

# **City of Scottsbluff, Nebraska**

**Monday, June 1, 2015**

**Regular Meeting**

## **Item Consent1**

**Approve the Minutes of the May 18, 2015 Regular Meeting**

**Staff Contact:**

Regular Meeting  
May 18, 2015

The Scottsbluff City Council met in a regular meeting on Monday, May 4, 2015 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 15, 2015, 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 accommodations 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 15, 2015. 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: Jordan Colwell, Randy Meininger, Liz Hilyard and Scott Shaver. Absent: Raymond Gonzales.

Mayor Meininger asked if there were any changes to the agenda. There were none. Mayor Meininger asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none.

Moved by Mayor Meininger, seconded by Council Member Colwell that the May 4, 2015 Minutes be removed from the consent calendar and voted on separately, "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Hilyard, "to approve the absence of Council Member Gonzales from the May 4, 2015 Regular Meeting," "YEAS", Gonzales, Colwell, Meininger, and Hilyard. "NAYS" Shaver. Absent: None.

Regarding the May 4, 2015 Minutes, City Clerk Dickinson informed the Council that there was an error on the minutes in reference to Ordinance No. 4155, the vote was actually "YEAS", Colwell, Meininger, and Hilyard. "NAYS" Shaver. Absent: Gonzales. The minutes will be changed to reflect the correction. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the May 4, 2015 Regular Meeting Minutes as corrected," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Moved by Mayor Meininger seconded by Council Member Colwell "to pull the payment to First State Bank in the amount of \$52,569.86 for debt service principal and interest, to be voted on separately," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Shaver, "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 18, 2015, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

CLAIMS

3M CENTER-TRAFFIC CONTROL,1405 ; ACTION COMMUNICATIONS INC.,1476 ; AE SERVICES, LLC,226.85 ; AFC LLC,17712 ; AIR EVAC EMS, INC,1430 ; ALAMAR CORP,620.5 ; ALLO COMMUNICATIONS, LLC,4855.88 ; ANDREW HAYWARD,1600 ; ANITA'S GREENSCAPING INC,866.67 ; ASSOCIATED SUPPLY CO, INC,1046.04 ; ASSURITY LIFE

