

City of Scottsbluff, Nebraska

Monday, January 6, 2014

Regular Meeting

Item Consent1

Approve the minutes of the December 16, 2013 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
December 16, 2013

The Scottsbluff City Council met in a regular meeting on Monday, December 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 December 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 December 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: Raymond Gonzales, Mark McCarthy, Randy Meininger, 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.

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

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

1. "The minutes of the December 2, 2013 Regular Meeting be approved,"
2. "The December 30, 2013 Regular Council meeting be cancelled as two regular meetings will have already been held in the month of December,"
3. "The Request For Proposals be approved for playground equipment and authorize the City Clerk to advertise for bids to be received by January 8, 2014 at 2:00 p.m.," "YEAS", Gonzales, McCarthy, Meininger, and Hilyard, "NAYS" Shaver. Absent: None.

Moved by Council Member Gonzales, seconded by Council Member McCarthy,, "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 December 16, 2013, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

CLAIMS

ACTION COMMUNICATION INC.,PAGER RENT,19.61; ADVANCED CUTTING SYSTEMS, INC.,SIGN MATERIAL CUTTER,9794; ADVANCING TECHNOLOGY, INC.,SUPPL,162; ALAMAR UNIFORMS,UNIFORMS,8.99; ALLEN MUNRO,UTILITY REF,8.89; ALLO COMMUNICATIONS,LOCAL TELE CHGS,4687.2; AMSTERDAM PRINTING AND LITHO,DEPT SUPPL,184.79; ANITA'S GREENSCAPING INC,CON SVC,363.75; ANTHONY J MURPHY,TUITION REIMB.,540; ASSURITY LIFE INSURANCE CO,LIFE INS-EE,34.36; AUTOZONE, INC,VEH MTC,35.87; AVILA, JESUS,UTILITY REF,31.27; B & C STEEL CORPORATION,DEP SUP,62.45; BAKER & ASSOCIATES INC,RADIOLOGICAL STUDY,1182.5; BAKER & TAYLOR CO,BKS,10.53; BLUFFS SANITARY SUPPLY INC.,DEPT SUPP,233.06; BRANDON M TAYLOR,UTILITY REF,12.71; BRUNZ, BRANDI,BUSINESS TRAVEL,48; CENTURY LUMBER CENTER,DEPT SUP,46.95; CITY ABSTRACT INC,LAND PURCHASE,14824.91; CITY OF GERING,DISPOSAL FEES,35324.82; CITY OF SCB,PETTY CASH,44.65; COMMUNITY HEALTH-RWMC,VACCINATIONS,2657; CONNECTING POINT INC,QRTRLY COPY COUNT,286.37; CONSOLIDATED MANAGEMENT,SCHOOLS & CONF,501; CONTRACTORS MATERIALS INC.,POWER SCREED,1544.41; CREDIT INFORMATION SYSTEMS,RECRUITMENT,9.5; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTCH,203.42; CULLIGAN OF SCOTTSBLUFF,DPT SUP,186.7; D & H ELECTRONICS INC.,SUPP,130.78; DALE'S TIRE & RETREADING, INC.,VEH MAINT,1952.11; DEBRA CARLSON,REIMB.,41.63; DUHAMEL BROADCASTING ENT.,PUBLIC ED,325; ELMWOOD VILLAGE,UTILITY REF,40.46; ELMWOOD VILLAGE,UTILITY REF,19.12; EMBLEM AUTHORITY, THE,UNIFORMS,286; ENVIRO SERV INC,SAMPLES,105; ENVIRONMENTAL SYSTEMS RESEARCH INSTI,EQUIP MAINT,11100; FASTENAL CO.,VEHICLE MTNC,25.3; FEDERAL EXPRESS CORP.,SHIPPING FEES,313.85; FIRST WIRELESS, INC,EQP MTC,278.75; FLORES, VICTOR L,UTILITY REF,30.04; FLOYD'S SALES & SERV INC.,EQUIP REPAIRS,131; FREMONT MOTOR SCOTTSBLUFF,LLC,VEHICLE REPR,172.19; GAYLORD BROS,DEPT. SUP,654.01; GENERAL TRAFFIC CONTROLS, INC,SUPP,499.28; GOLD WATCH LLC,DISPOSAL FEES,1500; HARDING & SHULTZ, PC, LLO,CONTRACT,468; HARRIS COMPUTER SYSTEMS,SOFTWARE SUPPORT,2371.7; HAWKINS, INC.,CHLORINE,1612.45; HD SUPPLY WATERWORKS, LTD,METER SUP,379.8; HEILBRUN FARM IND SUPP.INC.,PARTS,861.79; HI-TECH AUTO SERVICE,VEH MTC,68.26; HOLIDAY INN - MID TOWN,SCHOOLS & CONF,415; HOME DEPOT CREDIT SERVICES,EQP MTC,29.31; HORIZON WEST, INC,EQP MTC,617.45; ICMA RETIREMENT TRUST-457,DEFERRED COMP - EE,1125.14; IDEAL LINEN SUP INC.,DEPT SUPPLIES,910.46; INGRAM LIBRARY SERVICES INC,BKS,4619.49; INTERNAL REVENUE SERVICE,941 TAXES,79424.75; JAMES COMBS,SCHOOLS & CONF,39; JERRY HIGEL,ELECT. MAIN,1827.72; JOHN DEERE FINANCIAL,UNIFORM CLOTHING,387.91; JOHN DEERE FINANCIAL,EQP MTC,74.19; JOHN DEERE FINANCIAL,SUPP,11.9; JOSEPH ROHRER,SCHOOLS & CONF,18; KEEP SCOTTSBLUFF-GERING BEAUTIFUL,HAZARDOUS WASTE,4015; KEMBEL SAND & GRAVEL INC,DEP SUP,113.75; KIMBALL MIDWEST,SUPP,421.4; KRIZ-DAVIS COMPANY INC.,ELECTRIC MAINT,735.68; LEXISNEXIS RISK DATA MANAGMENT INC,CONSULTING,100; LYNN PEAVEY CO INC,INVEST SUPPL,83.5; MADISON NATIONAL LIFE INS CO, INC,LIFE INSURANCE - ER,1968.42; MAGAZINE LINE,SRLS,207.67; MAILFINANCE INC,PSTG MCHN LEASE,153.09; MATHESON TRI-GAS INC,DEP SUP,172.16; MENARDS,BLD MTC,582.53; MONEY WISE OFFICE

