

City of Scottsbluff, Nebraska

Monday, April 4, 2016

Regular Meeting

Item Consent1

Approve the minutes of the March 21, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on Monday, March 21, 2016 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on March 18, 2016, 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 March 18, 2016. 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: Randy Meininger, Raymond Gonzales, Mark McCarthy and Scott Shaver (arrived at 6:03 p.m.). Absent: Jordan Colwell. 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 Mayor Meininger that,

1. "The minutes of the March 7, 2016 Regular Meeting be approved,"
2. "The minutes of the March 14, 2016 Special Meeting be approved,"
3. "A public hearing be set for April 4, 2016 at 6:05 p.m. to consider the creation of Paving District 313 for Lot 1, Block 10, Five Oaks Subdivision," "YEAS": Gonzales, Meininger, and McCarthy, "NAYS": Shaver; Absent: Colwell.

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 March 21, 2016, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: Colwell.

CLAIMS

ACTION COMMUNICATIONS INC.,PAGER REPAIR,180; AIRGAS USA, LLC,DEPT SUPPLIES,68.1; ALAMAR CORP,UNIFORMS,62.23; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4667.12; ALTEC INDUSTRIES INC,PARTS FOR BUCKET TRUCK - U BOLTS,170.32; ANDERSON FORD INC,CIP-PO#1,55488; ANDREA FOLCK,DEPT BUSINESS TRVL,61.22; ASSURITY LIFE INSURANCE CO,LIFE INS,34.36; ATCO MANUFACTURING COMPANY,DEPT SUPP,158; B & H INVESTMENTS, INC,BLDG MAINT,50.75; B&C STEEL CORPORATION,GROUND MAINT,173.16; BENJAMIN RODRIGUEZ III,R & R CURB & GUTTER ON E. 20TH,2400; BISHOP LANE,LEGAL FEE,23.24; BLUFFS SANITARY SUPPLY INC.,DEPT SUPP,526.86; BSN SPORTS, INC,GROUND MAINT,2332.38; CAPITAL BUSINESS

