

City of Scottsbluff, Nebraska

Monday, March 20, 2017

Regular Meeting

Item Consent1

Approve the minutes of the March 6, 2017, Regular Meeting.

Staff Contact:

The Scottsbluff City Council met in a regular meeting on March 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 March 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 March 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, Jordan Colwell and Mark McCarthy. Also present was City Manager Johnson and City Attorney Kent Hadenfeldt; Student Council Representatives Jacob Krul and Chance Parker. 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.

Council Member Shaver asked to remove the item dealing with the Community Redevelopment Authority appointment from the consent agenda and consider it under the regular agenda. Moved by Mayor Meininger, seconded by Council Member Shaver, "to move item 6d 'Council to reappoint Robert Franco to the Community Redevelopment Authority for a five year term,' to be considered as item 8b", "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Moved by Council Member Shaver seconded by Council Member Gonzales that:

1. "The Minutes of the February 21, 2017 Regular Meeting be approved,"
2. "A Public Hearing be set for March 20, 2017 at 6:05 p.m. to consider an Ordinance Amendment adding language and requirements for 24-hour Daycare,"
3. "Acknowledge receipt of a summons on a case filed against the City by former Police Officer McPherson," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Moved by Council Member Gonzales, 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 March 6, 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

911 CUSTOM, LLC,CIP-PATROL CARS,101; ADVERTISING SPECIALTIES LLC,30 DUTY SHIRTS, 515.35; AIRPORT DEVELOPMENT, LLC, TIF, 677.72; ALLO COMMUNICATIONS, LLC, LOCAL TELEPHONE CHARGES,4500.93; AMAZON.COM HEADQUARTERS,MISC.,465.28;

ARROWHEAD SCIENTIFIC,INVEST SUPPL, 36.46; AUTOZONE STORES, INC,DEPT SUPPLIES, 44.09; B & H INVESTMENTS, INC,CONTRACTUAL SVC,382.95; B&C STEEL CORPORATION, GROUNDS MAINT,31.6; BIRUTA D. WALTON,EQUIP MAINT,2605.15; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,5043.85; BLR,SUBSCRIPTION,479; BLUFFS SANITARY SUPPLY INC.,JAN. SUP.,56.82; CAPITAL BUSINESS SYSTEMS INC.,MONTHLY MAINT, 60.99; CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP,40.92; CELLCO PARTNERSHIP, CELL PHONES,483.84; CEMENTER'S INC,DEPT SUP,423.72; CHILD SUPPORT,CHILD SUPPORT,37; CITIBANK N.A.,DEPT SUPPLIES,329.41; CITIBANK, N.A.,4 BATTERIES FOR RIDGID TOOLS,262.48; CITY OF GERING,CONTRACTUAL,29.37; CITY OF SCB,PETTY CASH,120.62; CLARK PRINTING LLC,DEPT SUPPL,852.22; COMMUNITY HEALTH-RWMC,CONSULTING,135; CONTRACTORS MATERIALS INC.,SUPP - SAFETY GLASSES (2 DZ.),1166.92; CONTRYMAN ASSOCIATES, P.C.,FY16 AUDIT - FINAL BILL,26000; COPIER CONNECTION,DEPT EQUIPMNT MNTNC,141; CYNTHIA GREEN,DEP. SUP.,175.36; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,32; DAS STATE ACCOUNTING-CENTRAL FINANCE, MONTHLY LONG DISTANCE,143.85; DEMCO, INC,PRGRMS,1946.45; DILLMAN NANCY,PRGRMS,27.56; DUANE E. WOHLERS,DISPOSAL FEES,450; ECOVERSE INDUSTRIES, LTD,DEPT SUP,7900; ENERGY LABORATORIES, INC,SAMPLES,135; ENFORCEMENT VIDEO, LLC,CIP-IN CAR VIDEO,18370; FASTENAL COMPANY,SUPP - BOLTS, NUTS,40.49; FAT BOYS TIRE AND AUTO,EQUIP MTNC,766.46; FEDERAL EXPRESS CORPORATION,POSTAGE,109.23; FLOYD'S TRUCK CENTER, INC,EQUIP MTNC,128.85; FREMONT MOTOR SCOTTSBLUFF, LLC,1 NEW FORD PICKUP,25776.15; GALLS INC, UNIFORMS,288.2; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,529.2; HD SUPPLY FACILITIES MAINTENANCE LTD,EQUIP MAINT,410.87; HEILBRUN'S INC.,PALLET OF OIL DRY,1832.53; HOLTZ INDUSTRIES, INC,DEPT SUPPLIES,652.8; HULLINGER GLASS & LOCKS INC.,DEPT SUPPLIES,91.8; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - MATS, TOWELS, TISSUE,699.61; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,27.97; INGRAM LIBRARY SERVICES INC,BKS/AV,1278.4; INTERNAL REVENUE SERVICE,WITHHOLDINGS,60427.75; INTERSTATE INDUSTRIAL SERVICE,CONTRACTUAL SVC,133.64; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,50; JOHN DEERE FINANCIAL,GROUNDS MAINT,36.95; JOHN DEERE FINANCIAL,EQUIP MAINT,61.42; JONES & BARTLETT LEARNING LLC,TRAINING BOOKS,148.5; KEVIN, PEGGY SEGELKE,EQUIP MAINT,328; KRIZ-DAVIS COMPANY,EQUIP MAINT,225.59; LEAGUE ASSOCIATION OF RISK MANAGEMENT,VEHICLE INS.,414.66; LEAL NOHEMI,CONSULTING,35; LOGAN CONTRACTORS SUPPLY INC, DETACK SURFACE TACK,176.56; M.C. SCHAFF & ASSOCIATES, INC,PROF.SERVICES - AIRPORT STORM DRAINAGE,9583; MENARDS, INC, BUILDING MTNC,2176.55; METECH RECYCLING, INC,DISPOSAL FEES,10420.7; MIDWEST MOTOR SUPPLY CO INC,SUPP - CITRUS SOLVENT,588.21; MONUMENT PREVENTION COALITION,CONTRACTUAL,1879.88; NAEM,CONFERENCE REGISTRATION,85; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1492.93; NE COLORADO CELLULAR, INC, CONTRACTUAL SVC,75.5; NE DEPT OF HLTH & HUMAN SVCS,MEMBERSHIP FEE,40; NE PLANNING & ZONING,DEPT SCHL & CONFRNC,190; NEBRASKA FIRE CHIEFS' ASSOCIATION,ANNAUL FIRE CODE SUBSCRIPTION,475; NEBRASKA MACHINERY CO,CUTTING EDGES FOR SNOW PLOWS,909.94; NEBRASKA PRINTWORKS, LLC, CONTRACTUAL SVC,982.98; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 22884.55; NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL SVC,400; NEBRASKA SALT AND GRAIN CO,1 LOAD ICE SLICER,4059.2; NEMNICH AUTOMOTIVE, EQUIP MTNC,79.13; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEPT SUP,11;

