

City of Scottsbluff, Nebraska

Monday, July 15, 2013

Regular Meeting

Item Consent1

Approve the minutes of the July 1, 2013 Regular Meeting.

Minutes: July 1, 2013 Regular Meeting

Staff Contact: Cindy Dickinson

Regular Meeting
July 1, 2013

The Scottsbluff City Council met in a regular meeting on Monday, July 1, 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 28, 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 28, 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: David Boeckner, Raymond Gonzales, Randy Meininger, Mike Deibert, and Scott Shaver. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. City Clerk Dickinson had a clarification of the item regarding the time of the Special Meeting scheduled for July 25, 2013, which will be held at 10:00 a.m. Mayor Meininger asked to have the item dealing with installation of a water extension at Airport Road on the Consent Agenda moved to regular agenda item no. 7c. 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 Boeckner, seconded by Council Member Deibert, that:

1. "The minutes of the June 17, 2013 Regular Meeting be approved,"
2. "A special meeting be set for July 25, 2013 at 10:00 a.m., City Council Chambers, for the purpose of conducting a budget work shop,"
3. "The following Council Member absences be approved: Mayor Meininger: May 20, 2013; Council Member Boeckner: June 3, 2013; Council Member Deibert: June 17, 2013, "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Moved by Council Member Boeckner, 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 July 1, 2013, as on file with the City Clerk and submitted to the City Council," "YEAS", Boeckner, Gonzales, Deibert, and Meininger, "NAYS" Shaver. Absent: None.

CLAIMS

PAYROLL \$63,127.74 W/H; REGIONAL CARE \$49,452.63 INS CLAIMS; WELLS FARGO \$25,886.92 RETIREMENT; PVNB-HEALTH SAVINGS \$12,008.46 EMP DED; STATE OF NE \$21,854.34 PAYROLL TAX; NEBRASKA CHILD SUPPORT PAYMENT CENTER \$2,374.79; 3M CENTER-TRAFFIC CONTROL \$3,353.50 SUPP; ACSI \$141.79 WAGE ATTACH; A G T BATTERY

