

# **City of Scottsbluff, Nebraska**

**Monday, April 3, 2017**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the March 20, 2017, Regular Meeting.**

**Staff Contact: Cindy Dickinson, City Clerk**

Regular Meeting  
March 20, 2017

The Scottsbluff City Council met in a regular meeting on March 20, 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 March 17, 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 March 17, 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, Jordan Colwell and Mark McCarthy. Also present was City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: None. 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 Council Member Gonzales seconded by Council Member McCarthy that:

1. "The minutes of the March 6, 2017, Regular Meeting be approved,"
2. "Council acknowledge receipt of a Tort Claim from Michael Meister, Attorney at Law, on behalf of Jana Brown and refer to the city's insurance carrier,"
3. "Council receive an updated list of volunteer fire fighters," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

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 March 20, 2017, as on file with the City Clerk and submitted to the City Council," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

#### CLAIMS

4IMPRINT INC,DEPT SUP,381.92; ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,663.62; ACTION COMMUNICATIONS INC.,EQUIP MAINT,580.39; ADVANCED CUTTING SYSTEMS, INC,SIGNING SUPPLIES - TAPE & ROLL GOODS,752.12; AGUALLO, PAUL,UNIFORMS & CLOTHING,125; ALVARO SILVA,CONTRACTUAL,1305; ASSURITY LIFE INSURANCE CO,LIFE INS,34.36; AUTOZONE STORES, INC,VEHICLE MAINTENANCE,31.96;

B & H INVESTMENTS, INC,DEP. SUP.- LIBRARY,52.5; B&C STEEL CORPORATION,SIGN MATERIAL - SHEETING & TUBING,73.18; BAUER LARRY,LEGAL,23.21; BIRUTA D. WALTON,EQUIP MAINT,80; BLUFFS SANITARY SUPPLY INC.,DEPT SUPP,656.54; BRUNZ, BRANDI,SCHOOLS & CONF,111; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,403.44; CARR- TRUMBULL LUMBER CO, INC.,SUPPLIES - ICE RINK,1432.58; CELLCO PARTNERSHIP,FIRE MONTHLY CELL PHONES,412.58; CEMENTER'S INC,DEPT SUP,103.8; CHILD SUPPORT,CHILD SUPPORT,37; CITIBANK N.A.,DEPARTMENT SUPPLIES,585.42; CITY OF GERING,DISPOSAL FEES,36412.09; CITY OF SCB,POSTAGE,17.05; COMPUTER CONNECTION INC,RENT-MACH,45.66; CONTRACTORS MATERIALS INC.,SUPP - TOOL BOX FOR NEW PICKUP,504.79; CREDIT BUREAU OF COUNCIL BLUFFS,FEES - FEB 2017,50; D & H ELECTRONICS INC.,ELECT. SUPP - SWITCH,22.68; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,1313.28; DITCH-WITCH OF WEST TEXAS INC,EQUIP MAINT,269; DUANE E. WOHLERS,DISPOSAL FEES,450; ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,3540; FASTENAL COMPANY,SUPP - NUTS & BOLTS,29.75; FAT BOYS TIRE AND AUTO,EQUIP MTNC,1046.36; FEDERAL EXPRESS CORPORATION,VEH MAINT,515.19; FLOYD'S TRUCK CENTER, INC,REPAIRS TO DUMP TRUCK,5677.87; FUN EXPRESS, LLC,SPECIAL EVENT,646.15; FYR-TEK INC,20 PAIRS OF EXTRICATION GLOVES,2003.85; GALLS INC,UNIFORMS,121.53; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUPP,363.97; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,695; H D SUPPLY WATERWORKS LTD,DEPT SUP,15143.23; HAWKINS, INC.,CHEMICALS,1640.5; HENKEL'S MACHINE AND WELDING,DEPT SUPPLIES,4811; HENWIL CORPORATION, CHEMICALS,5290.54; HOA SOLUTIONS, INC,EQUIP MAINT,3785; IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL,1276.45; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,373.46; INGRAM LIBRARY SERVICES INC,BKS,810.3; INTERNAL REVENUE SERVICE,WITHHOLDINGS,61538.52; INTRALINKS, INC,CONTRACT SERVICES, 3509.09; J G ELLIOTT CO.INC.,ACCIDENTAL/HEALTH RENEWAL-VOLUNTEER FIREFIGHTERS, 1242; JOHN DEERE FINANCIAL,DEPT SUPPLIES,200.93; JUSTIN HOUSTOUN, OMAHA COURSE MEALS-HOUSTOUN,96; KEARNEY HOSPITALITY INC,SCHOOL & CONF, 364; KEMBEL SAND & GRAVEL COMPANY,DEPT SUPP,40.35; KNOW HOW LLC,EQUIP MTNC, 718.47; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING,200; M.C. SCHAFF & ASSOCIATES, INC,RM160389-00 PROF.SERVICES (42ND ST),21146.25; MADISON NATIONAL LIFE,INSURANCE,1881.1; MARTINEZ CONNIE,LEGAL,23.21; MATHESON TRI-GAS INC,RENT MACHINES,43.4; MENARDS, INC,BUILDING MTNC,2238.41; MICHAEL LEVICK,OMAHA TRAINING MEAL REIMBERSEMENT-LEVICK,96; MIDLANDS NEWSPAPERS, INC,SBSCRIP. RNWL. - LIBRARY,25; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,671.29; MIDWEST MACHINERY & SUPPLY CO,PARTS FOR GUARD RAIL,734.42; MIDWEST MOTOR SUPPLY CO INC,SUPP -- SOLVENT & GREASE,1518.94; MILLER, DANA,BATTERY SWITCH,85; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1630.93; NE DEPT OF REVENUE,TAX,39584.11; NEBRASKA SAFETY & FIRE EQUIPEMENT

