

City of Scottsbluff, Nebraska
Monday, March 19, 2018
Regular Meeting

Item Consent1

Approve the minutes of the March 5, 2018 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on March 5, 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 March 2, 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 March 2, 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 City Attorney Kent Hadenfeldt. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. There were none.

Mayor Meininger asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none.

Moved by Council Member Shaver seconded by Mayor Meininger that, "The minutes of the February 20, 2018 Regular Meeting be approved," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales. "NAYS",None. Absent: None.

Moved by Council Member Gonzales, seconded by Council Member Colwell, "that the following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated March 5, 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.,CIP-PO DATA/STATION 2,1651.18; ALARM SECURITY TECHNICIANS,CONTRACTUAL-PD,14.95; AUTOZONE STORES, INC,EQUIP MTNC,457.07; B & H INVESTMENTS, INC,CONTRACTUAL SVC,348.95; B&C STEEL CORPORATION,DEPT SUPPLIES,27.74; BARCO MUNICIPAL PRODUCTS INC,SIGNING MATERIAL - ALUMINUM BLANKS,1956.25; BIRUTA D. WALTON,EQUIP MAINT,230; BLACK HILLS GAS DISTRIBUTION LLC, MONTHLY ENERGY BILL,5968.67; BLUFFS SANITARY SUPPLY INC., JAN. SUP., 381.79; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,33; CELLCO PARTNERSHIP,CELL PHONES-PD,323.06; CHILD SUPPORT,CHILD SUPPORT,12; CITIBANK N.A.,SUPP - INK CARTRIDGES,244.72; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD, 319.52; CONTINUUM EAP,TRAINING - PREVENTING WORKPLACE HARASSMENT,275; CONTRACTORS MATERIALS INC.,DEPT SUPP,149.16; CONTRYMAN ASSOCIATES, P.C.,PROF.SERVICES - FINAL BILL,5000; COURT ADMINISTRATORS OFFICE,

