

# **City of Scottsbluff, Nebraska**

**Monday, August 6, 2018**

**Regular Meeting**

## **Item Consent1**

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

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on July 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 July 13, 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 July 13, 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, Scott Shaver, Jordan Colwell and Mark McCarthy Also present were City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: Raymond Gonzales.

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 Colwell seconded by Mayor Meininger that,

- a) "The minutes of the July 2, 2018 Regular Meeting be approved,"
- b) "The absence of Council Member McCarthy from the July 2, 2018 Council Meeting be approved,"
- c) "A public hearing be set for August 6, 2018 to consider a Class D Liquor License for East Overland Watering Hole, LLC, dba East "O" Watering Hole, 503 East Overland, Scottsbluff, NE,"
- d) "A Community Festival Permit for the Downtown Scottsbluff Association for "Sidewalk Sales" on Broadway from 14<sup>th</sup> St. to 20<sup>th</sup> St. on July 19, 20 & 21, 2018 from 7:00 a.m. to 7:00 p.m. be approved,"
- e) "The July 30, 2018 Regular Council meeting be cancelled as two meetings have already been held in the month of July,"

Moved by Council Member Shaver, 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 July 16, 2018, as on file with the City Clerk and submitted to the City Council," "YEAS," McCarthy, Colwell, Meininger, and Shaver. "NAYS," None. Absent: Gonzales.

#### CLAIMS

ACCELERATEDRECEIVABLESOLUTIONS,WAGEATTACHMENT,526.13;CTIONCOMMUNICA  
TIONSINC.,CIP-PO-PATROL CAR,3457.22; ALLO COMMUNICATIONS,LLC,LOCAL  
TELEPHONE CHARGES,4581.5; ASSOCIATED SUPPLY CO, INC,BLDG MAINT,3682.25;  
ASSURITY LIFE INSURANCE CO,LIFE INSURANCE,32.95; AULICK LEASING CORP,GROUND  
MAINT,538.88; AUTOZONE STORES, INC,EQUIP MTNC,161.45; B & H INVESTMENTS,  
INC,BLDG MAINT-PD,294; BLUFFS SANITARY SUPPLY INC.,JANIT

