

# **City of Scottsbluff, Nebraska**

**Monday, November 2, 2015**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the October 19, 2015 Regular Meeting.**

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

The Scottsbluff City Council met in a regular meeting on Monday, October 19, 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 October 16, 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 October 16, 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, Scott Shaver and Liz Hilyard. 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. City Manager Kuckkahn presented a contractor's payment to be considered and added as an emergency. This is a progressive payment to Infinity Contractors for Paving District 312. Moved by Mayor Meininger, seconded by Council Member Gonzales that, "Emergency item #7e be added to the agenda to approve payment to Infinity Construction in the amount of \$169,875.34 for Paving District 312, the reason for the emergency is timing as this is a substantial amount which must be paid. A delay in payment would prevent the project from being completed this fall because of the weather and paving concerns" "YEAS", Gonzales, Colwell, Meininger, and Hilyard. "NAYS" Shaver. Absent: None.

Moved by Council Member Gonzales, seconded by Council Member Hilyard that,

1. "The minutes of the October 5, 2015 Regular Meeting be approved,"
2. "A public hearing be set for November 2, 2015 at 6:05 p.m. to consider an Ordinance text change regarding placement of alleys in commercial zones," "YEAS", Colwell, Meininger, Gonzales, Shaver and Hilyard, "NAYS" None. Absent: None.

Regarding the payment to First State Bank, Council Member Shaver declared a conflict of interest. Moved by Mayor Meininger, seconded by Council Member Hilyard, "to declare a conflict of interest for Council Member Shaver regarding the payment to First State Bank for warrants and excuse him from voting on or discussing this item," "YEAS", Gonzales, Shaver, Hilyard, Colwell and Meininger, "NAYS" None. Absent: None.

Moved by Council Member Gonzales, seconded by Council Member Hilyard, "that the following claims, excluding the claim to First State Bank in the amount of \$37,557.98 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 October 19, 2015, as on file with the City Clerk and submitted to the City Council,” “YEAS”, Gonzales, Colwell, Meininger, Shaver, and Hilyard. “NAYS” None. Absent: None.

#### CLAIMS

21ST CENTURY WATER TECHNOLOGIES, LLC,EQUIP MAINT,81.43; ACTION COMMUNICATIONS INC.,CIP-PO#1 INSURANCE,1991.64; ALAMAR CORP,UNIFORMS,975.13; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4549.36; AMAZON.COM HEADQUARTERS, DEP SUP,712.29; AMERICAN PUBLIC WORKS ASSOCIATION,SCHOOLS & CONF,200; ANITA'S GREENSCAPING INC,BID CNTRCL SRVCS,755.55; ASSURITY LIFE INSURANCE CO,LIFE INS,34.36; AUTOZONE STORES, INC,PARTS FOR PICKUP,252.99; B & H INVESTMENTS, INC,DEPT SUPP,36.5; BEEHIVE INDUSTRIES,LLC,DEV SRVCS CNTRCL SRVCS,25300; BLUFFS SANITARY SUPPLY INC.,DEPT SUPPL,215.74; BROWN'S SHOE FIT, CO.,UNIFORMS,171.2; CAPITAL BUSINESS SYSTEMS INC.,MAINT-COPIER,174.86; CARLSON, DEBRA,REIM,5.44; CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP,106.97; CELLCO PARTNERSHIP,CELL PHONE FOR ON CALL,15.91; CEMENTER'S INC, CONCRETE, 550.96; CENTER POINT INC,BKS,1545.54; CITIBANK N.A.,DEPT SUPPLIES,82.47; CITY OF GERING,DISPOSAL FEES,42571.81; COMPUTER CONNECTION INC,RENT-MACH,93.52; CONTRACTORS MATERIALS INC.,DEPT SUP,146.71; CREDIT BUREAU OF COUNCIL BLUFFS,EMPLOYMENT SCREEN,57; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,222.16; CYNTHIA GREEN,DEP SUP,312.97; DALE'S TIRE & RETREADING, INC.,EQUIP MAINT,101.28; DITCH-WITCH OF WEST TEXAS INC,EQUIP MAINT,106.14; DUANE E. WOHLERS,DISPOSAL FEES,450; DYNA-TECH ELECTRIC INC,BLDG MAINT,72.5; ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,3270; ENERGY LABORATORIES, INC, CONTRACTUAL SVC,4402; FAT BOYS TIRE AND AUTO,VEH MAINT,2251.78; FEDERAL EXPRESS CORPORATION,POSTAGE,46.16; FELSBURG HOLT & ULLEVIG, INC, CONTRACTUAL SVC,674.77; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,3971.99; GENERAL ELECTRIC CAPITAL CORPORATION, DEP SUP,1436.01; HAWKINS, INC.,CHEMICALS,1658.8; HEILBRUN'S INC.,VEH MAINT,1661.9; HENKEL'S MACHINE AND WELDING, DEPT SUPPLIES, 1840; ICMA RETIREMENT TRUST-457,DEF COMP,1325.14; IDEAL LAUNDRY AND CLEANERS, INC.,JAN SUPP,1459.18; INGRAM LIBRARY SERVICES INC,BKS,98.49; INTERNAL REVENUE SERVICE,WITHHOLDINGS PP 10-1,64300.86; INTRALINKS, INC,CONTRACTUAL SERVICES,187.5; J G ELLIOTT CO.INC.,PUBLIC OFFICIAL BOND,100; JOHN DEERE FINANCIAL,UNIFORMS,3400.95; JOHN DEERE FINANCIAL,DEPT SUPP,20.47; KEARNEY INVESTMENT CORP,DEPT SCHL & CONF,89.95; KOIS BROTHERS EQUIPMENT CO INC,DEPT SUPPLIES,8619.69; LEAGUE ASSOCIATION OF RISK MANAGEMENT,FY15-16 PREMIUM, 665267.62; LEXISNEXIS RISK DATA MANAGMENT INC,CONSULTING,200; LUNDGREN SEED & GRAIN PRODUCTS,DEPT SUPP,35; M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS,2430; MADER, PERRY,SCHOOL & CONF,34.72; MADISON NATIONAL LIFE,LIFE INS,1841.93; MATHESON TRI-GAS INC,DEPT SUP,126.97; MATTHEW M. HUTT, CONTRACTUAL SERVICE,450; MENARDS, INC,DEPT

