

City of Scottsbluff, Nebraska

Tuesday, February 16, 2016

Regular Meeting

Item Consent1

Approve the minutes of the February 1, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on Monday, February 1, 2016 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 January 29, 2016, 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 January 29, 2016. 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, Mark McCarthy and Scott Shaver. Absent: None. Mayor Meininger asked if there were any changes to the agenda. City Clerk Dickinson noted that the item regarding an RFP for asbestos abatement should be placed on the regular agenda because additional information has been added to the specifications, not included in the agenda packet. Council Member Shaver asked that the January 19, 2016 minutes also be placed on the regular agenda.

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 Shaver, seconded by Mayor Meininger, that:

- a) "A Public Hearing be set for Tuesday, February 16, 2016 at 6:05 p.m. for the One and Six Year Street Improvement Plan,"
- b) "A Public Hearing be set for Tuesday, February 16, 2016 at 6:05 p.m. to consider the rezone of 1218-1220 9th Ave.; 818 E. Overland; 816 E. Overland.; and 808 East Overland from R-1A Residential to C-2 Neighborhood and Retail Commercial," "YEAS", Gonzales, Colwell, Meininger, McCarthy and, Shaver "NAYS" None. Absent: None.

Moved by Council Member Shaver, seconded by Mayor Meininger, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated February 1, 2016, as on file with the City Clerk and submitted to the City Council," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

CLAIMS

3M COMPANY,EQUIPMENT & MAINTENANCE,5705.8; 911 CUSTOM, LLC,EQUIP MAINT,469; ADVANCED CUTTING SYSTEMS, INC,SUPP - UPGRADE SOFTWARE FOR SIGN MACHINE, 821.99; AGUALLO, PAUL, UNIFORMS & CLOTHING, 125; ALAMAR CORP, UNIFORM & CLOTHING, 113.98; AMAZON.COM HEADQUARTERS,BKS,AV, DEP SUP,178.85; AMERICAN PUBLIC WORKS ASSOCIATION,MEMBERSHIPS,620; ANITA'S GREENSCAPING INC,BID CNTRCL SRVCS,1580.86; ANTHONY HARRIS, DEPT SUPPLIES, 22.5; ARROWHEAD SCIENTIFIC, INVEST SUPPL,146.68; AUTOZONE STORES, INC,DEPT SUPP,29.98; B & H INVESTMENTS, INC,BLDG MAINT,30.5; BIRUTA D. WALTON,EQUIP MAINT, 197.5; BLUFFS SANITARY SUPPLY INC.,JAN SUP,544.52; BRODERICK, MATTHEW,SCHOOLS & CONF,1224;