SUPPLPD,358.15;CAPITALBUSINESSSYSTEMSINC.,CONT.SRVCS.,332.68;CASHWADISTRIBUTING,CONCESSIONS,972.78; CELLCO PARTNERSHIP,CELL PHONE,183.26; CITIBANK,N.A.,STATION SUPPLIES,40.37; CITY OF GERING,DISPOSAL FEES,45305.37; CITY OF SCB,PETTY CASH,134; COMPUTER CONNECTION INC,RENT-MACH-PD,44; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,106.35; CONTRACTORS MATERIALS INC.,SUPP - EXP. JOINT,408.39; COPIER CONNECTION,DEPT CNTRCL SRVCS,141; CREDIT BUREAU OF COUNCIL BLUFFS,EMPL.SCREEN & FEE - JUNE 2018,61; CROELLINC,DEPT SUP,191; CYNTHIA GREEN,DEPT SUPP,458.77; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,2777.07; DUANE E. WOHLERS,DISPOSAL FEES,450; ENERGY LABORATORIES, INC,SAMPLES,135;EXCELLENTPLUMBING,CONTRACTUALSVC,950;FASTENALCOMPANY,DEPT SUP,13.56;FATBOYSTIREANDAUTO,EQUIPMTNC,12;FEDERALEXPRESSCORPORATION,POSTAGE,209.6;GENERALELECTRICCAPITAL CORPORATION,DEPT SUPP,86.59; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,1390; GREENE TODD,TREE REBATE,114.98; HAWKINS, INC.,CHEMICALS,3207.3; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,2189.69; HULLINGERGLASS& LOCKS INC.,BLDG MAINT,69.75;HYDROTEXPARTNERS, LTD,EQUIP MTNC,1294.5; IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL SUPP,1369.91; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT,1140.93; INGRAM LIBRARY SERVICES INC,BKS.,1204.48; INTERNAL REVENUE SERVICE,WITHHOLDINGS,63140.65; INTRALINKS, INC,LAPTOP - WATER METER READING,4541.38; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,58; JACOBMCCLAIN,CONTRACTUAL,36; JOHN DEERE FINANCIAL,EQUIP MAINT,2311.86; JON BRADLEYTOMPKINS,EQUIPMAINT,810.97;JONATHANPVANGALDER,CONTRACTUAL,36;KIRKBERNHARDT,CONTRACTUAL,72; KNOW HOW LLC,EQUIP MTNC,768.96; LAWSON PRODUCTS, INC,DEPT SUPPLIES,102.91; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; MADISON NATIONAL LIFE,LIFE INSURANCE,1771.46; MATHESON TRI-GAS INC,DEPT SUPP,120.47; MENARDS, INC,SUPP - KNEE PADS,148.24; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,3736.6; MIDWEST FARM SERVICE-ALLIANCE,EQUIP MAINT,189.59; MIKESELL L JO,CONTRACTUAL,100; MILLENNIUM RESILIENT INTERNATIONAL INC,LB840 FUNDING - FINAL,80000; MUNIMETRIX SYSTEMS CORP,IMAGESILO - JUNE 2018,39.99; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1350.55; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.5; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF-PD,50; NEBRASKAINTERACTIVE, LLC,DRIVERS LICENSE REQ.,6; NEBRASKA MACHINERY CO,EQUIP MTNC,248.7; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,41114.32; NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL SVC,225; NEBRASKALANDTIRE, INC,EQUIP MTNC,93.13; NEOPOST,POSTAGE,1000; NETWORKFLEET, INC,CONTRACTUAL SERVICES,108.01; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,65.48; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,351.32; ONE CALL CONCEPTS, INC,CONTRACTUAL,128.85; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT,3447; PANHANDLE COLLECTIONS INC,WAGE ATTACHMENT,218.06; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,140; PANHANDLE PARTNERSHIP FOR HEALTH & HUMAN SERVICES,SCHOOLS & CONF-PD,40; PATTLEN ENTERPRISE, INC,EQUIP MAINT,27.8; PAUL MENDOZA,CONTRATUAL,90; PEPSI COLAOFWESTERNNEBRASKA,LLC,CONCESSION,651.4PLATTEVALLEYBANK,HEALTHSAVINGSACCOUNT,14942.45;POSTMASTER,POSTAGE,548.68; POWERPLAN,EQUIP MAINT,131.56; QUILL CORPORATION,DEPT SUPPL-PD,303.1; REAMS SPRINKLER SUPPLY CO.,GROUND MAINT,702.82; REGANIS AUTO CENTER, INC,EQUIP MTNC,55.55; REGIONAL