SUP,650.72; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,3198.89; MOWER SHOP, THE,EQUIP MAINT,383.23; MUNICIPAL PIPE TOOL CO, LLC,EQUIP MAINT,273.19; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1863.43; NE DEPT OF REVENUE,W/H,21251.56; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF,190; NEBRASKA RURAL WATER ASSOCIATION,SCHOOLS & CONF,870; NEBRASKA INTERACTIVE, LLC,DRIVING RECORDS,9; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,42356.05; NEBRASKA STATEWIDE ARBORETUM, MEMBERSHIPS, 130; NELSON ELECTRIC MOTOR SERVICE, INC,BUILDING MAINT,469.9; NEMNICH AUTOMOTIVE, VEH MAINT,1596.41; NEOPOST,POSTAGE,1600; NORTHERN SAFETY COMPANY, INC.,DEPT SUP,585.06; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF, GROUNDS MAINT,98.58; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS,310.39; PANHANDLE AREA DEVELOPMENT DISTRICT,MEMBERSHIP,11815.6; PANHANDLE COOPERATIVE ASSOCIATION,GASOLINE,18848.54; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,126; PANHANDLE RC&D,MEMBERSHIP DUES,300; PLATTE VALLEY BANK,HEALTH SAVINGS,14320.91; POSTMASTER,POSTAGE,668.35; POWERPLAN,EQUIPMENT MTNC,1000.15; PROTEX CENTRAL, INC.,CONTRACTUAL SERV,23.75; QUILL CORPORATION, DEPT SUPPL,1939.66; RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,321.56; REGANIS AUTO CENTER, INC,VEH MAINT,56.8; REGION I OFFICE OF HUMAN DEVELOPMENT,CONTRACTUAL SERVICES,825; REGIONAL CARE INC,HEALTH CLAIMS,25795.18; ROCKSTEP SCOTTSBLUFF LLC,MONUMENT MALL,12081.24; RUSHMORE MEDIA COMPANY, INC,CONTRACTUAL SVC,445.5; S M E C,EMPLOYEE DEDUCTIONS,236; SANDBERG IMPLEMENT, INC,EQUIP MAINT,280.16; SCB COUNTY,DEPT SUP,58; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCOTTS BLUFF COUNTY COMMUNICATIONS CENTER,INTERLOCAL AGREEMENT FY15-16,91575; SCOTTS BLUFF COUNTY COURT,SEPT 2015 COURT COSTS,187; SCOTTS BLUFF COUNTY ROADS DEPT,FINAL PAYMENT FOR 21ST AVE. OVERLAY,4143.4; SCOTTSBLUFF BODY & PAINT, CIP-PO# 1,550; SCOTTSBLUFF LANDSCAPING INC,CONTRACTUAL SERV,850; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,576; SCOTTSBLUFF PUB SCHOOLS,LICENSE,23662; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,DEPT SUPP,180; SCOTTSBLUFF WINNELSON COMPANY,DEPT SUPP,37.28; SHAFFER PUBLICATONS, SBSCRIP,2198.15; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES, 11308.1; SIMON CONTRACTORS,CONCRETE,3613.5; SOURCE GAS,BLDG MAINT, 354.21; SPENCER, KEVIN,SCHOOLS & CONF,48; STATE OF NEBR,TELEPHONE,2.68; THE CHICAGO LUMBER COMPANY OF OMAHA INC,DEPT SUPP,3.98; THOMAS P MILLER & ASSOCIATES, LLC,CONTRACTUAL,46754.5; TOMMY'S JOHNNYS INC,DEPT SUPP,150; TWIN CITIES DEVELOPMENT ASSOC, INC,RE-CERTIFICATION,4875; TYLER TECHNOLOGIES, INC, INSITE TRANSACTION FEES,1503; UNIQUE MANAGEMENT SERVICES, INC, CONT. SRVCS,447.5; UPSTART ENTERPRISES, LLC,DEPT SUPPL,31; US BANK,SCHOOLS & CONF,2846.86; W & R INC,ELECTRICAL MAINT,5103; WELLS FARGO BANK, N.A.,RETIREMENT,30918.45; WESTERN COOPERATIVE COMPANY,DEPT SUPP,46; WESTERN PATHOLOGY

