

**City of Scottsbluff, Nebraska**  
**Monday, February 5, 2018**  
**Regular Meeting**

**Item Consent1**

**Approve the minutes of the January 16, 2018 Regular Meeting.**

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting  
January 16, 2018

The Scottsbluff City Council met in a regular meeting on January 16, 2018 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 January 12, 2018, 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 emailed to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and NBC Nebraska, and the Star Herald. The notice was also available on the city's website on January 12, 2018.

Mayor 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 who they are representing 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: Randy Meininger, Mark McCarthy Raymond Gonzales, Scott Shaver, and Jordan Colwell. Also present was City Manager Johnson and Deputy City Attorney John Selzer. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. Council Member Shaver asked that item 7c be moved to 9c. Moved by Mayor Meininger, seconded by Council Member Shaver, "to move item 7c, 'Council to authorize city clerk to advertise to receive bids to sell a 2008 Dodge Ram 3500 QUAD CAD SLT Truck (minimum bid \$30,000.00), to be received by February 9, 2018 at 2:00 p.m.,' to item 9c," "YEAS", Colwell, Meininger, McCarthy, Gonzales 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 Colwell seconded by Council Member McCarthy, that:

1. "The minutes of the January 2, 2018, Regular Meeting be approved,"
2. "The January 29, 2018 Regular Council meeting be cancelled as two regular meetings will have already been held in the month of January,"
3. "The Request for Proposals for a Fueling Card System be approved and authorize the city clerk to advertise for proposals to be received by February 6, 2018, 11:00 a.m.,"
4. "The appointment of Norman Coley be approved as a member of the Liquor License Investigatory Board,"
5. "A Public Hearing be set for February 5, 2018, 6:00 p.m., for the One and Six Year Street Improvement Plan,"
6. "A public hearing be set for February 5, 2018, 6:00 p.m., to consider the Class CK and Class L Liquor License applications for Flyover Brewing Company, 1824 Broadway, Scottsbluff, NE," "YEAS", Colwell, Meininger, and McCarthy, "NAYS", Gonzales, Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member Gonzales, "that the following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated January 16, 2018, as on file with the City Clerk and submitted to the City Council," "YEAS", Colwell, Meininger, McCarthy, Gonzales and Shaver. "NAYS", None. Absent: None.

