

# **City of Scottsbluff, Nebraska**

**Monday, May 15, 2017**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the May 1, 2017, Regular Meeting.**

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

Regular Meeting  
May 1, 2017

The Scottsbluff City Council met in a regular meeting on May 1, 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 April 28, 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 April 28, 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, Mark McCarthy and Jordan Colwell. Also present was City Manager Johnson and Deputy City Attorney Rick Ediger. 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 Colwell that:

1. "The minutes of the April 17, 2017 Regular Meeting be approved,"
2. "The absence of Council Member McCarthy from the April 17, 2017 Regular Meeting be approved,"
3. "A Public Hearing be set for May 15, 2017 at 6:05 p.m. to consider Annexation by Plat of Hilltop Estates; approximately 32 acres situated South of 42<sup>nd</sup> Street and East of Fairview Cemetery," "YEAS", Meininger, Colwell, McCarthy and Gonzales "NAYS" Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member McCarthy, "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 May 1, 2017, as on file with the City Clerk and submitted to the City Council," "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None.

#### CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,644.35; AIRPORT DEVELOPMENT,LLC,AIRPORT REDEV. TIF,332.14; AMAZON.COM HEADQUARTERS,BKS & MISC.,1227.22; AUTOZONE STORES, INC,TWO NEW BATTERIES FOR RESCUE ONE,398.88; B & D DIAMOND PRO,GROUND MAINT,3720; B & H INVESTMENTS, INC,DEPT SUPP,90.5;

BARCO MUNICIPAL PRODUCTS INC,SUPP - SIGNING MATERIAL AND GALV. POSTS,4183.45; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,2449.66; BLR,ANNUAL SUBSCRIPTION,536.99; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL,82.52; CELLCO PARTNERSHIP,CELL PHONES,113.75; CHARTER COMMUNICATIONS HOLDINGS LLC,SIX MONTH TV BOX FEE - FIRE,46.31; CHILD SUPPORT,NE CHILD SUPPORT,37; CHRIS REYES,DEPT SUPP,614.65; CITIBANK N.A.,DEPT SUPP,280.08; CITIBANK, N.A.,EQUIP MAINT,16.86; CITY OF SCB,PETTY CASH,131.07; CLARK PRINTING LLC,DEPT SUP,670.05; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTAL LIFE INS,48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,54.77; CONTRACTORS MATERIALS INC.,DEPT SUPP,105.31; COZY, INC,GRAPHICS FOR MOBILE CMD VEHICLE,853; CROELL INC,DEPT SUP,105.93; CYNTHIA GREEN,DEP. SUP.,242.55; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,312.29; DAS STATE ACCOUNTING-CENTRAL FINANCE,LONG DISTANCE,6.7; DUANE E. WOHLERS,DISPOSAL FEES,450; ELLIOTT EQUIPMENT COMPANY INC.,EQUIP MTNC,5148.8; FASTENAL COMPANY,EQUIP MAINT,75.61; FAT BOYS TIRE AND AUTO,EQUIP MTNC,50.46; FBM HOLDINGS, LLC,ANNUAL SUBSCRIPTION,479; FEDERAL EXPRESS CORPORATION,POSTAGE,237.63; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,1798.56; GALLS INC,CIP-PO PATROL CARS,1142.03; GENERAL ELECTRIC CAPITAL CORPORATION,EQUIP MAINT,579.79; HELENA CHEMICAL COMPANY,DEPT SUP,352.8; HOLTZ INDUSTRIES, INC,DEPT SUPPLIES,1256; HULLINGER GLASS & LOCKS INC.,BLDG MAINT,166.65; HYDRONIC WATER MANAGEMENT,EQUIP. MAIN.,425; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - MATS, TOWELS,752.63; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT,246.6; INGRAM LIBRARY SERVICES INC,BKS,508.57; INTERNAL REVENUE SERVICE,WITHHOLDINGS,57757.44; INTERNATIONAL ASSOCIATION OF ELECTRICAL INSPECTORS,DEPT MMBRSH,120; INTERNATIONAL CODE COUNCIL, INC.,DEPT BOOKS,678.08; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,9.95; JOHN DEERE FINANCIAL,EQUIP MAINT,1251.71; KELLY KAVA,UNIFORMS,192; KEMBEL SAND & GRAVEL COMPANY,DEPT SUPP,113.09; KIRK BERNHARDT,CONTRACTUAL,800; KNOW HOW LLC,PARTS - AIR FILTERS,323.82; KRIZ-DAVIS COMPANY,EQUIP MAINT,694.4; LODGING OPPORTUNITY FUND II LLLP,ROOM-MILLER FOR IJ MEETING,182; M.C. SCHAFF & ASSOCIATES, INC,PROFESSIONAL SERVICES,9147.75; MAILFINANCE INC,MONTHLY LEASE POSTAGE MACHINE,148.76; MATHESON TRI-GAS INC,DEPT SUPP,187.46; MENARDS, INC,DEPARTMENT SUPPLIES,420.35; MIDWEST MOTOR SUPPLY CO INC,SUPP - GREASE,50; MONUMENT PREVENTION COALITION,CONTRACTUAL,939.94; NBC CAPITAL LLC,TRAVEL - HOTEL,188; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1536.18; NE DEPT OF REVENUE,SALES TAX,21465.55; NEBRASKA MACHINERY CO,REPAIR HYD. HAMMER,496; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,19847; NELSON TRENT,DEPT SUPPLIES,364.45; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,156.14; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT,7813; P3C MEDIA LLC,REGISTRATION - J. COLWELL,495; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,288.5; PANHANDLE

