

City of Scottsbluff, Nebraska

Monday, November 4, 2013

Regular Meeting

Item Consent1

Approve the minutes of the October 21, 2013 Regular Meeting.

Staff Contact: Cindy Dickinson

Regular Meeting
October 21, 2013

The Scottsbluff City Council met in a regular meeting on Monday, October 21, 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 October 18, 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 October 18, 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: Raymond Gonzales, Randy Meininger, Mike Deibert, and Scott Shaver (arrived at 6:05 p.m.). 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.

City Clerk Dickinson announced that Mark McCarthy is qualified to be seated as a member of the City Council and acknowledged that the appropriate bond is in process. Mr. McCarthy read his pledge of Oath of Office and took his seat as a City Council Member. Roll call was taken, the following Council Members were present: Raymond Gonzales, Randy Meininger, Mike Deibert, Scott Shaver, and Mark McCarthy. Absent: None.

Mayor Meininger announced the following vacancies on boards due to the resignation of Dave Boeckner: Scottsbluff Drain Operating Committee; Resource, Conservation & Development Board; Riverside Discovery Center Board; and the League Association of Risk Management Board.

Moved by Mayor Meininger, seconded by Council Member Deibert, "to make the following appointments to Boards: Scottsbluff Drain Operating Committee – Randy Meininger; Resource, Conservation & Development Board – Mark McCarthy; Riverside Discovery Center Board – Mark McCarthy; and League Association of Risk Management Board – no representation from the Scottsbluff City Council," "YEAS", Gonzales, McCarthy, Meininger, Deibert and Shaver "NAYS": none. Absent: None.

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

- a) "The minutes of the October 7, 2013 Regular Meeting be approved,"

- b) "The City Manager's appointment of Mark Westphal to the Planning Commission be approved," "YEAS", Gonzales, McCarthy, Meininger, and Deibert "NAYS": Shaver.
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 October 21, 2013, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Deibert, Shaver, McCarthy and Meininger, "NAYS" None.
Absent: None.

