

# **City of Scottsbluff, Nebraska**

**Monday, January 4, 2016**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the December 21, 2015 Regular Meeting.**

**Staff Contact: Cindy Dickinson, City Clerk**

The Scottsbluff City Council met in a regular meeting on Monday, December 21, 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 December 18, 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 December 18, 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, Raymond Gonzales, Scott Shaver, and Mark McCarthy. 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 Mayor Meininger, seconded by Council Member Gonzales that, "the minutes of the December 7, 2015 Regular Meeting be approved," "YEAS", Gonzales, Colwell, Meininger and McCarthy, "NAYS" Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member McCarthy, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated December 21, 2015, as on file with the City Clerk and submitted to the City Council," "YEAS", Colwell, Gonzales, Shaver, Meininger, and McCarthy, "NAYS" None. Absent: None.

#### CLAIMS

21ST CENTURY WATER TECHNOLOGIES, LLC,LAMP FOR TRACTOR,22.21; ACTION COMMUNICATIONS INC.,800 RADIO RACK ALIGNMENT,2132.3; AIRGAS USA, LLC,DEPT SUPPLIES,11.89; ALAMAR CORP,UNIFORMS/EQUIP MAINT,463.39; AUTOZONE STORES, INC,VEH MAINT,31.18; B&C STEEL CORPORATION,SPECIAL EVENT,175.5; BLUFFS BROADCASTING,SPECAIL EVENT,240; BLUFFS SANITARY SUPPLY INC.,DEPT SUPPL/JANIT SUPPL,755.88; BRETT BEWLEY,RE-IMBURSEMENT FOR SWEEPER REPAIR,126.45; BROWN'S SHOE FIT CO,UNIFORMS & CLOTHING,320; CAPITAL BUSINESS SYSTEMS INC.,MAINT,198.5; CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP,955.7; CELLCO PARTNERSHIP,CELL PHONES,172.39; CEMENTER'S INC,DEPT SUP,187.26; CHRIS REYES,DEPT SUPPL,140; CITIBANK N.A.,DEPT SUP,282.06; CITIBANK, N.A.,DEPT SUPP,44.92; CITY OF GERING,DISPOSAL FEES,40172.42; CITY OF SCB,PETTY CASH,29.98; CLARK PRINTING LLC,DEPT SUP,218.55; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,COLONIAL LIFE,48.7; COMPUTER CONNECTION INC,RENT-MACH,46.07;

CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,503; CONTRACTORS MATERIALS INC.,DEPT SUP,792.19; COZY, INC,BLDG MAIN.,125; CRESCENT ELECT. SUPPLY COMP INC,WALL HEATER FOR SIGN SHOP,124.78; CYNTHIA GREEN,DEPT SUPP,13.36; D & H ELECTRONICS INC.,DEPT SUP,4.49; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC, 2450.43; DANKO EMERGENCY EQUIPMENT COMPANY,12 PAIR OF BDU PANTS, 413.66; DILLMAN NANCY,DEPT SUPP,14.07; DUANE E. WOHLERS,DISPOSAL FEES,450; ENFORCEMENT VIDEO, LLC,EQUIP MAINT,199; ENVIRONMENTAL ANALYSIS SOUTH, INC,CONTRACTUAL SVC,434.9; ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC,DEPT EQPMNT MNTNC,10700; FARMERS IRRIGATION DISTRICT,SOCCER FIELD,2028; FASTENAL COMPANY,EQUIP MAINT,14.64; FAT BOYS TIRE AND AUTO,VEH MAINT,664; FEDERAL EXPRESS CORPORATION,POSTAGE,78.5; FLOYD'S TRUCK CENTER, INC, VEHICLE MTNC, 1357.62; FYR-TEK INC,REPAIRS TP SCBA REGULATOR,209.75; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUPP,117.03; GRAND ISLAND MOTEL DEVELOPMENT, INC,ROOMS FOR CONNOR WEEK ONE,389.75; H D SUPPLY WATERWORKS LTD,METERS,15303.18; HANSEN, JOSH,SCHOOLS & CONF,48; HAWKINS, INC.,CHEMICALS,3032.25; HEILBRUN'S INC.,UNIT 7 NEW ALTERNATOR,1038.86; HYDROTEX PARTNERS, LTD,55 GAL 5W-40 OIL FOR CENTRAL GARAGE,2752.48; ICMA RETIREMENT TRUST-457,ICMA,1325.14; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - MATS, TOWELS, CVRLLS, SOAP,667.45; INDEPENDENT PLUMBING AND HEATING, INC,BLD MAINT,160.4; INGRAM LIBRARY SERVICES INC,BKS,104.74; INTERNAL REVENUE SERVICE,WITHHOLDINGS 12-2,63846.49; INTRALINKS, INC, POWERVault EXTERNAL LTO-6 DRIVE KIT,14094.25; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,8; J G ELLIOTT CO.INC.,BOND - MCCARTHY,140; JACOBS AUTO GLASS,KIT & LABOR FOR LOADER GLASS PANE,100; JOHN DEERE FINANCIAL, VISE GRIP CUTTER,9.99; JOHN DEERE FINANCIAL,DEPT SUPP,19.99; JOHN DEERE FINANCIAL,EQUIP MAINT,21.11; LEXISNEXIS RISK DATA MANAGMENT INC,CONSULTING,100; LOPEZ STEVE,SCHOOLS & CONF,48; M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS,2777.5; MARIE'S EMBROIDERY,UNIFORMS,6; MARKETING CONSULTANTS, DEPT SUPPLIES,900; MENARDS, INC,DEPT SUPP,848.86; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING, 1260.48; MONUMENT CAR WASH INC,VEH MAINT, 354.29; MONUMENT PREVENTION COALITION,CONTRACTUAL,939.94; NE CHILD SUPPORT PAYMENT CENTER, NE CHILD SUPPORT PYBLE,1863.43; NE DEPT OF REVENUE,TAX,48605.84; NE DEPT OF ROADS,PATHWAY,33975.99; NEBRASKA FLOODPLAIN & STORMWATER MANAGERS ASSOC,DEPT MMBRSHP,35; NEBRASKA LAW ENFORCEMENT CENTER 160.00; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,37829.72; NEBRASKA SALT AND GRAIN CO,2 LOADS ICE SLICER,12772.28; NEOPOST,POSTAGE,1000; NETWORKFLEET, INC,SUPP - GPS SERVICE,18.95; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEPT SUPP,12.52; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,310.39; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLD MAINT,98; PANHANDLE CONCRETE, DEPT SUP,90; PANHANDLE COOPERATIVE ASSOCIATION, GASOLINE,14341.24; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,54; PAUL REED CONSTRUCTION & SUPPLY, INC,GROUNDS MAINT,1522.78; PLATTE VALLEY BANK,HSA, 13542.26; POSTMASTER, POSTAGE, 659.41; POWERPLAN, EQUIPMENT, 28228.85; PREMIER HOSPITALITY