BYTES COMPUTER & NETWORK SOLUTIONS,EQUIP MAINT,125.49; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL,127.11; CARR- TRUMBULL LUMBER CO, INC.,SUPP - BRUSHES, LINER, PAINT,178.04; CELLCO PARTNERSHIP,CELL PHONE,507.12; CEMENTER'S INC,DEPT SUP,317.8; CHIMNEY ROCK CARRIAGE CO,SPECIAL EVENT,300; CITIBANK N.A.,DEPT SUPPLIES,66.99; CITY OF GERING,CONTRACTUAL,12; COLMAN EQUIPMENT CO.,NEW TRUCK MOUNTED SALT SPREADER,15381; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,LIFE INS,48.7; CONNOR MCDOWELL,MEALL COST FOR MCDOWELL WINTER FIRE SCHOOL,30; CONSOLIDATED MANAGEMENT COMPANY, SCHOOLS & CONF,301.25; CONTRACTORS MATERIALS INC.,DEPT SUP,452.19; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,212.14; CRESCENT ELECT. SUPPLY COMP INC,LIGHT BULBS,26.21; CYNTHIA GREEN,DEPT SUPP,85.13; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,556.38; DIAMONDBACK ENGINEERING & SURVEYING, INC,UTILITY STUDY,2854; DUANE E. WOHLERS,DISPOSAL FEES,1350; ELKS CLUB,DEPT SUPP,534; ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,5336; ENVISIONWARE, INC,CONT. SRVCS,924.15; FAT BOYS TIRE AND AUTO,EQUIP MTNC,9760.8; FEDERAL EXPRESS CORPORATION,POSTAGE,118.67; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC, 289.26; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUPP,379.88; H D SUPPLY WATERWORKS LTD,DEPT SUP,457.28; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,733.56; HEILBRUN'S INC.,VEHICLE MTNC,2215.16; HULLINGER GLASS & LOCKS INC.,DEPT SUPP,3.75; HYDROTEX PARTNERS, LTD,POWER KLEEN FOR CENTRAL GARAGE,1006.9; ICMA RETIREMENT TRUST-457,COMP,1725.14; IDEAL LAUNDRY AND CLEANERS, INC.,GROUNDS MAINT,403.82; INGRAM LIBRARY SERVICES INC,BKS,2591.74; INTERNAL REVENUE SERVICE,WITHHOLDINGS,61015.97; INTRALINKS, INC, SUPPLIES, 42.49; J G ELLIOTT CO.INC.,DEPT BONDING,170; JOHN DEERE FINANCIAL,DEPT SUPP, 93.91; JOHN DEERE FINANCIAL,EQUIP MAINT,855.81; KAWASAKI KORNER,EQUIP MAINT,20.4; KEVIN, PEGGY SEGELKE, CONTRACTUAL SVC, 3788.35; KRIZ-DAVIS COMPANY, COIL FOR STREET LIGHTS,203.33; LEAGUE ASSOCIATION OF RISK MANAGEMENT,VEHICLE INS,2848.88; LEAGUE OF NEBRASKA MUNICIPALITIES, CONFERENCE,1113; MAILFINANCE INC,LEASE,148.76; MATHESON TRI-GAS INC,EQUIP MTNC,225.27; MENARDS, INC,DEPT SUP,646.21; MIDLANDS NEWSPAPERS, INC, PUBLICATION, 145.6; MIDWEST MOTOR SUPPLY CO INC,SUPP - FUSES, CLIPS,354.54; MONUMENT CAR WASH INC,VEH MAINT,90.02; MONUMENT PREVENTION COALITION, CONTRACTUAL, 939.94; NAEM,SCHOOLS & CONF,85; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1863.43; NE DEPT OF ENVIRONMENTAL QUALITY, LICENSE/PERMITS, 150; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC, 22096.82; NELSON ELECTRIC MOTOR SERVICE, INC,EQUIP MAINT,179.82; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS,310.39; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,144; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5023.88; PARRISH ABEL,CONFERENCE COST ABEL FOR WINTER CONFERENCE,130; PIONEER TINT & CLEAR BRA, EQUIP MAINT, 199; PLATTE VALLEY BANK, HSA, 3692.71; POSTMASTER, POSTAGE,293.43; POWERPLAN,WEIGHTS FOR LOADER, 1559.59; QUILL CORPORATION, DEPT SUPPL,1086.97; REGANIS AUTO CENTER, INC,EQUIPMENT,561.75; REGIONAL CARE INC,HEALTH INSURANCE PREMIUM,78831.85; REGIONAL WEST MEDICAL CENTER, HEALTH FAIR,93; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC,1844.56; S M E C, DEDUCTIONS, 195.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT,1559.24; SATO, LEANN, SCHOOL & CONF,80; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCB TENT & AWNING,VEH MAINT, 165; SCOTTS BLUFF COUNTY COURT,COURT COST,170; SCOTTSBLUFF MOTOR CO, INC,VEH MAINT,70.28; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES, 552; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC, LABELING ON COATS, 1454; SCOTTSBLUFF /GERING CHAMBER OF COMMERCE, TRNG, 35; SHERIFF'S OFFICE,LEGAL,494.54; SHERWIN WILLIAMS,LINE LAZER PAINT GUN, 6874.16; SIMON CONTRACTORS,SAND FOR SNOW REMOVAL,56.16; SOURCE GAS,