SUPPLY \$39.07 SUPP; AIR CLEANING TECH \$1,078.50 REPAIRS; AMAZON.COM HDQRTRS \$921.82 SUPP; AQUA PRODUCT KC \$481.36 SUPP; BAKER & ASSOC \$632.50 STUDY; BAKER & TAYLOR \$15.26 BOOKS; BENZEL PEST CONTROL \$125.00 MAINT; BLUFFS SAN SUPPLY \$1,646.97 MAINT SUPP; FARM PLAN \$29.74 SUPP; BSN CORPORATION \$540.36 SUPP; CHRIS BURBACH \$97.00 BUS TRVL; CAPITAL BUSINESS SYST \$200.42 MAINT; CAREERTRACK \$398.00 TRNG; CASH-WA DISTRIBUTING \$2,006.59 CONCESSIONS; CEMENTERS \$136.42 SUPP; CENTURY LUMBER CENTER \$27.12 SUPP; COLONIAL LIFE \$48.70 INS; CONTRACTORS MAT \$773.61 SUPP; CREDIT MANAGEMENT SERVICES INC \$194.77 WAGE ATTACH; CULLIGAN \$16.20 SUPP; DALES TIRE & RETREAD \$127.23 REPAIRS; ELLIOTT EQUIP \$421.92 PARTS; DUSTY ELSEN \$3.05 INS REIMB; ENVIRO SERV \$154.00 SAMPLES; ENV ANALYSIS SOUTH \$311.00 SAMPLE; NANCY ESCAMILLA \$190.58 SUPP; FASTENAL \$23.78 PARTS; FEDERAL EXPRESS \$94.89 SAMPLE; FIRST WIRELESS, INC \$110.46 REPAIRS; FLOYDS SALES & SERV \$1,309.59 PARTS; ANDREA FREDRICKSON \$154.00 BUS TRVL; GAME FORCE \$42.19 REFUND; FRANK IMP \$142.64 PARTS; LARRY B FRITZLER \$157.00 SUPP; FYR-TEK \$213.45 REPAIRS; GENERAL TRAFFIC CONTROLS \$609.27 PARTS; GERING VALLEY PLUMBING & HTG. \$3,975.00 REPAIRS; GLOCK INC. \$195.00 TRNG; GOLD WATCH LLC \$1,777.50 CONTRACTUAL; JOSH E GOMEZ \$800.00 CONTRACTUAL; ROBERT GOMEZ \$180.00 UMPIRE REE; RENAE GRIFFITHS \$1,072.60 BUS TRVL; HARRIS COMP SYSTEMS \$4,743.40 TECH ASST; HAWKINS \$4,456.90 SUPP; HEILBRUN FARM IND SUPP \$262.41 PARTS; HENWIL CORPORATION \$5,198.00 SUPP; HI TECH AUTO \$286.76 MAINT; TECHNICAL MAINTENANCE & SVC CO \$4,737.20 PARTS; DAVID MICHAEL HOSPODKA \$72.00 UMPIRE FEES; HULLINGER GLASS & LOCKS \$217.25 SUPP; HWM \$425.00 MAINT; HYDROTEX \$278.84 SUPP; ICMA RETIREMENT TRUST \$1,114.97 RETIREMENT; IND PLMBG & HTG \$1,556.60 PARTS; INTL CODE COUNCIL \$44.00 SUPP; JIRDON AGRI CHEM \$456.00 SUPP; RICHARD JOHNSON \$650.00 CONTRACTUAL; KOVARIK, ELLISON, MATHIS & WEIME \$930.00 LEGAL FEES; KRIZ DAVIS \$502.74 PARTS; JAMY A LAWSON \$218.00 UMPIRE FEES; LOGAN CONTRACT SUPPLY \$2,009.45 PARTS; CHRIS LUNA \$17.25 REFUND; MARKETING CONSULTANTS \$128.00 UNIFORMS; RAFAEL MARTINEZ \$31.27 REFUND; MENARDS \$1,306.21 PARTS; PAUL MENDOZA \$252.00 UMPIRE FEES; MID-CONTINENT SAFETY LLC \$261.59 PARTS; MID-IOWA SOLID WASTE EQUIPMENT \$1,122.83 PARTS; MIKES STORE \$160.50 UNIFORMS; MEGAN MILLER \$16.63 SUPP; MONEY WISE OFFICE SUPPLIES \$150.00 SUPP; MURDOCHS RANCH & HOME SUPPLY \$131.73 EQUIP; NE DEPT OF REV \$206.56 TAX; NE DEPT OF ROADS \$56,017.67 BDWY CONSTR; STATE OF NE \$882.00 TESTS; NE LAW ENF TRAINING CNTR \$54.00 TRNG; NE SUPREME COURT \$118.00 PUBLICATIONS; NEBR ENVIRONMENTAL PRODUCTS \$3,688.94 REPAIRS; NW PIPE FITTINGS \$378.57 PARTS; NPPD \$67,483.05 UTILITIES; UPSTART ENTERPRISES, LLC \$389.86 SUPP; OREGON TRAIL PLBG & HTG \$175.00 REPAIRS; PANHANDLE COOP \$9,511.62 FUEL; PANHANDLE HUMANE SOC \$4,776.24 CONTRACTUAL; PAUL REED CONST \$2,177.26 SUPP; PEACEFUL PRAIRIE NURSERY, INC \$447.00 SUPP; PEPSI COLA \$513.45 CONCESSIONS; PERMA-BOUND \$1,225.12 BOOKS; POSTMASTER \$496.54 POSTAGE; PRINT BROKER \$129.00 SUPP; INDEPENDENCE MOTEL PROP \$150.00 BUS TRVL; RCI \$37,918.49 INS; REAMS SPRINKLER SUPP \$454.83 PARTS; REG WEST MED CNTR \$53.74 SUPP; REGISTER OF DEEDS \$66.00 RECORDING; RUDY RESENDIZ \$24.45 REFUND; WY FIRST AID/SAFETY \$68.69 SUPP; ESQUIO RIOS JR \$180.00 UMPIRE FEES; RIVERSIDE DISCOVERY CENTER \$87,500.00 QTR PMT; ROOSEVELT PP DIST \$1,850.13 ELECT FEES; SMEC \$274.50 UNITED WAY; SANDBERG IMPLEMENT \$46.32 PARTS; SANDSTONE ESTATES DEVELOPERS \$150.00 TREE REBATE; SCB FIREFIGHTERS UNION LOCAL 1 \$210.00 DUES; SCB PARKS & CEMETERY FOUNDATIO \$33.58 CONCESSIONS; SCB POLICE OFFICERS ASS'N \$396.00 DUES; SCB SCREENPRINTING \$363.00 UNIFORMS; MC SCHAFF \$1,490.00 CONTRACTUAL; JAYCEES SENIOR CENTER \$5,750.00 QTLY PMT; SHERWIN WILLIAMS \$383.65 SUPP; SIMMONS, OLSEN, EDIGER, SELZER \$11,017.12 CONTRACTUAL; KN ENERGY \$7,786.81 FUEL; SPECIAL INVESTIGATIONS \$380.50

