

City of Scottsbluff, Nebraska

Monday, June 2, 2014

Regular Meeting

Item Consent1

Approve the minutes of the May 19, 2014 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
May 19, 2014

The Scottsbluff City Council met in a regular meeting on Monday, May 19, 2014 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 May 16, 2014, 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 May 16, 2014. 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, Liz Hilyard and Scott Shaver. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. Item number 11 a, Report from Gering City Administrator, was removed. 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 Gonzales, seconded by Council Member McCarthy, that:

1. "The minutes of the May 5, 2014 Regular Meeting be approved,"
2. "The plans and specifications for the Radiological Contaminant Study be approved and authorize the City Clerk to advertise for bids to be received by 2:00 p.m. June 9, 2014,"
3. "Council received the Lied Scottsbluff Public Library summer schedule," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, 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 May 19, 2014, 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

911 CUSTOM,PUB SAFETY CIP PO#2,698.95; ABBIGAIL YELLMAN,REIMB,59.66; ACTION COMMUNICATION INC.,PUB SAFETY-CIP PO#1,3524.73; AIR EVAC EMS, INC, MEMBERSHIPS, 2090; AL'S TOWING,CONTRACTUAL,85; APWA,MEMBERSHIPS,146; ASSURITY LIFE INSURANCE CO,LIFE INS EE PD,34.36; AUTOZONE, INC,DEP SUP,29.09; B & C STEEL CORPORATION,EQP MTC,12.89; B TO STAY B BOOKS INC,BKS,80.67; BLUFFS SANITARY SUPPLY INC.,JANIT SUPPL,39.58; BRUNZ, BRANDI,SCHOOLS & CONF,54;

