

City of Scottsbluff, Nebraska

Monday, August 7, 2017

Regular Meeting

Item Consent1

Approve the minutes of the July 17, 2017, Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on July 17, 2017 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 July 14, 2017, 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 emailed to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and NBC Nebraska, and the Star Herald. The notice was also available on the city's website on July 14, 2017.

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: Randy Meininger, Scott Shaver, Mark McCarthy, Raymond Gonzales and Jordan Colwell. Also present was City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: None. Mayor Meininger asked if there were any changes to the agenda. There were no changes.

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 McCarthy seconded by Mayor Meininger that:

1. "The minutes of the July 3, 2017 Regular Meeting be approved,"
2. "The July 31, 2017 Regular Council meeting be cancelled as two regular meetings will have already been held in the month of July,"
3. "Bid specifications for Menards public improvement paving project be approved and authorize the City Clerk to advertise for bids to be received by August 8, 2017, 11:00 a.m.,"
4. "A public hearing be set for August 7, 2017, 6:05 p.m., to consider the Class I Liquor License application for Boozy Brushes, LLC, 2419 Ave. I, Scottsbluff, NE,"
5. "Council authorize Mayor to sign real estate lien release for a housing rehabilitation project,"
6. "Council approve the City Manager's appointment of Anne Radford to fill the vacated Library Board position," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Mayor Meininger, "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 July 17, 2017, as on file with the City Clerk and submitted to the City Council," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

CLAIMS

ACTION COMMUNICATIONS INC., PROGRAMMED/OPTIMIZED 29 RADIOS, 4513.38; ALLO COMMUNICATIONS, LLC,LOCAL TELEPHONE CHARGES, 4344.41; ANITA'S GREENSCAPING INC, BID-PRKNG LOTS,1261.11;ASSOCIATED SUPPLY CO, INC,EQUIP MAINT, 537.83; ASSURITY LIFE INSURANCE CO, LIFE INS, 32.95;AUTOZONE STORES, INC,EQUIP MTNC,411.65;B & H INVESTMENTS, INC, DEPT SUPPLIES, 230;BIBEROS JOSEPH, CONTRACTUAL, 54; BLUFFS BROADCASTING, DEPT SUPP, 2500; BLUFFS SANITARY SUPPLY INC., BLDG MAINT, 435.26; BRIDGER TWOMBLY, SCHOOLS & CONF, 209; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,349.03; CARR- TRUMBULL LUMBER CO, INC., BLDG MAINT, 992;CASH WA DISTRIBUTING, CONCESSIONS, 2372.75; CELSCO PARTNERSHIP, MONTHLY CELL PHONE -FIRE,449.3;CENTURION HOLDINGS LLC,CONT. SRVCS.,225;CHARTER COMMUNICATIONS HOLDINGS LLC,TV BOX -FIRE,24.24;CHILD SUPPORT, CHILD SUPPORT,37;CHRISREYES, ECLIPSE GLASSES,120; CITIBANK N.A., DEPARTMENT SUPPLIES, 371.77;CITIBANK, N.A.,RANGE,179; CITY OF GERING, DISPOSAL FEES, 45340.69; CITY OF SCB,PETTY CASH,90.49; CLARK PRINTING LLC,DEPT SUP,223.45; COMPUTER CONNECTION INC,EQUIP MAINT,79;CONSOLIDATED MANAGEMENT COMPANY, SCHOOLS/CONF,95.14; CONTRACTORS MATERIALS INC.,DEPT SUP,88.38; CREDIT BUREAU OF COUNCIL BLUFFS,PRE-EMPL.CHECKS & MONTHLY FEES (JUNE '17),71; CROELL INC., CONCRETE FOR STREET REPAIR, 1930;CYNTHIA GREEN,DEPT SUP,82.5;DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,4048.84;DEAVER TYSON,CONTRACTUAL,162;DUANE E. WOHLERS,DISPOSAL FEES,450;ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,1326.5; ENVIRONMENTAL ANALYSIS SOUTH, INC, CONTRACTUAL SVC,575.8;FASTENAL COMPANY, BLDG MAINT,42.51; FLOYD'S TRUCK CENTER, INC,EQUIP MTNC,14.63; FRANCISCO MAREZ, CONTRACTUAL, 234; FREMONT MOTOR SCOTTSBLUFF, LLC,NEW PICKUP FOR DEPUTY PUBLIC WORKS DIRECTOR, 21593.56;GENERAL ELECTRIC CAPITAL CORPORATION, PRGM., 155.42; GILBERT CARRIZALES, CONTRACTUAL,144; GLOBAL EQUIPMENT COMPANY INC, DEPT SUPP, 3929;GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,695;GREAT LAKES HIGHER EDUCATION GUARANTY CORP,WAGE ATTACHMENT,185.82; HAWKINS, INC., CHEMICALS, 1379.8;HIRERITE LLC,PRE-EMPLOYMENT CHECK - JUNE 2017,143;HOA SOLUTIONS, INC, ELECTRICAL MAINT, 253.77; HOLIDAY INN - KEARNEY,SCHOOLS/CONF,91; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - MATS, TOWELS, SOAP,1263.46; INDEPENDENT PLUMBING AND HEATING, INC,DEPT SUP,187.68;INGRAM LIBRARY SERVICES INC,BKS., 970.96; INTERNAL REVENUE SERVICE, WITHHOLDINGS, 66035.77;INTERNATIONAL ASSOCIATION OF PLUMBING & MECHANICAL OFFICIALS, DEPT MMBRSH, 150; INTRALINKS, INC, CONTRACT SERVICES - JUNE 2017, 1755.74; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,54.95;JOHN DEERE FINANCIAL,DEPT SUPP,65.97;KAMAN CHERYL,CONTRACTUAL,1000; KENNEDY GLORIA,POOL PARTY REFUND,62.5;KENNETH LEROY DODGE,EQUIP MAINT,106; KIRK BERNHARDT, CONTRACTUAL,162;KNOW HOW LLC,EQUIP MTNC, 808.13;KRIZ-DAVIS COMPANY,DEPT BOOKS,346.57;LEAGUE ASSOCIATION OF RISK MANAGEMENT,VEHICLE INSURANCE,146.35;LEXISNEXIS RISK DATA MANAGEMENT,CONTRACT,100;M.C. SCHAFF & ASSOCIATES, INC,CONTRACTUAL