COMPLIANCE CKS; STAPLES \$634.92 SUPP; STATE HEALTH LAB \$151.00 SAMPLES; STATE OF NE \$155.33 PHONE; SWANK MOTION PICTURES \$321.00 MOVIES; TACO TOWN \$210.65 REFUN; TEAM CHEV \$25.49 MAINT; TLC \$5,317.45 TREES, PLANTS; JAMES TODD \$60.00 BUS TRVL; TOTAL FUNDS BY HASLER \$500.00 POSTAGE; JOHN TRAPP \$180.00 UMPIRE FEES; TYLER TECHNOLOGIES, INC \$687.50 TECH SUPP; US BANK-CPS \$1,882.91 SUPP, TRNG; U S WELDING \$97.25 SUPP; USA BLUEBOOK \$2,407.36 EQUIP; VERIZON WIRELESS \$639.40 PHONE; MIGUEL ANGEL VILLAGRANA JR \$90.00 UMPIRE FEES; SKYBEAM \$99.90 INTERNET; WALMART \$1,019.72 SUPP; WARD LABORATORIES, INC \$19.00 SAMPLE; WESTERN SUGAR COMPANY \$324.00 SUPP; WILLIAM ZITTERKOPF \$114.94 TREE REBATE.

City Manager Kuckkahn explained the Airport Road Water Extension project which will run from Highland Road to the Airport development. This is an LB840 project to provide a secondary source of water for the businesses located close to the airport. There is currently a well, which will eventually be replaced with this water extension. The well is currently at maximum capacity for the airport development. Staff anticipates this work to be completed in the fall of 2013. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve the specifications for the installation of a water extension at Airport Road South and authorize the City Clerk to advertise for bids to be received by 2:00 p.m., July 23, 2013," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Council reviewed the May, 2013 Financial Report. City Manager Kuckkahn reported that there were no concerns with the report.

Mayor Meininger opened the Public Hearing at 6:05 p.m. as scheduled for this date to consider the Liquor License for Taco Town. Justin and Jeanna Dedic, owners, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. 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) JJ's TT, LLC, dba Taco Town; 2) City Council Check List for Section 53-132 Cum Supp 2002; 3) Written Statement of Police Chief Kevin Spencer dated June 26, 2013 ; 4) Written Statement of City Clerk dated July 1, 2013; 5) Written Statement of Planning Administrator Urdiales dated June 14, 2013; "YEAS", Gonzales, Boeckner, Shaver, Deibert and Meininger, "NAYS" None. Absent: None.

Justin Dedic addressed the Council and explained that the background check revealed that he had not reported two Minor in Possession fines he received when he was 19 years old. He apologized for the oversight and asked the Council to judge him based on his reputation now, rather than when he was a teenager. He explained that his business, Taco Town, will not be a bar, but rather a restaurant that closes at 9 p.m. Mr. Dedic is in charge of all inventory and ordering. All alcohol will be locked up with access by himself and the Manager. He has installed cameras throughout the restaurant for control.

Mayor Meininger asked him about the alcohol server training. Mr. Dedic and his Manager Tiffany Reynolds will take the on-line training right away. He will also make sure that other employees who serve will take the Nebraska State Patrol training as soon as possible. They have an employee manual and have included a "no tolerance" policy for any employee who serves someone who is underage.

Chief Spencer informed the Council that he conducted an interview with Mr. Dedic and Tamara Otto from the Nebraska State Patrol Office. They spent a lot of time on the non-disclosure of the MIPs, and after 1 ½ hours of interview, Chief Spence said he recommends support for this liquor license. The owners are on the right track regarding training and their operation.