2017 SUPPLEMENT & INDEX,66.7; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,216.52; CRESCENT ELECT. SUPPLY COMP INC,ELECTRONIC BALLAST,12.87; CROELL INC,DEPT SUP,474.55; CYNTHIA GREEN,DEP. SUP.,8.34; DALE'S TIRE & RETREADING, INC.,EQUIP MAINT,50.7; DAS STATE ACCOUNTING-CENTRAL FINANCE, MONTHLY LONG DISTANCE,154.9; DUANE E. WOHLERS,DISPOSAL FEES,450; ELITE HEALTH,TIF - ELITE HEALTH REDEV.,3749.9; ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,1635.2; ENERGY LABORATORIES, INC,SAMPLES,135; FEDERAL EXPRESS CORPORATION,POSTAGE,252.84; FLOYD'S TRUCK CENTER, INC,EQUIP MAINT,831.35; FREMONT MOTOR SCOTTSBLUFF, LLC,EQUIPMENT,792.31; FUN EXPRESS, LLC,SPECIAL EVENT, 1306.58; GALLS INC,UNIFORMS-PD,331.88; GENERAL ELECTRIC CAPITAL CORPORATION, DEPT SUP,1583.12; HAWKINS, INC.,CHEMICALS,3155; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,403.28; HITCHES GALORE,DEPT SUP,1091.92; HULLINGER GLASS & LOCKS INC.,DEPT SUPP,300; HYDROTEX PARTNERS, LTD,OIL & ANTIFREEZE,1393.25; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - SOAP, TOWELS,541.96; INGRAM LIBRARY SERVICES INC,BKS.,345.82; INTERNAL REVENUE SERVICE,WITHHOLDINGS,54365.13; INVENTIVE WIRELESS OF NE, LLC, CONTRACTUAL, 4.75; JOHN DEERE FINANCIAL,DEPT SUP,391.23; JOHN DEERE FINANCIAL,UNIFORMS & CLOTHING,225.25; JOHN DEERE FINANCIAL,EQUIP MAINT,182; KNOW HOW LLC,EQUIP MTNC,1072.72; KRIZ DAVIS,EQUIP MAINT,527.28; LAWSON PRODUCTS, INC,DEPT SUPPLIES, 526.77; M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS,1900; MAILFINANCE INC,LEASE,148.76; MATHESON TRI-GAS INC,DEPT SUPP,136.26; MCKINEY MANUFACTURING & SALES LLC,LB 840 ECON.DEV. AGREEMENT,350000; MENARDS, INC,BLDG MAINT,97.87; MUNICIPAL PIPE SERVICES, INC.,DEPT SUP,4840.68; NATHAN JOHNSON, SCHOOL & CONF,25; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,2216.18; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.52; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF-PD,150; NEBRASKA MACHINERY CO,EQUIP MTNC,68.6; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 25240.16; NEBRASKA SALT AND GRAIN CO,1 LOAD ICE SLICER,8343.42; NEMNICH AUTOMOTIVE,EQUIP MTNC,79.82; NEWMAN, TIMOTHY,CONFERENCE TRAVEL EXPENSE,105; ONE CALL CONCEPTS, INC,CONTRACTUAL,61.8; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,250.5; PANHANDLE HUMANE SOCIETY, CONTRACTUAL,5174.59; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT, 15258.01; POSTMASTER,POSTAGE,766.23; POWERPLAN,EQUIP MTNC,796.92; PROTEX CENTRAL, INC.,FIRE ALARM INSPECTION,100.7; QUILL CORPORATION,DEPT & BLDG SUPPL-PD,631.65; RADISSON HOTEL CHEYENNE,LODGING-HR CONFERENCE,178; RECORDED BOOKS INC,SBSCRIP.,394.22; REGIONAL CARE INC,CLAIMS,143820.68; REGISTER OF DEEDS, RECORDING,42; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER, 1890.9; S M E C,EMPLOYEE DEDUCTION,174; SANDBERG IMPLEMENT, INC,EQUIP MAINT, 133.96; SATUR, JACK,SCHOOLS & CONF,100; SCB COUNTY MUTUAL AID ASSOC.,MUTUAL AIDE ASSOCIATION MEMBERSHIP FEE.,25; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCB TENT & AWNING,EQUIP MAINT,95; SCOTTIES POTTIES INC,CONTRACTUAL,675; SCOTTSBLUFF BODY & PAINT,DECAL REMOVAL FROM OLD HEAVY RESCUE, 380; SCOTTSBLUFF MOTOR CO, INC,EQUIP MTNC,59.86; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,AWARD - RECOGNITION DINNER,24.5; SHERIFF'S OFFICE, LEGAL FEES-PD,30.4; SHERWIN WILLIAMS,BLDG MAINT,144.85; SIMON CONTRACTORS, SAND TO MIX W/ICE SLICER,145.65; SNELL SERVICES INC.,BLDG. MAIN.,235.12; SOUTHERN UNIFORM EQUIPMENT,DUTY UNIFORMS,580.93; STATE HEALTH LAB,SAMPLES,217; STATE OF NE.,CONTRACTUAL-PD,630; STERKEL JONATHAN W,GROUND MAINT, 300; SUPERIOR SIGNALS, INC,EQUIP MTNC,440.67; TAMARA REICHERT, AWARDS - RECOGNITION DINNER,129.5; TEXAS PNEUDRAULIC INC,EQUIP

MTNC,784.14; TEXAS STATE DISBURSEMENT UNIT,CHILD SUPPORT,172.5; THOMPSON NOELLE,REIMB. - BKS.,25; TRANS IOWA EQUIPMENT LLC,EQUIP MTNC,466.31; TREATY SITE FARMS, INC., LOAN AGREEMENT,200000; TYLER TECHNOLOGIES, INC,SOFTWARE MAINTENANCE 4/1/18 - 3/31/19,16808.39; UNION BANK & TRUST,RETIREMENT,34746.61; US BANK,GROUND MAINT,6052.63; ZM LUMBER INC,GROUND MAINT,241.32; UTILITY REFUND: SALLY ALBAUGH 24.06.

