

City of Scottsbluff, Nebraska

Monday, December 1, 2014

Regular Meeting

Item Consent1

Approve the minutes of the November 17, 2014 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on Monday, November 17, 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 November 14, 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 accommodations 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 14, 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 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, Liz Hilyard, Randy Meininger, and Scott Shaver. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. City Clerk Dickinson informed the Council that item 6e Plans and Specifications for the Water Main Installation Project should be moved to the regular agenda for discussion. Moved by Mayor Meininger, seconded by Council Member Shaver "to move Item 6e Plans and Specifications for the Water Main Installation Project to 8e" "YEAS" McCarthy, Meininger, Hilyard, Shaver and Gonzales, "NAYS" None. 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 McCarthy, seconded by Council Member Hilyard, that:

- a) "The minutes of the November 3, 2014 Regular Meeting be approved,"
- b) "City offices close at 12:00 noon on December 24, 2014, Christmas Eve,"
- c) "A public hearing be set for December 15, 2014, 6:05 p.m. to consider the creation of Paving District 312 and Water District 105 in Block 2, Reganis Subdivision and Block 1A, Scotts Bluff County College Tract,"
- d) "The Request for Statement of Qualifications and Bid Proposals to solicit Engineering Services for improvements to the Sanitary Sewer Main and Siphon by Scotts Bluff Drain near East 27th St. be approved and authorize the City Clerk to advertise for submittals to be received by December 8, 2014 at 2:00 p.m." "YEAS", Meininger, Hilyard, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

City Manager Kuckkahn presented the change orders for the liner at the stormwater retention pond at the Compost Facility. He explained that because of the weight of the liner, which is 3500 pounds, city crews were unable to install the liner. It would be more economical and efficient for the contractor to do the installation with the proper equipment. There are adequate funds available as the original bid was \$50,000 - \$60,000 less than the Engineer's estimate. Moved by Mayor Meininger, seconded by Council

Member Shaver, "to approve the change orders in the amount of \$19,148.00 to Rusch's General Contracting for materials and installation of a liner in the stormwater retention pond at the Compost Facility," "YEAS", Hilyard, Shaver, Gonzales, McCarthy and Meininger, "NAYS" None. Absent: None.

Assistant City Manager Johnson presented the change order from Outdoor Recreation Products as part of the Splash Pad project at Veterans Park. The installation and testing of the new splash pad is complete and ready for use next spring. In order to direct the water from the pad to the storm sewer, the pad had to be relocated requiring a new connection to city water and resulting in additional costs. The invoice from Outdoor Recreation Products and the subcontractor, Gering Valley Plumbing shows 20 man hours, which is because the line had to be installed twice. The first time, they installed galvanized, which did not meet the city specifications, so they replaced it with copper pipes. The total cost of the change order is \$7309.90. Council Member Shaver asked for a clarification of why we are paying for the contractor to install the wrong pipe. Mr. Johnson explained that it was not a typical change order. The change order was brought to us after the work had been completed, so we are trying to clear up the issue. The original location of the splash pad did not include the meter pit in the bid specifications because it was already existing on site, however, when they moved the location of the splash pad, they had to install the meter pit. There were some oversight issues with this project. As a result, City Attorney Howard Olsen and his associates will provide training for supervisors, department heads and the contract management team. The galvanized pipe complies with City Code, however, in this situation, the copper pipe was preferred. Mr. Kuckkahn explained that this was a confluence of issues. A change order should have been submitted prior to the work being done, which would have eliminated the issues. The work was done, and in a satisfactory manner with the exception of the pipe.

Mr. Shaver asked if it is the General Contractor's responsibility to make sure the work is right. He feels the general contractor should owe the money to the subcontractor rather than the City. Mr. Johnson explained that the pipe was not needed in the original location because the water line was available. The splash pad had to be relocated closer to the storm drain. Council Member McCarthy asked if there was an oversight on the original placement of the Splash Pad. Mr. Kuckkahn responded that it was an oversight, and there was no recognition of the need for the water source to be enhanced. A change order should have been done and wasn't, so city staff can also be blamed for the oversight.

