

City of Scottsbluff, Nebraska

Tuesday, February 21, 2017

Regular Meeting

Item Consent1

Approve the minutes of the February 6, 2017, Regular meeting

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on February 6, 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 February 3, 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 February 3, 2017.

Mayor Randy 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, Raymond Gonzales, Scott Shaver and Mark McCarthy. Also present was City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: Jordan Colwell. Mayor Meininger asked if there were any changes to the agenda. City Clerk Dickinson informed the Council that the following agenda items have been pulled from the agenda : 9d, Economic Development Assistance Agreement with Regional West Health Services – need to resolve verbiage changes on the agreement; and 9f, adoption of the City Council Code of Conduct - prefer to have all Council Members present for adoption.

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 Gonzales that:

1. "The minutes of the January 17, 2017, Regular Meeting be approved,"
2. "A Public Hearing be set for February 21, 2017 at 6:05 p.m. for the One and Six Year Street Improvement Plan," "YEAS", Meininger, Gonzales, and McCarthy, "NAYS": Shaver. Absent: Colwell.

Moved by Council Member Shaver, seconded by Mayor Meininger, "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 February 6, 2017, as on file with the City Clerk and submitted to the City Council," "YEAS", Meininger, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: Colwell.

CLAIMS

ACTION COMMUNICATIONS INC.,SIX 800 MEG RADIO BATTERIES,781; AIRGAS USA, LLC,UNIFORMS & CLOTHING,8.78; ALARM SECURITY TECHNICIANS,CIP-PO-SAFE ZONE, 4438.06; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES, 4301.09; AMAZON.COM HEADQUARTERS,MISC., 441.6; AMERICAN PUBLIC WORKS ASSOCIATION, MEMBERSHIPS,640; ANDREA FOLCK,SCHOOL & CONF,54; AUTOZONE STORES, INC,EQUIP MAINT,90.46; B & H INVESTMENTS, INC,DEPT SUP. - LIBRARY,265.5; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,5986.94; BLUFFS SANITARY SUPPLY INC., DEPT SUPPLIES,568.68; CAPITAL BUSINESS SYSTEMS INC., CONTRACTUAL, 99.98; CARR-TRUMBULL LUMBER CO, INC.,DEPT SUP,284.91; CELLCO PARTNERSHIP,CELL PHONES, 677.95; CITIBANK N.A.,MONITOR FOR SECURITY CAMERA,431.71; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; CONTRACTORS MATERIALS INC., GLOVES FOR CREW,427; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT, 251.82; CRESCENT ELECT. SUPPLY COMP INC,DEP. SUP.,660.81; CYNTHIA GREEN,DEPT

