

City of Scottsbluff, Nebraska
Monday, September 16, 2013
Regular Meeting

Item Consent1

Approve the minutes of the September 3, 2013 Regular Meeting.

Staff Contact: Cindy Dickinson

The Scottsbluff City Council met in a regular meeting on Tuesday, September 3, 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 August 30, 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 August 30, 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. 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: David Boeckner, Raymond Gonzales, Randy Meininger, Mike Deibert, and Scott Shaver. Absent: None.

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 Boeckner, seconded by Mayor Meininger, that:

1. "The minutes of the August 19, 2013 Regular Meeting be approved,"
2. "A Public Hearing be set for September 16, 2013 at 6:05 p.m. to consider a zone change request for proposed Block 1, Sugar Factory Subdivision situated in the East half of the NE ¼ of Section 1, T22N, R55W of the 6th p.m. Scotts Bluff, County, from Agricultural to R-1B Rural Residential,"
3. "A Public Hearing be set for September 16, 2013 at 6:05 p.m. to consider a zone change request for proposed Lot 1, Block 2, Windbreak Subdivision situated in the SE ¼ of Section 13, T22N, R55W of the 6th p.m. City of Scottsbluff, Scotts Bluff, County, from Agricultural to R-1 Single Family Residential,"
4. "A Public Hearing be set for September 16, 2013 at 6:05 p.m. to consider an annexation request for proposed Lot 1, Block 2, Windbreak Subdivision situated in the SE ¼ of Section 13, T22N, R55W of the 6th p.m. City of Scottsbluff, Scotts Bluff, County, "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Council Member Boeckner declared a conflict of interest regarding payments to the League Association of Risk Management and the League of Nebraska Municipalities as he is a Board Member of these organizations. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to declare a conflict of interest for Council Member Boeckner regarding payments to the League Association of Risk Management in the amount of \$393.00 and the League of Nebraska Municipalities in the amounts of \$2,557.00 and \$26,271.00 and excuse him from voting on or discussing these items," "YEAS", Boeckner, Deibert, Shaver, Gonzales and Meininger "NAYS" None. Absent: None.