Mayor Meininger closed the public hearing at 6:15 p.m. Moved by Council Member Boeckner, seconded by Council Member Shaver, "to forward a positive recommendation to the Nebraska Liquor License Commission regarding the Class I Liquor License for JJ's TT, LLC, dba Taco Town, 1007 West

27th St., Scottsbluff, NE” “YEAS”, Gonzales, Boeckner, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

Moved by Council Member Boeckner, seconded by Council Member Gonzales, “to approve the appointment of Justin Dedic as the manager of JJ’s TT, LLC, dba Taco Town, Class I Liquor License,” “YEAS”, Gonzales, Boeckner, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

RESOLUTION NO. 13-07-01

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

1. On July 1, 2013 the matter of the application of a Class I liquor license for JJ’s TT, LLC, dba Taco Town, 1007 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 JJ’s TT, LLC, dba Taco Town
Exhibit 2 - City Council Check List for Section 53-132 R.R.S. (2002)
Exhibit 3 - Written statement of Police Chief dated June 26, 2013
Exhibit 4 - Written statement of City Clerk dated July 1, 2013
Exhibit 5 - Written statement of Development Services Director dated June 14, 2013
2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Justin and Jeanna Dedic, 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 JJ’s TT, LLC, dba Taco Town, 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: \$16.79.

Passed and approved this 1st day of July, 2013.

Mayor

ATTEST:

City Clerk

“seal”

Mayor Meininger opened a public hearing at 6:17 p.m. as advertised for this date 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). City Planner Marlin Johnson explained that the owners want to separate the non-irrigated land from the irrigated. The owners are willing to provide an additional right of way for the development. This zone change meets the comprehensive plan and is a logical transition for this property. The Planning Commission forwarded a positive recommendation to the City Council regarding this zone change. There were no comments from the public. Mayor Meininger closed the public hearing at 6:20 p.m. Moved by Council Member Boeckner, seconded by Mayor Meininger, “Lot 1, Spengler subdivision, a replat of Lot 1, Hessler subdivision from Agricultural to Agricultural Residential and directed staff to develop the Ordinance,” “YEAS”, Boeckner, Gonzales, Deibert, and Meininger, “NAYS” Shaver. Absent: None.

Mayor Meininger opened a public hearing at 6:20 p.m. as advertised for this date to consider a proposed Ordinance text change amendment to Chapter 21 Subdivisions – General Provisions. This provision would add language to the general provisions for subdivisions, adding the term “utility sub-lots” to the existing Language to coordinate with the proposed Wireless Communication Ordinance. There were no comments from the public. Mayor Meininger closed the public hearing at 6:21 p.m. Moved by Council Member Boeckner, seconded by Council Member Gonzales, “to approve the request for a proposed Ordinance text change amendment to Chapter 21 Subdivisions - 2101-10(B) General Provisions and directed staff to develop the Ordinance,” “YEAS”, Boeckner, Gonzales, Deibert, and Meininger, “NAYS” Shaver. Absent: None.

Mayor Meininger opened a public hearing at 6:22 p.m. as advertised for this date 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). Mr. Johnson, Planner, explained that this zoning will separate the non-irrigated land from irrigated. There is no need for an additional Right of Way as this property is next to a state highway. This zone change is in line with the city’s comprehensive plan. The Planning Commission forwarded a positive recommendation to the City Council at their June 10, 2013 meeting. There were no comments from the public. Mayor Meininger closed the public hearing at 6:24 p.m. Moved by Council Member Boeckner, seconded by Council Member Deibert, “to approve the request for a zone change for proposed Block 1, King’s Acres from Agricultural to Agricultural Residential and directed staff to develop the Ordinance,” “YEAS”, Gonzales, Boeckner, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

Anne James, Executive Director for the Riverside Discovery Center explained to the Council that part of their renovation includes the demolition of the animal den building which is behind the vulture building. This building is very old and no longer useful. Approval from the City Council is necessary as part of their contractual obligation. Moved by Council Member Boeckner, seconded by Council Member Shaver, “to authorize the Riverside Discovery Center to demolish the animal den building behind the vulture building as part of their renovation process,” “YEAS”, Gonzales, Boeckner, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

John Stinner, Jr., NEXT Young Professionals representative, presented a request to the Council for a Community Festival Permit for the third annual Best of the West Beer and Wine Festival on August 17, 2013 from 3 p.m. to 8 p.m. at the Broadway Mini-Park. This year they have added extra security measures including a "safe ride home" program. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve the Community Festival Permit for the NEXT Young Professional's Best of the West Beer and Wine Festival on August 17, 2013 from 3 p.m. to 8 p.m. at the Broadway Mini-Park," "YEAS", Gonzales, Boeckner, Deibert, Shaver, Meininger "NAYS" None.

