

City of Scottsbluff, Nebraska

Monday, July 1, 2013

Regular Meeting

Item Consent1

Approve the minutes of the June 17, 2013 Regular Meeting

Staff Contact: Cindy Dickinson

Regular Meeting
June 17, 2013

The Scottsbluff City Council met in a regular meeting on Monday, June 17, 2013 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 June 14, 2013, 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 accommodation 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 June 14, 2013. 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. 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: Raymond Gonzales, David Boeckner, Randy Meininger, and Scott Shaver. Absent: Mike Deibert.

The Pledge of Allegiance was recited. 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.

City Manager Kuckkahn presented an emergency item to be added to the agenda. The heating element at the outdoor Splash Area Pool failed today, and parts need to be ordered as the City will lose revenue if the pool is closed and residents will not be able to use the pool. The emergency nature of this item is to continue community service. Moved by Council Member Boeckner, seconded by Mayor Meininger, "to add authorization to repair the Splash Arena Pool to the agenda and the nature of the emergency is to continue community service for the public," "YEAS", Gonzales, Boeckner, Meininger, and Shaver. "NAYS": none. Absent: Deibert. This item will be added to the agenda as 7c.

Moved by Council Member Boeckner, seconded by Council Member Gonzales, that:

1. "The minutes of the June 3, 2013 Regular Meeting be approved,"
2. "A public hearing be set for July 1, 2013, 6:05 p.m., for a Class I liquor license application for JJ'S TT, LLC, dba Taco Town, 1007 West 27th Street,"
3. "A public hearing be set for July 1, 2013, 6:05 p.m. to consider a zone change for proposed Lot 1, Spengler subdivision, a replat of Lot 1, Hessler subdivision from Agricultural to Agricultural Residential (located west of 5th Avenue and North of 42nd Street),"
4. "A public hearing be set for July 1, 2013, 6:05 p.m. to consider a zone change for proposed Block 1, King's Acres from Agricultural to Agricultural Residential (located east of Highway 71 and north of the Scotts Bluff Country Club),"

5. "A public hearing be set for July 1, 2013, 6:05 p.m. to consider a proposed Ordinance text change amendment to Chapter 21 Subdivisions - 2101-10(B) General Provisions,"
6. "Council approve a Community Festival Permit for the Nebraska Statewide Arboretum GreatPlants Plant Sale on June 28, 2013 from 5:00 p.m. to 8:00 p.m. at Parking Lot B, 1st Ave. and 18th Street, "YEAS", Gonzales, Boeckner, Meininger, and Shaver. "NAYS": none. Absent: Deibert.

Council Member Boeckner declared a conflict regarding the claim to the League Association of Risk Management for \$32.00, as he is on the LARM Board. Moved by Mayor Meininger, seconded by Council Member Shaver, "to declare a conflict of interest for Council Member Boeckner regarding a payment to the League Association of Risk Managers in the amount of \$32.00 and excuse him from voting on or discussing this item," "YEAS", Gonzales, Boeckner, Meininger, and Shaver. "NAYS": none. Absent: Deibert.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "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 June 17, 2013, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Boeckner, Meininger, and Shaver. "NAYS": none. Absent: Deibert.