3M CENTER-TRAFFIC CONTROL \$190.40 SUPP; 911 CUSTOM \$796.99 PARTS; ACCURINT \$100.00 TECH ASST; ADAMS ELECTRIC SERVICES \$196.42 REPAIRS; AIRGAS USA, LLC \$4,829.34 MISC; ALAMAR UNIFORMS \$2,693.63 UNIFORMS; AM WATER WORKS \$180.00 CONF EXP; ANITAS GREENSCAPING \$66.00 MAINT; ASSOC SUPPLY CO \$1,125.97 SUPP; ASSURITY LIFE INSURANCE CO \$72.21 INS; B&C STEEL \$330.35 SUPP; BAKER & TAYLOR \$63.80 BOOKS; BLUFFS SAN SUPPLY \$18.76 SUPP; BNSF RAILWAY COMPANY \$34,589.90 QUIET ZONE; FARM PLAN \$324.58 SUPP; MELINDA BROWN \$75.70 REFUND; BROWN/NELSON ELECTRIC \$111.88 REPAIRS; BROWN SHOE FIT CO \$491.97 UNIFORM; BUMPER TO BUMPER INC. \$150.00 CONTRACTUAL; CAPITAL BUSINESS SYST \$92.50 MAINT; CEMENTERS \$418.90 SUPP; CNTR POINT LARGE PRNT \$1,538.64 SUPP; CHEYENNE RADIOLOGY GROUP PC \$55.48 PHYSICAL; CITY OF GERING \$38,865.12 CONTRACTUAL; CITY OF SCOTTSBLUFF \$39.92 REPAIRS, MISC; CONNECTING POINT \$47.17 COPIER; CONTRACTORS MAT \$144.69 SUPP; CNTY COURT SCB CNTY \$1,576.00 COURT COSTS; COURTYARD BY MARRIOTT \$218.00 CONF EXP; FACTUAL DATA-MIDWEST \$19.00 BKGRND CHKS; CREDIT MANAGEMENT SERVICES INC \$203.42 WAGE ATTACH; CRESCENT ELECT SUPPLY \$354.97 SUPP; CULLIGAN \$239.60 MAINT; DALES TIRE & RETREAD \$1,578.17 PARTS; DANKO EMERGENCY EQUIP CO \$952.49 SUPP, UNIF; MICHAEL DOWNEY \$125.00 TREE REBATE; DUHAMEL BROADCASTING ENT. \$325.00 PUB EDUC; EBSCO PUB \$3,645.00 SUBSCT; J G ELLIOTT \$875.00 BOND; ELLIOTT EQUIP \$49.29 PARTS; ENVIRO SERV \$240.00 SAMPLES; GARRETT ESCALERA \$46.80 WITNESS; FASTENAL \$1,209.07 REPAIRS; FEDERAL EXPRESS \$290.95 SHPNG EXP; FELSBURG, HOLT & ULLEVIG \$243.97 CONTRACTUAL; FIRST STATE BANK \$170,496.58 WARRANTS; FLOYDS SALES & SERV \$122,772.00 NEW TRUCK; FRANK IMP \$775.51 REPAIRS; FRONT RANGE FIRE APPARATUS \$656.06 PARTS; FYR-TEK \$1,801.90 SUPP; GALE GROUP \$250.00 SUBSCT; GERING VALLEY PLUMBING & HTG. \$20,643.00 MAINT; GOLD WATCH LLC \$750.00 CONTRACTUAL; JANIE GONZALES \$77.47 REFUND; GRAPHIC SCREEN PRINTING \$552.00 UNIFORMS; HAMPTON INN \$242.85 CONF FEE; CHELSY D HAUCK \$6.54 REFUND; HAWKINS \$5,333.85 SUPP; HD SUPPLY WATERWORKS, LTD \$11,025.77 PARTS; HEILBRUN FARM IND SUPP \$2,483.82 PARTS; NICHOLE L HENDERSON \$81.65 REFUND; JERRY HIGEL \$1,642.51 TRAFFIC SIGNAL; TECHNICAL MAINTENANCE & SVC CO \$998.32 REPAIRS; HOLIDAY INN EXP \$400.00 TRNG EXP; HOME DEPOT CREDIT SERVICES \$496.45 SUPP; HYDROTEX \$1,582.92 SUPP; ICMA RETIREMENT TRUST \$1,106.94 RETIREMENT; IDEAL LINEN \$1,201.20 SUPP; IND PLMBG & HTG \$271.79 REPAIRS; INTRALINKS \$300.00 CONTRACTUAL; JIRDON AGRI CHEM \$90.40 SUP; NATHAN JOHNSON \$118.53 CONF EXP; KEEP SCOTTSBLUFF-GERING BEAUTI \$10,209.18 RECYCLE PROGRAMS; CORY KILPATRICK \$45.22 REFUND; KRIZ DAVIS \$934.47 PARTS; LOGAN CONTRACT SUPPLY \$18,675.00 SUPP; PERRY MADER \$62.00 TRL EXP; MADISON NATIONAL LIFE \$1,996.92 INS; HASLER FINANCIAL SVC,LLC \$153.09 LEASE; MARIES EMBROIDERY \$59.00 UNIFORMS; JIM MASSEY \$257.33 REFUND; MENARDS \$3,089.14 SUPP; METALMASTERS AUTOMATED TARGET \$634.25 SUPP; MID-CONTINENT SAFETY LLC \$216.50 SUPP; MONEY WISE OFFICE SUPPLIES \$200.59 SUPP; ALICIA MONTANEZ \$35.10 WITNESS FEES; MONUMENT CAR