INC.,CONTRACTUAL SERVICES,415; NEBRASKA MACHINERY CO,EQUIP MTNC,31.91; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,40109.08; NEBRASKA SALT AND GRAIN CO,2 LOADS ICE SLICER,8339.09; NEMNICH AUTOMOTIVE,EQUIP MTNC,79.13; NEOPOST,POSTAGE,1300; NETWORKFLEET, INC,GPS SERVICE,18.95; NEWMAN, TIMOTHY, TRAVEL, MEALS,30; NEXT YOUNG PROFESSIONALS,MEMBERSHIP DUES,75; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEPT SUP,2.03; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,339.44; PAGE MY CELL LLC,YEARLY PAGING SERVICE,600; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,15548.84; PLATTE VALLEY BANK,HEALTH SAVINGS ACCT,15029.87; POSTMASTER,POSTAGE,866.14; POWERPLAN, EQUIP MTNC,404.4; QUICK CARE MEDICAL SERVICES,PHYSICAL / RYAN FELTES,125; QUILL CORPORATION,DEPT SUPPL,322.07; REGANIS AUTO CENTER, INC, EQUIP MTNC,213.14; REGIONAL CARE INC,CLAIMS,33047.59; REGISTER OF DEEDS, LEGAL,10; ROBERTA J BOYD,REIMB.,11.25; ROHRER, JOSEPH,SCHOOLS & CONF,161; ROURKE PUBLISHING, LLC,BKS,163.92; RUSSELL & GAYLENE REISIG,DEPT CNTRCL SRVCS,4400; S M E C,EMPLOYEE DEDUCTION,194.5; SALES MIDWEST, INC,EQUIP MAINT,554.19; SANDBERG IMPLEMENT, INC,EQU MAINT,536.66; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCOTT SHAVER,TRAVEL EXPENSE,226.25; SCOTTS BLUFF COUNTY COURT,LEGAL,139; SCOTTS BLUFF COUNTY TOURISM,ECLIPSE GLASSES,540; SCOTTSBLUFF BODY & PAINT,TOW SERVICE,1390; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SECRETARY OF STATE,FILING FEE,20; SHERIFF'S OFFICE,LEGAL,171.22; SHERWIN WILLIAMS,BLDG MAINT,298.06; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,13615.29; SIMON CONTRACTORS,SNOW REMOVAL HAULING,2577.23; SNELL SERVICES INC.,BLDG. MAIN.,916.5; SPECIAL INVESTIGATIONS, GRANT REIMB,350; SUPERIOR SIGNALS, INC,EQUIP MTNC,440.67; TAMARA REICHERT, AWARD - RECOG.DINNER,36.75; TEBBET KENT,LEGAL,23.21; TEXAS PNEUDRAULIC INC,EQUIP MTNC,288.14; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,365.69; TRANS IOWA EQUIPMENT LLC,EQUIP MTNC,4122.28; TWIN CITY AUTO, INC,CUTTING EDGES & GUARDS FOR SNOW PLOWS,1417.42; TWIN CITY ROOFING & SHEETMETAL, INC,BLDG MAINT,5693; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS.,134.25; UPSTART ENTERPRISES, LLC,DEPT SUPP,14.98; US BANK,SCHOOLS & CONF, 1333.04; VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,645; VANTAGEPOINT TRANSFER AGENTS- 705437,ROTH IRA,530; W BAR FIRE ESTINGUISHERS LLC,ANNUAL TESTING ON 14 SCBA BOTTLES,428; WEBB JASON O.D. P.C.,PERMIT,93; WEBB ORTHODONTICS LLP,PERMIT,128; WELLS FARGO BANK, N.A., RETIREMENT, 32636.86; WESTERN NE COMMUNITY COLLEGE,EMS CLASS-COMBS,500; WESTERN PATHOLOGY CONSULTANTS, INC,PRE-EMPLOYMENT SCREENING,89; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,133.09; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEPT SUPPLIES,63.02; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, YMCA,