CAPITAL BUSINESS SYSTEMS INC.,MAINT CONTRCT,136.72; CARLSON, DEBRA, REIMB.,46.32; CARR TRUMBULL LBR INC.,DEPT SUP,105.18; CEMENTER'S INC,CEMENT,48.15; CENTRAL STATES WIRE PRODUCT INC.,DEPT SUPPLIES,1575; CENTURY LUMBER CENTER,DEP SUP,22.97; CENTURY MFG,OTHER FUEL,564.21; CITY OF GERING,DISPOSAL FEES,42501.93; CITY OF SCB,PETTY CASH,81.74; CONNECTING POINT INC,RENT-MACH,53.94; CONSOLIDATED MANAGEMENT,SCHOOLS & CONF,561.25; CONTRACTORS MATERIALS INC.,SUPP,105.68; CREDIT MANAGEMENT SERVICES INC.,WAGE ATT.,400.94; CULLIGAN OF SCOTTSBLUFF,DEPT SUPPLIES,113.8; D & H ELECTRONICS INC.,DEPT SUP,129.57; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,2033.63; DUHAMEL BROADCASTING ENT.,ADVERTISING,325; ENERGY LABORATORIES, INC,SAMPLES,108; ENVIRO SERV INC,SAMPLES,105; FEDERAL EXPRESS CORP.,SHIPPING FEES,107.95; FIRST STATE BANK,LEASE PAYMENT,52569.86; FLOYD'S SALES & SERV INC.,VEHICLE MTNC,695.52; FRANK IMPLEMENT INC.,PARTS,402.55; FREMONT MOTOR SCOTTSBLUFF,LLC,VEHICLE MTNC,18.63; GERING CITIZEN,NWS SUBSC.,30; GOLD WATCH LLC,DISPOSAL FEES,1500; HACH COMPANY,LAB SUP,265.47; HEATHER BECK, REFUND 25.91; HEILBRUN FARM IND SUPP.INC.,DEPT SUPPLIES,1435.73; HOLIDAY INN - MID TOWN,SCHOOLS & CONF,83; HOME DEPOT CREDIT SERVICES, STRMWTR SUPPLIES,0.98; ICMA RETIREMENT TRUST-457,DEFERRED COMP - EE,1325.14; IDEAL LINEN SUP INC.,DEPT SUPPLIES,819.94; INDEPENDENT PLUMBING & HEATING, INC,GRD MTC,356.04; INGRAM LIBRARY SERVICES INC,BKS,404.65; INTERNAL REVENUE SERVICE,941 TAXES WITHHELD,59488.34; INTRALINKS, INC,EQUIP. MNT,37.5; JERRY HIGEL,TRAFFIC SIGNAL & CONTRLLR SERVICE,1700; JIRDON AGRI CHEM.INC., MOS. SUPP,623.65; JOHN DEERE FINANCIAL,DEP SUP,384.41; JOHN DEERE FINANCIAL,GRD MTC,26.98; JOHN DEERE FINANCIAL,VEH MTC,12.99; K N E B,STRM WTR ADVTSG,400; KEMBEL SAND & GRAVEL INC,GRD MTC,741.35; KIMBALL MIDWEST,SUPP,571.24; LANCE KITE,SCHOOLS & CONF,134; LEXISNEXIS RISK DATA MANAGMENT INC,CONSULTING,100; LONG'S EXTERIOR DESIGN LLC,STRM WTR SUP,12807.47; M.C. SCHAFF & ASSOC, INC,COMPOST FACILITY UPGRADE,2825.5; MADISON NATIONAL LIFE INS CO, INC,LIFE INSURANCE - ER,1781.11; MAILFINANCE INC,EQUIP LEASE,153.09; MARINE RESCUE PRODUCTS, INC.,DEP SUP,943.72; MATHESON TRI-GAS INC,DEPT SUP,37.88; MATTHEW BRODERICK,SCHOOLS & CONF,54; MENARDS, DEP SUP,315.49; MENDOZA, FRANK,MEMBERSHIPS,57.5; MES,EQUIP REPL.,276; MONEY WISE OFFICE SUPPLIES,DEPT SUPP.,309.77; MONUMENT PREVENTION COALITION,CONTRACTUAL,880; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,2089.06; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF,50; NEBRASKA@ ONLINE,CONTRACT,60; NEBRASKA MACHINERY COMPANY,EQUIP MAINT,11200; NEBRASKALAND TIRE,VEH MAINT,132.77; NORTHWEST PIPE FITTINGS, INC. OF SCB,GRD MTC,534.84; OCLC, INC,CONTR. SVCS,235.96; ONE CALL CONCEPTS, CONTRCTL SVC,161.8; OREGON TRAIL PLBG & HTG INC,CONTRACTUAL SVC,130; PANHANDLE COOP INC.,GASOLINE,25525.9; PANHANDLE GEOTECHNICAL, CONTRACTUAL SVC,685; PANHANDLE HUMANE SOC,CONTRCTL SVC,4881.32; PERMA-BOUND,BKS,2507.16; PIONEER TINT & CLEAR BRA,PUB SAFETY-CIP PO#2,398; PLATTE VALLEY BANK,HSA EE PYBLE,13998.46; POSTMASTER,POSTAGE,870.78; POWERPLAN, EQUIP MTNC,953.31; QUILL CORP,DEPT SUPP,288.95; RCI,MEDICAL EXP,41697.44; REGION I OFFICE OF HUMAN DEVEL,CONTRACTUAL SERVICES,825; S M E C,EE CONTRIBUTION - BIWEEKLY,240; SANDBERG IMPLEMENT, INC,EQP MTC,336.33; SCB CO WEED CONTROL, FIREARMS RANGE,272.5; SCB COUNTY,SEPTIC PERMIT,83; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,210; SCB POLICE OFFICERS ASS'N,POLICE EE DUES,378; SCOTTS BLUFF COUNTY COURT,COURT COSTS,286; SCOTTSBLUFF BODY & PAINT, INC,PUB SAFETY-CIP PO #1,967.97; SCOTTSBLUFF LANDSCAPING INC,GRD MTC,425; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY,