DEVELOPMENT, SCHOOLS & CONF,85; PRUDENT PUBLISHING CO INC,DEPT SUPPL,322.4; QUILL CORPORATION, DEPT SUPPL/INVEST SUPPL, 551.16; REGANIS AUTO CENTER, INC,EQUIPMENT, 26763; REGION I OFFICE OF HUMAN DEVELOPMENT, CONTRACTUAL SERVICES, 825; REGIONAL CARE INC, CLAIMS, 40989.74.74; REGISTER OF DEEDS,QUITCLAIM DEED,30; RICHS WRECKING & SALVAGE,VEH MAINT,27.5; RUSHMORE MEDIA COMPANY, INC,CONTRACTUAL SVC,325; S M E C, SMEC,271; SANDBERG IMPLEMENT, INC,EQUIP MAINT,125.28; SCB COUNTY,DEPT CNTRCL SRVCS, 75.5; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCOTTS BLUFF COUNTY COURT,LEGAL FEES,357; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES,576; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,SPECIAL EVENT, 2881; SCOTTSBLUFF SENIOR CENTER,CONTRACT,5750; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,PRE-LEGISLATIVE BREAKFAST,60; SHERIFF'S OFFICE,LEGAL FEES,160.44; SHERWIN WILLIAMS,RED PAINT,61.2; SIMMONS OLSEN LAW FIRM, P.C., CONTRACTUAL SERVICES,12492.04; SIMON CONTRACTORS,SAND,228.05; SNELL SERVICES INC.,EQUIP. MAIN.,1830; SPECIAL INVESTIGATIONS, CONTRACTUAL,150; TASER INTERNATIONAL, SCHOOLS & CONF,390; THE WESTERN SUGAR COOPERATIVE,VEH MAINT,168.75; THOMAS P MILLER & ASSOCIATES, LLC,CONTRACT SERVICES-OCT. 2015, 16751.12; TRANS IOWA EQUIPMENT LLC,DRAG SHOE RUNNERS FOR SWEEPERS, 1671.65; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS,179; UPSTART ENTERPRISES, LLC,SUPP - CALENDAR REFILLS, CARTRIDGES,93.22; US BANK,LENOVA NOTEBOOKS,555.13; VOGEL WEST, INC,RED PAINT,236.55; WELLS FARGO BANK, N.A.,RETIREMENT,23734.41; WESTERN PATHOLOGY CONSULTANTS, INC,DOT RANDOM TESTING,95.5; WESTERN TRAVEL TERMINAL, LLC, VEH MAINT,52; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,148.57; YELLMAN, ABBIGAIL,WITNESS FEES,36.81; ZM LUMBER INC,DEPT SUP, 618.22; REFUNDS: BELLA SOL SALON 2.73; SARAH PISTOLLO 8.58; CRYSTAL GOOD 4.89; CAPWN 2.28; VINCE STREEKS 1.05; LARRY STANDLEY .49; MARY KAY VERSEN 36.21; MARY BALDWIN 83.29; TELLFORD HERMAN 362.38; KENNA URWILLER 2.37.

Mr. Kuckkahn presented the claim for payment of a change order for Paving District #311. Moved by Council Member Gonzales, seconded by Mayor Meininger, "to approve the request for payment of a claim by warrant for Paving District #311, Five Oaks, and approve Resolution No. 15-12-04," "YEAS", Colwell, Gonzales, Shaver, Meininger, and McCarthy, "NAYS" None. Absent: None.

**RESOLUTION NO. 15-12-04**

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

That the claim of Infinity Construction, Inc. in the amount of \$18,070.00, a change order for Paving District #311, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 21st day of December, 2015.

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Mayor

ATTEST:

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City Clerk

“seal”

Dan Smith, Treasurer for the Splash Foundation gave the Council a PowerPoint presentation on the progress of the Splash Foundation. They are a third party non-profit corporation who organized in September 2015 to operate the Splash Pool. They have many volunteers helping with the operation of running the pool programs. Currently they are open Monday through Friday mornings and serve many elderly and special needs residents along with youth instruction programs. Mr. Smith explained that he had met with Mayor Meininger and Council Member Colwell along with staff, to discuss possible support from the City. City officials agreed that their accomplishments need to be measurable to justify any financial support to the Splash. They measure the use of the pool by the number of “splashes” each month, which is each individual swimmer. They would require at least 2,000 splashes each month to be sustainable. They have received some donations through the Oregon Trail Foundation and they have memberships. However, currently their finances are very tight. They have four to five lifeguards and insurance premiums which represents a large portion of their expenses. They contract with the Scottsbluff Public Schools, who pay for all maintenance expenses.