SYSTEMS INC.,CONT SVCS,344.21; CARLSON, DEBRA,REIM,15; CARR- TRUMBULL LUMBER CO, INC.,SUPP - HEM FIR,106.46; CELLCO PARTNERSHIP,DATA MODEM FIRE,41.97; CEMENTER'S INC,GROUND MAINT,1246; CITIBANK N.A.,DEPT SUPPLIES,351.36; CITIBANK, N.A.,EQUIP MAINT,33.54; CITY OF GERING,DISPOSAL FEES,40221.54; CITY OF SCB,POSTAGE,39.1; CLARK PRINTING LLC,DEPT SUP,281.3; COMPUTER CONNECTION INC,RENT-MACH,47.93; CONTRACTORS MATERIALS INC.,SUPP - EXP. JOINT,825.75; COREY FULLER,SCHOOLS & CONF,96; CREDIT BUREAU OF COUNCIL BLUFFS,CONTRACT SERVICES,9.5; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,412.9; CRESCENT ELECT. SUPPLY COMP INC,DEP SUP,166.88; CYNTHIA GREEN,DEPT SUPP,23.99; D & H ELECTRONICS INC.,DEPT SUP,117.18; DELBERT CRINER,CONTRACTUAL SVC,209; DUANE E. WOHLERS,DISPOSAL FEES,900; ELIZABETH HILYARD,SCHOOL & CONFERENCE,98.05; ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,32934.4; ETS DEVELOPMENT GROUP, LLC,CONTRACTUAL,5005; FASTENAL COMPANY,DEPT SUPP,30.44; FAT BOYS TIRE AND AUTO,2 TIRES FOR BACKHOE,1372.9; FEDERAL EXPRESS CORPORATION,POSTAGE,45.08; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,5064.03; FREMONT MOTOR SCOTTSBLUFF, LLC,VEH MAINT,290.34; GENERAL ELECTRIC CAPITAL CORPORATION,DEP SUP,80.76; HAWKINS, INC.,CHEMICALS,1634.5; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,2462.09; HEILBRUN'S INC.,DEPT SUPPLIES,2289.15; HULLINGER GLASS & LOCKS INC.,BLDG MAINT,42.35; HYDROTEX PARTNERS, LTD,5W -40 OIL - 55 GAL. FOR CENTRAL GARAGE,1474.34; ICMA RETIREMENT TRUST-457,DEF COMP,1405.14; ICMA ROTH IRA,ROTH IRA,430; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - MATS, TOWELS, CVRLLS,,986.08; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,790.22; INFO USA MARKETING,DEPT SUPP,710; INGRAM LIBRARY SERVICES INC,BKS,370.55; INTERNAL REVENUE SERVICE,WITHHOLDINGS,59238.31; INTRALINKS, INC,SERVER FOR GIS MAPPING,8319.77; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,8; J G ELLIOTT CO.INC.,NOTARY BOND,70; JACOBS AUTO GLASS,REPLACE WINDSHIELD IN PICKUP,200; JAY C HAGERMAN,CONTRACTUAL SVC,175; JOHN DEERE FINANCIAL,DEPT SUP,880.28; JOHN DEERE FINANCIAL,SPRING FOR MOWING TRACTOR,16.27; JUAN PEREZ,UNIFORMS & CLOTHING,125; KAUFMAN STEVE,PARTS & LABOR FOR SENIOR CENTER REPAIRS,137.95; KELLY KAVA,UNIFORMS,72; KOIS BROTHERS EQUIPMENT CO INC,VEHICLE MTNC,87.36; KRISA SHELLY,TUITION REIMBURSEMENT,738; KUCKKAHN, RICK,CONFERENCE EXPENSE,63; LAWSON PRODUCTS, INC,DEPT SUPP,651.68; LEAGUE ASSOCIATION OF RISK MANAGEMENT,VEHICLE INSURANCE,775.89; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING,100; M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS,2055; MADISON NATIONAL LIFE,INSURANCE,1893.06; MATHESON TRI-GAS INC,RENT-MACHINES,27.11; MENARDS, INC,DEPT SUP,998.62; MIDLANDS NEWSPAPERS, INC,PUBLICATION,182.25; MIDWEST CONNECT, LLC,DEPT SUPP,823.23; MIDWEST MACHINERY & SUPPLY CO,GUARDRAIL SUPP - CABLE, BOLTS, POSTS, ETC,2252.3; MIDWEST MOTOR SUPPLY CO INC,SUPP - PAINT, SOLVENT, ETC,756.98; MONUMENT CAR WASH INC,VEH MAINT,152.92; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1448.43; NE DEPT OF REVENUE,WITHHOLDINGS,40513.67; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF,95; NE MOSQUITO & VECTOR CONTROL ASSN.,REGISTRATION & CALIBRATE MACHINE FOR MOSQUITO WORK,95;

NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,BLDG MTNC,395; NEBRASKA MACHINERY CO,EQUIP MAINT,358.43; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,41143.99; NELSON TRENT,3/4 DRIVE TORQUE WRENCH FOR CENTRAL GARAGE,618.53; NEOPOST,POSTAGE,1000; NETWORKFLEET, INC,GPS SERVICE,18.95; NEWMAN, TIMOTHY,SCHOOLS & CONF,94; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,BLDG MAINT,40.31; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT SVCS,310.39; OMAHA WORLD- HERALD COMPANY,SBSCRIP,311.48; OREGON TRAIL PLUMBING, HEATING & COOLING INC,IN STALL TWO PUMPS ON WATER SYSTEM,275; PANHANDLE AREA DEVELOPMENT DISTRICT,RURAL RENEWAL CONFERENCE,60; PANHANDLE COOPERATIVE ASSOCIATION,GASOLINE,11499.72; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,54; PELCO CORP,SERVICE AWARDS,263.75; PLATTE VALLEY BANK,HSA,13557.71; POSTMASTER,POSTAGE,891.14; POWERPLAN,EQUIP MTNC,3298.31; QUILL CORPORATION,INVEST SUPPL,365.62; REGION I OFFICE OF HUMAN DEVELOPMENT,CONTRACTUAL SERVICES,825; REGIONAL CARE INC,CLAIMS,41404.38; RUSHMORE MEDIA COMPANY, INC,CONTRACTUAL SVC,325; S M E C,DEDUCTIONS,195.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT,858.23; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCOTT SHAVER,CONFERENCE EXPENSES,203.03; SCOTTS BLUFF COUNTY COURT,LEGAL FEES,255; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,528; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,CHAMBER BUCKS-RECOGNITION DINNER,400; SHERIFF'S OFFICE,LEGAL FEE,336.13; SHERWIN WILLIAMS,BLDG MAINT,276.77; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,13733.79; SIMON CONTRACTORS,GROUND'S MAINT,2120; SNELL SERVICES INC.,HVAC REPAIR - INS. CLAIM (LIBRARY),2187.5; SOUCIE ANDREW,SCHOOLS & CONF,580; SUBWAY 6906,CIVIL SERVICE,33.25; THE CHICAGO LUMBER COMPANY OF OMAHA INC,DEPT SUPPLIES,2.37; THE PEAVEY CORP,INVEST SUPPL,373.7; THOMAS P MILLER & ASSOCIATES, LLC,CONTRACT SERVICES - FEB. 2016,9093.51; TOMMY'S JOHNNYS INC,CONTRACTUAL,1305; TWIN CITIES DEVELOPMENT ASSOC, INC,ECENTER AGREEMENT - FEB. 2016,8150; TYLER TECHNOLOGIES, INC,UB ONLINE FEES,348; ULINE INC,GROUND'S MAINT,1554.41; UNIQUE MANAGEMENT SERVICES, INC,CONT SVCS,223.75; UNITED STATES WELDING, INC,WELD. SUPP - OXYGEN,36.04; UPSTART ENTERPRISES, LLC,EQUIP MAINT,75; US BANK,SCHOOLS & CONF,1687.69; VAN PELT FENCING CO, INC,GROUND'S MAINT,61.35; WELLS FARGO BANK, N.A.,RETIREMENT,22737.18; WESTERN COOPERATIVE COMPANY,GROUND'S MAINT,5.3; WESTERN LIBRARY SYSTEM,AV,21; WESTERN NE COMM COLLEGE,EMS INSTRUCTOR CLASS FEES-HUBBS,1500; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,1900.5; ZM LUMBER INC,GROUND'S MAINT,247.79; REFUNDS: LIBBY DONKOR 3.32; GERADINE LEAL 18.39; AARON ADAMS 6.29; JODI LANGE 3.25; SAL MUNOZ 6.29; LEONARD SALAZAR 6.69.

Council reviewed the February 2016 Financial Report. Mr. Kuckkahn reported that revenue looks good and the sales tax is a little above previous months.

Allison Wagner's 4th Grade Class from Northfield Elementary in Gering were present to make a request to the City Council to consider making changes to the intersection of Highway 26 and 14th Ave. Ms. Wagner explained that they are currently studying government and ways that kids can make a

difference in government. The 5th grade teacher at Northfield Elementary was involved in an accident at the intersection of Highway 26 and 14th Ave., which was one of the reasons the students became concerned about the safety of this intersection. The following students gave presentations on why they think something should be done to make the intersection safer: Preston Lenoir, Tristian Schlaepfer, and Aaralyn Urvin. Mayor Meininger explained that this intersection is currently under review, however, it is a state highway and the City does not control the intersection. The City can request a traffic count from the state to determine if the count is high enough to do something with the intersection. There may be other options to make the intersection safer. The Council can also direct the Public Works department to send a letter and request an evaluation of the intersection. Moved by Mayor Meininger, seconded by Council Member McCarthy, "to direct the Public Works Director to send a letter to the Nebraska State Department of Roads asking for an evaluation and traffic count for the intersection of Highway 26 and 14th Ave.," "YEAS", Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: Colwell.