CLAIMS

PAYROLL \$63,689.91 W/H; REGIONAL CARE \$52,850.82 INS CLAIMS; WELLS FARGO \$26,913.73 RETIREMENT; PVNB-HEALTH SAVINGS \$11,965.96 EMP DED; STATE OF NE \$17,856.24 PAYROLL TAX; NEBRASKA CHILD SUPPORT PAYMENT CENTER \$2,374.79; ABC NURSERY \$7,950.00 LAGOOD SUPP; ACSI \$141.79 WAGE ATTACH; ACTION COMM \$19.59 RENTAL; HAMMAM AHMED \$71.92 REFUND; ALAMAR UNIFORMS \$3,155.87 UNIFORMS; ALLO COMMUNICATIONS \$4,716.18 PHONE; AMERI-CO CARRIERS, INC \$11,000.00 TRAILERS; ANITAS GREENSCAPING \$260.00 MAINT; ASSOC SUPPLY CO \$19,480.06 SUPP; ASSURITY LIFE INSURANCE CO \$73.43 INS; BAKER & TAYLOR \$741.35 BOOKS; BLUE OX BUILDING \$1,435.00 REPAIRS; BLUFFS SAN SUPPLY \$1,323.81 MAINT; FARM PLAN \$128.75 SUPP; CAPITAL BUSINESS SYST \$58.51 MAINT; CARR TRUMBULL LBR \$144.30 SUPP; CASH-WA DISTRIBUTING \$2,402.24 CONCESSIONS; CEMENTERS \$139.64 SUPP; CITY OF GERING \$42,213.41 CONTRACTUAL; ANDREW CLEMENTS \$65.84 REFUND; CONNECTING POINT \$214.88 COPIES; CONTRACTORS MAT \$784.65 SUPP; FACTUAL DATA-MIDWEST \$19.00 BKGRND CHK; CREDIT MANAGEMENT SERVICES INC \$360.47 WAGE ATTACH; CRESCENT ELECT SUPPLY \$34.61 SUPP; CUES \$1,280.49 PARTS; CULLIGAN \$215.80 MAINT; DALES TIRE & RETREAD \$2,440.60 REPAIRS; DUHAMEL BROADCASTING ENT. \$375.00 PUB ED; ELLIOTT EQUIP \$1,728.78 PARTS; ENVIRO SERV \$105.00 SAMPLES; FIRST WIRELESS, INC \$341.13 MAINT; TOM FLOCK \$14.66 REFUND; FLOYDS SALES & SERV \$339.13 PARTS; FRANK IMP \$80.02 PARTS; GAYLORD BROS \$95.30 SUPP; GERING VALLEY PLUMBING & HTG. \$20,275.00 REPAIRS; GOLD WATCH LLC \$1,600.00 TRANSP RECYCLE; AMBER M GOMEZ \$102.03 REFUND; ROBERT GOMEZ \$180.00 UMPIRE FEES; TROY GREENE \$108.00 UMPIRE; SUELLA HANLON C/O PVB TRUST DE \$31.27 REFUND; HARDING & SHULTZ, P.C., L.L.O. \$53.00 CONTRACTUAL; HAWKINS \$1,450.95 SUPP; HEILBRUN FARM IND SUPP \$2,874.84 SUPP; HENWIL CORPORATION \$5,198.00 PARTS; HI TECH AUTO \$44.20 MAINT; JERRY HIGEL \$942.65 REPAIRS; HOME DEPOT CREDIT SERVICES \$203.67 SUPP; EVERGREEN PROPERTIES \$155.00 SUPP; DAVID MICHAEL HOSPODKA \$36.00 UMPIRE; HULLINGER GLASS & LOCKS \$78.25 REPAIRS; I C M A \$865.00 DUES; ICMA RETIREMENT TRUST \$1,114.97 RETIRE; IDEAL LINEN \$2,140.13 SUPP; IND PLMBG & HTG \$858.07 PARTS; INFINITY CONST \$18,603.70 CONTRACTUAL; INT'L ASSOC OF FIRE FIGHTERS \$45,000.00 TRNG, GRANT; INTRALINKS \$37.50 TECH SUPPORT; JIRDON AGRI CHEM \$1,354.97 SUPP; JOHN, JUDY \$40.00 TRNG; CRYSTAL JOHNSON \$31.27 REFUND; RICHARD JOHNSON \$195.03