The Splash Foundation is asking for a contribution from the City of \$1.75/splash. This includes the swim team swimmers, but not the High School swim classes.

Janelle Debes, Vice President of the Splash Foundation Board, gave the Council information regarding the swim schedule. She added that the lifeguard quota is at least two lifeguards plus instructors during lessons.

Council Member Shaver commented that advertising the pool and programs is very important to acquiring additional participation. Mayor Meininger suggested adding a Splash Pool link to the City’s website also. Council Member Gonzales would like a history of the past use of the Splash Pool to use for consideration of the \$1.75 per splash contribution. Council asked the Foundation to bring a formal proposal back for consideration at the January 19, 2016 meeting.

City Manager Kuckkahn explained the renewal of the corrosion control contract. This service is essential to maintaining our water towers and the cost has not increased for this two year agreement. Moved by Council Member Shaver, seconded by Council Member McCarthy, “to approve the renewal of a two year agreement with Johnsen Corrosion Engineering for continuing our existing Water Tower Corrosion Control Service Program and authorize the Mayor to execute the agreement,” “YEAS”, Colwell, Gonzales, Shaver, Meininger, and McCarthy, “NAYS” None. Absent: None.

Deputy City Attorney Rick Ediger explained that the Franchise Agreement with Allo requires the City’s consent to the acquisition of Allo by Nelnet due to a change in control of Allo. There are two tests the company must meet, #1 the new company must have the management ability to continue (the same management team will remain with the company); and #2 they must have the financial ability to continue (Nelnet has a much greater worth than Allo); they pass both tests. Council Member Shaver asked about Federal Regulations that the City has to deal with, of which there are none, other than following the above criteria. Moved by McCarthy, seconded by Gonzales, “to approve of the request from Allo Communications to consent to the acquisition by Nelnet of a controlling interest in Allo and approve Resolution No. 15-12-05,” “YEAS”, Colwell, Gonzales, Shaver, Meininger, and McCarthy, “NAYS” None. Absent: None.

RESOLUTION 15-12-05

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

a. On January 19, 2010, the City of Scottsbluff granted a franchise (the "Franchise"), pursuant to Article 5 or Chapter 11 of the Municipal Code (the "Code"), for a Cable System to Allo Twin Cities, LLC (the "Franchisee"). Capitalized terms not otherwise defined in this Resolution shall have the same meaning as provided for in the Franchise Agreement.

b. The Franchisee is a wholly owned subsidiary of Allo Communications, LLC ("Allo"). Allo has entered into an agreement with Nelnet, Inc. ("Nelnet") which will provide for Nelnet acquiring 92.5% of the ownership interests of Allo (the "Transaction"). The remaining ownership interests will be held by the current management and owners of Allo.

c. The result of the acquisition by Nelnet will mean an indirect change in control of the Franchisee and the Franchisee has requested the City's consent pursuant to Section 38 of the Cable Ordinance.

d. The Franchisee has submitted information concerning the acquisition by Nelnet, to include financial information for Nelnet, which information has been reviewed by the City.

Resolved by the Mayor and City Council of the City that:

1. Pursuant to Section 11-5-38 of the Code, the Council has considered the information submitted to it by Allo and Nelnet, along with the following:
  - a. the qualifications of Nelnet, to include the financial ability and stability of Nelnet.
  - b. the experience of Nelnet and Allo.
  - c. the legal integrity of the Franchisee, Allo and Nelnet, and the connection between the Franchisee, Allo and Nelnet.
  - d. the economic viability of the Cable System in the future.
2. Based on the consideration of the above factors, the City consents to the Transaction.
3. The Franchisee shall continue to be bound by all of the obligations and liabilities of the Franchisee and the Cable Ordinance.
4. This Resolution shall be considered effective as of this date.

Passed and approved on December 21, 2015.