LLC,DEP SUP,2508.5; SEEWALD CONSTRUCTION CO,STRUCTURES,56084.8; SHERIFF'S OFFICE,LEGAL FEES,32.16; SHOWCASES,DPT SUP.,143.37; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,10392.12; SIMON CONTRACTORS, CONCRETE, 4784.85; SLAFTER OIL CO INC.,EQP MTC,22.1; SNELL SERVICES INC.,EQUIP. MNT.,1830; SOUTHWESTERN EQUIP. CO. INC.,VEHICLE MTNC,1145.46; SS AUTOMOTIVE, VEH MAINT,390.26; STAPLES,DEPT SUPPL,313.69; STAR HERALD,LEGAL PUBLICATIONS, 45.42; THE MOWER SHOP,EQP MTC,29.76; THOMPSON GLASS INC,DEPT SUPPL,360; TOMMY'S JOHNNY'S INC,CON SRV,1305; TOTAL FUNDS BY HASLER,POSTAGE,1300; UNIQUE MANAGEMENT SERVICES, INC,CONT. SVCS,232.7; UPSTART ENTERPRISES, LLC,DEPT SUPPL,84.87; US BANK,INTEREST,64791.39; US BANK,DEP SUP,2438.84; USA BLUEBOOK, LAB SUP,598.52; VALLEY BANK & TRUST CO,INTEREST,10627.5; VERA CAMPOS, REFUND 6.06; VERIZON WIRELESS,CELL SERVICE,146.11; VILLAGRANA JR, MIGUEL,REFUND,25; VISTABEAM,DEP SUP,54.95; WALMART COMMUNITY/GEMB,DEP SUP,336.65; WELLS FARGO BANK N.A.,TSA POLICE,29016.42; WESTERN PATHOLOGY CONSULTANTS, INC, CONTRACT,228; WESTERN TRAVEL TERMINAL,VEH MAINT,44; WINNELSON COMPANY INC.,DEP SUP,20.42; WINTER CREEK CANAL CO,POST CLOSURE CARE,4020.75; YMCA OF SCOTTSBLUFF,EE - FAMILY,1371.3.

Council reviewed the Walmart manager liquor license for Daniel Steele. Mr. Steele approached the Council and explained that he has been a Walmart store manager for eight years. He said that the Scottsbluff store has displayed nothing but professionalism and he plans to continue this high standard. Regarding the company policy about selling alcohol to minors, he said this violates their policy and results in termination. He has completed the alcohol sales training classes and the staff also attends these classes. Chief Spencer interviewed Mr. Steele and was very impressed with his policies and management expertise. The Liquor License Investigatory Board was also supportive of this manager appointment.

Moved by Council Member McCarthy, seconded by Council Member McCarthy, "to forward a positive recommendation to the Nebraska Liquor License Commission for the Liquor License Manager License for Daniel Steele as manager of the WalMart Liquor License, located at 3322 Ave. I, Scottsbluff, NE," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Mr. Jedd Fischer, Project Manager for Nebraska Public Power District (NPPD), gave an overview of the construction of a new substation south of Stegall, NE. NPPD plans to construct a 115,000 volt electric transmission line from the existing Scottsbluff substation to a new substation to be built approximately five miles south of Stegall near the existing Stegall Substation. The approximate 23 mile, \$39 million transmission line will enhance transmission system reliability in the western Nebraska Panhandle region. The line is expected to be in service by mid-2017.

NPPD has conducted Agency Meetings with US Fish and Wildlife, NE Game and Parks, NE State Historical Society, Platte Valley Attractions and the National Park Service. Their project communication methods will include: meetings, newsletters, information through the website, media releases, access to a toll free phone and email.

Mayor Meininger opened the Public Hearing at 6:20 p.m. as scheduled for this date to consider the Liquor License for Prime Cut Meat Mart and Restaurant. Moved by Mayor Meininger, seconded by Council Member Gonzales, "That the following exhibits, presented on behalf of the City Council, be entered into the record: 1) Liquor License Application for Prime Cut Meat Mart and Restaurant; 2) City Council Check List for Section 53-132 (Reissue 2010); 3) Written Statement of Police Chief Kevin Spencer; 4) Written Statement of City Clerk Dickinson; 5) Written Statement of Planning Administrator Urdiales; "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Marty and Brenda Manley, owners, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. The Manley's explained that they have owned the business for 40 years and feel it's time

to make some changes. Many of their customers have commented that it would be nice if they had their liquor license. They have done some research, made changes to their employee manual to include responsible alcohol server training and policies. They also installed a security camera by the alcohol storage. All employees who serve or check will be required to take the server training offered by the Nebraska State Patrol, if there is a compliance failure, every employee will take the course again and the employee responsible for the failure will be terminated. Mr. Manley added that inventory will be taken every night.

Chief Spencer informed the Council that during his interview with the Manley's, he was very impressed with their policy and plan for alcohol sales. The location of the business was not a concern. Mr. Kuckkahn added that the Liquor License Investigatory Board also interviewed the owners and expressed their concern regarding control of alcohol at tables with minors. The owners will make sure they have adequate staff to monitor compliance. There were no comments by the public. Mayor Meininger closed the public hearing at 6:30 p.m.