SUPP,195.6; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,1513.79; DANKO EMERGENCY EQUIPMENT COMPANY,RIT REPLACEMENT GEAR BAG,248.5; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,135.68; DOOLEY OIL INC,OIL & ANTIFREEZE,78.62; DUANE E. WOHLERS,DISPOSAL FEES,1700; DYKES ALAN, CONTRACTUAL,124; ENERGY LABORATORIES, INC,SAMPLES,135; ENFORCEMENT VIDEO, LLC,EQUIP MAINT,225; ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC,DEPT EQPMNT MNTNCE,10800; FASTENAL COMPANY,EQUIP MAINT,3; FAT BOYS TIRE AND AUTO,VEH MAINT,33; FEDERAL EXPRESS CORPORATION,POSTAGE,235.27; FLAGSHIP PUBLISHING INC,MAG. RNWL,24; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,3534.17; GALLS INC,UNIFORMS,693.87; GENERAL ELECTRIC CAPITAL CORPORATION,CIP-PO-SECURITY UPGRADE, 2365.92; H D SUPPLY WATERWORKS LTD,DEPT SUP,22275.4; HAWKINS, INC., CHEMICALS,1959.25; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP, 1755.21; HEILBRUN'S INC.,EQUIP MTNC,1383.78; HOA SOLUTIONS, INC,EQUIP MAINT,765; HYDROTEX PARTNERS, LTD,OIL & ANTIFREEZE,9835.84; IDEAL LAUNDRY AND CLEANERS, INC.,JAN. SUP.,668.03; INGRAM LIBRARY SERVICES INC,BKS & PRGRMS,2345.17; INLAND TRUCK PARTS & SERVICE,EQUIP MAINT,801.08; INTERNAL REVENUE SERVICE,WITHHOLDINGS,60189.64; INT'L INST OF MUNC CLKS,MEMBERSHIP - C.BURBACH THRU 3/31/18,100; INTRALINKS, INC,EQUIPMENT,14364.04; IOWA PUMP WORKS INC,DEPT SUPP,61.27; JACOBS AUTO GLASS,VEHICLE MTNC,200; JEFFREY F MARTISCHEWSKY,LED FIXTURES & LABOR,1580.85; JOHN DEERE FINANCIAL,UNIFORM & CLOTHING,127.95; JOHN DEERE FINANCIAL,EQUIP MAINT,1276.9; JONES & BARTLETT LEARNING LLC,FIVE HAZARDOUS MATERIALS TEXTBOOKS,518.75; JWC ENVIRONMENTAL, LLC, EQUIP MAINT, 25000; KEEP SCOTTSBLUFF-GERING BEAUTIFUL, CONTRACTUAL SVC, 5000; KOVARIK, ELLISON & MATHIS PC,PROFESSIONAL SERVICES - LB840,752.5; KWIKRINK SYNETHIC INC INC.,STRUCTURE,31997; LINCOLN WINWATER WORKS COMPANY,COLLECTION SYS REPAIR,2378.5; M.C. SCHAFF & ASSOCIATES, INC,ENGINEERING,27000; MAILFINANCE INC,CONT. SRVCS.,514.76; MATTHEW M. HUTT, PRE-EMPLOYMENT EVALUATION,450; MENARDS, INC,DEPT SUPP,907.97; MID-STATES ORGANIZED CRIME INFORMATION CENTER,MEMBERSHIP,200; MIDWEST MOTOR SUPPLY CO INC,DEPT SUPPLIES,261.57; NATHAN JOHNSON, TRAVEL EXPENSE - LEADERSHIP NEBRASKA, 22.5; NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS, INC, MEMBERSHIP, 40; NE CEMETERY ASSOC.,MEMBERSHIP,40; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1492.93; NE COLORADO CELLULAR, INC, CONTRACTUAL SVC, 74.74; NE DEPT OF REVENUE,TAXES,21173.17; NE DEPT OF ROADS,MEMBERSHIP, 25; NE.DEPT. OF LABOR UNEMPLOYMENT,UNEMPLOYMENT - 4TH QTR 2016,768; NEBRASKA CLERK INSTITUTE,CLERK INSTITUE & ACADEMY REGISTRATION,616; NEBRASKA FLOODPLAIN & STORMWATER MANAGERS ASSOC,DEPT MMBRSH,35; NEBRASKA MACHINERY CO,CUTTING EDGES FOR SNOW PLOWS,4014.86; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,23902.17; NEBRASKA SALT AND GRAIN CO,3 LOADS ICE SLICER,19279.01; NEOPOST,POSTAGE,300; ONE CALL CONCEPTS, INC,CONTRACTUAL,81.69; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,378.5; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5023.88; PAUL D LEE, CONTRACTUAL SERVICES,57.5; PAUL REED CONSTRUCTION & SUPPLY, INC,DEPT SUPP,133.75; PLATTE VALLEY BANK,HSA,15003.62; POSTMASTER,POSTAGE,971.41; POWERPLAN,EQUIP MTNC,1448.9; QUILL CORPORATION,DEPT & INVEST SUPPL,535.99; REGANIS AUTO CENTER, INC,EQUIP MTNC,63.08; REGIONAL CARE INC,CLAIMS,157522.27; ROOSEVELT PUBLIC POWER DISTRICT,PUMPING POWER,1879.82; RR DONNELLEY,DEPT SUPPL, 248.09; S M E C,DEDUCTIONS,194.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT, 271.22; SATUR, JACK, SCHOOL & CONF, 84; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,165; SCOTTSBLUFF MOTOR CO, INC,EQUIP MTNC,299.3; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS,1294.5; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,