SVC,260;MADISON NATIONAL LIFE,LIFE INS,1870.71;MARIO SOLORZANO III, CONTRACTUAL, 108; MAXWELL FLOORING,BLDG MAIN.,90;MENARDS, INC,GROUND MAINT, 488.07;MICHAELS CHRIS, TREE REBATE,114.98;MIDWEST CARD & ID SOLUTIONS, CARD PRINTER LAMINATION,335.13;MIDWEST MOTOR SUPPLY CO INC,DEPT SUPPLIES, 27.67;MIKESELL L JO,CONTRACTUAL,400;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1536.18;NE DEPT OF REVENUE,WITHHOLDING,28567.4; NEBRASKA MACHINERY CO,SUPP - GREASE AND GREASE GUN,58.57; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,41450.54;NEBRASKA STATEWIDE ARBORETUM, DEPT SUP, 218.02;NEMNICH AUTOMOTIVE,EQUIP MTNC,202.33;NETWORKFLEET, INC, GPS SERVICE, 18.95; NEWMAN, TIMOTHY,CONFERENCE TRAVEL EXPENSES,120;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,145.52;OCLC ONLINE COMPUTER LIBRARY CENTER, INC, CONT. SRVCS., 339.44;ONE CALL CONCEPTS, INC, CONTRACTUAL, 162.69;OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT, 1055; PANHANDLE COOPERATIVE ASSOCIATION, GASOLINE, 3672.1; PANHANDLE ENVIRONMENTAL SERVICES INC, CONTRACTUAL SVC, 398;PAUL REED CONSTRUCTION & SUPPLY, INC,STRUCTURE,130806.48;PEPSI COLA OF WESTERN NEBRASKA, LLC,CONCESSIONS, 744; PLATTE VALLEY BANK,HSA SAVINGS,14593.49; POSTMASTER, POSTAGE,892.86; RAMADA INN-KEARNEY,HOTEL - DROUGHT THIRA - TIM NEWMAN,79; REAMS SPRINKLER SUPPLY CO.,GROUND MAINT,97.01;REGANIS AUTO CENTER, INC,EQUIP MTNC,2277.15;REGIONAL CARE INC,CLAIMS,98012.86;RICHARD P CASTILLO, CONTRACTUAL,144;ROBERT GOMEZ,CONTRACTUAL,108;S M E C,EMPL- DEDUCTION,188.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT,227.76; SCB COUNTY,GIS MAPPING,3826.67; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225;SCOTTIES POTTIES INC,CONTRACTUAL,850;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,DEPT SUPP, 56; SCOTTSBLUFF SENIOR CENTER,CONTRACT,5750;SCOTTSBLUFF WINSUPPLY COMPANY, GROUND MAINT,1855.39;SHERWIN WILLIAMS,DRIVESIDE BRG AND MOUNT FOR GRINDLAZR,829.65; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,12071.11; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,4373.5; SNELL SERVICES INC.,BLDG MAIN.,150; SOCIETY FOR HUMAN RESOURCE MANAGEMENT,FY 17-18 ANNUAL MEMBERSHIP,199;THE CHICAGO LUMBER COMPANY OF OMAHA INC, DEPT SUPPLIES, 22.27;TRANS IOWA EQUIPMENT LLC,EQUIP MTNC,40.56;UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS.,250.6;US BANK,ADMIN FEES,1900;US BANK,YEARLY SUBSCRIPTION - N. JOHNSON,443.53;VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,1420.38;VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,516;WELLS FARGO BANK, N.A.,RETIREMENT,32177.93; WESTERN COOPERATIVE COMPANY, EQUIP MAINT,40.08;WESTERN COOPERTATIVE COMPANY,DEPT SIUPP,561.25;WESTERN NE COMMUNITY COLLEGE, PRGRM.,160;WESTERN PATHOLOGY CONSULTANTS, INC, JUNE 2017 RANDOM DOT TESTS,76; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES, 112.29;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,1692.5; REFUNDS: JILL COMPTON 51.78; NATHAN SCHLOTHAUER 20.01; OWEN

