

# **City of Scottsbluff, Nebraska**

**Monday, April 20, 2015**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the April 6, 2015 Regular Meeting.**

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

The Scottsbluff City Council met in a regular meeting on Monday, April 6, 2015 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 3, 2015, 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 April 3, 2015. 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. Boy Scout Jason Moranville led the Pledge of Allegiance. 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, Liz Hilyard and Scott Shaver. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. City Clerk Dickinson explained a clarification in the wording of Item 8c. "Council to conduct a public hearing at 6:05 p.m. to consider an Ordinance amending Chapter 25, Article 6-1.6 dealing with signs, to relocate a chart and remove repetitive sections of chapter 25-6-6." Mayor Meininger asked to move the order of some items on the agenda. Moved by Mayor Meininger, seconded by Council Member Shaver, "to make the following changes to the agenda, move 12C - Council to receive an update of the Comprehensive Plan, and 12H - Council to conduct the City Manager's annual performance review, to the April 20, 2015 Regular Meeting; and move item 12A -Council to consider a contract with the Scottsbluff Public School District regarding the indoor and outdoor Splash pools, authorize the continuation of funding, and authorize the Mayor to execute the contract, to 9C," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver. "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 Gonzales, seconded by Mayor Meininger that,

1. "The minutes of the March 16, 2015 Regular Meeting be approved,"
2. "The minutes of the March 30, 2015 Special Meeting be approved,"
3. "The absence of Council Member Hilyard from the March 16, 2015 Regular Meeting be approved,"
4. "The liability claim be acknowledged from Regional West Medical Center in the amount of \$26,179.55 for medical expenses incurred by Alejandro Paramo and forwarded to the City's insurance carrier,"
5. "The bid specifications be approved for the Sanitary Sewer and Siphon by Scottsbluff Drain, 27<sup>th</sup> Street and authorize the City Clerk to advertise for bids to be received by April 30, 2015 at 2:00 p.m.,"

6. "The bid specifications be approved for the Seal Coat Project and authorize the City Clerk to advertise for bids to be received by April 30, 2015 at 2:00 p.m.,"
7. "A public hearing be set for April 20, 2015 at 6:05 p.m. to consider the report of the Economic Development Program Citizen's Advisory Committee,"
8. "A public hearing be set for April 20, 2015 at 6:05 p.m. to consider the rezone of Lots 1 and 2, Block 1, City Central Subdivision a replat of Block 3, Farmland Industries Subdivision and Tax Lots 17 & 45 and part of Tax Lots 18 & 44, City of Scottsbluff, from M-1 Light Manufacturing to C-3 Heavy Commercial, this parcel is located North of 8<sup>th</sup> Street between Broadway and Ave. B,"
9. "A public hearing be set for April 20, 2015 at 6:05 p.m. to consider the rezone of part of Lots 1 & 2, Block 9 Five Oaks Subdivision, and unplatted lands, City of Scottsbluff, from A- Agricultural to C-2 Neighborhood & Retail Commercial, these parcels are situated south of 42<sup>nd</sup> & East of Highway 71 (Ave. I),"
10. "A public hearing be set for April 20, 2015 at 6:05 p.m. to consider the Annexation of Five Oaks Subdivision of approximately 32.67 ± acres situated in the NW corner of Section 14, T22N, R55W 6<sup>th</sup> P.M. Scotts Bluff County. These lands are located south of 42<sup>nd</sup> Street, north of Scottsbluff Drain, and east to where it meets current City limits," "YEAS", Gonzales, Colwell, Meininger, and Hilyard "NAYS" Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member Hilyard, "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 6, 2015, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS" None. Absent: None.