CONTRACT; JOLLIFFE FUNERAL HOME \$45.00 SUPP; LARRY KESSLER CONTRUCTION, LLC \$6,340.20 REPAIRS; KIMBALL MIDWEST \$768.58 SUPP; KLEIN FAMILY TRUCKING, INC \$5,000.00 GRANT; KRIZ DAVIS \$508.53 MAINT; DYLAN KRUMPLITSCH \$72.41 REFUND; DANNA LADELY \$8,581.49 CLAIM PMT; LANDAUER, INC \$187.30 MAINT; LONG'S EXTERIOR DESIGN LLC \$50.00 MAINT; LYNN PEAVEY CO \$660.91 SUPP; MADISON NATIONAL LIFE \$2,092.86 INS; HASLER FINANCIAL SVC,LLC \$153.09 POSTAGE; RICK MCDONALD \$6,361.68 GRANT EXP; BARBARA MEINECKE \$125.00 TREE REBATE; MENARDS \$355.56 SUPP; PAUL MENDOZA \$198.00 UMPIRE; MEGAN MILLER \$40.00 TRNG; MONEY WISE OFFICE SUPPLIES \$166.61 SUPP; MONUMENT PREVENTION COALITION \$880.00 SUPPORT; PETE J MORENO \$36.00 UMPIRE; MURDOCHS RANCH & HOME SUPPLY \$197.59 SUPP; NE AMATEUR SOFTBALL ASSOC \$888.00 REGISTRATION; NE LIBRARY COMMISSION \$10.00 TRNG; NEBR MACHINERY \$1,674.94 MAINT; NEBRASKA ONLINE \$12.00 RECORDS; NEBRASKA STATEWIDE ARBORETUM \$78.00 PLANTS; NEBR ENVIRONMENTAL PRODUCTS \$2,900.00 MAINT; NEOPOST USA INC \$99.90 RENTAL; NW PIPE FITTINGS \$32.74 SUPP; NWEA \$60.00 TRNG; OCLC \$292.86 CONTRACTUAL; UPSTART ENTERPRISES, LLC \$347.40 SUPP; ONE CALL CONCEPTS \$217.55 LOCATES; PANHANDLE COOP \$20,093.41 FUEL; PAUL REED CONST \$23,745.35 CONTRACTUAL; PEACEFUL PRAIRIE NURSERY, INC \$2,304.00 SUPP; PEPSI COLA \$967.85 CONCESSIONS; PIONEER ANIMAL CLINIC \$24.50 SUPP; POSTMASTER \$382.17 POSTAGE; PRINT EXPRESS \$572.31 SUPP; PRO TIRE \$1,810.47 MAINT; QUILL CORP \$56.03 SUPP; RAILROAD MANAGEMENT CO III,LLC \$132.87 RENT; REAMS SPRINKLER SUPP \$153.49 PARTS; RECREATION SUPPLY \$855.70 SIGNS; RGN 1 OFC HUMAN DVLPMT \$825.00 CONTRACTUAL; WY FIRST AID/SAFETY \$186.52 SUPP; ESQUIO RIOS JR \$18.00 UMPIRE; SMEC \$274.50 UNITED WAY; SANDBERG IMPLEMENT \$37.99 SUPP; SCOTTSBLUFF BODY & PAINT \$655.00 CONTRACTUAL; SCB CO WEED CONTROL \$2,020.00 MAINT; SCB FIREFIGHTERS UNION LOCAL 1 \$210.00 DUES; SCOTTSBLUFF LANDSCAPING \$425.00 MAINT; SCB POLICE OFFICERS ASS'N \$396.00 DUES; SCB SCREENPRINTING \$35.00 UNIFORMS; SCHAEFFERS SPECIALIZED LUB \$279.95 SUPP; MC SCHAFF \$4,316.25 CONTRACTUAL; DIANE SHADDICK \$20.74 REFUND; SHERIFFS OFFICE \$246.49 PAPERS SERVED; SHOWCASES \$147.85 SUPP; SIMON CONT \$5,977.56 REPAIRS; SOUTHWESTERN EQUIP \$90.34 EQUIP; STAPLES \$779.72 SUPP; STAR HERALD \$776.38 LEGAL PUBL; STATE OF NE \$5.61 PHONE; MICHAEL & CARLA STEIN \$62.53 REFUND; SUPERIOR SIGNALS \$212.85 SUPP; TETRA TECH, INC \$3,900.65 CONTRACTUAL; MARK TEWS \$31.27 REFUND; THOMPSON GLASS \$83.00 SUPP; TLC \$5,675.02 PLANTS; THOMMY JOHNNYS \$1,265.00 EQUIP; TOTAL FUNDS BY HASLER \$300.00 POSTAGE; TOYOTA FINANCIAL SVCS \$383.99 LEASE; JOHN TRAPP \$198.00 UMPIRE; US BANK-CPS \$59.15 TECH ASST; U S WELDING \$34.00 SUPP; USA BLUEBOOK \$651.12 SUPP; VAN DIEST SUPP. \$4,578.75 SUPP; VERIZON WIRELESS \$429.72 PHONE; VIAERO WIRELESS \$36.22 LOCATES; MIGUEL ANGEL VILLAGRANA JR \$180.00 UMPIRE; VOGEL PAINT \$27.30 SUPP; WADDELL & REED \$25.00 REFUND; WALMART \$477.04 SUPP; MELVIN WEST \$192.50 TREE REBATE; WESTERN PATHOLOGY \$204.00 TESTING; WESTERN TRAIL SPORTS \$1,291.47 UNIFORMS; WINKLER ELEC \$122.43 REPAIRS; WINNELSON \$21.83 SUPP; WINNING TRADITIONS LLC \$314.00 DVD'S; YMCA \$1,639.20 FITNESS; KRISTA YOUNG \$52.58 REFUND; ZMLUMBER \$10.07 SUPP.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve payment to the League Association of Risk Management in the amount of \$32.00," "YEAS", Gonzales, Meininger, and Shaver. "NAYS": none. Abstain: Boeckner. Absent: Deibert.

