

City of Scottsbluff, Nebraska

Monday, October 16, 2017

Regular Meeting

Item Consent1

Approve the minutes of the October 2, 2017 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on October 2, 2017 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 September 29, 2017, 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 September 29, 2017.

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 address 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, Raymond Gonzales, Mark McCarthy and Jordan Colwell. Also present was City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: None. Mayor Meininger asked everyone present to observe a moment of silence in honor of the victims and family members of the recent shooting tragedy in Las Vegas, Nevada.

The University of Nebraska Nursing Students who were present introduced themselves and shared where they were from.

Mayor Meininger asked if there were any changes to the agenda. There were no changes.

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 Mayor Meininger, seconded by Council Member McCarthy that:

1. "The minutes of the September 18, 2017, Regular Meeting be approved,"
2. "A public hearing be set for October 16, 2017 at 6:05 p.m. to receive a report from the LB840 Citizen Review Committee," "YEAS", Colwell, Meininger, McCarthy, Shaver, and Gonzales, "NAYS", None. Absent: None.

Moved by Council Member McCarthy, seconded by Council Member Shaver, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated October 2, 2017, as on file with the City Clerk and submitted to the City Council," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: None.

CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,40.79; AIR EVAC EMS, INC,MEMBERSHIP,7600; AIRGAS USA, LLC,DEPT SUPPLIES,60.99; ANITA'S GREENSCAPING INC,BID PRKNG LTS,1261.11; AUTOZONE STORES, INC,EQUIP MTNC,242.6; B & H INVESTMENTS, INC,DEP. SUP - LIBRARY,71.5; BEEHIVE INDUSTRIES,LLC,DEPT CNTRCL SRVCS,8425; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,921.44; BLUFFS SANITARY SUPPLY INC.,JAN. SUP.,482.71; CARLSON, DEBRA,PRGRM,18; CELLCO PARTNERSHIP,CELL PHONES,308.36; CHARTER COMMUNICATIONS HOLDINGS LLC,FIRE TV- BOX,7.81; CHILD SUPPORT,NE CHILD SUPPORT,12; CHRIS BRANNAN,UNIFORMS &

CLOTHING,125; CITIBANK N.A.,DEPT SUP,321.27; CITIBANK, N.A.,DEPT SUPP,10; CITY OF SCB,PETTY CASH,165.91; CLARK PRINTING LLC,DEPT SUPP,1124.38; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTAL INS,48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,190.78; CONTRACTORS MATERIALS INC.,SUPP - UPRIGHT COMPACTOR FOR CONCRETE WORK,3021.74; CRESCENT ELECT. SUPPLY COMP INC,ELECT. SUPP - CONDUIT,632.03; CROELL INC,CONCRETE FOR STREET REPAIR,1123.75; CYNTHIA GREEN,DEP SUP.,627.55; DOOLEY OIL INC,DEPT SUPPLIES,41.23; DUANE E. WOHLERS,DISPOSAL FEES,450; EMBLEM'S INC,UNIFORMS,378; ENERGY LABORATORIES, INC,SAMPLES,135; FAT BOYS TIRE AND AUTO,EQUIP MTNC,491.16; FEDERAL EXPRESS CORPORATION,POSTAGE,127.4; FLIAM, TYLER,SCHOOLS & CONF,75; FLOYD'S TRUCK CENTER, INC,EQUIP MTNC,206.2; FREMONT MOTOR SCOTTSBLUFF, LLC,EQUIPMENT,17680.48; FYR-TEK INC,REPLACEMENT FOAM AND FIRE HOSE PARTS,1550.95; GALLS INC,UNIFORMS,674.59; GATCH RICK,UNIFORMS & CLOTHING,69.99; GENERAL ELECTRIC CAPITAL CORPORATION,DEP SUP & PRGRM,384.27; GREAT LAKES HIGHER EDUCATION GUARANTY CORP,WAGE ATTACHMENT,185.82; GREENKEEPER COMPANY, INC,DEPT SUPP,4100; HANSEN, JOSH,SCHOOLS & CONF,75; HAWKINS, INC.,CHEMICALS,6280; HICKOX KEVIN,UNIFORMS & CLOTHING,125; HOA SOLUTIONS, INC,EQUIP MAINT,1975; HONEY WAGON EXPRESS,CONTRACTUAL,155; IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL SUPP,783.43; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,26.33; INFINITY CONSTRUCTION, INC.,LB840 AIRPORT STORM DRAIN, 199784.95; INGRAM LIBRARY SERVICES INC,BKS,965.95; INTERNAL REVENUE SERVICE,WITHHOLDINGS,66030.59; INTRALINKS, INC,CONTRACT SERVICES - LIBRARY,645.98; ISLAND LAW OFFICE, PC LLO,WAGE ATTACHMENT,222.88; J G ELLIOTT CO.INC.,BONDS - DICKINSON & HILYARD,1750; JORDAN COLWELL,BUSINESS TRVL,83; KAMAN CHERYL,CONTRACTUAL,1000; KELLY KAVA,UNIFORMS,192; KENNEDY HOSPITALITY INC,SCHOOL & CONF,108; KNOW HOW LLC,EQUIP MTNC,1335.03; KRIZ-DAVIS COMPANY,ELECT. SUPP - BALLAST,58.59; LEAGUE ASSOCIATION OF RISK MANAGEMENT,VEHICLE INS. - PARKS,26.01; LEAGUE OF NEBRASKA MUNICIPALITIES, SCHOOLS & CONF,135; M.C. SCHAFF & ASSOCIATES, INC,PROFESSIONAL SERVICES - LB840 AIRPORT STORM DRAIN,47954.95; MAILFINANCE INC,MAINT FOR POSTAGE,148.76; M-B CO, INC,EQUIP MTNC,386.45; MENARDS, INC,GROUND MAINT,330.65; NATHAN JOHNSON,CONFERENCE,50; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1878.43; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.48; NE DEPT OF ENVIRONMENTAL QUALITY,POST CLOSURE CARE,2100; NE DEPT OF REVENUE,SALES TAX,33220.05; NEBRASKA INTERACTIVE, LLC,FEES,50; NEBRASKA MACHINERY CO,EQUIP MAINT,20419.54; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,29924.65; NEBRASKALAND TIRE INC,EQUIP MAINT,843.04; NEBRASKALAND TIRE, INC,EQUIP MTNC,457.96; NEMNICH AUTOMOTIVE,EQUIP MTNC,803.18; NEOPOST,POSTAGE,1000; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEPT SUP,291.72; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,7463.41; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,282.5; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5174.59; PEACEFUL PRAIRIE NURSERY, INC,TREES,SHRUBS,PLANTS - PLAZA,4602.64; PLATTE VALLEY BANK,TIF - FAIRFIELD INN,56814.01; POSTMASTER,POSTAGE,291.73; PROJECT WET FOUNDATION,DEPT SUP,1325.64; QUICK CARE MEDICAL SERVICES,PHYSICAL FOR