#### CLAIMS

3M CENTER-TRAFFIC CONTROL,SUPP - PAVE. MARKING TAPE,10570.2; ACCURACY INC,FIREARMS SUPPL,2152; ACTION COMMUNICATIONS INC.,SUPPLIES,55; ADVERTISING SPECIALTIES LLC,36 PE SHORTS,631.8; AIRGAS USA, LLC,DEPT SUPPLIES,7.25; ALAMAR CORP,CIP-PO SUPPLIES,4072.15; AMAZON.COM HEADQUARTERS,BKS/DVDS,601.46; AMERICAN NATIONAL RED CROSS & ITS CONSTIUEENT CHAPTERS & BRANCHES,DEP SUP,927.27; ANDREA FOLCK,DEPT BSNSS TRVL,41.29; ANTHONY HARRIS,GASOLINE,50; AUTOZONE STORES, INC,VEHICLE PART,6.63; BACON & VINTON, LLC,CONTRACT,326.49; BAKER & ASSOCIATES INC,CONTRACTUAL SVC,1603.53; BFT, LP,CIP-PO#2,156.29; BLUFFS SANITARY SUPPLY INC.,JAN SUP,352.8; BOHL, MARK,BUS TRAVEL,159; CAMP FAMILY ENTERPRISES,LLC,RECOGNITION DINNER,1392.3; CARR TRUMBULL LBR INC.,DEPT SUP,21.39; CELLCO PARTNERSHIP,PHONE,737.27; CITIBANK N.A.,DEPT SUPPLIES,160.34; CITY OF GERING,ECON DEV,70.55; CITY OF SCB,PETTY CASH-ADM,162.05; CLARK PRINTING LLC,DEPT SUPPL,1092.8; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,LIFE & DIS INS,48.7; CONTRACTORS MATERIALS INC.,SUPP,722.93; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACH,413.3; CULLIGAN OF SCOTTSBLUFF,DEPT SUPPLIES,133.1; CYNTHIA GREEN,DEPT SUPPL,299; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,556.53; DAVID M GLENN JR.,EOD TRAINING MEALS - GLENN,57; DOUG MADER,REIMB,30; DUANE E. WOHLERS,DISPOSAL FEES,2400; ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MTNC,643.22; ELXSI,CONTRACTUAL SVC,1800; ENVIRONMENTAL RESOURCE ASSOCIATES,CONTRACTUAL SVC,957.55; ETS DEVELOPMENT GROUP, LLC,CONTRACTUAL,4550; FASTENAL COMPANY,VEHICLE MTNC,241.6; FEDERAL EXPRESS CORPORATION,SHIPPING,123.16; FLOYD'S TRUCK

