

City of Scottsbluff, Nebraska

Monday, January 5, 2015

Regular Meeting

Item Consent1

Approve the minutes of the December 15, 2015 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
December 15, 2014

The Scottsbluff City Council met in a regular meeting on Monday, December 15, 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 December 12, 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 December 12, 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, Jordan Colwell, Randy Meininger, and Scott Shaver. Absent: Liz Hilyard.

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 Mayor Meininger that,

1. "The minutes of the December 1, 2014 Regular Meeting be approved,"
2. "The December 29, 2014 Regular Council meeting be cancelled as two regular meetings will have already been held in the month of December," "YEAS", Gonzales, Colwell, Meininger, and Shaver. "NAYS" None. Absent: Hilyard.

Moved by Council Member Shaver, seconded by Council Member Colwell, "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 15, 2014, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Colwell, Meininger, and Shaver. "NAYS" None. Absent: Hilyard.

CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACH,89.3; ACTION COMMUNICATIONS INC.,EQUIP MAINT,252.5; ADVERTISING SPECIALTIES LLC,UNIFORM PREP,532.5; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,5058.46; ANDREA FOLCK,DEPT BUSINESS TRVL,163.05; ANITA'S GREENSCAPING INC,DEPT CNTRCL SRVCS,456; ASSURITY LIFE INSURANCE CO,LIFE INS,34.36; AUTOZONE STORES, INC,VEH MTC,14.24; BAKER & ASSOCIATES INC,RADIOLOGICAL CONTAMINANT

STUDY,503.75; BEELINE SERVICE INC,R-1 REPAIRS,181; BIRUTA D. WALTON,EQUIP MAINT,234.47; BLUFFS SANITARY SUPPLY INC.,JAN SUP,155.1; BRUNZ, BRANDI,SCHOOLS & CONF,90; CAPITAL BUSINESS SYSTEMS INC.,EQUIP MAINT,197.43; CARR TRUMBULL LBR INC.,NEW SCREEN DOOR FOR OFFICE,307.93; CELLCO PARTNERSHIP,CELL PHONE,736.09; CEMENTER'S INC,DEPT SUP,209.46; CHRIS REYES,DEPT SUPPL,151; CITIBANK N.A.,DEPT SUP,346.15; CITY OF GERING,DISPOSAL FEES,32774; CITY OF GERING,DEPT SUPL.,71.1; CITY OF GERING,GRD MTC,21.45; CITY OF SCB,POSTAGE,44.25; CLARK PRINTING LLC,DEP SUP,320.74; COMPUTER CONNECTION INC,RENT-MACHINE,45.17; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,167; CONTRACTORS MATERIALS INC.,SUPP - SAWZALL BLADES,101.94; CRESCENT ELECT. SUPPLY COMP INC,SUPP - SIGNAL LITE HEATERS,911.73; CULLIGAN OF SCOTTSBLUFF,DEP SUP,164.3; CYNTHIA GREEN,DEPT SUPP,1.5; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,43.75; DAVID A. NEWMAN,SCHOOLS & CONF,275; DUANE E. WOHLERS,DISPOSAL FEES,2250; DXP ENTERPRISES INC,MONITOR REPAIRS,862.06; ENERGY LABORATORIES, INC,SAMPLES,178; EUGENE T. MAHONEY STATE PARK,DEPT SCHL/CNFRNC,140; FASTENAL COMPANY,DEPT SUP,1735.09; FAT BOYS TIRE AND AUTO,TIRE REPAIR - GRADER,392.8; FENDER MENDERS,VEH MTC,203; FLOYD'S TRUCK CENTER, INC,VEH MAINT,136.35; FRANK IMPLEMENT CO,OIL,738.09; GENERAL ELECTRIC CAPITAL CORPORATION,DEPARTMENT SUPPLIES,70.88; H D SUPPLY WATERWORKS LTD,FLEXNET EQUIP,82858.1; HEILBRUN'S INC.,DEPT SUPPLIES,1577.06; HENWIL CORPORATION,CHEMICALS,5198; HOME DEPOT CREDIT SERVICES,DEP SUP,53.9; ICMA RETIREMENT TRUST-457,DEF COMP,1325.14; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPPLIES,905.6; INDEPENDENT PLUMBING AND HEATING, INC,BUILD MAIN - NO HEAT IN SHOP,303.31; INGRAM LIBRARY SERVICES INC,BKS,1456.71; INTERNAL REVENUE SERVICE,W/H TAX,63463.39; INTRALINKS, INC,DEPT SUPPL.,1934.85; INVENTIVE WIRELESS OF NE, LLC,DEP SUP,8; J G ELLIOTT CO.INC.,BONDS,300; JACOBS AUTO GLASS,LABOR - BACKGLASS,30; JOHN DEERE FINANCIAL,DEP SUP,298.91; JOHN DEERE FINANCIAL,DEP SUP,328.95; JOHN DEERE FINANCIAL,UNF CTH,152.19; JOHN DEERE FINANCIAL,DEP SUP,46.97; JULIUS D KONCABA,VEH MTC,467.96; KRIZ-DAVIS COMPANY,ELECT. SUPP,447.2; LEXISNEXIS RISK DATA MANAGMENT INC,CONSULTING,100; M.C. SCHAFF & ASSOCIATES, INC,WATER MAIN PROJECT,17935.25; MADISON NATIONAL LIFE,LIFE & DIS INS,1818.94; MATHESON TRI-GAS INC,WELD SUPP,133.93; MATTHEW BENDER & COMPANY INC,PUBLICATIONS,288.06; MENARDS, INC,BUILD MAIN,1058.35; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,1410.63; MIDWEST MOTOR SUPPLY CO INC,SUPP,618.68; MONUMENT PREVENTION COALITION,CONTRACTUAL,939.94; MUNICIPAL PIPE SERVICES, INC.,DEPT SUP,13540.55; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,2218.31; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,36.2; NE DEPT OF REVENUE,W/H TAX,17914.32; NE REC & PARKS ASSOC,MBR,60; NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,DEPT SUPPLIES,589; NEBRASKA INTERACTIVE, LLC,CONTRACT,24; NEBRASKA MACHINERY CO,GRD MTC,2075.47; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,40600.59; NEBRASKALAND TIRE,VEH MTC,596.32;