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Mayor

ATTEST:

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City Clerk

Mr. Neal Blomenkamp, Chairman Business Improvement District (BID), explained to the Council that the vision of the downtown plaza includes plans for the buildings on 18<sup>th</sup> Street that were purchased by the City of Scottsbluff. The BID met recently to discuss the future plans of the downtown plaza and decided that the best way to utilize the space where these two buildings are located, is to demolish the buildings. Their vision is to close 18<sup>th</sup> Street from Broadway to 1<sup>st</sup> Ave., but keep the alley open. The open space could then be used to develop the plaza with outdoor restrooms, benches, skating rink, etc. The smaller building is in pretty bad shape and maintenance would become a problem. Having

the open space would provide continuity for enhanced activity. We do need to get bids on the demolition so we can move forward. The BID does have a budget to utilize for the demolition.

City Planner Annie Folck explained that they have looked for uses for both buildings, but it is hard to fit an effective plaza in the space with the buildings there. The long term plan is to demolish the buildings, put down crushed concrete, then concentrate on raising funds to complete the whole Plaza Plan. Councilmen Colwell would like to see an updated conceptual plan of the Downtown Plaza, as these new plans to demolish are a surprise from what the original plan was. Ms. Folck explained that some of these changes are due to the open houses and getting public input on this development. The BID has reviewed the plan, which is the basis for the recommendation. She added that it is less expensive to demolish and rebuild rather than try to retrofit to meet the needs. Mr. Blomenkamp said that they would like to keep the architecture of the older building if possible as it ties in with the West Nebraska Art Center. Staff will bring an updated plan to the Council for the January 19, 2016 meeting.

Moved by Council Member Shaver, seconded by Council Member Colwell, "to proceed with bids on demolishing the two buildings located on 18<sup>th</sup> Street, east of the mini park and parking lot, but not proceed with demolition until council can review the conceptual design," "YEAS", Colwell, Gonzales, Shaver, Meininger, and McCarthy, "NAYS" None. Absent: None.

City Manager Kuckkahn presented an update on the Comprehensive Plan. The public has access to the website - [scottsbluffplanning.org](http://scottsbluffplanning.org) and are able to offer input from the questionnaire. The main issues deal with infrastructure and the impact on properties. A future land use map is available on the web site also. The land development is based on sewer / water development.

One area requiring attention is infill of development on land with some infrastructure. The Comprehensive Plan will emphasize this development, however, these developments will need funding. Mayor Meininger asked if a company wanted to locate in Scottsbluff, would we have the ability to pay for the development. Mr. Kuckkahn responded that we could, but we need to have a Comprehensive Plan in place that's usable. The Planning Commission will be deliberating on the plan and will get their input back to Council; it will then be available to the community. The plan should be complete after we finish compiling the information from the public.

Council Member Shaver asked if there is a way to track where the community input is from. Ms. Folck said there have been a number of focus groups throughout the community, with extra efforts in the Southeast area of town and school groups. Staff also took surveys to the Scottsbluff Senior Center. Residents and Council Members are encouraged to attend Planning Commission meetings as they deliberate the plan. Each meeting will focus on certain categories and information regarding the schedule which will be available to the public.

At 7:20 p.m. Council took a 5 minute break.

Council reconvened at 7:25 p.m. The following Council Members were present: Jordan Colwell, Randy Meininger, Raymond Gonzales, Scott Shaver, and Mark McCarthy. Absent: None.

City Manager Kuckkahn began the discussion of the LB 357 proposal, which is a ballot question proposing a one-half cent sales tax to provide funding for infrastructure improvements. This funding is a special provision to replace funding for infrastructure which is no longer available.

Deputy City Attorney Rick Ediger explained that while the concept of LB 357 is fairly simple, the implementation is not. Finance Director Liz Hilyard and Mr. Ediger had a conversation with Bond Counsel for Ameritas, which helped staff understand what needs to happen to make sure the tax is implemented properly so that projects can be bonded.