1627; ZM LUMBER INC,SUPPLIES - ICE RINK,259.4; REFUNDS: DISHMAS 20.37; AHLERS 25.87; HARRIS 3.85; JOHNSON 5.92; MUNOZ 41.28; HARDEN 5.72; MICHAELIS 4.45.

City Manager Johnson explained the proposed payment to Scottsbluff Public School district to address the permit issues and demolition of the outdoor Splash Pool. The school district announced that they will soon be closing the indoor Splash Pool and demolishing the outdoor pool. In order to resolve the permit issues for the new school, they have proposed that the City pay for the demolition of the outdoor pool in the amount of \$67,621.00 and reimburse the permit fee of \$91,860.00, and in so doing, the school district would relieve the city from the previous agreement to pay \$202,000.00 for locker room repairs. Mr. Johnson added that administratively, this is in the best interest, as the city will actually save \$42,519.00 from the original agreement. Mayor Meininger commented that this will also address the safety issues of the smoke corridors. Council Member Shaver noted that the school district has already voted to demolish the indoor pool, so the agreement would be void; he added that he would not be in favor of paying this to the school district.

Mayor Meininger referred to the previous agreements with the School District, noting that the outdoor pool was the responsibility of the City, and he feels that we need to be good stewards of this agreement; and it would clean up the outstanding issues. Mr. Johnson added that this proposal would eliminate future budgeting of the \$202,000.00 for the locker room repairs and actually add the \$42,519.00 to our general fund.

Council Member Shaver questioned the justification for the city to pay for the High School building permit fee. City Manager Johnson commented that the justification is to make sure we have a safe school, meeting all of the life safety codes. Also, the City and School District need to mutually release the funds set aside for the locker room issues.

Council Member Gonzales asked if it is customary to not charge other government entities for building permits. City Attorney Hadenfeldt said it is not customary, but it would resolve several issues regarding permitting and inspections. City Manager Johnson has talked considerably with the School District over the past several months to negotiate the release of the locker room repairs contract. Council Member Shaver commented that once the pool and locker room are demolished, the contract would be released because they would not be repairing the locker room.

