

City of Scottsbluff, Nebraska

Monday, June 4, 2018

Regular Meeting

Item Consent1

Approve the minutes of the May 21, 2018 Regular Meeting

Staff Contact: Kim Wright

The Scottsbluff City Council met in a regular meeting on May 21, 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 May 18, 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 May 18, 2018.

Mayor Meininger presided and Deputy Clerk Wright 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. Deputy Clerk Wright informed the Council that item 7c is to be deleted. Mayor Meininger also asked that item 7a be moved off of consent agenda and moved to 8b. Mayor Meininger made a motion seconded by Council Member Shaver "to delete item 7c and move item 7a from consent agenda to item 8b of the agenda," YEAS," Colwell, Meininger, Shaver, McCarthy and Gonzales. "NAYS," None. Absent: None.

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

Moved by Council Member Gonzales seconded by Council Member Colwell that,

1. "A public hearing be set for June 4, 2018 at 6:00 p.m. to consider an Ordinance authorizing Mobile Food Vendors.
2. "A special meeting be set for June 6, 2018, 8:00 a.m., Scottsbluff Council Chambers for the purpose of conducting a budget workshop. "YEAS," Shaver, McCarthy, Gonzales, Colwell and Meininger. "NAYS," None. Absent: None.

Moved by Council Member Shaver, 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 May 21, 2018, as on file with the City Clerk and submitted to the City Council," "YEAS", McCarthy, Gonzales, Colwell, Meininger and Shaver. "NAYS," None. Absent: None.

CLAIMS

2627 OPERATING INC.,186; 3M COMPANY,5263.74; ACTION COMMUNICATIONS INC.,55; AIRPORT DEVELOPMENT,LLC,17330.52;ALARM SECURITY TECHNICIANS,689; AMERICAN DOORSTOP PROJECT PRODUCTIONS, LLC,15119.88; ANITA'S GREENSCAPING INC,242; B & H INVESTMENTS, INC,40.5;B&C STEEL CORPORATION,82.5;BLUE COURAGE LLC.,1238.29; BLUFFS PHYSICAL THERAPY, LLC,50000;BLUFFS SANITARY SUPPLY INC.,471.15; CAPITAL BUSINESS SYSTEMS INC.,183.33; CELLCO PARTNERSHIP,182.36; CENCON, LLC,750; CHRIS BURBACH,287; CITIBANK N.A.,110.16; CITIBANK, N.A.,167.27; CITY OF