MONTHLY ENERGY FUEL,6498.94; STATE HEALTH LAB,SAMPLES,19; STATE OF NE.,CONTRACTUAL,1050; STEINMAN TIESHA,LEGAL FEES,20; SWANK MOTION PICTURES INC,DEPT SUPP,191; THE EATING ESTABLISHMENT-SCOTTSBLUFF INC,DEPT SUPP,110; THE PEAVEY CORP,INVEST SUPPL,580.5; THE WESTERN SUGAR COOPERATIVE,VEH MAINT,162; THOMAS P MILLER & ASSOCIATES, LLC,CONTRACT - NOVEMBER 2015,17056.78; TOMMY'S JOHNNYS INC,CONTRACTUAL,225; TWIN CITIES DEVELOPMENT ASSOC, INC,FEE FOR SERVICES,7500; TYLER BUSINESS FORMS,FORMS,424.47; TYLER TECHNOLOGIES, INC,FEES-UB ONLINE,348; UPSTART ENTERPRISES, LLC,SUPP - TIME CLOCK FOR SHOP,349.02; US BANK,SCHOOL & CONFERENCE,6608.73; USGS NATIONAL CENTER MS 270,CONTRACTUAL SVC,12625; VALLEY BANK & TRUST CO,BOND FEES - PS,400; WELLS FARGO BANK, N.A.,RETIREMENT,24034.15; WESTERN COOPERATIVE COMPANY,OTHER FUEL,1309; WESTERN COOPERATIVE COMPANY,EQUIP MAINT,4.17; WESTERN COOPRTATIVE COMPANY,GROUND MAINT,7898.88; WILLIAMS CARL,DEPT PERMIT REFUND,1275; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,85.59; YEDLA MANAGEMENT CORPORATION,SCHOOLS & CONF,4062.8; REFUNDS: MICHAEL KENITZER 75.53; FIRST CASH INC. 109.07; RUNNING WATER DBA SEARS 40.85.

Assistant City Manager Johnson explained that the bid specifications for the asbestos abatement did not include a provision for the performance bond which is required due to a greater estimated cost. This project will be paid for with funds from the Business Improvement District. Moved by Council Member Gonzales seconded by Council Member McCarthy, "to approve bids and specifications for asbestos abatement of properties located at 23 East 18th St. and 15 East 18th St., to include a performance bond, and authorize the city clerk to advertise for bids to be received by February 23, 2016 at 3:00 p.m.," "YEAS", Colwell, Gonzales, Meininger, and McCarthy, "NAYS" Shaver. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve the minutes of the January 19, 2016 Regular Meeting," "YEAS", Colwell, Gonzales, Meininger, and McCarthy, "NAYS" Shaver. Absent: None.

Mayor Meininger opened the public hearing scheduled for this date, at 6:05 p.m. to consider an Ordinance creating requirements for the placement of shipping containers. City Planner Annie Folck explained that due to recent calls regarding the placement of large shipping containers on properties, staff has provided an Ordinance to address this issue. The proposed Ordinance allows the containers on properties for 30 days for moving or shipping purposes. Owners can apply for an extension of time if needed. There is no permit required. The containers are allowed in Agriculture and Manufacturing zones with a building permit, however, the owner cannot connect to city utilities. This would give city staff authority to enforce the code if there are issues.

City Manager Kuckkahn added that in some cases, residents have used these containers as sheds which has presented a problem. Mayor Meininger added that some people have converted these containers to houses. Council Member Shaver suggested requiring permits for these containers and address each one case by case.

Ms. Folck added that Planning Commission reviewed this Ordinance and recommended approval, recognizing that we may need to review it on a regular basis. We need something in place to get a handle on the placement of these containers. There were no comments from the public.

Mayor Meininger closed the public hearing at 6:10 p.m., and asked for comments from the Council Members. Council Member Colwell asked if we have the resources to enforce and monitor this Ordinance if it is adopted. Ms. Folck explained that this Ordinance will be enforced similar to others, if we receive complaints or happen to notice the structure, we can address the issue and will have the Ordinance to support the enforcement.

Council Member Shaver explained that if we require a building permit, then the structure would be taxed. Council agreed that we need more information and data regarding complaints received. Many of the requests have been from those within commercial zones for storage. Something needs to be done, but they are not sure this is the answer.

Mayor Meininger summarized Council's concerns about shipping containers: 1) growing residential use; 2) neighborhood appearance; and 3) requiring a building permit for structures that are in place for more than 30 days.

