

City of Scottsbluff, Nebraska

Monday, July 20, 2015

Regular Meeting

Item Consent1

Approve the minutes of the July 6, 2015 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
July 6, 2015

The Scottsbluff City Council met in a regular meeting on Monday, July 6, 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 July 2, 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 July 2, 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, Raymond Gonzales and Scott Shaver. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. There were none. Mayor Meininger asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none. Moved by Council Member Gonzales, seconded by Council Member Colwell that,

1. "The minutes of the June 15, 2015 Regular Meeting be approved,"
2. "The minutes of the June 23, 2015 Special Budget Workshop Meeting be approved,"
3. "A public hearing be set for July 20, 2015, 6:05 p.m. to consider a Class D Liquor License application for Ogallala Watering Hole, LLC dba Scottsbluff Watering Hole, 121 West 27th St., Scottsbluff, NE,"
4. "A public hearing be set for July 20, 2015, 6:05 p.m. to consider a Class D Liquor License application for Western Travel Terminal, LLC dba Western Travel Terminal, 822 South Beltline Hwy, Scottsbluff, NE,"
5. "A public hearing be set for July 20, 2015, 6:05 p.m. to consider a Caterer Liquor License application for Racks Sports Bar LLC, dba Backaracks Bar & Grill,"
6. "A public hearing be set for July 20, 2015, 6:05 p.m. to consider the Annexation of a Gap Parcel of Five Oaks Subdivision, containing .06 acres, more or less in the NW ¼ of Section 14, Scotts Bluff Co,"
7. "A claim from Paul Hewett in the amount of \$1191.00 for tire damage from a pot hole be acknowledged and referred to the City's insurance carrier," "YEAS", Gonzales, Colwell, Meininger, and Hilyard. "NAYS" Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member Hilyard, "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 6, 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

AE SERVICES, LLC,GRD MTC,450.17; ALAMAR CORP,UNIFORMS,568.23; ALTEC INDUSTRIES INC,BUCKET TRUCK INSPECTION,3389.87; AMAZON.COM HEADQUARTERS, Dep sup,987.65; ANDREW HAYWARD,CON SRV,800; ASSOCIATED SUPPLY CO, INC,BLD MTC,2555.2; ASSURITY LIFE INSURANCE CO,LIFE INS,34.36; B & H INVESTMENTS, INC,Dep sup,156.25; BARBER MICHAEL,CMP FEE,20; BARCO MUNICIPAL PRODUCTS INC,SIGN MATERIAL,2926.6; BLUFFS SANITARY SUPPLY INC.,Jan sup,1077.9; BOX ELDER VALLEY, INC,GRD MTC,140.25; BRADY, JONATHAN,CON SRV,36; CASH WA DISTRIBUTING,CON SUP,2213.97; CELLCO PARTNERSHIP,CELL PHONES,740.39; CEMENTER'S INC, CONCRETE, 806.5; CITIBANK N.A.,DEP SUP,1275.18; CITIBANK, N.A.,DEP SUP,155.9; CITY OF NORFOLK, Equip main,500; CITY OF SCB,petty cash,134.16; CLARK PRINTING LLC,DEV S. SUP,145.05; CLEY MILLER,TREE REBATE,90; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,Life & dis Ins,48.7; COMMUNITY HEALTH-RWMC,Staff vaccinations,1580.8; CONTRACTORS MATERIALS INC.,SUPP,806.99; CREDIT MANAGEMENT SERVICES INC.,Wage Attach,191.4; CRESCENT ELECT. SUPPLY COMP INC,8 foot bulbs for truck bays 2nd box,209.4; CYNTHIA GREEN, dept supplies,219.66; D & H ELECTRONICS INC.,DEPT SUP,86.65; DALE'S TIRE & RETREADING, INC.,vehicle mtnc,1549.03; DANKO EMERGENCY EQUIPMENT COMPANY, uniforms,1250.92; DE LOS SANTOS LINDA,PRK SHL,25; DIGITAL HIGHWAY, INC,Engine radio repairs,208.5; DUANE E. WOHLERS,disposal fees,1795.35; ELLIOTT EQUIPMENT COMPANY INC.,vehicle mtnc,286.02; ENERGY LABORATORIES, INC,CONTRACTUAL SVC,6083; ENFORCEMENT VIDEO, LLC,EQUIP MAINT,92; ESQUIO RIOS JR,CON SRV,306; FAT BOYS TIRE AND AUTO, veh maint,860; FEDERAL EXPRESS CORPORATION,postage,34.75; FELSBURG HOLT & ULLEVIG, INC,CONTRACTUAL SVC,469.4; FERGUSON SIGNS, INC,GND MTC,3974; FLOYD'S TRUCK CENTER, INC,vehicle mtnc,403.65; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE,95; FREMONT MOTOR SCOTTSBLUFF, LLC,rescue one repairs, 58.6; FYR-TEK INC,AFFF-AR foam,335.85; GARTON, LYNN,school/conf,93; GENERAL ELECTRIC CAPITAL CORPORATION,dept. supplies,1186.66; GI HOSPITALITY,SCHOOLS & CONF,415; GILBERT CARRIZALES,CON SRV,324; GILMORE & BELL, P.C.,LEGAL SERVICES, 4000; HAWKINS, INC.,CHEMICALS,1847.7; HEILBRUN'S INC.,DEPT SUP,1134.92; HODGES, JOSHUA H,CON SRV,362; HONEY WAGON EXPRESS,CON SER,155; HULLINGER GLASS & LOCKS INC.,SUPP - KEYS,21.25; HYDRONIC WATER MANAGEMENT,Equip main,425; HYDROTEX PARTNERS, LTD,OIL & TRANS. FLUID FOR CENTRAL GARAGE,10143.27; ICMA RETIREMENT TRUST-457,DEF COMP,2650.28; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP,392.68; IDEXX LABORATORIES, INC,DEPT SUP,137.47; INDEPENDENT PLUMBING AND HEATING, INC,contract,625.97; INGRAM LIBRARY SERVICES INC, Bks, 2601.85; INLAND TRUCK PARTS & SERVICE,new dive bus repairs,815.87; INTERNAL REVENUE SERVICE,W-H taxes,132556.91; INVENTIVE WIRELESS OF NE, LLC,DEP SUP,101.9; J G ELLIOTT CO.INC.,DEPT BONDS,170; JASON FLAMMANG,TREE REBATE,74.5; JOHN DEERE FINANCIAL,GRD MTC,27.97; JOHN DEERE FINANCIAL,DEP SUP,167.35; JOHN DEERE FINANCIAL, EQP MTC,272.4; JONATHAN P VAN GALDER,CON SRV,126; KATHY VALLEJO,