NEOPOST,POSTAGE,1000; NETWORKFLEET, INC,MONTHLY SERV FOR GPS,18.95; NORTHERN LAKE SERVICE, INC,SAMPLES,5824; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GRD MTC,286.06; OLTMANN, JUDITH,REIMB,250; ONE CALL CONCEPTS,CONTRACT,91.1; OREGON TRAIL PLUMBING, HEATING & COOLING INC,CONTRACTUAL,546; PANHANDLE AREA DEVELOPMENT DISTRICT,MEMBERSHIP,11656.6; PANHANDLE COOPERATIVE ASSOCIATION,GASOLINE,21165.35; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,165; PANHANDLE RC&D,MEMBERSHIP,300; PAUL CONWAY SHIELDS,HELMET PART,54.49; PLATTE VALLEY BANK,PRINCIPAL/INTEREST PAYT.,31795.4; POSTMASTER,POSTAGE,601.22; PRAISE WINDOWS INC,BLDG MAIN,645; PRO OVERHEAD DOOR,BLDG MTNC,1696.75; QUILL CORP,DEPT SUPPL/INVEST SUPPL,549.4; RAILROAD MANAGEMENT CO III, LLC,RENT,723.53; REGIONAL CARE INC,INS.PREM.,63,393.08; REGIONAL WEST MEDICAL CENTER,CONSULTING,548.5; RS VENTURES LLC,VEH MAINT,2168.78; RUSHMORE MEDIA COMPANY, INC,DEPT CNTRCL SRVCS,313; S M E C,EMP DEDUCTIONS,226; SANDBERG IMPLEMENT, INC,GRD MTC,45.5; SATO, LEANN,DEPT SCHL & CNFRNC,50.47; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,210; SCOTTS BLUFF COUNTY COURT,COURT COSTS,85; SCOTTSBLUFF BODY & PAINT,TOW SERVICE,1185.5; SCOTTSBLUFF MOTOR CO, INC,VEH MTC,29.41; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,432; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,DEP SUP,142; SHERIFF'S OFFICE,LEGAL FEES,266.08; SHERWIN WILLIAMS,DEP SUP,2; SIMMONS OLSEN LAW FIRM, P.C.,CONTRCTL SVC,11570.6; SIMON CONTRACTORS,CONCRETE,728; SOURCE GAS,MONTHLY ENERGY FUEL,2814.04; STATE OF NEBR,TELEPHONE,2.92; TERRY D SCOTT,VEH MTC,54.25; THE PEAVEY CORP,INVEST SUPPL,874.45; THOMAS P MILLER & ASSOCIATES, LLC,CONTRACT,16120; THOMPSON GLASS, INC,VEH MAINT,70; TOTAL FUNDS BY HASLER,POSTAGE,300; TRANS IOWA EQUIPMENT LLC,PARTS FOR SWEEPER,150; TYLER TECHNOLOGIES, INC,CONTRACT SERVICES,609; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS,187.95; UNITED STATES WELDING, INC,WELD SUPP,107.57; UPSTART ENTERPRISES, LLC,DEPT SUPPL,185.43; US BANK,DEP SUP,540; VAN PELT FENCING CO, INC,CONTRACTUAL SVC,600; VINCE KELLEY,LICENSE,58.5; WELLS FARGO BANK, N.A.,PENSION,31518.39; WESTERN PATHOLOGY CONSULTANTS, INC,CONTRACT,152; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,26; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,FITNESS PRGRM,2052.3; UTILITY REFUNDS – ALEXIS UTTECHT 60.98; GREG TROUTMAN 38.84; MARIO OCHOA 32.11; SHANE DENNIS 1.40; ROYCE CLEMENT 32.24; ERIC KAUTZ 8.35; DIANE CAMPIONE 3.02; ROBERT CASHON .82; STEVEN COMBS 1.29; CROW WEST APQARTMENTS 3.12; EDWARD PARKER 3.30; DEBRA PRATER 7.61; DUANE RAY 3.62; LARRY STAHLA 5.92; KARA HOLLOWAY 36.62; JUSTIN BRENNING 46.30; THOMAS YATES 52.29; PEGGI CARABAJAL 13.44; RON ENGLEHAUPT 3.22; T & A INVESTMENTS LLC .31.