Moved by Council Member Gonzales, seconded by Council Member Colwell, "to recommend sending the Ordinance creating requirements for the placement of shipping containers back to the Planning Commission to address the City Council's concern," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

Mayor Meininger opened the public hearing scheduled for this date at 6:25 p.m. to consider the Rezone of Proposed Lots 1 & 2, Tract B&C, Blk. 10, Five Oaks Subdivision, Scotts Bluff County, NE, from Agricultural to Office and Professional. Ms. Folck explained that this zoning would actually be more restrictive and create less traffic in the neighborhood than multi-family zoning. This area would be restricted to medical type of businesses that would only be open from 8am – 5pm. The preliminary plat shows that there will also be two additional access streets to this development. Many residents from this area attended the planning commission meeting concerned about the increase in traffic. Mr. Larry Gion, resident on Ave. G and 40th St. explained that there are currently 80 housing units and the change in the zoning will increase the traffic on the half street in his development. He commented that he would like to see the developer put in the street first, then build the properties in the development.

Mr. Bill Trumbull, developer of the project, explained that one of the reasons for changing the zoning from C-2 to Office and Professional is to make it possible to build the infrastructure in a more timely manner and to eliminate traffic and complications caused by multi-family. He added that parking and traffic should not be an issue due to the nature of the business, which usually have about 20 clients and employees per day. Dr. Zach Owen, addressed the Council and explained that he and his wife will be purchasing the property and developing one of the sites at this location. He stated that this higher end building will not create a lot of traffic, with 5 employees and generally no more than 15 patients per day. Depending upon how the project works out financially, their intent is to develop all of the other one-half of Ave. G as they are also concerned about parking along this street. This area has been blighted and they would like to utilize TIF financing to complete this street.

Mayor Meininger closed the public hearing at 6:40 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 PROPOSED LOTS 1 & 2, TRACT B & C, BLOCK 10, FIVE OAKS SUBDIVISION SITUATED IN PART OF THE NW¹/₄ OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS AG- AGRICULTURAL, WILL NOW BE INCLUDED IN O-P OFFICE AND PROFESSIONAL, AND REPEALING PRIOR SECTION 25-1-4.**

City Planner Folck explained the Developers agreement for the Five Oaks development. This agreement states that before issuing a permit for this development, the one-half street on Avenue G would need to be completed in front of the lots being developed. The developers have the option of just finishing the street paving adjacent to their development. The sewer lines will need to be extended and completed. Both lots have water available with the water access to the north lot coming from the main along 42nd Street. Although access to water for the south lot will be to the main on 40th Street, the developer will be required to also run a water line along Avenue G to connect the 40th Street and 42nd Street mains, in order to provide adequate water supply and spacing for fire hydrants. Each lot must have the necessary infrastructure in place before they can begin the development. Moved by Council Member Shaver, seconded by Council Member McCarthy, "to approve the Developer's Agreement for Lots 1 & 2, Block 10, Five Oaks Subdivision and authorize the Mayor to execute the agreement," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

Moved by Council Member McCarthy, seconded by Council Member Gonzales, "to approve the Final Plat of Lots 1 & 2, Tract B&C, Blk. 10, Five Oaks Subdivision, Scotts Bluff County, Nebraska and

approve Resolution No. 16-02-01,” “YEAS”, Colwell, Gonzales, Meininger, McCarthy and Shaver, “NAYS” None. Absent: None.

RESOLUTION NO. 16-02-01

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

That the final plat of Lots 1 and 2, Tract B and C, Block 10, Five Oaks Subdivision City of Scottsbluff, Scotts Bluff County, NE, situated in the NW ¼ of Section 14, T22N, R55W of the 6th P.M., City of Scottsbluff, Scotts Bluff County, NE dated December 17, 2015, duly made, acknowledged and certified, is approved. Such Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 1st day of February 2016.

Mayor

Attest:

City Clerk

SEAL

Mayor Meininger presented the Proclamation for Problem Gambling Awareness Month. Moved by Mayor Meininger, seconded by Council Member Gonzales “to authorize the Mayor to sign the Problem Gambling Awareness Month Proclamation,” “YEAS”, Colwell, Gonzales, Meininger, and McCarthy, “NAYS” Shaver. Absent: None.