GERING,47103.02;CITYOFSCB,164.06;CLARKPRINTINGLLC,247.1;CLEMENS CARPET,9501.88; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,48.7; COMPUTER CONNECTION INC,75; CONSOLIDATED MANAGEMENT COMPANY,63.51; CONTRACTORS MATERIALS INC.,300.18; CORE & MAIN LP,365.87; CREDIT BUREAU OF COUNCIL BLUFFS,50; CREDIT MANAGEMENT SERVICES INC.,532.1;CROELL INC,229.5; CYNTHIA GREEN,227.17; DAVID QUIJAS,18; ELIZABETH HILYARD,287; ELLIOTT EQUIPMENT COMPANY INC.,436.64; ENVIRONMENTAL ANALYSIS SOUTH, INC,575.8; ESPINOZA VICTORIA,23.27; ESSEX ELIJAH,72; FASTENAL COMPANY,262.09; FAT BOYS TIRE AND AUTO,98; FBM HOLDINGS, LLC,491;FEDERAL EXPRESS CORPORATION,781.94; FLOYD'S TRUCK CENTER, INC,8696.9; FYR-TEK INC,82.5;GENERALELECTRIC CAPITAL CORPORATION,15.44; GRAY TELEVISION GROUP INC,695;HAWKINS, INC.,2065.51;HULLINGER GLASS & LOCKS INC.,220.41; HYDRONIC WATER MANAGEMENT,718; HYDROTEX PARTNERS, LTD,951.55; IDEAL LAUNDRY AND CLEANERS, INC.,1025.6;INDEPENDENT PLUMBING AND HEATING, INC,172.3;INGRAM LIBRARYSERVICES INC,1144.33; INTERNAL REVENUE SERVICE,56378.3; INTERNATIONAL PUBLIC MANAGEMENT ASSOCIATION-HR,247; INTRALINKS, INC,2981.25; INVENTIVE WIRELESS OF NE, LLC,128.03; JACOB MCLAIN,72; JOHN DEERE FINANCIAL,156.88;JOHN DEERE FINANCIAL,186.1;JOHN DEERE FINANCIAL,430.73; JULIUS D KONCABA,,925.95; KIRK BERNHARDT,36; KNOW HOW LLC,619.55; LAWSON PRODUCTS, INC,108.64; LEIS JORDAN,216; LEXISNEXIS RISK DATA MANAGEMENT,100; M.C. SCHAFF & ASSOCIATES,INC,1800;MENARDS, INC,271.11; MICK KEENAN,23.27; MIDLANDS NEWSPAPERS, INC,5632.44; MIDWEST CONNECT, LLC,195; NATIONAL ARBOR DAY FOUNDATION,10; NE CHILD SUPPORT PAYMENT CENTER,2121.43; NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,157;NEBRASKA INTERACTIVE, LLC,36; NEBRASKA MACHINERY CO,2441.67; NEBRASKA PUBLIC POWER DISTRICT,38981.72; NEOPOST,1000; NEOPOST USA INC,1933.71;NETWORKFLEET,INC,18.95;NORTHWESTPIPEFITTINGS,INC.OF SBLUFF,570.87; OCLC ONLINECOMPUTER LIBRARY CENTER, INC,351.32;OWENEVELOPMENT, LLC,,4978.28; PANHANDLE COOPERATIVE ASSOCIATION,22331.56; PANHANDLE ENVIRONMENTAL SERVICES INC,60; PAUL MENDOZA,144; PETERSON DOMINICK,117; PLATTE VALLEY BANK,75384.45;POSTMASTER,880.27; POWERPLAN,293.48; QUILL CORPORATION,215.79; REGANIS AUTO CENTER, INC,381.65; REGIONAL CARE INC,41316.59;REGISTER OF DEEDS,70; RICHARD P CASTILLO,162; ROCKSTEP SCOTTSBLUFF LLC,48577.27; S M E C,173; SANDBERG IMPLEMENT, INC,88.22; SCB FIREFIGHTERS UNION LOCAL 1454, 225; SCOTTS BLUFF COUNTY COURT,172; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,528; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,324; SCOTTSBLUFF WINSUPPLY COMPANY,108.63; SHAW DAVID,18; SHERIFF'S OFFICE,130.4; SIMMONS OLSEN LAW FIRM, P.C.,16277.29; SIMON CONTRACTORS,3623.19; SNELL SERVICES INC.,1830; SONNY'S BIKE SHOP, INC,21.74; SPENGLER MICHAEL,90; SUBWAY 6906,34.31;SUNSET LAW ENFORCEMENT, LTD,1695.8; THE CHICAGO LUMBER COMPANY OF OMAHA INC,513.02; TIERNEY BERNARD,300; TORRINGTON SOD FARMS,600;TOYOTAMOTORCREDIT CORPORATION,365.69;TRANS IOWA EQUIPMENT LLC,1419.34;UNION BANK & TRUST,36132.44; UNIQUE MANAGEMENT SERVICES, INC,322.2; US BANK,1862.5; VOGEL WEST, INC,50.04; W & R INC,13689.84; WATSON JERRY,168.33; WESTERN COOPERATIVE COMPANY,40.08; WESTERN COOPERATIVE COMPANY,30.36; WESTERN COOPRTATIVE COMPANY,1212.74; WESTERN STATES BANK,31638.58; WESTERN TRAVEL TERMINAL,

LLC,398; WYOMING FIRST AID & SAFETY SUPPLY, LLC,170.45; WYOMING WATER DEVELOPMENT OFF,22456.58;

Moved by Council Member Colwell, seconded by Mayor Meininger “to approve the minutes as amended,” “YEAS,” Gonzales, Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: None.

Regarding the April 2018 Financial Report, City Manager Johnson explained that we have received one of two payments of property tax remittance and are in a healthy financial situation getting ready for the upcoming budget. Mayor Meininger also reminded the public that the City’s fiscal year is October 1st to September 30th.

