

City of Scottsbluff, Nebraska

Monday, December 21, 2015

Regular Meeting

Item Consent1

Approve the minutes of the December 7, 2015 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on Monday, December 7, 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 December 4, 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 December 4, 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.

Vice President of the Council Raymond Gonzales presided and City Clerk Dickinson recorded the proceedings. The Pledge of Allegiance was recited. Vice President Gonzales 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. Vice President Gonzales 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: Raymond Gonzales, Jordan Colwell and Scott Shaver. Absent: Randy Meininger (arrived at 6:45 p.m.).

Vice President Gonzales asked if there were any changes to the agenda. There were none. Vice President Gonzales 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. Vice President Gonzales expressed his gratitude for the service of Council Member Hilyard for her service as a City Council Member. He presented a plaque commemorating Council Member Hilyard for her years of service.

City Clerk Dickinson reported that Council Member-elect Mark McCarthy is qualified to be seated as a member of the City Council and his bond is in place. Council Member elect Mark McCarthy read his Oath of Office and was seated as a City Council Member. Roll call was taken and the following Council Members were present: Raymond Gonzales, Jordan Colwell, Scott Shaver, and Mark McCarthy. Absent: Randy Meininger.

Moved by Vice President Gonzales, seconded by Council Member McCarthy, "to appoint Council Member Colwell to the Twin Cities Development Board as an ex-officio member," "YEAS", Colwell, Gonzales, Shaver and McCarthy, "NAYS" None. Absent: Meininger.

Moved by Council Member McCarthy, seconded by Council Member Colwell, to appoint Council Member Gonzales to the Western Nebraska Economic Development committee," "YEAS", Colwell, Gonzales, and McCarthy, "NAYS" Shaver. Absent: Meininger.

Moved by Vice President Gonzales, seconded by Council Member Shaver, "to exclude the November 30, 2015 Minutes from the consent agenda and vote on it separately," "YEAS", Colwell, Gonzales, Shaver and McCarthy, "NAYS" None. Absent: Meininger.

Moved by Council Member Colwell, seconded by Council Member McCarthy, "to approve the November 16, 2015 Regular Meeting Minutes," "YEAS", Colwell, Gonzales, and McCarthy, "NAYS" Shaver. Absent: Meininger.

Regarding the minutes from the November 30, 2015 Special Meeting, Council Member Colwell pointed out a portion of the minutes referred to comments made by City Engineer Schaff. He was not present at the meeting, Mr. Kuckkahn reported information provided by Mr. Schaff. City Clerk Dickinson will make the appropriate correction to the minutes. Moved by Council Member Colwell, seconded by Council Member Gonzales, "to approve the November 30, 2015 Special Meeting Minutes with corrections," "YEAS", Colwell, Gonzales, and McCarthy, "NAYS" Shaver. Absent: Meininger.

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 December 7, 2015, as on file with the City Clerk and submitted to the City Council,” “YEAS”, Colwell, Gonzales, Shaver and McCarthy, “NAYS” None. Absent: Meininger.