ORAL & IMPLANT SURGERY 9.30; DYLAN KING 78.10; SONIA SCHUMACHER 15.65; DON KRUG 17.86; CATHERINE EICH 8.97; CLIFF HILBERT 13.20; BOB HERGENREDER 17.85.

City Manager Johnson presented the June 2017 Financial Report; reporting that the City is now 75% through the 2016-2017 budget year and the current report shows a number of debt service payments.

Council reviewed the Memorandum of Understanding with Panhandle Public Health District to provide tobacco compliance checks enforcement. Mr. Johnson explained that Panhandle Public Health will reimburse the City of Scottsbluff \$1500.00 per year for the next two years for tobacco compliance checks. Council Member Shaver asked if this will negatively impact the Police Department, which Mr. Johnson said it will not. Moved by Council Member Shaver, seconded by Council Member Colwell, "to approve the Memorandum of Understanding with Panhandle Public Health District to provide tobacco compliance checks enforcement from July 2017 to June 30, 2019," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS", None. Absent: None.

Ms. Terry Rajewich with Nebraska Public Power District presented the Council with the updated Community Guide Lite, which the City chose to update this year. This document is used to attract additional businesses and for economic development recruitment. In addition, Ms. Rajewich presented the City Council with a picture of the ribbon cutting for the Community Solar project of which the City of Scottsbluff is the first community to complete the solar project with NPPD.

Mayor Meininger opened the public hearing at 6:10 p.m., to consider the Class DK Liquor License application for STL of Nebraska Inc. dba Target Store T-0831, 1401 Frontage Road, Scottsbluff, NE.