CENTER, INC,PARTS FOR D. TRUCK,1851.94; FREMONT MOTOR SCOTTSBLUFF, LLC,VEH MTC,22.02; FYR-TEK INC,RELIEF VALVE PUMP,3229.55; GARTON, LYNN,SCHOOLS/CONF,138; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP, 960.78; GENERAL TRAFFIC CONTROLS, INC,REPAIR UNITRAK CARD FOR 5TH & 20TH TRAFFIC SIGNAL,192.24; H D SUPPLY WATERWORKS LTD,DEPT SUP,13565.07; HEILBRUN'S INC.,GEAR OIL FOR D. TRUCK,1406.71; HENWIL CORPORATION,CHEMICALS,5198; HOLIDAY INN EXPRESS LINCOLN AIRPORT,SCHOOLS & CONF,83; HOME TEAM REALTY, INC,SERVICES,2500; ICMA RETIREMENT TRUST-457,DEF COMP,1325.14; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP,1068.07; INDEPENDENT PLUMBING AND HEATING, INC,GRD MTC,836.51; INFO USA MARKETING,DEPT SUPP,710; INGRAM LIBRARY SERVICES INC, BKS,1685.83; INLAND TRUCK PARTS & SERVICE,VEH MAINT,3129.95; INTERNAL REVENUE SERVICE,W/H TAX,59291.91; INTERNATIONAL PUBLIC MANAGEMENT ASSOCIATION-HR, POL.OFFICER EXAMS,180.5; INVENTIVE WIRELESS OF NE, LLC,DEP SUP,62.95; JAMES COMBS, SCHOOLS & CONF,60; JAY C HAGERMAN,CONTRACTUAL SVC,175; JIRDON AGRI CHEM.INC.,GRD MTC,939.35; JOHN DEERE FINANCIAL,EQP MTC,2495.38; JOHN DEERE FINANCIAL, VEH MTC,156.25; JOHN DEERE FINANCIAL,DEP SUP,89.98; JOHN DEERE FINANCIAL, GRD MTC,71.62; JOHN DEERE FINANCIAL,EQP MTC,63.59; JOHN DEERE FINANCIAL, GRD MTC,53.96; JOHN DEERE FINANCIAL,EQP MTC,50.16; JOHN DEERE FINANCIAL, JAN SRV,165.22; JOHN DEERE FINANCIAL,EQP MTC,17.65; JOHN DEERE FINANCIAL, DEP SUP,31.98; JOHN DEERE FINANCIAL,SUPP,26.3; JOHN DEERE FINANCIAL,VEH MTC,7.97; JUAN PEREZ,CONTRACTUAL SERVICES,57.5; KAWASAKI KORNER,EQP MTC,579.1; KEMBEL SAND & GRAVEL COMPANY,DEP SUP,108.05; KEVIN, PEGGY SEGELKE,DEPT SUPPLIES,1119.25; KOIS BROTHERS EQUIPMENT CO INC,DEPT SUPPLIES,2695; KRIZ-DAVIS COMPANY,EQUIP MAINT,211.71; LANDAUER, INC,EQUIP MAINT,70.95; LAW ENFORCEMENT TARGETS,FIREARMS RANGE SUPPL,588.4; LCR INC,SUPPLIES POLICE OFFICER TESTING,28.55; LEAGUE ASSOCIATION OF RISK MANAGEMENT, LIABILITY DEDUCTIBLE,3045.33; LEAGUE OF NEBRASKA MUNICIPALITIES, CONFERENCE,11.5; M.C. SCHAFF & ASSOCIATES, INC,COMPOST FACILITY BLDG & SCALE,2425.5; MAILFINANCE INC,EQUIP LEASE,106.76; MATTHEW BRODERICK,SCHOOLS & CONF,57; MENARDS, INC,VEH MTC,629.85; MIDLANDS NEWSPAPERS, INC,1 YEAR SUBSCRIPTION,165.06; MIDWEST CONNECT, LLC,DEPT SUPP,91.95; MONUMENT CAR WASH INC,VEH MAINT,119.95; MUNICIPAL PIPE SERVICES, INC.,DEPT SUP,5948.47; MUNICIPAL SUPPLY INC. OF NEBRASKA,DEPT SUP,3902.48; NAEM, SCHOOLS & CONF,135; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,2169.56; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,36.2; NE DEPT OF REVENUE,SALES TAX,20829.8; NE LIBRARY ASSOC,MEM RNWLS,195; NEBRASKA FIRE CHIEFS' ASSOCIATION,NFPA CODE SUBSCRIPTION,450; NEBRASKA HAZARDOUS MATERIALS ASSOC,NE HAZ MAT ASSC. DUES,150; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC,20299.99; NELSON ELECTRIC MOTOR SERVICE, INC,EQUIPMENT,17798.96; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GRD MTC,385.02; NWEA,SCHOOLS & CONF,100; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SVCS,300.85; ONE CALL CONCEPTS, INC,CONTRACT,148.35; OREGON TRAIL PLUMBING, HEATING & COOLING INC,CONTRACTUAL SVC,140; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,216; PANHANDLE HUMANE SOCIETY,CONTRACT,4964.31; PAUL REED,GRD MTC,162.69; PAUL REED CONSTRUCTION & SUPPLY, INC,STRM WTR SUP,348.6; PELCO CORP,DEPT SUPP,54.9; PLATTE VALLEY BANK,CONTINGENCY,420339.18; POSTMASTER, POSTAGE,994.98; PRO OVERHEAD DOOR,DEPT SUPPLIES,309.25; REGION I OFFICE OF

