

# **City of Scottsbluff, Nebraska**

**Monday, October 7, 2013**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the September 16, 2013 Regular Meeting.**

**Staff Contact: Cindy Dickinson**

The Scottsbluff City Council met in a regular meeting on Monday, September 16, 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 September 13, 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 September 13, 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 September 3, 2013 Regular Meeting be approved,"
2. "The City Manager's appointments to various boards and commissions be approved,"  
"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 September 16, 2013, as on file with the City Clerk and submitted to the City Council," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

#### CLAIMS

PAYROLL \$56,842.73 W/H; REGIONAL CARE \$97,717.47 INS CLAIMS; WELLS FARGO \$26,776.74 RETIREMENT; PVNB-HEALTH SAVINGS \$11,975.96 EMP DED; STATE OF NE \$27,820.96 PAYROLL TAX; NEBRASKA CHILD SUPPORT PAYMENT CENTER \$2,217.16; ACCURINT \$100.00 TECH SUPPORT; ACTION COMM \$19.53 PAGER RENT; ADVERTISING SPECIALTIES INK. \$142.00 UNIFORMS; ALF'S PROPERTIES \$51.76 REFUND; ALLO COMMUNICATIONS \$4,673.57 PHONE; AMERICAN CEMETERY \$85.00 SUBSCPT; ANITAS GREENSCAPING \$438.20 MAINT; ASSOC SUPPLY CO \$1,099.04 SUPP; ASSURITY LIFE INSURANCE CO \$69.77 INSURANCE; AUTO ZONE \$41.78 MAINT; BAKER & TAYLOR \$106.07