RHODEN,92; REGIONAL CARE INC,CLAIMS,136145.43; RIVERSIDE ZOOLOGICAL FOUNDATION,CONTRACTUAL,87500; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC PWR,2100.45; S M E C,EMPLOYEE DEDUCTION,223.5; SANDBERG IMPLEMENT, INC,EQUIP MTNC,325.15; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCOTTSBLUFF FAMILY CHIROPRACTIC,WAGE ATTACHMENT,211.69; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS/CLOTHING,299; SCOTTSBLUFF WINSUPPLY COMPANY,GROUND MAINT,184.4; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,SCHOOL & CONF,57.12; SHERIFF'S OFFICE,LEGAL FEES,110.36; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,1990.6; STATE HEALTH LAB,SAMPLES,1402; STATE OF NEBRASKA DEPT OF HEALTH,SCHOOLS & CONF,50; TRAFFIC PARTS, INC,LED RED BALL LENS, PED ILOOK,762; TRANS IOWA EQUIPMENT LLC,EQUIP MAINT,70.38; UNDERWRITERS LABORATORIES INC,ANNUAL LADDER AND TWOER TESTING,2167.55; US BANK,SCHOOL & CONFERENCES, 1138.23; US BANK,DEPT SUPPL,3754.6; USGS NATIONAL CENTER MS 270,CONTRACTUAL SVC,12625; VAN DIEST SUPPLY COMPANY,MOSQUITO SPRAY,695; VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,1920.38; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,516; WELLS FARGO BANK, N.A.,RETIREMENT,33604.11; WESTERN PLAINS BUSINESS FORMS INC,DEPT SUPPLIES,885; WESTERN STATES BANK,TIF - REGANIS REDEV.,27179.84; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,22.66; WINKLER ELECTRIC INC,SERVICES - LIBRARY SECURITY CAMERAS,360.58; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEPT SUPPLIES,5.49; WYOMING WATER DEVELOPMENT OFF,PAWS FEASIBILITY STUDY,7819.37; ZM LUMBER INC,GROUND MAINT,44.81; REFUNDS: SMITH, SNYDER, PETITT 17.75; TITO CUETO 50.56; JACK DESINFANTS 10.78; PAUL FROHMAN 128.56; EUGENE LANE 8.89; 1ST CHURCH OF GOD 75.06; DARLENE THORNTON 6.24; JESSE HAYS 13.76; FRANCESCA MOKEAC 84.10; RALPH MARQUEZ 14.79.