INSURANCE CO,34.36 ; AULICK LEASING CORP,504.98 ; AUTOZONE STORES, INC,44.72 ;  
 B&C STEEL CORPORATION,103.94 ; BIRUTA D. WALTON,224.25 ; BLUFFS SANITARY  
 SUPPLY INC.,459.38 ; BRIDGER TWOMBLY,37.31 ; CAPITAL BUSINESS SYSTEMS INC.,408.11 ;  
 CARLSON, DEBRA,24.36 ; CARR TRUMBULL LBR INC.,107.4 ; CELLCO PARTNERSHIP,360.11 ;  
 CEMENTER'S INC,409.28 ; CITIBANK N.A., 1496.36 ; CITY OF GERING,47604.54 ; COMPUTER  
 CONNECTION INC,537.3 ; CONTRACTORS MATERIALS INC.,112.7 ; CREDIT BUREAU OF  
 COUNCIL BLUFFS,28.5 ; CREDIT MANAGEMENT SERVICES INC.,191.4 ; CULLIGAN OF  
 SCOTTSBLUFF,389.5 ; DALE'S TIRE & RETREADING, INC.,817.84 ; DOMINGO PALOMO,72 ;  
 DUANE E. WOHLERS,800 ; ELECTRONIC RECYCLERS, INC,2487.02 ; ELLIOTT EQUIPMENT  
 COMPANY INC., 235.71 ; FAT BOYS TIRE AND AUTO,797.54 ; FEDERAL EXPRESS  
 CORPORATION,176.62 ; FELSBURG HOLT & ULLEVIG, INC,528.08 ; FLOYD'S TRUCK  
 CENTER, INC,4386.28 ; FREMONT MOTOR SCOTTSBLUFF, LLC,,22.02 ; GALE/CENGAGE  
 LEARNING,22.39 ; GARY'S CLEANING & RESTORATION SERV,4805.94 ; GENERAL ELECTRIC  
 CAPITAL CORPORATION,311.11 ; GERING MEDIA GROUP,30 ; HASTINGS HOSPITALITY  
 INC,284.85 ; HAWKINS, INC.,2518.65 ; HEILBRUN'S INC.,4266.73 ; HULLINGER GLASS &  
 LOCKS INC.,214 ; HYDROTEX PARTNERS, LTD,4423.02 ; ICMA RETIREMENT TRUST-  
 457,,1325.14 ; IDEAL LAUNDRY AND CLEANERS, INC.,1619.41 ; INDEPENDENT PLUMBING  
 AND HEATING, INC,86.09 ; INGRAM LIBRARY SERVICES INC,4242.71 ; INTERNAL REVENUE  
 SERVICE,59986.11 ; INVENTIVE WIRELESS OF NE, LLC,54.95 ; JOHN DEERE  
 FINANCIAL,257.92 ; JOHN DEERE FINANCIAL, 730.41 ; JOSHUA JAMES BENZ,960.5 ;  
 KAWASAKI KORNER,1980.94 ; KEVIN, PEGGY SEGELKE,877.35 ; KITE, LANCE,120 ; KRIZ-  
 DAVIS COMPANY,382.47 ; LEAGUE ASSOCIATION OF RISK MANAGEMENT,101.66 ;  
 LEXISNEXIS RISK DATA MANAGMENT INC,100 ; M.C. SCHAFF & ASSOCIATES, INC,6036 ;  
 MADISON NATIONAL LIFE, 1830.48 ; MARIE'S EMBROIDERY,29 ; M-B CO, INC,939.38 ;  
 MENARDS, INC,797.46 ; MIDLANDS NEWSPAPERS, INC,4383.92 ; MIDWEST MOTOR SUPPLY  
 CO INC,350.4 ; MONUMENT PREVENTION COALITION, 939.94 ; MOTOROLA SOLUTIONS,  
 INC,425.6 ; NATHAN JOHNSON,216.2 ; NATIONAL ARBOR DAY FOUNDATION,15 ; NE CHILD  
 SUPPORT PAYMENT CENTER,1814.68 ; NE COLORADO CELLULAR, INC, 36.2 ; NE DEPT OF  
 REVENUE,19235.01 ; NE MOSQUITO & VECTOR CONTROL ASSN.,95 ; NEBRASKA  
 FLOODPLAIN & STORMWATER MANAGERS ASSOC,45 ; NEBRASKA INTERACTIVE, LLC,21 ;  
 NEBRASKA PUBLIC POWER DISTRICT,40893.18 ; NEOPOST,1000 ; NEOPOST USA INC,1401.4 ;  
 NETWORKFLEET, INC,18.95 ; NORTHERN LAKE SERVICE, INC,3604.25 ; NORTHWEST PIPE  
 FITTINGS, INC. OF SCOTTSBLUFF, 152.92 ; OCLC ONLINE COMPUTER LIBRARY CENTER,  
 INC,300.85 ; OLGA CONTU,25 ; ONE CALL CONCEPTS, INC,160.5 ; OREGON TRAIL  
 PLUMBING, HEATING & COOLING INC,9365 ; PANHANDLE COOPERATIVE  
 ASSOCIATION,20503.43 ; PANHANDLE ENVIRONMENTAL SERVICES INC,126 ; PAUL REED  
 CONSTRUCTION & SUPPLY, INC,71118.82 ; PELCO CORP,8 ; PIONEER TINT & CLEAR  
 BRA,199 ; PLATTE VALLEY BANK,13425.23 ; POSTMASTER,882.74 ; QUILL CORP,248.81 ;  
 REGIONAL CARE INC,21394.76 ; REGISTER OF DEEDS,120 ; RENAE L GRIFFITHS,796.92 ;  
 RICHARD PARKER,72 ; ROY ROJAS,260 ; RS VENTURES LLC,94.83 ; RUSHMORE MEDIA  
 COMPANY, INC,325 ; S M E C,238 ; SANDBERG IMPLEMENT, INC,1311.16 ; SCB CO WEED  
 CONTROL,2000 ; SCB COUNTY,141 ; SCB FIREFIGHTERS UNION LOCAL 1454,225 ;  
 SCOTTSBLUFF BODY & PAINT,665 ; SCOTTSBLUFF LANDSCAPING INC,425 ; SCOTTSBLUFF  
 POLICE OFFICERS ASSOCIATION,600 ; SHERIFF'S OFFICE,30.64 ; SHERWIN WILLIAMS,,19.19  
 ; SIMMONS OLSEN LAW FIRM, P.C.,12833.1 ; SIMON CONTRACTORS,12519.51 ; SNELL

