

City of Scottsbluff, Nebraska

Monday, August 3, 2015

Regular Meeting

Item Consent1

Approve the minutes of the July 20, 2015 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on Monday, July 20, 2015 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 July 17, 2015, 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 delivered to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and KDUH, and the Star Herald. The notice was also available on the city's website on July 17, 2015. An agenda kept continuously current was available for public inspection at the office of the city clerk at all times from publication of the notice to the time of the meeting.

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: Jordan Colwell, Randy Meininger, Raymond Gonzales and Scott Shaver. absent: Liz Hilyard.

Mayor Meininger asked if there were any changes to the agenda. There were none. 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 "to approve the minutes of the July 6, 2015 regular meeting," "YEAS", Gonzales, Colwell, Meininger,. "NAYS" Shaver. Absent: Hilyard.

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 July 20, 2015, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Colwell, Meininger, Shaver. "NAYS" none. Absent: Hilyard.

CLAIMS

3M COMPANY,PAVEMENT MARKING TAPE, ADHESIVE,2482.8; ACTION COMMUNICATIONS INC.,CONTRACTUAL SVC,530.44; ALLO COMMUNICATIONS,LC,LOCAL TELEPHONE CHARGES,4908.16; ALTEC INDUSTRIES INC,REPAIRS TO BUCKET TRUCK, 195.74; ANITA'S GREENSCAPING INC,BID CNTRCL SRVCS,866.67; ANTHONY KOERNER, SCHOOL & CONF,171; ASSOCIATED SUPPLY CO, INC,EQP MTC,1855.61; AULICK LEASING CORP,GRD MTC,526.15; AUTOZONE STORES, INC,VEH MTC,9.84; B & H INVESTMENTS, INC,DEPT SUPPLIES,56.75; B&C STEEL CORPORATION,SUPP,223.05; BLUFFS SANITARY SUPPLY INC.,DEPT & JANIT SUPPL,573.12; BOX ELDER VALLEY, INC,GRD MTC,2494.45; BRUCE ROLLS,UNF CLT,179; CAPITAL BUSINESS SYSTEMS INC.,MAINT COPIER,208.6; CARR- TRUMBULL LUMBER CO, INC.,SUPP - MARKING PAINT,16.47; CASH WA DISTRIBUTING, CON SUP,518.78; CELLCO PARTNERSHIP,CELL PHONES,174.09; CITIBANK N.A.,DEPT SUP,170.55; CITY OF GERING,DISPOSAL FEES,48796.1; CLARK PRINTING LLC,DEPT SUP,718.75; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,COLONIAL LIFE,48.7; COLORADO ASPHALT SERVICES, INC,1 LOAD COLD ASPHALT,3293.24; COMPUTER CONNECTION INC,RENT-MACHINE,46; CONTRACTORS MATERIALS INC.,SUPP