City Manager Kuckkahn reviewed the October 2014 Financial Report. There were no questions or concerns from the Council.

Mr. Mason Burbach, Executive Director of West Nebraska Art Center, explained the events for which they had requested Special Designated Liquor Licenses. They will have a fund raiser on January 10, 2015 and a gallery reception on March 5, 2015. For both events, they will have someone at the door checking ID's and don't allow anyone who is under 21. They have never had any issues at their events at the art center. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve the special arts-related event wine permits for the West Nebraska Arts Center, 106 East 18th Street and special designated liquor licenses for events on 1/10/15 (6:00 p.m. to 11:00 p.m.) and 3/5/15 (5:00 p.m. to 8:00 p.m.)," "YEAS", Gonzales, Colwell, Meininger, and Shaver. "NAYS" None. Absent: Hilyard.

Mayor Meininger opened the public hearing at 6:05 p.m. which was scheduled for this date, 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. Mr. Kuckkahn explained that this paving district is for the road north of the new Honda dealership and will affect three properties, Reganis Honda, the new hotel and Western Nebraska Community College. It is an extension of 12th Ave. and Winter's Creek. Mr. Dave Schaff, representing 2627 Lodging, and explained that they will be meeting soon to finalize the plans for this new paving project. There were no comments from the public. The public hearing was closed at 6:07 p.m.

Mayor Meininger introduced Ordinance No. 4141 which was read on first reading by title: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA CREATING PAVING DISTRICT NO. 312; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING AND GUTTERING, OR SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR PLANS, SPECIFICATIONS, ESTIMATES OF COST AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SAID IMPROVEMENTS AGAINST THE PROPERTY IN SAID DISTRICT ESPECIALLY BENEFITTED THEREBY IN PROPORTION TO SAID BENEFITS; PROVIDING FOR THE ISSUANCE OF DISTRICT IMPROVEMENT WARRANTS AND DISTRICT AND INTERSECTION IMPROVEMENT BONDS AND FOR THE LEVY OF SPECIAL ASSESSMENTS AND GENERAL TAXES TO PAY FOR SAID IMPROVEMENTS; PROVIDING FOR THE REPEALING OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Moved by Mayor Meininger, seconded by Council Member Shaver, "That the statutory rule requiring the Ordinance to be read by title on three different days be suspended." "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard. The motion carried having been approved by three-fourths of the Council Members.

Moved by Mayor Meininger, seconded by Council Member Shaver, "That Ordinance No. 4141 be adopted," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS" None. Absent: Hilyard.

Mayor Meininger introduced Ordinance No. 4142 which was read on first reading by title: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA CREATING WATER DISTRICT NO. 105; DEFINING THE BOUNDARIES THEREOF; DIRECTING THE CONSTRUCTION OF THE EXTENSIONS OF WATER LINES; PROVIDING FOR PLANS, SPECIFICATIONS, ESTIMATES OF COSTS AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR THE ASSESSMENT OF THE COSTS OF SAID IMPROVEMENTS AGAINST THE PROPERTY IN SAID DISTRICT ESPECIALLY BENEFITTED THEREBY TO THE EXTENT OF SAID BENEFIT; PROVIDING FOR THE ISSUANCE OF WARRANTS AND DISTRICT WATER SERVICE EXTENSION BONDS AND FOR THE LEVY OF SPECIAL ASSESSMENTS AND GENERAL TAXES TO PAY FOR SAID IMPROVEMENTS; PROVIDING FOR THE REPEALING OF ALL ORDINANCES IN CONFLICT HERewith;

PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "That the statutory rule requiring the Ordinance to be read by title on three different days be suspended." "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard. The motion carried having been approved by three-fourths of the Council Members.

Moved by Mayor Meininger, seconded by Council Member Shaver, "That Ordinance No. 4142 be adopted," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS" None. Absent: Hilyard.

Assistant City Manager Johnson presented the bids for a new, six wheel sweeper for the Transportation Department. He explained that the state bid for a sweeper was \$180,000.00 however, they would not accept a trade in. The Nebraska Environmental bid of \$151,623.00 included a \$40,000.00 trade in value. Staff is recommending this bid as the best and lowest bid. Mayor Meininger listed the following bids that were received, including trade in: Rose Equipment \$181,405.00; Floyd's Truck Center \$156,092.00; and Nebraska Environmental \$151,623.00. Council Member Colwell asked if repairs and maintenance could be made locally since the company with the lowest bid is out of town. Mr. Johnson said repairs are made in-house or by local vendors which is covered by the warranty. Moved by Council Member Colwell, seconded by Mayor Meininger, "to award the bid to Nebraska Environmental for a new, six wheel sweeper in the amount of \$151,623.00 as the best and lowest bid," "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard.