Starr Lehl, Economic Development Director, presented the Proclamation naming October as Manufacturing Month. Ms. Lehl explained that manufacturing is second only to agriculture as the most important industry in the State of Nebraska. The City of Scottsbluff and Western Nebraska Community College will host the First Annual Manufacturing and Distribution Summit on October 12, 2017, at the Harms Center. Mayor Meininger read and signed the Proclamation.

Moved by Mayor Meininger, seconded by Council Member Shaver, “to remove from the table the Business Promotional Event Permit for Shots Bar and Grill, which was tabled at the September 18, 2017 Meeting,” “YEAS”, Colwell, Meininger, McCarthy, Shaver, and Gonzales, “NAYS”, None. Absent: None.

City Manager Johnson explained that the event permit for Shots Bar & Grill is a family friendly event which will include a car show and chili cook off. They would like to block off the 1700 Block of Broadway and a portion of 18th Street from Broadway east to the alley. A representative from Shots explained that they plan to have a small band play music, and would like to use the Downtown Plaza area for children activities and the chili cook off. Proceeds from the event will be donated to a non-profit foundation. Mayor Meininger suggested that they talk with the other business owners on the 1700 Block of Broadway to inform them of the event, since the street will be closed. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve a Business Promotional Event Permit for Shots Bar & Grill to hold a car show and Chili Cook-off on October 7, 2017 from 10:00 a.m. to 6:00 p.m. at 18th

Street and Broadway, and the Downtown Plaza, to include street closure and a noise permit for music,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”, None. Absent: None.

City Manager Johnson presented the amendments to the City’s Comprehensive Plan, to provide for improvements to the 23 Club Baseball Park and other park facilities in the City of Scottsbluff. Moved by Mayor Meininger, seconded by Council Member McCarthy, “to approve the amended Parks and Recreation section of the City’s Comprehensive Plan, “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”, None. Absent: None.

Mr. Johnson presented the Resolution authorizing the Mayor to submit an application for a grant from the Land and Water Conservation Fund to make improvements to the 23 Club. We are applying for the maximum grant amount of \$165,000 which will be used to build a club house with ADA accessible restrooms and a facility for concessions. Staff has been working with Geoff Nemnich, 23 Club President, and Jack Baker, Engineer with Baker and Associates, on this worthwhile project. Staff is recommending approval of the Resolution to enable submission of the grant application.

Council Member Shaver asked where the sponsor match for the project will come from. Mr. Johnson explained that the match will be from in-kind contributions and council contingencies. Our intent is to use potential funding from the land sale and from the private sector. The City currently has adequate funds to match the grant. We can use donations for matching funds as well. Mr. Baker added that their goal is to apply for the grant first, then continue working on fundraising for additional improvements to the 23 Club Baseball Park.

Moved by Council Member Colwell, seconded by Mayor Meininger, “to approve Resolution No. 17-10-01 regarding the application for federal assistance from the Land and Water Conservation Fund program for the purpose of building improvements at the 23 Club Baseball Field,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”, None. Absent: None.

RESOLUTION NO. 17-10-01

WHEREAS, the City of Scottsbluff, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of reconstruction of the Clubhouse and Concessions Building at the 23 Club Baseball Complex.

WHEREAS, the Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

WHEREAS, the City of Scottsbluff, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner.

WHEREAS, the City of Scottsbluff, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the interior and contained in 43 CFR 17.

WHEREAS, no property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

WHEREAS, the City of Scottsbluff, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

NOW BE IT RESOLVED, the City of Scottsbluff, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Scottsbluff, Nebraska at a duly advertised public meeting held this 2nd day of October, 2017.

Mayor

Attest: _____
City Clerk

“Seal”

City Manager Johnson gave a progress report on the downtown improvement projects, as requested at the last Council Meeting. Over the last several weeks, city staff has been pouring concrete in the downtown plaza area to accommodate the skating rink/stage area which is now complete. Costs have been reduced greatly with the assistance of our city staff. We are also working with the Scottsbluff High School Skills Class to build the shed which will be used as an ice skate rental facility; and working with students who need community service volunteer hours to help rent skates. NPPD is working to get electricity to the shed location, and also for lighting across the top of the ice skating rink. This electricity source will also be used for the irrigation controls. Staff is also working with a fencing company to provide functional, aesthetic fencing around the rink.

The Downtown Plaza plantings are complete, thanks to Amy Seiler with the Nebraska Forest Service and NEXT Young Professionals who assisted city staff in the planting process. The conduit for irrigation was recently completed, so the remaining plantings for the bulb-outs should be completed by this fall.

The Business Improvement District board has been working with city staff to prioritize the developments of the downtown amenities. There has been some significant interest by business owners to sponsor something in the plaza.