- CHIP SEAL MARKERS, CHALK,960.49; CONWED PLASTICS ACQUISITION COMPANY V LLC,DEPT SUPPLIES,378; CYNTHIA GREEN,DEP SUP,104.54; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,2349.68; DANKO EMERGENCY EQUIPMENT COMPANY,DEPARTMENT SUPPLIES,25.27; DUANE E. WOHLERS,DISPOSAL FEES,1600; ENERGY LABORATORIES, INC,CONTRACTUAL SVC,1276; ENFORCEMENT VIDEO, LLC,EQUIP MAINT,105; ENVIRONMENTAL ANALYSIS SOUTH, INC,CONTRACTUAL SVC,465; FASTENAL COMPANY,SUPP,109.89; FAT BOYS TIRE AND AUTO,VEH MAINT,1796.32; FEDERAL EXPRESS CORPORATION,POSTAGE,989.65; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,3503.11; FORD, TRACY WALTER,EQUIP MAINT,18.25; FREMONT MOTOR SCOTTSBLUFF, LLC,VEH MAINT,8.1; FRONT RANGE FIRE APPARATUS LTD,FLOOD LIGHT TOWER ONE,293.85; GARY'S CLEANING & RESTORATION SERV,JAN. SRVCS,180; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,483.7; GUSTAFSON, ANNIE,SWIM LES,30; H D SUPPLY WATERWORKS LTD,METERS,1015.44; HEILBRUN'S INC.,DEPT SUPPLIES,3255.73; HONEY WAGON EXPRESS,CON SRV,155; ICMA RETIREMENT TRUST-457,ICMA,1325.14; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPPLIES,1684.84; INDEPENDENT PLUMBING AND HEATING, INC,EQUIP MAINT,303.59; INGRAM LIBRARY SERVICES INC, BKS, 424.56; INTERNAL REVENUE SERVICE,WITHHOLDINGS,67660.17; INTRALINKS, INC,SERVICES,337.5; J G ELLIOTT CO.INC.,NOTARY BOND,140; JEROLD E. HIGEL,ELECT. MAIN,4087.17; JOHN DEERE FINANCIAL,RAIN GEAR,71.96; JOHN DEERE FINANCIAL,DEP SUP,56.49; JOHN DEERE FINANCIAL,EQP MTC,1126.34; JOPLIN, LORRIE,POOL PASS,125; KRIZ-DAVIS COMPANY,SUPP FOR 27TH & 2ND AVE. T. S. - COPPER WIRE,568.44; LEXISNEXIS RISK DATA MANAGMENT INC,CONSULTING,100; MENARDS, INC,DEPT SUPPLIES,299.1; MICHAEL B KEMBEL,REPAIR OVERHEAD DOOR IN CENTRAL GARAGE,61; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,2102.31; MIDWEST MACHINERY & SUPPLY CO,SUPP,335.77; MIRACLE RECREATION EQUIPMENT,GRD MTC,664.27; MONUMENT PREVENTION COALITION,CONTRACTUAL,939.94; MOUNTAIN VISION PIZZA, INC,DEP SUP,122.35; NE AMATEUR SOFTBALL ASSOC,CON SRV,1075; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,2095.43; NE DEPT OF REVENUE,LODGING TAX,557.21; NEBRASKA INTERACTIVE, LLC,SERVICES,21; NEBRASKA MACHINERY CO,ELE MTC,789.44; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,43941.56; NEBRASKA STATE HISTORICAL SOCIETY,RNWL,32; NEBRASKA STATEWIDE ARBORETUM,DEPT SUP,66; NEMNICH AUTOMOTIVE,VEH MAINT,626.79; NEOPOST, POSTAGE,1000; NETWORKFLEET, INC,SUPP - GPS SERVICE,18.95; NORTHERN LAKE SERVICE, INC,SAMPLES,738.92; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS,300.85; OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQUIP MAINT,2055; PANHANDLE COOPERATIVE ASSOCIATION,GASOLINE,22838.13; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,54; PEACEFUL PRAIRIE NURSERY, INC,DEPT SUP,355; PEPSI COLA OF WESTERN NEBRASKA, LLC,CON SUP,650.4; PLATTE VALLEY BANK,PVB HSA,13748.41; POLICE OFFICERS' ASSOCIATION OF NEBRASKA, PUBLICATIONS, 52.5; POSTMASTER,POSTAGE,908.57; REAMS SPRINKLER SUPPLY CO.,GRD MTC,1525.38; REGANIS AUTO CENTER, INC,VEH MAINT,506.69; REGION I OFFICE OF HUMAN DEVELOPMENT,CONTRACTUAL SERVICES,825; REGIONAL CARE INC,HEALTH CLAIMS,65221.40; REGISTER OF DEEDS,LEG FEE,50; ROBERTA J BOYD,REIMB.,20.67; RUSHMORE MEDIA COMPANY, INC,CONTRACTUAL SVC,722; S M E C, EMPLOYEE DEDUCTIONS,238; SAFETYLINE CONSULTANTS, INC,DEPT SUPPL,90.01; SALLY