Absent: None

Mr. Stinner also requested a Special Designated Liquor (SDL) License for this event. The Liquor Cabinet will provide the beer and wine and be issued the SDL. They will have the area blocked off with cattle guards, every person will be carded and receive a hand stamp, and there will be security guards. They are anticipating approximately 500 – 700 people. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve the Special Designated Liquor License for the NEXT Young Professional's Best of the West Beer and Wine Festival on August 17, 2013 from 3 p.m. to 8 p.m. at the Broadway Mini-Park," "YEAS", Gonzales, Boeckner, Deibert, Shaver, Meininger "NAYS" None.

Absent: None.

Mr. Stinner presented a request for a banner across Broadway at 18th Street to advertise the Wine and Beer Festival for a week prior to the event. Moved by Mayor Meininger, seconded by Council Member Deibert, "to approve the banner permit for the NEXT Young Professional's Best of the West Beer and Wine Festival across Broadway for the week of August 11th 2013," "YEAS", Gonzales, Boeckner, Deibert, Shaver, Meininger "NAYS" None. Absent: None.

City Manager Kuckkahn presented the Inter-local Agreement with Scotts Bluff County for the Consolidated Communications Center. He explained that the government entities have had on-going discussions about the options to pay for the equipment upgrade and equitably distribute the financial needs for the 911 center. The County withdrew from the previous contract, which has forced a resolution to how the center will be funded.

The County looked at population levels and divided the allocation among the communities based on population. Scottsbluff budgeted \$140,000.00 to cover our share of the support. Last year each community gave about half of the request, including Scottsbluff, since the request came halfway through the fiscal year. Scotts Bluff County is also sharing in the cost, and will need to administer and maintain the system. The request is for capital improvements only, and once the equipment is purchased, the contribution will decline each year. The County will take responsibility for insurance, maintenance, etc.

Council Member Boeckner had some concerns about the back-up systems and grant funding. Council and Staff agreed that there are some housekeeping items that need to be taken care of, and then reviewed again. Mr. Kuckkahn added that Scottsbluff should have a higher percentage of the vote since we pay the majority of the support. Staff will bring back a revised agreement for Council's consideration.

Robert Scriptor with Racks Wine and Spirits presented an application to build an addition to his establishment, adding an outdoor seating area. He reported that all inspections have been completed and the proper separations are in order. Moved by Mayor Meininger, seconded by Council Member Deibert, "to forward a positive recommendation to the Nebraska Liquor Control Commission regarding his additional liquor license area," "YEAS", Gonzales, Boeckner, Deibert, Shaver, Meininger "NAYS" None. Absent: None.

City Manager Kuckkahn presented the bid for a new rapid rail loader for Environmental Services. There was only one qualified bid on this truck, which was from Floyd's Trucking. Staff is recommending accepting the bid of \$189,999.00 which includes the trade in value of the old truck. Moved by Council Member Boeckner, seconded by Mayor Meininger, "to award the bid of \$189,999.00 for a new rapid rail loader and compactor for Environmental Services to Floyd's Trucking," "YEAS", Gonzales, Boeckner, Deibert, Shaver, Meininger "NAYS" None. Absent: None.

Mr. Steve Reisig, Twin Cities Development Board President, gave the City Council the following report on their recommendation regarding the Future Food Energy proposal to building a meat packing plant on property currently owned by the City of Scottsbluff, known as Immigrant Trail Industrial Park:

The City Council asked that TCD make a recommendation on the Future Food Energy project. The board met and discussed at their June 13th board meeting.