HUMANE SOCIETY,CONTRACTUAL,5023.88; PLATTE VALLEY BANK,SAVINGS ACCUNT, 16980.04; POLAR EXPRESS HVAC/R LLC,EQUIP MAINT,686.88; POSTMASTER, POSTAGE,790.94; POWERPLAN,EQUIP MTNC,1301.78; QUICK CARE MEDICAL SERVICES, PHYSICAL FOR RYAN FELTES,250; QUILL CORPORATION,DEPT SUPPL,339.71; REGIONAL CARE INC,HEALTH INS. PREMIUM,76655.14; REGISTER OF DEEDS,LEGAL,62; ROGERS MARVIN AND/ORCAROL,QUIT CLAIM DEED,275; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,2039.51; ROSE DREW, INC,DEP. SUP.,444.87; S M E C,EMP DEDUCTION,194.5; SALES MIDWEST, INC,EQUIP MAINT,57.63; SANDBERG IMPLEMENT, INC,DEPT SUPPLIES,668.41; SCB CO WEED CONTROL,SPRAY DESIGNATED WEED AREAS,2010; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SCOTTSBLUFF PUB SCHOOLS, LICENSE & PERMIT FEES,8290; SCOTTSBLUFF SENIOR CENTER,FY16-17 3RD QTR INSTALLMENT,5750; SCOTTSBLUFF WINSUPPLY COMPANY,GROUND MAINT,5528.75; SHERWIN WILLIAMS,SCREEN AND TIPS FOR LINE LAZER PAINT GUN,96.7; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,4234.68; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,5034.35; SNELL SERVICES INC.,EQUIP. MAIN.,1830; STATE HEALTH LAB,SAMPLES,429; SUNSET LAW ENFORCEMENT, LTD,FIREARMS SUPPL,3049.21; THE PEAVEY CORP,INVEST SUPPL,252; THOMPSON NOELLE,REIMB.- PRGRM.,71.68; TRANS IOWA EQUIPMENT LLC,EQUIP MTNC,614.08; TYLER TECHNOLOGIES, INC,UB ONLINE FEES 5/1/17 - 5/31/17,348; US BANK,INTEREST - 2015 LEASING CORP,28748.45; US BANK,DEPT SUPP,1432.69; USGS NATIONAL CENTER MS 270,CONTRACTUAL SVC,12625; VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,695; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,530; W & R INC,ELECTRICAL MTNC,89.16; WATER ENVIRONMENT FEDERATION,MEMBERSHIPS,83; WELLS FARGO BANK, N.A.,RETIREMENT,31027.03; WESTERN STATES BANK,REGANIS REDEV. TIF,1166.35; WESTERN SURETY COMPANY,PUBLIC EMPLOYEE BLANKET BOND,950; WESTERN TRAVEL TERMINAL, LLC,EQUIP MAINT,16.82; WINTER CREEK CANAL COMPANY,POST CLOSURE CARE,2870; REFUND: KRUG 14.20.

