

City of Scottsbluff, Nebraska

Monday, April 17, 2017

Regular Meeting

Item Consent1

Approve the minutes of the April 3, 2017, Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on April 3, 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 31, 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 31, 2017.

Mayor Randy Meininger presided and City Clerk Dickinson recorded the proceedings. Members of Cub Scout Den 5, Wolf Pack, were present to work on their community badge. Mayor Meininger asked the Cub Scouts to lead the Council and attendees in The Pledge of Allegiance. 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 20, 2017, Regular Meeting be approved,"
2. "Authorize city clerk to advertise to receive bids to sell 1996 Freightliner Fire Truck (minimum bid \$10,000.00), to be received by April 25, 2017 at 2:00 p.m.,"
3. "Approve the bids and specifications for the secured entrance project at City Hall and authorize the city clerk to advertise for bids to be received by May 3, 2017 at 10:00 a.m.," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Moved by Council Member McCarthy, seconded by Council Member Gonzales, "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 April 3, 2017, as on file with the City Clerk and submitted to the City Council,"

CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,GARNISHMENTS,663.62; AE SERVICES, LLC,SENIOR CENTER,144.18; AIRGAS USA, LLC,DEPT SUPPLIES,93.06; AMAZON.COM HEADQUARTERS, MISC., 912.58; ANDERSON FORD INC,CIP-PATROL CARS,55470; AUTOZONE STORES, INC,EQUIP MTNC,39.32; B & H INVESTMENTS, INC,REPAIR TIMER MOTOR, 180.5; B&C STEEL CORPORATION,AERATOR,25.83; BLACK HILLS GAS