ANNUAL BANQUET - NATHAN JOHNSON,50; SECRETARY OF STATE,FILING FEES - CHANGE OF REGISTERED AGENT,10; SHERIFF'S OFFICE,LEGAL,111.03; SHERWIN WILLIAMS, FILTER REPAIR KIT & METER FOR PAINT GUN,522.78; SIMON CONTRACTORS, SNOW REMOVAL HAULING,3800.92; SNELL SERVICES INC.,EQUIP. MAIN.,1830; THE PEAVEY CORP,INVEST SUPPL,581.5; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,365.69; TRANS IOWA EQUIPMENT LLC,WRAP BROOMS FOR SWEEPERS,1252.82; TYLER TECHNOLOGIES, INC,ANNUAL INCODE MAINTENANCE FEES,22813.76; UPSTART ENTERPRISES, LLC,DEPT SUPP,132.96; US BANK,SPECIAL EVENT,2474.21; USGS NATIONAL CENTER MS 270,CONTRACTUAL SVC,12625; VANTAGEPOINT TRANSFER AGENTS-300793, DEF COMP,645; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,530; VOGEL WEST, INC,SUPP - PAINT REMOVER,100.93; WEBB JASON O.D. P.C., ECON DEV AGREEMENT, 200000; WEBB ORTHODONTICS LLP,ECON DEV AGGEEMENT, 300000; WELLS FARGO BANK, N.A., RETIREMENT, 31825.98; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT, 26; WINTER EQUIPMENT COMPANY, INC,CUTTING EDGES FOR SNOW PLOWS,3071.55; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,49.02; ZM LUMBER INC,GROUND MAINT,67.99; REFUNDS: CARMON JUMPING EAGLE 2.48; MIRIAM GONZALEZ 19.15; TINA HERMAN 6.71; HEILBRUN'S INC. 40; 7 WONDERS LLC 4.69.

Mayor Meininger read and signed the Proclamation for March Problem Gambling Awareness Month.

Lanette Richards, Project Coordinator for Monument Prevention Coalition (MPC), gave the Council an update on recent activities. She meets monthly with the Youth Advisory Committee to discuss policies, and will be taking the Committee to Lincoln in March to meet with the Nebraska Liquor Control Commission and attend a legislative session. MPC is also working with WNCC, UNMC and RWMC as part of the work group awareness collaboration. Ms. Richards provides server training (TIPS) for many businesses, as the State Patrol server training is only offered four times throughout the year. In addition, she monitors the liquor licenses and violations in the Panhandle, including Special Designated Liquor Licenses. She encouraged the City Council to consider making Server Training mandatory for all volunteers before serving alcohol at a special event. Another program in the school is the Human Performance Project, working with high school teachers, coaches and administration to change the attitudes about drinking. Ms. Richards expressed her appreciation to the Council for their support of Monument Prevention Coalition.

Regarding the appointment to the Community Redevelopment Authority (CRA), there were two citizens who submitted their letters of interest for this committee. Mayor Meininger invited them to explain their interest and experience as it relates to this appointment. Mr. Nathan Green explained that he has been regularly attending City Council Meetings for a few years, and had submitted his letter of interest to fill the City Council position that was open a year ago. He would like to be considered for the vacated position on the CRA.

Mr. Robert Franco explained that he has lived in Scottsbluff his entire life. He has done some research regarding Tax Increment Financing and the Legislature regarding this financing tool. He has been serving on the steering committee for the East Overland Corridor development project. He feels that Scottsbluff has a great opportunity with the work that the CRA can potentially accomplish. Each development project provides betterment for the entire community. He stated that it is important to do the necessary research regarding other funding sources, cost benefits, and potential projects. This is an important board and he appreciates the City Council's consideration.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to appoint Mr. Robert Franco to fill the vacated position on the Community Redevelopment Authority," "YEAS", Meininger, Gonzales, and McCarthy, "NAYS": Shaver. Absent: Colwell.

City Manager Johnson presented the lien release resulting from assessments for the Reganis Subdivision, Paving District 312. Western Nebraska Community College has paid their portion of this assessment. Moved by Council Member Gonzales, seconded by Council Member McCarthy, "to authorize the Mayor to sign the Release of Lien resulting from the assessments for Paving district No. 312," "YEAS", Meininger, Gonzales, Shaver and McCarthy, "NAYS": None. Absent: Colwell.

Mr. Johnson explained that the Certificate of Compliance for the Highway 26 Maintenance Agreement No. 22 is a formality required for this contract with the Nebraska Department of Roads. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to authorize the Mayor to sign the Certificate of Compliance regarding Maintenance Agreement No. 22," "YEAS", Meininger, Gonzales, Shaver and McCarthy, "NAYS": None. Absent: Colwell.