HUMAN DEVELOPMENT, CONTRACTUAL SERVICES,825; REGIONAL CARE INC,HEALTH INS.PREMIUM,90027.59; RIGHT BRAIN UNLIMITED,DEP SUP,586.84; RIVERSIDE ZOOLOGICAL FOUNDATION, CONTRACT,87500; ROOSEVELT PUBLIC POWER DISTRICT, ELECTRIC,1897.07; RYAN R KUMM,EQP MTC,150; S M E C,EMP DEDCTNS,238; SANDBERG IMPLEMENT, INC,EQP MTC,32.98; SCB COUNTY,DEPT CNTRCL SRVCS,78; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCOTT SHAVER,CONFERENCE EXPENSES,246.18; SCOTTS BLUFF COUNTY COURT,LEGAL FEES,119; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES,624; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,GUARDS CLOTHING,827; SHERIFF'S OFFICE,LEGAL FEES,260.28; SHERWIN WILLIAMS,STR. REP. SUPP - PAINT,23251.5; SIMON CONTRACTORS,CONCRETE FOR PARKING LOT,10498.94; SLAFTER OIL CO INC.,EQUIP MAINT,117; SNELL SERVICES INC.,ELC MTC,5257.54; SOURCE GAS,MONTHLY ENERGY FUEL,4253.11; STATE HEALTH LAB,SAMPLES,2618; STATE OF NE.,CONTRACTUAL,630; STATE OF NEBR,MONTHLY LONG DISTANCE,137.82; TEACHERS' CORNER,DEP SUP,45.56; TERRY D SCOTT,VEH MTC,300.32; THE PEAVEY CORP,INVEST SUPPL,582.45; THOMPSON PUBLISHING GROUP INC, SUBSCRIPTION,536.99; TODD, JAMES, SCHOOLS & CONF,57; TOMMY'S JOHNNYS INC,CON SRV,1305; TOTAL FUNDS BY HASLER, PSTGE,500; TOYOTA MOTOR CREDIT CORPORATION, HIDTA CAR LEASE,383.99; TRANS IOWA EQUIPMENT LLC,BROOMS FOR SWEEPERS,1263.87; TYLER TECHNOLOGIES, INC, ONLINE MAINTENANCE FEE,348; US BANK,3 STAFF MEMBERS NREMT CARDS- HUBBS CARD,234.55; VAN PELT FENCING CO, INC,CIP-PO#2,15974.5; VERIZON WIRELESS-LERT B,CONSULTING,150; WELLS FARGO BANK, N.A.,RETIREMENT,28935.87; WESTERN COOPERATIVE COMPANY,DEPT SUPPLIES,375.55; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,54; WHOLESALE MOTIVE SERVICE INC.,DEPT SUPP,18.87; WIN INVESTMENTS INC,SCHOOLS & CONF, 308.28; WORLD BOOK INC,BKS,1049; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPP,80.91; YELLMAN, ABBIGAIL,REIMB,52.43; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,FITNESS PROGRAM FOR VOLUNTEERS,99; ZM LUMBER INC,GRD MTC,74.78; UTILITY REFUNDS: CECELIA HERNANDEZ .74; ELIZABETH BARRAZA 1.65; CURRY RELOCATION 41.27; DON LITTLE 4.47; T & S RENTALS 3.76.

Moved by Mayor Meininger seconded by Council Member Hilyard, "to approve payment of claim by warrant for Paving District #311, Five Oaks Street Improvements and approve Resolution No. 15-04-01," Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS" None. Absent: None.

**RESOLUTION NO. 15-04-01**

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

That the claim of Baker & Associates, Inc. in the amount of \$5,999.00, being the first pay estimate for Paving District #311, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 6th day of April, 2015.

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Mayor

ATTEST:

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City Clerk

“seal”

Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve payment of claim by warrants for Water Extension District 105, Reganis 12<sup>th</sup> Avenue and approve Resolution No. 15-04-02, “Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS” None. Absent: None.

**RESOLUTION NO. 15-04-02**

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

That the claim of M.C. Schaff & Associates, Inc. in the amount of \$12,691.30, being the first pay estimate for Water District #105, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 6th day of April, 2015.

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Mayor

ATTEST:

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City Clerk

“seal”

Mayor Meininger opened the public hearing at 6:05 p.m. regarding the purchase of real estate property located at 15 East 18<sup>th</sup> Street, Scottsbluff, Nebraska. Assistant City Manager Nathan Johnson explained that the city has agreed to purchase the property for \$147,000.00. He explained that the appraisal value was \$137, 500.00. City Planner Annie Folck explained that the purchase of this property will allow the development of a downtown gathering space to be used for a variety of activities. The downtown center will be located between 1<sup>st</sup> Ave. to Broadway on 18<sup>th</sup> Street, which is the heart of downtown. The two properties needed for this development were on the market at the same time, making this a great opportunity to move forward on developing a gathering place to provide public restrooms, indoor and outdoor playgrounds and special features.