Moved by Mayor Meininger, "to approve a payment to the Scottsbluff Public School District not to exceed \$159,481.00 to resolve outstanding permit issues and pay for the demolition cost of the outdoor Splash pool." The motion died due to lack of a second to the motion. Staff was instructed to contact the Scottsbluff School District and continue to negotiate the agreement.

City Manager Johnson explained the city debt capacity and the interest payments associated with the debt. We currently have a 2002 Public Safety Bond with high interest rates, and staff is recommending paying off the bonds, including accrued interest in the amount of \$341,442.71. Mr. Johnson noted that Council received a corrected copy of the Resolution showing the CUSIP numbers. The funds for this payment are from the debt service fund, and staff would like to pay this prior to issuing more debt. Other upcoming projects will include 42<sup>nd</sup> Street Construction and the Pathway, which will tie up our debt capacity. By paying off the higher interest rate of the Public Safety Bond, we will be saving money.

Moved by Council Member Gonzales, seconded by Council Member Shaver, "to approve paying off the 2002 Public Safety Bonds in the amount of \$341,442.71 (including accrued interest) and approve

Resolution No. 17-03-01, with addition of the CUSIP numbers,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

**RESOLUTION NO. 17-03-01**

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

1. The City of Scottsbluff (“**City**”) has determined it is prudent to redeem and pay off the City’s \$335,000 aggregate principal amount outstanding of its Public Safety Tax Anticipation Bonds, Series 2002 (the “**2002 Bonds**”), maturing and bearing interest as follows:

| <u>Maturity</u>  | <u>Principal Amount</u> | <u>Interest Rate</u> | <u>CUSIP</u> |
|------------------|-------------------------|----------------------|--------------|
| December 1, 2017 | \$50,000                | 4.350%               | 810266PP5    |
| December 1, 2018 | 50,000                  | 4.450                | 810266PQ3    |
| December 1, 2019 | 55,000                  | 4.550                | 810266PR1    |
| December 1, 2020 | 55,000                  | 4.650                | 810266PS9    |
| December 1, 2021 | 60,000                  | 4.750                | 810266PT7    |
| December 1, 2022 | 65,000                  | 4.850                | 810266PU4    |

2. The 2002 Bonds are subject to redemption at any time and the City has funds on hand available for such purpose.

3. The City shall use the above referenced funds to pay off the 2002 Bonds, and the 2002 Bonds are hereby called for redemption on May 1, 2017 (the “**Redemption Date**”). The City Council now authorizes the Mayor, the City Clerk and Finance Director, or any one of them, to act according to this Resolution and sign any and all documents or certificates which are necessary to complete this action.

4. Notice of the call for redemption, identifying the 2002 Bonds to be redeemed, shall be given by the Paying Agent for the 2002 Bonds, Western States Bank, Scottsbluff, Nebraska (the “**Paying Agent**”), upon mailing a copy of the redemption notice by first-class mail, postage prepaid, at least thirty days prior to the Redemption Date to the registered owner of each 2002 Bond to be redeemed at the address shown on the registration books; provided, however, that failure to give such notice by mailing, or any defect therein, shall not affect the validity of any proceedings for the redemption of any 2002 Bond with respect to which no such failure has occurred. Any notice mailed as provided in the Ordinance authorizing the issuance of the 2002 Bonds shall be conclusively presumed to have been duly given, whether or not the registered owner of such 2002 Bond receives the notice.

5. Holders of the 2002 Bonds shall present the same for payment and redemption on the Redemption Date at the office of the Paying Agent, the place of payment thereof, and interest on the 2002 Bonds shall cease on and after the Redemption Date.

6. A true copy of this resolution shall be filed with the Paying Agent at least thirty (30) days prior to Redemption Date.

7. This Resolution shall become effective upon its passage and approval.

Passed and Approved on March 20, 2017.