## CLAIMS

ACTION COMMUNICATIONS INC.,EQUIP MAINT,174.83; ALARM SECURITY TECHNICIANS, CIP-SECURITY, 10064.82; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES, 4457.11; AMERICAN LIBRARY ASSOCIATION,CONF.,115; ASSURITY LIFE INSURANCE CO, LIFE INSURANCE,32.95; AUTOZONE STORES, INC,VEH MAINT,401.64; B & H INVESTMENTS, INC,DEP. SUP.,276; BEEHIVE INDUSTRIES,LLC,DEPT CNTRCL SRVCS,3000; BLUFFS SANITARY SUPPLY INC.,JAN. SUP.,57.45; CAPITAL BUSINESS SYSTEMS INC., MONTHLY MAINT,314.41; CELLCO PARTNERSHIP,CELL PHONES,182.67; CHILD SUPPORT, CHILD SUPPORT,12; CHRIS REYES,DEPT SUPPL,208.44; CITIBANK N.A.,POSTAGE,50.66; CITY OF GERING,DISPOSAL FEES,40006.51; CITY OF GERING,GROUND MAINT,46.32; CITY OF SCB, PETTY CASH,44.85; CLARK PRINTING LLC,DEPT SUPPL,930; COMPUTER CONNECTION INC, RENT-MACHINES,44; CONSOLIDATED MANAGEMENT COMPANY, SCHOOLS & CONF,75.94; CREDIT BUREAU OF COUNCIL BLUFFS,DECEMBER 2017 - CONTRACT SERVICES,50; CYNTHIA GREEN,DEPT SUPP,88.27; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,135.7; DOOLEY OIL INC,OIL & ANTIFREEZE, 90.32; DUANE E. WOHLERS,DISPOSAL FEES,450; ELLIOTT EQUIPMENT COMPANY INC., EQUIP MTNC,672.49; ENERGY LABORATORIES, INC,SAMPLES,135; ENVIRONMENTAL ANALYSIS SOUTH, INC,CONTRACTUAL SVC,444.5; FLOYD'S TRUCK CENTER, INC, EQUIP MTNC, 82.68; GALLS INC,UNIFORMS,914.94; GENERAL ELECTRIC CAPITAL CORPORATION, BATTERIES, SUPPLIES, 61.23; GRAY TELEVISION GROUP INC, CONTRACTUAL SVC, 695; HAMPTON INN,INVESTIGATIONS,186; HYDROTEX PARTNERS, LTD, OILS & ANTIFREEZE, 473.4; IDEAL LAUNDRY AND CLEANERS, INC., UNIFORMS, 1014.06; INDOFF INCORPORATED,DESK CALENDAR REFILLS,15.28; INGRAM LIBRARY SERVICES INC,BKS.,625.16; INTERNAL REVENUE SERVICE,WITHHOLDINGS,68406.52; INTRALINKS, INC,CONTRACT SERVICES - DECEMBER 2017,6312.15; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,9.95; JOHN DEERE FINANCIAL,SUPPLIES - SKATE RINK,209.94; JOHNSEN CORROSION ENGINEERING, INC,CONTRACTUAL SVC,11056; KNOW HOW LLC,EQUIP MTNC,759.94; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING,100; M.C. SCHAFF & ASSOCIATES, INC,RM160389-00 42ND ST (AVE I TO 5TH AVE),43218; MADISON NATIONAL LIFE, INSURANCE,1890.88; MATHESON TRI-GAS INC,DEPT SUPP,209.71; MENARDS, INC, GROUND MAINT,501.46; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING, 1209.29; MID-STATES ORGANIZED CRIME INFORMATION CENTER,MEMBERSHIP, 200; MIDWEST CONNECT, LLC,DEPT SUPP,104.9; MUNIMETRIX SYSTEMS CORP,IMAGE SILO - DECEMBER 2017,39.99; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1841.18; NE DEPT OF REVENUE, WITHHOLDINGS, 20070.68; NEBRASKA MACHINERY CO,CUTTING EDGES FOR SNOW PLOWS,2613.65; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,39221.24; NEBRASKA SALT AND GRAIN CO,3 LOADS ICE SLICER,12764.69; NEMNICH AUTOMOTIVE,EQUIP MTNC,79.82; NEOPOST, POSTAGE, 1000; NETWORKFLEET, INC,GPS SERVICE,18.95; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,351.32; ONE CALL CONCEPTS, INC,CONTRACTUAL, 59.34; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT,75; PAGE MY CELL LLC,CONTRACTUAL,600; PANHANDLE COOPERATIVE ASSOCIATION,UNLEADED GASOLINE,22088.41; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,216.5; PAUL REED CONSTRUCTION & SUPPLY, INC,SNOW HAUL 12-29-17,8957; PLATTE VALLEY BANK,HEALTH SAVINGS,44396.51; POSTMASTER,POSTAGE,891.05; QUILL CORPORATION, DEPT & INVEST SUPPL,804.33; REGANIS AUTO CENTER, INC,EQUIP MTNC,1244.56; REGIONAL CARE INC,CLAIMS,95063.71; REICHERT ERIC,PERMIT,160; S M E C,EMPLOYEE DEDUCTION,174; SANDBERG IMPLEMENT, INC,EQUIP MAINT,302.04; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCOTTS BLUFF COUNTY COURT,LEGAL FEES,170; SCOTTSBLUFF BODY & PAINT,TOW SERVICE,895; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS,798; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,MEMBERSHIP,6371; SHERWIN WILLIAMS,GROUND MAINT,228.18; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,18706.29; SNELL SERVICES INC.,BLDG. MAIN.,150; STATE OF NEBRASKA DEPT OF HEALTH,LICENSE & PERMITS,115; TERRACYCLE REGULATED WASTE LLC,DISPOSAL FEES,1452.99; THE PEAVEY CORP, INVEST SUPPL,312.85; THOMPSON NOELLE,TUITION REIMBURSEMENT - FALL 2017,619.6; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,365.69; TRANS IOWA EQUIPMENT LLC, EQUIP MTNC,1302.31; TYLER TECHNOLOGIES, INC,FEES - ONLINE UB, 2226.25; UNIQUE MANAGEMENT SERVICES,