TREE REBATE,65; KEEP SCOTTSBLUFF-GERING BEAUTIFUL,CONTRACTUAL SERVICES,1337; KEMBEL SAND & GRAVEL COMPANY,DEP SUP,41.2; KIRK BERNHARDT, CON SRV,126; KRIZ-DAVIS COMPANY,MAST ARM POLES FOR 27TH & 2ND AVE.,21524.41; KUSTOM SIGNALS, INC,EQUIP MAINT,167.28; M.C. SCHAFF & ASSOCIATES, INC, CONTRACTUAL SERV,16854.8; MADISON NATIONAL LIFE,LIFE & DISABILITY INS,1852.42; MAILFINANCE INC,equip lease,148.76; MATTHEW M. HUTT,SERVICES,450; MENARDS, INC,DEP SUP,1421.26; MIDLANDS NEWSPAPERS, INC,LEGAL PUB,18.7; MIDWEST MACHINERY & SUPPLY CO,GUARD RAIL SUPP,1704.23; MIDWEST MOTOR SUPPLY CO INC, SUPP,148.9; MIRACLE RECREATION EQUIPMENT,GRD MTC,1454; MUNICIPAL PIPE TOOL CO, LLC,POSTAGE,56.8; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE, 3726.86; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,32.33; NE DEPT OF REVENUE,sales tax,16136.56; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF,100; NEBRASKA MUNICIPAL POWER POOL,MEMBERSHIP DUES,4690.73; NEBRASKA PUBLIC POWER DISTRICT,electric,19990.69; NEMNICH AUTOMOTIVE,Rescue One repairs, 833.09; NEOPOST,POSTAGE,300; NIKONT, KURT,POL REF,125; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEP SUP,136.46; ONE CALL CONCEPTS, INC,CONTRACTUAL SERV, 168.55; OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQP MTC,3957; PANHANDLE COOPERATIVE ASSOCIATION,GASOLINE,3962.29; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,216; PAUL REED CONSTRUCTION & SUPPLY, INC,GRD MTC,550.72; PEPSI COLA OF WESTERN NEBRASKA, LLC,CON SUP,726.6; PLATTE VALLEY BANK,HSA,27406.14; POSTMASTER,Postage,1243.9; POWERPLAN,equip mtnc,977.81; PRO OVERHEAD DOOR,BLD MTC,659.75; QUILL CORPORATION,INVEST SUPPL,1337.96; REAMS SPRINKLER SUPPLY CO.,EQP MTC,926.52; REGION I OFFICE OF HUMAN DEVELOPMENT, contractual services,825; REGIONAL CARE INC,INSURANCE PREMIUM, 70445.41; REGIONAL WEST MEDICAL CENTER,Lohr tiders,257.3; RICHARD JOHNSON,CON SRV,850; RICHARD P CASTILLO,CON SRV,270; RIVERSIDE ZOOLOGICAL FOUNDATION, CONTRACTUAL SERV,87500; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER, 1618.03; RUSSELL INDUSTRIES INC,EQUIP MAINT,590.58; S M E C,Emp Dedctns,476; SANDBERG IMPLEMENT, INC,EQP MTC,266.77; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,420; SCHAEFFER MANUFACTURING COMPANY,DEP SUP,571.8; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1224; SCOTTSBLUFF SCREEN PRINTING,UNF CLT,253; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNF CTH,622; SCREENVISION,CONTRACTUAL SVC,272; SHERIFF'S OFFICE,legal fees,261.2; SHERWIN WILLIAMS,GRD MTC,61.64; SIMMONS OLSEN LAW FIRM, P.C.,contractual,15245.6; SIMON CONTRACTORS,CONCRETE,5126.8; SIRSI CORPORATION, Equip main,7931.07; SNELL SERVICES INC.,EQP MTC,641.35; SOURCE GAS,Monthly Energy Fuel,1667.53; STATE HEALTH LAB,SAMPLES,152; STATE OF NE.,BLOOD TESTS,525; STATE OF NE.DEPT.OF LABOR,EQP MTC,90; STATE OF NEBR,Monthly Long Distance,135.97; STATE OF NEBRASKA DEPT OF HEALTH,LICENSE,28.75; STEVE W. HODGES,CON SRV,90; SWANK MOTION PICTURES INC,SPE EVT,326; TERRY D SCOTT,VEH MTC,374.98; THE PEAVEY CORP,INVEST SUPPL,753.2; TOPKOTE INC,CHIP SEAL PROJECT,1283656; TOTAL FUNDS BY HASLER,Pstge,500; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,383.99;

TRANS IOWA EQUIPMENT LLC,VEH MAINT,91.07; TRI-STATE SPRINKLER SYSTEMS, LLC,CONTRACTUAL SVC,3500; TYLER TECHNOLOGIES, INC,FEES,348; UNIVERSAL ACOUSTIC & EMISSION TECHNOLOGIES INC,EQUIP MAINT,3477.36; UPSTART ENTERPRISES, LLC,DEPT SUPPL,83.06; UPWARD BOUND,POL REV,50; US BANK, LIC/PER, 2586.88; VERNE SIMMONDS CO,CON,16523; W & R INC,EQP MTC,192.82; WASSERBURGER, HILLARY,POL REF,75; WELLS FARGO BANK, N.A.,RETIREMENT,58464.5; WESTERN COOPRTATIVE COMPANY,WEED SPRAY,305.73; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEP SUP,23.99; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, FITNESS, 2021.5; REFUNDS: GARY VELASQUEZ 9.42; SKYLER TUTTLE 31.74; MARK WESTPHAL .63; BRANDON BULLER 7.62.

Tim Arlt, Nebraska Public Power District (NPPD) General Manager, gave the Council a presentation on the Community Solar project. He explained that this project presents a potential for partnerships with communities. There are a number of advantages of community solar vs. roof top solar, including lower cost, tree shading issues, available for many participants, partnerships with developers, and investors and there is no impact to the City's lease payment. Some of the disadvantages are the net metering laws are not applicable, there is a distribution wheeling charge and it removes the "renewable symbol" association.

NPPD is interested in a pilot project with Scottsbluff because it is a key Western Nebraska base community. There is land availability around the current NPPD location and Scottsbluff is a better geographic location based on sun resource. NPPD would be responsible for the development of the request for proposals (RFP) for the project, interconnection to the distribution system, negotiation of the power purchase agreement (PPA), marketing, and billing.

Mayor Meininger commented that there doesn't appear to be many negative or risk issues to the City regarding this pilot program and is supportive of moving to the next step of pursuing the RFP. Council Member Shaver commented that it is important to see if there is interest by the community. Council agreed that they are interested in moving forward and will take action on this project at the next council meeting.

Mayor Meininger opened the public hearing as advertised for this date at 6:30 p.m. to consider a zone change of 17.11 acres, Southeast of Highway 26 and the Highway 71 Overpass from Agricultural to Heavy Commercial. City Planner Annie Folck explained that this property is across from land zoned C-3 and this zoning conforms with the Comprehensive Plan. There were no comments from the public. Mayor Meininger closed the public hearing at 6:34 p.m.