The four items that Council needs to consider: #1 Decide as a Council if they want to place this item on the ballot; #2 Decide what types of projects should be done; #3 We are required to collaborate with another government entity, which requires an inter-local agreement, and a decision regarding who that partner would be; and #4 Whether a portion of the tax can be allocated to the Inter-local Agency.

Council has discussed forming a Community Redevelopment Authority (CRA), an appointed body who gets involved with Tax Increment Financing, redevelopment of blighted areas, etc. A CRA would qualify as a partner in the Inter-local Agreement as per Bond Counsel. This would provide the City with the most flexibility. City Council members appoint the members of the CRA. The Inter-local Agency could, for example, be governed by a board consisting of two City Council Members and two members of the CRA. Because the Council has say so in who is on the CRA and who represents the Council on the Inter-local Board, the Inter-local Board's role tends to be advisory in nature. The idea behind the cooperation is efficiencies, so they must show bench marks which substantiate the efficiencies, such as repairs to a street which is used for access to other areas needing development. The details will be included in the Inter-local Agreement.

The state statute governs what the city can do; however, the city has some ability to design their plan. Up to twenty-five percent of the additional sales tax can be used to fund the Inter-local agency, if the city desires to provide that option. The inter-local agency can use these funds for other community projects, consistent with the purpose of the Inter-local Agreement. The other Seventy-five percent (or more if determined by the Council) must be used for infrastructure.

The term for the additional one-half cent tax is 10 years, or the length of time needed to pay off bonds for the projects, whichever is longer. However, if up to twenty-five percent is allocated to fund the inter-local agency, that portion of the tax goes on indefinitely until the City eliminates it.

The Inter-Local agency must be created within a year of the adoption of the additional sales tax. The idea is that they want new collaborative projects. The State Statute provides flexibility so the City can design the project how they see fit. Mr. Kuckkahn added that it would make sense to use the funding for arterial roads and community wide improvements.

The City can partner with any other government agency; the CRA is an example of an appropriate entity. There are many ways that government agencies can collaborate with other agencies. Council Member Shaver commented that he has a problem giving tax money to non-elected agencies. Council Member Colwell commented that Gering is also talking about ways to fund projects, would it be possible for Scottsbluff and Gering to partner in an Inter-Local agency. Mr. Ediger responded partnering with Gering was an option, but there could be a problem if one community passed the tax and the other one does not.

Staff needs some guidance as to what the Council wants to do. The Resolution needs to be submitted to the Scotts Bluff County Clerk by March 1, 2016. The Inter-local Agreement will need to be in place before sending the Resolution.

Mr. Kuckkahn commented that he thinks we should proceed without depending on another political subdivision such as Gering to also move forward. There are many complications for us to look over and consider. We need a confirmed list of projects, and direction to proceed with the CRA so we can move forward. This is a viable funding source and we need to proceed. Moved by Mayor Meininger, seconded by Council Member Gonzales, "to direct staff to bring back the necessary documents required to form a Community Redevelopment Agency to the next meeting," "YEAS", Gonzales, Meininger, and McCarthy, "NAYS" Colwell, Shaver. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to direct staff and legal to revise the draft of the proposed Resolution to narrow the potential LB 357 projects to those related to water, sewer, stormwater management, roads, curbs and gutters," "YEAS", Gonzales, Meininger, Colwell, and McCarthy, "NAYS", Shaver. Absent: None.

Mr. Kuckkahn presented an offer received by the City to purchase city-owned property located at Immigrant Trail Subdivision. The goal of developing this property has been as an opportunity to provide for additional employment. The proposed purchaser is planning to build storage units, which does not provide employment opportunities. Mr. Sam Adams explained that he does plan to build some storage units, but the principal use of this property will be for a trucking company and shop, with about three full-time, two part-time employees. Council Member Gonzales commented that Highway 26 is the gateway to the community and should be developed accordingly.