Mr. Kuckkahn presented the following bids for the Water Transmission Main project on County Road 24: Paul Reed Construction \$450,695.35 and Midwest Underground, Inc. \$520,694.32. The City Engineer, M.C. Schaff and Associates, submitted a letter recommending Paul Reed Construction for this project, which was estimated at \$665,194.00. Moved by Mayor Meininger, seconded by Council Member Shaver, "to award the bid to Paul Reed Construction in the amount of \$450,695.35 for the Water Transmission Main on CR 24 from Highland Rd. to US Highway 26 as the best and lowest bid," "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard.

City Manager Kuckkahn presented an item for Council to consider December 26th of this year as a holiday due to the action of the Federal government declaring this day as a holiday. He commented that staff is recommending to not designate this as a holiday for this year as there are too many employees at different levels, including union employees. He would like the ability to authorize liberal leave for this day, which employees would need to take vacation time for if they choose to take the day off. Moved by Mayor Meininger, seconded by Council Member Shaver, "to not declare December 26, 2014 as a paid holiday for City of Scottsbluff employees," "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard.

Assistant City Manager Johnson explained Chief Kevin Spencer's proposal for purchasing new patrol units. The Police Department has been approved to purchase two new cars in this budget cycle. Two of their cars have been taken out of service due to accidents, so they need to replace the unmarked cars and purchase a new patrol car. With the insurance funds and public safety funds, they will be able to purchase one new 2014 vehicle, which was a discounted car left from last year's state bid and two 2015 vehicles. This will save over \$22,000.00 of public safety funds. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve the purchase of three new patrol cars for the Police Department using insurance proceeds and public safety funds," "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard.

The annual interlocal agreements for paint striping and street sweeping were presented to Council, with no changes from the previous year to provide this service to the City of Terrytown. Moved

by Council Member Shaver, seconded by Council Member Gonzales, “to approve the agreements with the City of Terrytown for paint striping and street sweeping services and authorize the Mayor to execute the agreements,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and “NAYS” None. Absent: Hilyard.

Mr. Johnson presented the license agreement with Western Area Power Administration (WAPA) to allow access to city property for the new alignment to the Avenue N entrance to Riverside Discovery Center. This agreement will provide access to the WAPA transmission lines and sets parameters regarding what can be built around the poles and height restrictions. Moved by Council Member Gonzales, seconded by Council Member Colwell, “to approve the license agreement with Western Area Power Administration (WAPA) for the new entrance to the Riverside Discovery Center and authorize the Mayor to execute the agreement,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and “NAYS” None. Absent: Hilyard.

Rawnda Pierce, Executive Director of Twin Cities Development, explained the amended Economic Development Assistance Agreement with Fusion Ranch, formerly known as KYS Foods, Inc. The original agreement for a \$250,000 grant was approved in 2011, of which the outstanding balance is approximate \$96,000.00. The agreement provides for an additional loan, making the total outstanding loan amount \$225,000.00. Since they opened, the plant has been expanding and they are adding up to 40 positions. Larry Miley, Plant Manager explained that they are now distributing to many national chains and their production is greater. They will be purchasing additional equipment to automate the process and have purchased additional space. Their starting salary is \$10.60 and so far they have not had problems filling their positions. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve the Amended Economic Development Assistance Agreement with Fusion Ranch and authorize the City Manager to execute the agreement,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and “NAYS” None. Absent: Hilyard.

City Manager Kuckkahn asked Council how they would like to proceed with the endorsement of the Economic Development Plan by Scottsbluff, Gering, Terrytown and Scotts Bluff County. Council decided to consider potential dates to bring all entities together at the January 5, 2015 meeting and develop a draft agenda for the meeting. Mr. Kuckkahn recommended having Tom West, Consultant with Thomas P. Miller and Associates, attend the joint meeting with the other communities as a third party.

Mr. Kuckkahn presented the LARM Interlocal Agreement, which the legal staff has reviewed. There were some marginal changes from the current agreement, but our City Attorney did not have any objections to the agreement. Moved by Council Member Colwell, seconded by Council Member Gonzales, “to approve the LARM Interlocal Agreement and authorize the Mayor to execute the agreement,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and “NAYS” None. Absent: Hilyard.

City Planner Annie Folck, presented the Final Plat for the Eisele Subdivision. She explained that this is located on Beltline next to ABC Nursery. The Owner, Darwin Adams, would like to split this lot into three individual lots, which would provide the option of selling them separately. The lots meet the standards of the C-3 Heavy Commercial district and the zoning will remain the same. Planning Commission recommended approval at their last meeting. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve the Final Plat for Lots 1C, 1D, & 1E, Block 2, a replat of Lot 1A, Eisele Subdivision, City of Scottsbluff and approve Resolution No. 14-12-04,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and “NAYS” None. Absent: Hilyard.

RESOLUTION NO. 14-12-04

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

That the final plat of Lots 1C, 1D, and 1E, Eisele Subdivision, a replat of Lot 1A, Eisele Subdivision, a subdivision in the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the Northeast ¼ of Section 27, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska dated October 30, 2014, 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 15th day of December 2014.