Moved by Mayor Meininger, seconded by Council Member McCarthy, "to remove from the table the Support Agreement with Monument Prevention Coalition (November 2, 2015 Meeting)," "YEAS", Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: Colwell.

Lanette Richards, Project Coordinator for Monument Prevention Coalition, gave the Council a report of their activities for the last quarter of 2015. She highlighted the many organizations she is working with on the public health issue of underage drinking and excessive alcohol use. Regarding the budget, she noted that 92% of her salary is paid by grant funds, with the remaining contributions going directly to programs. She has assisted with compliance checks with Scottsbluff, Gering, Scotts Bluff County and the State. In addition, she is tracking and monitoring tobacco licenses for the area communities. Ms. Richards expressed her appreciation to the City Council for the financial support she receives for Monument Prevention Coalition. Moved by Council Member Shaver, seconded by Mayor Meininger, "to approve the Support Agreement with Monument Prevention Coalition and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: Colwell.

Mayor Meininger opened the public hearing at 6:25 p.m., which was scheduled for this date to consider a Class I liquor license application from San Pedro Mexican Restaurant, Scottsbluff. Eduardo Montelongo, owner, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Mayor Meininger, seconded by Council Member McCarthy, "that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) San Pedro Liquor License application; 2) City Council check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated March 17, 2016; 4) written statement of City Clerk dated March 21, 2016; 5) written statement of Planning Administrator Urdiales dated March 21, 2016; "YEAS", Meininger, Gonzales, Shaver and McCarthy, "NAYS" None. Absent: Colwell.

Mr. Eduardo Montelongo addressed the council and explained that he purchased the business from his in-laws, who have been running the business. He does not have a lot of experience in the restaurant and bar business, but his family will help him. The safeguards he will use to keep alcohol from minors is locking up the alcohol, he will make sure the staff checks ID's, they have the calendar showing the most recent birthdate for someone to order alcohol, they have a scanner and he encourages the staff to double check with the manager if there is a question about an ID. If employees sell to minors, they will lose their job. All employees have received the responsible alcohol training class.

Mr. Montelongo explained their recent policy to eliminate the "virgin" drinks. They did not want the risk of someone actually having a drink with alcohol. The Council agreed that this is a good policy and does not promote the acceptance of underage consumption, even with a "virgin" drink. Mr. Montelongo does have another job, but will also be the daily manager and oversee the staff and enforce the company policies.

Chief Spencer reported to the Council that the Police Department conducted a very extensive background check and found no reasons to not recommend Eduardo Montelongo for a liquor license. There were no comments from the public.

Mayor Meininger closed the public hearing at 6:35 p.m. Moved by Council Member Shaver, seconded by Mayor Meininger, “to forward a favorable recommendation to the Nebraska Liquor Control Commission for San Pedro Mexican Restaurant Class I liquor license pursuant to Nebraska §53-132 (2)a, (2)b, (2)c, and (2)d,” “YEAS”, Gonzales, Meininger, Shaver, and McCarthy. “NAYS” None. Absent: Colwell.

Moved by Mayor Meininger, seconded by Council Member Shaver, “to submit a positive recommendation for Eduardo Montelongo as manager of the Class I Liquor License for San Pedro Mexican Restaurant,” “YEAS”, Gonzales, Meininger, Shaver, and McCarthy. “NAYS” None. Absent: Colwell.