Mayor Meininger opened the public hearing at 6:05 p.m. to consider and take action concerning the report of the LB840 Economic Development Program Citizen’s Advisory Committee. Mr. Johnson gave a brief overview of the committee meeting held on April 12, 2018, stating prior to December 31, 2017 all grants have been earned out, are current with full time equivalent employees, or payments have been made due to their current job levels. He also commented since the inception of the program, 47 grants have been made; in which fourteen are active with the rest being terminated, repaid, or settled. Since January 1, 1996, 10 million dollars has been put back in the community through job creation grants and loans which has attributed to over 1350 jobs that have either been created or retained through the program.

Council Member Gonzales was concerned that no members from the committee were present at the Council Meeting for comment and in the future it might be a good idea to ask them to attend. Mayor Meininger officially closed the public hearing at 6:10 p.m. It was put into motion by Council Member McCarthy, seconded by Council Member Shaver “to accept the report of the LB840 Economic Development Program Citizen’s Advisory Committee,” “YEAS,” Colwell, Meininger, Shaver, McCarthy, and Gonzales.” “NAYS,” None. Absent: None.

Mayor Meininger read the Proclamation for Emergency Medical Services Week, which is May 20th thru 26th, 2018.

City Manager Johnson explained that the tractor for the Parks Department is a budgeted CIP item of \$36,000.00 and asked to award the lowest and best bid to Brown Company, which is under budget in the amount of \$26,919.00. He explained that Brown Company is out of state, so a five percent preference needed to be added to the bid and even with the five percent add on, Brown Company was still the lowest bid received. It was put into motion by Council Member Shaver, seconded by Council Member Colwell “to award the bid for the new tractor for the Parks Department to Brown Company in the amount of \$26,919.00,” “YEAS,” Meininger, Shaver, McCarthy, Gonzales and Colwell.” “NAYS,” None. Absent: None.

Mr. Johnson informed the council that due to the pending retirement of Cindy Dickinson and the appointing of Kim Wright to the position of City Clerk, the bank signature cards need to be updated due to the change. It was put into motion by Mayor Meininger and seconded by Council Member McCarthy “to approve Resolution No. 18-05-01 updating the bank signature authorization,” “YEAS,” Shaver, McCarthy, Gonzales, Colwell, and Meininger. “NAYS,” None. Absent: None.

RESOLUTION NO. 18-05-01

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

1. US Bank NA, First National Bank, First State Bank, Platte Valley Bank, Western States Bank and Pinnacle Bank, all with local branches in Scotts Bluff County, Nebraska, and the Nebraska Public Agency Investment Trust (NPAIT) as well as

Moreton Capital Markets, LLC are designated as depositories and/or financial investment institutions for funds of the City.

- a. Depository funds of the City deposited in each bank shall be subject to withdrawal upon checks, notes, drafts, or other orders for the payment of money when signed on the City's behalf by any two of the following City officials:

Randy Meininger OR
Floyd J. "Jordan" Colwell AND

Kimberley Wright OR Christine Burbach

- b. All investment funds of the City held as Government Money Market Funds, Certificates of Deposit, Treasury Notes, and other authorized securities purchased by the City shall be signed by the Finance Director for the City, Elizabeth Hilyard and one of the following City officials per the City's Investment Policy:

Nathan Johnson OR Kimberley Wright

- 2. Provided, the Finance Director for the City, Elizabeth Hilyard, is authorized to make ACH drafts and withdrawals for payroll, electronic claims, utility payment drafts and debt payments on behalf of the City from any of the financial institutions named in paragraph 1. of this Resolution.
- 3. The banks are authorized to pay all orders and receive them for the credit of or in payment from the payee or any other holder without inquiring into the circumstances of the issue or the disposition of the proceeds.
- 4. US Bank is authorized to issue Visa credit cards to City personnel. The personnel to receive the cards and the credit limit on said cards shall be as approved by the City Manager or his/her designee.
- 5. This Resolution will revoke all prior banking resolutions and shall be delivered to all banks named in this Resolution. This Resolution will remain in effect until notice of revocation is delivered to any of these banks.