Council Member Shaver asked if approving the change order after the fact is the correct way to handle this payment. City Attorney Howard Olsen commented that confirming the change order after the fact has the same legal result, the payment is for something that we will benefit from. The delay in receiving the change order was caused in part by our lack of oversight. To the staff's credit, they have recognized the issue and all departments are aware that we need consistency, which will be addressed in a training session.

Council Member Gonzales added that if the splash pad would have been placed in the correct location to begin with, we would have seen higher bids from the beginning. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve the change order to Outdoor Recreation Products in the amount of \$7309.90 as part of the Splash Pad project in Veterans Park," "YEAS", Meininger, Hilyard, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Moved by Mayor Meininger, 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 November 17, 2014, as on file with the City Clerk and submitted to the City Council," "YEAS", Hilyard, Shaver, Gonzales, McCarthy and Meininger, "NAYS" None. Absent: None.

CLAIMS

GALE/CENGAGE LEARNING,SBSCR,250; 3M CENTER-TRAFFIC CONTROL,EQUIP
MAIN,946.13; ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACH,317.18; ACTION
COMMUNICATION INC.,DEP SUP,598; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE
CHARGES,4776.47; ANITA'S GREENSCAPING INC,PRKNG LT MNTNCE,456; ASP

ENTERPRISES, INC., COMPOST FACILITY UPGRADE, 7193.28; ASSURITY LIFE INSURANCE CO., LIFE INS., 34.36; B&C STEEL CORPORATION, IRON FOR SWPR SHOES, 214.48; BLUFFS SANITARY SUPPLY INC., DEPT SUPPL & JANIT SUPPL, 613.57; CAPITAL BUSINESS SYSTEMS INC., CONT. SRVCS, 199.45; CARLSON, DEBRA, REIMB, 51.87; CARR TRUMBULL LBR INC., EQUIP MAINT, 143.79; CEMENTER'S INC., DEPT SUP, 285.7; CENTURY MFG, DEPT SUPPLIES, 565.82; CHAMPLAIN PLANNING PRESS, INC., DEPT PUBLCTNS, 103.75; CITIBANK N.A., DEP SUP, 283.91; CITY OF GERING, DISPOSAL FEES, 39567.05; CITY OF SCB, PETTY CASH, 91.13; CLARK PRINTING LLC, DEPT SUP, 489.15; COMPUTER CONNECTION INC., RENT-MACH, 55.18; CONSOLIDATED MANAGEMENT, SCHOOLS & CONF, 204; CONTRACTORS MATERIALS INC., DEPT SUP, 2478.45; CREDIT BUREAU OF COUNCIL BLUFFS, SERVICES, 19; CREDIT MANAGEMENT SERVICES INC., WAGE ATTACH, 193.1; CRESCENT ELECT. SUPPLY COMP INC., ELECT. SUPP, 8.13; CULLIGAN OF SCOTTSBLUFF, DEPT SUP, 202.9; CYNTHIA