Regarding the Liquor License Manager License for San Pedro Mexican Restaurant, Police Chief Kevin Spencer explained that the Police Department conducts a very extensive background check for these license applications. The applicant, Karla Montelongo, only had some minor traffic violations; overall, her record is very good and Chief Spencer gave the opinion that she would be a good fit as the liquor license manager for San Pedro. The Liquor License Investigatory Board met with Ms. Montelongo and forwarded a positive recommendation regarding this application.

Ms. Montelongo addressed the Council and explained that her husband was the manager until he had health issues and was not able to do the job. Moved by Council Member Gonzales, seconded by Council Member Shaver, "to make a recommendation to the Nebraska Liquor Control Commission naming Karla Montelongo as the Liquor License Manager of San Pedro Mexican Restaurant, 23 West 27th Street, Scottsbluff, NE," "YEAS", Colwell, Meininger, McCarthy, Gonzales and Shaver. "NAYS", None. Absent: None.

Council introduced Ordinance No. 4225, amending requirements for Stormwater Management, post construction which was read by title on third reading: **AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA ADDING ARTICLE 4 TO CHAPTER 24 RELATED TO POST-CONSTRUCTION DESIGN STANDARDS FOR STORM WATER AND STORM WATER POLLUTION CONTROL, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve Ordinance No. 4225, amending requirements for Stormwater Management, post construction," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", Shaver. Absent: None.

Council introduced the Ordinance amending the Scottsbluff Economic Development Plan to provide for an additional qualifying business which was read by title on second reading: **AN ORDINANCE AMENDING THE SCOTTSBLUFF ECONOMIC DEVELOPMENT PLAN TO PROVIDE FOR AN ADDITIONAL QUALIFYING BUSINESS.**

Jody Lamp with Lamp Public Relations, spoke in favor of adding film production as an additional qualifying business. She is currently working on a film featuring local resident John Nerud who is a nationally known thoroughbred horse trainer. There has been a lot of enthusiasm and support surrounding the work on this film from people nationwide, including Kentucky and New York. Adding film production to the list of qualifying businesses will be beneficial to large and small movie producers.

Regarding the Ordinance amending the fee schedule for personnel and equipment, City Manager Johnson explained that the current Ordinance is from 2004, which has outdated fee schedules. All fees will need to be increased to cover our costs. Mayor Meininger introduced the Ordinance, which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 6, ARTICLE 6, SECTION 34, SETTING FORTH THE CHARGE FOR THE LABOR OF CITY OF SCOTTSBLUFF EMPLOYEES AND USE OF CITY OF SCOTTSBLUFF EQUIPMENT, ELIMINATING THE REFERENCES TO THE USE OF FIRE DEPARTMENT PERSONNEL AND**

EQUIPMENT, ADDING NEW FEES FOR ADDITIONAL ITEMS, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Mr. Johnson presented the Resolution for participating members of the League Association of Risk Managers, (LARM) to call for a special meeting and select a voting representative. He explained that on March 21, 2018, Scottsbluff will be one of 12 locations designated to hold a LARM members meeting for the purpose of electing a board, as the current board is not a duly elected board. The resolution will appoint voting representatives and alternates from each member, who will then elect the LARM Board according to the interlocal agreement.

Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve the Resolution for “participating members” of the League Association of Risk Managers, (LARM) to call for a special meeting of members and to select City Manager Nathan Johnson as voting representative and Mayor Meininger as the alternate,” “YEAS”, Colwell, Meininger, McCarthy, Gonzales and Shaver. “NAYS”, None. Absent: None.