DISTRIBUTION LLC,MONTHLY ENERGY BILL,4047.82; BLUFFS SANITARY SUPPLY INC.,DEPT & JANIT SUPPL,271.01; BOHL, MARK,REPLENISH PETTY CASH FUND,47; BORNSCHLEGL JAMES,EQUIP MAINT,34.98; BSN SPORTS, INC,FIELD LINE MARKER,386.09; CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP,34.83; CELLCO PARTNERSHIP,CELL PHONES,507.69; CEMENTER'S INC,DEPT SUP,397.24; CHILD SUPPORT,CHILD SUPPORT - CA,37; CHRIS BURBACH,EXPENSES - CLERK SCHOOL,104.59; CITIBANK N.A.,DEP SUPP,17.99; CITY OF SCB,CIP-PATROL CARS,30; CLARK PRINTING LLC,DEP. SUP.,252; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; COMFORT INN, DEPT BSNS TRVL,284.85; CONTRACTORS MATERIALS INC.,SUPP - MEASURING WHEEL,57.82; CORNHUSKER MARRIOTT HOTEL.,LEAUGE CONF LODGING,1131; CROUCH RECREATIONAL DESIGN, INC,SOCCER GOAL,2791; CYNTHIA GREEN,DEPT SUP,35.2; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,154.88; DICKINSON, CINDY,MUNI CLERKS CONF,44.86; DIEDRICH JORDAN,MEAL EXPENSE - CONFERENCE,24; DUANE E. WOHLERS,DISPOSAL FEES,450; ELXSI,CONTRACTUAL SVC,2450; ENERGY LABORATORIES, INC,SAMPLES,135; FAIRBANKS SCALES INC,DEPT SUP,417.46; FAT BOYS TIRE AND AUTO,EQUIP MTNC,411; FEDERAL EXPRESS CORPORATION,RETURNED TRUCK SEATS - PARKS,325.72; FLOYD'S TRUCK CENTER, INC,EQUIP MTNC,357.27; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,766.51; H D SUPPLY WATERWORKS LTD,DEPT SUP,3874.97; HULLINGER GLASS & LOCKS INC.,LOCK FOR SHOP,762.25; IDEAL LAUNDRY AND CLEANERS, INC.,RIVERSIDE RESTROOM,643.73; INDEPENDENT PLUMBING AND HEATING, INC, FRANK PARK RR,106.3; INFO USA MARKETING,POLK DIRECTORIES,710; INGRAM LIBRARY SERVICES INC,DVDS,129.37; INTERNAL REVENUE SERVICE,WITHHOLDINGS,57632.13; JOHN DEERE FINANCIAL,AUGER PARTS,41.12; JOHN DEERE FINANCIAL,RENTAL TRACTOR - PARKS,1170; JORDAN COLWELL,P3 CONFERENCE, 185.93; KIRK BERNHARDT,UMPIRE CONTRACT,800; KNOW HOW LLC,EQUIP MTNC,688.68; KRIZ-DAVIS COMPANY,BLDG MTNC,143.25; LANDAUER, INC,EQUIP MAINT,69.45; LEAGUE ASSOCIATION OF RISK MANAGEMENT,PD - 2 SUVs,812.91; M.C. SCHAFF & ASSOCIATES, INC,ENGINEERING,8814.5; MAILFINANCE INC,POSTAGE METER LEASE, 148.76; MATHESON TRI-GAS INC,TESTING FINAL 8 DIVE BOTTLES,200; MENARDS, INC, RIVERSIDE RESTROOM, 213.17; MIRACLE RECREATION EQUIPMENT,RIVERSIDE POND - TRACY FORD MEMR.,544.27; MUNICIPAL EMERGENCY SERVICES INC,FIVE FF HELMETS,1506.88; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1630.93; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.5; NE DEPT OF MOTOR VEHICLES,LEGAL FEES,66; NE MOSQUITO & VECTOR CONTROL ASSN.,2 MEN ATTEND WORKSHOP & CALIBRATE MACHINE,95; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC,20037.49; NELSON TRENT,DEPT SUPPLIES,490.3; NEWMAN, TIMOTHY,TRAVEL, MEALS, 90; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,CAMPGROUND SUPPLIES, 179.9; PANHANDLE COOPERATIVE ASSOCIATION,GAS/DIESEL,991.76; PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES, 234; PANHANDLE HUMANE SOCIETY,APRIL 2017 CONTRACTUAL, 5023.88; PAUL REED CONSTRUCTION & SUPPLY, INC, DEPT SUPPLIES, 1149.12; PLATTE VALLEY BANK, HSA ACCTS,15074.87; POSTMASTER, POSTAGE,276.78; PUBLIC SAFETY CENTER, INC,THREE SAFETY LIGHTS,289.1; RAMADA INN-KEARNEY,ROOM - SCHOOL/CONFERENCE,375; REAMS SPRINKLER SUPPLY CO.,REPAIRS - SOCCER FIELDS, 722.36; REGIONAL CARE INC,HEALTH INS. PREMIUM - APRIL 2017, 76221.75; RIVERSIDE ZOOLOGICAL FOUNDATION, 2ND QTR 2017 CONTRACTUAL, 87500; S M E C,EMPLOYEE DEDUCTION,194.5; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES,195; SCHAEFFER MANUFACTURING COMPANY,CITROL,235.74;

SCOTTSDLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SCOTTSDLUFF SCREENPRINTING & EMBROIDERY, LLC,LENGTH OF SERVICE AWARDS, 407; SCOTTSDLUFF WINSUPPLY COMPANY,HYDRANT,117.07; SHERWIN WILLIAMS,SKATE PARK VANDALISM,93.62; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,3143.18; SNELL SERVICES INC.,EQUIP MAINT,150; STATE HEALTH LAB,SAMPLES,386; THOMPSON GLASS, INC,CLEVELAND FIELD,616.65; TRANS IOWA EQUIPMENT LLC,EQUIP MAINT,435.6; TYLER TECHNOLOGIES, INC,ONLINE UB,348; UNITED STATES WELDING, INC,WELD. SUPP - ACET & OXYGEN,108.65; US BANK,PRGRMS,136.29; VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,645; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA, 530; WEBBER TYLER,SCHOOLS & CONF,525; WELLS FARGO BANK, N.A., RETIREMENT, 30676.81; WIN INVESTMENTS INC,SCHOOLS & CONF,216.98; ZM LUMBER INC,RIVERSIDE DOCK,10.48; REFUNDS: DASH MARKETING 20.39; AARON MCNEES 25.59; CHRISTINA RED FEATHER 72.29.