GREEN, DEPT SUPPL, 751.34; D & H ELECTRONICS, DEPT. SUPP., 95.89; DALE'S TIRE & RETREADING, INC., EQP MTC, 36.29; DUANE E. WOHLERS, DISPOSAL FEES, 1500; EDWARDS, PATRICK, TREE REBATE, 134.98; ELLIOTT EQUIPMENT COMPANY INC., VEHICLE MTNC, 644.32; FEDERAL EXPRESS CORPORATION, SHIPPING FEES, 285.53; FITZGERALD, SCHORR, BARMETTLER & BRENNAN, P.C., L.L.O., SERVICES, 916.46; FRANK IMPLEMENT CO, GRD MTC, 1827.23; FRED PRYOR SEMINARS, SCHOOL & CONFERENCE, 199; GENERAL ELECTRIC CAPITAL CORPORATION, DEPT SUP, 263.48; H D SUPPLY WATERWORKS LTD, METERS, 194037.71; HAWKINS, INC., CHEMICALS, 3429.45; HD SUPPLY FACILITIES MAINTENANCE LTD, DEPT SUP, 384.05; HEILBRUN'S INC., DEPT SUPPLIES, 2736.2; HYATT PLACE LINCOLN/DOWNTOWN-HAYMARKET, NEMA TRNG. ROOMS, 249; I C M A, MEMBERSHIP, 530.28; ICMA RETIREMENT TRUST-457, DEF COMP, 1325.14; IDEAL LAUNDRY AND CLEANERS, INC., DEPT SUPPLIES, 1137.81; IMSA, TRAFFIC SIGNAL MEMBERSHIP RENEWAL, 85; INDEPENDENT PLUMBING AND HEATING, INC, GRD MTC, 73.52; INGRAM LIBRARY SERVICES INC, BKS, 3515.98; INTERNAL REVENUE SERVICE, FED W/H TAX, 58127.85; JEROLD E. HIGEL, ELECT. MAIN, 1294.29; JIRDON AGRI CHEM. INC., GRD MTC, 8903.55; JOHN DEERE FINANCIAL, UNIFORMS & CLOTHING, 179.99; JOHN DEERE FINANCIAL, UNIFORMS & CLOTHING, 148.91; KEMBEL SAND & GRAVEL COMPANY, GRD MTC, 448.2; KENNETH LEROY DODGE, BLDG MAIN, 150; KIMBALL MIDWEST, SUPP, 850.79; KRIZ-DAVIS COMPANY, EQUIP MAINT, 393.4; LEXISNEXIS RISK DATA MANAGMENT INC, CONSULTING, 100; LIGHTHOUSE ELECTRICAL CONTRACTORS, LLC, HVAC REPLACEMENT, 7021.67; M.C. SCHAFF & ASSOCIATES, INC, WATER MAIN INSTALLATION PROJECT, 17628.72; MADISON NATIONAL LIFE, LIFE & DIS INS, 1769.68; MAIN STREET APPLIANCE, EQUIP REPAIR, 113.9; MENARDS, INC, DEPARTMENT SUPL., 739.96; MIDLANDS NEWSPAPERS, INC, LEGAL PUBLISHING, 1395.74; MIDWEST CONNECT, LLC, EQUIP MAINT, 270.84; MONUMENT PREVENTION COALITION, CONTRACTUAL, 939.94; MUNICIPAL SUPPLY INC. OF NEBRASKA, DEPT SUP, 965.01; NCMA, MEMBERSHIP, 567; NE CHILD SUPPORT PAYMENT CENTER, NE CHILD SUPPORT PYBLE, 2137.81; NE COLORADO CELLULAR, INC, CONTRACTUAL SVC, 36.2; NE DEPT OF REVENUE, STATE W/H, 18053.08; NE LIBRARY COMMISSION, TRNG, 10; NEBRASKA ASSOCIATION OF CHIEF'S OF POLICE, MEMBERSHIP, 50; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 42506.5; NEBRASKA STATEWIDE ARBORETUM, ANNUAL FEES, 130; NEBRASKALAND TIRE, VEHICLE MNTNCE, 14.5; NETWORKFLEET, INC, MONTHLY SERVICE FOR GPS, 18.95; NORTHERN LAKE SERVICE, INC, SAMPLES, 1456; NORTHWEST PIPE