Concerns identified:

- Undercapitalization is a major concern and lack of financial information on the foreign investors purchasing the Class A stock. The board feels we need information that is verifiable on the foreign investment.
- The business plan does not seem to have realistic projections. NPPO's economic forecast was based on the developer's projections, which seem to be optimistic. In addition, management of the plant has not been identified and there is no operational track record for the company. This is a start-up venture with no financial or performance history.
- The high industry turnover rate of 60% to over 100% industry standard is not a positive for the community. TCD understands the need to "grow" the community, but feel it is important to do so with stable employment opportunities. The standard turnover rate for manufacturing jobs is 10% to 12%.
- Concern in the area of recruitment and retention of employees when like plants struggle to recruit and retain employees. What is the company's recruitment strategy and what has been done to verify the number of employees interested in working for this company?
- There are already 2 vacant, abandoned packing plants in the community, so we want to make sure we have done proper due diligence to make sure there isn't a 3rd vacant plant.
- This is a single use facility. It cannot be used for anything other than a packing facility. If it doesn't work out financially, the community could have a 3rd vacant packing plant. Or.... It could be purchased by or sold to a large packing company that could operate at much lower wages than those being proposed by the developer of the current project.
- Cattle numbers are at a 70 year historic low. The business plan calls for slaughter of 1,500 cattle per day. Some board members feel the plant is too large for the community and for the current cattle supply numbers in the region. Breakeven is 800-900 head per day. It is doubtful that we would want to control the ramp up, because if the company has a slow ramp up period, it just takes more and more capital to operate at a deficit for extended time periods.
- There is some concern for future recruitment - both employee and business recruitment. If we become known as "packing plant town", will it be harder to recruit new employees and businesses to the community?

If the city council decides to move forward with this project, the TCD Board would recommend a minimum of 45% capitalization for the plant and equipment costs, plus the additional working capital needs.

In summary, the TCD board cannot recommend this project at this time. It is not economically viable without substantial changes in the business plan as it is currently written, with the major concerns being the following:

Lack of proper capitalization
Lack of financial information on the investors
High employee turnover rates
Single use facility
Possible future recruitment issues
No previous operating history

Mayor Meininger commented that in the near future, representatives from the City Council and staff will meet with the Department of Economic Development, the Department of Environmental Quality, and the Federal Government to discuss this project. He suggested that a representative from Twin Cities Development be present also.

City Manager Kuckkahn presented the process required for the Planning Commission to hold a public hearing on the property located in the Immigrant Trail Industrial Park from M-1 Light Industrial to M-2 Heavy Industrial. Mr. Kuckkahn explained that the City Council will need to refer the proposal to the Planning Commission who will hold a public hearing to consider the zone change and special permit required for the property to be used as a rendering plant. This referral is not an endorsement of the project, it is a part of the necessary process. Only the City as the owner of the property can be the applicant for the zone change as the potential developer, Future Food Energy, has no ownership or legal interest in the property at this time.

Council Member Boeckner asked for a list of other uses within an M-2 Heavy Industrial Zone, which Marlin Johnson, Planner, will provide. Mr. Kuckkahn explained that many of the differences between M-1 and M-2 are very subtle. Meat packing plants specifically require an M-2 zone and rendering plant by special permit.

Council Member Shaver expressed his opinion that there is no reason to hold a public hearing on the project, as he feels the majority of the residents are not supportive of this project. He doesn't see a reason to add another M-2 Zone as there are currently two other locations with this zoning, and the previous packing plants are vacant.

Mayor Meininger noted that the agenda item will only allow the Planning Commission to hold the public hearing regarding the rezone of the property.

Mike Downey, resident, approached the Council and asked about the recommendation from the LB 840 Committee. Mr. Kuckkahn answered that the committee rejected their application based on collateralization. Mr. Downey continued to comment that he does not feel we need to send this to the Planning Commission to consider a zone change. Mr. Kuckkahn responded that we are working on a series of decision points which include questions about land use, zoning, schools, LB 840 recommendation, and bringing all of the information together at one point.

Moved by Council Member Shaver, to reject the referral to the Planning Commission to hold a public hearing on the zoning change for Immigrant Trails Industrial Park from M-1 to M-2. The motion died for lack of a second.