Mayor Meininger introduced the Ordinance 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 A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, CONTAINING AN AREA OF 17.11 ACRES, MORE OR LESS, WHICH IS CURRENTLY ZONED AS A-AGRICULTURAL, WILL NOW BE INCLUDED IN THE C-3 HEAVY COMMERCIAL, AND REPEALING PRIOR SECTION 25-1-4.** Council will have additional readings of this Ordinance.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to recess as the City Council and convene as the Community Development Agency," "YEAS", Gonzales, Colwell, Hilyard, Shaver and Meininger "NAYS" None. Absent: None.

A special meeting of the Community Development Agency (the “Agency”) of the City of Scottsbluff, Nebraska (the “City”) was held on Monday, July 6, 2015, at 6:00 p.m., at Scottsbluff City Hall, 2525 Circle Drive, Scottsbluff, Nebraska, the same being open to the public and preceded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act, Chapter 84, Article 14, Reissue Revised Statutes of Nebraska, as amended, as set forth on the attached **Exhibit A** stating (a) the time, date and place of the meeting, (b) that the meeting would be open to the attendance of the public and (c) that an agenda for the meeting, kept continuously current, was available for public inspection at the offices of the City Clerk at Scottsbluff City Hall, 2525 Circle Drive, Scottsbluff, Nebraska. Additionally, reasonable efforts were made to provide advance notice of the time, date and place of the meeting to all news media requesting the same.

Chairman of the Agency, Scott Shaver presided, and Secretary, Cindy Dickinson, recorded the proceedings. The meeting was called to order and on roll call the following Agency members were present: Raymond Gonzales, Jordan Colwell, Randy Meininger, Scott Shaver and Liz Hilyard. The following Agency Members were absent: None.

A quorum being present and the meeting duly commenced, the following proceedings were had and done while the meeting was open to the attendance of the public.

City Manager Kuckkahn explained that this 51,927 square foot facility will be located on a twelve acre site located southeast of the intersection of Highway 71 and 42nd Street. Mr. Mike Bacon, Attorney for Elite Health Development, addressed the Community Development Agency to explain the details of the redevelopment plan for this project. He explained that the Agency will consider adopting the cost benefit analysis that is in the plan and make a recommendation to the City Council to adopt the Redevelopment Plan for development and improvements to this property. This plan allows for Tax Increment Financing to be used for site acquisition and preparation. The total project will be approximately \$14,500,000.00.

The Community Development Agency considered a positive recommendation regarding the Resolution and Redevelopment Plan for the Elite Health Development Project. Agency Member Hilyard introduced Resolution No. CDA 15-07-01 and moved its passage and approval by the Agency. Agency Member Shaver seconded the motion. On roll call vote, the following Agency Members voted in favor of the motion: Raymond Gonzales, Jordan Colwell, Randy Meininger, Scott Shaver and Liz Hilyard. The following Agency Members voted against the motion: None.

The following Agency Members were absent or did not vote: None.
The passage of Resolution No. CDA 15-07-01 having been agreed upon by a majority of the Agency, Chairman Shaver declared Resolution No. CDA 15-07-01 passed. A true and complete copy of Resolution No. CDA 15-07-01 is attached hereto:

RESOLUTION NO. CDA 15-07-01

BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Recitals:

a. The City Council of the City of Scottsbluff, Nebraska (the “City”), upon the recommendation of the City Planning Commission (the “Planning Commission”), and in compliance with all public notice requirements imposed by the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), passed Resolution 13-08-01 which

included a declaration of the area legally described on the attached Exhibit A (the “Redevelopment Area”) to be blighted and substandard and in need of redevelopment;

b. Pursuant to and in furtherance of the Act, a Redevelopment Plan (the “Redevelopment Plan”), has been prepared and submitted by the Agency, in the form of the attached Exhibit B, for the purpose of redeveloping the Redevelopment Area (also known as the “Project Area”). The Redevelopment Plan has been reviewed by the Planning Commission and recommended for approval;

c. Pursuant to the Redevelopment Plan, the Agency would agree to incur indebtedness and make a grant for the purposes specified in the Redevelopment Plan (the “Project”), in accordance with and as permitted by the Act;

d. The Agency has conducted a cost benefit analysis of the Project (the “Cost Benefit Analysis”) pursuant to Section 18-2113 of the Act, a copy of which is attached to the Redevelopment Plan as Exhibit E; and

e. The Agency has made certain findings and has determined that it is in the best interests of the Agency and the City to approve the Redevelopment Plan and approve the Redevelopment Project and to approve the transactions contemplated by the Plan.

Resolved that:

1. The Agency determines that the proposed land uses and building requirements in the Redevelopment Plan for the Project Area are designed with the general purposes of accomplishing, and in conformance with the general plan of the City, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

2. The Agency has conducted a Cost Benefit Analysis for the Project, in the form attached to the Redevelopment Plan as Exhibit E, in accordance with the Act, and finds that the Project would not be economically feasible without the use of tax increment financing, the Project would not occur in the Project Area without the use of tax increment financing and the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, have been analyzed and have been found to be in the long term best interests of the community impacted by the Project.

3. In compliance with section 18-2114 of the Act, the Agency finds and determines as follows: (a) the Redevelopment Area constituting the Redevelopment Project will not be acquired by the Agency and the Agency shall receive no proceeds from disposal to the Redeveloper; (b) the Redeveloper will acquire the Redevelopment Area at the cost of \$786,028; (c) the estimated cost of preparing the project site and related costs are \$250,000; (d) the method of acquisition of the real estate shall be by private contract by the Redeveloper (Elite Development, LLC) and not by condemnation; (e) the method of financing the Redevelopment Project shall be by issuance of a tax increment revenue bond in the amount of \$1,835,000.00, the proceeds of which shall be granted to the Elite Development, Inc., which shall contribute said funds to the Redeveloper and from additional funds provided by the Redeveloper and its lender; and (f) no families or businesses will be displaced as a result of the project.

4. The Agency recommends approval of the Redevelopment Plan and the Redevelopment Project described in the Redevelopment Plan.

5. All prior resolutions of the Agency in conflict with the terms and provisions of this resolution are repealed to the extent of such conflicts.

6. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED on July 6, 2015.

COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF SCOTTSBLUFF NEBRASKA

Chair

Attest:

Clerk

Moved by Chairman Shaver, seconded by Agency Member Meininger, "that the Community Development Agency recess and reconvene as the City Council," "YEAS" Shaver, Gonzales, Meininger, Colwell and Hilyard, "NAYS" None. Absent: None.

The following Council Members were present: Jordan Colwell, Randy Meininger, Liz Hilyard, Raymond Gonzales and Scott Shaver. Absent: None.

The Mayor stated that it was now 6:40 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a Redevelopment Plan, for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"). The notice of the public hearing had been published in the Star Herald on June 11, 2015 and June 25, 2015. The Mayor opened the public hearing and invited all interested persons to be heard.