Mayor

Attest:

City Clerk

SEAL

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to remove from the table the item regarding the Developers Agreement for Premier Estates,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and “NAYS” None. Absent: Hilyard.

City Planner Annie Folck explained to the Council that City Staff met with the Premier Estates developer, Adam Reed, to try to work out a compromise to the issues with his development of large lots in north Scottsbluff. The property is located within our two mile jurisdiction, and there are certain ordinances pertaining to this type of development. These are 3 acre lots that are large enough to be developed with a well and septic tank, which will not be tied in to our City utilities. The way development typically occurs is that improvements, meaning paved streets, sidewalks, water, and sewer lines, are all installed at the time that the land is subdivided. This is required in code for any development within City limits. Our code further states (Section 21-1-27) that any improvements that are to be made should be at the cost of the developer, not the City. Where it gets a little less clear-cut is in the section that discusses pavement requirements, (Section 21-1-34). There are provisions in our Code that allow us to waive some of these requirements, and we also have zoning districts which allow for individual wells and septic systems.

We have two main concerns with this type of development: one is that as the City grows and expands, it will be extremely difficult and expensive to annex these properties into the City. The other concern is that allowing this kind of development will cut off the City’s growth in the future. We also need to consider that if we start paying for improvements for one subdivision, we should be prepared to pay for improvements for other subdivisions as well. We have several areas around the City that already struggle with the lack of improvements, such as Sheldon Heights and Adler Tracts which still have gravel streets, Adler Tracts has no water service. We are concerned about adding any more areas around town that may become a liability for the City in the future.

From a planning perspective, we need to be especially careful in how we develop, because we are already very limited in areas where we can grow. We obviously can’t develop to the south, because of Terrytown and Gering, growing to the west will be very difficult because of our City wellfield and the

floodplain, developing to the east will be very difficult because of the floodplain and the airport, which leaves the north as the only direction in which we can grow significantly.

One option we have is to amend the developer's agreement as we have proposed. Typically, if services are to be extended to an existing subdivision, it is done through the use of improvement districts. If it ever became necessary to extend services to this development, the City could create an improvement district and assess the improvement costs to the properties that they serve. The potential issue here is that the City cannot create an improvement if more than 50% of the property owners within the district protest it. When it comes to extending services and annexation, we could possibly have 9 of 20 property owners within an area who have failing wells or septic, but the other 11 property owners do not want to pay to extend City services because their wells and septic are working well. In that case, the only way the City could provide services to those people would be if the City paid for the improvements. That is the reason we proposed that we amend the typical developer's agreement to state that covenants will be created which would prevent future lot owners from protesting the creation of an improvement district if and when it became necessary to extend services. The reason we proposed covenants was so that when people bought the land they would be aware of the possibility of improvement districts in the future.

Some of our approach is going to depend on what our long-term vision is for the City. If we think that the City will never actually grow out to these areas, then it makes sense to allow them to develop however they want. But if that is going to be our approach, it needs to be our policy for all such developments, and I think that could have some very serious long-term implications. If we do see the City growing in the future, we need to see what we can do to make sure that we remain competitive. We just finished an economic development report that made it very clear that we are in competition with other communities to bring jobs and industry to the area. If we want to remain competitive, we need to make sure that we are not cutting off potential development sites from our utilities. The Planning Commission indicated that they would like to continue exploring options for handling this type of development, and they would like to see it addressed in our Comprehensive Development Plan update.

Staff is still recommending that Council reject this developer's agreement. However, in recognition of the fact that we allowed this development to proceed to the point of Council considering the developer's agreement and the final plat, we would accept an action from Council that would approve this developer's agreement on the condition that no more large-lot developments will be approved by the City until firm policies have been set in the Comprehensive Development Plan. We want to be clear that we still have a lot of concerns about this development, particularly if they should start experiencing issues with their wells or septic. We want Council to understand that our main concerns that we have addressed tonight are not just about this particular development, they are about allowing any development without City services.

Our current Comprehensive Development Plan doesn't address large lot development, however it does outline where the growth will potentially happen. Mayor Meininger asked about annexation if the property owners don't agree. Mr. Kuckkahn noted that the owners don't have to agree to annexation, but a majority must agree to creating a district. If they don't agree to creating a district, the city has to provide the utilities.

Adam Reed, developer of the property, said the issue of water is the risk of the owner of the lot. They have complied with every code issue the city has requested including a right of way for any utilities. City water and sewer are currently not available to this development. The services at the adjoining development, Scotts Bluff Country Club, aren't owned by the city, but by the owners at the Country Club. Mr. Reed commented that the code currently allows the right to waive street paving and the right to allow wells and septic tanks. If owners want these utilities, with a majority vote of the homeowners, they can add them.

Council Member Shaver asked how the code reads for Rural Residential. Ms. Folck responded that there is a minimum lot size of 3 acres, it doesn't require streets, and allows wells and septic tanks. The lots in this development all meet the 3 acre minimum. Mr. Shaver commented that if there is a problem with the rural residential code, we need to change the code. Ms. Folck added that the part of the code we are hung up on says if the property is annexed at a later date improvements must be constructed, and such improvements shall be made by the developer at their cost. The Council discussed the question of who the developer is after the lots are sold, the original developer or the current property owner.

