

City of Scottsbluff, Nebraska

Monday, July 2, 2018

Regular Meeting

Item Consent1

Approve the minutes of the June 18, 2018 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on June 18, 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 June 15, 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 June 15, 2018.

Mayor Meininger presided and City 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, Scott Shaver, Raymond Gonzales, and Jordan Colwell. Also present was City Manager Johnson and Deputy City Attorney Rick Ediger.

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 McCarthy seconded by Council Member Colwell that,

1. "The minutes of the June 4, 2018 Regular Meeting be approved,"
2. "The minutes of the June 6, 2018 Budget Workshop Special Meeting be approved,"
3. "The claim from Matthew Hutt be acknowledged and sent to the City's insurance carrier,"
4. "The claim from Capri Motel be acknowledged and no action be taken on the claim," "YEAS," Colwell, Meininger, McCarthy, and Gonzales. "NAYS," Shaver. Absent: None.

Moved by Council Member Gonzales, seconded by Council Member McCarthy, "that the following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated June 18, 2018, as on file with the City Clerk and submitted to the City Council," "YEAS," Meininger, Shaver, McCarthy, Gonzales, and Colwell. "NAYS," None. Absent: None.

CLAIMS

ACTION COMMUNICATIONS INC.,337.73; ALARM SECURITY TECHNICIANS,3377.68; ASSOCIATED SUPPLY CO, INC,7986.14; ASSURITY LIFE INSURANCE CO,32.95; AULICK LEASING CORP,541.31; AUTOZONE STORES, INC,170; B & H INVESTMENTS, INC,176; B&C STEEL CORPORATION,33.75;BALL MECON,36; BISSELL, BERT,9678; BLUE OX BUILDING,8592.6; BLUFFS SANITARY SUPPLY INC.,1037.98; BROWN CO,26919; BUDGET DRAIN SERVICES LLC,390; CAPITAL BUSINESS SYSTEMS INC.,719.63; CARR- TRUMBULL LUMBER CO, INC.,43.35; CASH WA DISTRIBUTING,1813.47; CELLCO PARTNERSHIP,182.71; CITY OF GERING,54586.6; COMPUTER CONNECTION INC,44; ONSOLIDATED MANAGEMENT COMPANY,,152.63; CONTRACTORS MATERIALS INC.,,3299.8; CREDIT BUREAU OF COUNCIL BLUFFS,50; CREDIT MANAGEMENT SERVICES INC.,526.13; CRESCENT ELECT. SUPPLY COMP INC,101.39; CROELL INC,1142.77; CROUCH RECREATIONAL DESIGN,