OMAHA WORLD- HERALD COMPANY,NWSPR RNWL - LIBRARY,311.48; ONE CALL CONCEPTS, INC,CONTRACTUAL,70.86; PANHANDLE ENVIRONMENTAL SERVICES INC, CONTRACTUAL SVC,324.5; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5023.88; PATTLEN ENTERPRISE, INC,EQUIP MAINT,71.9; PLATTE VALLEY BANK,HEALTH SAVINGS, 16936.3; POSTMASTER,POSTAGE,360.13; PT HOSE AND BEARING,EQUIP MAINT,83.31; QUICK CARE MEDICAL SERVICES,PHYSICAL VOLUNTEER RICHARD MARTIN,125; QUILL CORPORATION,DEPT & INVEST SUPPL,1037.51; RAMKOTA HOTEL & CONF CTR-CASPER WYO,SCHOOL & CONF,76.99; RECORDED BOOKS INC,SBSCRPNWL,1118.32; REGIONAL CARE INC,HEALTH INS. PREMIUM - MARCH 2017,61594.42; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,1920.24; RYAN R KUMM,FLATBED FOR NEW PICKUP,2550; S M E C,EMPLOYEE DEDUCTION,194.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT,341.2; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCB TENT & AWNING,EQUIP MAINT,22.5; SCOTTSBLUFF MOTOR CO, INC,EQUIP MTNC,68.32; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,30 WORKOUT SHIRTS,270; SCOTTSBLUFF WINSUPPLY COMPANY,SUPP - ELLS,6.29; SIGNS & SHAPES INTERNATIONAL INC,DEPT SUP,4325; SIMON CONTRACTORS, SAND TO MIX WITH DE ICER,141.52; SONNY'S BIKE SHOP, INC,EQUIP MAINT,150; STATE HEALTH LAB,SAMPLES,32; STATE OF NE.,CONTRACTUAL,105; THE ABY MANUFACTURING GROUP, INC,UNIFORMS,105.5; THE CHICAGO LUMBER COMPANY OF OMAHA INC,DEPT SUPP,14.16; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,365.69; TRANS IOWA EQUIPMENT LLC,BROOMS FOR SWEEPERS,148.84; TWIN CITIES DEVELOPMENT ASSOC, INC,CONTRACTUAL,6000; TYLER TECHNOLOGIES, INC, SOFTWARE MAINTENANCE,16024.56; UPSTART ENTERPRISES, LLC,DEPT SUPP,59.74; US BANK,VEH MAINT, 2983.82; WELLS FARGO BANK, N.A.,RETIREMENT,31040.57; WESTERN STATES BANK,TIF - REGANIS REDEV.,1154.69; WYOMING FIRST AID & SAFETY SUPPLY, LLC, FIRST AID KIT SUPPLIES,54.38; WYOMING WATER DEVELOPMENT OFF, CONTRACTUAL,11229.26; ZM LUMBER INC,SUPP/BLDGMAINT,58.87; REFUNDS: SAUCEDO 2.29; LUEHRS 988.43.