Dr. Jason Webb, owner of Elite Health Development, approached the Council and explained that there is a need for professional space in Scottsbluff, which they hope to provide with this facility. They see this project as a recruitment tool for medical professionals to our area. There is a national trend toward health care facilities of this type. The Tax Increment Financing is necessary for their bank financing to complete this project. Mr. Bacon added that his experience shows that for each new physician added to a community, approximately 100 additional support positions are generated.

Mayor Meininger asked if there was anyone else who would like to comment on the project. There were no further comments from the public.

Mayor Meininger closed the public hearing at 6:45 p.m. Council Member Shaver then introduced Resolution No. 15-07-01 and moved its passage and approval: Council Member Hilyard seconded the motion. On roll call vote, the following Council Members voted in favor of the motion: "YEAS" Shaver, Gonzales, Meininger, Colwell and Hilyard, "NAYS" None. Absent: None.

The passage of Resolution No. 15-07-01, having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 15-07-01 passed. A true and complete copy of Resolution No. 15-07-01 follows:

RESOLUTION NO. 15-07-01

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

Recitals:

a. The City of Scottsbluff, Nebraska, a municipal corporation and city of the first class (the “City”), has determined it to be desirable to undertake and carry out urban 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. The City has previously declared an area which includes an area legally described in Exhibit A (the “Redevelopment Area”) to be blighted and substandard and in need of redevelopment pursuant to the Act;

d. The Community Development Agency of the City of Scottsbluff, Nebraska (the “Agency”) has received a Redevelopment Plan (the “Redevelopment Plan”) prepared by Elite Health, LLC (the “Redeveloper”), in the form attached as Exhibit B, for the redevelopment of the Redevelopment Area;

e. The Agency and the Planning Commission of the City (the “Planning Commission”) have both reviewed the Redevelopment Plan and recommended its approval by the Mayor and Council of the City;

f. The City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

g. The City has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described in it are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

Resolved that:

1. The Redevelopment Plan is determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act. It is found and determined, based on the analysis conducted by the Agency, that (a) the redevelopment project described in the Redevelopment

Plan would not be economically feasible within the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of the recommendations of the Agency and the Planning Commission with respect to the Redevelopment Plan.

2. The Redevelopment Plan is approved in substantially the form attached as Exhibit B.

3. In accordance with Section 18-2147 of the Act, the City provides that any ad valorem tax on certain real property in the City of Scottsbluff, Scotts Bluff County, Nebraska, more fully described on Exhibit A, attached hereto, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in Section 18-2147 of the Act, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the Agency. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

4. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

5. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on July 6, 2015.

Mayor

ATTEST:

City Clerk (Seal)

Moved by Mayor Meininger, seconded by Council Member Shaver, “that the City Council recess and reconvene as the Community Development Agency,” “YEAS” Shaver, Gonzales, Meininger, Colwell and Hilyard, “NAYS” None. Absent: None.

The following Agency Members were present: Jordan Colwell, Randy Meininger, Liz Hilyard, Raymond Gonzales and Scott Shaver. Absent: None.

Agency Member Colwell introduced Resolution No. CDA 15-07-02 and moved its passage and approval by the Agency. Agency Member Hilyard seconded the motion. On roll call vote, the following Agency Members voted in favor of the motion: Raymond Gonzales, Jordan Colwell, Randy Meininger, Scott Shaver and Liz Hilyard.

The following Agency Members voted against the motion: None.

The following Agency Members were absent or did not vote: None.

The passage of Resolution No. CDA 15-07-02 having been agreed upon by a majority of the Agency, the Chair declared Resolution No. CDA 15-07-02 passed.

RESOLUTION NO. CDA 15-07-02

BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. The Community Development Agency (the “Agency”) of the City of Scottsbluff, Nebraska (the “City”) hereby finds and determines (a) that The Community Development Agency of the City of Scottsbluff, Nebraska (the “Agency”) has been duly created by ordinance for purposes of assisting with redevelopment of blighted and substandard real estate located within the City; that the Agency has and may exercise all of the powers of a redevelopment authority provided for under the Community Development Law of the State of Nebraska; that there has been prepared a redevelopment plan, entitled “REDEVELOPMENT PLAN FOR THE ELITE HEALTH DEVELOPMENT” (the “Plan”) and a Redevelopment Contract (the “Redevelopment Contract”) for the redevelopment of the real estate described in the Redevelopment Contract as the “Redevelopment Project Area” (hereinafter in this Resolution referred to as the “Redevelopment Project Area”); (b) that prior to the recommendation or approval of the Plan, the Redevelopment Project Area was declared blighted and substandard by action of the Mayor and Council of the City; (c) that the City has had in effect its general plan for the development of the City from the time prior to the preparation of the Plan; (d) that the Plan was prepared by the Redeveloper (as defined below) and submitted to the Planning Commission of the City and approved and thereafter recommended by the Agency to the Mayor and Council of the City; (e) that on the 6th day of July, 2015, the Mayor and Council of the City held a public hearing on the Plan for which notice was given by publication prior to such hearing in the *Star Herald* on June ___ and ___, 2015, and, after such hearing, the Mayor and Council gave their approval to the Plan; (f) that the Plan, among other things, calls for the redevelopment of the Redevelopment Project Area by the acquisition of land, site preparation, planning, infrastructure and related costs for the construction of a multi-story health related commercial building (all as described in the Plan and Redevelopment Contract (the “Project”)); (g) that Elite Health, LLC., a Nebraska limited liability company (hereafter referred to as the “Redeveloper”) is interested in the redevelopment of the Redevelopment Project Area and the Redeveloper has undertaken and is currently incurring costs and is undertaking preliminary steps related to construction and rehabilitation as provided for in the Plan and Redevelopment Contract and the City and the Agency have previously communicated willingness to assist such redevelopment in order to encourage the providing of employment and the economic development of the City as well as for the redevelopment of a blighted and substandard area of the City; (h) that the Agency and the Redeveloper are about to enter into the Redevelopment Contract (as approved in Section 12 of this Resolution and incorporated by reference herein) and under the terms of the Redevelopment Contract, the Agency agrees to assist the implementation of the Redevelopment Project by making a grant to Elite Development, Inc., (the “Corporation”) which has agreed to provide funds from such

grant to the Redeveloper to pay part of the cost of the Project and for such purpose it is necessary for the Agency to authorize the issuance and sale of its tax increment revenue bond, with principal purchase price to be paid by the Corporation or its designee in accordance with the terms of the Redevelopment Contract; (i) that all conditions, acts and things required by law to exist or to be done precedent to the authorizing of the Agency's tax increment revenue bond as provided for in this Resolution do exist and have been done as provided by law.