CLAIMS

911 CUSTOM, LLC,VEH MAINT,358; ACCURACY INC,AMMUNITION,765; ACTION COMMUNICATIONS INC.,6 PORTABLE RADIO BATTERIES,792; AIR CYCLE CORPORATION, DEPT SUPPLIES,260; AIRGAS USA, LLC,GAS SUPPLIES FOR TRAINING CLASS,16.23; ALAMAR CORP,UNIFORMS,698.18; ALLAN CLARE B,MISC,275; ALLO COMMUNICATIONS, LLC,LOCAL TELEPHONE CHARGES,4670.49; AMAZON.COM HEADQUARTERS,BKS, DVDS, DEP SUP,1289.5; ANTHONY HARRIS,CONTRACTUAL SERVICES,57.5; ANTHONY J MURPHY,FOOD COST FOR TWO WEEK NFA CLASS,330.48; ASSURITY LIFE INSURANCE CO,LIFE INSURANCE,34.36; ATLAS COPCO COMPRESSORS, LLC,EQUIP MAINT,4653; AUTOZONE STORES, INC,VEH MAINT,10.17; B & H INVESTMENTS, INC,BLDG MAINT, 409.15; B&C STEEL CORPORATION,BLDG MAINT,111.15; BAKER & ASSOCIATES INC,CONTRATUAL,3856; BARCO MUNICIPAL PRODUCTS INC,SUPP - STOP SIGN FACINGS,712.91; BARRAZA MANUEL,CONTINGENCY,6200; BLUESTEM HOMEOWNERS, TREE REBATE,219.95; BLUFFS SANITARY SUPPLY INC.,JAN SUP,695.93; CAPITAL BUSINESS SYSTEMS INC.,MAINT,95.33; CARR- TRUMBULL LUMBER CO, INC.,SUPP,28.43; CELLCO PARTNERSHIP,CELL PHONE,720.68; CEMENTER'S INC,CONTINGENCY,5850.76; CITIBANK N.A.,SUPP - INK FOR CENTRAL GARAGE PRINTER,367.44; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUP LIFE INS,48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,404.75; CONTRACTORS MATERIALS INC.,DEPT SUPPLIES, 172.63; CREATIVE SITES LLC,EQUIP,29975; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACH.,444.32; CRESCENT ELECT. SUPPLY COMP INC,BID SUP,765.23; CYNTHIA GREEN, DEPT SUP,115.11; D & H ELECTRONICS,EQUIPMENT REPAIRS,6.84; DALE'S TIRE & RETREADING, INC.,EQUIP MAINT,861.48; DUANE E. WOHLERS,DISPOSAL FEES,900; DYNA-TECH ELECTRIC INC,ELECT MAIN,743.68; ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MTNC,5410.91; ENERGY LABORATORIES, INC,SAMPLES,253; FASTENAL COMPANY, SUPP,78.73; FEDERAL EXPRESS CORPORATION,POSTAGE,287.2; FLOYD'S TRUCK CENTER, INC,EQUIP MTNC,4377.89; FUN EXPRESS, LLC,SPECIAL EVENT,567.44; FYR-TEK INC, REPAIRS TO SCBA REGULATOR,209.75; G & G EQUIPMENT INC,SMALL CAPITAL,4015; GENERAL ELECTRIC CAPITAL CORPORATION,FIREARMS SUPPL,332.95; GENERAL TRAFFIC CONTROLS, INC,CAMERA FOR AVE. I & W. OVERLAND,1796.51; GI HOSPITALITY, SCHOOLS & CONF,457.9; H D SUPPLY WATERWORKS LTD,METERS,45845.72; HAWKINS, INC.,CHEMICALS,832.15; HEILBRUN'S INC.,BATTERY FOR SNOW BLOWER,680.69; HENWIL CORPORATION,CHEMICALS,5272.1; HOA SOLUTIONS, INC,EQUIPMENT,27189.8; HULLINGER GLASS & LOCKS INC.,DUPLICATED KEYS FOR FIRE PANELS,82.5; ICC CERTIFICATION SERVICES,DEPT MMBRSH,135; ICMA RETIREMENT TRUST-457,DEF COMP EE, 2650.28; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPP,1000.44; INGRAM LIBRARY SERVICES INC,BKS,345.16; INTERNAL REVENUE SERVICE,FED W/H,132325.84; INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION,TRAFFIC SIGNAL MEMBERSHIP RENEWAL - CURT ROSSMAN,85; INTRALINKS, INC,COMPUTERS,23841.22; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,16; JOHN DEERE FINANCIAL,UNIFORMS,171.92; JOHN DEERE FINANCIAL,VEH MAINT,82.98; JWC ENVIRONMENTAL,LLC,EQUIP MAINT,674.23; KRIZ-DAVIS COMPANY,STREET LITE CONTROL BOX,230.92; LOGAN CONTRACTORS SUPPLY INC,PARTS FOR TAR KETTLE,160.39; M.C. SCHAFF & ASSOCIATES, INC,CONTRACT SERVICES,7475; MADISON NATIONAL LIFE,LIFE INSURANCE EE,1891.56; MATHESON TRI-GAS INC,WELD. SUPP FOR CENTRAL GARAGE,90; MATTHEW M. HUTT,CONTRACT SERVICES,900; MAXWELL PRODUCTS, INC,JOINT SEALER,23659.41; MENARDS, INC,DEPT SUP,1210.62; MICHAEL B KEMBEL,BUILDING MTNC,455.3; MIDLANDS NEWSPAPERS, INC,NWSPR SBCRP,139; MIDWEST MOTOR SUPPLY CO INC,SUPP FOR CENTRAL GARAGE,928.86; MIKE WARREN,SUPP - MICROBICIDE FOR CENTRAL GARAGE,159.5; MONUMENT PREVENTION COALITION,CONTRACTUAL,939.94;