EITREIM, CONTRACTUAL SVC, 775; SANDBERG IMPLEMENT, INC, EQP MTC, 81.03; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES, 210; SCOTTS BLUFF COUNTY COURT, COURT COSTS, 323; SCOTTSBLUFF BODY & PAINT, TOW SERVICE, 830; SCOTTSBLUFF LANDSCAPING INC, CON SRV, 425; SCOTTSBLUFF MOTOR CO, INC, HIDA-VEH MAINT, 138.67; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES, 624; SCOTTSBLUFF PUB SCHOOLS, SPLASH EXPENSES-JAN 1ST -JUNE 30, 24802.64; SCREENVISION, CONTRACTUAL SVC, 272; SHAPLAND, LYLE, SCHOOL & CONF, 81; SHERIFF'S OFFICE, LEGAL FEES, 108.32; SIMMONS OLSEN LAW FIRM, P.C., LEGAL FEES, 12170.6; SIMON CONTRACTORS, CONCRETE FOR AVE. A PARKING LOT, 4484.25; SNELL SERVICES INC., BLDG MAIN., 2760.85; SOCIETY FOR HUMAN RESOURCE MANAGEMENT, MEMBERSHIP, 190; STEVE DECKER, DEP SUP, 847.75; TEETERS, KIM, PARK REFUND, 50; THE CHICAGO LUMBER COMPANY OF OMAHA INC, DEPT SUPPLIES, 11.99; THOMAS P MILLER & ASSOCIATES, LLC, PROFESSIONAL SERV, 19012.5; TOMMY'S JOHNNYS INC, CON SRV, 1305; TOTAL LANDSCAPE CONCEPTS, DEPT SUP, 5964.84; TRAFFIC PARTS, INC, TRAFFIC SIGNAL PARTS, 1517.5; TRANS IOWA EQUIPMENT LLC, PAYMENT ON ROTARY SNOW BLOWER, 4332.13; TYLER TECHNOLOGIES, INC, FEES, 1010; UNIQUE MANAGEMENT SERVICES, INC, CONT. SRVCS, 143.2; UNITED STATES WELDING, INC, DEPT SUPPLIES, 173.33; US BANK, FEES, 4500; US BANK, LICENSE, 778.37; VAN DIEST SUPPLY COMPANY, SUPP - MOSQUITO BRIQUETS, 2417.05; VERNE SIMMONDS CO, GRD MTC, 71; W & R INC, ELECTRICAL MAINT, 92; WELLS FARGO BANK, N.A., RETIREMENT, 30504.3; WESTERN COOPERATIVE COMPANY, GRD MTC, 182.63; WESTERN LIBRARY SYSTEM, CONF., 60; WESTERN PATHOLOGY CONSULTANTS, INC, SERVICES, 102; WESTERN PLAINS BUSINESS SOLUTIONS, CONTRACTUAL SVC, 89.28; WESTERN TRAVEL TERMINAL, LLC, VEH MAINT, 93; WRISTBANDS MEDTECH USA, INC., DEP SUP, 530.7; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, FITNESS PROGRAM FOR VOLUNTEERS, 99; ZM LUMBER INC, GRD MTC, 161.94; REFUNDS: RUBEN GONZALES 99.57; ANITA TOVAR 68.84; WESTERN PROPERTIES 23.26; MARLIN CARRELL 6.26; KEVIN STUART 6.26; T&COMPANY 6.13; WESTERN PROPERTIES 7.71; FRANCIS CLARKSON 162.69.

Council reviewed the April and May financial reports. Finance Director Griffiths reported that the sales tax revenue is showing positive growth.

Finance Director Griffiths reported on the bids received for audit services. This service is bid every three years as good business practice. The three items used for comparison of the bids are cost, auditor rotation and local business. The three bids were received were from Almquist, Maltzahn, Galloway and Luth, PC – Grand Island; Contryman and Associates, PC – Scottsbluff; and Dana F. Cole & Co., - Scottsbluff. Contryman and Associates, PC meets all three of the criteria, the other two firms met one each. Staff is recommending Contryman and Associates, PC as the auditor for the City. Moved by Mayor Meininger, seconded by Council Member Shaver, “to award the bid for audit services for year ended 9-30-15, with an option to continue on to 9-30-16 and 9-30-17, to Contryman and Associates, PC,” “YEAS”, Gonzales, Colwell, Meininger, Shaver. “NAYS” none. ABSENT: Hilyard.