SUPPLIES,DEPT SUPP,1178.44; MONUMENT PREVENTION COALITION,CONTRACTUAL,880; MUNICIPAL PIPE TOOL CO, LLC,EQUIP MAINT,768.18; NATIONAL IMPRINT CORPORATION,DEPT SUPPL,141.5; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1982.31; NE DEPT OF REVENUE,STATE PYRL W/H,20181.32; NE LIBRARY COMMISSION,TRNG,10; NE SAFETY & FIRE EQUIPEMENT INC.,EQUIP MTNC,231; NEBRASKALAND TIRE,VEH MAINT,794.34; NEW WORLD INN,LODGING,63.9; NOEL DELEON,UTILITY REF,44.03; OCLC, INC,CONT SRVCS,171; ONE CALL CONCEPTS,CABLE LOCATES,78.45; PANHANDLE HUMANE SOC,CONTRCTUAL SVC,4881.32; PAUL AND ADAM LLC,UTILITY REF,37.75; PLATTE VALLEY BANK,LOAN PAYT,28933.48; POSTMASTER,POSTAGE 12/5/13,580.48; POWERPLAN,PARTS,482.39; PRAISE WINDOWS,BLDG MAIN,620; QUILL CORP,INVEST SUPPL,113.1; RAILROAD MANAGEMENT CO III,LLC,RENT,692.52; RCI,FLEX & MEDICAL EXP,102523.95; RESPOND FIRST AID SYSTEMS,DEPT SUP,42.55; RUFF, JOHN,UTILITY REF,29.15; S M E C,EE CONTRIBUTION - BIWEEKLY,249.5; SANDBERG IMPLEMENT, INC,EQP MTC,267.6; SCB COUNTY,SEPTIC INSPECTION,63; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCB POLICE OFFICERS ASS'N,POLICE EE DUES,378; SCOTTS BLUFF COUNTY COMMUNICATIONS CENTER,AGREEMENT,104447.18; SCOTTS BLUFF COUNTY COURT,COURT COSTS,354; SCOTTSBLUFF BODY & PAINT, INC,CONTRACTUAL,530; SCOTTSBLUFF COUNTRY CLUB,UTILITY REF,78.15; SHAWN WEST,REIMB.,1.48; SHERIFF'S OFFICE,PAPERS SERVED,307.58; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,11889.12; SIMON CONTRACTORS,CONCRETE,1649.25; SLAFTER OIL CO INC.,VEHICLE MTNC,160.65; SONNY'S BIKE SHOP,EQP MTC,10.99; SOURCE GAS,MNTHLY HEATING FUEL,2771.65; SPECIAL INVESTIGATIONS,HIDTA BUY MONEY,5000; STAPLES,DEP SUP,559.1; STAR HERALD,LEGAL PUBLISHING,2759.86; STATE OF NEBRASKA,REFUND,200; STATE OF NEBR-DEPT OF ADMIN SVC,MNTHLY LONG DISTANCE,151.37; STEPHEN BONDS,REIMB.,2.4; STEVE LOPEZ,SCHOOLS & CONF,39; SUBWAY,MEALS,23.25; SUPERIOR SIGNALS, INC,SUPP,336.92; TEAM CHEVROLET INC,VEH MTC,473.48; THE SHERWIN-WILLIAMS CO,DEP SUP,205.56; TOMMY'S JOHNNY'S INC,CON SRV,570; TOTAL FUNDS BY HASLER,POSTAGE,1000; TWIN CITY AUTO, INC,SUPP,2278.44; TYLER TECHNOLOGIES, INC,CONVERSION,16609; UPSTART ENTERPRISES, LLC,SUPPLIES,364.18; US BANK-CPS,BOWEN TRAV,1037.3; USA BLUEBOOK,EQUIP MAINT,571.81; VERIZON WIRELESS,TELEPHONE,824.07; VIAERO WIRELESS,LOCATES,36.21; WALMART COMMUNITY/GEMB,DEPT. SUPL,200.98; WELLS FARGO BANK N.A.,TSA POLICE,36766.44; WESTERN NEBR HUMAN RESOURCE MNGT ASSOC,DUES,30; WESTERN PATHOLOGY CONSULTANTS, INC,SUPPL,44.5; WORLD BOOK INC,BKS,919; YMCA OF SCOTTSBLUFF,EE - FAMILY,1399.2; ZEKE BOWEN,BOWEN TRAV ADV,185.32; ZM LUMBER CO.,DEP SUP,133.44.