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Mayor

ATTEST:

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City Clerk

City Manager Johnson explained that staff is still evaluating the LB840 funding to determine whether or not this funding can be used for 42<sup>nd</sup> Street along adjacent qualifying businesses. This report will be completed soon for Council's review. Staff is looking for direction regarding working with Bond Counsel to bring back recommendations for the funding of this project. We have a 90 day window of time to bring options back to the Council. The maximum amount of this bond would be \$5 million. We are looking at an August construction date. Council Member Shaver commented that he would rather wait until we determine if we can use LB840 funding because then the debt for the City would be \$3.5 - \$4 million; this project along with the pathway project will create a lot of debt, which he does not want to do.

Mr. Johnson confirmed that both the 42<sup>nd</sup> Street and Pathway projects would tie up our bond capacity until about 2025. Mayor Meininger added that 42<sup>nd</sup> Street is a little trickier than most street projects, as there is also water and sewer in this project. This agenda item only authorizes staff to begin the process of working with Bond Counsel, it doesn't tie us down. Mr. Johnson added that because of this additional work involved with the 42<sup>nd</sup> Street project, it will take more time to look at several bonds and mechanisms.

Moved by Council Member McCarthy, seconded by Council Member Colwell, "to authorize staff to work with our Bond Counsel on issuing approximately \$5 million in bonds for the 42<sup>nd</sup> Street construction," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Council reviewed the February Financial Report. City Manager Johnson had no additional information to report.

Mr. Johnson presented the bids for the Sanitary Sewer Main and Siphon project, which has been budgeted for this year as a Capital Improvement Project. The engineers estimate was \$179,176.00. The following bids were received: Paul Reed Construction, \$160,384.03; and Infinity Construction \$173,125.00. Staff has reviewed the bids and are recommending awarding the bid to Paul Reed Construction as the lowest and best bid. Moved by Mayor Meininger, seconded by Council Member McCarthy, "to approve the bid for the Sanitary Sewer Main & Siphon Project to Paul Reed Construction

in the amount of \$160,384.03 as the lowest and best bid,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

Mayor Meininger opened the public hearing at 6:25 p.m. as scheduled for this date, to consider an Ordinance Amendment adding language and requirements for 24 hour daycare. City Manager Johnson explained that this Ordinance is being considered with a special use permit, as there is an owner of a day care who would like to provide 24 hour care. The Planning Commission made a positive recommendation to the City Council at their meeting. City Attorney Hadenfeldt commented that the change to the Ordinance can be found in Section 25-3-23 (24). Number 6 was added which provided for child care any time of the day or night after a special permit is approved, however, a specific child can be there for no more than 12 hours per day.

Council Member Shaver introduced the Ordinance which was read by title on first reading: **AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING ARTICLE 2 OF CHAPTER 25 AND ARTICLE 3 OF CHAPTER 25 OF THE MUNICIPAL CODE BY INCLUDING AND AMENDING DEFINITIONS FOR DAY CARE AND PROVIDING FOR A SPECIAL PERMIT FOR A CHILD CARE CENTER, FAMILY CHILD CARE HOME OR DAY CARE CENTER THAT OPERATES 24 HOURS PER DAY AND REQUIRING A SPECIAL PERMIT IN ANY ZONE WHERE CURRENTLY PERMITTED, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

City Manager Johnson explained the request with Vertex for a one year Extension Agreement. They have \$72,500.00 remaining on their Economic Development Assistance agreement, which is tied to job creation and credits. The LB840 Committee reviewed the request and gave a positive recommendation. Jim Trumbull, LB840 Application Review Committee Chair explained that the committee approved the year extension as they did not see a reason for them to apply again as they should earn those credits in another year. Moved by Council Member Gonzales, seconded by Mayor Meininger, “to approve the Extension Agreement to the Amended and Restated Economic Development Assistance with Vertex Business Services, LLC and authorize the City Manager to execute the agreement as the Economic Development Program Administrator,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