CARE INC,CLAIMS,24587.57; RICHARD P CASTILLO,CONTRACTUAL,108; S M E C,EMPLOYEE DEDUCTION,161; SAFETYLINE CONSULTANTS, INC,DEPT SUPPL-PD,37.25; SANDBERG IMPLEMENT, INC,EQUIP MAINT,411.09; SATO, LEANN,SCHOOLS & CONF,65; SCB COUNTY,DEPT CNTRCL SRVCS,70; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225;SCOTTSBLUFFBODY&PAINT,TOWSERVICEPD,501;SCOTTSBLUFFPOLICEOFFICER SASSOCIATION,POLICEEEDUES,528;SCOTTSBLUFFGREENPRINTING & EMBROIDERY, LLC,DUTYUNIFORMS,602;SHERIFF'SOFFICE,LEGALFEESPD,135.65;SHERWINWILLIAMS,BLD G MAINT,335.25; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,15478.24; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,5665.84; SNELLSERVICES INC.,ELECTRICAL,1150.83; SOCIETY FOR HUMAN RESOURCE MANAGEMENT,MEMBERSHIP - J.BODE,209; SPECIAL INVESTIGATIONS,CONTRACTUAL-PD,106.31; SPENGLER MICHAEL,CONTRACTUAL,36;STATEOFNE.DEPT.OFLABOR,LICENSE/PERMIT,138;STRICKER MARTIN,CONTRACTUAL,144; THE CHICAGO LUMBER COMPANY OF OMAHA INC,DEPT SUPPLIES,13.17; THE PEAVEY CORP,INVEST SUPPL-PD,85.5; TRANS IOWA EQUIPMENT LLC,EQUIP MTNC,298; TRI-STATE SPRINKLER SYSTEMS, LLC,BID-TIMER,157.8; TWIN CITY AUTO, INC,EQUIP MTNC,49.65; TYLER TECHNOLOGIES, INC,FEES - UB,2451.75; UNION BANK & TRUST,RETIREMENT,35806.89; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS.,187.95; US BANK,FEES - LEASING CORP BONDS 2015,1900; USBANK,SUBSCRIPTION-LOGMEIN N.JOHNSON),738.59; VOGEL EST, INC,BLUE LATEX TRAFFIC PAINT,463.5; WARD LABORATORIES, INC,DEPT SUP,19; WESTERNCOOPERATIVECOMPANY,GROUNDMAINT,617.65;WESTERNCOOPRTATIVECOMP ANY,GROUND MAINT,133; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM DOT TESTING - JUNE 2018,78; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,39; WYOMING WATER DEVELOPMENT OFF,PAWS FEASIBILITY STUDY,4375; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,1699; ZM LUMBER INC,BLDG MAINT,160.47; REFUNDS; DARLA HEGGEM,5.60; ROSS KASTRUP, 19.24; BRANDT RENTALS MARTIN BRANDT, 17.89.

Regarding the June 2018 financial report, City Manager Johnson reported that investment income for the month of June was around \$43,000.00. The sales tax receipts to date for the month of June compared to June 2017 are up 7.64% or \$36,513.00; year to date receipts are down -0.06 or \$3,727.00.

Mr. Jonathan Hunzeker, past President and Ms. Jennifer Urdiales, President of the NEXT Young Professionals presented information regarding their annual Best of the West Beer and Wine Festival. This is their 8<sup>th</sup> year and with the addition of the Downtown Plaza, they have increased the area of their festival. Mr. Hunzeker informed Council that the festival will have only one entry and the area will be secured with cattle guards. He explained all ID's will be checked and they will not be having a band this year, but a DJ instead. He also stated they have discussed security with the Scottsbluff Police Department, with Police Chief Spencer stating there have not been any problems with this event in the past. It was put into motion by Council Member McCarthy, seconded by Council Member Colwell "to approve a Community Festival Permit for the NEXT Young Professionals at the Downtown Plaza, including vendors and noise permit for a Best of the West Beer and Wine Festival on August 11, 2018 from 1:00 p.m. to 10:00 p.m.," "YEAS," Colwell, Meininger, Shaver, and McCarthy. "Nays," None. Absent: Gonzales.

Ms. Susan Weideman, Marketing Manager for Panhandle Coop explained she will be

applying for the Special Designated Liquor License for The Best of the West Beer and Wine Festival. Council Member Shaver asked who will be in charge of this event. Ms. Weideman explained that both Hallie Brown, liquor store manager and Eric King, whose name is on the liquor license, will be at the event, as well as herself and other Panhandle Coop employees. It was put into motion by Council Member Shaver, seconded by Mayor Meininger “to approve a Special Designated Liquor License for Panhandle Cooperative Association and NEXT Young Professionals to serve wine and beer at a Community Festival event at the Downtown Plaza on August 11, 2018 from 3:00 p.m. to 9:00 p.m.,” “YEAS,” Meininger, Shaver, McCarthy, and Colwell. “NAYS,” None. Absent: Gonzales.