Section 2. Pursuant to and in full compliance with the Community Development Law, Section 18-2125, R.R.S. Neb. 2012, and this Resolution, and for purpose of providing funds to pay for completing the Project and for costs of issuing the Bond, the Agency shall issue the Bond in a principal amount not to exceed \$1,835,000. The Bond shall be designated as "Tax Increment Development Revenue Bond of the City of Scottsbluff, Nebraska (Elite Health Redevelopment Project)," shall have an appropriate series designation as determined by the Treasurer of the Agency (the "Agent"), shall be dated the date the Bond is initially issued and delivered, which shall be the date of the first deposit of proceeds of that series in the Project Fund (defined below) as further described below "Date of Original Issue," shall mature, subject to right of prior redemption, not later than December 31, 2030, and shall bear five percent interest (5.0%). The Bond shall be issued as a single Bond as further described below. Any Bond issued pursuant to this Resolution shall only be due and payable to the extent moneys are available therefor in accordance with the terms of this Resolution.

The Bond, is a special, limited obligation of the Agency payable solely from the Revenue (defined as (a) those tax revenues referred to (1) in the last sentence of the first paragraph of Article VIII, Section 12 of the Constitution of the State of Nebraska, and (2) in Section 18-2147, Reissue Revised Statutes of Nebraska, as amended, and (b) all payments made in lieu thereof) and the amounts on deposit in the funds and accounts established by this Resolution. The Bond shall not in any event be a debt of the Agency (except to the extent of the Revenue and other money pledged under this Resolution), the State, nor any of its political subdivisions, and neither the Agency (except to the extent of the Revenue and other money pledged under this Resolution), the City, the State nor any of its political subdivisions is liable in respect thereof, nor in any event shall the principal and interest on the Bond be payable from any source other than the Revenue and other money pledged under this Resolution. The Bond does not constitute a debt within the meaning of any constitutional, statutory, or charter limitation upon the creation of general obligation indebtedness of the Agency and does not impose any general liability upon the Agency. Neither any official of the Agency nor any person executing the Bond shall be liable personally on the Bond by reason of its issuance. The validity of the Bond is not and shall not be dependent upon the completion of the Project or upon the performance of any obligation relative to the Project.

The Revenue and the amounts on deposit in the funds and accounts established by this Resolution are hereby pledged and assigned for the payment of the Bond, and shall be used for no other purpose than to pay the principal of and interest on the Bond, except as may be otherwise expressly authorized in this Resolution. The Bond shall not constitute a debt of the Agency or the City within the meaning of any constitutional, statutory, or charter limitation upon the creation of general obligation indebtedness of the Agency, and neither the Agency nor the City shall be liable for the payment thereof out of any money of the Agency or the City other than the Revenue and the other funds referred to herein.

Nothing in this Resolution shall preclude the payment of the Bond from (a) the proceeds of future bonds issued pursuant to law or (b) any other legally available funds. Nothing in this Resolution shall prevent the City or the Agency from making advances of its own funds howsoever derived to any of the uses and purposes mentioned in this Resolution.

The Bond shall be dated the Date of Original Issue and shall be issued in installments to the purchaser thereof, as the person(s) identified as the owner(s) of the Bond from time to time, as indicated on the books of registry maintained by the "Registrar" (the Treasurer of the Agency, in her capacity as registrar and paying agent for the Bond). The Bond shall be issued as a single Bond.

Proceeds of the Bond may be advanced and disbursed in the manner set forth below:

(a) There shall be submitted to the Agency a grant disbursement request (the "Disbursement Request"), executed by the City's Clerk and an authorized representative of the Redeveloper, (i) certifying that a portion of the Project has been substantially completed and (ii) certifying the actual costs incurred by the Redeveloper in the completion of such portion of the Project.

(b) If the costs requested for reimbursement under the Disbursement Request are currently reimbursable under the Redevelopment Contract, the Redevelopment Plan and the Community Development Law, the Agency shall evidence such allocation in writing and inform the owner of the Bond of any amounts allocated to the Bond.

(c) Upon notification from the Agency as described in Section 2(b), deposits to the accounts in the Project Fund may be made from time to time from funds received by the Agency from the owner of the Bond (if other than the Corporation) in the amounts necessary to pay amounts requested in properly completed, signed and approved written Disbursement Requests as described herein. Such amounts shall be proceeds of the Bond and the Agency shall inform the Registrar in writing of the date and amount of such deposits. At the option of the Redeveloper, if the Corporation is the owner of the Bond, the Agency shall make a grant to Corporation in the amount of the approved Disbursement Request; in such event, the approved Disbursement Request amount shall offset funding of the Bond. The Registrar shall keep and maintain a record of the amounts deposited into the Project Fund from Bond proceeds pursuant to the terms of this Resolution as "Principal Amount Advanced" and shall enter the aggregate principal amount then Outstanding as the "Cumulative Outstanding Principal Amount" on its records maintained for the Bond. The aggregate amount deposited into the Project Fund from proceeds of the Bond shall not exceed \$1,835,000.

The records maintained by the Registrar as to principal amount advanced and principal amounts paid on the Bond shall be the official records of the Cumulative Outstanding Principal Amount for all purposes.

The Bond shall be dated the Date of Original Issue, which shall be the initial date of a deposit of the proceeds of the Bond in the Project Fund.

The principal and interest on the Bond shall be payable in any coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts. The principal and of the Bond due at maturity or upon earlier redemption shall be payable upon presentation and surrender of the Bond to the Registrar.

The Bond shall be executed by the manual signatures of the Chair and Secretary and the original, official seal of the City shall be impressed or printed thereon. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if s/he had remained in office until such delivery, and the Bond may be signed by such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Agent is hereby authorized to hereafter, from time to time, specify, set, designate, determine, establish and appoint, as the case may be, and in each case in accordance with and subject to the provisions of this Resolution, (1) the Date of Original Issue, the principal amount of the Bond as set forth above, (2) the maturity date of the Bond, which shall be not later than December 31, 2030, (3) the initial Payment Date and (4) any other term of the Bond not otherwise specifically fixed by the provisions of this Resolution.

Any Bond issued upon transfer or exchange of any other Bond shall be dated as of the Date of Original Issue.

The Bond shall be issued to such owner as shall be mutually agreed between the Redeveloper and the Agency for a price equal to 100% of the principal amount thereof. No Bond shall be delivered to any owner unless the City and the Agency shall have received from the owner thereof such documents as may be required by the Agency to demonstrate compliance with all applicable laws. The Agency may impose such restrictions on the transfer of any Bond as may be required to ensure compliance with all requirements relating to any such transfer.