Mr. Johnson presented the renewal lease with DataLink, LLC and explained that Council Member Shaver had concerns about this lease after learning more about water tower leases at the recent Nebraska League of Municipalities meeting. This lease has no use to the City and Mr. Johnson would like to restructure the lease payment. Moved by Mayor Meininger, seconded by Council Member Shaver, “to table the item dealing with the renewal of a Lease with DataLink, LLC for their GPS Base Unit Antenna System mounted on the Airport Water Tower,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson reported that the Revenue Committee met last week and reviewed the first six months revenue, which showed that we are .06% ahead of our budgeted projection. In dollars, this represents \$1,689.00 ahead of our projections. We anticipated a 0% increase for Fiscal Year 2017. The Revenue Committee discussed declining sales tax revenues and the declining NPPD Lease payment. Their revenue projection to the City Council is a negative 4% sales tax revenue for the remainder of FY 2016-2017 and a negative 4% for FY 2017-2018. The revenue projection for the NPPD Lease payment is negative 2% for the remainder of FY 2016-2017 and negative 1% for FY 2017-2018.



Mr. Johnson noted that in comparison with other Nebraska communities, it appears that we are impacted more by the agriculture economy. We've started working on the annexation plan, which is a long-term benefit to the city. For now, Mr. Johnson said that we need to focus on the upcoming budget. Staff will look at staffing and operating budgets city-wide, to trim back and make sure we have a balanced budget. Last year we used \$300,000.00 of reserves to balance the current budget. This makes the hole a little bigger. We have a policy regarding the use of reserves and it's important to maintain that policy.

The impact of the upcoming annexation won't be known for a little while, although there is an NPPD sub-station located on one parcel of land that will be annexed. This sub-station serves the hospital and surrounding facilities, projected revenues from this are \$20,000.00 to \$30,000.00 from this one parcel. There are some other substantial parcels we are looking to annex in the future. We need to begin looking at other revenue sources and ways to cut back.

Council Member Gonzales noted that this is the way revenues are trending for city governments. We were hoping that December would be a good sales tax month and it was not. Sales tax is the major funding source for city departments such as parks, library, police, fire, administration; this is the quandary we put ourselves into when we continue to fund primarily with sales tax. Council Member Shaver suggested having more sources of revenue rather than relying so heavily on sales tax.

Mr. Johnson noted that with other sources of revenue, the trend will generally remain the same, if one source is down, the others are also; however, there is another source to draw from. We have some limitations we need to deal with, such as our limit of \$175,000.00 from property tax that is allowed in General Fund. Council Member Shaver commented that this limit should have been set by percentage rather than by dollar amount.

Mayor Meininger commented that the Revenue Committee has done a thorough job and we need to honor their recommendations to work on the upcoming budget. Council Member Colwell added that the agriculture economy is unfortunately driving the revenues down, however, there are some good projects taking place which will hopefully turn things around. He also commented on the recent passage of the sales tax legislation for Amazon on-line sales; which may help with sales tax revenue.

Council Member Shaver noted that Scottsbluff is one of the few communities in the state without a local lodging tax. Council Member Gonzales added that another factor is our dismal economic development efforts and our inability to recruit an Economic Development Director. This added with the poor agriculture economy are causing revenue issues.

It was the general consensus of the City Council to use the Revenue Committee's projection and bring all possible revenue sources back to the City Council.

Council introduced Ordinance No. 4205 which was read by title on third reading: **ORDINANCE ANNEXING A TRACT OF LAND IN PORTIONS OF SECTIONS 11, 12, AND 13 IN TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA.**

Moved Council Member Colwell, seconded by Council Member McCarthy, "to approve Ordinance No. 4205 annexing a tract of land in portions of Sections 11, 12, and 13 in Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County (known as 42<sup>nd</sup> Street from Avenue I to 5<sup>th</sup> Ave, including the

Landers Soccer Complex),” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson presented a Resolution for Fair Housing Month. Adopting this resolution is a requirement for our Community Development Block Grant. Moved by Mayor Meininger, seconded by Council Member Colwell, “to approve Resolution No. 17-03-02 designating April as Fair Housing Month.