Jada Thompson with Contryman and Associates gave the audit report to the City Council, stating that she was very pleased with the transition of the financials from the previous Finance Director to current Finance Director, Liz Hilyard. In addition, the transition from the previous City Manager to current City Manager, Nathan Johnson, has been very positive with some additional controls added to the journal entries.

Ms. Thompson reviewed the Independent Auditors' Report based on the financial reports prepared by Finance Director Hilyard. The auditors gave the City an Unmodified Opinion, which is the best opinion the City can receive. The Management's Discussion and Analysis (MDA) is basically a synopsis of the year and plans for the future, which provides a good reference. The MDA is also prepared by Finance Director Hilyard and is reviewed by the auditors to make sure the numbers match. The final report is the Internal Control over Financial Reporting and Compliance Report. This report reflects any findings on internal control, of which there were none.

Council Member Shaver asked what the difference was between governmental activities and business activities. Ms. Thompson explained that governmental activities involve parks, recreation, etc. and business activities are utilities. Mayor Meininger expressed his appreciation to Finance Director Hilyard and City Manager Johnson for their assistance with the audit and a smooth transition of leadership. Moved by Council Member Shaver, seconded by Council Member Colwell, "to approve and

accept the Fiscal Year 2016 Audit Report,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

Regarding the appointment of Robert Franco to the Community Redevelopment Authority, Council Member Shaver wanted a clarification of why the Council was making the appointment, as he understood that the City Manager would make those after the initial appointment. Mr. Johnson explained that he makes the recommendation, and Council takes action on the recommendation. Moved by Council Member Gonzales, “to reappoint Robert Franco to the Community Redevelopment Authority for a five year term,” “YEAS”, Meininger, Colwell, Gonzales and McCarthy, “NAYS” Shaver. Absent: None.

City Manager Johnson explained Maintenance Agreement No. 22, which is a standard agreement with the Nebraska Department of Roads to maintain the State Highways in the City of Scottsbluff; the amount is the same as last year. Mark Bohl, Public Works Director added that the Maintenance Agreement includes the same mileage and reimbursement as the previous year. Moved by Mayor Meininger, seconded by Council Member McCarthy, “to approve Maintenance Agreement No. 22 with the Nebraska Department of Roads for the continuation of roads maintenance and authorize the Mayor to execute the Agreement,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson explained that the City received a letter of request from MDI Limited Partnership #48, asking for consent of the sale of the Lincoln House Apartments to Cimarron Real Estate Investments, LLC and approve the assumption of both Community Development Block Grant (CDBG) loans in the amounts of \$100,000.00 and \$25,000.00. There are no issues from a staff and legal perspective. Once the CDBG loans are paid back to the City, these funds will then be sent back to the Nebraska Department of Economic Development, where the loans originated, unless the City has a CDBG Reuse plan in place.