WASH \$25.14 CAR WASHES; MONUMENT PREVENTION COALITION \$880.00 FUNDING; MURDOCHS RANCH & HOME SUPPLY \$1,511.85 UNIFORMS, SUPP; NE DEPT OF REV \$165.60 LODGING TAX; NE LIBRARY COMMISSION \$1,513.90 SUPP, TRNG; NEBR MACHINERY \$2,597.77 REPAIRS; NE SAFETY & FIRE EQUIP \$336.80 PARTS; NE STATE VOL FIRFITER \$400.00 MBERSHIP; NEBR ENVIRONMENTAL PRODUCTS \$62.88 PARTS; NEBRASKA CODE OFFICIALS ASSN \$250.00 CONF FEES; NORTHERN SAFETY CO \$345.79 UNIFORMS; UPSTART ENTERPRISES, LLC \$139.98 SUPP; OREGON TRAIL PLBG & HTG \$88.00 REPAIRS; PANHANDLE CONCRETE \$372.00 PARTS; PANHANDLE COOP \$27,707.47 FUEL; PANHANDLE HUMANE SOC \$4,881.32 FUNDING SUPPORT; PLATTE VALLEY NATL BANK \$640.00 FEES; POPULAR SUBSCRIPTION SVC \$2,349.01 SUBSCPTIONS; POSTMASTER \$397.91 POSTAGE; PRO TIRE \$1,416.85 MAINT; PROTEX CNTRL \$694.64 INSPECT; PUBLIC AGENCY TRAINING COUNCIL \$295.00 INVESTIGATION; QUILL CORP \$9,760.19 MAINT; RAILROAD MANAGEMENT CO III,LLC \$265.74 UTILITY CROSSING; REAMS SPRINKLER SUPP \$1,320.00 PARTS; RGN 1 OFC HUMAN DVLPMT \$825.00 CONTRACTUAL; REG WEST PHYSICIANS \$316.00 PHYSICAL; WY FIRST AID/SAFETY \$68.99 SUPP; ROBINSON ELECTRIC \$2,825.63 UTILITIES; SMEC \$261.50 UNITED WAY; SANDBERG IMPLEMENT \$493.11 SUPP; SCOTTSBLUFF BODY & PAINT \$1,167.00 CONTRACTUAL; SCB FIREFIGHTERS UNION LOCAL 1 \$195.00 DUES; SCOTTSBLUFF LANDSCAPING \$425.00 MAINT; SCB POLICE OFFICERS ASS'N \$396.00 DUES; SCB PUB SCHOOLS \$23,598.72 LICENSE FEES; SCB SCREENPRINTING \$284.00 UNIFORMS; SCB TENT & AWNING \$32.50 REPAIRS; MC SCHAFF \$37,536.25 CONTRACTUAL; CHARLOTTE SCHANEMAN \$52.50 WITNESS FEES; CODY SCOTT \$438.43 TRVL EXP; SHERIFFS OFFICE \$567.71 PAPERS SERVED; SIMMONS, OLSEN, EDIGER, SELZER \$11,329.62 CONTRACTUAL; SIMON CONT \$4,717.25 REPAIRS; STAPLES \$532.38 SUPP; STAR HERALD \$1,039.90 LEGAL NOTICES; STATE HEALTH LAB \$5,322.00 SAMPLES; ROBERT STRAUB \$244.00 TRNG EXP; SWANK MOTION PICTURES \$221.00 MOVIE; TLC \$35.76 SUPP; THOMMY JOHNNYS \$1,265.00 SUPP; TOTAL FUNDS BY HASLER \$1,000.00 POSTAGE; TWIN CITY DEV ASSN \$25,000.00 FUNDING SUPPORT; TWIN CITY AUTO \$202.03 REPAIRS; TYLER TECHNOLOGIES, INC \$4,187.50 TECH FEES; U S BANK \$1,450.00 FEES; UNDERWRITERS LABORATORIES \$1,662.05 TESTING; UNIQUE MANAGEMENT SERVICES, IN \$1,449.90 FEES; US BANK-CPS \$637.21 SUPP, FEES; USA BLUEBOOK \$2,398.00 PARTS; VERIZON WIRELESS \$128.53 PHONE; WALMART \$1,126.19 SUPP; WATCHGUARD VIDEO \$1,570.00 MAINT; WEST NE COMM COLLEGE \$792.65 TRNG; WESTERN PATHOLOGY \$178.00 TESTING; WESTERN PLAINS BUSINESS FORMS \$64.24 MAINT; YMCA \$2,086.20 FITNESS; BECKY ZLOMKE \$23.40 WITNESS FEES; ZMLUMBER \$112.96 MAINT.