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 September 3, 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 \$57,311.26 W/H; REGIONAL CARE \$58,466.29 INS CLAIMS; WELLS FARGO \$26,273.89 RETIREMENT; PVNB-HEALTH SAVINGS \$9,763.46 EMP DED; STATE OF NE \$27,752.30 PAYROLL TAX; NEBRASKA CHILD SUPPORT PAYMENT CENTER \$0; 911 CUSTOM \$241.80 MAINT; ACCURINT \$400.00 TECH SUPP; ALAMAR UNIFORMS \$697.63 UNIFORMS; AMAZON.COM HDQRTS \$234.28 BOOKS; HUGH ANDERSON \$32.50 REFUND; ANITAS GREENSCAPING \$324.20 LANDSCAPING; ARTISTRY-LINNEA JOHN \$1,132.43 GRANT; ATCO INTL \$25.00 SUPP; B&C STEEL \$326.86 REPAIRS; BAKER & TAYLOR \$110.30 BOOKS; BLUE OX BUILDING \$900.00 REPAIRS; BLUFFS SAN SUPPLY \$175.17 SUPP; FARM PLAN \$80.73 SUPP; ZEKE BOWEN \$270.00 TRNG; ROBERTA J BOYD \$94.58 POSTAGE; CARR TRUMBULL LBR \$5.33 PARTS; LYNDIA CLARK \$50.00 REFUND; COMMUNITY HEALTH-RWMC \$87.00 VACCINATION; CONNECTING POINT \$3,233.70 TECH SUPP; CRESCENT ELECT SUPPLY \$192.57 SUPP; CULLIGAN \$32.40 MAINT; D&H ELEC \$131.83 REPAIRS; DALES TIRE & RETREAD \$1,334.02 REPAIRS; RICK DEEDS \$240.00 BUS TRVL; DEPT OF NATURAL RESOURCES \$70.00 WELL REG; DARLENE DIEDRIC \$3.88 REFUND; DOGGIE DO'S \$5,500.00 GRANT REIMB; ENERGY LAB \$108.00 SAMPLES; ENVIRO SERV \$135.00 SAMPLES; BOB ESCAMILLA \$27.12 REIMB; FEDERAL EXPRESS \$516.79 SHPING; FIRST WIRELESS, INC \$813.12 MAINT; ANDREA FREDRICKSON \$40.72 TRVL EXP; FRANK IMP \$155.49 PARTS; GOLD WATCH LLC \$1,500.00 CONTRACTUAL; HARDING & SHULTZ, P.C., L.L.O. \$53.30 CONTRACTUAL; ANTHONY HARRIS \$20.50 TITLE; JIM HARRISON \$120.00 TRVL EXP; HAWKINS \$1,285.85 SUPP; HEILBRUN FARM IND SUPP \$41.61 PARTS; HELENA CHEMICAL \$799.14 SUPP; HOME DEPOT CREDIT SERVICES \$100.34 SUPP; ICMA RETIREMENT TRUST \$1,106.94 RETIREMENT; IDEAL LINEN \$45.48 SUPP; IND PLMBG & HTG \$62.65 PARTS; INLAND TRUCK PARTS \$380.73 PARTS; INTRALINKS \$66.91 SUPP; RICHARD JOHNSON \$650.00 CONTRACTUAL; KIMBALL MIDWEST \$285.25 SUPP; SAM KLASSERT \$1,463.40 CONTRACTUAL; BOBBI KUHLMAN \$86.29 BUS TRVL; LEADERSHIP SCOTTS BLUFF \$500.00 TUITION; HOPE FARMS LIMITED PARTNERSHIP \$44.83 REFUND; MENARDS \$5,620.69 SUPP; MES - MIDAM \$42.34 PARTS; MIKES STORE \$690.00 TROPHIES; MIKE'S TREE SERVICE \$150.00 MAINT; MONEY WISE OFFICE SUPPLIES \$85.66 SUPP; MONUMENT PREVENTION COALITION \$880.00 CONTRACTUAL; MUNICIPAL PIPE TOOL CO, LLC \$794.23 PARTS; MURDOCHS RANCH & HOME SUPPLY \$63.46 SUPP; MWC ENTERPRISES \$2,977.33 SUPP; N.T.C. \$252.41 REIMB; STATE OF NE \$735.00 TEST; NE LIBRARY COMMISSION \$10.00 TRNG; NEBR MACHINERY \$810.85 MAINT; NE RURAL WATER ASSOC \$530.00 TRNG; NW PIPE FITTINGS \$40.34 PARTS; NPPD \$79,513.85 UTILITIES; NSA/POAN CONFERENCE \$95.00 TRNG; UPSTART ENTERPRISES, LLC \$312.99 SUPP; PANHANDLE CONCRETE \$105.00 REPAIRS; ELISEO PEREZ \$150.00 DELIVERY EXP; THE PLAYHOUSE SKATE & FUN CENT \$290.00 SUPP; POSTMASTER \$455.43 POSTAGE; QUILL CORP \$422.64 SUPP; R&C WELDING & FABRICATION \$531.76 REPAIRS; ASHLEY RAHMIG \$49.34 REFUND; REAMS SPRINKLER SUPP \$617.03 PARTS; JON REITER \$442.00 BUS TRVL; WY FIRST AID/SAFETY \$27.41 SUPP; BRANDON RITTERBUSH \$100.00 REFUND; ROOSEVELT PP DIST \$1,930.70 UTILITY; JASON M ROSS \$7.21 REFUND; RV'S 4 U \$550.00 PARTS; SMEC \$267.50 UNITED WAY; SANDBERG IMPLEMENT \$165.13 SUPP; SCB PARKS & CEMETERY FOUNDATIO \$37.50 REIMB; MC SCHAFF \$13,120.00 CONTRACTUAL; DAVE SCHLEVE \$10,000.00 GRANT REIMB; MIKE SCHWARTZKOPF \$48.84 REFUND; SHERWIN WILLIAMS \$38.60 SUPP; SIMON CONT \$204,274.51 SUPP; SNELL SERVICES \$1,830.00 MAINT; KN ENERGY \$4,027.56 FUEL; KEVIN SPENCER \$173.00 BUS TRVL; STAPLES \$137.00 SUPP; STAR HERALD \$2,758.59 LGL PUB; STATE HEALTH LAB \$16.00 SAMPLES; STATE OF NE \$138.87 PHONE; SUBWAY \$49.25 TESTING; SWANK MOTION PICTURES \$321.00 SUPP; TARGETS ONLINE \$124.88 SUPP; KATHERINE TEMPLEMAN \$31.27 REFUND; THOMPSON GLASS \$395.00 REPAIRS; TODAY'S DISTRIBUTOR, LLC \$6,900.00 PARTS; TYLER TECHNOLOGIES, INC \$12,120.41 TECH SUPP; U S BANK \$1,450.00 BOND FEE; ULTRAMAX \$1,190.00 SUPP; US BANK-CPS \$1,638.09 REPAIRS, TRNG; VERIZON WIRELESS \$481.12 PHONE; SKYBEAM \$57.95 INTERNET; AMY WAKEMAN \$93.15 REFUND; WALMART \$241.34 SUPP; BRIAN WASSON \$48.00 BUS TRVL; WATER ENV FED \$55.00 MBERSHP; WESTCO \$52.63 SAMPLES; WESTERN TRAIL SPORTS \$6,758.81 GRANT REIMB; YMCA \$1,764.00 FITNESS; ZAMARRIPA, TOM \$74.99 UNIFORMS.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “that the claims to the League Association of Risk Management in the amount of \$393.00 and the League of Nebraska Municipalities in the amounts of \$2,557.00 and \$26,271.00 be paid as on file with the City Clerk and submitted to the City Council,” “YEAS”, Gonzales, Deibert, Shaver, and Meininger, “NAYS” None. Absent: None. Abstain: Boeckner.