**RESOLUTION NO. 18-03-01
RESOLUTION FOR “PARTICIPATING MEMBERS” OF LARM
TO CALL FOR A SPECIAL MEETING OF MEMBERS
AND TO SELECT A VOTING REPRESENTATIVE AND ALTERNATE
TO ELECT 15 MEMBERS TO THE LARM BOARD OF DIRECTORS**

WHEREAS, The City of Scottsbluff, Nebraska is a “participating member” of the League Association of Risk Management (“LARM”); and

WHEREAS, the Interlocal Agreement that formed and continues to govern LARM provides in 8.1.4.2. that “Each participating member may cast one vote for each of the open Board positions.”; and

WHEREAS, LARM staff stated in marketing materials that LARM is “member controlled” and that the LARM Board of Directors is elected by its members; and

WHEREAS, despite these statements, none of the individuals listed as currently serving on the LARM Board of Directors were duly elected by “participating members” as required in the Interlocal Agreement; and

NOW, THEREFORE, BE IT RESOLVED BY The City of Scottsbluff:

That The City of Scottsbluff calls for a special meeting by telephone conference call of all LARM “participating members” to select 15 directors to the LARM Board on March 21, 2018, from 2-4 pm CT/1-3 pm MT at one of the following designated places:

City of Ainsworth
606 E 4th Street
Ainsworth, NE 69210

City of Gibbon
715 Front Street
Gibbon, NE 68840

City of Norfolk
309 N 5th Street
Norfolk, NE 68701

Village of Ansley
217 Nile Street
Ansley, NE 68814

City of Hickman
115 Locust Street
Hickman, NE 68372

City of North Platte
211 West Third Street
North Platte, NE 69101

City of Beaver City
301 10th Street
Beaver City, NE 68926

City of Imperial
740 Court Street
Imperial, NE 69033

City of Oshkosh
305 West 1st Street
Oshkosh, NE 69154

City of Fremont
400 E Military Avenue
Fremont, NE 68025

City of Nelson
580 S Main Street
Nelson, NE 68961

City of Scottsbluff
2525 Circle Drive
Scottsbluff, NE 69361

That **City of Scottsbluff** selects Nathan Johnson to serve as its member and voting representative at the aforementioned special meeting of LARM “participating members,” and select Mayor Randy Meininger to serve as its member and voting representative in case Nathan Johnson cannot attend the special meeting by telephone conference call of all LARM “participating members” to select 15 directors to the LARM Board on March 21, 2018, from 2-4 pm CT/1-3 pm MT.

Mayor

March 5, 2018

Date passed by governing body

City Manager Johnson presented the Resolution authorizing the amendment to clarify the language regarding the City of Scottsbluff employee retirement fund vesting schedule, which explains the number of hours an employee is required to complete to become fully vested in the City Retirement Plan. Moved by Council Member Gonzales, seconded by Council Member McCarthy, “to approve Resolution No. 18-03-02 authorizing the Amendment to the General City Employees’ Pension Plan and Trust and authorize the City Manager to execute the Amendment,” “YEAS”, Colwell, Meininger, McCarthy, Gonzales and Shaver. “NAYS”, None. Absent: None.

**RESOLUTION NO. 18-03-02
CERTIFICATE OF RESOLUTIONS
OF
THE CITY OF SCOTTSBLUFF, NEBRASKA**

The undersigned hereby certifies that he is the Mayor of the City of Scottsbluff, Nebraska (the "City"), and that the following resolutions were duly adopted by the City Council on the 5th day of March, 2018.

WHEREAS, the City maintains a retirement plan known as the City of Scottsbluff General City Employees' Pension Plan and Trust (the "Plan"), for the benefit of its eligible employees, and, as the Sponsoring Employer of the Plan, has the authority to amend the provisions of the Plan under Section 9.1 of the Basic Municipal Employees Plan and Trust Agreement for the Plan; and

WHEREAS, the City has determined that the Plan should be amended, for Plan Years beginning on or after January 1, 2018, to eliminate the Hours of Service Method for purposes of eligibility and vesting service under the Plan and instead apply the Elapsed Time Method for purposes of eligibility and vesting service under the Plan.