Mr. Kuckkahn presented information regarding the emergency item of repairs to the outdoor Splash Arena Pool. The heating element at the outdoor Splash Area Pool failed today, Monday, June 17, 2013. Expedited shipment would take one week, otherwise, we would not get the element for at least three weeks. The City will lose revenue for every day the pool is closed. Also, many residents have purchased pool passes, so it is essential that we get the pool ready for use as soon as possible. Repairs to the

heating element are estimated at \$25,000.00 and he is suggesting paying extra for express shipping. The total amount needed will be up to \$30,000.00 for the parts, labor and shipping. This will be taken from the Capital Improvement funds in the Park and Recreation budget. Council Member Gonzales asked about the filters, which were a concern a few years ago. Parks Director Perry Mader explained that the pool is currently operating on three filters and seems to be running fine. Mayor Meininger added that if we are spending this much to repair the heating unit, we should be ready to spend more if we have other repairs. Moved by Council Member Shaver, seconded by Council Member Gonzales, "to authorize the expenditure of up to \$30,000.00 from the general fund to make the necessary repairs to the heating element at the Splash Arena swimming pool," "YEAS", Gonzales, Boeckner, Meininger, and Shaver. "NAYS": none. Absent: Deibert.

Council reviewed the April, 2013 Financial Report. City Manager Kuckkahn noted that this report shows a 4.7% decline in sales tax revenue from last year. The revenue is still on track, however, we are watching these reports closely.

Mayor Meininger opened the Public Hearing at 6:10 p.m. as scheduled for this date to consider the Liquor License for Sam and Louie's Pizzeria. Moved by Council Member Boeckner, seconded by Mayor Meininger, "That the following exhibits, presented on behalf of the City Council, be entered into the record: 1) Camp Family Enterprises LLC, dba Sam and Louie's Pizzeria; 2) City Council Check List for Section 53-132 Cum Supp 2002; 3) Written Statement of Acting Police Brian Wasson dated June 9, 2013 ; 4) Written Statement of City Clerk dated June 17, 2013; 5) Written Statement of Planning Administrator Urdiales dated May 22, 2013; "YEAS", Gonzales, Boeckner, Shaver and Meininger, "NAYS" None. Absent: Deibert.

Chad and Melissa Schneider, owners, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. The Schneider's explained that their business will mainly be a restaurant that will enhance the current offerings in the community. Melissa Schneider explained that the inventory is stored in locked coolers with access by herself and her managers. They will only have servers of age serving alcohol. Their employees are in the process of taking the alcohol server classes offered through the Nebraska State Patrol. All employees who serve alcohol will be required to take the training. Ms. Schneider will be the one responsible for assuring that all employees receive the training. Two of their managers have completed the training. They have a company handbook, which includes a "no-tolerance" clause for anyone who serves a minor. In addition, they will have 5 to 6 cameras throughout their restaurant to monitor activity.

Chief Spencer addressed the Council and explained that the Police Department gave careful consideration to this liquor license. There wasn't anything in the background checks that would prevent the Schneider's from holding a liquor license. He also followed up with Nebraska State Trooper Tami Otto regarding this license. Mayor Meininger closed the public hearing at 6:17 p.m. He commended the Schneider's on being a good partner with the City of Scottsbluff and reminded them that the City Council is very concerned about keeping alcohol from minors and over-served customers. The company has a good policy and he recommended looking at the electronic identification scanner.

Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to forward a positive recommendation to the Nebraska Liquor License Commission regarding the Class I Liquor License for Camp Family Enterprises LLC, dba Sam and Louie's Pizzeria, 1552 Broadway, Scottsbluff, NE" "YEAS", Gonzales, Boeckner, Meininger, and Shaver "NAYS": none. Absent: Deibert.

Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve the appointment of Melissa Schneider as the manager of the Camp Family Enterprises LLC, dba Sam and Louie's Pizzeria, Class I Liquor License," "YEAS", Gonzales, Boeckner, Meininger, and Shaver "NAYS": none. Absent: Deibert.