Assistant City Manager Johnson presented the request from Lucky One LLC to extend their liquor license to an outdoor, fenced area. There are no issues with this liquor license and staff is recommending approval. Moved by Mayor Meininger, seconded by Council Member Boeckner, “to send a positive recommendation to the Nebraska Liquor License Commission regarding the extension of the liquor license of Lucky One LLC, dba Frontside, 1001 Avenue I, to include an outdoor fenced area,” “YEAS”, Boeckner, Gonzales, Deibert, Shaver and Meininger, “NAYS” None. Absent: None.

Mayor Meininger opened the public hearing at 6:05 p.m. to consider the final tax request for 2013-2014. Assistant City Manager Johnson presented the resolution Council with a tax request for FY 2013-2014 of \$1,687,535.00 for the City of Scottsbluff and \$54,100.00 for the Business Improvement District. There were no comments from the public. Mayor Meininger closed the Public Hearing at 6:10 p.m. Council Member Shaver asked how this request compares to previous years. Finance Director Griffiths responded that the mil levy and the Business Improvement District request are the same as last years. Moved by Council Member Boeckner seconded by Council Member Gonzales, “to approve Resolution No. 13-09-01 authorizing the final tax request for the 2013-2014 year at a different amount than the prior year request,” “YEAS”, Boeckner, Gonzales, Deibert, Shaver and Meininger, “NAYS” None. Absent: None.

RESOLUTION NO. 13-09-01

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Scottsbluff passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Scottsbluff that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Scottsbluff, by a majority vote, resolves that:

1. The 2013-2014 property tax request be set at \$1,687,535 for the City of Scottsbluff.
2. The 2013-2014 property tax request be set at \$54,100 for the Business Improvement District.
3. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2013.

PASSED AND APPROVED this 3rd day of September, 2013.

Mayor

ATTEST:

City Clerk

“seal”

Mayor Meininger opened the public hearing at 6:10 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the FY 2013-2014 budget. Assistant City Manager explained that the budget as presented reflects the changes discussed during the budget workshop, including the funding for an additional firefighter and a full time code enforcement officer. There were no comments from the public. Mayor Meininger closed the public hearing at 6:11 p.m.

Council Member Boeckner introduced Ordinance No. 4109 which was read by title: **AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.**

Moved by Council Member Boeckner, seconded by Mayor Meininger, "That the statutory rule requiring the Ordinance to be read by title on three different days be suspended." "YEAS", Boeckner, Deibert, Gonzales, and Meininger, "NAYS" Shaver. Absent: None. The motion carried having been approved by three-fourths of the Council Members.

Moved by Council Member Boeckner, seconded by Council Member Deibert, "That Ordinance No. 4109 be adopted," "YEAS", Boeckner, Deibert, Gonzales, and Meininger, "NAYS" Shaver. Absent: None.

Mayor Meininger declared a conflict of interest regarding the public hearing to consider a zone change request for the Rugger Hospital Addition. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to declare a conflict of interest for Mayor Meininger regarding the Rugger Hospital Addition zone change and excuse him from voting on or discussing these items," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Vice President of the Council Raymond Gonzales opened the public hearing at 6:12 p.m. to discuss the zone change request for part of Block 2, & Blocks 3- 8 Rugger Hospital Addition from R-1A Single Family Residential to O & P Office and Professional. City Manager Kuckkahn explained that this zoning request is consistent with the master plan. David Griffiths, Chief Financial Officer for Regional West Medical Center approached the Council and explained that a medical related business is interested in locating a business on this property which is currently zoned residential. In discussing this zone change with the Development Services office, it was recommended to change the zoning of this property to tie in with the surrounding property. This will also change the zoning at the Village Retirement Center. The Planning Commission recommended this zone change as it will be more consistent with the surrounding property. Council Member Shaver asked what the opposition concerns were at the Planning Commission meeting. Mr. Griffiths explained that the opposition was very general regarding the zoning of the land to the north, which is currently being tabled by the hospital. Mr. Kevin Ott had concerns about the property currently being discussed, regarding the noise created by the helicopter on the west pad. Mr. Griffiths noted that the second pad is to be used at night if available, however, if there are east winds, or if it is occupied, the east pad cannot be used. Mr. Ott's other concern is landscaping and clean up of the property adjacent to his. These issues are being addressed.