SERVICES INC.,1254.86 ; TEXAS PNEUDRAULIC INC,130.6 ; THE CHICAGO LUMBER COMPANY OF OMAHA INC,69.96 ; THOMAS P MILLER & ASSOCIATES, LLC,30362.57 ; TOMMY'S JOHNNYS INC,1305 ; TOYOTA MOTOR CREDIT CORPORATION,383.99 ; TRANS IOWA EQUIPMENT LLC,2500 ; TRI-TECH FORENSICS INC.,34.75 ; UNIQUE MANAGEMENT SERVICES, INC,161.1 ; US BANK,58747.5 ; US BANK,,3639.26 ; VALLEY BANK & TRUST CO,9727.5 ; VAN DIEST SUPPLY COMPANY,1394.8 ; VOGEL WEST, INC,,10.55 ; WELLS FARGO BANK, N.A.,30163.03 ; WESTERN COOPERATIVE COMPANY,429.81 ; WESTERN COOPRTATIVE COMPANY, 1707.54 ; WESTERN PATHOLOGY CONSULTANTS, INC,76 ; WESTERN TRAVEL TERMINAL, LLC,50.99 ; XEROX BUSINESS SERVICES LLC,1395 ; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,2147.75 ; ZM LUMBER INC,301.14 ; REFUNDS: KRISTI MOORE 1.01; JASON SALAZAR 31.89; WILLIAM WISSWELL 50.58; CAITLYN CARTER 23.37; BRIAN DUNLAP 29.59; AMANDA CYR 31.03; HERSHELL STONER 31.51; PATTIE YOWELL 90; 1<sup>ST</sup> CHURCH OF GOD 104.77; MARY ELLWANGER .52; CANDI FROHMAN 6.26; ROCKSTEP 7.11; JOSEPH LOVELIDGE 22.21; KATHRYNE VANDAMME 79.87.

Moved by Mayor Meininger, seconded by Council Member Colwell, "to acknowledge a conflict of interest for Council Member Shaver regarding the claim to First State Bank and excuse him from discussing or voting on this item," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve payment to First State Bank in the amount of \$52,569.86 for debt service principal and interest," "YEAS", Gonzales, Colwell, Meininger, and Hilyard. "NAYS" None. Absent: None. Abstain: Shaver.

Assistant City Manager Johnson presented the bids for Paving District 312. Mayor Meininger reported that the following bids were received: Infinity Construction \$788,406.00; Anderson & Shaw \$958,835.00; Paul Reed Construction \$1,045,360.19. The engineer's estimate for this project was \$1,032,900.00. Moved by Mayor Meininger, seconded by Council Member Shaver, "to award the bid for Paving District 312 to Infinity Construction in the amount of \$788,406.00 as the best and most responsible bid," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Donna Thompson, Executive Director for the West Nebraska Art Center, 106 East 18<sup>th</sup> St., presented three special designated liquor licenses and event permits to be held at the Art Center. She explained that they will have the signage supplied by the Liquor Commission regarding the consumption of alcohol and will have staff and volunteers who are trained to serve alcohol. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve issuance of a special arts-related event wine permits for the West Nebraska Arts Center, 106 East 18th Street and special designated liquor licenses for events on the following dates: July 2, 2015 4:00 p.m. to 8:00 p.m.; September 3, 2015 4:00 p.m. to 8:00 p.m. and October 30, 2015 7:00 p.m. to 10:00 p.m.," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Deputy City Attorney Ediger presented an Economic Development Assistance Agreement with Southwest Business Corporation (SWBC) for Council consideration. He explained that SWBC is applying for assistance to recruit employees. They currently have 180 employees and would like to double this number as soon as possible. They can either add the employees here or acquire more space at their San Antonio location. We would prefer they add the jobs locally. The job credits are based on \$5,000 per job over a five year period. Based on the timing of this grant, their request is based on an additional 100 employees over a five year period, in addition to the base employee number of 100. This would essentially be a \$500,000.00 grant for economic development assistance. They are asking for the initial \$250,000.00 at closing to use for incentives, then \$50,000.00 per year for the next five years, as earned. Their goal is to have over 400 positions. The LB840 Application Review Committee recommended approving the grant in the terms that SWBC requested. Mr. Kuckkahn stated that the company would like to get aggressive in their search for qualified employees in our area through incentives and advertising. Mr. Ediger added that they plan to coordinate with the Chamber of Commerce

and Twin Cities Development. They have offered jobs locally and have already increased the salary by \$2.00/hour; they also have an excellent benefit package. They are currently facing some ups and downs regarding the past history of the business location. Some qualified employees have moved on to other jobs.