The following citizens addressed the Council regarding the purchase of the property for the purpose of developing a City Center:

- Angela Kimble, Member of the Business Improvement District and owner of Cappuccino and Company – supportive of the project as long as the alleyway is still accessible.
- Rae Anne Schmitz, attorney, Legal Aid – questioned source of funding. City Manager Kuckkahn explained that the funds for this project will come from the Debt Service Fund, which is basically a loan the city has to pay for the project. He further explained that the fund used to support such amenities as the library, swimming pools, parks, police and fire is the General Fund which is supported by the NPPD rent and the sales tax. There is limited revenue which must be balanced by law.
- Jerry Lewis – concerned about preserving the historic beauty of the building. Ms. Folck explained that the front of the building would remain if possible.
- Jennifer Galindo – concerned about the on-going maintenance of the project and what fund would be used. Mr. Kuckkahn explained that the general fund would be used for ongoing maintenance.
- Bruce Rolls, owner of Western Trail Sports – concerned about the rising cost of maintenance and how vandalism of the project will be controlled. Also concerned about the loss of over 50 parking spaces for this project. Mr. Rolls said he was not totally opposed to the project, but feels the city needs to consider these issues first.
- Tammy Reichert, owner Reichert Jewelers, 1809 and 1811 Broadway – very supportive of the project and potential of bringing more people to our downtown. She also feels the maintenance of the City Center will need to be monitored and will require a good promotion program.
- Billy Estes, Midwest Theater Executive Director – supportive of the plan to connect the downtown arts with a pathway from the West Nebraska Art Center to the Midwest Theater. The Theater draws large crowds and parking has not been an issue so far.
- Kat Tyler, Farmers Market Director – very supportive of the project and addition of public restrooms.
- Jana Richard, Aulick's TLC Winter Farmers Market – positive input regarding attention to our historic downtown area.
- Crystal Aulick, NEXT Young Professionals – very supportive, NEXT holds an annual wine and beer tasting event at the location of the City Center, giving thousands of dollars back to the community.
- Nathan Green – concerned that the downtown area will lose 68 parking spots, issues with transformers due to construction, trash trucks may not be able to go through the alleys, and the lack of stop lights downtown.
- Neal Blomenkamp, Owner Runza and Chairman of the Business Improvement District (BID) – explained that this project is supported by the BID. Downtown has changed, which will hopefully change the vandalism mentality also. He has provided restrooms for downtown at his business and has not experienced any vandalism.

Mayor Meininger added that the City Center is currently conceptual; we will need the properties to proceed with the development. Mayor Meininger closed the public hearing at 6:40 p.m.

Mayor Meininger opened the public hearing at 6:40 p.m. regarding the purchase of real estate property located at 23 East 18th Street, Scottsbluff, Nebraska. There were additional comments by the following attendees:

- Nathan Green commented that it is important for Scottsbluff to have something unique in our community

- Jerry Lewis – commented that if the General Fund will pay for the maintenance of the project, then the City needs to also continue to support the Library, which is known statewide for their wonderful programs.

Mayor Meininger closed the public at 6:45 p.m.

Mayor Meininger opened the public hearing at 6:48 to consider an Ordinance amending Chapter 25, Article 6-1.6 dealing with signs, setting forth additional restrictions in signs and repealing and removing a portion of 25-6-6. There were no comments from the public. Mayor Meininger closed the public hearing at 6:48 p.m. Mayor Meininger introduced Ordinance No. 4148 which was read on first reading by title: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH SIGNS, AMENDING § 25-6-1.6 TO RELOCATE A CHART, TO REMOVE REPETITIVE SECTIONS AND TO REPEAL AND REMOVE §25-6-6, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

Moved by Mayor Meininger, seconded by Council Member Colwell, “that the statutory rule requiring the Ordinance to be read by title on three different days be suspended,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Hilyard, “that Ordinance No. 4148 be adopted,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None.

Mayor Meininger opened the public hearing at 6:49 p.m. to consider an Ordinance amending Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting the number of times a plat can be amended or re-platted, 21-1-68. City Planner Folck explained that this will make things much easier and the legal description much more accurate when recording plats at the Scotts Bluff County Register of Deeds office. There will be a limit of two amended final plats allowed, the third request will require the plat to be vacated and started over. Jean Bauer, Scotts Bluff County Register of Deeds approached the Council and explained the complications presented when multiple plats are filed on a property; it presents more risks for errors. Mayor Meininger closed the public hearing at 6:55 p.m. Mayor Meininger introduced Ordinance 4149 which was read on first reading by title: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 21, ARTICLE 1, RELATING TO AMENDING OR REPLATTING A FINAL PLAT, LIMITING THE NUMBER OF TIMES A FINAL PLAT CAN BE AMENDED OR REPLATTED, REPEALING PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Moved by Mayor Meininger, seconded by Council Member Hilyard, “that the statutory rule requiring the Ordinance to be read by title on three different days be suspended,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Hilyard, “that Ordinance No. 4149 be adopted,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None.