**RESOLUTION NO. 17-03-02**

**WHEREAS**, April marks the anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

**WHEREAS**, the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and

**WHEREAS**, vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and

**WHEREAS**, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;

**NOW, THEREFORE, BE IT RESOLVED**, that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the City Council of the City of Scottsbluff, joins in the national celebration by proclaiming April 2017 as **FAIR HOUSING MONTH** and encourages all agencies, institutions and individuals, public and private, in Scottsbluff, to abide by the letter and spirit of the Fair Housing Law.

PASSED AND APPROVED this 20<sup>th</sup> day of March, 2017.

\_\_\_\_\_ Mayor

ATTEST:

\_\_\_\_\_ City Clerk (seal)

City Attorney Hadenfeldt explained that the City acquired a property located at 1817 9<sup>th</sup> Ave. which was destroyed in a fire, and was creating a nuisance. The owner deeded the property to the City, and the City now has an offer from Habitat for Humanity to purchase the property. The City must pass the Ordinance authorizing the sale of the property, and then comply with the remonstrance requirements.

Mayor Meininger introduced Ordinance No. 4206, approving the sale of property located at 1817 9<sup>th</sup> Ave., which was read by title on the first reading: **AN ORDINANCE AUTHORIZING THE SALE**

**OF LOT ELEVEN, BLOCK FORTY-SIX, EAST SCOTTSBLUFF ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.**

Moved by Mayor Meininger, seconded by Council Member Gonzales, "that the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "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. 4206 be adopted," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

Moved by Council Member McCarthy, seconded by Council Member Gonzales, "to approve the contract selling city-owned property located at 1817 9<sup>th</sup> Ave. to Habitat for Humanity in the amount of \$10,500.00 and authorize the Mayor to execute the contract," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

City Manager Johnson presented the Ordinance adopting the 2012 International Building Code, which the state has also adopted. Council Member Shaver introduced the International Building Code 2012 Edition and International Residential Code 2012 Edition which was read by title on first reading: **AN ORDINANCE DEALING WITH THE BUILDING CODE, ADOPTING THE INTERNATIONAL BUILDING CODE 2012 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2012 EDITION EACH WITH EXCLUDE PORTIONS; AMENDING CURRENT SECTIONS OF THE SCOTTSBLUFF MUNICIPAL CODE; REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

At 6:50 p.m., it was moved by Mayor Meininger, seconded by Council Member Gonzales, "to conduct an executive session for the purpose of developing strategy on the potential purchase of property for the purpose of developing a landfill site and industrial site with the City of Gering, to include the City Manager, City Attorney and City Council," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

Mayor Meininger announced that the City Council would be conducting an executive session for the purpose of developing strategy on the potential purchase of property for the purpose of developing a landfill site and industrial site with the City of Gering, to include the City Manager, City Attorney and City Council.

The City Council resumed at 7:40 p.m. The following Council Members were present: Randy Meininger, Raymond Gonzales, Scott Shaver, Jordan Colwell and Mark McCarthy. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to allow staff to continue to negotiate on the potential purchase of property for the purpose of developing a landfill site and industrial site with the City of Gering," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

Under Council Reports, Council Member Gonzales reported that the WNED Meeting was cancelled until April, and the East Overland Revitalization Meetings are continuing. Council Member Shaver would like a report regarding pre-existing, non-conforming use; this status is not intended to be a permanent use. He is also interested in the speed zone status around schools; Mr. Johnson is working on this. Mayor Meininger met with the Senior Center. Council Member Colwell reported that his first

League of Nebraska Municipalities was very informative and helpful. Council Member Shaver reported for the Youth Council – Scottsbluff High School placed second in state basketball, DECA will be going to Nationals in Anaheim, CA, HOSA is currently at State competition and Teachers conferences are this week.

Moved by Mayor Meininger, seconded by Council Member Colwell, “to adjourn the meeting at 8:00 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”, Shaver. Absent: None.

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Mayor

Attest:

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City Clerk  
“SEAL”