Mr. Ediger emphasized that SWBC would rather not out source jobs overseas, but rather keep the jobs local. The skill sets are a step up from the previous company. This is a privately owned company, who has worked with WNCC to do a lot of their skill set training. The company is already here; they need the assistance to increase their employee numbers. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the Economic Development Assistance Agreement with Southwest Business Corporation (SWBC) for an initial amount of \$250,000.00 with a maximum grant amount of \$500,000.00 based on the number of jobs created, "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Mayor Meininger continued the public hearing which was opened on April 20, 2015 to consider the rezone of proposed Lots 1 & 2, Block 9 Five Oaks Subdivision, parcels are South of 42nd & East of Highway 71. City Planner Annie Folck explained that staff and the Planning Commission are recommending approval of this zone change from Agricultural to Neighborhood and Retail Commercial as it fits with the proposed development of this property and the purchase of additional property for their development. She noted that the rezone will need to be contingent on the final plat. Mayor Meininger closed the public hearing at 6:25 p.m. There were no comments from the public. Mayor Meininger introduced Ordinance No. 4158 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 PART OF PROPOSED LOTS 1 & 2, BLOCK 9, FIVE OAKS SUBDIVISION, SITUATED IN PART OF THE NW <sup>1</sup>/<sub>4</sub> OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NE, WHICH IS CURRENTLY ZONED AS A-AGRICULTURAL, WILL NOW BE INCLUDED IN THE C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL, AND REPEALING PRIOR SECTION 25-1-4.**

Moved by Mayor Meininger, seconded by Council Member Shaver, "that the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Colwell, Meininger, Shaver, Gonzales, 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 Hilyard, "that Ordinance No. 4158 be adopted, contingent upon the approval of the final plat of the development," "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

Mayor Meininger opened the public hearing set for this date at 6:27 p.m. to consider the Blight and Substandard Conditions Study for the area southeast of Highway 71 and 42nd Street and Adler Tracts. City Planner Folck explained that the Blight study encompasses the area that was just rezoned, including the area known as Adler Tracts, which has gravel streets and aging housing. In addition, the development east of Highway 71 has some half streets, which are inadequate and a criteria for the blight designation. Council Member Shaver commented on the need to include 42<sup>nd</sup> street, as it is in very rough condition. The street is not included in the study; the street would need to be included in the legal description in the Blight and Substandard study. Mike Bacon, representing the Webb's who are the developers of the project, explained that the Blight Study was prepared by Charles Bunger, who is the author of the constitutional amendment providing for Tax Increment Financing (TIF) in Nebraska and the definition of blight and substandard. The report explains that the condition of the property does impact the development of this area. The Webb's intend to invest substantial funds to build a commercial building on this property.

Mayor Meininger closed the public hearing at 6:30 p.m. There were no further comments from the public. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the study designating a portion of Five Oaks Subdivision and Adler Tracts as Blighted and Substandard and approve Resolution No. 15-05-03," "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

## **RESOLUTION 15-05-03**

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

#### **Recitals:**

- a. It is necessary, desirable, advisable, and in the best interests of the City of Scottsbluff, Nebraska (the "City"), for the City to undertake and carry out redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment;
- b. The Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects;
- c. Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard;
- d. At its regular City Council meeting on May 18, 2015, the Mayor and City Council of the City held a public hearing (the "Public Hearing") to determine whether the area more fully described on Attachment 1 (the "Redevelopment Area") should be declared blighted and substandard, and in need of redevelopment, as required by the Act;
- e. The City published and mailed notices of the Public Hearing regarding the consideration of declaring property to be blighted and substandard pursuant to Section 18-2115 of the Act;
- f. The Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a blight and substandard determination analysis as per Attachment 2 (the "Blight Study") prepared by Charles K. Bunger, Attorney at Law;
- g. The Blight Study was forwarded to the Planning Commission of the City for its review and recommendation and the Mayor and City Council reviewed the recommendations received from the Planning Commission; and
- h. The Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

#### **Resolved that:**

1. The Redevelopment Area is declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area for meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Redevelopment Area is more particularly described on Attachment 1.
2. The Redevelopment Area is further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(11) of the Act, as described and set forth in the Blight Study.
3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is found to be a public purpose and declared to be in the public interest.

4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect to the Redevelopment Area.
5. This Resolution shall become effective immediately upon its adoption.