Mr. Scott Marsh, Target Store Manager, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Mayor Meininger, seconded by Council Member McCarthy, "that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) STL of Nebraska Inc. dba Target Store T-0831 Liquor License application; 2) City Council check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated July 12, 2017; 4) written statement of City Clerk dated July 17, 2017; 5) written statement from the Development Services Department dated June 26, 2017; "YEAS", Meininger, Gonzales, Shaver, Colwell and McCarthy, "NAYS" None. Absent: None.

Mr. Marsh explained that Target would like to expand their business to become a "one stop shop". He explained that the alcohol sales won't be a major part of their store, but will give their guests more options in shopping. There are 14 stores in the State of Nebraska, and the Scottsbluff store is the only one that does not have a liquor license. Mr. Marsh said that his team and he will be responsible for doing the inventory for the license. Mr. Patrick Dytrych is the manager for all liquor licenses in the state of Nebraska. Mr. Marsh was not aware of any violation issues with the stores in Nebraska. He explained that they have a Point of Sale (POS) Locking System which locks the system until an ID is keyed into the register. If alcohol is sold to someone who is underage, the employee is instantly terminated. Target has a very sophisticated surveillance system, which would reveal the details of a transaction. Employee training is conducted in-house for all employees; currently 100% of the employees at the Scottsbluff Target have received the training. Council Member Shaver asked why they were applying for a catering license. Mr. Marsh explained that it may be for future use or possibly for wine tasting at a later date.

Police Chief Spencer explained that the Police Department conducted extensive background checks on all names listed on the liquor license, looking for specific reasons why any of the individuals would

not be fit, willing or able to hold a liquor license. No one reported criminal activity on the application and the investigation did not show any criminal activity. Mr. Marsh appeared before the Liquor License Investigatory Board and presented Target's procedures regarding alcohol sales. They are very thorough, including the Point Of Sale (POS) requirement to show ID's with all liquor sales. The Liquor License Investigatory Board forwarded a positive recommendation regarding the Target Liquor License. Chief Spencer did note that in 2003 and 2013 there were violations at a store in Omaha and a store in Kearney. With 13 stores holding liquor licenses since 1995, this low number of violations is a good indication of good business practices.

Mayor Meininger read a letter which was submitted by Mr. Dana Weber asking the City Council to make a negative recommendation to the Nebraska Liquor Control Commission because Target is a family oriented general merchandise store with children and teens as frequent shoppers. He added that the application is not consistent with the public interest. This letter will be submitted to the Nebraska Liquor Control Commission. Council Member Shaver questioned if the catering portion of the license could be added a later date. Chief Spencer investigated this and found that all Target licenses have included catering, most likely for the opportunity to have wine tastings if they wish.

Chief Spencer reiterated that the sale of alcohol is always a concern with the Police Department; however, he credits the law enforcement with the decreasing numbers of DUI's and managing the situation. There were no further comments from the public. Council Member Shaver commented that Target has a very good process in place, however he is concerned about the large number of liquor licenses in our community.

Mayor Meininger closed the public hearing at 6:25 p.m. Moved by Council Member McCarthy, seconded by Council Member Gonzales, "to forward a favorable recommendation to the Nebraska Liquor Control Commission for STL OF NEBRASKA INC., dba TARGET STORE T-0831 Class DK liquor license pursuant to Nebraska §53-132 (2)a, (2)b, (2)c, and (2)d," "YEAS", Gonzales, Meininger, Shaver, Colwell and McCarthy. "NAYS" None. Absent: None.

RESOLUTION NO. 17-07-01

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

1. On July 17, 2017, the matter of the application of a Class DK liquor license for STL OF NEBRASKA INC., dba TARGET STORE T-0831, 1401 Frontage Road, Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class D liquor license for STL OF NEBRASKA INC., dba TARGET STORE T-0831, 1401 Frontage Road, Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2010)

Exhibit 3 - Written statement of Police Chief dated July 12, 2017

Exhibit 4 - Written statement of City Clerk dated July 17, 2017

Exhibit 5 - Written statement of Development Services Department dated June 26, 2017

Letter protesting the license application from Dana Weber was received and read into the record.