Moved by Mayor Meininger, seconded by Council Member McCarthy, "to forward a positive recommendation to the Nebraska Liquor License Commission regarding the Class I Liquor License for Prime Cut Meat Market and Restaurant, 305 West 27th St.," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

RESOLUTION NO. 14-05-01

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

1. On May 19, 2014 the matter of the application of a Class I liquor license for Prime Cut Meat Market and Restaurant, 305 West 27th St., Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:
 - Exhibit 1 - Application of Class I liquor license for Prime Cut Meat Market and Restaurant, 305 West 27th St., Scottsbluff, NE.
 - Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2010)
 - Exhibit 3 - Written statement of Police Chief dated May 15, 2014
 - Exhibit 4 - Written statement of City Clerk dated May 19, 2014
 - Exhibit 5 - Written statement of Development Services Director dated April 21, 2014
2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Marty and Brenda Manley. 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.

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 Prime Cut Meat Market and Restaurant, at the premises described in the application.

5. The City Clerk shall transmit a copy of this Resolution to the Commission.
6. Cost of publication: \$17.17.

Passed and approved this 19th day of May 2014.

Mayor

ATTEST:

City Clerk

“seal”

Mayor Meininger opened the public hearing at 6:31 p.m. as advertised for this date to consider zone change requests for Lots 2- 3 and Lots 8 -9, Subdivision of Enterprise Tracts, from R-1A Single Family Residential to C-2 Neighborhood and Retail Commercial. City Planner Annie Folck explained that this zone change will bring these lots in line with the existing zoning, making it more marketable to sell. The Planning Commission and staff have recommended approval of this zone change. There were no comments by the public; Mayor Meininger closed the public hearing at 6:35 p.m. Mayor Meininger introduced Ordinance No. 4126 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 REAL ESTATE DESCRIBED AS LOTS 2, 3, 8, AND 9, SUBDIVISION OF ENTERPRISE TRACTS 12 THROUGH 15, (31,191 SQ. FT.) CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS R-1A SINGLE FAMILY RESIDENTIAL, WILL NOW BE INCLUDED IN THE C-2 NEIGHBORHOOD & RETAIL COMMERCIAL, AND REPEALING PRIOR SECTION 25-1-4.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “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. 4126 be adopted,” “YEAS”, Gonzales, Shaver, McCarthy, Meininger and Hilyard, “NAYS” None. Absent: None.

City Planner Folck presented the Preliminary Plat for the Five Oaks Subdivision and an overview of the entire development. The revised plat has been scaled back to eliminate one of the streets on the West side of Five Oaks Drive. All improvements will be covered under the Developer’s Agreement which will be submitted to the City Council. The developer has submitted three final plats within the revised preliminary plat and annexation of the seven residential lots into the corporate boundary of the City. The other part of the development includes another annexation request for the northwest portion of the development. The Planning Commission and staff have made positive recommendations to approve the preliminary plat, all final plats, zone changes and the annexation requests.

Mayor Meininger opened the public hearing at 6:40 p.m. as scheduled for this date to consider the Annexation of Block 9, Five Oaks Subdivision. Ms. Folck explained that this is the property owned by Webb Orthodontics and Eye Care, located on the Southeast corner of Avenue I and West 42nd Street. There were no comments by the public. Mayor Meininger closed the public hearing at 6:43 p.m. Council Member Gonzales introduced the Ordinance by title on first reading: **AN ORDINANCE ANNEXING A PARCEL OF LAND KNOWN AS BLOCK 9, FIVE OAKS SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA.** This Ordinance will be read two more times in accordance with the Nebraska State Statutes.

Mayor Meininger opened the public hearing at 6:43 p.m. as advertised for this date to consider the rezone of proposed final plats in Five Oaks Subdivision Lots 1-3, & Tract 2, Block 6; Lot 7, Block 13; & Lot 8 & Tract 1, Block 14, from Agriculture to R-1A Residential and approve Ordinance No. 4127. There were no comments from the public. Mayor Meininger closed the public hearing at 6:44 p.m. Mayor Meininger introduced Ordinance No. 4127 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 LOTS 1-3 AND TRACT 2, BLOCK 6 OF THE FIVE OAKS FINAL PLAT, CONTAINING 55,136 SQ. FT. (1.27 ACRES), MORE OR LESS, SITUATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, ALL IN FIVE OAKS SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS A-AGRICULTURE, WILL NOW BE INCLUDED IN THE R-1 A SINGLE FAMILY RESIDENTIAL, AND REPEALING PRIOR SECTION 25-1-4.**