Passed, approved and effective this 21st day of May, 2018.

_____ Mayor

ATTEST: _____, City Clerk

Mayor Meininger introduced the Ordinance for the rezone of Lots 1-8, Block 1, Dakota Preserve which was read by title on second reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT LOTS 1-8, BLOCK 1, DAKOTA PRESERVE, A SUBDIVISION OF A PART OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS A AGRICULTURE, WILL NOW BE INCLUDED IN R-1B RURAL RESIDENTIAL ESTATE ZONE, AND REPEALING PRIOR SECTION 25-1-4.**

Regarding the cleanup of the City Codes, Mr. Johnson explained to Council the need to eliminate references to the Splash Arena and Riverside Zoo. Section 15-1-1 of the Scottsbluff Municipal Code identifies the parks and their locations and Section 6-6-15 also removes admission fees with the indoor Splash Arena. Mayor Meininger introduced Ordinance No. 4229, for dealing with property formerly known as Riverside Zoo and Splash Arena, which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH PROPERTY FORMERLY KNOWN AS RIVERSIDE ZOO AND SPLASH ARENA, REPEALING CERTAIN PROVISIONS IN THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH THE RIVERSIDE ZOO AND SPLASH ARENA, AMENDING CHAPTER 15, ARTICLE 1, SECTION 1 OF THE MUNICIPAL CODE TO UPDATE THE NAMES AND LISTINGS OF PARKS IN THE CITY OF SCOTTSBLUFF, PROVIDING FOR AN EFFECTIVE DATE 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”, McCarthy, Gonzales, Colwell, Meininger, 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 Gonzales, “that Ordinance No. 4229 be adopted,” “YEAS,” Gonzales, Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: None.

City Manager Johnson updated the Council on the adoption of the 2003 Uniform Fire Code which is the current fire code adopted by the State of Nebraska (Title 153). Due to the relinquishment of the delegated authority back to the State Fire Marshal’s office, the City is looking at adopting the same fire code as the State. By doing this, we can allow different fire prevention techniques throughout the City. Council Member Shaver asked if we have copies of Annex H & I of the Fire Protection Code to review. City Attorney Hadenfeldt assured Council Member Shaver that we do have copies at City Hall for anyone to view. Mayor Meininger introduced the Ordinance, adopting the 2003 Uniform Fire Code which is the current fire code adopted by the State of Nebraska (Title 153) and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING AND REVISING THE SCOTTSBLUFF MUNICIPAL CODE AT CHAPTER 8, ARTICLE 1 SECTION 12, ADOPTING A VERSION OF THE NATIONAL FIRE PROTECTION ASSOCIATION UNIFORM FIRE CODE; WITH ADDITIONS AND EXEPTIONS, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Starr Lehl, Economic Development Director, introduced Jodene Burkhardt, Sole Member of Complete Care Family Practice LLC to the Council. Ms. Burkhardt is asking for a \$50,000.00 performance based loan positioned on job creation. The business is open now and is a family practice based on walk in clients. She currently has five full time employees and is not associated with the hospital. Motion made by Council Member Shaver, seconded by Mayor Meininger “to approve the Economic Development Loan for Complete Care Family Practice, LLC, in the amount of \$50,000.00” “YEAS,” Colwell, Meininger, Shaver, McCarthy, and Gonzales. “NAYS,” None. Absent: None.

Ms. Lehl, also introduced John Schlothauer and Doug Koob from JADS Trucking. Their request consists of a \$50,000.00 grant based on job creation and \$125,000.00 loan. Council Member Shaver asked what the difference was between grant and loan. Mr. Johnson said they are the same, however in this case the word grant was chosen because there are only so many job credits that can be paid back on the loan; they wanted to split it out. Mr. Schlothauer, President of JADS Trucking, explained that they are a Fed Ex independent contractor based out of Scottsbluff and they have just recently acquired five more routes. He stated JADS trucking would be adding five fulltime employees, one part time employee and they have seen a fifteen to eighteen percent increase every year in freight. Council Member Gonzales made the motion, seconded by Council Member Colwell “to approve an Economic Development Application for JADS Trucking,” “YEAS,” McCarthy, Gonzales, Colwell, and Meininger. “NAYS,” Shaver. Absent: None.