Mayor Meininger opened the public hearing at 6:05 p.m. as advertised for this date to consider an Ordinance regarding the annexation of a gap parcel of the Five Oaks Subdivision. City Manager Kuckkahn explained that this is a small property that was not annexed at the last request for annexation in this area. This will complete the annexation process for the Five Oaks development. There were no comments from the public. Mayor Meininger closed the public hearing at 6:07 p.m. Council Member Shaver introduced the Ordinance which was read by title on first reading: **AN ORDINANCE ANNEXING A PARCEL OF LAND CONSISTING OF 2,629.39 SQ. FT. (0.06 ACRES), MORE OR LESS, IN THE**

NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BELOW, AND ALLOWING FOR PUBLICATION IN PAMPHLET FORM.

Mayor Meininger opened the public hearing at 6:08 p.m. to consider a Caterer Liquor License application for Backaracks Bar & Grill, 1402 E. 20th Street, Suite B. Mr. Robert Scriptor, owner, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Mr. Scriptor explained that this catering license will enable him to expand his services to his customers along with his food catering business. Mr. Scriptor explained that all employees receive the alcohol server training and they will continue to take all necessary steps to prevent minors from obtaining alcohol. There were no further comments from the public. Mayor Meininger closed the public hearing at 6:10 p.m. City Manager Kuckkahn added that the Liquor License Investigatory Board gave a positive recommendation regarding this catering license. Moved by Council Member Gonzales, seconded by Mayor Meininger, "to approve the Catering application for the existing Class C 108552 liquor license for Backaracks Bar and Grill, "YEAS", Gonzales, Colwell, Meininger, Shaver. "NAYS" none. ABSENT: Hilyard.

RESOLUTION NO. 15-07-04

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

1. On July 20, 2015, the matter of the application of a catering liquor license for Backaracks Bar and Grill, 1402 East 20th St., Suite B, Scottsbluff, NE 69361 came on for consideration by the council. the following exhibits were offered and received:
 - Exhibit 1 - Application of catering liquor license for Backaracks Bar and Grill, 1402 East 20th St., Suite B, Scottsbluff, NE 69361
 - Exhibit 2 - city council check list for section 53-132 (reissue 2010)
 - Exhibit 3 - written statement of city clerk dated July 20, 2015
 - Exhibit 4 – written statement of police chief, July 17, 2015
2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Robert Scriptor. Police Chief Kevin Spencer spoke on behalf of the city.
3. Upon consideration of the evidence and the criterion to be considered by the city council pursuant to law, the city council finds as follows:
 - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska liquor control act.
 - b. Applicant has met its burden with regard to the check list provided by section 53-132 R.R.S. (2010) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska statutes.

Based on the above findings, the city council approves the application and recommends to the Nebraska Liquor Control Commission that a catering liquor license be issued to Backaracks Bar and Brill, at the premises described in the application.

5. The city clerk shall transmit a copy of this resolution to the commission.
6. Cost of publication: \$16.41.

Passed and approved this 20th day of July, 2015.

MAYOR

Attest:

City Clerk

“seal”

Mayor Meininger opened the public hearing at 6:10 p.m. as scheduled for this date to consider the liquor license for the Scottsbluff Watering Hole, 121 west 27th St. Mr. Jeremy Smith and Mr. Timothy McMillan, owners, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Mayor Meininger, seconded by Council Member Shaver, “that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) Scottsbluff Watering Hole, LLC application; 2) city council check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated July 15, 2015 ; 4) written statement of city clerk dated July 20, 2015; 5) written statement of Planning Administrator Urdiales dated July 13, 2015; “YEAS”, Gonzales, Colwell, Shaver, and Meininger, “NAYS” none. Absent: Hilyard.