Council Member Gonzales commented that Future Food Energy could purchase any property zoned M-2 for their operation. Mr. Kuckkahn added that if they purchase the city-owned property, we have the opportunity to add parameters to the proposal, however, they could purchase private land and apply for a building permit and the city would have less leverage than what we have with our own property sale. We don't have a gate at the city limits prohibiting certain types of uses. We have an obligation to provide a variety of zoning options for development within the community.

The public hearing will provide another piece of information for Council to consider. The zoning shouldn't precede the decision to sell the land to Future Food Energy. Staff will provide a complete list of uses allowed under M-2 and a current zoning map showing the location of M-2 zones.

Moved by Mayor Meininger, seconded by Council Member Boeckner, "to refer to the Planning Commission the proposal to rezone the property located at Immigrant Trail Industrial Park from M-1 Light Industrial to M-2 Heavy Industrial, consideration of a Special Use Permit and hold a Public Hearing on the request," "YEAS", Boeckner, Gonzales, Deibert, and Meininger, "NAYS" Shaver. Absent: None.

Assistant City Manager, Nathan Johnson presented the following information for the City Manager's Quarterly Report:

LIED SCOTTSBLUFF PUBLIC LIBRARY

Broadband Technology Opportunities Program Grant (BTOP):.

- The library received an additional 10 laptops and a new 20-unit laptop cart courtesy of the grant.
- The computer classes made possible through this grant and with the partnership of Western Nebraska Community College (WNCC) have had a significant turnout.

Adopt-A-School City Partnership – coordinated by Deb Carlson

- The City of Scottsbluff and St. Agnes were awarded the outstanding adopt-a-school Apple Award at the April 2013 awards banquet.

Summer Reading 2013:

- As of June 25, 2013 – the library has registered over 1725 children and 212 teens. We are quickly on track to breaking another summer reading record for the most children registered and participating AND have already broken a record for the most teens registered in the program ever.

WATER, WASTEWATER and STORMWATER

WATER

- City of Minatare is fully on line now receiving water from the City of Scottsbluff.

WASTEWATER

- The South Beltline Sewer Replacement Project is now complete.

STORMWATER

- The stormwater program has continued to focus on education and outreach with public service announcements on media outlets along with presentations at various civic organizations and school programs.

- The rain garden project at 1st Ave and E 18th St is complete. Water installed water service with backflow prevention and assisted with planting efforts. Wastewater helped with adding and tilling in compost with the soil. Transportation laid 82.5 cubic yards of concrete.
- We partnered with UNL Extension and the Nebraska Forest Service to host a workshop for area residents focusing on water conservation and stormwater management at the Library.

ENVIRONMENTAL SERVICES

- In May 2013 we received a grant to purchase 2 new semi-trailers to haul recycling to Colorado and also 20 new recycling containers that fit in the recycling trailers.

TRANSPORTATION DEPARTMENT

- Larva-ciding has been done in 1800 catch basins to control the mosquito population. Mosquito spraying will continue in the morning hours between 5:00AM-7:00AM a couple mornings a week.
- Broadway project is underway. Simon Contractors tore out and replaced the old curb and gutters while Transportation crews took out the traffic signals from 15th to 19th Streets. The speed limit has been reduced to 20 MPH. This project is scheduled to be completed July 25th with paving starting today.
- The Transportation Department has been changing out the pavement marking paint with tape due to the increased life cycle of the product. Plans are to complete additional intersections this summer.

POLICE DEPARTMENT

- Made several traffic stops for a variety of violations on Broadway. We have applied to Nebraska Highway Safety for a grant to dedicate patrol to the Broadway area specifically to enforce traffic laws.
- Tenured Officer Wescher retired on June 30th, the Police Department is working on filling three openings.
- Recently, two new patrol cars arrived and are currently being outfitted with the necessary gear the will be put into service.

DEVELOPMENT SERVICES

- We have also been working on additional review of subdivisions and rezones that are requested within the boundaries of Irrigation Districts.
- New commercial Jan-Mar 2013: O'Reilly's, Viaero Cell tower, Runza remodel & apartments, 21st Century remodel of old Aurora building, Commercial storage on West 36th St (Mark Hefti).
- Several new residential permits have also been issued.

RECREATION, PARKS & CEMETERY

- Finished repairs to drain and recoated the slides at the Westmoor Pool
- Summer movies dates are scheduled and are available online.