City Attorney Hadenfeldt explained that in 1998, the owners of the Lincoln House received funding for the renovation of the property from a number of sources, including a CDBG construction grant through the Nebraska Department of Economic Development in the amount of \$100,000.00; and also received a CDBG Reuse Loan for \$25,000.00. The 30 year loan agreements began following the completion of the construction; these are to be paid in full in 2030. The City must use the funds for another CDBG project or send it back to the Nebraska Department of Economic Development. These are the loans that Cimarron Real Estate Investments may assume with the City’s consent as noted in the loan agreement. Moved by Mayor Meininger, seconded by Council Member McCarthy, “to consent to the sale of the Lincoln House to Cimarron Real Estate Investments, LLC and allow the assumption of two Community Development Block Grant loans in the amounts of \$100,000.00 and \$25,000.00,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson explained the benefits of Public Private Partnership (P3) Opportunities, especially as we move forward with the Platte Alliance Water Supply (PAWS). With the new administration, they are focusing on more partnerships. More cities are looking at Public Private Partnerships, especially with projects such as PAWS and the Monument Valley Pathway project. If feasible, we would like provide education and training for our staff regarding the forms of financing through Public Private Partnerships. This partnership may be beneficial as a way to assist with the PAWS project. Council Member Shaver was concerned about the public partnership getting involved in a P3 as a way to make money.

Mr. Johnson is looking at this in general for a number of projects. This may be a way to revitalize our infrastructure and improve our community. Council Member Shaver stated he would not be opposed to looking at Public Private Partnership options. Moved by Mayor Meininger, seconded by Council Member Gonzales, “to allow City Manager Johnson to look at opportunities to send staff to

receive training on Public Private Partnerships, at his discretion,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

City Manager Johnson presented the Economic Development Subordination Agreement for Skiles Properties, LLC which will further assist to help grow the business. Mr. Skiles had applied for another loan, and the title search showed the existing LB840 loan in the amount of \$46,300.00. The bank is asking to be first on the title; therefore the LB840 loan will need to be subordinate to the Platte Valley Bank loan. There is enough equity in the property to cover the loan. The LB840 Application Review Committee gave the City Council a favorable recommendation regarding this Subordination Agreement.

Mr. Skiles gave the Council an overview of his business expansion in Scottsbluff. He mainly manufactures large trailers to haul sprayers. He also does some large steel construction projects such as stair cases, and buildings such as the new Scottsbluff High School. He currently has 13 employees in Scottsbluff and 25 in Atwood Kansas. This new loan will help expand his business.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to approve the Subordination Agreement between the City and Platte Valley Bank for the Skiles Properties, LLC pursuant to the Economic Development Assistance Agreement and authorize the Mayor to execute the agreement,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

Council introduced the Ordinance annexing a tract of land known as 42nd Street from Avenue I to 5th Ave, including the Landers Soccer Complex, which was read by title on second reading: **AN ORDINANCE ANNEXING A TRACT OF LAND IN PORTIONS OF SECTIONS 11, 12, AND 13 IN TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.**

City Manager Johnson explained the Special Event Ordinance for Parks. This Ordinance provides for an increase in the damage deposit and a provision for fees for “for profit” events, such as baseball tournaments. These events will be charged \$275.00 per day per event, which will cover our expenses. Mayor Meininger asked if organizations are required to add the City as “additional insured” on their Certificate of Insurance. City Attorney Hadenfeldt responded that we currently do not require to be listed as “additional insured” for those who rent our facilities. Mayor Meininger asked staff to look into the insurance issue.

Mayor Meininger introduced Ordinance No. 4204 which was read by title on first reading: **AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING THE MUNICIPAL CODE IN REGARD TO PARK USER FEES AT CHAPTER 6, ARTICLE 6, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

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. 4204 be adopted,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS” Shaver. Absent: None.

Under Council reports, Mayor Meininger reported that the Senior Center Board Meeting is Tuesday. Council Member Gonzales reported that the PADD Board meeting is Thursday and WNED will meet next Thursday. He also attended the East Overland Revitalization Steering Committee.

Jacob Krul, Student Youth Council, reported on the dates of the School musical, Fiddler on the Roof, and National Junior Honor Society induction. He also reported that HOSA volunteered at the Rotary Gold event and received a \$200 donation. Student Senate members are volunteering at Lincoln Elementary. Prom will be April 22nd and State Basketball begins this Thursday.

Mr. Johnson reported that barriers will be installed around the ice skating rink at the downtown plaza, so residents can begin enjoying the new feature.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to adjourn the meeting at 6:40 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS” None. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”