FITTINGS, INC. OF SCOTTSBLUFF, GRD MTC, 38.69; OCLC ONLINE COMPUTER LIBRARY CENTER, INC, CONT. SRVC, 300.85; ONE CALL CONCEPTS, CONTRACT, 145.65; OREGON TRAIL PLUMBING & HEATING & COOLING INC, HVAC REPLACEMENT, 12374; PANHANDLE COOPERATIVE ASSOCIATION, FUEL, 1420.18; PANHANDLE ENVIRONMENTAL SERVICES INC, STRM WTR SAMPLING, 229; PLATTE VALLEY BANK, HSA, 14173.46; POSTMASTER, POSTAGE, 898.84; PRUDENT PUBLISHING CO INC, DEPT SUPPL, 285.25; QUILL CORP, DEPT SUPP, 238.93; RAILROAD MANAGEMENT CO III, LLC, RENT-LAND, 321.56; REAMS SPRINKLER SUPPLY CO., GRD MTC, 167.28; REGIONAL CARE INC, MED CLAIMS, 113018.06; REVIZE LLC, CONTRACT, 2568; RICH'S WRECKING & SALVAGE, VEHICLE MTNC, 65; ROBERTA J BOYD, REIMB, 10.69; ROTHERHAM, DAVID, UNIFORM & CLOTHING, 161.95; RR DONNELLEY, DEPT SUPPL, 104.68; RS VENTURES LLC, VEH MAINT, 1339.37; RUSCH'S GENERAL CONTRACTING, LLC, COMPOST FACILITY UPGRADE, 355831.89; S M E C, EMP DEDUCTIONS, 226; SAFETY COUNCIL OF NE, CONFERENCE, 115; SANDBERG IMPLEMENT, INC, VEHICLE MTNC, 5.87; SATO, LEANN, STRMWTR CONFRNCE, 155; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES, 210; SCOTT S. OLSON, TRAINING PRGRM, 1000; SCOTTS BLUFF COUNTY COURT, COURT COSTS, 119; SCOTTSBLUFF BODY & PAINT, INC, TOW SERVICE, 415; SCOTTSBLUFF MOTOR CO, INC, VEHICLE MNTNCE, 49.98; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES, 432; SHIFT CALENDARS, INC, DEPT. SUPPL., 38.58; SIMMONS OLSEN LAW FIRM, P.C., CONTRACT, 10995.6; SIMON CONTRACTORS, CONCRETE, 3832.75; SNELL SERVICES INC., EQUIP MAIN, 1830; THE CHICAGO LUMBER COMPANY OF OMAHA INC, GRD MTC, 80.95; TOMMY'S JOHNNYS INC, CON SRV, 2785; TOTAL LANDSCAPE CONCEPTS, STRMWTR SUP, 11.92; TRANS IOWA EQUIPMENT LLC, SWPR PARTS, 1020.15; UNDERWRITERS LABORATORIES INC, LADDER TESTING, 1783.3; UNIQUE MANAGEMENT SERVICES, INC, CONT. SRVCS, 107.4; UNITED STATES WELDING, INC, EQUIPMENT MTNC, 24.51; UPSTART ENTERPRISES, LLC, DEPT SUPPL, 121.54; US BANK, BOND PAYT, 574792.5; US BANK, EQP MTC, 3375.79; VALLEY BANK & TRUST CO, BOND PAYT, 55627.5; VAN DIEST SUPPLY COMPANY, GRD MTC, 6097; VERIZON WIRELESS, CELL PHONES, 408.68; W & R INC, ELECTRICAL MAINT, 170.55; WELLS FARGO BANK N.A., RETIREMENT, 28582.21; WESTERN PATHOLOGY CONSULTANTS, INC, CONTRACT, 253; WESTERN TRAVEL TERMINAL, LLC, VEHICLE MAINT, 26; WIN INVESTMENTS INC, LODGING, 205.52; YELLMAN, ABBIGAIL, REIMB SUP, 14.98; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, FITNESS PROGRAM, 1441.05; ZM LUMBER INC, DEP SUP, 35.38; UTILITY REFUNDS: JODI LANG 15.20; TRI STATE ROOFING 14.37; MC LEE 21.77; JACOB LIVELY 7.83; ROBERTA VICHARRA 3.90; SARA CONRAD 11.41; LARRY OLIVAREZ 29.11.