MUNICIPAL PIPE TOOL CO, LLC,EQUIP MAINT,524.14; MUNICIPAL SUPPLY INC. OF NEBRASKA,DEPT SUP,6707.96; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,3726.86; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,32.36; NE DEPT OF ENVIRONMENTAL CONTROL,SRF LOAN PAYMENTS,331043.77; NE DEPT OF REVENUE,SALES TAX,19093.32; NEBRASKA MACHINERY CO,EQUIPMENT,145126.01; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,16718.37; NEBRASKA SALT AND GRAIN CO,1 LOAD ICE SLICER,4227.98; NEBRASKALAND TIRE, INC,VEH MAINT,14.5; NEMNICH AUTOMOTIVE,VEH MAINT,99.98; NEOPOST USA INC,RENT-MACH,767.88; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEPT SUP,110.5; ONE CALL CONCEPTS, INC,CONTRACTURAL,89.9; PANHANDLE CONCRETE PRODUCTS, INC,DEPT SUP,495; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,234; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5023.88; PELCO CORP,DEPT SUPP,50; PLATTE VALLEY BANK,HSA EE,27015.77; POSTMASTER,POSTAGE,1242.37; POWERPLAN,EQUIP MTNC,2513.66; PRO OVERHEAD DOOR,BUILDING MAINT,523; PROTEX CENTRAL, INC.,BLDG MAINT,139.65; QUILL CORPORATION,DEPT SUPPL/INVEST SUPPL,873.03; RECORDED BOOKS INC,CONT. SRVCS,599.1; REGANIS AUTO CENTER, INC,VEH MAINT,461.1; REGION I OFFICE OF HUMAN DEVELOPMENT,CONTRACTUAL SERVICES,825; REGIONAL CARE INC,CLAIMS,162843.11; REGIONAL WEST PHYSICIANS CLINIC,CONSULTING,214; REGISTER OF DEEDS,DEP SUP,20; REVIZE LLC,CONTRACT SERVICES,2568; RIGHT BRAIN UNLIMITED,DEPT SUPP,692.05; ROCKSTEP SCOTTSBLUFF LLC,MONUMENT MALL,15929.04; ROOSEVELT PUBLIC POWER DISTRICT,PUMPING POWER,1791.44; S M E C,EMP DEDUCTIONS,472; SANDBERG IMPLEMENT, INC,EQUIP MAINT,348.82; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,390; SCOTTSBLUFF BODY & PAINT,TOW SERVICE,595; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1152; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORM & CLOTHING,597.16; SCOTTSBLUFF WINNELSON COMPANY,EQUIP MAINT,53.04; SHERIFF'S OFFICE,LEGAL FEES,272.68; SIMON CONTRACTORS, CONCRETE,9620.69; SOURCE GAS,MONTHLY ENERGY FUEL,1978.09; STATE HEALTH LAB,SAMPLES,48; STATE OF NE.,CONTRACTUAL,105; STATE OF NEBR,MONTHLY LONG DISTANCE,158.78; STATE OF NEBRASKA DEPT OF HEALTH,LICENSES/PERMITS,1955; SUHOR INDUSTRIES, INC.,DEPT SUPP,110; SWANK MOTION PICTURES INC,SPECIAL EVENT,201; THE WESTERN SUGAR COOPERATIVE,VEHICLE MAINT,178.03; TOTAL FUNDS BY HASLER,PSTG,500; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,383.99; TYLER TECHNOLOGIES, INC,FEE - UB ONLINE MAINTENANCE,348; UPSTART ENTERPRISES, LLC,DEPT SUPP,415.4; US BANK,2012 HWY ALLOC.PLEDGE BOND PAYMENT,237732.5; US BANK,ANNUAL DUES TO STATE FIRE ASSOCIATION,835.38; VAN PELT FENCING CO, INC,CONTINGENCY,1755; WELLS FARGO BANK, N.A.,GENERAL EMPLOYEES EE,58335.86; WESTERN COOPERATIVE COMPANY,VEHICLE MTNC,668.72; WESTERN LIBRARY SYSTEM,EQUIP MAIN,21; WESTERN PATHOLOGY CONSULTANTS, INC,CONTRACT SERVICES,75; WIN INVESTMENTS INC,SCHOOLS & CONF,199.9; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEPT SUP,28.76; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA EE,2419; REFUNDS: LEISURE LIVING HOMEOWNERS ASSOC. 13.91, 13.21, 16.36, 11.47; JANET MILLER 80.53; COMMUNITY ACTION PARTNERSHIP OF WESTERN NEBRASKA 287.29; JESSE NEWBERRY 28.84 BRITTANY LUND 24.20; ANNA KOENIG 8.69;CASSIDY MYRE 3.28; JOYLYN WEISS .29; FILLBRO, LLLC 4.72; KEN COULTER 1.57; STEVEN COMBS 12.32; TJADEN INVEST 1.25; TRAILS WEST PAVILLION 18.18; SCOTT HAMMOCK 28.26.