Ms. Folck asked the Council for direction to develop clear cut policies. She added that this is not a bad development, she is just not sure if it's an appropriate development this close to the city.

Council Member Gonzales commented that we have a developer wants to develop and our codes currently allow him to do that. We will need to convey to the buyers that there may be some issues later regarding utilities, which goes with the property. We shouldn't hinder the development because we have failed to be proactive in our Comprehensive Plan.

Moved by Council Member Shaver, seconded by Council Member Gonzales, "to approve the Developers Agreement for Premier Estates as proposed by the Developer, Adam Reed," "YEAS", Gonzales, Meininger, Shaver and "NAYS" Colwell. Absent: Hilyard.

Staff was directed to work on defining who pays for the utilities for future developments in the extraterritorial areas as the new Comprehensive Development Plan is developed.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to remove from the table the item regarding the final plat for Lots 1-9, Block 1; & Lots 1-3, Block 2, Premier Estates Subdivision," "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the final plat for Lots 1-9, Block 1; & Lots 1-3, Block 2, Premier Estates Subdivision and approve Resolution No. 14-12-05," "YEAS", Gonzales, Meininger, Shaver and "NAYS" Colwell. Absent: Hilyard.

RESOLUTION NO. 14-12-05

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

That the final plat of Lots 1-9, Block 1 and Lots 1-3, Block 2, Premier Estates, A subdivision of a part of the East Half of the SW ¼ of Section 3, T22N, R55W of the 6th P.M., Scotts Bluff County,

Nebraska dated October 30, 2014, 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 15th day of December 2014.

Mayor

Attest:

City Clerk

SEAL

Mr. Johnson presented the Resolution to update unclassified positions to meet the \$8.00 minimum wage as a result of Nebraska Initiative Measure 425 which takes effect January 1, 2015. The will affect School Crossing Guards, Library Pages, and Recreation Aides. Moved by Council Member Colwell, seconded by Council Member Shaver, "to approve Resolution No. 14-12-06, which reflects the minimum wage increase," "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard.

RESOLUTION NO. 14-12-06

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

- That the following Pay Plan for officers and employees of the City of Scottsbluff, Nebraska employed in Classified Positions be approved September 2, 2014 and effective October 6, 2014.

PAY SCHEDULE
HOURLY RATES (Based on 40 hour work week)

<u>Grade</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>L1</u>	<u>L2</u>
2	8.54	8.97	9.42	9.89	10.38	10.90	11.45
3	8.97	9.42	9.89	10.38	10.90	11.45	12.02
4	9.42	9.89	10.38	10.90	11.45	12.02	12.62
5	9.89	10.38	10.90	11.45	12.02	12.62	13.25
6	10.38	10.90	11.45	12.02	12.62	13.25	13.92
7	10.90	11.45	12.02	12.62	13.25	13.92	14.61
8	11.45	12.02	12.62	13.25	13.92	14.61	15.34
9	12.02	12.62	13.25	13.92	14.61	15.34	16.11
10	12.62	13.25	13.92	14.61	15.34	16.11	16.91
11	13.25	13.92	14.61	15.34	16.11	16.91	17.76
12	13.92	14.61	15.34	16.11	16.91	17.76	18.65
13	14.61	15.34	16.11	16.91	17.76	18.65	19.58
14	15.34	16.11	16.91	17.76	18.65	19.58	20.56
15	16.11	16.91	17.76	18.65	19.58	20.56	21.59
16	16.91	17.76	18.65	19.58	20.56	21.59	22.67

10

17	17.76	18.65	19.58	20.56	21.59	22.67	23.80
18	18.65	19.58	20.56	21.59	22.67	23.80	24.99
19	19.58	20.56	21.59	22.67	23.80	24.99	
26.24							
20	20.56	21.59	22.67	23.80	24.99	26.24	
27.55							

BI-WEEKLY RATES

17	1419.61	1490.59	1565.12	1643.38	1725.54	1811.82	1902.41
18	1490.59	1565.12	1643.38	1725.54	1811.82	1902.41	1997.53
19	1565.12	1643.38	1725.54	1811.82	1902.41	1997.53	2097.41
20	1643.38	1725.54	1811.82	1902.41	1997.53	2097.41	2202.28
21	1725.54	1811.82	1902.41	1997.53	2097.41	2202.28	2312.40
22	1811.82	1902.41	1997.53	2097.41	2202.28	2312.40	2428.01
23	1902.41	1997.53	2097.41	2202.28	2312.40	2428.01	2549.42
24	1997.53	2097.41	2202.28	2312.40	2428.01	2549.42	2676.89
25	2097.41	2202.28	2312.40	2428.01	2549.42	2676.89	2810.73
26	2202.28	2312.40	2428.01	2549.42	2676.89	2810.73	2951.27
27	2312.40	2428.01	2549.42	2676.89	2810.73	2951.27	3098.83
28	2428.01	2549.42	2676.89	2810.73	2951.27	3098.83	3253.77
29	2549.42	2676.89	2810.73	2951.27	3098.83	3253.77	3416.46
30	2676.89	2810.73	2951.27	3098.83	3253.77	3416.46	
3587.28							
31	2810.73	2951.27	3098.83	3253.77	3416.46	3587.28	
3766.65							