City Manager Johnson presented the eCenter Contract with Twin Cities Development. He has been working with Mr. Sean Overeynder on the 12 month contract which will be retroactive to October 1, 2016 and go for a year, which aligns with our fiscal year. This contract will not exceed \$60,000.00 in the one year time period. The start-up businesses of the eCenter cannot occupy their space for more than 36 months. The contract also has the necessary criteria required to establish Eligible Tenants, which the City would contribute up to \$1,000.00 per month for each Eligible Tenant. Staff is recommending approval of the eCenter Contract. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the eCenter Contract with Twin Cities Development and authorize the Mayor to execute the agreement," "YEAS", Meininger, Gonzales, Shaver and McCarthy, "NAYS": None. Absent: Colwell.

Regarding the City's Economic Development efforts, City Manager Johnson explained that over the last several months we have advertised for an Economic Development Director; those efforts have been stifled. We have reassessed this process and are looking internally to make additions to some job descriptions and have some current employees take on these duties. Our recent efforts have been successful, and by adding some outside resources, we should continue with our progress in Economic Development. Some of the outside resources are: utilize the NPPD Economic Development arm; develop marketing tools to distribute; and invest in our employees with Economic Development training and seminars. Mr. Johnson added that he will be the team leader in this effort and assemble a team of employees to handle some of the tasks. As our LB840 Committee becomes more involved with Economic Development Assistant Applications, we will include employees to assist in the process. Council Member Shaver asked if we would use existing employees and add these duties. Mr. Johnson said we would begin with adding some duties to current job descriptions, set the foundation and possibly hire someone later after evaluating the process.

City staff is currently working on revamping our web site to showcase our community, working with the Department of Economic Development to obtain business retention and expansion tools, and creating marketing materials through the Nebraska Economic Development Association. This is a regional effort, not only Scottsbluff.

Mayor Meininger noted that as City Manager, Mr. Johnson has the authority to re-define positions. Mr. Johnson plans to use LB840 funds for training and seminars for current city staff so we can move forward with our Economic Development efforts. Moved by Mayor Meininger, seconded by Council Member McCarthy, "to allow the City Manager to realign the current city staff for the purpose of promoting Economic Development for Scottsbluff and the Region," "YEAS", Meininger, Gonzales, and McCarthy, "NAYS": Shaver. Absent: Colwell.

Regarding the proposed rezone of properties located at 2214, 2218, and 2222 1st Ave., City of Scottsbluff, Nebraska, from R-1a Residential to C-1 Central Business District, Council introduced the Ordinance which was read by title on third reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT 2214, 2218, AND 2222 1ST AVE., ALSO KNOWN AS TAX LOT 4, THE SOUTH 1/3 OF THE NE 1/4, ALSO KNOWN AS TAX LOT 1, THE EAST 100 FEET OF THE NORTH 50 FEET OF THE NE 1/4, EAST 100 FEET OF THE SOUTH 1/2 OF THE NORTH 2/3 OF THE NE 1/4, AND WEST 50 FEET OF THE NORTH 100 FEET OF THE NE 1/4 OF BLOCK 22, NORTH SCOTTSBLUFF ADDITION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS R-1A RESIDENTIAL, WILL NOW BE INCLUDED IN C-1 CENTRAL BUSINESS DISTRICT, AND REPEALING PRIOR SECTION 25-1-4.**

Mayor Meininger asked for public comment regarding this proposed zone change Ordinance. Mr. Don Mai, 2210 1st Avenue, addressed the Council and explained that he is not against business progress. He has tried to meet with the business owner who requested this zone change, but the owner has not met with the Mai's. The lots at 2218 and 2222 1st Ave. on this block are already parking lots,

which he understands have been grandfathered in, and now the business owners want to tear down the house located at 2214 1st Ave. to add to the parking lot, which will abut Mr. Mai's property. He wants to know what the City Council will do to make sure the zoning codes are upheld; such as proper fences, keeping the area clean and proper snow removal. He feels there should be a fence behind them also, which there is not. He also wanted to know, if the Ordinance is passed, how long the owners will have to remove the house and shed, and build the fence.