Moved by Council Member McCarthy, seconded by Council Member Shaver, “to approve the request for payment of a claim by warrant for Paving District #312, Reganis 12th Ave., and approve Resolution No. 15-12-01,” “YEAS”, Colwell, Gonzales, Shaver and McCarthy, “NAYS” None. Absent: Meininger.

RESOLUTION NO. 15-12-01

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

That the claim of M. C. Schaff and Associates, Inc. in the amount of \$18,151.50, being the sixth pay estimate for Paving District #312, 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 \$152,112.44, being the seventh pay estimate for Paving District #312, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 7th day of December, 2015.

Mayor

ATTEST:

City Clerk

“seal”

Assistant City Manager Johnson presented the recommendation from the Western Nebraska Economic Development (WNED) committee to award the bid to Hanna Keelan for the regional housing study. The following three proposals were submitted: RKG - \$35,000; Western Economic Services, LLC - \$22,905; and Hanna Keelan \$58,000 (applied for a grant which will cover 49% making the total amount \$29,850).

The WNED subcommittee met and reviewed the proposals and recommended Hanna Keelan due to their implementation plan. The committee discussed the funding for the study be split for each entity at a level not to exceed \$1.75 per capita. Scottsbluff's maximum portion would be \$26,320.00 without the grant award; with the grant award, the city's portion would be approximately \$14,000.00.