2. That the following positions in the Classification Plan are assigned to the following Class Grades:

HOURLY POSITIONS

<u>Grade</u>	<u>Class Titles</u>	<u>Grade</u>	<u>Class Titles</u>
5	Assistant Pool Manager	14	Wastewater Plant Operator I
7	Library Technician	14	Water System Operator I
7	Pool Manager	14	Heavy Equipment Operator
9	Building & Grounds Custodian	14	Solid Waste Equip. Operator
9	Code Enforcement Assistant	15	Crew leader
9	Clerical Technician	16	Maintenance Mechanic
10	Clerk Typist	16	Finance/HR Assistant
10	Customer Services Clerk	16	Fire Prevention Officer
10	Library Assistant	17	Wastewater Plant Operator II
11	Record Technician	17	Water System Operator II
11	Humane Officer	17	Construction-Locator Spec.
12	Admin. Services Assistant	18	Cemetery Supervisor

12	Accounts Payable Clerk	19	Stormwater Program Specialist
12	Accounts Receivable Clerk	20	Code Administrator I
12	Admin. Records Technician		
13	Administrative Assistant		
13	Maintenance Worker		
13	Motor Equipment Operator		

EXEMPT POSITIONS

Professional, Administrative and Executive

17	Recreation Supervisor	24	Development Serv. Director
18	Utilities Adm. Coordinator	24	City Clerk/Risk Manager
18	Librarian	24	Library Director
20	GIS Analyst	24	Public Safety/Em Mgmt Dir
22	Transportation Supervisor	25	IS Coordinator
22	Park Supervisor	26	Police Captain
22	Water System Supervisor	26	Director of Parks/Recreation
22	Wastewater Plant Supervisor	26	Assistant City Manager
22	Environmental Services Supervisor	27	Director of Human Resources
22	Code Administrator II	28	Director of Public Works
22	Planner	29	Fire Chief
23	Network Administrator	30	Police Chief
23	Planning Administrator	31	Director of Finance

3. That the following pay schedule for officers and employees in Unclassified Positions of the city is approved December 15, 2014 and effective January 1, 2015.

<u>Position</u>	<u>Salary Minimum</u>	<u>Salary Maximum</u>
City Manager	Established by City Council	

Seasonal and Part-time
Hourly Rates

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
School Crossing Guard	\$8.00	\$8.50	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80
Library Page	\$8.00	\$8.50	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80
Laborer	\$8.25	\$8.75	\$9.25	\$9.45	\$9.65	\$9.85	\$10.05
Field Mntc. Groundskeeper	\$8.65	\$9.15	\$9.65	\$9.85	\$10.05	\$10.25	\$10.45

Recreation Aide	\$8.00	\$8.50	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80
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Lifeguard	\$8.65	\$9.15	\$9.65	\$9.85	\$10.05	\$10.25	\$10.45
Head Lifeguard	\$8.95	\$9.45	\$9.95	\$10.15	\$10.35	\$10.55	\$10.75

NOTE: Pay step increase may be given after one year of service from hire date, at the discretion of the Department Head.

- The Pay Schedule for the position of Firefighters and Fire Captains working a 56 hour week shall be the schedule approved in a Resolution adopted by the Mayor and City Council on September 2, 2014 and effective October 6, 2014.

Class Title	Hourly Pay Schedule (56 hour week)							
	1	2	3	4	5	6	7	8
Firefighter	12.49	13.12	13.77	14.46	15.18	15.94	16.74	17.58
Fire Captain	16.19	17.00	17.85	18.74	19.68	20.66	21.70	22.78

- That the Pay Schedule for the position of Patrol Officer and Police Sergeant shall be the Schedule approved in a resolution approved by the Mayor and City Council on September 2, 2014 to be effective October 6, 2014.

Class Title	Hourly Pay Schedule							
	1	2	3	4	5	6	7	8
Patrol Officer	17.64	18.49	19.38	20.31	21.28	22.31	23.38	24.50
Police Sergeant	21.32	22.34	23.41	24.54	25.71	26.95	28.24	29.60

6. Resolution No. 14-03-06 and all other resolutions in conflict with this resolution are repealed.

Passed and approved this 15th day of December, 2014.

Mayor

ATTEST:

City Clerk

City Manager Kuckkahn presented the updated stop sign Resolution reflecting the installation of a new stop sign at the intersection of East 15th Street and 17th Ave. Moved by Mayor Meininger, seconded by Council Member Colwell, “to approve Stop Sign Resolution No. 14-12-07,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and “NAYS” None. Absent: Hilyard.