City Manager Johnson presented the request from Infinity Construction for payment for Paving District 313, which is the Owen Development on Ave. G. Mr. Johnson added that the only remaining portion of this project is the sidewalk with 93% complete. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the request for payment to Infinity Construction by warrant for Paving District #313, Avenue G, Owen Development and approve Resolution No. 17-05-01," "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None.

**RESOLUTION NO. 17-05-01**

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

That the claim of Infinity Construction in the amount of \$22,787.80, being the ninth pay estimate for Paving District #313, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 1st day of May, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

“seal”

Mr. Johnson presented the request for payment for Paving District #313, to Baker and Associates, which is also for the Owen Development on Ave. G. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve the request for payment to Baker & Associates by warrant for Paving District #313, Avenue G, Owen Development and approve Resolution No. 17-05-02,” “YEAS”, Meininger, Colwell, Shaver, McCarthy and Gonzales, “NAYS” None. Absent: None.

**RESOLUTION NO. 17-05-02**

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

That the claim of Baker & Associates in the amount of \$367.50, being the eighth pay estimate for Paving District #313, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 1st day of May, 2017.

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

“seal”

City Manager Johnson reviewed the March Financial Report explaining that there were not many changes from the previous month's report. He noted that the Police Department has purchased two new SUV's which is part of their reoccurring CIP items.

Mayor Meininger opened the public hearing at 6:05 p.m. to review and consider the most recent Report of the LB840 Economic Development Citizen's Advisory Review Committee. Deputy City Attorney Ediger presented the Committee's Report. The report reflects activity as of September 30, 2016, reports are due within 90 days of that date. To date we have expended \$7.9 Million in job creation grants, with a good success rate. The total amount not successful has been approximately 6%, none of which has happened recently. The Citizen Review Committee has primarily functioned as a report reviewing committee, but one of their responsibilities under the plan is to advise the Council as to their impressions and success of the program and where the program is headed. Much of their recent discussions have dealt with proposed additions to the Economic Development Plan. There is a lot of historical knowledge within the Committee Members, which reflects their desire to honor the original intent of the plan. There is a fairly significant balance in the LB840 account, and the temptation could be to approve grants that are not quality projects. The emphasis is that we need to make quality grants that will be successful. The Committee is protective of the program as they are using taxpayer's money and it should be used in the way it was intended.

Council Member Gonzales asked if it may be beneficial for the Committee to meet quarterly considering the current rate of activity with the plan. Mr. Ediger responded that the majority of recent activity has been within the last six months, and those reports aren't due for 9 months. However, maybe the committee will want to meet more often next year to review projects, if they choose. Mr. Johnson added that he is working on some additional new applications which should be ready in the next 30-60 days.

There were no comments from the public. Mayor Meininger closed the public hearing at 6:10 p.m. Moved by Council Member McCarthy, seconded by Council Member Shaver, "to accept the Report of the Economic Development Citizen's Advisory Review Committee," "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None.

Mayor Meininger opened the public hearing at 6:10 p.m. to receive comments on additions to the definition of Qualifying Businesses under the City's Economic Development Plan, as recommended by the Citizen's Advisory Review Committee. Deputy City Attorney Ediger explained that the Council had previously discussed if it was appropriate to add construction and rehabilitation of housing to our plan, as was authorized by a change in the 2016 legislation. It was the consensus at that time to run this idea through the appropriate channels. The State Statute requires that any change regarding what constitutes a qualifying business be decided on by the voters; also there is a provision for the Economic Development Citizen's Advisory Review Committee to approve any change, then it can be presented to City Council and approved by 2/3 majority vote, following a public hearing.

The proposal mirrors what is in the Statute regarding housing development, pursuant to a Workforce Housing Plan, which finds that economic development is stymied because of a lack of housing. There needs to be evidence of a housing need. As part of our membership with WNED a housing study was conducted, which showed a housing shortage, and in particular, housing that people want to occupy.