**PASSED and APPROVED** on May 18, 2015.

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Mayor

ATTEST:

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City Clerk (Seal)

City Manager Kuckkahn explained the remaining items regarding the development of Block 9 of the Five Oaks Subdivision. One of the items of concern is the connection of Highway 71 with 40<sup>th</sup> street. The Planning Commission and staff would like to see the continuation of 40<sup>th</sup> street with a full street to Ave. I (Highway 71). The approximate cost for this street is \$150,000.00. The Developer's Agreement needs to address access to both parcels one and two and the time period for this development. The Developers will need to make these adjustments before we can move forward with the Ordinance to vacate, Revised Preliminary Plat, approval of Developer's Agreement and Proposed Final Plat. Staff is recommending that the items concerning this development be tabled.

Moved by Council Member Shaver, seconded by Council Member Hilyard, "to table the following agenda items: 11a. Council to consider an Ordinance to Vacate Block 9, Five Oaks Subdivision, Scottsbluff, Scotts Bluff County, Nebraska; 11b. Council to consider a Revised Preliminary Plat for Five Oaks Subdivision; 11c. Council to receive an update of the status of the Developer's Agreement for the Five Oaks Subdivision; 11d. Council to receive a report on the Proposed Final Plat for Lots 1 and 2, Block 9, Five Oaks Subdivision, situated in the NW 1/4 of Section 14, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska," "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to remove from the table the beverage contract with Pepsi Cola of Western Nebraska for city park facilities," "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

Assistant City Manager Johnson presented an update from the research regarding purchase of beverages for the park facilities. Mr. Johnson stated that there are retailers that offer the per item cost which is less expensive than the contract with Pepsi, however, city staff would need to shop and stock the product. The 20 oz. bottles are not available in the stores. If we did not use Pepsi as our supplier, we would not receive approximately \$5900 of donated products. Pepsi has been a good company to work with, donating several items to our various events. Council Member Shaver stated that there are other products we could provide in different size containers, which would be less expensive. He feels there is adequate city staff available to shop for the products. Mr. Johnson also informed Council that Pepsi provides the coolers for the product, which we would need to be replaced if we did not use Pepsi products. Moved by Council Member Colwell, seconded by Council Member Gonzales, "to approve the beverage contract with Pepsi Cola of Western Nebraska for city park facilities and authorize the Mayor to execute the contract," "YEAS", Colwell, Meininger, Gonzales, and Hilyard, "NAYS": Shaver. Absent: None.

Mr. Johnson presented the contract for concessions at Lacy Park with Jessica Rivera, who will pay the City \$100.00 per month to operate the concession stand. Moved by Council Member Hilyard, seconded by Council Member Colwell, "to approve the contract for concessions at Lacy Park and authorize the Mayor to execute the contract," "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

City Planner Folck gave the Council an update of the downtown development project. We received notification of first round grant approval for the pre-application for the project, so staff will be submitting the grant application by June 15<sup>th</sup>, with notification expected by June 30<sup>th</sup>. There will be a public meeting / open house on June 2, 2015 at the Midwest Theater from 4-6 pm to share the plan with the community. A conceptual design and examples from other communities will also be available. Staff is looking for input from the community and the City Council.

Ms. Folck informed the Council that the Comprehensive Development Plan is still in progress. Panhandle Area Development District will be providing information regarding housing demographics and Diamond Back Engineering is beginning work on the utility study to identify development locations as it relates to utilities. The floodplain study is underway and staff has met with the Army Corp of Engineers, the Department of Natural Resources and FEMA. The updated floodplain study will take approximately 18 months to complete.

Mr. Kuckkahn added that staff will bring sections of the plan to the Planning Commission and City Council, making it a living plan, so it's constantly being updated. We could have duplicated the current comprehensive plan, but it doesn't serve the purpose anymore nor does it provide the type of working plan that will be beneficial. We want to make the Comprehensive Development Plan more of a policy document.

City Manager Kuckkahn gave the Council an update on the Regional Economic Development inter-local meeting which was held May 11, 2015. Thomas P. Miller and Associates drafted an inter-local agreement which unifies the communities, provides cooperative funding options, and offers resources to attract industries and businesses to the region. The agreement will also provide forms of seed funding that are in line with the plan. The committee will also consider expenses for economic development projects such as memberships with the community's Chamber of Commerce, Panhandle Area Development District, Twin Cities Development and other economic development groups. Regarding development, we will look at what we have and what we want to promote. This committee will basically be an umbrella to economic development efforts in the region. Another part of the discussion was the amount of funding each community should contribute to develop the plan.

Maunette Loeks, Star Herald, approached the council and asked that the media be informed of the Regional Economic Development Committee meetings. Staff will make sure the media is informed of all meetings.