Mr. Howard Olsen, representing St. Agnes Catholic Church, approached the Council regarding a request for a Special Designated Liquor Licenses for 4 events. He explained that this is the 7th year that St. Agnes has held their fish fry events. They have adults monitoring the serving of the beer and wine to keep alcohol out of the hands of minors. This is a very successful family event, of which they have not experienced any problems with serving beer and wine. Council Member Shaver questioned the issue of selling the alcohol within 150 feet of the church, when the event is held at the church. Mr. Olsen's reply

was that the alcohol is not being sold, it's donated and will be given away. Moved by Council Member McCarthy, seconded by Council Member Gonzales," to approve the Special Designated Liquor Licenses for St. Agnes Catholic Church, 2314 Third Ave., Scottsbluff, for 4 special designated liquor licenses to serve beer and wine at 4 Fish Fry events on January 31, 2014; March 7, 2014; and March 28, 2014; and April 11, 2014 from 5:00 p.m. to 9:00 p.m. each day," "YEAS", Gonzales, McCarthy, Meininger, and Hilyard, "NAYS" Shaver . Absent: None.

Mason Burbach, Executive Director for West Nebraska Arts Center, addressed the Council and explained their special arts-related events. They will be serving wine at two events on January 3, 2014 and January 18, 2014. They have trained their staff and they also will have Board Members responsible for serving and checking identifications. Council Member Gonzales suggested that the non-profit agencies who have events requiring a Special Designated Liquor License take the alcohol server training through the Nebraska State Patrol. This suggestion will be forwarded to the Liquor License Investigatory Board. Moved by Council Member Shaver, seconded by Council Member Gonzales, "to approve the issuance of two special arts-related event wine permits for the West Nebraska Arts Center, 106 East 18th Street and special designated liquor licenses to serve wine at two art receptions on January 3, 2014 from 4:00 p.m. to 8:00 p.m. and January 18, 2014 from 6:00 p.m. to 11:00 p.m.," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

City Attorney Howard Olsen discussed the roles and expectations of Council Members who serve on boards and commissions as it pertains to State Statute 49-14,102. There are some boards that are funded in part by the City of Scottsbluff, so Council Members serving on these boards cannot vote on or participate in discussion of items pertaining to these boards and their funding. The Council has the option of participating on boards strictly as ex-officio members or as a liaison, depending upon the by-laws of each committee. Council will have to decide in what capacity they want to serve on Boards.