Mr. Johnson explained that the regional housing study would identify weaknesses, strengths, and areas of opportunity for a multi-county area in the Panhandle. The implementation phase would actually put us in contact with developers to begin working on housing issues. Vice-President Gonzales commented that this study will also help with our comprehensive plan and others in the region. Council discussed the option of any action contingent upon Hanna Keelan's receipt of the grant. Mr. Johnson added that it was the consensus of the other WNED partner communities to participate with the housing study. Moved by Council Member Shaver, seconded by Council Member Colwell, “to approve the recommendation of Hanna Keelan for the regional housing study and authorize funding of the study not to exceed \$14,000.00, contingent on the other partner WNED community's financial participation in the housing study,” “YEAS”, Colwell, Gonzales, Shaver and McCarthy, “NAYS” None. Absent: Meininger.

Vice-President Gonzales opened the public hearing at 6:20 p.m., which was scheduled for this date to consider a Class I liquor license application from The Shed, 18 East 16th St., Scottsbluff. Dustin and Meredith Lee, owners, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Council Member Shaver, seconded by Vice President Gonzales, “that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) The Shed Liquor License application; 2) City Council check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated December 3, 2015 ; 4) written statement of City Clerk dated December 7 2015; 5) written statement of Planning Administrator Urdiales dated November 4, 2015; “YEAS”, Colwell, Gonzales, Shaver and McCarthy, “NAYS” None. Absent: Meininger.

Meredith Lee explained to the Council that she has 15 years of experience in the restaurant and bar business. City Attorney Olsen asked how she was going to demonstrate control of the liquor license, training of employees, and prevention of the sale of alcohol to minors. Ms. Lee explained that she takes

full responsibility for ordering and storing the alcohol. Every employee will receive the responsible server training and they will check the ID's of all customers who order alcohol. She also discussed the phone app that will assist in checking ID's, showing what valid ID's look like in all states. They have a "no tolerance" policy if staff sells to minors. They don't want their employees to get comfortable serving, as it is a very serious responsibility.

Chief Spencer reported to the Council that the Police Department conducted a very extensive background check and found no reasons to not recommend Meredith and Dustin Lee for a liquor license. He also informed the Council that the Liquor License Investigatory Board recommended approval of the liquor license at their last meeting. There were no comments from the public.

Vice-President Gonzales closed the public hearing at 6:30 p.m. Moved by Council Member Shaver, seconded by Council Member Colwell, "to forward a favorable recommendation to the Nebraska Liquor Control Commission for The Shed Class I liquor license pursuant to Nebraska §53-132 (2)a, (2)b, (2)c, and (2)d," "YEAS", Gonzales, Colwell, Shaver, and McCarthy. "NAYS" None. Absent: Meininger

RESOLUTION NO. 15-12-02

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

1. On December 7, 2015, the matter of the application of a Class I liquor license for the Shed, 18 East 16th St., Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 -Application of Class I liquor license for the Shed, 18 East 16th St., Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2010)

Exhibit 3 - Written statement of Police Chief dated December 3, 2015

Exhibit 4 - Written statement of City Clerk dated December 7, 2015

Exhibit 5 - Written statement of Development Services Director dated November 4, 2015

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Meredith and Dustin Lee. 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. (1984) 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 I liquor license be issued to The Shed, 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 7th day of December, 2015.

ATTEST:

City Clerk

“seal”

Vice-President Gonzales opened the public hearing at 6:30 p.m. to consider the purchase of the property located at 1303 East Overland. City Manager Kuckkahn explained that the purchase of properties located on the Scotts Bluff drain is part of the master plan of the Scotts Bluff Drain Board. This is a single family home and there does not seem to be a problem with asbestos. The purchase price is \$38,000.00. The property will be demolished after closing. There were no comments from the public. Vice-President Gonzales closed the public hearing at 6:33 p.m.

Council Member Shaver asked if there has been an appraisal of the property. Mr. Kuckkahn commented that the price is based on the market rate. City Attorney Olsen commented that a value of \$100,000.00 or more is the amount that requires an appraisal. Moved by Council Member McCarthy, seconded by Council Member Colwell, “to approve the purchase of the property located at 1303 East Overland in the amount of \$38,000.00 and authorize the Mayor to execute the agreement,” “YEAS”, Gonzales, Colwell, Shaver, and McCarthy. “NAYS” None. Absent: Meininger.