Mayor Meininger opened the public hearing at 6:55 p.m. to conduct a public hearing to consider an Ordinance regulating neighborhood block parties. City Planner Folck explained that currently block parties are allowed, however, we do not have a good process in place. There are public safety and emergency management issues. This Ordinance will provide for a permit process issued by the Police Department, barricades will be issued by the Parks Department, and a fee will be charged for the permit as well as a clean up fee if the street is not cleaned by the permit holder. Fire Chief Miller explained that he and Police Chief Spencer worked together, researching other city’s ordinances and working on a better method to assure safety for the citizens. Police Chief Spencer added that this ordinance gives structure



with rules, so there are no surprises for the permit holders. There were no comments by the public. Mayor Meininger closed the public hearing at 7:00 p.m.

Mayor Meininger introduced Ordinance No. 4150 which was read on first reading by title: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE TO INCLUDE PERMITS FOR USE OF RIGHT-OF-WAY AND STREETS FOR NEIGHBORHOOD BLOCK PARTIES, AMENDING §6-6-35 REQUIRING A PERMIT FEE FOR NEIGHBORHOOD BLOCK PARTIES, AND ADDING SECTIONS TO CHAPTER 20 SECTION 6 TO INCLUDE APPLICATIONS AND PROCEDURES FOR ISSUING PERMITS FOR NEIGHBORHOOD BLOCK PARTIES. REPEALING ALL PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Moved by Mayor Meininger, seconded by Council Member Hilyard, "that the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

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. 4150 be adopted," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

Assistant City Manager Johnson presented the bids for the new refuse truck for Environmental Services. He explained that one bidder, Floyds Trucking, actually submitted three bids with three difference body specifications. The following bids were reviewed: Northern Truck and Equipment \$158,489.00; Elliott Equipment Co. \$161,830.00; Kois Brothers Equipment Co. \$157,695.00. Staff is recommending the bid from Elliott Equipment in the amount of \$161,830.00 as the best bid because of the five year warranty, it aligns with the current parts of the existing vehicles and has \$7,000 of optional equipment. City Attorney Olsen added that the department has existing inventory that could be utilized with the purchase of the truck from Elliott Equipment. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve the bid for a new refuse truck for Environmental Services to Elliott Equipment Company in the amount of \$161,830.00," "YEAS", Gonzales, Colwell, Meininger, Hilyard and Shaver, "NAYS", None. Absent: None.

Mr. Johnson presented information regarding the replacement of the heater for Westmoor Pool. The heater has met it's life expectancy and needs to be replaced. The cost for this replacement is approximately \$40,000.00, which will need to paid for with department contingency funds. Staff is asking for approval of proceeding with this purchase in a non-traditional bidding method, as the heater is only available from one vendor. Moved by Council Member Colwell, seconded by Mayor Meininger, "to approve the purchase of a new heater for the Westmoor Pool using Park Department contingency funds," "YEAS", Gonzales, Colwell, Meininger, and Hilyard "NAYS" Shaver. Absent: None.

Regarding the contract with Scottsbluff School District for the Splash Pool, City Manager Kuckkahn explained that the intent is not to close either pool; the intent for the School District and the City is to keep both pools open, however, the City and District need to look at long term sustainability for this facility. The School District owns both pools, so Council will not take any action tonight until the School District also considers the contract. The current contract will end in July of this year. If we do nothing, we will no longer be involved with either pool. The draft contract is an effort to keep the pools open. When this pool first opened, there was not an indoor pool for city use, so the City got involved and wanted to participate.

The current contract obligation by the City is \$50,000 per year base payment plus maintenance and upkeep, so annual expenses for this pool for the following years have been: 2011 – \$101,000; 2012- \$100,000; 2013-\$104,000. The annual obligation hasn't changed much over the years; however, the condition of the pool continues to be a challenge. There is an average of 48 city sponsored users per day

at the pool. The cost per user for 2011 was \$1352/year; 2012 - \$1325/ year and 2013 - \$1399/year. This amount is above other subsidies the city has engaged in over the years.