There were no comments from the public. Vice President Gonzales closed public hearing at 6:20 p.m.

Council Member Boeckner introduced the Ordinance by title on first reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT PART OF BLOCK 2, & BLOCKS 3, 4, 5, 6, 7, AND 8, RUGGER HOSPITAL ADDITION, SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED R-1A, WILL NOW BE INCLUDED AS O & P OFFICE AND PROFESSIONAL, AND REPEALING PRIOR SECTION 25-1-4.**

This Ordinance will be read again at the next regular Council Meeting.

Mayor Meininger opened the public hearing at 6:23 p.m. to consider the report of the Economic Development Citizen's Advisory Committee. City Manager Kuckkahn reported that since 1996, this fund had provided \$6.8 million for new and existing businesses. This resulted in 1200 total net jobs created or retained. Deputy City Attorney Rick Ediger commented that these grants offer something for smaller businesses. The Economic Development Citizens Review Committee is obligated to provide this report to the City Council. Not much has changed from the last report, and we still have a large balance in the fund. We need to find more applicants as the

funds do more good when they are being utilized. We have however, been able to provide some infrastructure improvements for qualifying business such as KYS Foods and EagleMed. We have plenty of funds for qualifying businesses, however, we do hold the businesses accountable and expect performance for the funds being granted.

Mr. Kuckkahn added that the grants are based on performance based employment and they are paid after they have provided employment information. Mayor Meininger added that the funding is available for service businesses, not retail. We don't want to provide a competitive edge with retail business. Council Member Shaver asked why the information was confidential if public funds are used. Mr. Ediger responded that State Statute requires the employment levels remain confidential, and we have adopted an Ordinance reflecting the statute. Employment levels are not something to be shared with competitors. The amount of the grant is public, but employment levels are confidential.

There were no comments from the public. Mayor Meininger closed the public hearing at 6:40 p.m.

Council Member Gonzales asked which committee should look into the possibility of adding retail businesses. Mr. Kuckkahn added there may be benefits of targeting certain types of retail to stimulate certain businesses. Mr. Ediger stated that we can amend our plan to include other types of businesses, which would require the adoption of an Ordinance. Mayor Meininger directed staff to meet with the Application Review Committee to consider broadening the plan and consider recruiting other types of businesses. Moved by Council Member Boeckner, seconded by Mayor Meininger, "to accept the report of the Economic Development Citizen's Advisory Committee," "YEAS", Gonzales, Boeckner, Meininger, Deibert and Shaver "NAYS": none. Absent: None.

Mayor Meininger opened the public hearing at 6:45 to consider a Class X Liquor License application for PIVO Inc. DBA High Plains Budweiser. Jeffrey Sheinhost, owner, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Council Member Boeckner, seconded by Council Member Deibert, "That the following exhibits, presented on behalf of the City Council, be entered into the record: 1) Application of PIVO Inc. DBA High Plains Budweiser; 2) City Council Check List for Section 53-132 Cum Supp 2002; 3) Written Statement of Police Chief Kevin Spencer dated August 28, 2013 ; 4) Written Statement of City Clerk dated August 29, 2013; 5) Written Statement of Planning Administrator Urdiales dated August 29, 2013; "YEAS", Gonzales, Boeckner, Shaver, Deibert and Meininger, "NAYS" None. Absent: None.

Mr. Sheinhost explained the reason for wanting to change his current liquor license to a Class X, is to allow him to distribute the cider and other products, which his current license does not allow. Chief Spencer told the Council that his staff conducted an extensive background check and interview with Mr. Sheinhost and said he had no reason to not recommend issuing the business the Class X liquor license. He explained that their security is very good and they have not had any incidents there.

Mayor Meininger closed the public hearing at 6:47 p.m. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to forward a positive recommendation to the Nebraska Liquor License Commission regarding the Class X Liquor License for PIVO, Inc., dba High Plains Budweiser, 2810 Avenue M, Scottsbluff, NE," "YEAS", Gonzales, Boeckner, Meininger, Deibert and Shaver "NAYS": none. Absent: None.