Moved by Mayor Meininger, seconded by Council Member Gonzales, "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 McCarthy, "That Ordinance No. 4127 be adopted," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Council reviewed the Resolution for the final plat of Lots 1-3 & Tract 2, Block 6, Five Oaks Subdivision. Moved by Council Member Gonzales, seconded by Council Member Shaver, "to approve Resolution No. 14-05-02, the final plat of Lots 1-3 & Tract 2, Block 6, Five Oaks Subdivision, Scottsbluff, NE," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

RESOLUTION NO. 14-05-02

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

That the final plat of Lots 1-3 and Tract 2 Block 6 of Five Oaks Subdivision, situated in the northwest quarter of Section 14, Township 22 North, Range 55 West of the 6th Principal Meridian, to the City of Scottsbluff, Scotts Bluff County, Nebraska dated April 14, 2014, 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 19th day of May 2014.

Mayor

Attest:

City Clerk

SEAL

Council reviewed the Annexation and Plat Resolutions for the final plat of Lot 7, Block 13, Five Oaks Subdivision. Moved by Council Member McCarthy, seconded by Council Member Hilyard "to approve the Annexation Resolution No. 14-05-03 and Plat Resolution No. 14-05-04 for the final plat of Lot 7, Block 13, Five Oaks Subdivision," "YEAS", Gonzales, McCarthy, Meininger and Hilyard, "NAYS" Shaver. Absent: None.

RESOLUTION 14-05-03

WHEREAS, a request has been submitted by C & T Holdings, L.L.C., a Nebraska Limited Liability Company, as the owner for the inclusion of Lot 7, Block 13, Five Oaks Subdivision, within the corporate limits and boundaries of the City of Scottsbluff, Nebraska, and said real estate being described as a Tract of land being Lot 7, Block 13, Five Oaks Subdivision, all located in the NW 1/4 of Section 14, Township 22 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska, more particularly described as follows:

A parcel of land known as Lot 7, Block 13 of the Five Oaks final plat, containing 12,950 sq. ft. (0.30 acres), more or less, in the Northwest Quarter of Section 14, Township 22 North, Range 55 West of the 6th Principal Meridian in Scotts Bluff County, Nebraska said tract or parcel being more particularly described as follows:

Commencing at the Northwest corner of Section 14, Township 22 North, Range 55 West of the 6th Principal Meridian, being a found 1" diameter steel bolt, flush in the surface of Highway 71, stamped in part "survey mark", whence the West sixteenth of said Section 14, being a found 3 1/4" diameter aluminum cap, flush in the surface of 42nd Street, stamped in part "Baker & Associates Inc. PLS 731" bears South 88°13'30" East, a distance of 1326.35 feet; thence South 35°10'32" East, a distance of 1638.01 feet to a point on the existing Northeast corner of the intersection of 38th Street and Five Oaks Drive and to the point of beginning;
Thence along the East right of way line of Five Oaks Drive on a arc of a curve to the left, a radius of 211.00 feet, a central angle of 21°26'20", a distance of 78.95 feet, (a chord bearing North 12°01'32" West, a distance of 78.49 feet),
Thence departing said East right of way line South 88°26'48" East, a distance of 128.75 feet,
Thence along an arc of a curve to the right, a radius of 318.00 feet, a central angle of 21°52'10", a distance of 121.38 feet, (a chord bearing South 11°20'37" West, a distance of 120.64 feet) to a point on the North right of way line of 38th Street,
Thence along the North right of way line of 38th Street North 69°38'46" West, a distance of 129.40 feet to the point of beginning, and

WHEREAS, the Scottsbluff City Planning Commission has received a request and held a public hearing on May 12, 2014 on the approval of a plat and inclusion of Lot 7, Block 13, Five Oaks Subdivision within the corporate limits and recommended the Scottsbluff City Council approve said request; and

WHEREAS, said request to include the land within the corporate limits was duly signed by the owner of the real estate affected with the express intent of platting the real estate as Lot 7, Block 13, Five Oaks Subdivision, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska; and

WHEREAS, a public hearing was held by the Scottsbluff City Council relating to the request on May 19, 2014, to approve the plat and deem the addition to be included within the corporate limits to be advantageous to and in the best interests of the City of Scottsbluff.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Scottsbluff, Nebraska that the real estate which is platted as Lot 7, Block 13, Five Oaks Subdivision, pursuant to Section 19-916 of the Nebraska Revised Statutes and Section 21-1-61 of the Scottsbluff Municipal Code shall be included within the corporate limits of the City of Scottsbluff, Scotts Bluff County, Nebraska shall be and become a part of said City for all purposes whatsoever, that the inhabitants of said addition shall be entitled to all the rights and privileges, and shall be subject to all of the laws, ordinances, rules and regulations of the City of Scottsbluff, Nebraska.