INC,CONT. SRVCS.,277.45; UNITED STATES WELDING,DEPT SUPPLIES,41.88; US BANK,DEPT SUPPLIES,163.23; VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,2504.23; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,250; W & R INC,EQUIP MAINT,80; WELLS FARGO BANK, N.A., RETIREMENT, 35661.36; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM DOT TESTING - DEC 2017,51; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,216; WYOMING FIRST AID & SAFETY SUPPLY, LLC, FIRST AID KIT SUPPLIES, 38.54; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,1824; ZM LUMBER INC,EQUIP MAINT, 285.24; REFUNDS: JARED HARROCKS 20.26; JERIMIAH MARCHINGTON 25.77; KORTNEY SHULTZ 21.30; JESSICA NIELSEN 11.09; TONY CARDONA 10.60; ERIC HOLMES 14.20.

Mr. Peter Wylie presented the information regarding the Special Designated Liquor Licenses for special events at St. Agnes Church. He explained that the event will be three Fridays during Lent and will run from 5:00 p.m. to 9:00 p.m. They have held this event for many years and have never had any problems or issues. Moved by Council Member McCarthy, seconded by Council Member Colwell, "to approve issuance of special designated liquor licenses for St. Agnes Church, 2314 3<sup>rd</sup> Ave., Scottsbluff, for events on February 16, March 9, and March 23, 2018," "YEAS", Colwell, Meininger, McCarthy, Gonzales and Shaver. "NAYS", None. Absent: None.

Ms. Sheryl Wallerich, Elks Lodge 1367 Secretary, explained that she has submitted an application to be named Manager of the Liquor License for the Elks Lodge. She explained that the Elks has a locked entry to control entrance to the facility. The Liquor License Investigatory Board forwarded a positive recommendation for this manager designation. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to send a favorable recommendation to the Nebraska Liquor Control Commission naming Sheryl Wallerich as the Liquor License Manager of Elks Lodge 1367, 1614 1<sup>st</sup> Ave., Scottsbluff, NE," "YEAS", Colwell, Meininger, McCarthy, Gonzales and Shaver. "NAYS", None. Absent: None.

Regarding the sale of the 2008 Dodge Ram Truck, City Manager Johnson explained that this truck is no longer necessary and the department needs to purchase cascade air pack equipment which is essential and the current equipment is obsolete. Funds are not budgeted for the equipment, so this would provide enough revenue to purchase the equipment. Mayor Meininger asked if we have the appropriate vehicles to tow trailers when needed. Mr. Johnson responded that we have enough vehicles in our fleet to cover our needs. Council Member Shaver wanted to make sure that if we don't get the minimum bid, it will be brought back to Council.

Council Member Gonzales asked about keeping the truck for the next person who fills the Fire Chief position. Mr. Johnson said we will look for another vehicle that is more energy efficient.

Moved by Council Member Colwell, seconded by Council Member Shaver, "to authorize city clerk to advertise to receive bids to sell a 2008 Dodge Ram 3500 QUAD CAD SLT Truck (minimum bid \$30,000.00), to be received by February 9, 2018 at 2:00 p.m.," "YEAS", Colwell, Meininger, McCarthy, Gonzales and Shaver. "NAYS", None. Absent: None.

City Manager Johnson explained that the request for an administrative change in the lot line located at Lot 13A, Block 2, McKinley Second Addition and Lot 13A, Block 5, Sunrise Hills Addition due to a fence location. Deputy City Attorney Selzer informed the Council that the Register of Deeds would not accept the re-plat over a re-plat, until the Ordinance is approved vacating the Administrative Subdivision. This basically amends the lot lines between the two owner's lots and allows for a second administrative plat to make the corrections.