Donna Thompson, Executive Director of the West Nebraska Art Center, approached the Council and explained the three events to be held at the Art Center for which she is applying for Special Designated Liquor Licenses. Vice-President Gonzales commented that there have not been issues in the past with the Art Center Special Liquor Licenses. Ms. Thompson explained that all volunteers are trained and the events are only for patrons age 21 and over. She explained that two of the events are painting classes where they serve wine. These permits are three of the six allowed each year to a non-profit. Chief Spencer added that there have never been issues with the events at the Art Center. Moved by Council Member Colwell, seconded by Council Member Shaver, “to approve special arts-related event wine permits for the West Nebraska Arts Center, 106 East 18th Street and special designated liquor licenses for events on the following dates: January 16, 2016; January 22, 2016; and April 22, 2016,” “YEAS”, Gonzales, Colwell, Shaver, and McCarthy. “NAYS” None. Absent: Meininger.

Mayor Meininger joined the meeting at 6:45 p.m.

Tim Arlt, Nebraska Public Power District (NPPD) General Manager, gave the Council a presentation on the Community Solar project and asked Council to consider approval of the proposal. He explained that this project presents a potential for partnerships with communities.

NPPD is interested in a pilot project with Scottsbluff because it is a key Western Nebraska base community. There is land availability around the current NPPD location and Scottsbluff is a better geographic location based on sun resource. This project would showcase Scottsbluff as a progressive community with a renewable angle. This first phase would serve approximately 20 homes, with an approximate premium of \$1.68 - \$6.00 per month for homeowners who participate.

Moved by Mayor Meininger, seconded by Council Member McCarthy, “to approve the Nebraska Public Power District Solar Project concept, pending a formal proposal,” “YEAS”, Gonzales, Colwell, Shaver, Meininger and McCarthy. “NAYS” None. Absent: None.

Regarding the progress of the Comprehensive Plan, City Manager Kuckkahn explained that the Plan is on the web site, scottsbluffplanning.org. Surveys will be posted on the web site for residents to review. Many portions of the plan are ready for release in draft form with the opportunity to amend. Staff is looking at potential times for open houses, offering additional opportunities for the community to comment. The Planning Commission will be ready to make recommendations to the City Council by the first of 2016.

Tim Newman, Coordinator for Region 22 Emergency Management, explained that he has submitted a notice of interest for a Hazard Mitigation Grant to replace the aging sirens in our community. His goal is to replace all four of the sirens purchased in 1955. Whether the grant is approved or not, we need to have a plan to replace the sirens. The Hazard Mitigation grant is a 75% - 25% split. Mr. Newman stated he would like to budget enough to replace at least one siren each year at a cost of approximately \$24,455 per siren. In the process, we may need to re-locate where the sirens are located. Council Member Shaver asked if the new sirens are more effective, would we need to still have four sirens. Mr. Newman responded that we will need to evaluate the situation, but may actually need to add more sirens. After the current four locations are replaced he would like to expand with additional sirens in areas where people gather outdoors, such as ball parks, golf courses, and parks. City Manager Kuckkahn commented that funding would most likely come from Public Safety. The priority list would begin with the Transportation offices on 3rd Avenue as the siren at that location constantly fails.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to give staff the authority to proceed with the Hazard Mitigation Grant application for outdoor warning sirens," "YEAS", Gonzales, Colwell, Shaver, Meininger and McCarthy. "NAYS" None. Absent: None.