This decision was not without concern, because when we get into housing we need to decide who is eligible for housing programs. The Committee discussed grants for housing improvements, and recommended that it should be limited to infrastructure at this time Many times infrastructure is cost prohibitive for developers.

The Committee considered another issue regarding the plan. Through the years they have been steadfast about retail trade not being an eligible activity because of the purpose of competition. They have discussed the possibility of products manufactured on site. Mr. Ediger suggested that a recent application for a brew pub be separated into two applications, one for the manufacturing which was eligible for funding, and then sell it to the retail side, which is not eligible. This was not possible due to the Liquor License requirements which require that the holder of a brewpub license controlled all aspects (manufacturing and selling). There was another instance of a previous applicant who was a genuine manufacturing company, selling through a dealer network, when they first made application. Since then, they are making direct sales over the internet. If the application were submitted today, it may not qualify. The proposed Ordinance provides that the principal source of income from retail sales be from products manufactured on the premises.

The committee is recommending approval of the following two amendments to the plan: 1. Construction and rehabilitation of housing pursuant to a Workforce Housing Plan; and 2. Retail trade, but only if the principal source of income is from retail sales of product(s) manufactured on the premises from which the sales take place; provided, the total amount of incentives devoted to retail trade shall not exceed the limits provided for by Nebraska law.

Council Member Shaver asked if there were any income requirements for the proposed housing amendment. Mr. Ediger explained that if the Ordinance is passed, then it will be up to the Application Review Committee to make recommendations concerning implementation of the plan. That Committee will likely focus on grants for low to moderate income housing infrastructure. All grants will need to be approved by the City Council. Council Member Shaver added that he is concerned about grants for more expensive housing and how that could be restricted. Mr. Ediger said that the Application Review Committee will develop bench marks and over the years develop a policy. The policy can be flexible so we can adapt to what is needed in the community at the time.

Council Member Shaver also asked what limits would determine which retail items could be sold. Mr. Ediger responded that the items must be manufactured on site; the subsidy would go towards the employees manufacturing the products and must meet a certain wage rate.

Terry Rajewich asked about housing and what happens to vacant properties left in disrepair. Mr. Ediger responded that this may be something the committee can look at in the future, however, now the funding would likely be limited to infrastructure. The City would need to look at staffing to work on a program to address houses in disrepair. The grants will actually go to contractors because they are the qualifying business.

Mayor Meininger closed the public hearing at 6:25 p.m.

Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE AMENDING THE SCOTTSBLUFF ECONOMIC DEVELOPMENT PLAN TO PROVIDE FOR ADDITIONAL QUALIFYING BUSINESSES.**

Terry Rajewich, Account Manager for Nebraska Public Power District (NPPD), gave the annual update report. NPPD provides service to 90,000 customers in 80 communities. Financially, they provide lease payments, gross revenue tax and sales tax to the City. Lease payments to the City for FY 2015-2016 was \$2,566,713. They are in the 4<sup>th</sup> year with no increase to rates.

NPPD is preparing to transition to LED street lights due to customer requests and use of industry best practices. The transmission project is in progress, the structure installation is complete with 199 installed; the conductor installation is 68% complete; restoration to the properties is 45% complete; the total project should be completed by July.

City Manager Johnson presented the information for the Mobile Children's Museum, which is part of Nebraska's 150 year celebration. We will need to close 1<sup>st</sup> Ave. between 18<sup>th</sup> and 19<sup>th</sup> Streets because of the size of the semi-trailer. It is a privilege for Scottsbluff to be selected to have the museum on display in our community. Council Member Gonzales wanted to make sure that the businesses close by were aware of this display. Mr. Johnson explained that they have been notified and are very supportive. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve the Business Promotional Event Permit for the State of Nebraska for the Mobile Children's Museum, which will be located at the 18<sup>th</sup> Street Downtown Plaza May 26 – 28, 2017 from 9:00 a.m. to 5:00 p.m., including street closure," "YEAS", Meininger, Colwell, McCarthy and Gonzales, "NAYS" Shaver. Absent: None.