RESOLUTION NO. 13-06-01

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

1. On June 17, 2013 the matter of the application of a Class I liquor license for Camp Family Enterprises LLC, dba Sam and Louie's Pizzeria, 1552 Broadway, 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 Camp Family Enterprises LLC, dba Sam and Louie's Pizzeria,
Exhibit 2 - City Council Check List for Section 53-132 R.R.S. (2002)
Exhibit 3 - Written statement of Police Chief dated June 9, 2013
Exhibit 4 - Written statement of City Clerk dated June 17, 2013
Exhibit 5 - Written statement of Development Services Director dated May 22, 2013
2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Chad and Melissa Schneider, owners. 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.
5. 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 Camp Family Enterprises LLC, dba Sam and Louie's Pizzeria, at the premises described in the application.
6. The City Clerk shall transmit a copy of this Resolution to the Commission.
7. Cost of publication: \$17.17.

Passed and approved this 17th day of June, 2013.

Mayor

ATTEST:

City Clerk

“seal”

Moved by Mayor Meininger, seconded by Council Member Boeckner, "to remove the item from the table regarding the wine permit for West Nebraska Arts Center for June 28, 2013," "YEAS", Gonzales, Boeckner, Meininger, and Shaver "NAYS": none. Absent: Deibert.

Mason Burbach, West Nebraska Art Center, approached the Council and explained that they will have staff check ID's of the attendees at their art reception, where wine will be served. They have had similar events in the past with no complications. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve issuance of a special arts-related event wine permit for the West

Nebraska Arts Center, 106 East 18th Street and special designated liquor license to serve wine at an art reception on June 28, 2013 from 5:00 p.m. to 8:00 p.m." "YEAS", Gonzales, Boeckner, Meininger, and Shaver "NAYS": none. Absent: Deibert.

Anne James, Executive Director for the Riverside Discovery Center, approached the Council and gave an update of the progress of the Center. For the last two and one-half years, they have been working to combine four organizations into one, enhancing the Zoo and making it sustainable. She gave her appreciation to the City Council for the support they receive from the City. The estimate for their entire plan is \$4 million, and they have raised \$1.4 to date. They would like to work on the entrance first, then continue with other improvements as funds become available. At this time, they are not asking for permission to demolish the current administration building, as they plan to keep it as an education facility. They will, however, be asking permission to demolish the animal den behind the vulture building and will be updating other buildings at the Zoo.

Mayor Meininger commended Ms. James on the visual presentation of their future plans and their financially responsible plan for not going beyond their means. Since the agenda item specified removal of the administrative building, Council will consider this specific item at the next meeting. Moved by Mayor Meininger, seconded by Council Member Boeckner, "to allow the Riverside Discovery Center to proceed with construction of a new facility," "YEAS", Gonzales, Boeckner, Meininger, and "NAYS": Shaver. Absent: Deibert.

Regarding the bid to transport the recycled materials, Mr. Kuckkahn reported that we only received one bid, which is actually lower than the company we previously contracted with. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to award the bid for hauling recycled materials to Gold Watch, LLC in the amount of \$750.00 per load and authorize the Mayor to execute the contract," "YEAS", Gonzales, Boeckner, Meininger, and Shaver "NAYS": none. Absent: Deibert.

City Manager Kuckkahn presented a quote from Intralinks to provide interior security cameras at the Lied Scottsbluff Public Library to protect the Library, internal and external. This expenditure will be funded by the Library Foundation. Staff is optimistic about the benefits of this security system. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve the bid from Intralinks for installation of Interior Security Cameras for \$6,691.82 at the Lied Scottsbluff Public Library, which will be paid by the Library Foundation," "YEAS", Gonzales, Boeckner, Meininger, and Shaver, "NAYS": none. Absent: Deibert.

Mr. Kuckkahn presented the agreement with the Village of Morrill to provide sewer cleaning service at a rate of \$200.00 per hour, with emergency cleaning at \$300.00 per hour. Our Public Works Department provides service to other communities, when requested, however Scottsbluff has priority of services, dealing with our customers first. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve the agreement with the Village of Morrill for providing sewer cleaning service and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Boeckner, Meininger, and Shaver "NAYS": none. Absent: Deibert.