Jeremy Smith informed the Council that following the meeting with the Liquor License Investigatory Board, they decided to add a “no tolerance” policy to their personnel manual, in addition to fines, for employees who sell alcohol to minors. Chief Spencer informed the Council that the Police Department conducted a very extensive background check and found nothing to disqualify Mr. Smith or Mr. McMillan from obtaining a liquor license. He did note that their business in Ogallala has had two violations and their business in Gering has had one violation. They responded appropriately for each of the violations and have taken measures to prevent future violations. All employees will attend the alcohol server training from the Nebraska State Patrol. The owners plan to retain all current employees, who have experience selling alcohol. They plan to close at 11:00 p.m. every night to avoid the late night potential problems. All inventory controls are in place, along with cameras at the location. Mayor Meininger reminded the owners of the importance of preventing sales of alcohol to minors. The Liquor License Investigatory Board made a positive recommendation for this liquor license.

There were no further comments from the public. Mayor Meininger closed the public hearing at 6:20 p.m. Moved by Council Member Colwell, seconded by Council Member Gonzales, “to forward a positive recommendation to the Nebraska Liquor License Commission regarding the Class D 112995 Liquor License for Ogallala Watering Hole LLC, dba Scottsbluff Watering Hole, 121 West 27th St., Scottsbluff, NE” “YEAS”, Gonzales, Colwell, Shaver, and Meininger, “NAYS” none. ABSENT: Hilyard.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the appointment of Jeremy Smith as the manager of the Scottsbluff Watering Hole, Class D Liquor License," "YEAS", Gonzales, Colwell, Shaver, and Meininger, "NAYS" none. Absent: Hilyard.

RESOLUTION NO. 15-07-05

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

1. On July 20, 2015, the matter of the application of a Class D Liquor License for Scottsbluff Watering Hole, LLC, 121 west 27th St., Scottsbluff, NE 69361 came on for consideration by the council. the following exhibits were offered and received:

Exhibit 1 - application of Class D liquor license for Scottsbluff Watering Hole, LLC, 121 West 27th St., Scottsbluff, NE 69361

Exhibit 2 - city council check list for section 53-132 (reissue 2010)

Exhibit 3 - written statement of police chief dated July 15, 2015

Exhibit 4 - written statement of city clerk dated July 20, 2015

Exhibit 5 - written statement of development services director dated July 13, 2015

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Jeremy Smith and Timothy McMillan. Police Chief Kevin Spencer spoke on behalf of the city.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
 - a. applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska liquor control act.
 - c. Applicant has met its burden with regard to the check list provided by section 53-132 r.r.s. (2010) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska statutes.

Based on the above findings, the city council approves the application and recommends to the Nebraska Liquor Control Commission that a retail Class D liquor license be issued to Scottsbluff Watering Hole, at the premises described in the application.

5. The city clerk shall transmit a copy of this resolution to the commission.
6. Cost of publication: \$16.41.

Passed and approved this 20th day of July, 2015.

ATTEST:

 city clerk
 “seal”

Mayor Meininger opened the public hearing at 6:20 p.m. as scheduled for this date to consider the liquor license for Western Travel Terminal. Roger Garwood, Manager, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Mayor Meininger, seconded by Council Member Shaver, “that the following exhibits, presented on behalf of the city council, be entered into the record: 1) Western Travel Terminal, LLC application; 2) city council check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated July 16, 2015; 4) written statement of city clerk dated July 20, 2015; 5) written statement of planning administrator Urdiales dated July 13, 2015; “YEAS”, Gonzales, Colwell, Shaver, and Meininger, “NAYS” none. ABSENT: Hilyard.

Mr. Garwood explained that they have an employee policy and procedures in place along with scanners for alcohol and tobacco at the cash registers in the front and back of the store. Because their business is a 24/7 operation, they have video cameras inside and outside. All alcohol is secured with locks after the selling time. Mr. Garwood added that he is aware there was an issue regarding liquor compliance at this location about 10 years ago. He is the new CEO of the company and the ownership is different than what it was when they had the violations, which lead to the revocation of the liquor license. The store manager orders all alcohol and has control of the storage. The company handbook has a “one and done” policy of no tolerance for employees who sell to a minor.