City Manager Kuckkahn presented the request for payment of outstanding warrant principal and interest at First State Bank and approve the Resolution.

Council Member Shaver declared a conflict of interest regarding the payment to First State Bank. Moved by Mayor Meininger, seconded by Council Member McCarthy, “to declare a conflict of interest for Council Member Shaver regarding payments to First State Bank for warrant payments and excuse him from voting on or discussing these items,” “YEAS”, Deibert, Shaver, Gonzales, McCarthy and Meininger “NAYS” None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to approve the request for payment of outstanding warrant principal and interest at First State Bank and approve Resolution No. 13-10-3,” “YEAS”, Deibert, Gonzales, McCarthy and Meininger “NAYS” None. Absent: None. Abstain: Shaver.

RESOLUTION NO. 13-10-03

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

That the claim of First State Bank in the amount of \$16,542.26, to payoff outstanding warrant principal and \$37,151.21 to pay warrant interest to 9-30-13 for the Cirrus House TIF Project, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$42,641.64, to payoff outstanding warrant principal and \$2,286.06 to pay warrant interest to 9-30-13 for the Paving District #300, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$26,394.36, to payoff outstanding warrant principal to 9-30-13 for the Paving District #306, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$27,768.55, to payoff outstanding warrant principal to 9-30-13 for the Paving District #307, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$15,829.51, to payoff outstanding warrant principal and \$57.90 to pay warrant interest to 9-30-13 for the Paving District #308, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$26,822.01, to payoff outstanding warrant principal and \$564.26 to pay warrant interest to 9-30-13 for the Paving District #309, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$11,067.03, to payoff outstanding warrant principal to 9-30-13 for the Paving District #310, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$11,008.44, to payoff outstanding warrant principal and \$1,835.07 to pay warrant interest to 9-30-13 for the Sewer District #163, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$14,558.75, to payoff outstanding warrant principal and \$4,878.21 to pay warrant interest to 9-30-13 for the Sewer District #164, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$1,339.84, to payoff outstanding warrant principal and \$250.22 to pay warrant interest to 9-30-13 for the Sewer District #166, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$9,219.56, to payoff outstanding warrant principal and \$1,152.65 to pay warrant interest to 9-30-13 for the Water District #97, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$25,188.88, to payoff outstanding warrant principal and \$8,443.63 to pay warrant interest to 9-30-13 for the Water District #99, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$16,049.76, to payoff outstanding warrant principal and \$2,120.61 to pay warrant interest to 9-30-13 for the Water District #101, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

That the claim of First State Bank in the amount of \$6,546.83, to payoff outstanding warrant principal to 9-30-13 for the Water District #102, is approved and the city clerk is authorized to issue warrants for the payment of such claims.

Passed and approved this 21st day of October, 2013.

Mayor

ATTEST:

City Clerk
"seal"

Mayor Meininger opened the public hearing at 6:10 p.m. as scheduled for this date to consider the Liquor License for Valley Bowl Fun Center. Marlin and Sandie Duncan, owners, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Council Member Deibert, seconded by Mayor Meininger, "That the following exhibits, presented on behalf of the City Council, be entered into the record: 1) Valley Bowl, dba Valley Bowl Fun Center Application; 2) City Council Check List for Section 53-132 Cum Supp 2002; 3) Written Statement of Police Chief Kevin Spencer dated October 15, 2013 ; 4) Written Statement of City Clerk dated October 21, 2013; 5) Written Statement of Planning Administrator Urdiales dated September 27, 2013; "YEAS", Gonzales, McCarthy, Shaver, Deibert and Meininger, "NAYS" None. Absent: None.