BOOKS; BELTLINE SAND & GRAVEL \$748.76 SUPP; BLUFFS SAN SUPPLY \$594.13 SUPP; FARM PLAN \$4.95 METER WORK; ROBERTA J BOYD \$17.76 SUPP; BRUNZ, BRANDI \$136.15 BUS TRVL; CAREERTRACK \$298.00 SEMINAR; DEBRA CARLSON \$82.75 SUPP; CARR TRUMBULL LBR \$120.94 SUPP; CASH-WA DISTRIBUTING \$37.74 CONCESSIONS; CEMENTERS \$139.64 SUPP; CENTURY LUMBER CENTER \$9.90 SUPP; CITY OF GERING \$38,939.68 DISP FEES; CITY OF SCOTTSBLUFF \$180.70 MISC SUPP; CONNECTING POINT \$6,894.82 MAINT; CONTRACTORS MAT \$732.90 SUPP; CREDIT MANAGEMENT SERVICES INC \$203.42 WAGE ATTACH; CST MECHANICAL INC \$31.27 REFUND; CUB SCOUT PACK 13 \$150.00 TREE PLANTING; CULLIGAN \$158.60 SUPP; D&H ELEC \$20.90 SUPP; DALES TIRE & RETREAD \$1,674.14 REPAIRS; DOOR CLOSER SERV \$40.00 REPAIR; DUHAMEL BROADCASTING ENT. \$325.00 PUB EDUC; J G ELLIOTT \$70.00 NOTARY; ENVIRO SERV \$105.00 SAMPLES; FASTENAL \$14.30 SUPP; FELSBURG, HOLT & ULLEVIG \$2,574.84 CONTRACTUAL; DEANNA FERGUSON \$31.27 REFUND; FIRST WIRELESS, INC \$148.75 MAINT; FLOYDS SALES & SERV \$880.28 REPAIRS; FRAASS QUALITY HTG & A.C. \$108.00 REPAIRS; JOSE FRANCO \$86.84 REFUND; FRANK IMP \$603.44 MAINT; FYR-TEK \$173.67 REPAIRS; GENERAL TRAFFIC CONTROLS \$1,009.00 EQUIP; GOLD WATCH LLC \$1,500.00 RECYCLE TRANSP; HARRIS COMP SYSTEMS \$2,371.70 TECH ASST; HAWKINS \$4,911.80 REPAIRS; HEILBRUN FARM IND SUPP \$4,835.51 SUPP; HENWIL CORPORATION \$5,198.00 SUPP; JERRY HIGEL \$2,400.00 REPAIRS SIGNAL; HOME DEPOT CREDIT SERVICES \$244.00 SUPP; EVERGREEN PROPERTIES \$155.00 SEPTIC PUMP; HORIZON WEST \$434.20 REPAIRS; HWM \$425.00 MAINT; ICMA RETIREMENT TRUST \$1,106.94 RETIREMENT; IDEAL LINEN \$1,742.92 SUPP; IND PLMBG & HTG \$53.82 PARTS; INFINITY CONST \$447.84 REPAIRS; JIRDON AGRI CHEM \$277.68 SUPP; LL JOHNSTON DIST \$653.91 PARTS; RICHARD JOHNSON \$733.42 CAMPGROUND EXP; KRIZ DAVIS \$1,421.89 PARTS; RICK KUCKKAHN \$197.95 REG GOVERNANCE; MARGARET LAWRENCE \$35.90 REFUND; LONG'S EXTERIOR DESIGN LLC \$75.00 CLEAN UP; LUNDGREN SEED & GRAIN PRODUCTS \$78.00 SUPP; PERRY MADER \$223.00 TRVL EXP; MADISON NATIONAL LIFE \$2,091.63 INS; HASLER FINANCIAL SVC,LLC \$153.09 POSTAGE; MATHESON TRI-GAS INC \$153.21 SUPP; MCMASTER - CARR \$1,110.34 HEATERS; MENARDS \$903.72 SUPP; MONEY WISE OFFICE SUPPLIES \$157.74 SUPP; MONUMENT CAR WASH \$458.77 WASHES; MONUMENT PREVENTION COALITION \$880.00 MO SUPPORT; MURDOCHS RANCH & HOME SUPPLY \$19.96 SUPP; NAT'L SEMINARS GROUP \$498.00 TRNG; NE DEPT OF ENV CON \$2,100.00 PERMIT FEE; NE DEPT OF REV \$25.00 RECYCLE FEE; NE LIBRARY ASSOC \$140.00 TRNG REG; NEBR MACHINERY \$144.26 PARTS; NEBRASKA ONLINE \$65.00 ANN FEE; NE SAFETY & FIRE EQUIP \$465.00 SERVICE; NEWS BANK INC \$3,190.00 SUBSCPT; NORTHEAST WISCONSIN TECHNICAL \$350.00 TRNG; UPSTART ENTERPRISES, LLC \$19.77 SUPP; ONE CALL CONCEPTS \$167.35 LOCATES; OREGON TRAIL PLBG & HTG \$495.00 REPAIRS; PANHANDLE CONCRETE \$63.00 SUPP; PANHANDLE COOP \$30,241.84 GAS; PANHANDLE HUMANE SOC \$4,776.24 CONTRACTUAL; PAUL REED CONST \$256.00 SUPP; PERMA-BOUND \$19.26 BOOKS; POSTMASTER \$562.30 POSTAGE; PRO TIRE \$2,429.24 MAINT; INDEPENDENCE MOTEL PROP \$109.00 TRNG; MARISSA RAMOS \$85.12 REFUND; RCI \$38,705.12 HEALTH INS; REAMS SPRINKLER SUPP \$1,276.43 PARTS; RED BARN SHOP \$995.00 SUPP; RGN 1 OFC HUMAN DVLPMNT \$825.00 CONTRACTUAL; BLANCA REJINO \$13.46 REFUND; ROSALIO RIOS \$12.78 REFUND; RON'S TOWING \$125.00 CONTRACTUAL; RUSCHS CONST \$288.50 REPAIRS; SMEC \$261.50 UNITED WAY; SALES MIDWEST, INC \$153.97 SUPP; SANDBERG IMPLEMENT \$2,974.84 REPAIRS; SCOTTSBLUFF BODY & PAINT \$390.00 CONTRACTUAL; SCB COUNTY \$134.00 SERVICE; SCB FIREFIGHTERS UNION LOCAL 1 \$195.00 DUES; SCOTTSBLUFF LANDSCAPING \$425.00 LANDSCAPE; SCB POLICE OFFICERS ASS'N \$378.00 DUES; MC SCHAFF \$1,755.00 CONTRACTUAL; MORGAN SCHAFFER \$78.64 REFUND; SIMMONS, OLSEN, EDIGER, SELZER \$10,554.62 CONTRACTUAL; SIMON CONT \$9,386.46 REPAIRS; SNELL SERVICES \$105.00