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Scott Marsh, Target Manager; 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. (2010) 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 DK liquor license be issued to STL OF NEBRASKA INC., dba TARGET STORE T-0831, 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: \$14.12.

Passed and approved this 17th day of July, 2017.

Mayor

ATTEST:

City Clerk

“seal”

Moved by Mayor Meininger, seconded by Council Member Colwell, “to submit a positive recommendation for Patrick Dytrych as manager of the Class DK Liquor License for TARGET STORE T-0831,” “YEAS”, Gonzales, Meininger, Colwell, and McCarthy. “NAYS” Shaver. Absent: None.

Jeff Kelley, Panhandle Area Development District (PADD) Executive Director, gave the Council an update on the East Overland project. All project funds have been used for Phase I, Predevelopment portion of this project. He explained that the top four recommended activities noted in the East Overland Revitalization Plan were: 1. Code Enforcement, 2. Building Facade assistance, 3. Landscape improvement assistance, and 4. Improve the intersection by Roosevelt School. The only activities qualifying for grant assistance in Phase II are Code Enforcement and Building Facade assistance. The maximum grant amount for Phase II is \$700,000.00 which can be used over two years, with \$350,000.00 each year. This grant requires a 25% match and 25% leverage from the City.

Mayor Meininger voiced his concern regarding the 50% matching funds required for Phase II with only two qualifying items in the top four of Phase I being eligible for Phase II. City Manager Johnson

explained that Phase I was developing the plan for the East Overland Corridor. The Phase II Implementation Plan is not necessarily lining up as anticipated in the plan, so moving forward, Mr. Johnson is proposing creating our own plan. We could empower the Community Redevelopment Authority to develop our own grant program. Council Member Gonzales suggested having a follow up meeting with the East Overland Steering Committee to get their input. Council Member Shaver added that it is important to develop the plan so it fits as eligible grant activities, and to find out how many people are interested in facade grants. Staff will meet with the Steering Committee and move forward.

Moved by Mayor Meininger, seconded by Council Member Shaver, “to remove the item from the table dealing with the Resolution to transfer funds from the Industrial Sites Fund to the Community Development Block Grant Fund (tabled May 30, 2017),” “YEAS”, Gonzales, Meininger, Shaver, Colwell and McCarthy. “NAYS” None. Absent: None.

City Manager Johnson explained that the Resolution to transfer funds is to provide budget authority to transfer funds to be used as cash match for the Phase II East Overland development grant. Mr. Johnson noted that this is necessary to adequately budget for the CDBG grant.

Moved by Council Member Shaver, seconded by Council Member McCarthy, “to approve Resolution No. 17-07-02 authorizing the transfer of funds from the Industrial Sites Fund to the Community Development Block Grant Fund,” “YEAS”, Gonzales, Meininger, Shaver, Colwell and McCarthy. “NAYS” None. Absent: None.

RESOLUTION NO. 17-07-02

BE IT RESOLVED by the Mayor and the City Council of the City of Scottsbluff, Nebraska:

The City Council of the City of Scottsbluff, Nebraska (“**City**”) has, pursuant to Ordinance #4060, created an Industrial Sites Fund (“**Fund**”) wherein the **City** committed sources of revenue from the sale of farm assets to the **Fund** for the purpose of paying the costs of operating the farm assets. The **City** has determined and now declares pursuant to Neb. Rev. Stat. §16-721 it would be unwise and impracticable to leave idle funds remaining in the **Fund** where the purpose of the **Fund** has been accomplished and there is no indebtedness incurred on account of the **Fund**.

BE IT RESOLVED by the City Council that a transfer from the **Fund** is hereby appropriated and directed as follows:

TRANSFER OF FUNDS:

Fund – transfer out	(\$153,500.00)
Community Development Block Grant Fund – transfer in	\$153,500.00

This Resolution shall become effective upon its passage and approval upon a three-fourths vote.