RESOLUTION NO. 13-09-02

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

1. On September 3, 2013 the matter of the application of a Class X liquor license for PIVO, Inc., dba High Plains Budweiser, 2810 Ave. M, 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 PIVO, Inc., dba High Plains Budweiser
Exhibit 2 - City Council Check List for Section 53-132 R.R.S. (2002)
Exhibit 3 - Written statement of Police Chief dated August 28, 2013
Exhibit 4 - Written statement of City Clerk dated August 29, 2013
Exhibit 5 - Written statement of Development Services Director dated August 29, 2013

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Jeffrey Scheinost, owner. 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 PIVO, Inc., dba High Plains Budweiser, 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 3rd day of September, 2013.

Mayor

ATTEST:

City Clerk

“seal”

Assistant City Manager Johnson presented a bid from Benjamin Franklin for the sewer project at Riverside Campground. The previous bid awarded to Oregon Trail has been cancelled as the contractor is unable to perform the work required. Our City Engineer contacted the Benjamin Franklin Plumbing contractors to make sure they understood the complexity of the project. They felt confident that Benjamin Franklin Plumbing could complete the job satisfactorily by the end of this fiscal year. Moved by Council Member Boeckner, seconded by Council Member Gonzales, “to approve the bid from Benjamin Franklin Plumbing for a sewer project at Riverside Campground in the amount of \$15,193.00,” “YEAS”, Gonzales, Boeckner, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

Assistant City Manager Johnson presented three resolutions and agreements naming Mark Bohl, Public Works Director as Responsible Charge (RC) for projects in Alliance, NE. Mayor Meininger noted that these Federal projects require someone with the proper qualifications to complete the work, which Mr. Bohl has. These projects will take approximately 100 hours to complete, much of which can be done from his Scottsbluff office. Assistant City Manager Johnson advised the Council that the City would be reimbursed for Mr. Bohl’s time.

Moved by Council Member Boeckner, seconded by Council Member Deibert, "Council to approve an Inter-local Agreement and Resolution No. 13-09-03 for Mark Bohl, Public Works Director to be the Responsible Charge (RC) for the City of Alliance for their 10th Street project," "YEAS", Boeckner, Deibert, Gonzales, and Meininger, "NAYS" Shaver. Absent: None.

Resolution No. 13-09-03

WHEREAS, City of Scottsbluff, has a full-time public employee on staff, who is fully qualified and has time and interest in serving as "Responsible Charge" (RC); and

WHEREAS, City of Alliance has requested to enter into a Nebraska Local Public Agency Interlocal Cooperation Act Agreement with City of Scottsbluff for the services of a qualified "Responsible Charge" (RC) for a Federal-Aid project in City of Alliance; and

WHEREAS, City of Alliance and City of Scottsbluff; have agreed on the terms and conditions of said Interlocal Cooperative Agreement as submitted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council that, Mark Bohl, Director of Public Works, is hereby authorized to sign on behalf of LPA, the Receiving or Assisting LPA Public Entity, the Nebraska Local Public Agency Interlocal Cooperative Act Agreement for a Federal-Aid project in City of Alliance.

NDOR Project No.: URB-6253 (7)

NDOR Control No.: CN 51490

Project Name: 10th Street, Box Butte to Flack

Motion made by Council Member Boeckner to adopt said resolution. Second by Council Member Deibert.

Roll Call: 4 Yes 1 Nay

PASSED AND APPROVED this 3rd day of September, 2013.

Randy Meininger, City of Scottsbluff Mayor

Attest:

Cindy Dickinson, City Clerk

Moved by Council Member Boeckner, seconded by Council Member Deibert, "Council to approve an Inter-local Agreement and Resolution No. 13-09-04 for Mark Bohl, Public Works Director to be the Responsible Charge

(RC) for the City of Alliance for their Emerson Avenue project,” “YEAS”, Boeckner, Deibert, Gonzales, and Meininger, “NAYS” Shaver. Absent: None.

Resolution No. 13-09-04

WHEREAS, City of Scottsbluff, has a full-time public employee on staff, who is fully qualified and has time and interest in serving as “Responsible Charge” (RC); and

WHEREAS, City of Alliance has requested to enter into a Nebraska Local Public Agency Interlocal Cooperation Act Agreement with City of Scottsbluff for the services of a qualified “Responsible Charge” (RC) for a Federal-Aid project in City of Alliance; and

WHEREAS, City of Alliance and City of Scottsbluff; have agreed on the terms and conditions of said Interlocal Cooperative Agreement as submitted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council that, Mark Bohl, Director of Public Works, is hereby authorized to sign on behalf of LPA, the Receiving or Assisting LPA Public Entity, the Nebraska Local Public Agency Interlocal Cooperative Act Agreement for a Federal-Aid project in City of Alliance.