CONSULTANTS, INC, CONTRACTUAL SERVICES, 95.5; WESTERN PLAINS BUSINESS SOLUTIONS, CONTRACTUAL SVC, 74.4; WYOMING FIRST AID & SAFETY SUPPLY, LLC, FIRST AID KIT SUPPLIES, 72.09; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, MEMBERSHIP, 1958; REFUNDS: ERIK MICHALSKI 23.14; LINDA HORN 17.41; CODY SMALLFOOT 82.64.

Moved by Mayor Meininger, seconded by Council Member Hilyard, "to approve the payment to First State Bank for a warrant paydown in the amount of \$37,557.98," "YEAS", Gonzales, Colwell, Hilyard and Meininger, "NAYS" None. Absent: None. Abstain: Shaver.

City Manager Kuckkahn presented the bids for warrants based on the following quotes: First National Bank 1.61% and First State Bank 0.77%. Regarding the bid for warrants, Council Member Shaver declared a conflict of interest. Moved by Mayor Meininger, seconded by Council Member Hilyard, "to declare a conflict of interest for Council Member Shaver regarding the bids for warrants and excuse him from voting on or discussing this item," "YEAS", Gonzales, Shaver, Colwell, Hilyard and Meininger, "NAYS" None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Hilyard, "to award the bid for warrants to First State Bank in the amount of 0.77%," "YEAS", Gonzales, Colwell, Hilyard and Meininger, "NAYS" None. Absent: None. Abstain: Shaver.

Regarding the payment to First State Bank for outstanding warrant principal and interest, Council Member Shaver declared a conflict of interest. Moved by Mayor Meininger, seconded by Council Member Hilyard, "to declare a conflict of interest for Council Member Shaver regarding the payment to First State Bank for warrants and excuse him from voting on or discussing this item," "YEAS", Gonzales, Shaver, Hilyard, Colwell and Meininger, "NAYS" None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Hilyard, "to approve the request for payment of outstanding warrant principal and interest at First State Bank and approve Resolution No. 15-10-01," "YEAS", Gonzales, Colwell, Hilyard and Meininger, "NAYS" None. Absent: None. Abstain: Shaver.