RESOLUTION NO. 16-03-01

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

1. On March 21, 2016, the matter of the application of a Class I liquor license for San Pedro Mexican Restaurant, 23 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 I liquor license for San Pedro Mexican Restaurant, 23 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 March 17, 2016

Exhibit 4 - Written statement of City Clerk dated March 21, 2016

Exhibit 5 - Written statement of Development Services Director dated March 21, 2016

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Eduardo Montelongo. 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 Retail Class I liquor license be issued to San Pedro, 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: \$15.27.

Passed and approved this 21st day of March, 2016.

Mayor

ATTEST:

City Clerk

“seal”

Mayor Meininger opened the public hearing at 6:37 p.m., which was scheduled for this date to consider a Class C liquor license application from The Tangled Tumbleweed, LLC, Scottsbluff. Ronetta Green and Natasha Konkaba, owners, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Mayor Meininger, seconded by Council Member McCarthy, “that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) The Tangled Tumbleweed, LLC, Liquor License application; 2) City Council check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated March 18, 2016; 4) written statement of City Clerk dated March 21, 2016; 5) written statement of Planning Administrator Urdiales dated March 21, 2016; “YEAS”, Meininger, Gonzales, Shaver and McCarthy, “NAYS” None. Absent: Colwell.

Ronetta Green and Natasha Konkaba addressed the council and explained that they have purchased the building located at 1823 Ave. A which will be a small retail business featuring small plates, tapas, craft beer and wines. They plan to open the overhead door to have some outdoor exposure. This area will all be fenced with only one entrance to the business. Ms. Green and her husband have taken the TIPS class and Ms. Konkaba and her husband have taken the responsible server training through the State Patrol. Both owners will have access to the alcohol which will be stored in a locked room. They plan to card everyone appearing to be younger than 40 and will have the verification calendar available. If they hire additional employees, they will all take the mandatory server training. They will have a no-tolerance policy for anyone serving to minors.

Chief Spencer reported to the Council that the Police Department conducted the background checks and no one was disqualified from obtaining a liquor license. There were no comments from the public.

Mayor Meininger closed the public hearing at 6:45 p.m. Moved by Council Member Shaver, seconded by Mayor Meininger, “to forward a favorable recommendation to the Nebraska Liquor Control Commission for The Tangled Tumbleweed, LLC Class C liquor license pursuant to Nebraska §53-132 (2)a, (2)b, (2)c, and (2)d,” “YEAS”, Gonzales, Meininger, Shaver, and McCarthy. “NAYS” None. Absent: Colwell.

Moved by Mayor Meininger, seconded by Council Member Shaver, “to submit a positive recommendation for Ronetta Green as manager of the Class C Liquor License for The Tangled Tumbleweed, LLC,” “YEAS”, Gonzales, Meininger, Shaver, and McCarthy. “NAYS” None. Absent: Colwell.

RESOLUTION NO. 16-03-02

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

2. On March 21, 2016, the matter of the application of a Class Liquor License for The Tangled Tumbleweed, LLC, 1823 Ave. A, Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class C liquor license for The Tangled Tumbleweed, LLC, 1823 Ave. A, Scottsbluff, NE 69361

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

Exhibit 3 - Written statement of Police Chief dated March 18, 2016

Exhibit 4 - Written statement of City Clerk dated March 21, 2016

Exhibit 5 - Written statement of Development Services Director dated March 21, 2016

3. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Ronetta Green and Natasha Koncaba. Police Chief Kevin Spencer spoke on behalf of the City.
7. 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.
8. 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 C liquor license be issued to the Tangled Tumbleweed, at the premises described in the application.

9. The City Clerk shall transmit a copy of this Resolution to the Commission.
10. Cost of publication: \$15.27.

Passed and approved this 21st day of March, 2016.