Mr. Adams explained that this is a small parcel, which is already divided by the land that the City of Minatare purchased. Council Member Shaver commented that this is a logical location for a trucking company. Moved by Council Member Shaver, seconded by Council Member Colwell, "to consider the sale of 2.54 acres of city owned property located at Lot 3A, Block 1, Immigrant Trail Subdivision, contingent on receipt of appraisal, notices and remonstrance," "YEAS", Colwell, Gonzales, Shaver, Meininger, and McCarthy, "NAYS" None. Absent: None.

City Manager Kuckkahn explained that with the resignation of Liz Hilyard from the City Council, another Council Member needs to be appointed to the Revenue Committee, which currently has Council Member Gonzales and Liz Hilyard as Finance Director. Moved by Mayor Meininger, seconded by Council Member McCarthy, to appoint Council Member Shaver to the Revenue Committee," "YEAS", Colwell, Gonzales, Shaver, Meininger, and McCarthy, "NAYS" None. Absent: None.

Mr. Kuckkahn explained that he would like to develop a policy to consider collateralization and investment of cash reserves along with options for investments. He will get input from the Revenue Committee and report back to Council.

Mr. Kuckkahn presented the Monument Valley Pathway Resolution which endorses the project and verifies that the City is prepared to continue with the project. Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve Resolution No. 15-12-06 to continue the Monument Valley Pathway grant project," "YEAS", Colwell, Gonzales, Meininger, and McCarthy, "NAYS" Shaver. Absent: None.

#### RESOLUTION NO. 15-12-06

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

WHEREAS, the City of Scottsbluff, proposed to apply for assistance for the Transportation Alternatives Program for the purpose of planning and construction of the Monument Valley Pathway East.

WHEREAS, the City of Scottsbluff, understands that property right-of-way may be necessary for completion of proposed project. The City of Scottsbluff also understands that it may, but does not think it will be necessary, to acquire property by condemnation. Condemnation is defined as the legal process by which a governmental body exercises its right of "eminent domain" to acquire private property for public use. Condemnation includes a resolution of public need, an offer to purchase, and, if a negotiated purchase is not possible, then a condemnation suit.

WHEREAS, the City of Scottsbluff intends to plan and construct the Monument Valley Pathway East project without the use of condemnation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR OF SCOTTBLUFF, CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, THAT THE CITY OF SCOTTSBLUFF applies for assistance from the Transportation Alternatives Program for the purpose of planning and construction of the Monument Valley Pathway East project.

Passed and approved this 21<sup>st</sup> day of December, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to remove from the table the 2015 Local Emergency Operations Plan Resolution,” “YEAS”, Colwell, Gonzales, Shaver, Meininger, and McCarthy, “NAYS” None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to approve Resolution No. 15-12-07, accepting the 2015 Local Emergency Operations Plan,” “YEAS”, Colwell, Gonzales, Shaver, Meininger, and McCarthy, “NAYS” None. Absent: None.

RESOLUTION NO. 15-12-07  
CITY OF SCOTTSBLUFF

Mayor Meininger offers the following resolution and moves its adoption, seconded by Council member Gonzales:

RESOLVE: That in order to provide for a coordinated response to a disaster or emergency in Scotts Bluff County, the City of Scottsbluff and other cities and villages in Scotts Bluff County, the Scottsbluff City Council deems it advisable and in the best interests of the community and the County to approve the attached Scotts Bluff County Local Emergency Operations Plan. Acceptance of this 2015 Local Emergency Operations Plan supersedes all previous approved Scotts Bluff County Local Emergency Operations Plans.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF DECEMBER, 2015.

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Mayor, City of Scottsbluff

ATTEST:

\_\_\_\_\_  
City Clerk

Mayor Meininger expressed his gratitude to the City staff for their hard work during 2015.

Moved by Council Member Shaver, seconded by Council Member McCarthy, “to adjourn the meeting at 7:55 p.m.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

“SEAL”