#### **RESOLUTION NO. 15-10-01**

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

That the claim of First State Bank in the amount of \$38,145.78 to pay warrant interest to 9-30-15 for the Cirrus House TIF Project, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$35,111.04, to payoff outstanding warrant principal and \$2,436.74 to pay warrant interest to 9-30-15 for the Paving District #300, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$17,077.55, to payoff outstanding warrant principal to 9-30-15 for the Paving District #306, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$27,768.55, to payoff outstanding warrant principal and \$559.32 to pay warrant interest to 9-30-15 for the Paving District #307, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$15,829.51, to payoff outstanding warrant principal and \$377.91 to pay warrant interest to 9-30-15 for the Paving District #308, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$18,468.51, to payoff outstanding warrant principal and \$207.83 to pay warrant interest to 9-30-15 for the Paving District #309, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$6,833.19, to payoff outstanding warrant principal to 9-30-15 for the Paving District #310, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$9,593.05, to payoff outstanding warrant principal and \$33.16 to pay warrant interest to 9-30-15 for the Paving District #311, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$215,151.30, to payoff outstanding warrant principal and \$425.72 to pay warrant interest to 9-30-15 for the Paving District #312, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$11,008.44, to payoff outstanding warrant principal and \$2,093.76 to pay warrant interest to 9-30-15 for the Sewer District #163, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$5,269.71 to pay warrant interest to 9-30-15 for the Sewer District #164, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$270.37 to pay warrant interest to 9-30-15 for the Sewer District #166, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$9,219.56, to payoff outstanding warrant principal and \$1,361.57 to pay warrant interest to 9-30-15 for the Water District #97, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$18,486.79, to payoff outstanding warrant principal and \$9,121.06 to pay warrant interest to 9-30-15 for the Water District #99, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$16,049.76, to payoff outstanding warrant principal and \$2,486.60 to pay warrant interest to 9-30-15 for the Water District #101, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$4,978.41, to payoff outstanding warrant principal and \$53.99 to pay warrant interest to 9-30-15 for the Water District #102, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$75,191.95, to payoff outstanding warrant principal and \$137.72 to pay warrant interest to 9-30-15 for the Water District #105, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$24,340.00, to payoff outstanding warrant principal and \$336.60 to pay warrant interest to 9-30-15 for the Downtown Project Phase #3, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

Passed and approved this 19th day of October, 2015.

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Mayor

ATTEST:

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City Clerk  
"seal"

Mr. Kuckkahn presented the payment for Paving District 311, Five Oaks Street which is a progress payment of \$2409.00 to Baker & Associates for engineering services and \$261,822.00 to Infinity Construction. Moved by Council Member Shaver, seconded by Council Member Hilyard, "to approve the request for payment of claims by warrant for Paving District #311, Five Oaks Street Improvements and approve Resolution No. 15-10-02," "YEAS", Gonzales, Shaver, Hilyard, Colwell and Meininger, "NAYS" None. Absent: None.

**RESOLUTION NO. 15-10-02**

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

That the claim of Baker & Assoc, Inc. in the amount of \$2,409.00, being the fourth pay estimate for Paving District #311, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

That the claim of Infinity Construction, Inc. in the amount of \$261,822.00, being the fifth pay estimate for Paving District #311, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 19th day of October, 2015.

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Mayor

ATTEST:

“seal”

Mr. Kuckkahn explained the emergency item to consider the payment by warrant for Paving District 312 to Infinity Construction in the amount of \$169,875.34. The work has been completed and we want to make sure the contractor is paid so the work on the project does not stop. Council Member Shaver commented that a delay in filing the paper work should not constitute an emergency. Deputy City Attorney Hadenfeldt explained that the nature of the emergency is that the city risks delay of the project if payment is not made, as the weather would not allow paving and the project could be delayed until spring. Moved by Mayor Meininger, seconded by Council Member Hilyard, “to approve the request for payment of claims by warrant for Paving District #312, Reganis Street Improvements,” “YEAS”, Gonzales, Hilyard, Colwell and Meininger, “NAYS” None. Absent: None. Abstain: Shaver.

Council reviewed the August 2015 Financial Report. There were no comments from the Council.