NDOR Project No.: URB-6255 (3)

NDOR Control No.: CN 51450

Project Name: Emerson Avenue, 18th - 25th Street

Motion made by Council Member Boeckner to adopt said resolution. Second by Council Member Deibert.

Roll Call: 4 Yes 1 Nay

PASSED AND APPROVED this 3rd day of September, 2013.

Randy Meininger, City of Scottsbluff Mayor

Attest:

Cindy Dickinson, City Clerk

Moved by Council Member Boeckner, seconded by Council Member Deibert, “Council to approve an Inter-local Agreement and Resolution No. 13-09-05 for Mark Bohl, Public Works Director to be the Responsible Charge (RC) for the City of Alliance for their South Potash Street project,” “YEAS”, Boeckner, Deibert, Gonzales, and

Meininger, “NAYS” Shaver, Absent: None.

Resolution No. 13-09-05

WHEREAS, City of Scottsbluff, has a full-time public employee on staff, who is fully qualified and has time and interest in serving as “Responsible Charge” (RC); and

WHEREAS, City of Alliance has requested to enter into a Nebraska Local Public Agency Interlocal Cooperation Act Agreement with City of Scottsbluff for the services of a qualified “Responsible Charge” (RC) for a Federal-Aid project in City of Alliance; and

WHEREAS, City of Alliance and City of Scottsbluff; have agreed on the terms and conditions of said Interlocal Cooperative Agreement as submitted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council that, Mark Bohl, Director of Public Works, is hereby authorized to sign on behalf of LPA, the Receiving or Assisting LPA Public Entity, the Nebraska Local Public Agency Interlocal Cooperative Act Agreement for a Federal-Aid project in City of Alliance.

NDOR Project No.: URB-6263 (1)

NDOR Control No.: CN 51347

Project Name: South Potash, Kansas to 2nd Street

Motion made by Council Member Boeckner to adopt said resolution. Second by Council Member Deibert.

Roll Call: 4 Yes 1 Nay

PASSED AND APPROVED this 3rd day of September, 2013.

Randy Meininger, City of Scottsbluff Mayor

Attest:

Cindy Dickinson, City Clerk

Assistant City Manager Johnson presented the FY 2013-2014 Pay Resolution which reflects a 2.2% cost of living adjustment for classified positions, fire and police. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve Resolution No. 13-09-06, FY 2013-2014 Pay Resolution," "YEAS", Gonzales, Boeckner, Meininger, Deibert and Shaver "NAYS": none. Absent: None.

RESOLUTION NO. 13-09-06

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

1. That the following Pay Plan for officers and employees of the City of Scottsbluff, Nebraska employed in Classified Positions be approved September 3, 2013 and effective October 7, 2013.

**PAY SCHEDULE
HOURLY RATES (Based on 40 hour work week)**

<u>Grade</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>L1</u>	<u>L2</u>
2	8.40	8.82	9.26	9.73	10.21	10.72	11.26
3	8.82	9.26	9.73	10.21	10.72	11.26	11.82
4	9.26	9.73	10.21	10.72	11.26	11.82	12.41
5	9.73	10.21	10.72	11.26	11.82	12.41	13.03
6	10.21	10.72	11.26	11.82	12.41	13.03	13.68
7	10.72	11.26	11.82	12.41	13.03	13.68	14.37
8	11.26	11.82	12.41	13.03	13.68	14.37	15.09
9	11.82	12.41	13.03	13.68	14.37	15.09	15.84
10	12.41	13.03	13.68	14.37	15.09	15.84	16.63
11	13.03	13.68	14.37	15.09	15.84	16.63	17.47
12	13.68	14.37	15.09	15.84	16.63	17.47	18.34
13	14.37	15.09	15.84	16.63	17.47	18.34	19.25
14	15.09	15.84	16.63	17.47	18.34	19.25	20.22
15	15.84	16.63	17.47	18.34	19.25	20.22	21.23
16	16.63	17.47	18.34	19.25	20.22	21.23	22.29
17	17.47	18.34	19.25	20.22	21.23	22.29	23.40
18	18.34	19.25	20.22	21.23	22.29	23.40	24.57
19	19.25	20.22	21.23	22.29	23.40	24.57	25.80
20	20.22	21.23	22.29	23.40	24.57	25.80	27.09