RESOLUTION 14-12-07

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

1. The public safety, convenience and welfare require that Stop Signs be erected as authorized by Section 22-2-17 of the Municipal Code.
2. Stop signs shall be erected at the following entrances to streets from other streets:
 - 1) The North entrances to East 7th Street from 14th, 16th and 19th Avenues.
 - 2) The North entrance to West 12th Street from Avenue A.
 - 3) The entrances to East 15th Street from 7th Avenue.
 - 4) The entrances to East 15th Street from 8th Avenue.
 - 5) The entrances to East 15th Street from 14th Avenue.
 - 6) The entrances to East 15th Street from 15th Avenue.
 - 7) The entrances to East 17th Street from 3rd and 4th Avenues.
 - 8) The intersection of West 17th Street and Avenue G shall be a four-way stop.
 - 9) The intersection of West 18th Street and Avenue X shall be a four-way stop.
 - 10) The entrances to West 19th Street from Avenue C.
 - 11) The Southwest entrance to East 20th Place from Cross Road Street.
 - 12) The South entrance to East 23rd Street from 1st Avenue.
 - 13) The intersection of 33rd Street and Avenue D shall be a four-way stop.
 - 14) The South entrance to 33rd Street from Avenue G.
 - 15) The West entrance to 2nd Avenue from East 29th Street.
 - 16) The entrance to 11th Avenue from Platte Valley Drive.
 - 17) The Entrances to 11th Ave from East 9th Street.

- 18) The entrances to 12th Avenue from East 12th Street.
- 19) The entrances to 17th Avenue from East 18th Street.
- 20) The entrances to 31st Street from Avenue D.
- 21) The entrances to West 31st Street from Ave G.
- 22) The entrances to Avenue A from West 25th Street.
- 23) The entrances to Avenue D from 38th and 40th Streets.
- 24) The West entrance to Avenue J from West 16th Street.
- 25) The entrances to Avenue Z from West 15th, 17th, 18th and 19th Streets.
- 26) Both entrances to Broadway Avenue from East Railway Street.
- 27) The entrance to Circle Drive from 13th Avenue.
- 28) The south entrance to 42nd Street from Cedar View Street.
- 29) The entrance to 42nd Street from Avenue B.
- 30) The entrances to Primrose Drive from 12th Avenue.
- 31) The East entrance to Primrose Drive from Talisman Drive.
- 32) The entrance to Platte Valley Drive from 13th Avenue.
- 33) The entrance to 25th Avenue from Delta Drive in both directions.
- 34) The North and South entrances to East 15th Street from 17th Avenue.

3. Resolution 11-10-02 is repealed, except that this repeal shall not be construed to affect any liabilities or causes of action existing or pending at the time when this resolution becomes effective.

4. This Resolution shall become effective following its passage and approval.

Passed and Approved on December 15, 2014.

Mayor

ATTEST:

City Clerk (Seal)

Mr. Kuckkahn explained the Ordinance providing for a 6% occupation tax on hotel accommodations, which would affect hotel/motel rooms and RV Camps. The accommodator of the facilities would be required to keep all records on this tax. The limit for this type of occupation tax is 6%. This is a very common taxation to add to our sources of revenue to assure we are maintaining a quality of life that will attract visitors to our area. These funds could then be used to offset the funding at the Riverside Discovery Center or other appropriate tourist related activity. This additional tax was discussed at the budget work session.

Clarence Gealy, owner of the Hampton Inn commented that adding 6% to their rooms will be counterproductive. He feels they will lose customers, therefore losing other visitor revenue. Mr. Gealy asked for a clarification of where the tax proceeds would go. Mayor Meininger said that right now they are looking at it going to the Riverside Discovery Center, which is currently supported from the city's

general fund. Mr. Gealy suggested the City raise the local tax if more money is needed. Council Member Shaver explained that this tax will be paid mainly by those visiting the city, not the residents, and will help keep property taxes down.

Nathan Greene also commented that not everyone who stays at hotels are there for recreation. Many times people are here to be close to family or friends at the hospital.

Becca Gorsuch, Hampton Inn Manager, commented that 75% of their visitors are there for business purposes, and are not interested in tourism. They are already being charged a tourism tax by the County. She feels we are asking visitors to go to another community by charging an additional tax. She suggested looking at the line items of the funds collected by the County, and evaluate if the Riverside Discovery Center needs to be one of those recipients.

Council Member Gonzales asked for estimated revenue from this tax. Mr. Kuckkahn said the estimate is \$170,000.00 for a 4% tax. Mr. Johnson explained that the Ordinance has a 6% tax in it to catch up because we didn't bring the Ordinance before the Council at the beginning of the new budget year. This amount can be adjusted annually. Council Member Shaver was concerned that we agreed to 4%, not 6%, and would like staff to bring another Ordinance back to Council. Moved by Mayor Meininger, seconded by Council Member Shaver, "to bring the lodging occupation tax Ordinance back to the City Council with a 4% tax rather than 6%," "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard.

Under Council Reports, Mayor Meininger met with the Senior Center Board, they are working on resolving some heating problems at the center.

Moved by Council Member Shaver, seconded by Council Member Colwell, "to adjourn the meeting at 7:50 p.m.," "YEAS", Gonzales, Colwell, Meininger, Shaver and "NAYS" None. Absent: Hilyard.

Mayor

Attest:

City Clerk