INC,1035;CYNTHIA GREEN,75.6; D & H ELECTRONICS INC.,10.5; DALE'S TIRE & RETREADING, INC.,35.75; DAS MANUFACTURING INC,2586.05; EBSCO INDUSTRIES, INC,1155; ELLIOTT EQUIPMENT COMPANY INC.,2570.98; EXCELLENT PLUMBING,950; F. H. SCHAFER ELEVATOR, INC,115.56; FARMERS STATE BANK,92646.66; FREMONT MOTOR SCOTTSBLUFF, LLC,291.9; GALE/CENGAGE LEARNING,995; GENERAL ELECTRIC CAPITAL CORPORATION,733.2; GILMORE & BELL, P.C.,5500; GRAY JENNIFER,25; GRAY TELEVISION GROUP INC,1390; HAWKINS, INC.,2554.98; HD SUPPLY FACILITIES MAINTENANCE LTD,132.35; HEARTLAND COMMUNICATIONS GROUP, INC,50;HOLUB KENT,76; HULLINGER GLASS & LOCKS INC.,28.5; HYDRONIC WATER MANAGEMENT,425; IDEAL LAUNDRY AND CLEANERS, INC.,992.56; INDEPENDENT PLUMBING AND HEATING, INC,278.65; INFINITY CONSTRUCTION, INC.,11423.37; INGRAM LIBRARY SERVICES INC,1576.82; INTERNAL REVENUE SERVICE,66607.04; INTERNATIONAL PUBLIC MANAGEMENT ASSOCIATION-HR,1145; INTRALINKS, INC,2934.04; INVENTIVE WIRELESS OF NE, LLC,57.95; JG ELLIOTT CO. INC., 875; JACOB MCLAIN, 108; JOHNDEERE FINANCIAL,107.69;JOHNDEERE FINANCIAL,279.2;JOHNDEEREFINANCIAL,443.45;JONATHAN P VAN GALDER,72; KELLY KAVA,72;KIRK BERNHARDT,126; KNOW HOW LLC,594.52; KOIS BROTHERS EQUIPMENT CO INC,7058; LEIS JORDAN,72; LEXISNEXIS RISK DATA MANAGEMENT,100; M.C. SCHAFF & ASSOCIATES, INC,7416.36; MADISON NATIONAL LIFE,1867.02; MATHESON TRI-GAS INC,148.42; MENARDS, INC,1004.29; MIDLANDS NEWSPAPERS, INC,2169.28; MIDWEST CONNECT, LLC,850.67; MUNIMETRIX SYSTEMS CORP,39.99; NE AMATEUR SOFTBALL ASSOC,1320; NE CHILD SUPPORT PAYMENT CENTER,1556.93; NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,94; NEBRASKA INTERACTIVE, LLC,15; NEBRASKA MACHINERY CO,1104; NEBRASKA PUBLIC POWER DISTRICT,38897.62; NEBRASKA RURAL RADIO ASSOCIATION,82.5;NEBRASKA STATEWIDE ARBORETUM,55; NETWORKFLEET, INC,168.11; NORTHERN SAFETY COMPANY, INC.,131.14; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,167.22; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,351.32; ONE CALL CONCEPTS, INC,232.89; OREGON TRAIL PLUMBING, HEATING & COOLING INC,3699; PANHANDLE COLLECTIONS INC, 218.06; PANHANDLE COOPERATIVE ASSOCIATION, 21844.94; PANHANDLE ENVIRONMENTAL SERVICES INC,140; PAUL MENDOZA,234; PEPSI COLA OF WESTERN NEBRASKA, LLC,780.2; PLATTE VALLEY BANK,14919.45; PLATTEVALLEYBANK,240586.64; POSTMASTER,678.3; POWERPLAN,102.78; QUILL CORPORATION,763.54; RAILROAD MANAGEMENT CO III, LLC,214.01; REGANIS AUTO CENTER, INC,861.9; REGIONAL CARE INC,45582.82; RICHARD P CASTILLO,198; ROCKSTEP SCOTTSBLUFF LLC,69274.69; S M E C,341; SANDBERG IMPLEMENT, INC,1086.99; SCB CO WEED CONTROL,2055; SCB FIREFIGHTERS UNION LOCAL 1454,225; SCOTTSBLUFF BODY & PAINT,2649.47; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,528; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,2770; SCOTTSBLUFF WINSUPPLY COMPANY,19.61; SHAW DAVID,36; SHERIFF'S OFFICE,154.28; SHRADDHA, LLC,243.9; SIMMONS OLSEN LAW FIRM, P.C.,15768.79; SIMON CONTRACTORS,1630.88; SNELL SERVICES INC.,244.2; SPENGLER MICHAEL,72; STRICKER MARTIN,72; SUBWAY 6906,46.31; SUNSET LAW ENFORCEMENT, LTD,1289.4; SWANK MOTION PICTURES INC,463; THE CHICAGO LUMBER COMPANY OF OMAHA INC,64.69; THE PEAVEY CORP,128.35; TRANS IOWA EQUIPMENT LLC,5235.59; TREETOPPRODUCTSINC,9582.64;TRI-TECHFORENSICSNC.,2316; TWIN CITY ROOFING & SHEETMETAL, INC,974.85; UNION BANK & TRUST,50159.96; UNIQUE

MANAGEMENT SERVICES, INC,241.65; US BANK,3174.98; WESTERN COOPERATIVE COMPANY,294.09; WESTERN COOPRTATIVE COMPANY,46.66; WESTERN PATHOLOGY CONSULTANTS, INC,51; WESTERN TRAVEL TERMINAL, LLC,433; WYOMING FIRST AID & SAFETY SUPPLY, LLC,161.43; WYOMING WATER DEVELOPMENT OFF,5434.25; YORK CLAIM SERVICES,400; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,1746; ZM LUMBER INC,7.58; REFUNDS: BERNARD STRAETKER, 10.92; MOREHEAD KREATIONS, 15.51; FRED KRIEG, 155.04.