Anne James, Executive Director for the Riverside Discovery Center presented the fourth quarter report for the Zoo. She expressed appreciation for the city’s assistance to keep this valuable center operating. She listed the new special events in 2015; the educational programs and their plans to retain their AZA Accreditation in 2016. They currently have approximately 600 volunteers helping with their many programs. Mr. Kuckkahn stated that the Riverside Discovery Center struggled for a few years, but seem to be doing much better, thanks to the hard work of the staff and volunteers.

Moved by Mayor Meininger, seconded by Council Member McCarthy, “to remove from table the letter of intent with Nebraska Public Power District for the Solar Project (January 4, 2016 meeting),” “YEAS”, Colwell, Gonzales, Meininger, McCarthy and Shaver, “NAYS” None. Absent: None.

Assistant City Manager Johnson explained that the letter of intent is the same as before with an additional provision that the City shall have the discretionary right not to move forward if there is not a developer and if the purchase price of the property exceeds \$20,000.00. Deputy City Attorney reminded the Council that this is only a letter of intent and not the final agreement as of yet. Moved by Council Member Colwell, seconded by Council Member Gonzales, “YEAS”, Colwell, Gonzales, Meininger, McCarthy and Shaver, “NAYS” None. Absent: None.

City Manager Kuckkahn gave an update on the Comprehensive Development Plan. Staff received over 180 responses from the online survey, with the majority of respondents wanting a clean, safe community with great job opportunities, among many other amenities. We currently do not have a good transitional land use in many areas of the City, which is something we can improve upon. We are looking at possibilities for infill and development of blighted areas. The East Overland corridor provides a lot of potential for improvement and development to remove substandard commercial and residential properties. There may be some opportunities to work on these areas with a Community Redevelopment Authority (CRA) if the Council chooses to proceed with the creation of a CRA. The City now has the data and

information to determine the best locations for development, which is related to the sewer and water study which was recently completed. Another valuable resource is the study compiled by TPMA for potential industrial and commercial sites. Council Member McCarthy commended City Planner Folek and Daniel Bennet, PADD, for the excellent presentation at the Planning Commission Meeting and encouraged Council Members to contact them with questions about the Comprehensive Plan.

Mayor Meininger explained that the 911 Task Advisory group is getting ready to send out the RFP for the new computer dispatch and records management system. This system is housed at the Scotts Bluff County office, and the City contributes to this system. The City of Scottsbluff is one of the largest users of the system. Mayor Meininger asked Council for input regarding the inclusion of City of Scottsbluff legal representation during this selection process. Council Member Shaver asked about the advantages of having legal representation. Chief Spencer commented that he feels we need legal representation as the City will be spending a lot of money on this project and we are the biggest users in the County. It's important that our legal team reviews the document as this may be our last shot at this type of system. The total project will be approximately \$750,000.00. This will be paid from the funds that all community participants of the 911 Task Advisory Group have been paying into. Our current program is very inadequate, so we are hopeful this new system will be much more efficient. Nathan Green, resident, asked the Council about the need for legal representation and if there was potential conflict. Mayor Meininger responded that legal representation would work in conjunction with the County Attorney. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve appointing a legal representative on the Scott Bluff County CAD/RMS system selection team," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

Assistant City Manager Johnson gave the Council a report of contingency funds. The current remaining balance is \$180,676.90. This budgeted fund is for unexpected expenditures, so it is important to keep track of the balance, as we are only one-fourth of the way into the fiscal year. Staff is looking for guidance regarding the development of a contingency policy. Anticipated expenditures need to be included in the budget. Mayor Meininger agreed that staff should come back to Council with a policy with guidelines for the contingency fund. Council Member Colwell added that receiving a quarterly report is very helpful to keep them informed on this balance. However, he cautioned about not having the fund policy too restrictive, as the purpose of the contingency fund is unexpected expenses. Mr. Johnson added that our Finance Director will be including some additional financial reports for Council's review.