Mayor

ATTEST:

City Clerk

“seal”

Council introduced the Ordinance dealing with a surcharge for city stormwater regulatory requirements which was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE TO REVISE §6-6-22 DEALING WITH A SURCHARGE FOR CITY STORMWATER REGULATORY REQUIREMENTS, TO SPECIFICALLY SET FORTH THAT AN INCREASE IN THE SURCHARGE WILL BEGIN AS OF JANUARY 1, 2016, AND PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Tim Newman, Emergency Management Director for Region 22 presented a grant opportunity to the City Council, to purchase new warning sirens. Mr. Newman originally applied in December 2015, however funding was not available at that time. The funding is now available and he is seeking permission to submit the application for up to \$48,000.00 which will require authority to sign a letter of financial commitment for the city's 25% match. The city will only be responsible for 25% of the project. Mr. Newman has some estimates of costs, however, if the grant is approved, the next step will be to get bids on the sirens. Mayor Meininger noted that all sirens are activated by Scotts Bluff County with one control panel. Moved by Council Member Shaver, seconded by Mayor Meininger, "to authorize the Emergency Management Director to apply for a Hazard Mitigation Grant for new warning sirens and submit a letter of financial commitment to the Nebraska Emergency Management Agency," "YEAS", Gonzales, Meininger, Shaver, and McCarthy. "NAYS" None. Absent: Colwell.

City Manager Kuckkahn explained that over the last few years, the cities of Gering and Scottsbluff have recognized a need to provide some type of industrial site to provide for expanded economic development opportunities. We have a site identified and would like to pursue the acquisition process, financing, and partnering with the City of Gering, with any purchase contracts to come back to City Council. This would only be an endorsement at this time with no financial commitment. At this point the discussion is neutral between the two communities. Moved by Mayor Meininger, seconded by Council Member McCarthy, "to authorize staff to send a letter of interest to the City of Gering to begin a partnership in the development of an industrial park," "YEAS", Gonzales, Meininger, Shaver, and McCarthy. "NAYS" None. Absent: Colwell.

Assistant City Manager Johnson presented a letter of support for PenAir as the new airline servicing Scottsbluff. This 33 passenger airline had the best Essential Air Service history of the airlines considered, with good, competitive rates and a reputation for community involvement. Moved by Council Member McCarthy, seconded by Mayor Meininger, "to authorize the Mayor to sign a letter of support accepting PenAir as the new airline servicing Scottsbluff, Nebraska," "YEAS", Gonzales, Meininger, Shaver, and McCarthy. "NAYS" None. Absent: Colwell.

Police Chief Kevin Spencer informed Council that in an effort to calm the traffic on Broadway, he is proposing the purchase of two additional "speed display signs". Chief Spencer explained that he looks at the citations and warnings on Broadway and the department is watching Broadway closely. The traffic count shows a large number of cars on Broadway. The cost of the preferable sign is \$2,000.00. Staff will look at a source for funding, possibly the BID and the general fund. Council directed staff to pursue the purchase of additional speed display signs.

Mr. Johnson reported that the Parks Department is proposing an increase of fees for the Riverside Park Campground. Staff has looked at comparable prices for camp sites, and the campground is still very reasonable. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the rate changes for Riverside Park Campground," "YEAS", Gonzales, Meininger, Shaver, and McCarthy. "NAYS" None. Absent: Colwell.

Mr. Johnson presented the current contract for the Campground Hosts, Richard and Darlene Johnson, with all terms remaining the same at the previous years. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the contract for Campground Hosts and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Meininger, Shaver, and McCarthy. "NAYS" None. Absent: Colwell.

Assistant City Manager Johnson presented the contract for the combined position of softball and umpire coordinator with Josh Hodges. This position pays \$960 per month for five months. Moved by

Council Member Gonzales seconded by Council Member McCarthy, “to approve the contract for a Softball / Umpire Coordinator and authorize the Mayor to execute the agreement,” “YEAS”, Gonzales, Meininger, Shaver, and McCarthy. “NAYS” None. Absent: Colwell.