The City definitely wants to keep the outdoor pool open. The revised contract provides the following payments to the School district, \$6,000 for use of the outdoor pool to pay for use of the lockers and a \$125,000 up front amount for maintenance, operation, and potential renovation of the locker rooms of the Splash Arena.

It is estimated that \$1.7 million of improvements will be required in the next few years to keep the pool open. The indoor pool has to stay open in order to use the lockers for the outdoor pool. City users do have other options for swimming if needed.

Mr. Kuckkahn added that as City Manager, he needs to consider the equitable distribution of funds between all departments. The proposed contract is only a draft, staff will offer comments to the school district with the goal to keep the pools open and provide options.

Council Member Gonzales clarified the City's position that we are only a participant in the operation of the Splash Pool, the Scottsbluff School District owns the pools. Council Member Shaver added that he is concerned about the availability of YMCA pool to take on additional capacity with their current hours.

The following citizens offered comments regarding support for keeping the Splash Pools open: Ken Trevithick, Laurie Jacobs, Jennifer Galindo, Kristin Wiebe, Janelle Debus, Marie Lake, Connie Osborne, Rae Ann Schmitz, and Chip Littlejohn.

Mayor Meininger informed the attendees that suggestions will be shared with the Scottsbluff School Board. The Scottsbluff School Board will meet on April 13, 2015 to discuss the contract for the Splash Pool.

Mr. Kuckkahn explained the yearly permit presented for the Downtown Scottsbluff "Farmers Market". Council Member Shaver asked why they did not have their insurance or the \$2500 deposit or surety bond. He commented that they can afford the expenses, as many of the vendors are from out of town, selling their products here. Mr. Shaver also asked why they don't pay the permit fees for selling products or fees to block the street. City Clerk Dickinson explained that they provide their certificate of insurance and deposit prior to the event in June. Moved by Council Member Colwell, seconded by Council Member Hilyard, "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 and a portion of East 18<sup>th</sup> Street from Broadway 1<sup>st</sup> Ave. on Saturday mornings, June 6, 2015 through September 26, 2015, 7:00 a.m. to 12:00 p.m. The permit includes closure of 18<sup>th</sup> St. between Broadway and 1<sup>st</sup> Ave.," "YEAS", Gonzales, Colwell, Meininger, and Hilyard "NAYS" Shaver. Absent: None.

Mr. Jedd Fisher with Nebraska Public Power District (NPPD) gave the Council an update on the Stegall to Scottsbluff transmission line which included land use, public comments, environmental constraints, constructability, cost and electric system performance. The project should be complete by June of 2017. Terry Rajewich, Account Manager with NPPD gave an overview and summary of the NPPD lease in the City of Scottsbluff. For FY 2013-2014 – the lease payments to the City of Scottsbluff were \$2,575,980.64.

Mayor Meininger read and signed the Proclamation for Fair Housing Month.

At 8:40 p.m., Mayor Meininger requested that Council take a ten minute break.

Council resumed at 8:50 p.m. The following Council Members were present: Raymond Gonzales, Jordan Colwell, Randy Meininger, Liz Hilyard and Scott Shaver. Absent: None.

City Manager Kuckkahn explained that the Ordinance dealing with plumbers outlined the qualifications required for Master Plumbers and provides for a transition for companies with no Master Plumber.

Mayor Meininger introduced the Ordinance dealing with plumbers, licensing and regulations, clarifying that examinations must be given upon application for a plumbing license, which was read by title on first reading: AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 3 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH PLUMBERS, LICENSING AND REGULATION, AMENDING §4-3-57, §4-3-58, §4-3-59, §4-3-60, §4-3-61, §4-3-67, §4-3-69, AND §4-3-70, CLARIFYING THAT EXAMINATIONS MUST BE GIVEN UPON APPLICATION FOR PLUMBING LICENSES, REPEALING ALL PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Council introduced Ordinance No. 4151 regarding the Gateway Greenway Overlay zoning district located within the entryways/corridors of the City of Scottsbluff which was read by title on third reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH THE GATEWAY/GREEN OVERLAY ZONE, REPEALING PRIOR §25-3-22.01 OF THE SCOTTSBLUFF MUNICIPAL CODE AND REPLACING THE ENTIRE SECTION, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to adopt Ordinance No. 4151,” “YEAS”, Gonzales, Colwell, Meininger, and Hilyard “NAYS” Shaver. Absent: None.