The Bond shall be issued in fully registered form. The Agent is hereby designated as paying agent and registrar for the Bond (the "Agent" or "Registrar"). The Registrar shall have only such duties and obligations as are expressly stated in this Resolution and no other duties or obligations shall be required of the Registrar. The principal and interest due on the initial payment date and each subsequent payment date prior to maturity shall be payable to the registered owner of record as of the fifteenth day of the calendar month immediately preceding the calendar month in which such payment date occurs (the "Record Date"). Payments on the Bond, except for payments due on final maturity date, or other final payment, shall be made by the Agency by mailing or delivering a check or draft in the amount then available for payment on the Bond to the registered owner of the Bond, as of the Record Date for such payment date, to such owner's registered addresses as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal and interest due at final maturity or other final payment shall be made by the Agency to the registered owner upon presentation and surrender of the Bond to the Agency at the Agency's offices at City Hall in the City of Scottsbluff, Nebraska. The Agency and the Agent may treat the registered owner of the Bond as the absolute owner of the Bond for the purpose of making payments thereon and for all other purposes and neither the Agency nor the Agent shall be affected by any notice or knowledge to the contrary, whether the Bond or any installment due thereon shall be overdue or not. All payments on account of principal and interest made to the registered owner of the Bond in accordance with the terms of this Resolution shall be valid and effectual and shall be a discharge of the Agency and the Agent, in respect of the liability upon the Bond to the extent of the sum or sums so paid.

Section 3. The Agent shall keep and maintain for the Agency books for the registration and transfer of the Bond at the Agency's offices at City Hall in Scottsbluff, Nebraska. The name and registered address of the registered owner of the Bond (including notation of any pledgee as may be requested by the Redeveloper) shall at all times be recorded in such books.

The transfer of the Bond may be registered only upon the books kept for the registration and registration of transfer of the Bond upon (a) surrender thereof to the Registrar, together with an assignment duly executed by the Owner or its attorney or legal representative in such form as shall be satisfactory to the Registrar and (b) evidence acceptable to the Agency that the assignee is a bank or a qualified institutional buyer as defined in Rule 144A promulgated by the Securities and Exchange Commission. Prior to any transfer and assignment, the Owner will obtain and provide to the Agency, an investor's letter in form and substance satisfactory to the Agency evidencing compliance with the provisions of all federal and state

securities laws, and will deposit with the Agency an amount to cover all reasonable costs incurred by the Agency, including legal fees, of accomplishing such transfer. A transfer of any Bond may be prohibited by the Agency if (1) a default then exists under the Redevelopment Contract, or (2) a protest of the valuation of the Redevelopment Project Area is ongoing. Upon any such registration of transfer the Agency shall execute and deliver in exchange for such Bond a new Bond registered in the name of the transferee, in a principal amount equal to the principal amount of the Bond surrendered or exchanged, of the same series and maturity and bearing interest at the same rate.

In all cases in which any Bond shall be exchanged or a transfer of a Bond shall be registered hereunder, the Agency shall execute at the earliest practicable time execute and deliver a Bond in accordance with the provisions of this Resolution. The Bond surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Registrar. Neither the Agency nor the Registrar shall make a charge for the first such exchange or registration of transfer of any Bond by any owner. The Agency or the Registrar, or both, may make a charge for shipping, printing and out-of-pocket costs for every subsequent exchange or registration of transfer of such Bond sufficient to reimburse it or them for any and all costs required to be paid with respect to such exchange or registration of transfer. The Agency and the Agent shall not be required to transfer the Bond during any period from any Record Date until its immediately following payment date or to transfer the Bond when called for redemption, in whole or in part, for a period of 15 days next preceding any date fixed for redemption or partial redemption.

Section 4. At any time, the Agency shall have the option of prepaying in whole or in part principal of the Bond. Notice of any optional redemption for the Bond shall be given at the direction of the Agency by the Agent by mail not less than 15 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of the Bond at said owner's registered address. Notice of call for redemption may be waived in writing by any registered owner. In the event of prepayment in whole the Bond shall be cancelled. The determination of the amount and timing of any optional redemption of the Bond shall be in the absolute discretion of the Agency. The records of the Agency shall govern as to any determination of the principal amount of the Bond outstanding at any time and the registered owner shall have the right to request information in writing from the Agency at any time as to the principal amount outstanding upon the Bond.

Section 5. The Bond shall be in substantially the following form, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution and with such additional changes as the Agent may deem necessary or appropriate:

Section 6. Pursuant to the provisions of Section 18-2147, R.R.S. Neb. 2012, and the terms of the Redevelopment Contract the effective date is hereby confirmed as January 1, 2016, after which ad valorem taxes on real property located within the Project Area may be apportioned pursuant to said Section 18-2147. From and after said effective date that portion of the ad valorem taxes on all real estate located within each Phase of the Project Area which is described in subdivision (1)(b) of Section 18-2147, R.R.S. Neb. 2012, as amended (the "Project Area Tax Receipts"), shall be paid into the Bond Fund (as defined in Section 15. below) to be held by the Agent. The Agency hereby pledges for the payment of the Bond principal as the same fall due, equally and ratably, all Project Area Tax Receipts as so paid into the Bond Fund as a prior and first lien upon said receipts for the security and payment of the Bond. Monies held in the Bond Fund shall be invested to the extent practicable and investment earnings on such monies shall be applied in the same manner as all other funds held in the Bond Fund. The Agency hereby agrees that so long as any principal of the Bond remains outstanding it will not issue any additional bonds payable from the Project Area Tax Receipts without the written consent of the registered owner (including any pledgee) of the Bond as then outstanding. The Agency further reserves the right to provide for payment of principal on the Bond from the proceeds of a refunding bond or refunding bonds. Monies held in the Bond Fund shall be invested to the

extent practicable and investment earnings on such monies shall be applied in the same manner as all other funds held in the Bond Fund. Pursuant to the terms of the Redevelopment Contract, the Agency's Secretary is hereby authorized and directed to give notice to the County Assessor and Treasurer of the provision of the Redevelopment Contract for dividing ad valorem taxes in accordance with the requirements of subdivision (3) of Section 18-2147, R.R.S. 2012.

Section 7. The Bond shall be executed on behalf of the Agency by the Chair and Secretary of the Community Development Agency. Upon execution of the Bond and compliance with all other provisions of this Resolution and the Redevelopment Contract, the Bond shall be registered by the Agent in the name of the owner or its designee as the initial registered owner and shall be delivered in consideration of payment of the principal amount thereof to the Agency's Treasurer in current bankable funds. The Redeveloper may request notation of a pledge interest in the Bond on the records of the Agent. The initial purchaser (and any pledgee) shall be required to deliver an investment representation letter to the Agent. Such letter shall be satisfactory in form to the officers of the Agency, or any one or more of them, as advised by the Agency's attorneys. Subject to Section 2 above, from such purchase price, the Agency is to make a grant to the Redeveloper in accordance with the terms of the Redevelopment Contract.

Section 8. If the date for payment of principal on the Bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of Scottsbluff, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 9. The Secretary shall make and certify one or more copies of the transcript of the proceedings of the Agency precedent to the issuance of the Bond one of which copies shall be delivered to the City and held in its records pertaining to the Agency.

Section 10. The Chair and Secretary or any one of them are hereby authorized to take any and all actions, and to execute any and all documents deemed by them necessary to effect the transactions authorized by this Resolution.