SERVICE; STANARD & ASSOCIATES INC. \$1,090.00 EXAMS; STAR HERALD \$2,033.75 LGL .PUB; STATE HEALTH LAB \$35.00 SAMPLES; STATE OF NE \$3.81 PHONE; TETRA TECH, INC \$850.00 STUDY; TODAY'S DISTRIBUTOR, LLC \$103.93 REPAIRS; THOMMY JOHNNYS \$1,265.00 RENTAL; TOTAL FUNDS BY HASLER \$1,500.00 POSTAGE; TRAFFIC PARTS \$141.00 PARTS; TYLER TECHNOLOGIES, INC \$3,937.50 TECH ASST; US BANK-CPS \$896.74 SUPP; U S WELDING \$101.06 REFILL; USA BLUEBOOK \$1,957.17 SUPP; VAN PELT FENCING \$1,621.05 FENCE; VENDPRINT \$514.00 RENEWAL; VERIZON WIRELESS \$212.80 PHONE; VIAERO WIRELESS \$36.21 LOCATES; WALMART \$178.57 SUPP; JEFFREY WEST \$52.55 REFUND; WESTERN PATHOLOGY \$51.00 TESTS; WESTERN TRAIL SPORTS \$9.62 UNIFORMS; WTG MIDWEST, INC \$381.00 PARTS; YMCA \$2,086.20 FITNESS; ZMLUMBER \$33.58 SUPP.

Council reviewed the July 2014 Financial report. There were no comments by the Council.

Council reviewed the request from West Nebraska Arts Center for a special designated liquor license and arts related wine permit for an event on October 3, 2013. Mason Burbach, Executive Director of West Nebraska Arts Center approached the Council and explained their event and how the wine would be served and monitored. The police department has not had any issues with events at the Arts Center in the past. This is the Arts Center's fourth SDL for the year, as a non-profit they are allowed six per year. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve the issuance of a special arts-related event wine permit for the West Nebraska Arts Center, 106 East 18<sup>th</sup> Street and special designated liquor license to serve wine at a gallery reception on October 3, 2013 from 5:00 p.m. to 7:00 p.m.," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Mayor Meininger opened the public hearing at 6:05 p.m. as advertised for this date, to consider a zone change request for proposed Block 1, Sugar Factory Subdivision from Agricultural to R-1B Rural Residential. The Planning Commission forwarded a positive recommendation regarding this rezone. Kelly Beatty with M.C. Schaff and Associates explained that this is an existing farmstead which will be subdivided into a 3.8 acre lot which will meet the guideline of a Rural Residential zone. The property is located in the city's extra territorial jurisdiction and meets the future land development of the City's Comprehensive Development Plan. Mayor Meininger closed the public hearing at 6:07 p.m.

Council Member Boeckner introduced Ordinance No. 4111 which was read by title: AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT PROPOSED FINAL PLAT, BLOCK 1, SUGAR FACTORY SUBDIVISION SITUATED IN THE E½ OF THE NE¼ OF SECTION 1, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, WHICH IS CURRENTLY ZONED AS A-AGRICULTURAL, WILL NOW BE INCLUDED IN THE R-1B RURAL RESIDENTIAL ZONE, AND REPEALING PRIOR SECTION 25-1-4.

Moved by Council Member Boeckner, seconded by Council Member Deibert, "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. 4111 be adopted," "YEAS", Boeckner, Deibert, Gonzales, and Meininger, "NAYS" Shaver. Absent: None.

Council then considered the final plat for this property. Moved by Council Member Boeckner, seconded by Mayor Meininger, "to approve Resolution No. 13-09-08, the final plat of Block 1, Sugar Factory Subdivision," "YEAS", Boeckner, Deibert, Gonzales, and Meininger, "NAYS" Shaver. Absent: None.

RESOLUTION NO. 13-09-08

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

That the final plat of Block 1, Sugar Factory Subdivision situated in the East half of the Northeast Quarter of Section 1, T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska dated August 5, 2013, duly made, acknowledged and certified, is approved. Such Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 16th day of September 2013.

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Mayor

Attest:

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City Clerk

SEAL

Mayor Meininger opened the public hearing at 6:10 p.m. as advertised for this date to consider a zone change request for proposed Lot 1, Block 2, Windbreak Subdivision from Agricultural to R-1 Single Family Residential. Kelly Beatty with M.C. Schaff and Associates informed Council that this is a 1.6 acre tract of land at the north end of 17<sup>th</sup> Ave. in the city's extra territorial jurisdiction. This property will be in a cul-de-sac with a provision for an easement if the owners would ever extend 17<sup>th</sup> Ave. The City's Comprehensive Plan future land use designated this entire acreage as single family residential. Mayor Meininger closed the public hearing at 6:14 p.m.

Council Member Boeckner introduced the Ordinance which was read 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 PROPOSED LOT 1, BLOCK 2, WINDBREAK SUBDIVISION SITUATED IN THE SE¼ OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, WHICH IS CURRENTLY ZONED AS A-AGRICULTURAL, WILL NOW BE INCLUDED IN THE R-1 SINGLE FAMILY RESIDENTIAL ZONE, AND REPEALING PRIOR SECTION 25-1-4.