Mr. Olsen added that in the case of non-profit boards, the individual board member doesn't benefit financially, however, state statutes prevents voting or discussion these items. As a member of the board, a Council Member could be very helpful, however can't participate. This is a situation where the Council may want to work with our State Senators and Legislature and propose changes to the statute. Council will give this option additional consideration.

Regarding the replacement of Mike Deibert on the Boards he served, it was moved by Mayor Meininger and seconded by Council Member Shaver, "to make the following Board appointments: Twin Cities Development: Raymond Gonzales, Primary; Scott Shaver, Alternate; Technical Advisory Committee: Liz Hilyard; PACE: keep City Manager as primary member with no alternate; Senior Center: Randy Meininger, Primary as ex officio member," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Mr. Kuckkahn presented the annual contract with Copier Connection for copier maintenance. Moved by Council Member Gonzales, seconded by Council Member Shaver, "to approve the contract with Copier Connection for the maintenance of the Development Services Copy Machine and authorize the Mayor to sign the contract," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Nathan Johnson, Assistant City Manager, gave the Council a presentation on the projects listed on the City's web site. The City's web site has a section dedicated to the many projects the city is currently working on. Mr. Johnson will manage this part of the web site, keeping it updated.

Council reviewed the amended contract with Alliance for their federal aid project. The contract was amended to limit the length of time that Perry Mader helps with their project to March 1, 2014 or 60

hours, whichever comes first. Moved by Council Member Gonzales, seconded by Council Member Shaver, "to approve the amended Interlocal agreement with the City of Alliance naming Perry Mader the "Responsible Charge" for their downtown Historic Lighting Federal Aid Project, and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

City Manager Kuckkahn presented the Resolution authorizing the City to apply for assistance from the Safe Routes to School Program. This grant will assist with improving crosswalk intersections, ADA accessibility and assist with pathways, providing safe school routes, with no match required from the City. Council Member Shaver asked about the impact to the residents. This Resolution and Intent to Apply are just the beginning phases of the project. There will be a public hearing and additional planning sessions for this project. Moved by Council Member Gonzales, seconded by Council Member McCarthy, "to approve Resolution No. 13-12-01 authorizing the City to apply for assistance from the Safe Routes to School Program," "YEAS", Gonzales, McCarthy, Meininger, and Hilyard, "NAYS" Shaver . Absent: None.

RESOLUTION NO. 13-12-01

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

WHEREAS, THE CITY OF SCOTTSBLUFF, NEBRASKA, proposed to apply for assistance from the SAFE ROUTES TO SCHOOL PROGRAM for the purpose of improving crosswalk intersections, ADA accessibility, creating/improving sidewalk routes and pathways, and

WHEREAS, the City of Scottsbluff, Nebraska has available the funds to finance the activity until reimbursed by the Safe Routes to School Program, and the financial capability to operate, maintain, and manage the completed project in a safe and attractive manner for public use; and

WHEREAS, the proposed application and supporting documents were made available for public review at a properly announced meeting of the City of Scottsbluff, Nebraska;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA that the City of Scottsbluff, Nebraska applies for assistance from the Safe Routes to School Program for the purpose improving crosswalk intersections, ADA accessibility, creating/improving sidewalk routes and pathways.

Passed and approved this 16th day of December, 2013.

Mayor

ATTEST:

City Clerk

Assistant City Manager Johnson discussed the possibility of having a turn lane on 27th Street and 2nd Avenue, by the High School. City staff have looked at this option and developed a preliminary design. The rough estimate is \$150,000.00. This could be included in the 1 & 6 year street plan or as a capital improvement project. Council directed staff to look at the options and bring this back during the budget discussions.