NOW, THEREFORE, it is:

RESOLVED, that the Plan shall be, and it hereby is, amended in the form set forth in the Amendment to the City of Scottsbluff, Nebraska General City Employees' Pension Plan and Trust, and which is attached hereto and by this reference fully incorporated herein;

RESOLVED FURTHER, that the Mayor and other appropriate officials and officers of the City of Scottsbluff shall be, and they hereby are, authorized to do any and all things, including the execution of the attached Amendment to the Plan, together with any other document or amendment which may be necessary or appropriate to effectuate the amendment of the Plan and any additional action as may be necessary or appropriate to continue the tax qualification of the Plan, as amended, under Sections 401(a) and 501(a) of the Internal Revenue Code of 1986 and the regulations promulgated thereunder.

Executed this 5th day of March, 2018.

MAYOR

City Manager Johnson presented the agreement with Kirk Bernhardt as the Umpire, Softball, and Concessions Coordinator at Lacy Park. He will provide all of these services for \$100 more each month than the contract last year, which was limited to only umpire coordinator duties. This \$900.00 per month contract begins in April and goes to August. Moved by Mayor Meininger, seconded by Council Member Colwell, “to approve the agreement with Kirk Bernhardt as the Umpire, Softball, and Concessions Coordinator and authorize the Mayor to execute the agreement,” “YEAS”, Colwell, Meininger, McCarthy, Gonzales and Shaver. “NAYS”, None. Absent: None.

Economic Development Director Starr Lehl presented the Opportunity Zone grant information which is through the Federal Opportunities Zone Act of 2017, which is administered by the Nebraska Department of Economic Development. There are three census areas in the City of Scottsbluff that qualify as Opportunity Zones. These three areas have already had projects that include both public and private funding. This allows private investors with a large capital gain to invest and defer some of their capital gains. It also allows them to invest capital gains directly into a project located within an Opportunity Zone, with no capital gain. The opportunity zones include the areas in South Scottsbluff (South of 20th Street) and the Downtown area North to 27th Street.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to approve submitting an application for the “Opportunity Zone” grant and authorize Mayor to execute all necessary documents,” “YEAS”, Colwell, Meininger, McCarthy, Gonzales and Shaver. “NAYS”, None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Shaver, “to adjourn to closed session at 6:25 p.m. for the purpose of discussing strategy on the potential purchase of property for the purpose of developing a landfill site with the City of Gering, to include City Council, City Manager and City Attorney,” “YEAS”, Colwell, Meininger, McCarthy, Gonzales and Shaver. “NAYS”, None. Absent: None.

Mayor Meininger announced that the City Council would adjourn to closed session for the purpose of discussing strategy on the potential purchase of property for the purpose of developing a landfill site with the City of Gering.

The City Council reconvened at 7:20 p.m. Roll Call: Randy Meininger, Mark McCarthy Raymond Gonzales, Scott Shaver, and Jordan Colwell. Also present was City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Colwell, “to direct staff to continue working on sites for a landfill with the City of Gering,” “YEAS”, Colwell, Meininger, McCarthy, Gonzales and Shaver. “NAYS”, None. Absent: None.

Under Public Comments, Mr. Bobby Albaugh addressed the Council, encouraging them to conduct more research on the proposed landfill property and to carefully review the DEQ website pertaining to compliance findings by the City of Gering.

Under Council reports, Council Member Gonzales will be attending the PADD meeting this week, Mayor Meininger reported on the League of Nebraska Municipalities Meeting and Council Member Shaver reported for the Student Council, the Drill Team won state and were 6th at the National competition.

Moved by Council Member Shaver, seconded by Council Member Gonzales, “to adjourn at 7:25 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, Gonzales and Shaver. “NAYS”, None. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”