Chief Spencer added that an extensive background check was conducted, and there is no reason to disqualify this company from obtaining a liquor license. He did offer historical data regarding the revocation of the liquor license 10 years ago as a result to four violations. Chief Spencer is working with Tamara Otto, Nebraska State Patrol, who has decided to not hold a special hearing before the Liquor Commission regarding this license. The owners have a good business plan, video system, scanners, and have mandatory training for employees. There were no further comments from the public. The Liquor License Investigatory Board made a positive recommendation for this liquor license.

Mayor Meininger closed the public hearing at 6:30 p.m. Moved by council member Gonzales, seconded by Mayor Meininger, “to forward a neutral recommendation to the Nebraska Liquor License Commission regarding the Class D 113000 liquor license for Western Travel Terminal, LLC, 822 South Beltline Hwy W., Scottsbluff, NE” “YEAS”, Gonzales, Colwell, and Meininger, “NAYS” Shaver. Absent: Hilyard.

Moved by Mayor Meininger seconded by Council Member Gonzales, “to forward a neutral recommendation to the Nebraska Liquor License Commission regarding the appointment of Roger Garwood as the manager of Western Travel Terminal, LLC, Class D 113000 Liquor License,” “YEAS”, Gonzales, Colwell, and Meininger, “NAYS” Shaver. Absent: Hilyard.

RESOLUTION NO. 15-07-06

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

1. On July 20, 2015, the matter of the application of a Class D liquor license for Western Travel Terminal LLC, 822 South Beltline Hwy W., Scottsbluff, NE 69361 came on for consideration by the council. The following exhibits were offered and received:

Exhibit 1 - application of Class D Liquor License for Western Travel Terminal LLC, 822 South Beltline Hwy W., Scottsbluff, NE 69361

Exhibit 2 - City Council check list for Section 53-132 (reissue 2010)

Exhibit 3 - written statement of Police Chief dated July 20, 2015

Exhibit 4 - written statement of City Clerk dated July 20, 2015

Exhibit 5 - written statement of Development Services Director dated July 13, 2015

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Roger Garwood. Police Chief Kevin Spencer spoke on behalf of the city.
3. Upon consideration of the evidence and the criterion to be considered by the city council pursuant to law, the city council finds as follows:
 - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska liquor control act.
 - b. Applicant has met its burden with regard to the check list provided by section 53-132 R.R.S. (2010) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska statutes.

Based on the above findings, the city council forwards a neutral recommendation to the Nebraska Liquor Control Commission regarding the retail class D liquor license for Western Travel Terminal, at the premises described in the application.

5. The City Clerk shall transmit a copy of this resolution to the commission.
6. Cost of publication: \$16.03.

Passed and approved this 20th day of July, 2015.

MAYOR

ATTEST:

City Clerk

“seal”

Regarding the addition to the Rositas Liquor License, Rosemary Flores, owner, approached the Council and explained that they are adding a 20' by 23' patio to their business. They will have a security camera in the patio, which is an 8' fence with lattice at the top. They have any easy view of the patio area from the restaurant. Fire Chief Dana Miller commented that the Fire Department will be conducting their

final inspection. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to make a positive recommendation to the Nebraska Liquor License Commission regarding the addition of a 20' x 23' outdoor dining space to the Rosita's Liquor License located at 1205 East Overland, Scottsbluff, pending a final inspection by the Fire Department to assure it meets all fire safety requirements" "YEAS", Gonzales, Colwell, Shaver, and Meininger, "NAYS" none. ABSENT: Hilyard.

Mr. Kuckkahn presented the National Night Out community event permit and explained that this is an annual city sponsored event which is organized by the Police and Fire Departments. Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve the community festival permit for National Night Out on Broadway from 14th St. to 19th St. on August 4, 2015 from 4:00 p.m. to 9:00 p.m. including street closures, vendors and noise permit," "YEAS", Gonzales, Colwell, Shaver, and Meininger, "NAYS" none. Absent: Hilyard.