Since the Ordinance will be read again at the next meeting, the final plat of this property cannot be considered. Moved by Mayor Meininger, seconded by Council Member Shaver "to table the final plat of Lot 1, Block 2, Windbreak Subdivision and the Resolution," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Mayor Meininger opened the public hearing at 6:15 p.m. which was advertised for this date to consider an annexation request for proposed Lot 1, Block 2, Windbreak Subdivision, City of Scottsbluff, Scotts Bluff, County and consider the Resolution. This annexation affects the 1.6 acre tract north of 17<sup>th</sup> Avenue which the owners have asked to have rezoned to residential. There were no comments from the public. Mayor Meininger closed the public hearing at 6:15 p.m. Since the Ordinance to rezone the property has not been approved yet, this item will need to be tabled. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to table the annexation request for proposed Lot 1, Block 2, Windbreak Subdivision, City of Scottsbluff, Scotts Bluff, County and Resolution," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

City Manager Kuckkahn presented the request for a variance of alley requirements from Jonathan Gillam for his property located at Floyd's subdivision. The alleys have never been developed and are not

used for refuse collection. They are currently used for surface water drainage. The 20' utility right of way will remain in effect. Council Member Boeckner introduced Ordinance No. 4112 which was read by title: AN ORDINANCE VACATING THE ALLEYS ABUTTING THE NORTH LINE AND WEST LINE OF LOT 2, MACKRILL REPLAT, A REPLAT OF LOTS 4H AND 4I, MACKRILL SUBDIVISION TO THE CITY OF SCOTTSBLUFF, NEBRASKA.

Moved by Council Member Boeckner, seconded by Council Member Deibert, "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. 4112 be adopted," "YEAS", Boeckner, Deibert, Gonzales, and Meininger, "NAYS" Shaver. Absent: None.

Mr. Kuckkahn presented the final plat for this property which will show the vacated alleys, add a 20' easement to the south end of the lot for a future pathway and the City will retain easements in place of the vacated alleys. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve Resolution No. 13-09-09, a final plat of Block 2, Floyd's Subdivision a replat of Lot 2, Mackrill Replat, a replat of Lots 4H & 4I, Mackrill Subdivision; and vacated alleys abutting north and west line of Lot 2, Mackrill replat in the City of Scottsbluff," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

#### RESOLUTION NO. 13-09-09

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

That the final plat of Block 2, Floyd's Subdivision, in the City of Scottsbluff, Scotts Bluff County, Nebraska, a replat of Lot 2, Mackrill Replat, a replat of Lots 4H and 4I, Mackrill Subdivision; and vacated alleys abutting north and west line of Lot 2, Mackrill replat in the City of Scottsbluff, Scotts Bluff County, Nebraska dated September 5, 2013, duly made, acknowledged and certified, is approved. Such Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 16th day of September 2013.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

SEAL

Regarding the zone change for the Rugger Hospital zone change, Mayor Meininger declared a conflict of interest, as he is an employee of Regional West Medical Center. Moved by Council Member Boeckner, seconded by Council Member Shaver, "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.

Council introduced Ordinance No. 4113 which was read by title, second 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.

Moved by Council Member Boeckner, seconded by Council Member Deibert, "That the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Boeckner, Deibert, Gonzales, and Shaver "NAYS". Absent: None. Abstain: Meininger. 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. 4113 be adopted," "YEAS", Boeckner, Deibert, Gonzales, and Shaver. "NAYS" None. Absent: None. Abstain: Meininger.

Mayor Meininger acknowledged the resignation of Council Member Boeckner effective September 26, 2013, with regrets. Council Member Boeckner stated he had enjoyed his tenure as a City Council Member and encouraged others to serve an elected position. He said Scottsbluff is a good community and he hopes he had a positive impact on the community. Mayor Meininger presented Mr. Boeckner with a plaque of appreciation for his 16 years of service on the Scottsbluff City Council. Moved by Mayor Meininger, seconded by Council Member Shaver, "to accept the resignation of Council Member Boeckner effective September 26, 2013," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Council discussed the process to fill this vacancy. Mayor Meininger suggested having the Council review a list of questions that was developed for interested candidates to make sure they are still pertinent. Council needs to respond to the City Manager by 9/23/13 regarding any changes or additional questions. Council directed staff to publish a notice regarding the vacancy and announce that letters of intent will be accepted by the City. Moved by Mayor Meininger, seconded by Council Member Shaver, "to direct staff to send the proper notice to the media regarding the City Council vacancy, stating that letters of intent will be accepted by the City until September 27, 2013, midnight; candidate interview times will be set at the September 30, 2013 Regular Council Meeting; and election of a new Council Member will take place at the October 21, 2013 Regular Council Meeting," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