Council introduced Ordinance No. 4152 relating to principle permitted uses and special permit uses for parking requirements and off street parking in the C-1 zoning district, located on Broadway from 14<sup>th</sup> St. north to 20<sup>th</sup> Street which was read by title on third reading: AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, RELATING TO ZONING , AND REVISING §25-3-13, RELATING TO PRINCIPLE PERMITTED USES AND SPECIAL PERMIT USES, §25-5-2 RELATING TO PARKING REQUIREMENTS FOR RESIDENTIAL USES AND §25-7-38 RELATING TO OFF STREET PARKING REQUIREMENTS AND EXCEPTING CONDOMINIUM USES IN CENTRAL BUSINESS DISTRICT, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

Moved by Mayor Meininger, seconded by Council Member Colwell, “to adopt Ordinance No. 4152,” “YEAS”, Gonzales, Colwell, Meininger, and Hilyard “NAYS” Shaver. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to table the item regarding discussion and instructions to staff on the development of a Community Redevelopment Authority,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to appoint Council Member Hilyard to the Regional Economic Development Committee,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None. Mr. Kuckkahn noted that there will be a meeting May 11 and 12, 2015 with the facilitators of the Regional Economic Development Plan.

Deputy City Attorney Adam Hoelsing presented the agreement with Minatare and the Natural Resource District for the Streamflow Credit Purchase. The City of Scottsbluff applied for water transfer permits from the Department of Natural Resources for the Village of Minatare water use. This permit requires approval by the local Natural Resource District (NRD). Local rules required mitigation in decrease of the stream flow. The NRD recognizes that 5 months out of the year the North Platte River is being used for irrigation. The NRD previously did not account for the fact that depletion really did not harm any rights during the non-irrigation season. They have now proposed a different solution that does not require Minatare to retire acre feet from qualifying ground wells. Going forward, the NRD will assume the task of assuring that the water users have the acre feet of water they are entitled to. They will no longer require that the municipalities maintain the “status quo” of the North Platte River.

If the NRD needs to retire ground water itself to meet those entitlements, it will do so. In exchange, the NRD requires \$23,400 from Minatare. This will be used to purchase acre feet “credits” from the NRD, which are simply acre feet that the NRD has previously retired over and above the acre

feet the NRD needed to retire in order to maintain the appropriate levels on the North Platte River. Scottsbluff, as the city seeking the permit, will need to sign the agreement. The NRD will then sign off on the application and will inform the Department of Natural Resources that the application meets its rules and regulations. Moved by Council Member Shaver, seconded by Council Member Colwell, “to approve the Minatare Water Project Streamflow Credit Purchase Agreement and authorize the Mayor to execute the agreement,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None.

City Planner, Annie Folck, presented the United States Geological Survey (USGS) contract for mapping of the North Platte River. She explained that the City is currently working with the Nebraska Silver Jackets to complete an updated floodplain study for the City. The most recent floodplain study was completed in 1979. This contract with the USGS authorizes the City to contribute \$101,000 towards the flood inundation mapping portion of this project, which is the only cash match that the City will be providing. The entire value of the Silver Jackets Project is \$310,580. The flood inundation mapping will create online maps that can show in real time current and predicted flood levels throughout the community, based on upstream streamflow gauges. The cash match will be included in the next two fiscal years budgets. Funding would most likely come from the Enterprise Fund. The project will also include Winters Creek as a major issue for the City. Moved by Council Member Hilyard, seconded by Council Member Gonzales, “to approve the contract with USGS for the hydraulic modeling and flood inundation mapping of the North Platte River at Scottsbluff and authorize the Mayor to sign the contract,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None.

Mayor Meininger explained that the proposed disposal of wastewater in Sioux County is also a concern for the City of Scottsbluff because of the proximity of wells to the disposal sight and the affect to the aquafer. Staff has prepared a draft letter to the Oil and Gas Commission. Moved by Council Member Hilyard, seconded by Council Member Shaver, “to approve sending a letter to the Oil and Gas Commission regarding the disposal of wastewater in Sioux County,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to adjourn the meeting at 9:00 p.m.,” “YEAS”, Gonzales, Colwell, Meininger, Hilyard and Shaver, “NAYS”, None. Absent: None.

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Mayor

ATTEST:

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City Clerk

SEAL