BE IT FURTHER RESOLVED that the inclusion of Lot 7, Block 13, Five Oaks Subdivision within the corporate limits of the City of Scottsbluff, Nebraska is subject to the final plat being filed with the Scotts Bluff County Register of Deeds.

PASSED AND APPROVED this 19th day of May, 2014.

Mayor

ATTEST:

City Clerk

(Seal)

RESOLUTION 14-05-04

WHEREAS, a request has been submitted by C & T Holdings, L.L.C., a Nebraska Limited Liability Company, as the owner for the inclusion of Lot 7, Block 13, Five Oaks Subdivision, within the corporate limits and boundaries of the City of Scottsbluff, Nebraska, and said real estate being described as a Tract of land located in the NW1/4 of Section 14, Township 22 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska, more particularly described as follows:

A parcel of land known as Lot 7, Block 13 of the Five Oaks final plat, containing 12,950 sq. ft. (0.30 acres), more or less, in the Northwest Quarter of Section 14, Township 22 North, Range 55

West of the 6th Principal Meridian in Scotts Bluff County, Nebraska said tract or parcel being more particularly described as follows:

Commencing at the Northwest corner of Section 14, Township 22 North, Range 55 West of the 6th Principal Meridian, being a found 1" diameter steel bolt, flush in the surface of Highway 71, stamped in part "survey mark", whence the West sixteenth of said Section 14, being a found 3 1/4" diameter aluminum cap, flush in the surface of 42nd Street, stamped in part "Baker & Associates Inc. PLS 731" bears South 88°13'30" East, a distance of 1326.35 feet; thence South 35°10'32" East, a distance of 1638.01 feet to a point on the existing Northeast corner of the intersection of 38th Street and Five Oaks Drive and to the point of beginning;

Thence along the East right of way line of Five Oaks Drive on a arc of a curve to the left, a radius of 211.00 feet, a central angle of 21°26'20", a distance of 78.95 feet, (a chord bearing North 12°01'32" West, a distance of 78.49 feet),

Thence departing said East right of way line South 88°26'48" East, a distance of 128.75 feet,

Thence along an arc of a curve to the right, a radius of 318.00 feet, a central angle of 21°52'10", a distance of 121.38 feet, (a chord bearing South 11°20'37" West, a distance of 120.64 feet) to a point on the North right of way line of 38th Street,

Thence along the North right of way line of 38th Street North 69°38'46" West, a distance of 129.40 feet to the point of beginning, and

WHEREAS, the Scottsbluff City Planning Commission has received a request and held a public hearing on May 12, 2014 on the approval of a plat and inclusion of Lot 7, Block 13, Five Oaks Subdivision within the corporate limits and recommend the Scottsbluff City Council approve the plat and request to include within the corporate limits; and

WHEREAS, said request to include the land within the corporate limits was duly signed by the owner of the real estate affected with the express intent of platting the real estate as Lot 7, Block 13, Five Oaks Subdivision, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska; and

WHEREAS, a public hearing was held by the Scottsbluff City Council relating to the request on May 19, 2014, to approve the plat and deem the addition to be included within the corporate limits as it was advantageous to and in the best interests of the City of Scottsbluff.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Scottsbluff, Nebraska that the plat of Lot 7, Block 13, Five Oaks Subdivision, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved and that the Mayor of the City of Scottsbluff, Nebraska shall be and is hereby authorized and directed to execute the final plat on behalf of the City of Scottsbluff, Nebraska.

PASSED AND APPROVED this 19th day of May, 2014.

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by Council Member Gonzales, seconded by Mayor Meininger, "to approve Resolution No. 14-05-05 Final Plat of Lot 8 and Tract 1, Block 14, Five Oaks Subdivision, City of Scottsbluff," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

RESOLUTION NO. 14-05-05

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

That the final plat of Lot 8 and Tract 1 of Block 14 of Five Oaks Subdivision, situated in the northwest quarter of Section 14, Township 22 North, Range 55 West of the 6th Principal Meridian, to the City of Scottsbluff, Scotts Bluff County, Nebraska dated April 14, 2014, 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 19th day of May 2014.