City Manager Kuckkahn presented an Economic Development request for LB840 grant funding from Bovidr Laboratories. This is an animal supplement business that will add two employees, requesting a grant of \$5,000.00 per employee, total grant request \$10,000.00. The company has adequate collateral and all financial information is satisfactory. John Stinner, Jr. was present to answer any questions for the applicants. The LB840 Application Review Committee gave the Council a positive recommendation regarding this application. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve the Economic Development LB840 grant to Bovidr Laboratories in the amount of \$10,000.00 for the creation of two employees," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Mr. Kuckkahn informed the Council that the City received a Settlement Agreement for the case of Gonzales v. City of Scottsbluff. The settlement of \$250,000.00 will be paid by the City's insurance company. The City Council acknowledged the receipt of the Gonzales v. City of Scottsbluff Settlement Agreement and a memo from Howard Olsen, City Attorney, stating that the July 31, 2013 claim involving a vehicle owned by the City, resulted in injuries sustained by the Gonzalez family.

Regarding the Interlocal Cooperation Agreement with Scotts Bluff County Consolidated Communications Center, Mr. Kuckkahn explained that Scottsbluff and other communities have enjoyed a good relationship with Scotts Bluff County, which have provided emergency communications services at no cost to the cities. This agreement is a cooperative relationship based on the population of each of the entities involved. Scotts Bluff County will pay based on the 8,000 residents in the County. The operation and maintenance expenses will be paid by the County, the community's participation will be used for equipment. There will be an Advisory Board comprised of participating entities having a proportionate vote depending on their population.

Jill McFarland, Gering City Council Member, approached the Council, speaking on behalf of Mayor Mayo and two other Gering Council Members, expressing their concern that the agreement allows for double taxation by the County for the service provided by the Communication Center. She agreed that we need to get on board regarding support for the Communications Center, however she does not feel the funds are distributed correctly in the proposed agreement. Ms. McFarland encouraged the City Council to table the agreement until all issues are resolved.

City Attorney, Howard Olsen explained that the communications service was developed 22 years ago. When it was initiated, there were no mechanisms in place to take care of obsolete equipment. This agreement provides the necessary means to take care of the communication center equipment. Mr. Olsen shared an email from Jerry Crable, Scotts Bluff County Management Accountant, saying that the expense to cover the 8,00 residents living in the County, not in an incorporated city or village, can be transferred from KENO funds so the entire county is not charged.

Council Member Boeckner added that there is no perfect funding solution, however, this agreement is currently the best solution. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve the Interlocal Cooperation Agreement with Scotts Bluff County Consolidated Communications Center and authorize the Mayor to execute the agreement," "YEAS", Boeckner, Deibert, Gonzales, and Meininger, "NAYS" Shaver. Absent: None.

City Manager Kuckkahn presented the agreement with Regional West Medical Center (RWMC) for operation of communication equipment to provide enhanced communication capabilities at RWMC. This is essential for better service for our public safety providers. Moved by Council Member Boeckner, seconded by Council Member Gonzales, "to approve the License Agreement between Regional West Medical Center and the City of Scottsbluff and authorize the Mayor to execute the agreement," "YEAS", Boeckner, Deibert, Gonzales, and Meininger, "NAYS" Shaver. Absent: None.

Mike Sarchet, Twin Cities Development, presented a Memorandum of Understanding to the City Council regarding a Brownfields Assessment Coalition Partnership. This is the first step in applying for an assessment grant to help re-use existing commercial areas by demolition and re-development. The City of Gering will apply for the grant which will begin phase 1 and 2 environmental assessments. Following that, a clean-up grant can be submitted. Mr. Sarchet added that many developers are interested in locating their business in our area, but there are very few industrial properties ready for development. Moved by Council Member Boeckner, seconded by Council Member Deibert, "to approve the Memorandum of Understanding (MOU) with the Cities of Gering and Terrytown regarding a Brownfields Assessment Coalition Partnership and authorize the Mayor to sign the MOU," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

Under Council reports, Council Member Deibert reported that he met with the Scottsbluff Senior Center. They used their United Way funding to replace a freezer and reported on some building concerns which have been addressed.

Moved by Council Member Deibert, seconded by Council Member Boeckner, "to adjourn the meeting at 7:05 p.m.," "YEAS", Boeckner, Gonzales, Deibert, Shaver and Meininger, "NAYS" None. Absent: None.

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Mayor

ATTEST:

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City Clerk

"SEAL"