Mayor Meininger acknowledged Mr. Byron Allen from WNCC and his Upward Bound class who were in attendance. Mr. Allen explained that the students are working on a theater class and will be developing a play called "Town Council". They wanted to get a first-hand example of how a City

Council meeting is conducted to use in developing their play. They would like to present their production for the City Council when they are finished.

Mr. Kuckkahn presented the LB840 Application Review Committee recommendation to approve the request from KYS Foods to allow for the sale of the real estate from Cayenne, LLC to Su-Wuan Lee Mai. Ms. Mai is currently a guarantor of KYS's performance. During this process certain bank loans would be paid off, which would benefit the City's collateral position. The City would then obtain a new guarantee and Deed of Trust. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve the recommendation from the LB840 Application Review Committee to approve the request from KYS Foods, Inc. to amend its Economic Development Assistance Agreement to allow for the sale of the real estate, to Su-Wuan Lee Mai, with a new guarantee and Deed of Trust," "YEAS", Gonzales, Boeckner, and Meininger, "NAYS": Shaver. Absent: Deibert.

City Manager Kuckkahn presented another LB840 Application Review Committee recommendation to approve an application from Skiles Industries, Inc. for \$60,000.00 to expand their business at the current location. The grant amount would reflect the creation and retention of 12 full-time jobs, with a base number of nine jobs to be retained for a five-year period. This would allow \$1,000 per job per year. This grant would be conditional on the guaranty of Jerry Skiles with a second lien. Moved by Mayor Meininger, seconded by Council Member Boeckner, "to approve an Economic Development Assistance Grant to Skiles Industries, Inc. in the amount of \$60,000.00 for job retention and expansion," "YEAS", Gonzales, Boeckner, Meininger, and Shaver "NAYS": none. Absent: Deibert.

Assistant City Manager Nathan Johnson presented the 2013-2014 City Council Goals, which are in direct correlation with the Council's Mission Statement. This is the first step before beginning the annual Capital Improvement Plan (CIP) for the budget. All Council Members have reviewed the goals and forwarded input to Mr. Johnson. Moved by Council Member Boeckner, seconded by Mayor Meininger, "to adopt the 2013 - 2014 City Council Goals," "YEAS", Gonzales, Boeckner, and Meininger "NAYS": Shaver. Absent: Deibert.

Mr. Johnson presented a report on the Broadway Revitalization efforts. The Broadway Advisory Team met June 7, 2013 to discuss and prioritize the projects for downtown. The top priority is safety for pedestrians, which has prompted the addition of a lowered speed limit, pedestrian crossing signs, and additional presence of the Police Department. Council Member Shaver asked if the Police had responded to any accidents since the construction began. Chief Spencer responded that they have responded to complaints, but no accidents to date. He added that motorists will need to be reminded that pedestrians will have the right of way in the cross walks. They will continue to have a strong presence on Broadway to enforce the speed limit and right of way rules.

Public Works Director Mark Bohl explained to Council that Simon Contractors, who are working on the Broadway mill overlay project, have offered to continue the project from 20th Street to 27th Street at their current bid pricing. This presents a good opportunity for the City to complete the resurfacing of all of Broadway at a great price. Mr. Kuckkahn added that Simon's are the only contractors who do this type of work, and if we have them complete the entire street at this time we can take advantage of the pricing and mobilization. The additional amount of \$174,721.52 would come from Transportation funds. Moved by Council Member Boeckner, seconded by Mayor Meininger, "to approve extending the contract with Simon's Contractors for mill and overlay on Broadway from 20th Street to 27th Street, using \$174,721.52 of Transportation funds," "YEAS", Gonzales, Boeckner, and Meininger "NAYS": Shaver. Absent: Deibert.

City Attorney Howard Olsen gave a power point presentation to the Council on the Open Meetings Act, which was adopted in 1975. The main intent of the Open Meetings Act is to reinforce the fact that the public's business is not done in secrecy. The Open Meetings Act was developed with that in mind and applies to all public bodies. Mr. Olsen provided important, critical information for the Council and City Staff regarding this Act.

City Manager Kuckkahn presented the agreement to sell the property at 120 5th Ave. He explained that the agreement includes acceptable fencing, floodway provisions, easements and abandoning the alley. There is also a provision for a 20' easement to continue the pathway. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve the agreement for the sale of city-owned property located at 120 5th Ave. and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Boeckner, and Meininger "NAYS": Shaver. Absent: Deibert.