Council Member Shaver introduced the Ordinance which was read by title on first reading: **AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA VACATING AN ADMINISTRATIVE PLAT OF LOT 13A, BLOCK 2, MCKINLEY SECOND ADDITION AND LOT 13A, BLOCK 5, SUNRISE HILLS ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

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", Colwell,

Meininger, McCarthy, Shaver and Gonzales, “NAYS”: None. Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Council Member Shaver, seconded by Mayor Meininger, “that Ordinance No. 4224 be adopted,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”: None. Absent: None.

City Manager Johnson presented the agreement for a Campground Host for this summer, with the same terms as last year. Moved by Council Member Gonzales, seconded by Council Member Shaver, “to approve the agreement with Larry Davis as manager of the Riverside Park Campground and authorize the Mayor to execute the agreement,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”: None. Absent: None.

City Manager, Nathan Johnson, explained that the Legislature recently approved the LB518 Rural Workforce Housing Fund. This is a dollar for dollar grant match up to \$1 million. Mr. Johnson wanted to begin the discussion to see if there was any interest in using LB 840 funds as a match to provide funding through Panhandle Area Development District. We recently amended the LB840 guidelines to include Workforce Housing as an eligible expense for a qualifying business. We can allocate LB840 funds for a qualifying business and use the same application process as with other businesses. We could leverage \$1 million of our LB840 fund, which currently has a balance of approximately \$5.4 million.

Council Member Shaver asked what constituted “Workforce Housing”. Mr. Johnson explained that when the Economic Development plan was recently amended, Workforce Housing was deemed infrastructure. We would use the funds for local qualifying businesses to install necessary infrastructure for the housing development. Deputy City Attorney John Selzer added that there is a list of criteria for this grant program, including the maximum cost for single family homes, which is \$275,000 and \$200,000 per unit for apartments.

Jeff Kelley, Executive Director of PADD, added that any house built must meet the criteria set by the state. There are only certain organizations that can apply for the \$7 million of funding that is available. He anticipates that this grant will be very competitive statewide. The State prefers applications from regional organizations with designated service areas, such as the Panhandle Regional Development Incorporated (PRDI). The grant deadline is March 30, 2018.

Mr. Selzer informed the Council that if the grant is awarded, we would have a two year period to complete the projects. Mr. Johnson added that these funds, if awarded, could be used as a catalyst for development in underdeveloped areas of our community. PRDI services many communities, so we may need to adjust our matching funds based on other community’s pledge amounts. The funds that each individual city pledges will be allocated back to those respective cities.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to allocate up to \$1 million from the City of Scottsbluff LB840 fund as matching funds for the LB518 Rural Workforce Housing Grant, to be used in the City of Scottsbluff and direct staff to work with the PRDI on developing the application,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”: Shaver. Absent: None.

City Manager Johnson reported that as a response to LB886, the City needs to certify Fire Captain Dan Hubbs as a Certification Administrator and certify Volunteer Responders, Anthony Murphy and Christopher Perales, Jr., who have met the required points to receive the \$250 tax credit for 2017. Mayor Meininger added that this legislation was to aid in recruitment of volunteer firefighters. Moved by Council Member Gonzales, seconded by Council Member Colwell, “to approve Fire Captain Dan Hubbs as Certification Administrator; certify the list of volunteer responders; and authorize the Mayor to sign documentation relating to the Nebraska Volunteer Emergency responders Incentive Act (LB886), amending the letter to state the year 2017,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”: None. Absent: None.

Mr. Johnson gave the Council an update on the Assistance to Firefighter Grants Program application for the Public Safety Training Facility, which is due February 2, 2018. We are eligible to apply for up to \$700,000.00. Both the Police Department and the Fire Department are working on a collaborative effort to prepare this grant application. In addition, Senator Fisher will write a letter of recommendation to be included in the application. This grant requires a 10% match; \$70,000.00 has been

budgeted in MFO funds.