Mayor Meininger informed the Council of the required appointment of members to the Scottsbluff Improvement Agency, which is the interlocal agency responsible for projects as they relate to LB 357. The committee will be comprised of two members from the Community Redevelopment Authority, and three members appointed by the City Council with only two members of the City Council serving. Moved by Mayor Meininger, seconded by Council Member Gonzales, to appoint Linda Redfern as an alternative member to the Scottsbluff Improvement Agency, “YEAS”, Gonzales, Meininger, and McCarthy. “NAYS” Shaver. Absent: Colwell. Moved by Mayor Meininger, seconded by Council Member Gonzales, “to appoint Council Member Shaver and Council Member McCarthy as representatives to the Scottsbluff Improvement Agency,” “YEAS”, Gonzales, Meininger, Shaver, and McCarthy. “NAYS” None. Absent: Colwell.

Assistant City Manager Johnson reported on the process of informing the community about LB 357 which will be on the primary election May 10, 2016. He has prepared an informative brochure and has scheduled the following informational meetings: March 24, 2016, 6:00 p.m.– Guadalupe Center; April 14, 2016, 6:00 p.m.- Lied Scottsbluff Public Library; April 28, 2016, 6:00 p.m. – Runza Community Room; and May 5, 2016, 6:00 p.m. - Lied Scottsbluff Public Library. City Attorney Olsen reminded the City Council that these meetings are only educational.

Regarding the City Manager’s annual performance review, moved by Mayor Meininger, seconded by Council Member Gonzales, “to adjourn to executive session for the purpose of evaluation, job performance of an employee and to prevent needless injury or reputation of the employee, executive session is requested by the by the employee,” “YEAS”, Gonzales, Meininger, Shaver, and McCarthy. “NAYS” None. Absent: Colwell. Mayor Meininger stated that at 7:20 p.m., the City Council adjourned to Executive Session for the purpose of evaluation, job performance of an employee and to prevent needless injury or reputation of the employee, executive session is requested by the employee.

The Council reconvened at 7:45 p.m., roll call: Randy Meininger, Raymond Gonzales, Mark McCarthy and Scott Shaver. Absent: Jordan Colwell. Mayor Meininger stated that the reason Council went into executive session was for the evaluation of City Manager Kuckkahn. Council has previously given Mr. Kuckkahn some goals, one of which was to make sure the City had a succession plan to move forward when he decides to retire. Three years ago, Nathan Johnson was hired as Assistant City Manager and Mr. Kuckkahn has been mentoring and training him to take the duties as City Manager. Mayor Meininger gave kudos to Mr. Johnson as he has been doing a good job. As Mr. Kuckkahn moves closer to retirement, we would like him to continue to work as a contract employee through the transition. Council would like Mr. Kuckkahn to bring back a contract at the next meeting, not as a City Manager, but as a consultant. With that, we can keep the momentum going with the Comprehensive Plan, LB 357 and the Economic Development Plan. If the contract is acceptable, we will move Nathan Johnson to Interim City Manager. Mayor Meininger praised Mr. Kuckkahn for a job well done and he feels Mr. Johnson is ready to move the city forward.

Under public comments a citizen approached the Council regarding his concerns about the intersection at Highway 26 and 14th Ave. He stated that many near misses are not included in the reports to the State regarding incidents. He commented that another solution to the intersection problem may be to have right turn only lanes on to Highway 26th and 14th Ave.

Under Council Reports, Mayor Meininger added that the 911 task force met, and informed the Council that the State will pay for the interoperable frequencies, so we don’t need to use the funds we have set aside.

Mr. Johnson reported that the WNED met recently with a good showing of communities. Some of the progress includes having PADD as the lead agency to get all communities Certified, and the State Chamber of Commerce will work to develop LB 840 campaigns for all communities who have not passed LB 840.

Moved by Council Member Shaver, seconded by Council Member McCarthy, "to adjourn the meeting at 7:50 p.m.," "YEAS", Gonzales, Meininger, Shaver, and McCarthy. "NAYS" None. Absent: Colwell.

Mayor

Attest:

City Clerk

"SEAL"