Council Member Gonzales asked what has been done to help slow the traffic on Broadway. Mr. Johnson commented that the bulb-outs have helped to slow the traffic. We have increased the patrol of the area and we have the electronic speed lights posting the speed of motorists. Council Member Gonzales commented that he didn't think we needed to have downtown patrolled as much when we had the traffic lights in operation. Mr. Johnson noted that the traffic counts downtown currently do not warrant re-installing the street lights.

Chief Spencer added that he has received minimal complaints about the traffic downtown. He added that stop lights downtown statistically increase the number of accidents. The electronic signs collect data, so he can provide a report to the Council regarding traffic speeds. He has received a few speeding ticket reports, so he knows the officers are patrolling this area. Council Member Shaver would like to receive reports on the traffic conditions on a regular basis. Mayor Meininger commented that the number of injury ambulance calls to Broadway have gone down recently.

Katie Bradshaw, resident, commented that she supports the development downtown, however added that many people do not know what the plan is for downtown, and she would suggest providing more information regarding changes from the original plan for the plaza. She also commented that the

traffic change is easier for pedestrians with only two lanes of traffic; however, she wanted to know if the “pedestrian crossing” signs in the crosswalks would be replaced. Ms. Bradshaw also asked about the plans for a public restroom. Public Works Director Mark Bohl explained that the pedestrian crossing signs were all eventually driven over and destroyed. They are expensive to replace, however, they can be replaced if the Council directs him to.

Regarding downtown restrooms, Mr. Johnson explained that some of the funding sources have not allowed us to do some of the things we wanted to do, including restrooms. We are looking for non-traditional funding to accomplish some of these goals. In the meantime, we are working with local merchants to provide restroom accommodations. He emphasized that we are implementing the original plan for the downtown plaza area. We are working to minimize costs and involve more city staff, so the development is taking longer than originally planned.

Council Member Colwell suggested revisiting the downtown plans since there have been some changes. Mr. Johnson explained that we have made some changes and encountered some issues along the way; he feels it’s important at this point to implement these improvements to show progress.

Mayor Meininger presented the item to consider appointing Council Member Gonzales to the East Overland Steering Committee as a Council Representative. Council Member Shaver commented that he’s not sure if it’s appropriate to have a Council Member or a Community Redevelopment Authority (CRA) member serve on the Steering Committee. There are no legal conflicts with this appointment, however. Council Member Gonzales explained that he has heard from members of the East Overland Steering Committee, and they felt there was not adequate leadership, which could be provided by a member of the City Council. In addition, a Council Member would be able to provide information back to the City Council.

City Manager Johnson explained that the East Overland Steering Committee is strictly an advisory committee. Economic Development Director Lehl explained that the Steering Committee was very anxious to see the progress of the East Overland improvement projects; the City has received seven applications to date. Council expressed a need to have someone on the Steering Committee who owns property on East Overland.

The grant applications for the East Overland grants will be reviewed first by administration, then by the CRA, with the final approval from the City Council. Funds would be reimbursed after the work by the applicant is complete.

Moved by Mayor Meininger, seconded by Council Member McCarthy, “to appoint Council Member Gonzales to the East Overland Steering Committee as a City Council Representative.” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”, Shaver. Absent: None.

City Manager Johnson presented the Interlocal Agreement to provide interpreter services to the City of Bayard. Council Member McCarthy asked if our support is contingent up availability of our city staff; Mr. Johnson confirmed that is the case. Council Member Colwell asked if our interpreters are certified; Mr. Johnson responded that we have many employees who are qualified to interpret, however, they are not certified, nor are they required to be certified. City Attorney Hadenfeldt explained that they are not required to be certified, as this is a grant requirement for the City of Bayard.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to approve the Interlocal Agreement to provide Spanish/English language interpreter services to the City of Bayard, Nebraska,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”, None. Absent: None.

Mr. Johnson explained the lease agreements with Telecom West for their wireless antenna systems. Their compensation for tower use is \$150/ month plus internet service at the cemetery, valued at \$75/month,; and \$225/month at the airport.

Council Member Shaver was concerned about the minimal fee. Mr. Johnson explained that this is an existing contract for this tower usage.

Council Member Colwell asked if this agreement would set precedence for wireless policy, or if we need to develop a policy. Mr. Johnson commented that this type of tower usage is currently on a case by case policy, however, this agreement would set a precedence.

Moved by Mayor Meininger, seconded by Council Member McCarthy, “to approve the renewal of Lease Agreements with Telecom West, Inc. for their wireless antenna systems on the Airport and Cemetery Water Towers, and authorize the Mayor to sign the Agreements,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”, Shaver. Absent: None.

Under Council Reports, Council Member Colwell shared information he received from the Nebraska League of Municipalities regarding the wireless usage ordinances; and code enforcement and partnerships with county judges.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to adjourn the meeting at 6:55 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”, None. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”