City Manager Johnson presented the May 2018 Financial Report to the City Council. Council Member Gonzales asked about sales tax. City Manager Johnson explained that sales tax receipts for the month of June are down -3.05% with YTD being at -0.68%, or \$40,240 as compared to the same period in the previous fiscal year, but he reminded the City Council that those figures are attributable to the month of April. He anticipates an increase in sales tax for the summer months due to people buying items for their gardens and being outdoors.

Mayor Meininger opened the public hearing at 6:05 p.m. to consider the Class I Liquor License for 2627 Lodging, LLC dba Fairfield Inn & Suites Scottsbluff.

Ms. Carol Drummond, Fairfield Inn & Suites Manager and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Council Member Shaver, seconded by Council Member McCarthy “that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) 2627 Lodging, LLC dba Fairfield Inn & Suites Scottsbluff Liquor License application; 2) City Council check list for section 53-132 cum supp 2016; 3) written statement of Police Chief Kevin Spencer dated June 14, 2018; 4) written statement of City Clerk dated June 18, 2018; 5) written statement from the Development Services Department dated May 21, 2018; “YEAS,” Shaver, McCarthy, Gonzales, Colwell, and Meininger. “NAYS,” None. Absent: None.

Ms. Drummond explained to the City Council that they would like to offer beer and wine to their guests at the hotel. She went on to inform the Council that staff has upcoming scheduled tips training by Marriott and will be taking additional training from State Patrol Investigator Rob Jackson.

Police Chief Spencer reported that the Police Department conducts extensive back ground checks on the applicants. He also stated Ms. Drummond met with the Liquor License Advisory Board and received a positive recommendation. Ms. Drummond’s plan is to have single service beer and wine in a small cooler available to guests and with the above aforementioned, he finds no reason for disqualification.

There were no comments from the Public. Mayor Meininger closed the public hearing at 6:10 p.m. Council Member Shaver asked why Fairfield Inn is wanting a Class I liquor license and not a Class C like the other hotels in the area. Ms. Drummond explained that eventually they would like to house a small bar in the back of the hotel and thought it would make more sense to apply for everything at one time. Moved by Council Member Shaver, seconded by Council Member Colwell “to forward a positive recommendation to the Nebraska Liquor Control Commission for 2627 Lodging, LLC dba Fairfield Inn & Suites Scottsbluff Class I liquor license pursuant to Nebraska§53-132 (2)a, (2)b, (2)c, and (2)d,” “YEAS,” McCarthy, Gonzales, Colwell, Meininger and Shaver. “NAYS,” None. Absent: None.

RESOLUTION NO. 18-06-03

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

1. On June 18, 2018 the matter of the application of a Class I liquor license for 2627 Lodging, LLC dba Fairfield Inn & Suites Scottsbluff, 902 Winter Creek Dr, Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class I liquor license for 2627 Lodging LLC dba Fairfield Inn & Suites Scottsbluff, 902 Winter Creek Dr, Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2016)

Exhibit 3 - Written statement of Police Chief dated June 14, 2018

Exhibit 4 - Written statement of City Clerk dated June 18, 2018

Exhibit 5 - Written statement of Development Services Department dated May 21, 2018

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Carol Drummond, Manager; Police Chief Kevin Spencer spoke on behalf of the City.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
 - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.
 - b. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2016) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes. Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class I liquor license be issued to Class I liquor license for 2627 Lodging LLC dba Fairfield Inn & Suites Scottsbluff, at the premises described in the application.
5. The City Clerk shall transmit a copy of this Resolution to the Commission.
6. Cost of publication: \$15.27.