City Manager Kuckkahn gave the Council a summary regarding Simon Contractor's liquidated damages for the Avenue I street project. Simons Construction was the prime contractor for the project which was let by the Nebraska Department of Roads (NDOR). Simons hired Perkins and Perkins, a Disadvantaged Business Enterprise (DBE), who has provided less than adequate services.

Staff is recommending that we give credit for the 20 days that no one was on site to do the work, which is \$54,600.00. Simons has asked for an additional 3 days credit which was the amount of time it took to replace the inferior work. Currently the NDOR has withheld \$178,753.79 from Simons Contractor's for liquidated damages and labor costs. Mr. Kuckkahn commented that we should try to compromise with Simons Construction as they are a local company and we respect their business. Staff is recommending that we credit the 20 days, making the amount of liquidated damages withheld \$124,153.79.

Council Member Hilyard asked why the work was not complete and who should be responsible for making sure it is complete. Public Works Director Mark Bohl commented that striping and the final walk through is left to be completed. It has been over a year now, from when the project began on April 6, 2014. The taper has been notified and should be here soon to complete the project. The Engineer, Baker and Associates should be contacting the contractor to make sure the project is complete.

Council discussed holding off on a decision until the work is complete. Moved by Mayor Meininger, seconded by Council Member Hilyard, "to not take further action regarding Simon Contractor's liquidated damages for the Avenue I street project until the project is complete," "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

Council introduced Ordinance No. 4159 which was read by title on third reading: **AN ORDINANCE PROVIDING FOR AGREEMENT TO THE LEVY OF A RETAIL BUSINESS OCCUPATION TAX; THE LEVY OF A RETAIL BUSINESS OCCUPATION TAX;**



**ESTABLISHING DEFINITIONS; PROVIDING FOR THE ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO SUCH OCCUPATION TAX; SPECIFYING HOW SUCH TAX REVENUE WILL BE USED; PROVIDING A SUNSET PROVISION FOR THE TAX; PROVIDING FOR PUBLICATION IN PAMPHLET FORM, PROVIDING FOR AN EFFECTIVE DATE AND RELATED MATTERS.** Assistant City Manager Johnson noted that the Ordinance needs to reflect an effective date of July 1, 2015 to enable the businesses to get the process in place to collect the additional sales tax, and to add an administrative fee of 5%. Moved by Council Member Shaver, seconded by Council Member Gonzales, "to approve Ordinance No. 4159 providing for the levy of a Retail Business Occupation Tax to the Monument Mall property," "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

Council introduced Ordinance No. 4160 which was read by title on third reading: **AN ORDINANCE ANNEXING A PARCEL OF LAND CONSISTING OF 1,423,091 SQ. FT. (32.67 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 BELOW.** Moved by Council Member Hilyard, seconded by Council Member Shaver, "to adopt Ordinance 4160 annexing land in the Northwest Quarter of Section 14, Township 22 North, Range 55 West, of the 6th Principal Meridian, in Scotts Bluff County, Nebraska, "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

Mayor Meininger introduced Ordinance 4161 which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE AT CHAPTER 15, ARTICLE 1, SECTION 1 DEALING WITH THE PARKS AND IDENTIFICATION OF PARKS IN THE CITY OF SCOTTSBLUFF, NEBRASKA; REPEALING PRIOR SECTIONS INCONSISTENT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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", Colwell, Meininger, Gonzales, 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 Hilyard, "that Ordinance No. 4161 be adopted," "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

Mr. Johnson explained that due to uncertainties with the Splash Pool, the cost for a pool pass will be lowered to \$125.00 for the season for the Splash Pool and the Westmoor Pool. Mayor Meininger introduced Ordinance No. 4162 which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING THE MUNICIPAL CODE AT CHAPTER 6, ARTICLE 6, RELATING TO THE ADMISSION FEES FOR SWIMMING POOLS, IN PARTICULAR, AMENDING A SEASON TICKET PRICE, REPEALING PRIOR SECTIONS, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

Moved by Mayor Meininger, seconded by Council Member Hilyard, "that the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Colwell, Meininger, Gonzales, 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. 4162 be adopted," "YEAS", Colwell, Meininger, Gonzales, and Hilyard, "NAYS": Shaver, Absent: None.

Moved by Council Member Shaver, seconded by Mayor Meininger, "to adjourn the meeting at 7:15 p.m.," "YEAS", Colwell, Meininger, Shaver, Gonzales, and Hilyard, "NAYS": None. Absent: None.

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Mayor

Attest:

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City Clerk

“Seal”