Mr. Johnson explained that there is an additional \$422.08 required for the Regional Housing Study, which will cover the City's portion of the grant match. The total amount of the grant for the housing study is \$28,420.00. Council had approved \$14,000.00 of contingency funds to pay the City's portion of matching funds, however, the amount has increased by \$422.08 due to some other entities non participation. Deputy City Attorney Ediger informed the Council that WNED did receive the NIFA grant, however, NIFA won't pay those funds until the project is complete. The additional \$28,420.00 is essentially a loan to WNED which will be repaid out of the NIFA funds. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve \$28,420.00 in grant matching funds for the Western Nebraska Economic Development regional housing study and authorize an additional \$422.08 to cover the City of Scottsbluff's portion," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

Deputy City Attorney Ediger began the discussion concerning funding of the proposed Community Redevelopment Authority (CRA). The CRA can be funded by levying property tax, budgeting other funds to support the authority, or designating a portion of the additional sales tax from LB357 by funding the interlocal agency, which can then develop a contract with the CRA if they choose. A key component of LB357 is the partnership which can be formed between the CRA and the City in the creation of the interlocal agency, with an emphasis on areas that can be serviced from the infrastructure improvements. The interlocal agency is the organization that can decide if funds would go to support the CRA. The City Council would control the interlocal agency since it makes the most appointments to the agency board.

The funding options to be placed on the ballot for the interlocal agency include: 1) no funding; 2) the maximum amount allowed by state law which is 25% of the sales tax collected; 3) or a portion of

the sales tax collected which is between a percentage agreed upon up to just under 25%. Regarding the proposed interlocal agency, there are some decisions to make, such as what do you want to call it, how many board members, and the funding source.

If LB 357 does not pass, the Council can decide whether or not to keep the CRA. If it does, it may have to consider another funding source for the CRA. In most communities, the CRA is formed for purposes other than coordination with LB357. Mr. Kuckkahn commented that having the CRA is a helpful tool, with or without LB357. It is the City Council's prerogative on how funds are allocated in determining the CRA funding.

Mr. Ediger informed the Council that the CRA needs to be in place before the election. The Resolution for the ballot states that the City and the CRA have entered into an Interlocal Agreement, we need to have members appointed in order to enter into the Interlocal Agreement.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve a maximum amount of 18% of the LB357 sales tax to fund the Interlocal Agency, with the flexibility to allocate funds on an annual basis of between 0% to 18% to the Interlocal Agency," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

Council introduced Ordinance No. 4177 establishing a Community Redevelopment Authority which was read by title on third reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING THE MUNICIPAL CODE TO PROVIDE FOR A COMMUNITY REDEVELOPMENT AUTHORITY.**

Moved by Mayor Meininger, seconded by Council Member McCarthy, "to approve Ordinance No. 4176 establishing a Community Redevelopment Authority comprised of five members," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

The City Council will consider the LB357 Additional Sales Tax Resolution, to include funding for the proposed Interlocal Agency, at the February 16, 2016 meeting.

Council discussed the proposed LB357 Interlocal Agreement, to include the governance structure. The funding source has been established, now we need to name the agency. Moved by Council Member Colwell, seconded by Mayor Meininger, "to name the Interlocal Agency the 'Scottsbluff Improvement Agency'," "YEAS", Colwell, Gonzales, Meininger, and McCarthy. "NAYS" Shaver. Absent: None.

Regarding the make up of an interlocal agency, Mr. Ediger informed the Council that they can't have more than two of either the City Council or the CRA appointed as members. Moved by Mayor Meininger, seconded by Council Member McCarthy, "that the Scottsbluff City Council shall name three of the members to the Scottsbluff Improvement Agency (no more than two of which would be Council members) and the Community Redevelopment Authority shall name two members to the Scottsbluff Improvement Agency," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

Assistant City Manager Johnson presented the Ordinance dealing with motorized skateboards, hoverboards and motorized scooters. Staff would like to make some changes to the Ordinance so these types of motorized items can be used on sidewalks in front of houses, to prevent use on streets. This is a safety issue, giving children the option to operate these devices in their neighborhood. Currently use is restricted to their driveway.