City Manager Johnson presented the Economic Development Assistance Agreement with Open Door Counseling explaining that this \$20,000.00 request is for a five year term with four full-time positions. They currently have three full-time positions, so they will be adding one additional full-time position. The LB 840 Application Review committee approved the application at their March 2, 2017 meeting. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve the Economic Development Assistance Agreement with Open Door Counseling for \$20,000.00 for a five year term to provide for four full-time positions, and authorize the City Manager to execute the agreement as the Economic Development Program Administrator," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Mr. Johnson presented the Release of Lien for Paving District No. 311, Five Oaks, which was paid by the owners. Moved by Council Member McCarthy, seconded by Council Member Shaver, "to authorize the Mayor to sign a Release of Lien for Special Assessments paid for Paving District No. 311," "YEAS", Meininger, Colwell, Gonzales, Shaver and McCarthy, "NAYS" None. Absent: None.

City Manager Johnson presented the annual agreement with Copier Connection for maintenance of the copy machine at the Library. The library makes approximately 14,000 copies each year, some of which are paid by the public if they request copies. This agreement is the same amount as last year. Moved by Council Member Shaver, seconded by Council Member Colwell, "to approve the Copier Connection Maintenance Contract for the Library and authorize the Mayor to execute the agreement," "YEAS", Meininger, Colwell, Gonzales, Shaver and McCarthy, "NAYS" None. Absent: None.

Mr. Johnson explained to the Council that the Scottsbluff Public School District has received a bid from Rocky Mountain Demolition, Inc. for the demolition of the outdoor Splash Pool in the amount of \$67,621.00. The Scottsbluff Public School views the City as a partner with the demolition of the Splash pool. The bid amount of \$67,621.00 will be paid from the \$202,000.00 budgeted in the general fund which was earmarked for locker room repairs, and is no longer needed. Moved by Council Member Colwell, seconded by Council Member McCarthy, "to approve paying up to \$67,621.00 to the Scottsbluff Public School District for the demolition cost of the outdoor Splash pool," "YEAS", Meininger, Colwell, Gonzales, Shaver and McCarthy, "NAYS" None. Absent: None.

City Manager Johnson provided a report on potential revenue sources, including comparable information regarding lodging and restaurant Occupation Taxes. In addition, the five-year annexation plan will provide an opportunity to collect additional property tax, NPPD lease payments and additional sales tax revenue. Staff plans to move forward with the annexation plan, and we are looking for guidance from the City Council regarding pursuit of occupation taxes.

Mayor Meininger summarized the following revenue streams for the City: (1) property tax with a maximum of \$175,000.00 to the general fund; (2) sales tax, which provides the main source of revenue for the general fund; (3) LB840 which provides funding for Economic Development; (4) the potential for LB357, which can be voted on again at a later date; (5) occupation taxes, which can provide funding for the general fund; (6) annexation which can provide potential sales tax revenue from retail businesses, and (7) NPPD Lease payments, which is 12% of the customer's usage, within the city limits.

Council Member Shaver asked what is necessary to change the maximum of \$175,000.00 collected from property tax to go to the General Fund. He feels a percentage would better reflect the amount that should be collected.

Council Member Gonzales asked about the trending sales tax and what the continued budget shortfall looks like if things continue the same. Finance Director Hilyard answered that as of last month, we were only \$1600.00 ahead of where we budgeted for sales tax revenue. The budgeted amount had factored in a shortfall for the general fund. Any further decrease of sales tax brings a greater shortfall. Council Member Shaver commented that we need to do something to increase the general fund, which brings us back to occupation taxes.

Mr. Johnson commented that we need to look at potential annexation areas such as the location of Bomgaars, NAPA and Inland Trucking, for additional sales tax revenue and NPPD lease revenue. Mayor Meininger noted that the areas on the five year annexation plan are already being serviced by our public safety personnel. Our goal is to eventually have the City's Waste Water Treatment facility included in the city limits, which would increase our NPPD lease revenue.