Mayor Meininger introduced the Ordinance by title: AN ORDINANCE AUTHORIZING THE SALE OF LOT TWO (2) OF LOTS ONE AND TWO (1 AND 2), MACKRILL REPLAT, A REPLAT OF LOTS FOUR H AND FOUR I (4H AND 4I); MACKRILL SUBDIVISION, A SUBDIVISION IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.

Mr. Kuckkahn presented an agreement to sell the city-owned property located at Lots 1-4, Block 2, Paul Mohr Addition. This property is in the floodway and no longer used by the City. The proposed purchaser, Shane Aulick, is interested in storing trucks on the property. He will take into consideration the proper fencing and will allow a 20' pathway easement for any future development of the pathway. The price of \$10,000.00 for four lots was based on an auction sale of a nearby lot. Mayor Meininger added that the City will retain the 5th Avenue property. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to consider the agreement for the sale of city-owned property located at Lots 1-4, Block 2, Paul Mohr Addition and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Boeckner, and Meininger "NAYS": Shaver. Absent: Deibert.

Mayor Meininger introduced the Ordinance by title: AN ORDINANCE AUTHORIZING THE SALE OF LOTS 1 – 4, BLOCK 2, PAUL MOHR ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.

Council introduced the Ordinance which was read by title on second reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA PERTAINING TO WIRELESS COMMUNICATIONS FACILITIES AND AMENDING CHAPTER 25 OF THE CITY OF SCOTTSBLUFF MUNICIPAL CODE TO ADD ARTICLE 24 RELATING TO WIRELESS COMMUNICATIONS FACILITIES, PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING EXISTING PROVISIONS OF THE MUNICIPAL CODE NOT CONSISTENT WITH THIS ORDINANCE.

Council introduced the Ordinance which was read by title on second reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, PERTAINING TO PARKING, IN A C-1 SONE, TO AMEND SECTION 25-5-1 RELATING TO THE SPACES REQUIRED AND AMENDING THE CODE TO PROVIDE THAT NO OFF-STREET PARKING SPACES ARE REQUIRED IN A C-1 AONE, PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING EXISTING PROVISIONS OF THE MUNICIPAL CODE NOT CONSISTENT WITH THIS ORDINANCE.

Mr. Kuckkahn presented a Resolution for Council's consideration extending the construction hours during the summer to assist contractors in completing the work left from the 2012 hail storm. Moved by Council Member Boeckner, seconded by Mayor Meininger" to approve Resolution No. 13-06-02 extending the times of construction from 5:00 a.m. to 10:00 p.m. during the summer months, ending October 31, 2013," "YEAS", Gonzales, Boeckner, Meininger, and Shaver "NAYS": none. Absent: Deibert.

RESOLUTION NO. 13-06-02

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

The City Council determines that on June 19, 2012, a major destructive hail storm hit the City of Scottsbluff. This storm caused significant damage to buildings and residences throughout the city which will necessitate a large volume of construction or repair work throughout a large portion of the city.

Because of the need to complete the work before cold weather sets in, and because certain types of roofing work cannot be effectively accomplished during times of very high temperatures, the City Council determines that, notwithstanding the provisions of §13-3-17 of the Scottsbluff Municipal Code, the erection, alteration or repair of buildings caused by hail damage may occur between the hours of 5:00 A.M. and 10:00 P.M., seven days a week, effective immediately, through October 31, 2013.

This Resolution shall become effective immediately upon its adoption.

Passed and approved this 17th day of June, 2013.

Mayor

Attest:

City Clerk

Mayor Meininger discussed the offer from Shane Aulick to purchase .8 acres of city owned property located at the southeast corner of Highway 26 and Avenue B for \$25,000.00 . He added that the City had previously received an offer on that property and was in the process of getting information regarding the floodway and Scottsbluff Drain for the first potential purchaser. He would not support accepting this offer without following through on the information required for the initial offer. Moved by Mayor Meininger “to reject the proposal to purchase .8 acres of city owned property located at the southeast corner of Highway 26 and Avenue B for \$25,000.00 from Shane Aulick,” “YEAS”, Boeckner, Shaver and Meininger, “NAYS”: Gonzales. Absent: Deibert.

Moved by Council Member Boeckner, seconded by Mayor Meininger, “to adjourn the meeting at 7:25 p.m.,” “YEAS”, Boeckner, Meininger, and Shaver, “NAYS”: Gonzales. Absent: Deibert.

Mayor

ATTEST:

City Clerk

“SEAL”