Passed and approved this 18th day of June, 2018.

Mayor

ATTEST:

City Clerk

“seal”

Moved by Council Member Shaver, seconded by Council Member Colwell “to submit a positive recommendation for Carol Drummond as manager of the Class I liquor license for 2627 Lodging, LLC

dba Fairfield Inn & Suites Scottsbluff,” “YEAS,” Gonzales, Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: None.

Mayor Meininger opened up the public hearing at 6:12 p.m. to consider an Ordinance authorizing Mobile Food Vendors. City Manager Johnson gave some background on the Ordinance and also went over the application in the packet explaining the vendor requirements and fee of \$100.00. He pointed out that this is to promote health and safety of the citizens and not to target any specific entity. Council Member Shaver asked if they did not have a vehicle and used a tent or table, how is that different? Mr. Johnson stated that is something the City may have to look into. Mayor Meininger asked how this would affect the Farmers Market. Mr. Johnson stated that the Farmers Market gets permission from the City by getting a Community Festival Permit every year to have the event.

Ms. Starr Lehl, Economic Development Director, addressed the City Council and told them about an experience she had in Omaha regarding “Food Truck Thursdays.” She would like to be able to get in contact with the area mobile food vendors to inform them of events around Scottsbluff.

Mr. Steve Trebilcock approached the City Council and offered his displeasure to the regulations in the proposed Ordinance. He dislikes the rule of having trailers being hooked to the vehicle at all times, does not like the idea of providing his own trashcans, is not happy about paying a fee for each motor vehicle and does not like having to describe the type of food items being sold. He thinks it is far reaching to provide information on who drives the vehicle and does not understand the measurement specifications and how that relates to public safety.

Ms. Marci Kanarek stated her concerns regarding paying a fee for each vehicle. She feels the fee should be assessed by vendor and not vehicle and thinks the Ordinance is complicated and wordy. She states she does use her own trash receptacles, but agrees with Mr. Trebilcock and his concerns. She does not think it is fair to single out a motor vehicle and not vendors who use a table or tent. She would like more clarification regarding the Ordinance.

Mr. Nathan Green would like to see a study or have a coalition started because he views this as possible growth. He thinks it is a good idea and would like to see less regulation. He thinks this is very positive and could be great for Scottsbluff.

Ms. Angela Kembel questioned how much the vehicle needs to be in use to get the permit. She is contemplating starting a small mobile coffee business and wonders if it would be cost effective for her. Mr. Johnson stated right now there is no threshold and all are treated the same.

Ms. Robin Montemayor approached the City Council and suggested they look at Cheyenne, Wyoming’s regulations regarding food trucks. She stated that it is a very simple process with less regulation. They break down their fees by offering yearly and temporary permits, with the temporary permits being valid for fourteen days.

Mayor Meininger reminded everyone in attendance that this is a public hearing to gain information and not restrict, but enhance, their businesses. The City would like to get in contact with vendors to help them and will be looking at readdressing this issue in the future due to the concerns that were brought up at the hearing. Mayor Meininger officially closed the public hearing at 6:51 p.m.

Mayor Meininger introduced Ordinance No. 4231 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 the third 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.**

Anthony Murphy, Fire Prevention Officer, was present to answer questions and concerns about the 2003 fire code. He reiterated that due to the relinquishment of the delegated authority back to the State Fire Marshal’s office, the City was looking at re-adopting a local fire prevention code to prevent fires and hazardous conditions.

Moved by Mayor Meininger, seconded by Council Member Shaver “to approve Ordinance No. 4231 for final passage,” “YEAS,” Shaver, McCarthy, Gonzales, Colwell, and Meininger. “NAYS,” None. Absent: None.

City Manager Johnson asked the City Council for instructions regarding an NPPD lease extension with contract modifications. One point of clarification that City Manager Johnson requested is whether or not to charge tax-supported entities. He explained that the City Council can vote to charge lease payments to tax-supported entities, however the City would be taxing itself. Another element Mr. Johnson mentioned is right now the City is able to accept 12% of the revenues per the lease agreement. With this modified contract the percentage can increase a half percent per year, with a 90 day notice, maxing out at 14%.