Mr. Rollie Ravert, 2224 2nd Avenue, shared his concerns that he is still against turning these lots into a parking lot. He also is not against progress, but not at his expense. He has spoken with realtors who have told him this zone change will adversely affect the value of his property.

Council Member Shaver said he wants to keep the zoning the same, explaining that the master plan says we need to increase our residential areas. This proposed zone change takes residential away from an area next to the school. He has observed the parking lots and people going in and out were not going slow. There is a sign in the parking lot saying that it is private parking and violators would be towed at the owner's expense; he does not buy the claim that the public can use this parking lot during school events. He feels the business owner is trying to bully their way in, and the parking lot does not belong there.

Council Member Gonzales asked if there is any reason the owners did not meet with the residents. Council Member McCarthy was also concerned that there was no communication between the residents and business owner. City Manager Johnson stated that he cannot speak on the communication between the applicant and resident.

Council Member McCarthy asked if there were guidelines for fences between commercial and residential lots. Mr. Johnson responded that there are fence requirements, but not landscaping requirements. Mr. Brostrom, representative for Magnet Solutions, noted that there is an existing fence on the side of the current parking lot. Mr. Mai commented that currently there is no fence to the west of their property, which is required by code. Mr. Brostrom commented that the house located at 2214 1st Ave. is scheduled to be moved, and the current tenants will move with the house. There is an existing 6 foot fence where the parking lot is located; however he was unsure about a fence to the north of the property. Council Member Shaver noted that there is a fence to the north, however it is a chain link fence, not a privacy fence. Mr. Mai added that there is not an alley behind them, it is private property.

Moved by Council Member Shaver, "to not approve the Ordinance regarding the rezone of properties located at 2214, 2218, and 2222 1st Ave., City of Scottsbluff, Nebraska, from R-1a Residential to C-1 Central Business District". There was additional discussion regarding this issue prior to a second to the motion.

Council Member Gonzales suggested that the business owners talk with the residents in this area and try to meet somewhere in the middle with this issue. Mayor Meininger commented that we are not following our mission statement as being business friendly, if we have a business who wants to expand, bring their property into compliance and we don't allow the zone change. Council Member Gonzales added that this won't be the only time we see commercial and residential zones next to each other as the community grows.

Mr. Silvester Lara-Juarez, 2202 1st Ave., added that the signs on the current parking lots are not in a safe place for children riding bikes. They have experienced a lot of problems with trash in the parking lot and accumulation of gravel. There are people in the parking lots at all times of the night, causing excessive noise. If the house is moved, he would like to see it replaced with grass so it looks nice. If the business doesn't have room where they are, they should look for a bigger building.

Council Member Gonzales asked Mr. Brostrom if there is a possibility for the owners of Magnet Solutions to meet with the residents. Mr. Brostrom commented that he did not think there would be a purpose for them to meet. They have already visited with one owner regarding the purchase of their house. That property owner has only filed complaints against the business, but never talked to the business owners.

Mr. Mai commented that the owners contacted their daughter, who use to own their house. Their only contact was when they were interested in purchasing the Mai's house. He commented that they have not filed complaints regarding Magnet Solutions and he has never visited with the owner.

Mayor Meininger asked for a second to the current motion: Moved by Council Member Shaver, seconded by Council Member Gonzales, “to deny the request to rezone the properties located at 2214, 2218, and 2222 1st Ave., City of Scottsbluff, Nebraska, from R-1a Residential to C-1 Central Business District and not adopt the Ordinance”, “YEAS”, Gonzales, Shaver and McCarthy, “NAYS”: Meininger. Absent: Colwell.

Under public comments, Mr. Don Mai thanked the Council for hearing their issues; it shows that the City Council does care about the residents. Mr. Nathan Green thanked the Council for considering him for the Community Reinvestment Authority and informed them he would be interested in any additional committee appointments.

Under Council Reports, Council Member Gonzales will be attending the PADD meeting this Thursday which will include board training. Council Member McCarthy attended the WNED Meeting and there will be an opportunity for members to visit with Senators this month during the League Meeting.

Moved by Council Member Shaver, seconded by Council Member McCarthy, “to adjourn the meeting at 7:00 p.m.”, “YEAS”, Meininger, Gonzales, Shaver and McCarthy, “NAYS”: None. Absent: Colwell.

Mayor

ATTEST:

City Clerk

“seal”