Mayor

Attest:

City Clerk

SEAL

Mayor Meininger opened the public hearing at 6:45 p.m. as advertised for this date to consider the Annexation of proposed Block 6, & Block 14, Five Oaks Subdivision. These parcels are west of proposed Five Oaks Drive and north of 36th Street and proposed Sage Brush Drive. There were no comments from the public. Mayor Meininger closed the public hearing at 6:47 p.m. Council Member Gonzales introduced the Ordinance which was read by title on first reading: **AN ORDINANCE ANNEXING CERTAIN REAL ESTATE LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, PLATTED AND NOW KNOWN AS LOTS 1-3 AND TRACT 2, BLOCK 6 AND LOT 8 AND TRACT 1, BLOCK 14, OF FIVE OAKS SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.**

City Manager Kuckkahn reported on the financial condition of the city as recently reviewed by the Revenue Committee. He reported that the City is in excellent financial condition with a reserve of \$3 million, which is substantially larger than previous years. The Economic Development fund is very strong with a current balance of \$5 million, so we will be looking at appropriate allocations for this fund, such as capital improvements, subdividing, possible land acquisitions, and providing developable land to attract business.

The City's budget is in excellent shape with adequate reserves. Our levy is very low, so there is some flexibility if we decide to increase the levy. Our current budget condition is a result of good decisions the Council has made regarding the budget. The Revenue Committee is recommending zero growth and zero increase in assumed sales tax revenue. We are looking at some adjustments now to accommodate any unforeseen decreases in revenue in the future.

Moved by Council Member McCarthy, seconded by Council Member Hilyard, "to accept the Revenue Committee Revenue Assumptions for the FY 2015 budget," "YEAS", Gonzales, McCarthy, Meininger and Hilyard, "NAYS" Shaver. Absent: None.

Assistant City Manager Johnson presented an agreement with the YMCA, providing for use of the park ponds on the east side of Riverside Park for their summer recreation programs. The YMCA will use the ponds at no cost. Moved by Council Member Gonzales, seconded by Council Member Shaver, "to approve the license agreement with the YMCA for the use of Riverside Park ponds and authorize the Mayor to execute the agreement," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

City Manager Kuckkahn presented the LB840 extension agreement with Vertex, which will allow them time to achieve their hiring goals. The logic behind this extension is that they have good employees and we want them to continue with their business growth. The LB840 Application Review committee recommended approval of the extension. The Economic Development Citizens Review Committee will review the performance at a later date. Moved by Council Member Gonzales, seconded by Council Member Hilyard, "to approve the Economic Development Assistance Extension Agreement with Vertex and authorize the City Manager to execute the agreement," "YEAS", Gonzales, McCarthy, Meininger and Hilyard, "NAYS" Shaver. Absent: None.

Assistant City Manager Johnson presented the agreement with Western States Contracting Alliance for a new postage machine which will be \$106.76 per month for the first year, increasing to \$148.76 for four years. Moved by Council Member McCarthy, seconded by Council Member Gonzales, "to authorize the Mayor to sign the lease agreement for the new postage machine," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Mr. Johnson presented the agreement to purchase a folder/insert machine. Following the software conversion, it became necessary to purchase a new folder machine as our invoices are now paper. The purchase price of this equipment is \$7,213.00 and is covered by the software CIP budget. A new machine was preferred over a used machine due to the large amount of use and the intricate parts in the machine. Moved by Council Member Gonzales, seconded by Council Member Hilyard, "to authorize the Mayor to sign the purchase agreement for a folder/insert machine," "YEAS", Gonzales, McCarthy, Meininger and Hilyard, "NAYS" Shaver. Absent: None.

Council reviewed the lease agreement with Verizon for construction of a cell tower on city owned land located at the 23 Club Baseball complex. Mr. Kuckkahn explained that this has been a lengthy process with Verizon. The zoning in this location is C-2 and a tower can go as high as 150', however, it's unlikely it will be that tall. The lease amount is \$900 per month. Mr. Shaver commented that there was not a provision or fund set aside in the contract for clean-up and removal if Verizon abandoned the location. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve the agreement with Verizon to lease land located in the SW corner of the 23 Club Baseball complex for the

construction of a cell tower,” “YEAS”, Gonzales, McCarthy, Meininger and Hilyard, “NAYS” Shaver. Absent: None.