Council reviewed the Reganis Subdivision Preliminary Plat. Baker and Associates reviewed the plat, and prepared a complete report for Council. MC Schaff and Associates presented a response to the review. Council was satisfied with the response and will review the final details in the final plat. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve the Preliminary Plat for Blocks 1, through 7, Reganis Subdivision a replat of Lots 1 & 2, Block 1, Idlewylde Addition and part of Block 1A, Scotts Bluff College Tract, and unplatted lands," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Council introduced the Ordinance which was read on second reading by title: AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT REAL ESTATE IN THE IDLEWYLDE ADDITION, IN THE CITY OF SCOTTSBLUFF CONTAINING AN AREA OF 0.80 ACRES, MORE OR LESS, WHICH IS CURENTLY ZONED AS C-2, WILL NOW BE INCLUDED IN THE R-1 SINGLE FAMILY RESIDENTIAL ZONE, AND REPEALING PRIOR SECTION 25-1-4.

Council introduced the Ordinance which was read on second reading by title: AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT REAL ESTATE IN THE IDLEWYLDE ADDITION, IN THE CITY OF SCOTTSBLUFF CONTAINING AN AREA OF 3.22 ACRES, MORE OR LESS, WHICH IS CURENTLY ZONED AS R-1, WILL NOW BE INCLUDED IN THE C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL ZONE, AND REPEALING PRIOR SECTION 25-1-4.

Council reviewed a Resolution outlining an amended Redevelopment Area for Blight Area Survey No. 7, eliminating the area known as Sheldon Heights. City Manager Kuckkahn explained that the residents of Sheldon Heights have recently expressed interest in pursuing funding to pave their streets, and therefor want to remain a part of the Blight Area No. 7. Larry McCaslin, 2601 Addison Ave., representing the Sheldon Heights area, presented a letter and a petition to remain in Blight Area No. 7. Moved by Council Member McCarthy, seconded by Council Member Gonzalez, "to accept receipt of the petition from residents of the Sheldon Heights neighborhood to remain in Blight Area No. 7," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to decline the proposed Resolution amending the Redevelopment Area for Blight Area Survey No. 7, eliminating the area knows as Sheldon Heights," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Donna Vogel, Sheldon Heights resident, approached the Council with concerns about being informed about any future potential funding. Council advised her to watch the public notices regarding any further funding or development potential for this neighborhood. Mr. Kuckkahn explained that the Tax Increment Financing (TIF) is a financing tool for development of public improvements. A requirement of qualifying for TIF funding is for the development to be located in a designated substandard and blighted area.

Mr. McCaslin also wanted to make sure they would have an opportunity to review the plans for the development. These plans are public and he will have that opportunity when they are available.

Council Member Gonzales asked for an update on the history of previous TIF projects and the funds generated from this financing, and information on identifying current projects.

Mr. Jack Shafer, 2605 Addison, addressed the Council to explain that he feels this project is a trust issue, since he was not informed about the plans to blight his neighborhood. He was informed about previous large projects and given the chance to comment. He did not feel he had that opportunity with this project.

Mr. Dave Schaff, MC Schaff and Associates, and Developer, addressed the Council and explained that the developers of this project only had positive, good intentions for Sheldon Heights. With the initial substandard and blighted study, including the Sheldon Heights addition was an obvious step to improving the entire area. When the neighborhood voiced their desire to have Sheldon Heights removed from the substandard and blighted designation, they took the necessary steps to do so. The developers are willing to do whatever is necessary to make sure this is a positive, good development for Scottsbluff.

Mr. Kuckkahn presented the amended pension plan documents for general, police and fire department employees. These documents are proforma agreements with Wells Fargo for the employee pension plans.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to adopt the amended pension plan documents for general employees and approve Resolution No. 13-12-02," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

RESOLUTION NO. 13-12-02

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA TO AMEND AND RESTATE THE CITY OF SCOTTSBLUFF GENERAL CITY EMPLOYEES' PENSION PLAN AND TRUST, AND TO AUTHORIZE FURTHER ACTIONS.

BE IT RESOLVED:

SECTION 1. Pursuant to Nebraska Statutes, Section 19-3501, the Mayor and Council of the City of Scottsbluff maintain the City of Scottsbluff General City Employees' Pension Plan and Trust, embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof, as well as various amendments required by applicable law ("Plan").