Section 11. The authorization for the Bond provided for in this Resolution is based upon expectations as to completion of construction, valuation and proposed tax rates suggested by the Redeveloper. The Agency has given and hereby gives no assurances that such expectations will in fact be fulfilled and the Bond is being issued with the understanding that the Redeveloper is the initial purchaser of the Bond and any pledgee of the Redeveloper accepts and understands the risks related thereto.

Section 12. The Redevelopment Contract between the Agency and the Redeveloper in the form presented is hereby approved. Notice of such contract shall be given immediately by the Agency's Secretary to the Mayor and Council of the City of Scottsbluff and such contract proposal shall be executed and delivered by the Agency. The Chair (or in his/her absence, Vice-Chair, is hereby authorized to execute and deliver the Redevelopment Contract, in substantially the form presented but with any such changes as such executing officer shall determine appropriate, on behalf of the Agency.

Section 13. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

Section 14. Without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the Agency hereby (a) authorizes and directs the Chair, Secretary, Mayor, Agent, Clerk, City Attorney and all other officers, officials, employees and agents of the City to carry out or cause to be carried out, and to perform such obligations of the City and the Agency and such other actions as they, or any of them, in consultation with their counsel, the owner and its counsel shall consider necessary, advisable, desirable or appropriate in connection with this Resolution, including without limitation the execution and delivery of all related documents, instruments, certifications and opinions, and (b) delegates, authorizes and directs the Agent the right, power and authority to exercise her independent judgment and absolute discretion in (1) determining and finalizing all terms and provisions to be carried by the Bond not specifically set forth in this Resolution and (2) the taking of all actions and the making of all arrangements necessary, proper, appropriate, advisable or desirable in order to effectuate the issuance, sale and delivery of the Bond. The execution and delivery by the Agent or by any such other officers, officials, employees or agents of the City of any such documents, instruments, certifications and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Resolution, shall constitute conclusive evidence of both the Agency's and their approval of the terms, provisions and contents thereof and of all changes, modifications, amendments, revisions and alterations made therein and shall conclusively establish their absolute, unconditional and irrevocable authority with respect thereto from the Agency and the authorization, approval and ratification by the Agency of the documents, instruments, certifications and opinions so executed and the actions so taken.

All actions heretofore taken by the Agent and all other officers, officials, employees and agents of the City, including without limitation the expenditure of funds and the selection, appointment and employment of counsel and financial advisors and agents, in connection with issuance and sale of the Bond, together with all other actions taken in connection with any of the matters which are the subject hereof, be and the same is hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

Section 15. There is hereby created and established by the Agency the following funds and accounts which funds shall be held by the Agency separate and apart from all other funds and moneys of the Agency and the City:

(a) a special trust fund called the "Elite Health Redevelopment Project Bond Fund" (the "Bond Fund"). All of the Revenue shall be deposited into the Bond Fund. The Revenue accumulated in the Bond Fund shall be used and applied on the Business Day prior to each Payment Date (i) to make any payments to the City or the Agency as may be required under the Redevelopment Contract and (ii) to pay principal on the Bond to the extent of any money then remaining the Bond Fund on such Payment Date. Money in the Bond Fund shall be used solely for the purposes described in this Section 15. All Revenues received through and including December 31, 2030 shall be used solely for the payments required by this Section 15; and

(b) a special trust fund called the "Elite Health Redevelopment Project Fund" (the "Project Fund") The Agency shall disburse any money on deposit in the Project Fund from time to time to pay or as reimbursement for payment made for the Project Costs in each case within 5 Business Days after completion of the steps set forth in Section 2. If a sufficient amount to pay a properly completed Disbursement Request is not in the Project Fund at the time of the receipt by the Agency of such request, the Agency shall notify the owner of the Bond and such owner may deposit an amount sufficient to pay such request with the Agency for such payment. As set forth in Section 2, if the Corporation is the owner of the Bond and the Redeveloper so elects, the Agency shall make a grant to the Corporation in the amount of an approved Disbursement Request; in such event, the approved Disbursement Request amount shall offset funding of the Bond.

So long as the Bond remains unpaid, the money in the foregoing funds and accounts shall be used for no purpose other than those required or permitted by this Resolution, any Resolution supplemental to or amendatory of this Resolution and the Redevelopment Law.

Section 16. The provisions of this Resolution shall constitute a contract between the Agency and the owner and the provisions thereof shall be enforceable by the owner by mandamus, accounting, mandatory injunction or any other suit, action or proceeding at law or in equity that is presently or may hereafter be authorized under the laws of the State in any court of competent jurisdiction. Such contract is made under and is to be construed in accordance with the laws of the State.

After the issuance and delivery of any Bond, this Resolution and any supplemental Resolution shall not be repealable, but shall be subject to modification or amendment to the extent and in the manner provided in this Resolution, but to no greater extent and in no other manner.

Section 17. With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Resolution or the Bond is intended or should be construed to confer upon or give to any person other than the Agency and the owner of the Bond any legal or equitable right, remedy or claim under or by reason of or in respect to this Resolution or any covenant, condition, stipulation, promise, agreement or provision herein contained. The Resolution and all of the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the City, the Agency and the owner from time to time of the Bond as herein and therein provided.

Section 18. No officer or employee of the Agency shall be individually or personally liable for the payment of the principal on the Bond. Nothing herein contained shall, however, relieve any such officer or employee from the performance of any duty provided or required by law.

Section 19. The Resolution shall be construed and interpreted in accordance with the laws of the State of Nebraska. All suits and actions arising out of this Resolution shall be instituted in a court of competent jurisdiction in the State except to the extent necessary for enforcement, by any trustee or receiver appointed by or pursuant to the provisions of this Resolution, or remedies under this Resolution.

Section 20. Any Resolution of the Agency and any part of any resolution, inconsistent with this Resolution is hereby repealed to the extent of such inconsistency.

Section 21. This Resolution shall be in force and take effect from and after its passage and adoption, as provided by law.

PASSED AND APPROVED on July 6, 2015.

COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF SCOTTSBLUFF NEBRASKA

ATTEST:

Secretary

Chair

There being no further business to come before the Agency at the meeting, moved by Agency Member Hilyard seconded by Agency Member Meininger, "to adjourn the meeting of the Community Development Agency of the City of Scottsbluff at 6:55 p.m. and reconvene as the City Council," "YEAS" Gonzales, Colwell, Meininger, Shaver and Hilyard, "NAYS" None. Absent: None.

The following Council Members were present: Jordan Colwell, Randy Meininger, Liz Hilyard, Raymond Gonzales and Scott Shaver. Absent: None.

Mr. Kuckkahn presented the Memorandum of Contract for the Five Oaks Developer's Agreement, which was approved at the last meeting. The Memorandum of Contract is the document that will be recorded at the Scotts Bluff County Court House for the developer's agreement. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the Memorandum of Contract for Developer's Agreement of Lots 1 and 2, Tract A, & 40th Street R-O-W, Block 9, Five Oaks Subdivision, Scotts Bluff County, Nebraska," "YEAS" Gonzales, Colwell, Meininger, Shaver and Hilyard, "NAYS" None. Absent: None.