Assistant City Manager Johnson presented the amended Western Nebraska Economic Development (WNED) agreement. The amendments allow for one or more alternates to attend the meetings; and allows the WNED to assist those communities who have an Economic Development Program pursuant to the Local Option Economic Development Act with the implementation of programs, so they can use LB 840 funds for Economic Development activities. Mr. Johnson informed the Council that the following officers have been elected: Chair Michelle Coolidge, Bayard; Vice-Chair Larry Gibbs, Gering; Secretary Liz Hilyard, Scottsbluff. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve the revised Western Nebraska Economic Development Inter-Local Agreement and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Colwell, and Meininger, "NAYS" Shaver. Absent: Hilyard.

City Manager Kuckkahn explained that authorization to Nebraska Public Power District (NPPD) is necessary to begin the process of preparing the Request for Proposals for the community solar project, which was presented at the July 6, 2015 Council Meeting. Moved by Council Member Colwell, seconded by Council Member Shaver, "to formalize the Nebraska Public Power District Solar Project and authorize the preparation of the request for proposals," "YEAS", Gonzales, Colwell, Shaver, and Meininger, "NAYS" none. ABSENT: Hilyard.

Public Works Director Mark Bohl gave the Council an update on the progress of the road construction projects. He reported that the chip seal project was completed ahead of schedule; Avenue B is complete; Zoo Entrance and Avenue N project is currently under construction; Second Avenue and 27th Street left turn lane will be complete before school begins; 21st Avenue to the County Road is under construction, and 12th Avenue and Wintercreek is the next project, which will begin soon. Council commended Mr. Bohl on the work that has been accomplished.

Mr. Johnson presented information regarding the Certified Community designation with the Nebraska Department of Economic Development. He explained that city staff will take the lead with this certification and will work with other economic development entities. This certification application is due on October 1, 2015 and is a five-year certification. This will allow the city to apply for a number of economic development grants. One of the requirements is that the city will need to maintain an economic development web site.

Matt Larsen, President of Twin Cities Development (TCD), approached the Council and informed them that TCD has prepared this application in the past and as a result have been able to obtain a number of Economic Development grants, including \$400,000 for Downtown Revitalization; the Fusion Ranch Project, which employs 40 people; and the certification was critical in obtaining the housing grants. Mayor Meininger agreed that the certification is very important, and it's important to work with the interlocal group and other small communities in the area to help with their certification process. Assistant City Manager Johnson will take the lead in preparing the Economic Development Certified Community application and work with the Western Nebraska Economic Development interlocal group and surrounding communities.

Regarding the Ordinance for the zone change southeast of Highway 26 and Highway 71 overpass, Tim Stricker informed the Council that he is the Real Estate Agent representing the owner, Jan Moran.

The sale of this property is dependent upon this zone change and asked the Council to consider waiving the last reading of the Ordinance to allow the new buyer to begin construction.

Council introduced Ordinance No. 4165 which was read by title on second reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, CONTAINING AN AREA OF 17.11 ACRES, MORE OR LESS, WHICH IS CURRENTLY ZONED AS A-AGRICULTURAL, WILL NOW BE INCLUDED IN THE C-3 HEAVY COMMERCIAL, AND REPEALING PRIOR SECTION 25-1-4.**

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

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Hilyard, "that Ordinance No. 4165 be adopted," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS", None. Absent: Hilyard.

City Manager Kuckkahn presented the Preliminary Plat for Blocks 2, 3, and 4, Whistle Creek Subdivision, which is the same area that was just rezoned to Heavy Commercial and divides the property into three lots. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the preliminary plat for Blocks 2, 3, and 4, Whistle Creek Subdivision," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS", None. Absent: Hilyard.

Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve the final plat for Blocks 2, 3, and 4, Whistle Creek Subdivision and approve Resolution No. 15-07-07," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS", None. Absent: Hilyard.

RESOLUTION NO. 15-07-07

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

That the final plat of Blocks 2, 3, and 4, Whistle Creek Subdivision, Scotts Bluff County, NE, situated in the East Half of the SW ¼ of Section 15, T22N, R55W of the 6th P.M., City of Scottsbluff, Scotts Bluff County, NE dated July 14, 2015, duly made, acknowledged and certified, is approved. Such Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 20th day of July 2015.

Mayor

Attest:

City Clerk

SEAL

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

Mayor

Attest:

City Clerk
"Seal"