BI-WEEKLY RATES

17	1395.88	1465.67	1538.96	1615.90	1696.70	1781.53	1870.61
18	1465.67	1538.96	1615.90	1696.70	1781.53	1870.61	1964.14
19	1538.96	1615.90	1696.70	1781.53	1870.61	1964.14	2062.35
20	1615.90	1696.70	1781.53	1870.61	1964.14	2062.35	2165.47
21	1696.70	1781.53	1870.61	1964.14	2062.35	2165.47	2273.74
22	1781.53	1870.61	1964.14	2062.35	2165.47	2273.74	2387.43
23	1870.61	1964.14	2062.35	2165.47	2273.74	2387.43	2506.80
24	1964.14	2062.35	2165.47	2273.74	2387.43	2506.80	2632.14
25	2062.35	2165.47	2273.74	2387.43	2506.80	2632.14	2763.74
26	2165.47	2273.74	2387.43	2506.80	2632.14	2763.74	2901.93
27	2273.74	2387.43	2506.80	2632.14	2763.74	2901.93	3047.03
28	2387.43	2506.80	2632.14	2763.74	2901.93	3047.03	3199.38
29	2506.80	2632.14	2763.74	2901.93	3047.03	3199.38	3359.35
30	2632.14	2763.74	2901.93	3047.03	3199.38	3359.35	3527.32

31 2763.74 2901.93 3047.03 3199.38 3359.35 3527.32 3703.68

2. That the following positions in the Classification Plan are assigned to the following Class Grades:

HOURLY POSITIONS

<u>Grade</u>	<u>Class Titles</u>	<u>Grade</u>	<u>Class Titles</u>
3	Code Enforcement Assistant	14	Wastewater Plant Operator I
5	Assistant Pool Manager	14	Water System Operator I
7	Library Technician	14	Heavy Equipment Operator
7	Pool Manager	14	Solid Waste Equip. Operator
9	Building & Grounds Custodian	15	Crew leader
9	Clerical Technician	16	Maintenance Mechanic
10	Clerk Typist	16	Finance/HR Assistant
10	Customer Services Clerk	16	Fire Prevention Officer
10	Library Assistant	17	Wastewater Plant Operator II
11	Record Technician	17	Water System Operator II
11	Humane Officer	17	Construction-Locator Spec.
12	Accounts Payable Clerk	18	Cemetery Supervisor
12	Accounts Receivable Clerk	19	Stormwater Program Specialist
12	Admin. Records Technician	20	Code Administrator I
13	Administrative Assistant		
13	Maintenance Worker		
13	Motor Equipment Operator		

EXEMPT POSITIONS

Professional, Administrative and Executive

17	Recreation Supervisor	24	Development Serv. Director
18	Utilities Adm. Coordinator	24	City Clerk/Risk Manager
18	Librarian	24	Library Director
20	GIS Analyst	24	Public Safety/Em Mgmt Dir
22	Transportation Supervisor	25	IS Coordinator
22	Park Supervisor	26	Police Captain
22	Water System Supervisor	26	Director of Parks/Recreation
22	Wastewater Plant Supervisor	26	Assistant City Manager
22	Environmental Services Supervisor	27	Director of Human Resources
22	Code Administrator II	28	Director of Public Works
22	Planner	29	Fire Chief
23	Network Administrator	30	Police Chief
23	Planning Administrator	31	Director of Finance

3. That the following pay schedule for officers and employees in Unclassified Positions of the city is approved September 3, 2013 and effective October 7, 2013.

<u>Position</u>	<u>Salary Minimum</u>	<u>Salary Maximum</u>
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City Manager Established by City Council

**Seasonal and Part-time
Hourly Rates**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
School Crossing Guard	\$7.40	\$7.55	\$7.70	\$7.85	\$8.00	\$8.15	\$8.30
Library Page	\$7.40	\$7.55	\$7.70	\$7.85	\$8.00	\$8.15	\$8.30
Laborer	\$8.00	\$8.15	\$8.30	\$8.45	\$8.60	\$8.75	\$8.90
Field Mntc. Groundskeeper	\$8.40	\$8.55	\$8.70	\$8.85	\$9.00	\$9.15	\$9.30

Recreation Aide	\$7.40	\$7.55	\$7.70	\$7.85	\$8.00	\$8.15	\$8.30
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Lifeguard	\$8.35	\$8.50	\$8.65	\$8.80	\$8.95	\$9.10	\$9.25
Head Lifeguard	\$8.65	\$8.80	\$8.95	\$9.10	\$9.25	\$9.40	\$9.55

NOTE: Pay step increase may be given after one year of service from hire date, at the discretion of the Department Head.

4. The Pay Schedule for the position of Firefighters and Fire Captains working a 56 hour week shall be the schedule approved in a Resolution adopted by the Mayor and City Council on September 3, 2013 and effective October 7, 2013.