Mr. Chad Leeling and Mr. Geno Bolger approached the Council regarding a Business Promotional Event permit for Legion Combat Sports/Shots Bar and Grill for MMA Fights and a Street Dance. Mr. Bolger handed out maps to the Council and explained this is their second year hosting the event on Broadway. It will be the same setup as last year, with the exception of a second entrance. There are thirteen fights scheduled and they are licensed, sanctioned, bonded and insured with the State of Nebraska. Mayor Meininger asked why the event is not held in the Plaza. Mr. Bolger explained the Plaza is not big enough to hold the event. Council Member Shaver asked where the beer garden will be located. Mr. Leeling stated on 18<sup>th</sup> Street, with only one entrance and the area will be contained by cattle guards. Police Chief Spencer stated he has spoken with both Mr. Leeling and Mr. Bolger and has no issues with noise or the event.

Mr. Billy Estes, with the Midwest Theatre spoke to the Council regarding complaints with other businesses on Broadway not being informed of the Shots event or the permit. His concern is that the event map does not show all the streets that are being closed and he disagrees with Mr. Bolger saying the Plaza not being big enough to hold the venue. He also feels that pedestrian traffic is very limited and he suggests that business owners be notified, before Council meetings, that Broadway will be closed. Mr. Jeff Bradshaw, resident, asked that they not block parking spaces due to the residences downtown and that they place signage on the cattle guards so traffic can be more aware of the circumstances involved.

During discussion, Council asked that sidewalks stay open until 4:00 p.m. and that alleys not be blocked. Moved by Council Member Shaver, seconded by Council Member McCarthy “to approve a Business Promotional Event Permit for Legion Combat Sports/Shots Bar and Grill, for MMA Fights and Street Dance on Broadway between 17<sup>th</sup> and 19<sup>th</sup> Street and 18<sup>th</sup> Street on August 18, 2018 from 7:00 p.m. to 12:00 a.m.,” “YEAS,” Shaver, McCarthy, Colwell, and Meininger. “NAYS,” None. Absent: Gonzales.

Regarding the Special Designated Liquor License, Police Chief Spencer stated that he has had no issues with previous venues. It was put into motion by Council Member Shaver, seconded by Mayor Meininger “to approve a Special Designated Liquor License for Shots Bar and Grill for a beer garden at the MMA Fights on August 18, 2018 from 12:00 p.m. to 12:00 a.m.,” “YEAS,” McCarthy, Colwell, Meininger, and Shaver. “NAYS,” None. Absent: Gonzales.

Mr. Johnson reminded Council that at the last meeting, during budget discussions, that the success of the East Overland Project was acknowledged and thus brought forth dialogue of transferring funds from the Industrial Park to the General Fund for development purposes. This program has been very productive and because of the success, allows for a second round of projects on East Overland or any other grant matching opportunities. Motion was made by Council Member Colwell, seconded by Council Member McCarthy “to approve a resolution

transferring \$100,000 from Industrial Park to the General Fund for development purposes,”  
“YEAS,” Colwell, Meininger, Shaver, and McCarthy. “NAYS,” None. Absent: Gonzales.

**RESOLUTION NO. 18-07-03**

BE IT RESOLVED by the Mayor and the City Council of the City of Scottsbluff, Nebraska:

The City Council of the City of Scottsbluff, Nebraska ("**City**") has, pursuant to Ordinance #4060, created an Industrial Sites Fund ("**Fund**") wherein the **City** committed sources of revenue from the sale of farm assets to the **Fund** for the purpose of paying the costs of operating the farm assets. The **City** has determined and now declares pursuant to Neb. Rev. Stat. §16-721 it would be unwise and impracticable to leave idle funds remaining in the **Fund** where the purpose of the **Fund** has been accomplished and there is no indebtedness incurred on account of the **Fund**.