City Planner Folck presented a certification for an Agricultural Estate Dwelling site in the city’s extra territorial jurisdiction. The owners have subdivided 2.6 acres of the farmland which will be developed into a rural residential home. Moved by Council Member Gonzales, seconded by Council Member Hilyard, “to approve the plat for an Agricultural Estate Dwelling site situated north of Highland Road and West of County Road 24 and authorize the Mayor to sign the certification,” “YEAS”, Gonzales, Shaver, McCarthy, Meininger and Hilyard, “NAYS” None. Absent: None.

Mr. Kuckkahn presented the ordinance allowing for the creation of Paving District No. 311, which will be a special assessment district, repaid by those who benefit from the improvement. Mayor Meininger introduced Ordinance No. 4128 which was read by title on first reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA CREATING PAVING DISTRICT NO. 311; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING AND GUTTERING, OR SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR PLANS, SPECIFICATIONS, ESTIMATES OF COST AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SAID IMPROVEMENTS AGAINST THE PROPERTY IN SAID DISTRICT ESPECIALLY BENEFITTED THEREBY IN PROPORTION TO SAID BENEFITS; PROVIDING FOR THE ISSUANCE OF DISTRICT IMPROVEMENT WARRANTS AND DISTRICT AND INTERSECTION IMPROVEMENT BONDS AND FOR THE LEVY OF SPECIAL ASSESSMENTS AND GENERAL TAXES TO PAY FOR SAID IMPROVEMENTS; PROVIDING FOR THE REPEALING OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

Moved by Council Member Gonzales, seconded by Council Member McCarthy, “That Ordinance No. 4128 be adopted,” “YEAS”, Gonzales, McCarthy, Meininger and Hilyard, “NAYS” Shaver. Absent: None.

Council introduced Ordinance No. 4129 which was read by title on second reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING THE MUNICIPAL CODE AT CHAPTER 20, ARTICLE 6, RELATING TO THE USE OF RIGHT-OF-WAY OF THE CITY AND REQUIRING PERMITS FOR USE OF CITY RIGHT-OF-WAY AND FEES, AMENDING CHAPTER 22, ARTICLE 6, RELATING TO PARKING AND TRAFFIC, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Regarding this Ordinance, Council Member Shaver commented on the fact that the Farmer’s Market organization does not currently pay a permit fee for the use of the sidewalk for their summer event. Mr. Kuckkahn said they would consider having the organization pay a fee for use of the sidewalk. He added that the reason for the fee charge is for the inspection process of the location to make sure the business is allowing enough of a right-of-way and ADA access. We can watch this new use of the sidewalk right-of-way and make changes if needed.

Moved by Council Member Gonzales, seconded by Council Member Hilyard, “That the statutory rule requiring the Ordinance to be read by title on three different days be suspended,” “YEAS”,

Gonzales, McCarthy, Meininger and Hilyard, "NAYS" Shaver. 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. 4129 be adopted," "YEAS", Gonzales, McCarthy, Meininger and Hilyard, "NAYS" Shaver. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Hilyard, "to approve the Rules and Regulations for the use of the Right-of-Way in the City of Scottsbluff," "YEAS", Gonzales, Shaver, McCarthy, Meininger and Hilyard, "NAYS" None. Absent: None.

Council introduced the 2014 National Electrical Code by title on third reading: AN ORDINANCE DEALING WITH ELECTRICITY, AMENDING THE SCOTTSBLUFF MUNICIPAL CODE SECTION 4-2-33, ADOPTING THE 2014 NATIONAL ELECTRICAL CODE, SUBJECT TO CERTAIN STIPULATED MODIFICATIONS, AND REPEALING FORMER SECTIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Shaver reported that he checked with some cities in Nebraska and Colorado who have not yet adopted this code because some of the supplies and equipment required to meet the code are not manufactured yet. Bill Trumbull with Trumbull's Do It Center said that he has seen many cities wait to adopt the 2014 Electric Code until they are forced to comply with the Ordinance because it is almost impossible to comply with the new regulations due to the inability to get some of the supplies. Council agreed to wait until the deadline set by the State to adopt this code.

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

Mayor

ATTEST:

City Clerk