City Manager Kuckkahn gave the Council an update of the landfill study prepared by SCS Aquaterra. He reported that Gering has purchased some property for a potential landfill site, however the land is not favorable for this use. Staff is looking at a facility in Ft. Morgan, CO that has a burn facility to which we are considering transferring waste. We are also trying to expand our composting operation and looking at compacting and baling to extend the life of the current landfill. We are working with consultants to explore our options as our landfill won't last forever. The expected life span of the present landfill is up to 10 years, so we need to work quickly as it takes at least 5 years to develop a landfill. Staff will continue to provide information to the Council regarding the progress of the landfill study.

Council reviewed the Amendment to the Contract for Public Improvements for AFR Holdings, LLC, Premier Subdivision, which is north of the Scottsbluff Country Club. Mr. Kuckkahn explained that the developer is asking for a modification to their contract, adding asphalt to the streets, however, they are proposing 24' wide streets with a 3" lift. Our code requires a minor street to be 30' wide and a cross section of either 5" concrete or 4" stabilized base course with 2" asphalt wear surface. Code also requires sidewalks, curb and gutter. Mr. Adam Reed, Developer, had approached the Council earlier and asked for a variance to the code to allow for 26 foot gravel roads, no sidewalks or, curb or gutter, which was approved. Staff is recommending the 30' paved roads.

Mr. Reed explained to Council that the asphalt would be an improvement to the roads from the gravel that was originally approved. Mr. Kuckkahn explained that Council had already granted one exception, and now are being asked to consider another exception. Council Member Shaver commented that the codes are in place for a reason and the Council depends on these codes for their decisions.

If the property were annexed at a later date, the road would need to be altered to meet the 30' requirement. Mr. Reed commented that the extra asphalt could be added to extend the width and the stability, using industry standards. Mayor Meininger noted that the issue is that the Council already approved one exception and does not want to continue considering exceptions. Mr. Kuckkahn noted that this situation puts the Council in the position of negotiating an engineering standard, which is not a comfortable situation.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to deny the amendment request to the Contract for Public Improvements for AFR Holdings, LLC, Premier Subdivision," "YEAS" Colwell, Meininger, Shaver and "NAYS" Gonzales, Hilyard. Absent: None.

City Planner Annie Folck presented an Ordinance addressing the issue of vehicles being parked on lawns. The Planning Commission addressed this and noted that this would be a difficult ordinance to enforce. This originated by a citizen's complaint, however, there have been very few complaints

regarding this issue. Police Chief Spencer explained that they have only received one complaint of residents parking on a lawn, and they would rather resolve the issue than create another Ordinance to be enforced. The Ordinance was not introduced and no action was taken.

Emergency Manager Tim Newman presented the Hazardous Mitigation Plan Resolution which will enable the City to apply for pre-disaster mitigation grants and funds in the event of property loss or damage during a severe weather event. The North Platte Resource District will serve as the coordination agency. Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve Resolution No. 15-07-02, Participation in the All-Hazard Mitigation Plan, "YEAS" Gonzales, Colwell, Meininger, Shaver and Hilyard, "NAYS" None. Absent: None.

RESOLUTION NO. 15-07-02
A RESOLUTION OF PARTICIPATION
IN THE ALL-HAZARD MITIGATION PLAN

WHEREAS, the City of Scottsbluff recognizes that no community is immune from natural or manmade hazards whether it be severe weather, flooding, tornadoes, winter storms, wild fires, chemical spills, etc., and recognizes the importance to its citizens in enhancing its ability to protect against these hazards, and the importance of reducing the human suffering, property damage, interruption of public services and economic losses caused by those hazards; and,

WHEREAS, by participating in the All-Hazard Mitigation Plan Update, the City of Scottsbluff will be eligible to apply for pre-disaster mitigation grants and funds; and,

WHEREAS, North Platte Natural Resources Districts are proposing to serve as the coordination agencies for the update of the multi-jurisdictional All-Hazards Mitigation Plan for their respective Districts and four- county area of Scotts Bluff, Banner, Morrill, and Garden counties and all associated local governmental entities, and

WHEREAS, the City of Scottsbluff desires to work towards becoming more disaster resilient; and,

NOW, THEREFORE BE IT RESOLVED THAT:

The Mayor and City Council of the City of Scottsbluff, Nebraska approves participation in the proposed All-Hazards Mitigation Plan Update process described above, and pledges to attend required meetings and participate in those activities necessary to complete an effective plan for the public we serve. IN WITNESS THEREOF, this resolution was approved and executed this 6th day of July, 2015.

City of Scottsbluff, Nebraska

Randy Meininger, Mayor

Attest:

City Clerk
Seal

Mr. Kuckkahn presented the resolution requesting extended work hours for contractors during the summer months to enable them to work from 5 am to 10 pm. These extended hours would last until September 11, 2015. Moved by Mayor Meininger, seconded by Council Member Gonzales, “to approve Resolution No. 15-07-03 authorizing contractors to work extended hours during the summer months,” “YEAS” Gonzales, Colwell, Meininger, and Hilyard, “NAYS” Shaver. Absent: None.

RESOLUTION 15-07-03

WHEREAS, Chapter 13, Article 3 of the Scottsbluff Municipal Code sets forth acts that are declared to be loud, disturbing and unnecessary noises which violate §13-3-16 of the Municipal Code.

WHEREAS, §13-3-17(3) of the Scottsbluff Municipal Code allows for the City Council, by resolution, to determine that because of unusual circumstances, the erection, demolition, alteration or repair of buildings may occur within extended hours of each day of every week.

WHEREAS, the City Council now finds that because of unusual circumstances relating to consecutive hail storms on June 16, 2015 and June 17, 2015, as well as an unusually hot weather pattern predicted, that the circumstances found in §13-3-17(3) are present and the City Council will extend the hours to allow construction and repair throughout the City.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Scottsbluff that because of the weather pattern mentioned above, and the hailstorms that have hit a large portion of the City, there will be a large volume of repair necessitated by the hail storms and because certain types of roofing where it cannot be effectively accomplished during times of very high temperatures, the City Council and the Mayor determined that, notwithstanding the provisions of §13-3-17 of the Scottsbluff Municipal Code, the erection, alteration or repair of buildings caused by hail damage may occur between the hours of 5:00 a.m. and 10:00 p.m., seven days a week, effective immediately through September 11, 2015.

This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND APPROVED this 6th day of July, 2015.

Mayor

ATTEST:

City Clerk (Seal)

Moved by Council Member Shaver, seconded by Council Member Colwell, “to adjourn the meeting at 7:30 p.m.,” “YEAS” Gonzales, Colwell, Meininger, Shaver and Hilyard, “NAYS” None. Absent: None.

Mayor

Attest:

City Clerk
Seal