Regarding the Mobile Children's Museum, Mr. Johnson presented the MOU required for this event. He added that the City is looking for 20 volunteers for a full day and 10 volunteers for portions of each day to help monitor. We are working with Public Safety and the CERT volunteers to provide the necessary staff for this event. We won't have any fees to pay to the state for this event, and any additional expenses of this event will be paid by the City. Moved by Council Member Shaver, seconded by Council Member Shaver, "to approve the Memorandum of Understanding with Celebrating Nebraska Statehood for the Mobile Children's Museum and authorize the Mayor to sign the MOU," "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None.

Regarding the event permit for Legion Combat Sports / Shots Bar and Grill, Gino Bolger, Shawn Hile and Chad Leeling, explained the details of this event. They are licensed, bonded and insured. These are sanctioned fights with licensed judges and referees and EMT's on site. Mr. Johnson commented that the City received a large number of complaints from the public the last time they had an event at Shots with music. Mr. Leeling from Shots commented that they plan to downsize to a small DJ system with a different placement of speakers, and a simple beer garden. Council Member Colwell questioned if they maybe had too many things going on that night with the fights, beer garden and dance. Mr. Bolger replied that they feel they can handle it; they are anticipating 2000 people in attendance.

Mayor Meininger declared a conflict of interest regarding discussion and voting on this item, as the EMT's they will have on site are employees of Valley Ambulance, a company owned by Mayor Meininger. Moved by Council Member Shaver, seconded by Council Member Colwell, "to declare a conflict of interest for Mayor Meininger regarding the Shots Bar event permit due to the employment of Valley Ambulance staff," "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None. Council Member Colwell will now serve as the Vice-Mayor.

Council Member Shaver suggested using different streets for the event, which the organizers have considered; however, they are concerned about adequate space and proximity to Shots. Mr. Leeling explained that they will have adequate security staff for the event.

Police Chief Spencer explained that he has a number of concerns regarding this event: 1. Attendance – organizers are expecting approximately 2000 people to attend this event; 2. Can't guarantee adequate public safety with the added events; 3. Concern over the large number of calls regarding loud noise/music.

In addition, Public Works Director Bohl added that the bulb-out project on Broadway is still in process, so they may need to delay the work so that this area is not under construction during the event. Chief Spencer added that he would need to double his staff for that night to handle the large crowd. Mr. Bolger explained that they have never had issues with their events in the past; this is the first outdoor event they have organized. Council agreed that they think a different location may be easier to manage.

There were many issues that need to be discussed, Council asked that the organizers meet with city staff and public safety and work on these issues. There was no action taken.

City Manager Johnson presented the final plat for the Melroy Addition, which will be developed into commercial lots. The developer will be required to install sidewalks and landscaping to meet City codes as the lots are developed. Moved by Council Member Shaver, seconded by Council Member Colwell, "to approve the Final Plat for the Melroy Addition, situated south of 15th Street, between 19<sup>th</sup> and 21<sup>st</sup> Ave. and approve Resolution No. 17-05-03," "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None.

**RESOLUTION NO. 17-05-03**

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

**WHEREAS, BE IT RESOLVED**, the final plat of Lots 1-6, Melroy Addition, to the City of Scottsbluff, a Replat of Lots 12 & 13 of Widly & Lana Commercial Tracts, situated in the Southeast Quarter of the Southeast Quarter of Section 24, Township 22 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, Scott Bluff County, Nebraska, dated March 28, 2017, duly made, acknowledged and certified, is approved and the Mayor is authorized to sign the Plat of behalf of the City of Scottsbluff, Nebraska. Such Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 1<sup>st</sup> day of May, 2017.

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Mayor

ATTEST:

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City Clerk

Mayor Meininger Introduced the Ordinance providing for an occupational tax on hotel accommodations which was read by title on second reading: **AN ORDINANCE PROVIDING FOR A NEW OCCUPATION TAX ON HOTEL ACCOMMODATIONS; REPEALING PRIOR SECTIONS LOCATED IN CHAPTER 6, ARTICLE 6 AND CHAPTER 11, ARTICLE 2 OF THE SCOTTSBLUFF MUNICIPAL CODE, AND PROVIDING PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE.**

Mr. Terry Jessen approached the Council and voiced his opinion that he felt the City had plenty of cash reserve and the additional occupational tax was not needed.