Passed and Approved on July 17, 2017.

Mayor

ATTEST:

City Clerk

City Manager Johnson presented a letter of support for the 23 Club Renovations, as directed at the July 3, 2017 City Council Meeting. The letter commits the City as the general contractor for the project. Council Member Gonzales commented that we should specify the amount of support. Mr. B.J. Kinsey, 23 Club Board Member agreed that it would be helpful to have a dollar amount of the support. Moved by Mayor Meininger, seconded by Council Member Shaver, "to send the letter back to staff to tabulate the monetary limits for the 23 Club Renovation project, and amend the letter to the 23 Club," "YEAS", Gonzales, Meininger, Shaver, Colwell and McCarthy. "NAYS" None. Absent: None.

Regarding the initial negotiations of selling city owned property, Mayor Meininger expressed his appreciation to City Manager Johnson and staff for working with the City of Gering in accordance with the Economic Development Master Plan, to bring a new business to our region.

City Manager Johnson explained that there are several items before the council tonight, dealing with this potential land sale to Croell Concrete, which includes an Ordinance authorizing the sale of the property conditional upon no remonstrance against the sale being filed, and the sales contract. Regarding the background of this property, the City has owned this land for a number of years, it was a previous landfill site; it has been mined for gravel and aggregate by Cementers Concrete. Cementer has been sold to Croell, Inc. Included in the City Council's packet is a purchase agreement to sell property to Croell, Inc. Staff feels it is in the best interest of the City to look at all options. The appraisal value is \$547,000.00 and the purchase offer from Croell is \$548,010.00 This is a great opportunity for the City to sell this property and create Economic Development for our area.

Brian Marchant, General Manager from Croell, Inc. was present to explain their business plans. Mr. Marchant thanked City Manager Johnson and Mayor Meininger for helping locate this property for their business. He explained that Croell is a family owned business which started in Iowa. They currently have plants surrounding Scottsbluff consisting of 22 aggregate pits and 23 ready mix plants. They purchased Cementers a few months ago. Having an aggregate pit by the ready-mix operation will help cut down on costs with lower costs to the consumer. The benefits of purchasing this property is to put it back on the tax rolls, create employees, generate sales tax, and lower consumer prices.

Regarding any potential environmental issues, since the ready-mix can create emissions at every point the conveyer is dropped, their plant will include a big vacuum that collects dust and recaptures cement that would go into the air. Both the ready-mix and asphalt operations are governed by the Environmental Protection Agency and the State of Nebraska.

The regional office for Croell, Inc., would be located at this location with a large repair shop; the Regional Manager and approximately 15 employees would work out of this facility. They would like to proceed with the purchase of the property so they can do their due diligence on the site.

Council Member Shaver asked if there were chemicals emitted from the asphalt or cement; Mr. Marchant responded that there are not. Council Member McCarthy asked how many trucks they would expect each day; Mr. Marchant said the average is 10-15 per day. Mayor Meininger asked Gering Mayor Tony Kaufman if he supported the regional concept of this development. Mayor Kaufman responded that he supported this development.

Comments from the public included Beth Everett and Nathan Clark, owners of Meadowlark Hearth, an organic seed and vegetable farm located 145 feet from the proposed property. Their property has been a family owned farm for many years and they plan to pass this property on as a public resource to

promote plant and animal knowledge. Their business includes dairy, compost, organic vegetables and seeds. Ms. Everett asked the City Council to table this item and conduct more research about this development.

Additional Public Comments supporting the environmental concerns of the Meadowlark Hearth were received from: Rae Anne Schmitz, Astrid Munn, Lisa Betz-Marquez, Bob Watson, Katie Bradshaw, Anne Radford, Brittany Rodriquez, Tracy Zayac, Louis West, Shawn Collier and Becky McMillen.

Mr. Kirk Arnold commented that he has property next to Simon's and they have proven to be good neighbors. He does not believe that the cement company would impact the wildlife or the organic gardens.

