because some of the products in the code have not been manufactured yet.

Council Member Gonzales introduced the Ordinance to adopt the 2014 National Electrical Code, which was read by title on first reading: AN ORDINANCE DEALING WITH ELECTRICITY, AMENDING THE SCOTTSBLUFF MUNICIPAL CODE SECTION 4-2-33, ADOPTING THE 2014

NATIONAL ELECTRICAL CODE, SUBJECT TO CERTAIN STIPULATED MODIFICATIONS, AND REPEALING FORMER SECTIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Meininger introduced the Ordinance authorizing the sale of .50 acres of city-owned property located at the Northeast corner of 5<sup>th</sup> Avenue and 42<sup>nd</sup> Street to Nebraska Public Power District which was read by title on second reading: AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE OWNED BY THE CITY OF SCOTTSBLUFF, NEBRASKA, DESCRIBED AS A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS SET FORTH IN THIS ORDINANCE, CONTAINING APPROXIMATELY .50 ACRES.

Council considered the annual agreement with Terrytown to provide paint striping. Moved by Council Member Shaver, seconded by Council Member Hilyard "to authorize the Mayor to execute the annual agreement with Terrytown to provide paint striping services," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Council considered the annual agreement with Terrytown to provide street sweeping. Moved by Council Member Shaver, seconded by Council Member McCarthy "to authorize the Mayor to execute the annual agreement with Terrytown to provide street sweeping services," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Council considered the contract with Richard and Darlene Johnson as Campground Hosts at Riverside Park. Moved by Council Member Gonzales, seconded by Council Member McCarthy "to authorize the Mayor to execute the agreement with Richard and Darlene Johnson as Campground Hosts for Riverside Park," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Regarding a Property Maintenance Code, City Manager Rick Kuckkahn informed the Council that the City code enforcement personnel currently use the nuisance ordinances (Chapter 12) to enforce complaints for the following: conditions that harbor rats, mice, etc., refrigerators left outdoors, weeds up to 12 inches tall, junk, litter, and other offenses such as odors, standing water, animal carcasses, & beehives. Property owners may keep two inoperable vehicles on their property if they are concealed with an automobile cover. Notices of violation are sent by certified mail. The owner may request a hearing before the City Manager. If no hearing is requested or the violation is not abated the City can remove the nuisance and charge the owner. If it is not paid within two months, the City can assess the property. The City has taken property owners to court in the past, but the usual outcome is a small fine and the City still has to clean up the property. Any court collected fines go to the school district. The International Property Maintenance Code could be adopted in its entirety or by sections and would cover general exterior requirements: sanitation, grading & drainage, sidewalks & driveways, weeds, rodents, accessory structures, gates & swimming pools, motor vehicles, and defacement of property. It would also cover deterioration of foundations, walls, roofs, stairs, chimneys, broken windows, ripped screens, rubbish, garbage and pest elimination. The cities of Chadron, Alliance, Gering, Hastings, Norfolk, Kearney and McCook have all adopted the 2009 International Property Maintenance Code and it will go before the Sidney City Council in two months. Some of these cities, including Gering have a Problem Resolution Team (PRT) that decide on which properties to approach. Adoption of a Property Maintenance Code would increase the enforcement costs because City personnel would go out pro-actively, neighborhood by neighborhood to look for code violations. Council Member Hilyard inquired into what manpower would be needed to implement this program. Kuckkahn stated that it would require more staff due to the burden of paperwork involved, follow up by inspectors to make sure the code violation is being taken care of and

if not, this would put a burden on the City Attorney's office to file the necessary court documents and court appearances. Mayor Meininger stated that at this time he didn't know if the City was financially capable of implementing the program to the magnitude that it would require. Kuckkahn stated that if you are going to implement this program and do it right, it will require more costs to the City, as more labor forces will be needed. City Attorney, Howard Olsen suggested that if the City adopts a Property Maintenance Code, that we look at alternatives for enforcement, such as a Diversion Program or a panel Problem Resolution Team. Kuckkahn stated that City staff would look into this matter and obtain more information and give a presentation at the budget discussion as to costs to implement a Property Maintenance Code.

Council recognized the City of Scottsbluff as the recipient of its 26<sup>th</sup> consecutive Tree City USA Award and also the 2013 Growth Award which is a direct reflection of the landscape work completed in the parking lots and the addition of rain gardens at some of our City properties.

Assistant City Manager Johnson presented an overview of Sanitation Services. His summary addressed the current sanitation services offered within the City and a look at future goals of offering all three sanitation services (trash, yard waste & single stream recycling) to all accounts in the most cost effective and efficient way possible. It is the goal of the City to provide a wide array of services in a sustainable manner that minimizes rate increases and decreases government spending.