Marlin and Sandie Duncan approached the Council and explained that they purchased the Valley Bowl business in August, 2013. They plan to utilize the existing lounge as demographics show that serving alcohol is part of the bowling business. Mr. Duncan is retired from his military career and Mrs. Duncan has experience working in food and liquor sales, as well as a degree in alcohol and drug counseling. They have a company handbook which includes policy for dealing with the prevention of the sale of alcohol to minors. They have received the alcohol server training and will have all personnel take the training as well. They understand that their facility is large, serving a wide range of age groups. They will use wristbands for customers who are 21 or older and will use constant vigilance in monitoring the sale and consumption of alcohol. The Duncan's and bar personnel are the only ones who will have access to the bar inventory. The entire bowling alley plus outdoor fenced area will be licensed.

Mr. Kuckkahn added that the owners had appeared at the recent Liquor License Investigatory Board Meeting and received some guidance from the board regarding the prevention of alcohol sales to minors.

Chief Spencer conducted an interview and extensive background research of the Duncan's, and found nothing that would prevent them from holding a liquor license.

Mayor Meininger closed the public hearing at 6:20 p.m. Moved by Council Member Deibert, seconded by Council Member Gonzales, "to forward a positive recommendation to the Nebraska Liquor License Commission regarding the Class C Liquor License for Valley Bowl, dba Valley Bowl Fun Center, 1702 17th Ave., Scottsbluff, NE" "YEAS", Gonzales, McCarthy, Meininger, Deibert and Shaver "NAYS": none. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the appointment of Marlin Duncan as the manager of Valley Bowl, dba Valley Bowl Fun Center, Class C Liquor License," "YEAS", Gonzales, McCarthy, Meininger, Deibert and Shaver "NAYS": none. Absent: None.

RESOLUTION NO. 13-10-04

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

1. On October 21, 2013 the matter of the application of a Class C liquor license for Valley Bowl LLC, dba Valley Bowl Fun Center, 1702 17th Ave., 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 Class C liquor license for Valley Bowl LLC, dba Valley Bowl Fun Center

Exhibit 2 - City Council Check List for Section 53-132 R.R.S. (2002)

Exhibit 3 - Written statement of Police Chief dated October 15, 2013

Exhibit 4 - Written statement of City Clerk dated October 21, 2013

Exhibit 5 - Written statement of Development Services Director dated September 27, 2013

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Marlin and Sandy Duncan, 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 C liquor license be issued to Valley Bowl LLC, dba Valley Bowl Fun Center, at the premises described in the application.
6. The City Clerk shall transmit a copy of this Resolution to the Commission.
7. Cost of publication: \$17.17.

Passed and approved this 21st day of October, 2013.

Mayor

ATTEST:

“seal”

Council acknowledged the receipt of the claim from Mr. Jim Graff for \$850.00 for alley maintenance at the 1700 block of Ave. E and referred the issue to staff.

Council received the following quotes for interest rates on warrants: First National Bank 1.34%; First State Bank 1.31%; and Platte Valley Bank 1.19%. These rates are good for one year. Moved by Council Member Deibert, seconded by Council Member Gonzales, “to award the bid for warrants based on quotes for interest rates for the period 10-22-13 through 9-30-14 to Platte Valley Bank,” “YEAS”, Gonzales, McCarthy, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