Mr. Johnson explained that Bronsen Schliep is removing himself as a partner from Webb Orthodontics and has requested we remove the Guaranty given as collateral for the Webb Orthodontic note. This becomes effective only when Mr. Schliep removes himself as a partner from the entity. Council Member Shaver made the motion, seconded by Council Member McCarthy “to approve the release of Bronsen Schliep from the Guaranty given as collateral for the Webb Orthodontic Note owed to the City,” “YEAS,” McCarthy, Gonzales, Colwell, Meininger, and Shaver. “NAYS,” None. Absent: None.

Mr. Johnson stated that on March 21st there was a Revenue Committee meeting to discuss financials for the current year and projections for the upcoming year. The items looked at were sales tax receipts and NPPD lease payments. After a lengthy discussion by the committee, it was determined for the current fiscal year (2018) to keep the revenues on the sales tax receipts and NPPD least payments at zero percent. Mr. Johnson added he is confident that sales tax receipts will increase, with dollars being spent at different establishments. Mr. Johnson also asked for an endorsement from the Council of the Revenue Committee’s recommendation for fiscal years 2018 /2019 of zero percent change for sales tax receipts and NPPD lease payments.

Council Member Shaver expressed concern that sales tax revenues will be down. Council Member Gonzales asked when we would get the next sales tax numbers; Mr. Johnson stated we should have those numbers within the next three to four weeks, which would be after the budget workshop. The majority of the Council agreed, concerning the budget workshop, to go with the recommendation of the committee at zero percent for both sales tax revenue and NPPD lease payments. They did suggest, however, that City Manager Johnson come up with a contingency plan in case revenues come in at a negative compared to the budgeted amount of zero percent.

Mayor Meininger asked the Council to offer their recommendations regarding City Manager Johnson’s contract. Council Member Shaver stated that he does not like having the City Manager compared to the other employees as far as the wording in his contract goes. He feels Mr. Johnson is a specialized employee and that he should be separate from the other employees, regarding COLA, because Council sets his wage. Council Member Colwell was concerned if there was latitude in the contract that says a raise is not automatic and would be based on performance and not on years of service. City Attorney Hadenfeldt explained that the provisions of Mr. Johnson’s contract are in line with what other cities are giving their managers and that Council sets the salary, but he is still entitled to COLA raises. Mayor Meininger made a motion, seconded by Council Member Shaver “to approve City Manager Johnson’s contract, ” “YEAS,” Gonzales, Colwell, Meininger, Shaver and McCarthy. “NAYS,” None. Absent: None.

Mayor Meininger made a motion at 6:55 p.m., seconded by Council Member McCarthy “that the Council will go into closed session for the purpose of protection of the public interest for the intent of a strategy session regarding the potential real estate purchase of a landfill site and options,” “YEAS,” Colwell, Meininger, Shaver, McCarthy, and Gonzales. “NAYS,” None. Absent: None.

Mayor Meininger announced “that the City Council is adjourning to closed session at 6:55 p.m. for the purpose of protection of the public interest for the intent of a strategy session regarding the potential real estate purchase of a landfill site and options.”

Council reconvened out of closed session at 7:39 p.m. as stated on the record. The following Council Members were present: Randy Meininger, Scott Shaver, Mark McCarthy, Raymond Gonzales, and Jordan Colwell. Also present was City Manager Johnson and City Attorney Hadenfeldt. Absent: None. Mayor Meininger made the motion, seconded by Council Member Colwell “to have staff continue to work with purchasing land for a future landfill and all options,” “YEAS,” Shaver, McCarthy, Gonzales, Colwell, and Meininger. “NAYS,” None. Absent: None.

Under Council reports Council Member Shaver reported for Youth Council commenting that school is almost out and the students are ready for summer vacation.

Council Member Colwell, seconded by Council Member Gonzales made a motion “to adjourn the meeting at 7:42 p.m.,” “YEAS,” McCarthy, Gonzales, Colwell, and Meininger. “NAYS” Shaver. Absent: None.

Mayor

Attest:

Deputy City Clerk
“SEAL”