Generally, residents only roll out the curb-side containers if they are filled. The trucks previously picked up every yard waste container in the alley whether it was filled or not, so this alone will save money and time. Council Member Shaver asked about ADA compliance when the yard waste containers are placed on the sidewalk, blocking the pathway for wheelchair or scooter use. Mr. Johnson will take a closer look at this concern. Residents have been instructed to place the roll-outs on the curb, not the sidewalk.

Mayor Meininger opened the yard waste discussion up to the public after reviewing the list of items which have already been presented to the Council:

- Alleys were built for trash collection
- Drivers will need to go on both sides of the street
- Roll-outs will blow around in the wind
- Roll-outs are not esthetic
- Unable to roll-out due to age or disability
- Need to purchase smaller collection trucks
- Don't want taxes raised, but wants yard waste picked up
- Hard to put roll out between cars parked on street
- City should take back the 20' right of way
- The roll out containers pose a hazard to residents
- No passage for roll-out from back yard to front curb.

Mayor Meininger invited residents to address the Council as long as these items are not repeated.

The following citizens addressed the Council regarding their concerns as they relate to the collection of yard waste: cost savings and beautification, efficiencies in collection, excessive speed of sanitation trucks, fuel economy, grass clippings being left in the street, suggestion to mark the dumpsters, broken containers, suggestion to get smaller trucks and concern over residents being allowed to take over part of the 20' alley right of way: Chuck Henry, Geri Lewis; Sherri Taylor Royce Heimbuch, Tom

Carson, Joe Miller, Doris Flohr, Mike Bostock, Ryan Steele, Gene Schwartzkopf, Shirley Bostock; Richard Zwiler, and Mary Lou Rogers.

Staff will bring options back to the Council to deal with the yard waste collection.

Mr. Kuckkahn gave an update on the progress with the Economic Development Consultants. Interviews will be scheduled with a number of community representatives on May 6, 7, & 8. This will provide a broad range of input from the community. A wrap up of the information collected will be available in September or October, with information available as they proceed with the study. The implementation process will include combining this data with the Comprehensive Plan using the Economic Development information as a pivot for the Comprehensive Plan.

City Manager Rick Kuckkahn reported the information regarding hiring the 15<sup>th</sup> firefighter position. He took a careful look at the department structure and scheduling issues they have dealt with since this position was vacated. Many of the pros and cons were centered around the scheduling issues. He also focused on ICMA recommendations that consider fire departments as an insurance policy. Our department has had good cooperation with other agencies, however, without a full staff, it's difficult for them to fight a major fire. We looked at ways to avoid hiring an additional firefighter when we eliminated the position due to a lean budget. Other communities have modified this position, but had additional firehouses to fill the void. We do not have another firehouse to fill that void.

If we add this position, we will be able to expand the current inspection services, enhance education and citizen programs, improve efficiencies and the additional person will ease the scheduling issues we have been dealing with. Staff is currently prepared to proceed with the hiring process as we have a pool of qualified applicants. We anticipate saving on our overtime budget as a result of this hire.

Regarding the Police Department over-hire study, staff has decided to hold off on this additional hire as we currently have a full complement of staff in that department. Currently we will work with the staff that we have, as it is a very efficient and energized department.

City Manager Kuckkahn reviewed his goals and milestones as part of his annual evaluation. In response to work on the Comprehensive Plan, he has met with Panhandle Area Development District as they have access to very pertinent data necessary for the Comprehensive Plan. The Economic Development Consultants will begin working on the preliminary plan, which will be included in the Comprehensive Plan. The Economic Development consultants will have a community review process in developing their data.

Mr. Kuckkahn also explained that a budget streamline process is in place for the upcoming budget cycle. He has been working with the Assistant City Manager and City Planner, and is confident that they are competent in their positions. Council Member Shaver commented that he would like to look at the efficiencies other departments, especially Parks and Streets, as these departments are very costly to run.

Council Member Gonzales commented that he would like to see Mr. Kuckkahn engage himself more with the public, especially with issues such as informing the public about the recent yard waste policy change. Mayor Meininger added that we should have looked at the data earlier in the year and presented more information to the public. Mr. Kuckkahn responded that as a matter of policy, we need to develop a process of informing the public of major issues and changes.

Under Youth Council Reports, Mayor Meininger commented that the Scottsbluff High School survey information has been shared with the Call to Action group.

Moved by Council Member McCarthy, seconded by Council Member Hilyard, "to adjourn the meeting at 8:05 p.m.," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

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Mayor

ATTEST:

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Deputy City Clerk