Chief Spencer clarified that motorized skateboards, hoverboards, and motorized scooters cannot be used on school property or in parks; in reality, there currently are no allowable places in the city to ride these devices. He checked with the City's insurance company, LARM, and they informed him that opening up use of these items doesn't open the City to any type of liability. Use is restricted from streets, posted property and the downtown area. We may want to evaluate motorized scooters at a later date if issues arise.

Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 3, ARTICLES 3 AND 4 OF THE SCOTTSBLUFF MUNICIPAL CODE, AMENDING AND REVISING CHAPTER 20, ARTICLE 6 OF THE SCOTTSBLUFF MUNICIPAL CODE, ALL INCLUDING NEW DEFINITIONS AND DEALING WITH THE REGULATION OF MOTORIZED SKATE BOARDS, HOVERBOARDS, MOTORIZED SCOOTERS, AND THE**

LIKE WITHIN THE CITY OF SCOTTSBLUFF, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Mr. Johnson presented a Resolution regarding authorized signatures on banking transactions required due to a change in the City Council and Staff. Moved by Council Member McCarthy, seconded by Council Member Colwell, "to approve Resolution No. 16-02-02 authorizing signatures on banking transactions," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

RESOLUTION NO. 16-02-02

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

1. US Bank, First National Bank, First State Bank, Platte Valley Bank, Valley Bank, Scottsbluff, Nebraska, and Nebraska Public Agency Investment Trust (NPAIT) are designated as depositories for funds of the City. Funds of the City deposited in each bank shall be subject to withdrawal upon checks, notes, drafts, or other orders for the payment of money when signed on the City's behalf by any two of the following City officials:

Randy Meininger OR
Raymond Gonzales AND

Cynthia Dickinson OR
Christine Burbach

2. All transactions regarding Certificates of Deposit, Treasury Notes, and other securities purchased by the City shall be signed by the following City officials:

Jordan Colwell OR
Raymond Gonzales OR
Randy Meininger OR
Mark McCarthy OR
Scott Shaver AND
Rick Kuckkahn

3. Provided, the Finance Director for the City, Elizabeth Hilyard, is authorized to make ACH withdrawals on behalf of the city from any of the financial institutions named in paragraph 1. of this Resolution.

4. The banks are authorized to pay all orders and receive them for the credit of or in payment from the payee or any other holder without inquiring into the circumstances of the issue or the disposition of the proceeds.

5. US Bank is authorized to issue Visa credit cards to City personnel. The personnel to receive the cards and the credit limit on said cards shall be as approved by the City Manager or his/her designee.

6. This Resolution will revoke all prior banking resolutions and shall be delivered to all banks named in this Resolution. This Resolution will remain in effect until notice of revocation is delivered to any of these banks.

7. This Resolution shall become effective February 1, 2016.

Passed and approved this 1st day of February, 2016.

Mayor

ATTEST:

City Clerk

Council introduced Ordinance No 4177 which was read by title on third reading: **AN ORDINANCE AUTHORIZING THE SALE OF LOT 3A, BLOCK 1, SECOND IMMIGRANT TRAIL SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.**

Moved by Mayor Meininger, seconded by Council Member Shaver, “to adopt Ordinance No. 4177 authorizing the sale of Lot 3A, Block 1, Second Immigrant Trail Subdivision, Scottsbluff, Scotts Bluff County, NE,” “YEAS”, Colwell, Gonzales, Meininger, McCarthy and Shaver, “NAYS” None. Absent: None.

Council introduced Ordinance No 4178 which was read by title on third reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE TO REVISE §6-6-28 DEALING WITH WATER SERVICE AND RATES FOR WATER SERVICE, TO SPECIFICALLY SET FORTH THAT ALL USERS OF THE CITY WATER SYSTEM LOCATED OUT OF CITY LIMITS SHALL PAY THE SAME RATE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Moved by Mayor Meininger, seconded by Council Member Colwell, “to adopt Ordinance No. 4178 dealing with utility rates,” “YEAS”, Colwell, Gonzales, Meininger, McCarthy and Shaver, “NAYS” None. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Shaver, “to adjourn the meeting at 8:00 p.m.,” “YEAS”, Colwell, Gonzales, Meininger, McCarthy and Shaver, “NAYS” None. Absent: None.

Mayor

Attest:

City Clerk

“SEAL”