Ms. Terry Rajewich with NPPD indicated that the City would be taxing itself as an entity but would be getting revenues back in monthly arrears, not quarterly. She did mention that if the City chose to charge lease payments to tax-supported entities, she and Mr. Johnson would go out and visit with them in advance so they were aware of the charges.

City Council agreed that Mr. Johnson should bring back the number of tax-supported entities that would be affected and start conversations with them to get feedback. The Council would also like to see the entities educated on the benefits of solar energy.

Mr. Johnson introduced a license agreement with the North Platte NRD for the placement of a monitoring well to test water quality by the outfall. It was put into motion by Council Member Gonzales, seconded by Council Member McCarthy “to approve a license agreement with the NRD and authorize the Mayor to execute the agreement,” “YEAS,” McCarthy, Gonzales, Colwell, Meininger, and Shaver. “Nays,” None. Absent: None.

City Manager Johnson presented a Professional Service Agreement between the City and M.C. Schaff & Associates for the Scottsbluff Valley Pathway North project. This is for additional environmental work and informational mailers that are a requirement of the State. Mayor Meininger made a motion “to approve the Professional Service Agreement between the City and M.C. Schaff & Associates for the Scottsbluff Valley Pathway North project and approve Resolution 18-06-04,” seconded by Council Member Gonzales. “YEAS,” Gonzales, Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: None.

RESOLUTION

PRELIMINARY ENGINEERING SERVICES AGREEMENT SUPPLEMENTAL AGREEMENT NO. 4 - B01231

CITY OF SCOTTSBLUFF

Resolution No. 18-06-04

Whereas: City of Scottsbluff and M.C. Schaff & Associates, have previously executed a Preliminary Engineering Services Agreement (B01231) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: City of Scottsbluff understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: City of Scottsbluff and M.C. Schaff & Associates, wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Scottsbluff, Nebraska that:

Randy Meininger, Mayor of City of Scottsbluff is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 4 between the City of Scottsbluff and M.C. Schaff & Associates.

NDOR Project Number: ENH-79(42)

NDOR Control Number: 51512

NDOR Project Description: Scottsbluff Valley Pathway North

Adopted this 18th day of June, 2018 at Scottsbluff, Nebraska

Mayor

Attest: _____
City Clerk

Regarding contractual support for outside organizations, City Manager Johnson explained that we have eliminated many personnel positions and have looked at various ways to cut spending. We contract out to Simmons Olsen Law Firm and M.C. Schaff & Associates because it is more cost effective for the City to do that than to have attorneys and engineers in house. We also have hired an information technology (IT) firm to do IT work because it is cheaper than having someone on staff. Mr. Johnson also stated the City could use reserves to help alleviate the shortfall. Council Member Gonzales requested to see the budget discussion on future agendas and in reference to a solution, City Council directed Mr. Johnson to continue to work on cost savings areas and to remain cross training staff for additional savings.

Mr. Rick Ediger, Deputy City Attorney, gave a PowerPoint presentation on LB 357 concerning an additional one-half cent sales tax. He informed the Council that while the additional sales tax is intended for infrastructure, it can also be used for redevelopment projects as defined in **Section 18-2103** of the Nebraska Statutes. The Council can determine the types of projects which will appear in the ballot language, and staff needs Council input in order to determine the types of projects to include. He also reminded the Council that if they decide to put this on the ballot, that September 1st is the deadline for the November General Election and that, if passed, the additional tax would take effect April 1, 2019.

Under council reports, Mayor Meininger reported there is a 911 Task Force meeting on June 23rd to allocate funds for the Zuercher project.

Moved by Council Member Colwell, seconded by Council Member Gonzales "to adjourn the meeting at 8:01 p.m." "YEAS," Gonzales, Colwell, Meininger, Shaver, and McCarthy. "NAYS," None. Absent: None.

Mayor

Attest:

City Clerk

“SEAL”