Mr. Kuckkahn presented the lease agreement for a new postage machine at the Police Department, which is slightly less than the machine they currently have. Chief Spencer explained that the Police Department has their own postage machine because of the large volume of mail they send out, including evidence and to certify the chain of custody. It is time saving and more convenient to have one at their location. Moved by Council Member Hilyard, seconded by Council Member Gonzales, "to authorize the Mayor to sign a Lease Agreement for a new postage machine for the Police Department with MailFinance Inc.," "YEAS", Hilyard, Shaver, Gonzales, McCarthy and Meininger, "NAYS" None. Absent: None.

City Manager Kuckkahn presented the annual Equitable Sharing Agreement which allows the Police Department to retain the funds confiscated from illegal drug activity. Moved by Council Member Gonzales, seconded by Council Member Hilyard, "to approve the Equitable Sharing Agreement and

Certification for the Police Department and authorize the Mayor to execute the agreement,” “YEAS”, Hilyard, Shaver, Gonzales, McCarthy and Meininger, “NAYS” None. Absent: None.

Nathan Johnson, Assistant City Manager, presented an update on a new policy regarding a refuse drop-off option. He explained that effective January 1, 2015, residents will be able to take a car load, standard size pickup, or 4 x 8 trailer size load of refuse items to the Gering landfill once a month at no charge. This is a service provide to the Gering residents, and we would like to mirror that service. A punch card system will be included in the billing statement, which residents will need to present when taking items to the landfill.

Mr. Johnson explained that the added cost of this service is unknown at this time. It will be included in our regular tipping fee from the City of Gering. It should average out since the trash will either be taken by the residents at their convenience or placed in their dumpsters. Mr. Johnson added that he is working with Environmental Services on adding more neighborhood clean-up programs.

City Attorney Howard Olsen addressed the Council regarding the roles and responsibilities of the Mayor and Council. He explained that there are statutory requirements and Ordinances outlining the responsibilities of the Council. The first meeting in December will be the Reorganization meeting and the Mayor and Vice Mayor will be elected at that time. The Mayor presides over the Council and at ceremonial events as the head of the City, preserving decorum and order over the meeting. The Mayor also signs all resolutions, ordinances, minutes, contracts. The Vice –Mayor presides in the absence of the Mayor.

The statutory authority for the Council requires them to be the policy makers. State Statute §16-201 explains the broad powers of the council. As a City Manager form of government, the entire council has equal vote. The Council has the power to sue and be sued, power to sign contracts, buy and sell property, make leases, and receive gifts. They choose the City Manager, City Clerk and appoint the Civil Service Commission. Most importantly, they have budget control.

City Manager Kuckkahn added that because we have a City Manager form of government, the Council does not deal with personnel issues. This has never a problem and he has a deep respect of the Council for keeping that separation. Mr. Olsen added that the Council must stay out of administrative service but for requesting information.

Mayor Meininger commented that since 9/11, FEMA has requested that Council Members take the NIMS emergency response series. He asked if there are recommendations for time limits to complete these classes. Mr. Olsen suggested getting a recommendation from the Emergency Management Director, or developing a policy which sets time limits. He would suggest any new council members taking the classes as soon as possible.

Council Member Gonzales commented that he had asked for this item to be agenda to inform the council of duties and the time commitment for Mayor. Every person who serves as Mayor has different methods of management. It’s important for the Council to consider what they want in a Mayor who represents the Council and the public. Mr. Olsen cautioned the Council that they can share information, but not to the point of making decisions outside of the council meeting. Doing the public’s business can only be done during a public meeting.

Council reviewed the plans and specifications for the water main project along County Road 24. City Attorney Olsen had some concerns about the contract, which he relayed to the City Engineer, Dave Schaff. The first concern was that we are proceeding on the County Right of Way. It is good business to present this to the political entity and inform them of where the work is taking place, this has now been done.

The contract includes a clause from the International Associations of Engineers regarding any dispute that the engineer can't take care of, the mediation or arbitration can be handled by the American Arbitration Association. Mr. Olsen informed the Council that this just increases the cost on both sides of the project and is not necessary. These are issues the City Attorney's office can take care. He has eliminated that part of the contract and inserted appropriate language.

Mr. Olsen also noted that a clause was missing stating that the contractor will do the work in a workmanlike manner and done in comparison to other contractors doing similar work in similar localities. This clause has been added to the contract.

Moved by Council Member McCarthy, seconded by Council Member Hilyard, "to approve plans and specifications, as amended, for the Water Main Installation Project along CR 24 to the Waste Water Treatment Plant and authorize the City Clerk to advertise for bids to be received prior to 2:00 p.m. December 9, 2014.

Council introduced the Ordinance which was read by title on second 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, AND WATER SERVICE FEES AT CHAPTER 6 ARTICLE 6, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

Under Council reports, Mayor Meininger reported that he will be attending the 911 Task Force Meeting next week and the Homeland Security frequencies are being installed.

Moved by Council Member McCarthy, seconded by Council Member Hilyard, "to adjourn the meeting at 6:40 p.m.," "YEAS", Hilyard, McCarthy and Meininger, "NAYS" Shaver, Gonzales. Absent: None.

Mayor

ATTEST:

City Clerk