Assistant City Manager Johnson presented the revised Western Nebraska Economic Development Interlocal Cooperation Agreement. Exhibit A will provide for modifications of the agreement as needed. The agreement includes a signature page for each community to sign, rather than having all signatures combined on one document. It also provides an opportunity for individual communities under 500 population to join together with other small communities, with one representative. The financial participation is voluntary as each individual project is will be considered on a case by case basis. Moved by Council Member Colwell, seconded by Council Member McCarthy, "to approve the revised Western Nebraska Economic Development Interlocal Cooperation Agreement and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Colwell, Meininger and McCarthy. "NAYS" Shaver. Absent: None.

Mr. Kuckkahn presented information regarding the implementation of LB 357 which would require approval by the voters at a primary or general election. This bill provides an additional one-half cent sales tax to be used for specific public infrastructure projects such as roads, utilities and buildings. Staff has provided a map showing the roads needing major work. This additional tax would provide approximately \$1.8 million per year which would allow us to work on these projects. The list of roads is very long and very expensive, and this is one way to provide funding for these improvements. The Comprehensive Plan also has a list of suggested projects for our community. Staff is looking for support to add this to the ballot for the May primary election. We will need to develop a project list so citizens are aware of specific projects.

Jason Webb, Elite Health, approached the Council and asked if there will be a separate referendum for each project. Mr. Kuckkahn explained that the Council will decide on a priority list of projects, and only those projects can be worked on based on state law. There is only one referendum for the entire list of specific projects for a ten year period. City Attorney Olsen commented that the Council is charged with creating the project list with the purpose of developing the ballot language. Council Member McCarthy commented that a problem with a prioritized list, is that the priorities may change over the ten year period. Mayor Meininger commented that this taxation is fair because it takes the burden away from the property owners and puts it onto the users of the infrastructure.

City Attorney Olsen added that the Council will need to vote on a Resolution by March in order to place this item on the ballot for the primary election.

Moved by Mayor Meininger, seconded by Council Member McCarthy, "to direct staff to begin implementation of the LB 357 referendum ballot question," "YEAS", Gonzales, Colwell, Shaver, and McCarthy. "NAYS" None. Absent: Meininger.

Tim Newman, Emergency Management, presented the Resolution for the 2015 Local Emergency Operations Plan (LEOP), and explained that there are no significant changes. He is waiting to complete some of the contact information and finalize the entire document. Scotts Bluff County has approved the Resolution, which is the main step to implement the plan. Moved by Council Member Shaver, seconded by Mayor Meininger, "to table approval of the Resolution accepting the 2015 Local Emergency Operations Plan until the plan is completed," "YEAS", Gonzales, Colwell, Shaver, Meininger and McCarthy. "NAYS" None. Absent: None.

Mr. Johnson explained the Street Superintendent Certification and Resolution, which is an annual formality with the Nebraska Department of Roads. Moved by Council Member Shaver, seconded by Mayor Meininger, "to approve Resolution No. 15-12-03, approval of the Certification and Resolution appointing Philip Mark Bohl as the City of Scottsbluff Street Superintendent," "YEAS", Gonzales, Colwell, Shaver, Meininger and McCarthy. "NAYS" None. Absent: None.

RESOLUTION NO. 15-12-03

WHEREAS, the State of Nebraska, through the Nebraska Department of Roads ("NDOR") requires a licensed Street Superintendent be named each year for municipalities within the State of Nebraska; and WHEREAS, the City of Scottsbluff ("City") has an employee, Philip Mark Bohl, who is a licensed Street Superintendent; and

WHEREAS, the City has appointed and Philip Mark Bohl has agreed to be the City's Street Superintendent for the 2016 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council and Mayor of the City of Scottsbluff, Nebraska that Philip Mark Bohl, Nebraska Street Superintendent #1103 is appointed as the Street Superintendent for the City of Scottsbluff.

This Resolution shall become effective upon its passage and approval.

PASSED and APPROVED on December 7, 2015.