Council reviewed the request from the Silver Saddle Lounge to change the location of their liquor license to 1901 – B 21st Ave. from their current location on 27th St. Mr. Kuckkahn pointed out that one requirement of the new location, is the construction of a partition between the bar area and the kitchen. Moved by Mayor Meininger, seconded by Council Member Deibert, “to forward a positive recommendation to the Nebraska Liquor Control Commission regarding the change of location of the Silver Saddle Lounge Class C Liquor License to 1901 –B 21st Ave., conditional upon construction of a separation wall between the bar area and the kitchen,” “YEAS”, Gonzales, McCarthy, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

Regarding the new manager application for Elks Lodge 1367 naming Brett Armstrong as the Liquor License Manger, City Manager Kuckkahn explained that the Liquor License Investigatory Board interviewed Mr. Armstrong regarding this position. They recommended that he make a practice to check all ID’s, and to be especially careful during special events at the Elks that include a wide variety of age groups. Chief Spencer told the Council that he has met with Mr. Armstrong two times and his major concern is his lack of experience in the bar business. There is nothing in his background that would prevent him from being a liquor license manager, and Chief Spencer offered the Police Department’s assistance with any issues or concerns he may have. Mr. Armstrong has signed up to take the State Patrol Liquor License training and will be responsible for any other employees who are hired to serve alcohol. Moved by Mayor Meininger, seconded by Council Member Deibert, “to make a positive recommendation to the Nebraska Liquor Control Commission regarding the appointment of Brett Armstrong as manager of the Elks BPO Lodge 1367 liquor license located at 1614 1st Ave., Scottsbluff,” “YEAS”, Gonzales, McCarthy, Meininger, and Deibert “NAYS”: Shaver. Absent: None.

City Attorney Howard Olsen explained that his staff has been helping the Scottsbluff Drain Board with the purchase of the property at 1308 East 17th St., The Scottsbluff Drain Board is organized to acquire assets of the District and make improvements to the drain location. There are a couple of properties which are located over the top of the drain, and the property at 1308 East 17th actually has the sewer draining into the Scottsbluff drain. The Board met recently to discuss ways to improve the drain and eliminate possible liability. They have negotiated a purchase price of this particular property of \$15,000.00, which is the assessed value of this property. They believe it is in the best interest of the Drain Board and the City to purchase this property and make the necessary improvements. They have the funds to purchase this property, which is within the city limits. Moved by Mayor Meininger, seconded by Council Member Deibert, “to direct staff to proceed with the necessary steps to allow for

the purchase of 1308 East 17th St. for improvements to the Scottsbluff Drain,” “YEAS”, Gonzales, McCarthy, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

City Manager Kuckkahn presented his revised contract for Council’s review. He noted that the necessary changes had been made regarding his retirement and his salary, which will now be \$104,000.00. Council discussed the expectations and deliverables which were discussed during his annual review and asked if this should be added to the contract. City Attorney Olsen advised that the Council could adopt the contract subject to the addition of the deliverables and timeframes. Moved by Mayor Meininger, seconded by Council Member Gonzales, “to approve the revised contract with City Manager Rick Kuckkahn, subject to the expectations and timeframes added as an addendum to the contract, and authorize the Mayor to execute the contract “ “YEAS”, Gonzales, McCarthy, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

Council Member Deibert explained that it is necessary for him to resign from the Scottsbluff City Council due to a change of location with his job. His resignation will be effective November 8, 2013. Mayor Meininger complimented Council Member Deibert on being a great asset to the Council for the past three years. Moved by Mayor Meininger, seconded by Council Member McCarthy, “to acknowledge the receipt of the resignation of Council Member Deibert effective November 8, 2013 and direct staff to begin the process to fill the vacancy,” “YEAS”, Gonzales, McCarthy, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

Moved by Council Member McCarthy, seconded by Council Member Deibert, “to adjourn the meeting at 6:40 p.m.,” “YEAS”, Gonzales, McCarthy, Meininger, Deibert and Shaver “NAYS”: none. Absent: None.

Mayor

ATTEST:

City Clerk

“SEAL”