City Manager Johnson updated the Council on the process of filling the vacated Fire Chief position. He explained that one of his jobs as City Manager is to evaluate all positions when they become vacated. He has researched the potential of shifting the Fire Chief position to a Public Safety Director position. Mr. Johnson shared the information he has gathered on a Public Safety Director position with the Civil Service Commission at their recent meeting. There are many variables to be considered with this type of position including location, size, and amenities in the community. Some communities have shifted away from this type of position and others have tried to combine Police and Fire Chief positions. Of the 18,000 state and local enforcement entities, 128 communities have consolidated the position, most of which are in the state of Michigan.

In many cases, communities created this position to save on equipment, vehicles and administrative costs. In Scottsbluff, to create a Public Safety Director, both the Police Chief and the Fire Chief positions would need to be combined as we could not fund all three positions. A Public Safety Director position would demand someone with very specialized training, which is difficult to find. Research showed that actually having one director for both Police and Fire is less efficient given the two different cultures of the positions and procedures. Any savings in consolidation is not realized for approximately fifteen years.

Mr. Johnson informed the Council that there are no State Statutory requirements regarding a Public Safety Director, however, we would need to update our city codes if we chose to add this position. He summarized the pros and cons regarding this position; with pros being one department head and potential cost saving. There would most likely be an increased wage for this specialized position, which may cause an increase to salaries across the board. In addition, it could provide opportunities for advancement and joint training possibilities.

The cons include a potential of increasing our ISO rating; a financial sustainability with an increase to all salaries; and there was a lack of comparable communities across the state, with only Norfolk and Lincoln as comparable cities. Mr. Johnson added that the Police Department has been working on creating a dynamic morale, are currently fully staffed and have a collective bargaining agreement for the first time in many years; he is concerned that creation of a Public Safety Director may jeopardize these improvements. Another risk of eliminating both the Police Chief and the Fire Chief positions may create issues with work load and succession planning.

Based on this research, Mr. Johnson reported that the Civil Service Commission recommended that the City should proceed with filling the Fire Chief position. Testing will begin on June 1<sup>st</sup> and he has encouraged all Captains to apply for this position.

Council Member Colwell commented that he received calls from constituents asking if either Mark Bohl, Public Works Director or Chief Spencer would be able to fill the position of Public Safety Director. Chief Spencer responded that he definitely could not fill the Fire Chief responsibilities, he can only provide leadership. Mr. Bohl responded that he has no expertise in either position, his hands are full with public works projects. Council Member Colwell expressed his appreciation to Mr. Johnson for his due diligence in his research, and feels more comfortable about proceeding with the Fire Chief position.

Regarding the strategy on purchasing land with the City of Gering, moved by Mayor Meininger, seconded by Council Member Colwell, "to adjourn to closed session at 7:06 p.m. for the purpose of developing strategy and protection of the public regarding the potential purchase of property with the City of Gering, to include City Council, City Manager, and Deputy City Attorney" "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

Mayor Meininger stated that the City Council would now adjourn to closed session for the purpose of developing strategy and protection of the public regarding the potential purchase of property with the City of Gering to include City Council, City Manager, and Deputy City Attorney.

At 8:14 p.m. the Council reconvened in regular session. The following Council Members were present: Randy Meininger, Scott Shaver, Raymond Gonzales, Mark McCarthy and Jordan Colwell. Also present was City Manager Johnson and Deputy City Attorney John Selzer. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to direct City Manager

Johnson to continue to work with the City of Gering on the operations agreement for the purchase of property,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”, Absent: None.

Under Council Reports, Mayor Meininger reported that the 911 Task Force has approved the purchase of the Zuercher records management and CAD program, which is specific to Police. The servers have been installed and October 2018 the system will go live.

Council Member Shaver reported on Youth Council, there are a lot of sports games going on this time of year, also Winter Royalty. Council Member Gonzales reported that WNED will meet this Thursday.

Moved by Council Member Colwell, seconded by Council Member McCarthy, “to adjourn the meeting at 8:20 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”, Absent: None.

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Mayor

Attest:

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City Clerk  
“SEAL”