BE IT RESOLVED by the City Council that a transfer from the **Fund** is hereby appropriated and directed as follows:

TRANSFER OF FUNDS:

<b>Fund</b> - transfer out	(\$ 100,000.00)
General Fund - transfer in	\$ 100,000.00

This Resolution shall become effective upon its passage and approval upon a three-fourths vote.

Passed and Approved on July \_\_, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Regarding LB 357 projects, City Manager Johnson reminded Council that they have one meeting left to consider action before the September 1, 2018 deadline. Council discussed the one and six year street plan indicating that they need to be specific with road projects. With that, Mr. Terry Schaub, Scottsbluff resident, questioned the condition of West Overland, with Council Member Shaver mentioning Railway Street. Council Member Shaver also asked about matching funds for a pool, and inquired about the City's water and sewer infrastructure. Mr. Johnson asked, for the next meeting, language and rough cost estimates be put together to get the project moving forward.

Mr. Johnson explained to Council that the letter of intent from Nebraska Public Power District is a formality for them to complete the K450 study and the City intends to fully subscribe all of their accounts. Council Member Shaver asked how this letter is different from the first letter the City signed. Mr. Johnson explained it is a formality with NPPD because we are working with a new site. Council Member McCarthy, seconded by Council Member Colwell made the motion "to approve a letter of intent with Nebraska Public Power District for Scottsbluff Community Solar Project II and authorize the Mayor to sign the acceptance letter," "YEAS," Meininger, Shaver, McCarthy, and Colwell. "NAYS," None. Absent: Gonzales.

City Manager Johnson approached Council regarding the Trihydro Corporation contract to complete Step 1- site assessment/investigation for the siting of a municipal solid waste facility with the City of Gering. Mr. Johnson explained that the money to fund this first phase will come out of the joint sinking fund between Scottsbluff and Gering and will not exceed \$264,512.00. Council Member Shaver asked where in the contract it states that the money to fund Step 1 will come out of the sinking fund and why the contract only specifically mentions the Bald Peak site. Mr. Johnson verified that the contract does not specify that funding come out of the joint sinking fund between the two cities, but it does reference more sites be examined. Council Member Shaver suggested that the contract specifically state that the funding comes out of the sinking fund, not the general fund, and that more sites be considered and mentioned, not just Bald Peak. Mayor Meininger, along with this, suggested at least six potential sites be looked at.

Mr. Johnson also informed Council that the Project Manager for this contract would be the engineer with the City of Gering, with Council Members Shaver and Colwell questioning that arrangement. Council Member Shaver did expressed concern that this is becoming a Gering project, with Scottsbluff not having a say as to where potential sites could be located and feels that Scottsbluff will not have equal participation in the decision making process. City Manager Johnson also informed Council there could be an issue with insurance, as Tryhydro's umbrella liability policy is for ten million dollars, with the question being whether that is enough if Council approves to continue with future project steps.

Mr. Bobby Allbaugh, a concerned citizen, reminded the Council of environmental concerns with the Bald Peak site and that his biggest worry is water. He mentioned a letter from the Bureau of Reclamation and the Gering Ft. Laramie Irrigation District that addresses the drainage problem if Bald Peak is altered.

It was put into motion by Mayor Meininger, seconded by Council Member McCarthy "to approve a contract with Trihydro Corporation to complete Step 1-Site Assessment/Investigation for the siting of a municipal solid waste facility with the City of Gering, contingent on approval of an engineer and contract; also contingent on seven potential sites being investigated, funding to come out of the sinking fund and Gering's approval of the contract," "YEAS," Meininger and

McCarthy. "NAYS," Colwell and Shaver. Absent: Gonzales. Motion failed.

There were no comments from the public or council reports. Motion was made by Council Member Shaver, seconded by Council Member Colwell "to adjourn the meeting at 7:20 p.m." "YEAS," Meininger, Shaver, McCarthy, and Colwell. "NAYS," None. Absent: Gonzales.

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Mayor

Attest:

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City Clerk

"SEAL"