SECTION 2. The Plan is required by applicable tax law to be amended and restated into a restated plan document incorporating prior amendments and changes to tax laws, regulations and other guidance, including the Pension Protection Act of 2006, Heroes, Earnings Assistance and Relief Tax Act of 2008, and Worker, Retiree, and Employer Recovery Act of 2008 and subsequent legislation. For this purpose, there has been presented to the City a proposed retirement plan and trust embodied in instruments entitled "Adoption Agreement" together with a "Basic Municipal Employees Plan and Trust Agreement" ("Basic Plan Document") as an integral part thereof (together the Adoption Agreement and Basic Plan Document sometimes are referred to herein together as "Agreements"), which Agreements have been reviewed by legal counsel for the City.

SECTION 3. The City does hereby approve and adopt said Agreements as the amendment and restatement of the Plan, and hereby makes the designations and elections with respect to the Plan as indicated in the Adoption Agreement, to be effective on the date(s) specified in the Adoption Agreement or Basic Plan Document.

SECTION 4. That the Mayor is authorized to execute said Adoption Agreement and Basic Plan Document on behalf of the City, and the City Manager is authorized and directed to provide the

same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this resolution or otherwise determined necessary or advisable, to cause said Agreements to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to the designations, elections or provisions under or of said Adoption Agreement or Basic Plan Document and take such further actions as the City Manager determines necessary or appropriate to obtain a favorable ruling or as otherwise required for the qualified status of the Plan.

PASSED AND APPROVED THIS 16th DAY OF December, 2013.

CITY OF SCOTTSBLUFF

Mayor

ATTEST:

City Clerk

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to adopt the amended pension plan for police employees," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Mayor Meininger introduced Ordinance No. 4116 which was read by title on first reading: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA TO AMEND AND RESTATE THE CITY OF SCOTTSBLUFF, NEBRASKA POLICE OFFICERS' RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

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

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Gonzales, "That Ordinance No. 4116 be adopted," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to adopt the amended pension plan with corrections on page 13 for fire employees," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Mayor Meininger introduced Ordinance No. 4117 which was read by title on first reading: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA TO AMEND AND RESTATE THE CITY OF SCOTTSBLUFF FIREFIGHTERS' RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE

FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

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

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Shaver, "That Ordinance No. 4117 be adopted," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

City Manager Kuckkahn explained that the Nebraska Department of Roads requires verification of the appointment of the Street Superintendent each year. Staff is recommending appointment of Philip Mark Bohl to be named Street Superintendent and adoption of the Resolution. Moved by

Council to consider approval of the Resolution appointing Philip Mark Bohl as the City of Scottsbluff Street Superintendent. Moved by Council Member Hilyard, seconded by Council Member Shaver, "to approve Resolution No. 13-12-03 and 13-12-04, appointing Mr. Bohl as Street Superintendent

RESOLUTION NO. 13-12-03

WHEREAS, the State of Nebraska, through the Nebraska Department of Roads ("NDOR") requires a licensed Street Superintendent be named each year for municipalities within the State of Nebraska; and

WHEREAS, the City of Scottsbluff ("City") has an employee, Philip Mark Bohl, who is a licensed Street Superintendent; and

WHEREAS, the City has appointed and Philip Mark Bohl has agreed to be the City's Street Superintendent for the 2013 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council and Mayor of the City of Scottsbluff, Nebraska that Mark Bohl, Nebraska Street Superintendent #1103, is appointed as the

This Resolution shall become effective upon its passage and approval.

PASSED and APPROVED on December 16, 2013.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 13-12-04

WHEREAS, the State of Nebraska, through the Nebraska Department of Roads ("NDOR") requires a licensed Street Superintendent be named each year for municipalities within the State of Nebraska; and

WHEREAS, the City of Scottsbluff ("City") has an employee, Philip Mark Bohl, who is a licensed Street Superintendent; and

WHEREAS, the City has appointed and Philip Mark Bohl has agreed to be the City's Street Superintendent for the 2014 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council and Mayor of the City of Scottsbluff, Nebraska that Mark Bohl, Nebraska Street Superintendent #1103, is appointed as the

This Resolution shall become effective upon its passage and approval.

PASSED and APPROVED on December 16, 2013.

Mayor

ATTEST:

City Clerk

Under Council Reports Mayor Meininger reported that he will be in Kearney attending the Region 22 Wide Band Communication meeting.

Moved by Council Member McCarthy, seconded by Council Member Hilyard to adjourn the meeting at 7:25 p.m., "YEAS", Gonzales, McCarthy, Meininger, and Hilyard, "NAYS" Shaver . Absent: None.

Mayor

ATTEST:

City Clerk

"SEAL"