Stacey Fisher, Adrienne Leopard and Amber Schiltz approached the Council and explained their proposal to repair, improve and maintain the dog park located in Riverside Park. There are a number of posts and fencing issues that need to be repaired along with improvements to the parking and landscaping. They also want to make improvements to the agility section of the park. The Boy Scouts are interested in helping with the project. The group would like to eventually expand the park to the west, include additional parking and handicap accessibility. The approximate cost of the improvements is \$25,000.00 and they are currently working on fund raisers.

There are approximately 20 dogs at the dog park on the weekends. They expect this number to increase as more people find out about the park. Council Member Colwell asked what the group anticipates as far as responsibilities for the City. Mr. Fisher explained that the responsibilities would be the same as now, basic maintenance. Mayor Meininger commented that he thinks the concept is good and encouraged the group to work with Assistant City Manager Johnson and the Park and Recreation Department. Mr. Kuckkahn suggested they develop a contract with the City, defining duties and responsibilities of both parties. Council Member Shaver voiced his appreciation of the volunteer group working to inform more people about the dog park.

Angela Kembel, Holiday Parade Coordinator, approached the Council and explained the activities surrounding the annual Holiday Parade on November 28, 2015. The Downtown Business Association is requesting a Community Festival Permit for activities requiring the streets to be blocked, which will include vendors and a noise permit. They will have a tree lighting ceremony in the mini park on Broadway and numerous holiday activities. Moved by Mayor Meininger, seconded by Council Member Shaver, “to approve the Community Festival Permit for a Holiday Parade on Broadway and tree lighting ceremony sponsored by the Downtown Business Association on November 28, 2015, 4:00 p.m. to 9:00 p.m., including street closures, vendors and noise permit,” “YEAS”, Gonzales, Shaver, Hilyard, Colwell and Meininger, “NAYS” None. Absent: None.

Mr. Robert Yendra with Whiskey Creek has submitted an application to serve as the Liquor License Manager for the local Whiskey Creek. He explained that in the past there were some issues with servers, resulting in some violations for the business. Mayor Meininger asked how he would prevent these issues from happening again. Mr. Yendra explained that all servers will take the Whiskey Creek responsible alcohol server training as well as the Nebraska State Patrol server training. They have a no tolerance



policy with employees who serve alcohol to minors. The previous manager was out of Kearney, and Mr. Yendra would also live in a different area. He explained that they are currently working on some management changes. He explained that he has frequent communication with the current restaurant manager.

Lanette Richards, Executive Director of Monument Prevention Coalition, addressed the Council with her concerns about the Whiskey Creek Liquor License Manager situation, as they have had four violations since 2002, three involved sales to minors. She is mainly concerned about having an out of town manager. The Nebraska Liquor Control Commission informed Ms. Richards that the City Council can request a hearing regarding the license and require a local manager. Council Member Shaver expressed a concern about the manager living out of town and would like the Liquor License Investigatory Board give input regarding the manager license. Moved by Council Member Gonzales, seconded by Council Member Hilyard,” to submit a neutral recommendation to the Nebraska Liquor Control Commission regarding the appointment of Robert Yendra as the Whiskey Creek Liquor License Manager,” “YEAS”, Gonzales, Hilyard, Colwell and Meininger, “NAYS” Shaver. Absent: None.

City Manager Kuckkahn presented the request for an Ag Estate Dwelling located in the East Half of the Southwest Quarter of Section 10, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scottsbluff County, NE, which is located north of 42<sup>nd</sup> Street and West of Highway 71. The owners requested this variance to allow the land which is not being utilized to be sold and developed. The Board of Adjustment approved the variance at their August 10, 2015 meeting and the Planning Commission recommended approval of the Ag Estate Dwelling plat at their October 12, 2015 meeting. Moved by Mayor Meininger, seconded by Council Member Hilyard, “to approve the Ag Estate Dwelling Plat for a tract situated in the E ½ of SW ¼ of Section 10, Scotts Bluff County, and approve the certificate,” “YEAS”, Gonzales, Shaver, Hilyard, Colwell and Meininger, “NAYS” None. Absent: None.