Council Member Gonzales asked about the revenues required for matching funds for our East Overland and Downtown Revitalization grant projects. Mr. Johnson commented that we won't have access to grant funds until next year. We can transfer funds from the sale of the Industrial Tract and move them to the CDBG fund, which will help with matching funds, however, we can't use those funds until October 1, 2017.

Regarding the lodging tax, Ms. Hilyard added that the estimated revenue for a 2% tax is approximately \$150,000. Council Member Gonzales commented that we need to look at all options to cover our budget shortfall. He also noted that in 2020 the Riverside Discovery Center contract expires and Council will need to decide if we want to continue to fund it from the General Fund.

Council directed staff to provide estimated revenue numbers for annexation projects and an Ordinance providing for a 4% Occupational Tax on lodging.

Council introduced the International Building Code 2012 Edition and International Residential Code 2012 Edition which was read by title on second 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.**

Council introduced the Ordinance Amendment adding language and requirements for 24 hour Daycare which was read by title on second 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 proposed ordinance amending the Municipal Code to provide for the powers of the Community Redevelopment Authority (CRA). This provides for the amendment to the Community Redevelopment Authority Code section to provide the CRA with all obligations and authority of the Community Development Agency. Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING THE MUNICIPAL CODE TO PROVIDE FOR THE POWERS OF THE COMMUNITY REDEVELOPMENT AUTHORITY.**

Council Member Shaver commented that he has a problem with the establishment of the Community Redevelopment Authority. The original purpose of setting up the CRA was to create the partnership for LB 357 projects. His concern is that members of the CRA are not elected officials, however the state gives them the authority to borrow money. We can't limit what they do unless they have a specific limited time frame. Council Member Gonzales commented that they need to have some sort of assets. We anticipated passage of LB357, in which case we needed to establish the CRA. Mayor Meininger added that we will need to have the CRA established if the Council presents LB357 for a vote again.

Mr. Johnson explained the need to terminate the Scottsbluff Improvement Agency, which was formed as a requirement of the proposed additional sales tax pursuant to LB357. Since that sales tax did not pass, there is no further need for the Agency. If the City were to consider a future election concerning the additional sales tax, the Interlocal Agency must not be in existence for the year preceding the election, and a new Interlocal Agency would need to be formed. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve Resolution No. 17-04-01 to terminate the Scottsbluff Improvement Agency," "YEAS", Meininger, Colwell, Gonzales, Shaver and McCarthy, "NAYS" None. Absent: None.

RESOLUTION NO. 17-04-01

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Recitals:

- a. The City of Scottsbluff, Nebraska (the "City"), previously entered into an Interlocal Cooperation Agreement with the Community Redevelopment Authority of Scottsbluff (the "CRA") in order to establish a separate legal entity known as the Scottsbluff Improvement Agency (the "Agency"). The purpose of the Agency was to assist in the implementation of an additional municipal sales and use tax (the "Additional Sales Tax"), as required by Section 77-27,142(3)(a) of the Nebraska statutes.
- b. The Additional Sales Tax was considered by the qualified electors of the City on May 10, 2016. The qualified electors of the City rejected the Additional Sales Tax.
- c. As a result of the election, there is no longer any need to maintain the Agency. Pursuant to the Interlocal Cooperation Agreement, the City has the power to terminate the Agency at any time.

Resolved that:

1. The Agency shall be terminated immediately by this Resolution.

2. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

3. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on April ____, 2017.

Mayor

ATTEST:

City Clerk (Seal)

Under Council Reports, Mayor Meininger reported on the 911 Task Force, they voted to lower the amount going into joint fund task force by 10% and they are still interviewing software companies. Council Member Gonzales reported that there is a PADD meeting this week and WNED will meet next month.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to adjourn the meeting at 6:30 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”: None; Absent: None.

Mayor

Attest:

City Clerk
“SEAL”