FINANCE

- Staff turned in CIP requests today and are actively working on fiscal year'14 Operating Budget.

Mayor Meininger reported that Regional West Medical Center has approved the relocation of the Scottsbluff Fire and Police repeaters from the Public Safety Building to Regional West Medical Center. The total cost is \$10,164.70 and the hospital is asking that the City pay approximately one-half of the cost to move them. Staff reported that it is very difficult to communicate in the hospital. With the repeaters located there, it will provide better communications for Police and Fire.

Mayor Meininger added that there are still some conditions that need to be addressed before this can be finalized. They include the following: the repeaters were bought with Homeland Security money and are actually owned by the County, so an inter-local agreement will be required; they will be located on hospital property, which needs to be acknowledged and accounted for; we need to make sure they meet all standards for security; and the repeaters need to be re-licensed with the Federal Communications Commission. Moved by Council Member Boeckner, seconded by Council Member Deibert, to approve the expenditure of \$5,069.00 to relocate the Scottsbluff Fire and Police repeaters from the Scottsbluff Public Safety Building to Regional West Medical Center, conditional upon property agreements and licensing," "YEAS", Boeckner, Gonzales, Deibert, and Meininger, "NAYS" Shaver. Absent: None.

City Manager Kuckkahn presented the negotiated claim with the Burlington Northern Santa Fe Railroad as a result of an accident by a Scottsbluff Police Officer. Moved by Council Member Boeckner, seconded by Council Member Shaver, "to approve payment of the claim to the Burlington Northern Santa Fe Railroad in the amount of \$645.56 as a result of blocking the railroad track," "YEAS", Gonzales, Boeckner, Deibert, Shaver, Meininger "NAYS" None. Absent: None.

Mr. Kuckkahn presented Resolution No. 13-07-02 to change the speed limit on Broadway, downtown to 20 miles per hour. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve Resolution No. 13-07-02 setting the speed limit to 20 mph on Broadway in the downtown district," "YEAS", Boeckner, Gonzales, Deibert, and Meininger, "NAYS" Shaver. Absent: None.

RESOLUTION 13-07-02

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

1. The public safety, convenience and welfare require that pursuant to §22-2-56 of the Scottsbluff Municipal Code, the speed limit for motor vehicles on Broadway Avenue be revised and established as hereinafter provided.

2. As part of the downtown reconstruction, the following speed limits for motor vehicles on the following streets, and parts of streets, in the City shall be as follows:

<u>Street</u>	<u>Maximum Speed</u> <u>(miles per hour)</u>	
between 20 th Street and 12 th Street	20	Broadway Avenue

Provided, this paragraph shall not be construed to permit any speed in excess of that permitted in §22-2-56 of the Scottsbluff Municipal Code.

3. This Resolution will amend the prior traffic Resolution 2007-05-04, which repeals the section as it relates to Broadway Avenue between 20th Street and 12th Street. Provided, this Resolution does not affect and does not repeal any other speed limit set forth in that traffic resolution. Provided further, the present Resolution, or any part thereof, shall not be construed so far as to affect any rights, liabilities or causes of action, either criminal or civil, existing or actions pending, at the time when this Resolution takes effect.

4. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on July 1, 2013.

Mayor

ATTEST:

City Clerk (Seal)

Council introduced the Ordinance on second reading 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.

Council introduced the Ordinance on second reading 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.

Moved by Mayor Meininger, seconded by Council Member Deibert, “to approve Ordinance No. 4103 on third reading which was read by title: 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, “YEAS”, Boeckner, Gonzales, Deibert, and Meininger, “NAYS” Shaver. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Boeckner, “to approve Ordinance No. 4104 on third reading which was read by title: 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, “YEAS”, Boeckner, Gonzales, Deibert, and Meininger, “NAYS” Shaver. Absent: None.

Under Council Reports, Marlin Johnson, City Planner, gave a report on the Nebraska Forestry Service Tour to Fort Collins, CO where they toured the city’s progressive landscaping and stormwater management.

Moved by Council Member Boeckner, seconded by Mayor Meininger, to adjourn at 7:30 p.m., “YEAS”, Gonzales, Boeckner, Deibert, Shaver, Meininger “NAYS” None. Absent: None.

Mayor

ATTEST:

City Clerk

“SEAL”