Mayor Meininger announced there would be a 5 minute break at 7:40 p.m. The Council resumed at 7:45 p.m. The following Council Members were present: Randy Meininger, Scott Shaver, Mark McCarthy, Raymond Gonzales and Jordan Colwell.

Mayor Meininger continued discussion regarding the sale of city owned property to Croell, Inc. He explained that the proposed Ordinance starts the process, which needs to go forward before the remonstrance period can begin. He added that all comments are valuable, and it is important that we work together as a community and a region. Council Member Shaver was concerned about the impact of the concrete plant on Meadowlark Hearth regarding the ability to obtain their organic certification.

Mayor Meininger introduced the Ordinance regarding the sale of approximately 365.34 acres of city-owned property to Croell, Inc., an Iowa Corporation which was read by title on first reading: **AN ORDINANCE AUTHORIZING THE SALE OF PART OF THE NE1/4, PART OF THE SE1/4, PART OF THE SW1/4 (NORTH OF THE CANAL) IN SECTION 34, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.**

City Manager Nathan Johnson commented that we need to be environmentally sensitive and business friendly. We can look at funding mechanisms to help provide a barrier of some sort around the plant as a buffer, to further help the Meadowlark Hearth farm and help Croell, Inc. Staff would like to consider solutions to help both businesses. For Economic Development growth we need concrete batch plants to keep costs competitive. Council Member Gonzales suggested the concrete operation develop plans to locate their plant on the proposed property, as far away from the farm as possible, to help protect their organic certification.

Ms. Everett suggested that the Council look for other properties to locate Croell, and asked if others could bid on the property to purchase. Mr. Johnson responded that staff has looked for other locations and this is the only one in the region that fits the needs of the plant. Regarding bids on the property, he informed Ms. Everett that there are no statutory requirements for the city to request bids on city owned property. Croell, Inc. have presented a reasonable offer on the property, therefore, the Ordinance and contract were placed on the agenda for Council's consideration.

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", Meininger, McCarthy, and Gonzales, "NAYS": Colwell, Shaver. Absent: None. The motion did not pass, as three-fourths of the Council Members must approve the suspension of the readings.

Council introduced Ordinance No 4217 annexing a tract of land known as a part of the SE ¼ of the SE ¼ of Section 15, Township 22 North, Range 55 West of the 6TH P.M., Scotts Bluff County, Nebraska which was read by title on third reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, ANNEXING A TRACT OF LAND KNOWN AS PART OF THE SE**

¼ SE ¼ OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM. Moved by Mayor Meininger, seconded by Council Member Gonzales, “to approve Ordinance No. 4217,” “YEAS”, Gonzales, Meininger, , Colwell and McCarthy. “NAYS” Shaver. Absent: None.

City Manager Johnson explained that the State has approved the 2017 National Electric Code, which goes into effect August 1, 2017; staff is recommending that the City Council adopt the National Electric Code to remain in compliance with the State.

Mayor Meininger introduced Ordinance No. 4218 updating the Scottsbluff Municipal Code to include the 2017 National Electric Code which was read by title on first reading: **AN ORDINANCE DEALING WITH ELECTRICITY, AMENDING THE SCOTTSBLUFF MUNICIPAL CODE SECTION 4-2-33, ADOPTING THE 2017 NATIONAL ELECTRICAL CODE, SUBJECT TO CERTAIN STIPULATED MODIFICATIONS, REPEALING THE FORMER SECTION, AND PROVIDING FOR AN EFFECTIVE DATE.** 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”, Colwell, Meininger, McCarthy, and Gonzales, “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. 4218 be adopted,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS” Shaver. Absent: None.

Under Council Reports, Mr. Johnson introduced Starr Lehl, who has been hired as the City’s new Economic Development Director. Council Member Gonzales reported that the WNED will meet this Thursday. Mayor Meininger reported that the 911 Task Force is ready to make a recommendation regarding the records management company. Council Member Shaver reported that there were a number of Scottsbluff High School tours during the past weekend.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to adjourn the meeting at 7:50 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS”, None. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”