Assistant City Manager Johnson presented an agreement with Baker and Associates for design elements relative to the Cleveland Field project. City staff has completed the demolition of the dugouts and backstops. This agreement is needed to move forward with replacement of these items and handicap ramps. This contract will not exceed \$5,400.00. Mr. Kuckkahn also explained that we have a contractor who is willing to install the safety railing for \$1700.00, so that work is also being completed. Council Member Shaver pointed out that the total amount which will be paid by the City is currently \$7,000.00 plus the in-kind contribution. Mr. Kuckkahn said there are adequate funds budgeted for this work. Moved by Council Member Shaver, seconded by Council Member Gonzales, “to approve the engineering agreement with Baker and Association for Cleveland Field improvements and authorize the Mayor to sign the proposal,” “YEAS”, Gonzales, Shaver, Hilyard, Colwell and Meininger, “NAYS” None. Absent: None.

Mr. Bob Hessler addressed the Council regarding the progress of the Cleveland Field improvements. He complimented the city staff for the excellent job they have done with the demolition and preparation work on the field improvements. The committee is continuing to get the improvements done and want to try to get as much done as possible while the weather is nice. Mayor Meininger commented that the original estimate of improvements was \$25,000.00, of which some of the funds have been donated. The Elks have awarded \$5,000.00 for the scoreboard and NPPD submitted a Community Service request which was approved. Council Member Shaver asked if the schools had been contacted regarding their financial participation, as he suggested at the last meeting. Mr. Hessler explained that he is still working on in-kind contributions so hopefully they won’t need to seek other funding. Mayor Meininger mentioned that the \$15,000.00 for Cleveland Field could feasibly come from the cell tower lease payment at the 23 Club location. Moved by Mayor Meininger, seconded by Council Member

Colwell, "to authorize funding up to \$15,000.00 to be paid in incremental payments for Cleveland Field improvements for concrete and dugout related work," "YEAS", Gonzales, Hilyard, Colwell and Meininger, "NAYS" Shaver. Absent: None.

Mr. Johnson explained that Unite Private Networks' installation of small cell fiber optic cables is a site specific project for Scottsbluff. Verizon is currently working with Unite Private Networks. Mr. Thomas Pope, Unite Private Networks, gave the Council information regarding the installation of small cell fiber optic cables. His company is based in Kansas City and they are mainly located in the Midwest markets. These small cells that are installed to existing light and power poles are low powered and help alleviate the strain on cell towers. They are placed in concentrated areas, schools, malls, airports, etc. Mr. Johnson informed the Council that the legal department has reviewed the right of way agreement and staff is recommending approval. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the Right of Way Agreement for Fiber Optic Cables with Unite Private Networks, LLC and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Hilyard, Colwell, Shaver and Meininger, "NAYS" None. Absent: None.

Abby Yellman, Library Director, informed the Council that she reviewed the Library Policies and Strategic Plan with the Library Board at their October 7<sup>th</sup> meeting. The Board reaffirmed their approval of inclusion of the statements by the American Library Association within the policy. This is a guiding document to develop policy and transparency. Based on input from other libraries, it is not uncommon to include these statements in library policies. Moved by Council Member Colwell, seconded by Council Member Gonzales, "to approve the revised Library Policies and Strategic Plan," "YEAS", Gonzales, Hilyard, Colwell and Meininger, "NAYS" Shaver. Absent: None.

City Manager Kuckkahn gave the Council an update of the Comprehensive Plan and the website containing the survey questions for the Comprehensive Plan. The website can be found at [scottsbluffplanning.org](http://scottsbluffplanning.org). There are 5 categories that citizens can respond to regarding a number of city services. There will also be opportunities for citizens to comment through open houses scheduled over the next month. Council also suggested taking surveys to the senior living facilities, distribute through the utility bills, the high school, hospital and college.

Council discussed the need to schedule a strategic planning and goal setting session. A meeting will be scheduled for November 30, 2015.

Under Council Reports, Mr. Johnson reported that some of the Council Members can contact him regarding tours of the parks. Council Member Gonzales reported that the schools are very appreciative of the involvement of the City with their programs.

Moved by Council Member Shaver, seconded by Council Member Colwell, "to adjourn the meeting at 7:10 p.m.," "YEAS", Gonzales, Hilyard, Colwell, Shaver and Meininger, "NAYS" None. Absent: None.

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Mayor

Attest:

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City Clerk

“SEAL”