Mayor Meininger introduced the Ordinance annexing two tracts of land located West of Ave. I, North of 27<sup>th</sup> St, and South of Highway 26 which was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, ANNEXING TRACTS OF LAND KNOWN AS BLOCK 1, ALF ADDITION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF AND THE NORTH HALF OF**

**THE SOUTHEAST QUARTER (N1/2 SE1/4) OF SECTION FIFTEEN, TOWNSHIP TWENTY-TWO (22) NORTH, RANGE FIFTY-FIVE (55) WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Mayor Meininger introduced Ordinance No. 4209 amending the Municipal Code to provide for the powers of the Community Redevelopment Authority which was read by title on third 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 voiced his concern again about the ability of the CRA to borrow money and they are not elected officials. Moved by Mayor Meininger, seconded by Council Member Colwell, "to adopt Ordinance 4209 amending the Municipal Code to provide for the powers of the Community Redevelopment Authority," "YEAS", Meininger, Colwell, McCarthy and Gonzales, "NAYS" Shaver. Absent: None.

Regarding the Allo Communications Television Franchise, Deputy City Attorney Ediger explained that the City requires a bond or a guaranty from our Cable Franchise. The Allo Cable Television Franchise has previously been held by Allo Twin Cities, LLC. All Allo subsidiaries have been combined into Allo Communications, which in turn is owned by Nelnet. Nelnet is a much larger company and will now guarantee the franchise. Moved by Council Member Shaver, seconded by Council Member Colwell, "to approve the Guaranty of Nelnet, Inc. for obligations of Allo Communications, LLC under its Television Franchise with the City and authorize the Mayor to execute the Guaranty," "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None.

City Manager Johnson explained that our current stormwater permit requires Public Service Announcements (PSA) as part of the Public Education component. These PSA's reach 285,380 TV households in 12 counties. This is the same agreement as last year's, which is The Great Plains package and includes 20 free spots for \$695 per month. Moved by Council Member McCarthy, seconded by Mayor Meininger, "to approve the Stormwater PSA Agreement with NBC Nebraska and authorize the Mayor to execute the agreement," "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None.

Regarding the Annual Review of the City Manager, it was moved by Mayor Meininger, seconded by Council Member Gonzales, "to adjourn to closed session for prevention of needless injury to the reputation of the City Manager, for the purpose of evaluating the job performance of the City Manager, to include the City Council, City Attorney and the City Manager" "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None.

Mayor Meininger announced that at 7:50 p.m. the Council will adjourn to closed session for prevention of needless injury to the reputation of the City Manager, for the purpose of evaluating the job performance of the City Manager, to include the City Council, City Attorney and the City Manager.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to reconvene out of closed session at 8:20 p.m." "YEAS", Meininger, Colwell, Shaver, McCarthy and Gonzales, "NAYS" None. Absent: None

Mayor Meininger stated that the City Council gave City Manager Johnson a 100% vote of confidence for the job he is doing as the City Manager. There are many great things happening with the City of Scottsbluff and the Council appreciates the great job he is doing. Moved by Mayor Meininger, seconded by Council Member Shaver, “to have City Manager Johnson come back to the City Council with an amended contract with deliverables,” “YEAS”, Meininger, Colwell, Shaver, McCarthy and Gonzales, “NAYS” None. Absent: None.

Under Council Reports, Council Member Colwell reported that he leaves Wednesday to attend the Public Private Partnerships Conference in San Diego. Council Member Gonzales reported that WNED will meet this Thursday to receive a report on implementing the Housing Report, and PADD will meet next Thursday. City Manager Johnson reported that he attended the Ports to Plains Conference in Washington D.C. last week, stating that the project is 55% complete. Mayor Meininger reported that the Senior Center meeting is on Tuesday, and Council Member Shaver reported on Prom for the High School Council.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to adjourn the meeting at 8:25 p.m.,” “YEAS”, Meininger, Colwell, Shaver, McCarthy and Gonzales, “NAYS” None. Absent: None.

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Mayor

ATTEST:

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City Clerk

“seal”