<u>Class Title</u>	<u>Hourly Pay Schedule (56 hour week)</u>							
	1	2	3	4	5	6	7	8
Firefighter	12.28	12.88	13.50	14.16	14.85	15.57	16.32	17.11
Fire Captain	15.92	16.69	17.49	18.33	19.21	20.13	21.10	22.11

5. That the Pay Schedule for the position of Patrol Officer and Police Sergeant shall be the Schedule approved in a resolution approved by the Mayor and City Council on September 3, 2013 to be effective October 7, 2013.

<u>Class Title</u>	<u>Hourly Pay Schedule</u>							
	1	2	3	4	5	6	7	8
Patrol Officer	17.13	17.97	18.85	19.78	20.74	21.76	22.82	23.95
Police Sergeant	20.70	21.65	22.64	23.68	24.77	25.91	27.10	28.35

6. Resolution No. 12-09-01 and all other resolutions in conflict with this resolution are repealed.

Passed and approved this 3rd day of September, 2013.

Mayor

ATTEST:

City Clerk

Regarding the sale of the property located in Webber Manor subdivision, Council introduced Ordinance No. 4110 which was read by title on second reading: AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 2, WEBBER MANOR SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.

Moved by Council Member Boeckner, seconded by Council Member Gonzales, "That the statutory rule requiring the Ordinance to be read by title on three different days be suspended." "YEAS", Boeckner, Deibert, Gonzales, and Meininger, "NAYS" Shaver. Absent: None. The motion carried having been approved by three-fourths of the Council Members.

Moved by Council Member Boeckner, seconded by Council Member Gonzales, "That Ordinance No. 4110 be adopted," "YEAS", Boeckner, Deibert, Gonzales, Shaver and Meininger, "NAYS" None. Absent: None.

Council Member Boeckner declared a conflict of interest regarding the items dealing with the League Association of Risk Management (LARM) items because he serves on the Board. Moved by Mayor Meininger seconded by Council Member Shaver, "to declare a conflict of interest for Council Member Boeckner regarding items dealing with the League Association of Risk Management presentation and Resolution and excuse him from discussing or voting on these items," "YEAS", Boeckner, Deibert, Shaver and Meininger, "NAYS" Gonzales. Absent: None.

Geneie Andrews, Marketing Manager with the League Association of Risk Management gave a presentation to the Council regarding the City's insurance coverage. She explained that a re-appraisal of all city properties will be conducted soon at no additional cost to the city. This will help determine the functional replacement cost of city buildings and equipment. She explained that one of the advantages of staying with LARM for our insurance coverage is that it is a complete risk management business offering training and information for employees. They have recently added nine new accounts, which will help to

get the costs down with more members. The insurance pool can offer more benefits at a lower cost to the city than a private company.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to remove from the table the Resolution regarding participation in the League Association of Risk Management," "YEAS", Deibert, Shaver, Gonzales and Meininger, "NAYS": None. Absent: None. Abstain: Boeckner.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve Resolution No. 13-09-07 extending the date for written notice of termination in participation in the League Association of Risk Management (LARM) and consider the contribution credits for multi-year commitments," "YEAS", Deibert, Shaver, Gonzales and Meininger, "NAYS": None. Absent: None. Abstain: Boeckner.

League Association of Risk Management
2013-2014 Renewal Resolution
RESOLUTION NO. 13-09-07

WHEREAS, The City of Scottsbluff is a member of the League Association of Risk Management (LARM);

WHEREAS, section 7.3 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of The City of Scottsbluff, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

☒ Provide written notice of termination at least **180** days prior to the desired termination date, which date shall be no sooner than September 30, 2016 (180 day and 3 year commitment; 5% discount)

☐ Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2015. (180 day and 2 year commitment; 4% discount)

☐ Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2014. { 180 day notice only; 2% discount }

☐ Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2016. { 90 day notice and 3 year commitment only; 2% discount }

☐ Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2015. (2 year commitment only; 1%)

☐ Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2014. { 90 day Notice only }

Adopted this 3rd day of September, 2013.

Signature: _____

Title: Mayor

ATTEST: _____

Title: City Clerk

Under Council reports, Council Member Boeckner presented his letter of resignation from the Scottsbluff City Council effective September 26, 2013 due to his impending move from the community.

Moved by Council Member Boeckner, seconded by Council Member Deibert, “to adjourn the meeting at 7:10 p.m., ““YEAS”, Boeckner, Deibert, Gonzales, Shaver and Meininger, “NAYS” None. Absent: None.

Mayor

ATTEST:

City Clerk

“SEAL”