Mayor

ATTEST:

City Clerk

Mr. Johnson explained the change to the snow removal ordinance, which basically sets the time to 12:00 noon the day following the end of any snowfall, for removing snow from the sidewalk. Mayor Meininger introduced Ordinance No. 4172 which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE TO REVISE § 20-6-20 DEALING WITH THE REMOVAL SNOW FOLLOWING A SNOWFALL ON SIDEWALKS THAT ARE CONTIGUOUS TO LOTS AND PROPERTY, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICAITON IN PAMPHLET FORM.**

Moved by Mayor Meininger, seconded by Council Member McCarthy, "That the statutory rule requiring the Ordinance to be read by title on three different days be suspended." "YEAS" Meininger, Gonzales, Shaver, Colwell and McCarthy "NAYS" None. Absent: None. The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Gonzales, "That Ordinance No. 4172 be adopted," "YEAS" Meininger, Gonzales, Shaver, Colwell and McCarthy "NAYS" None. Absent: None.

Mr. Kuckkahn explained the minor changes with the Ordinance dealing with the airport overlay district which is basically a modification to height limitations. The Planning Commission reviewed and forwarded a favorable recommendation at their November 23, 2015 meeting. Vice-President Gonzales introduced Ordinance No. 4173 which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH AIRPORT ZONING REGULATIONS, REPEALING THE PRIOR ARTICLE AT CHAPTER 25, ARTICLE 23 OF THE SCOTTSBLUFF MUNICIPAL CODE AND REPLACING THE ENTIRE ARTICLE, REPEALING ALL PRIOR ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Moved by Mayor Meininger, seconded by Council Member Gonzales “That the statutory rule requiring the Ordinance to be read by title on three different days be suspended.” “YEAS” Meininger, Gonzales, Shaver, Colwell and McCarthy “NAYS” None. Absent: None. The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Colwell, “That Ordinance No. 4173 be adopted,” “YEAS” Meininger, Gonzales, Shaver, Colwell and McCarthy “NAYS” None. Absent: None.

Council introduced Ordinance No. 4174 dealing with utility rates which was read by title on third reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE SEWER USER FEES AT CHAPTER 6 ARTICLE 6, AMENDING AND CHANGING THE SOLID WASTE COLLECTION FEES AT CHAPTER 6 ARTICLE 6, AND WATER SERVICE FEES AT CHAPTER 6 ARTICLE 6, REPEALING SECTION 6-6-25, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.** Moved by Council Member McCarthy, seconded by Mayor Meininger, “to adopt Ordinance No. 4174, utility rates,” “YEAS”, Gonzales, Colwell, Meininger and McCarthy. “NAYS” Shaver. Absent: None.

Council introduced Ordinance 4175 which was read by title on third reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT CHAPTER 21, ARTICLE 1, RELATING TO SUBDIVISION REQUIREMENTS AND SPECIFICALLY ALLEYS, AMENDING SECTION 21-1-20 RELATING TO REQUIRED ALLEYS AND ALLOWING AN EXCEPTION, REPEALING FORMER SECTIONS, PROVIDING FOR PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.** Moved by Council Member McCarthy, seconded by Mayor Meininger, “to adopt Ordinance No. 4175, alleys,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and McCarthy. “NAYS” None. Absent: None.

Vice-President of the Council Gonzales noted that concerning the item dealing with appointments to the Western Nebraska Economic Development committee, an alternate member should be included. Moved by Vice-President Gonzales, seconded by Mayor Meininger, “to appoint Council Member McCarthy as an alternate member to the Western Nebraska Economic Development committee,” “YEAS”, Gonzales, Colwell, Meininger and McCarthy. “NAYS” Shaver. Absent: None.

Under Council Reports, Mayor Meininger will be attending the Senior Center board meeting this week.

Moved by Council Member Shaver, seconded by Vice President Gonzales, “to adjourn the meeting at 8:00 p.m.,” “YEAS”, Gonzales, Colwell, Meininger, Shaver and McCarthy. “NAYS” None. Absent: None.

Vice-President of the Council

Attest:

City Clerk

“SEAL”