

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Consent1

Approve Minutes of the June 20, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
June 20, 2016

The Scottsbluff City Council met in a regular meeting on Monday, June 20, 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 June 17, 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 NBC Nebraska, and the Star Herald. The notice was also available on the city's website on June 17, 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 led by Boy Scout Troop 13. Mayor Meininger welcomed everyone in attendance and encouraged all citizens to participate in the council meeting asking those wishing to speak to come to the microphone and state their name and address for the record. Mayor Meininger informed those in attendance that a copy of the Nebraska open meetings act is posted in the back of the room on the west wall for the public's review. The following Council Members were present: Randy Meininger, Raymond Gonzales, Jordan Colwell, and Mark McCarthy. Absent: Scott Shaver. Mayor Meininger asked if there were any changes to the agenda. City Clerk Dickinson explained a change in wording for item 14a on the agenda. Moved by Mayor Meininger, seconded by Council Member McCarthy, "to change item 14a to read: Council may consider entering into a closed session for Protection of the Public Interest: Subject Matter- Sale of City Owned Real Estate. Reason- Discussion of strategy in responding to Samuel Adam's offer," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

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 6, 2016 Regular Meeting be approved,"
2. "A special meeting be set for July 12, 2016 at 8:00 a.m. for the purpose of conducting a FY 2016/2017 budget workshop to be held at Scottsbluff City Council Chambers,"
3. "A Community Festival Permit be approved for the Downtown Scottsbluff Association for "Sidewalk Sales" on Broadway from 15th St. to 20th St. on July 14, 15 & 16, 2016 from 7:00 a.m. to 7:00 p.m."
4. "Receipt of property damage claims be acknowledged as a result of the June 12, 2016 storm, and forwarded to the City's Insurance carrier," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

City Manager Johnson explained that the Police Department budgeted \$90,000.00 for patrol cruisers, and to date have only used \$70,000.00 of this amount. Staff is proposing using some of these funds to pay for the digital speed display signs on Broadway. Council had previously approved the bid from ElanCity for \$4,000.00 to purchase these signs. Moved by Mayor Meininger, seconded by Council Member McCarthy, "to approve the reallocation of Public Safety CIP funds to pay for the Broadway digital speed signs," "YEAS", Colwell,

Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver. Mayor Meininger reminded the public that the speed limit on Broadway is 20 mph and pedestrians have the right of way at the intersections.

Moved by Council Member Gonzales, 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 June 20, 2016, as on file with the City Clerk and submitted to the City Council," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

CLAIMS

3M COMPANY, PAVEMENT TAPE & ADHESIVE, 1282.5; ACCELERATED RECEIVABLES SOLUTIONS, WAGE ATTACHMENT, 505.89; ACTION COMMUNICATIONS INC., INSTALL NEW TWO WAY RADIO, 203.52; ALAMAR CORP., UNIFORMS, 18.24; ALICE TRAINING INSTITUTE LLC, SCHOOLS & CONF, 1190; ALLO COMMUNICATIONS, LLC, LOCAL TELEPHONE CHARGES, 4724.14; ANITA'S GREENSCAPING INC., CONTRACTUAL, 502.22; AUTOZONE STORES, INC., VEH MAINT, 4.74; B & H INVESTMENTS, INC., DEP SUP, 160.52; BIRUTA D. WALTON, EQUIP MAINT, 235; BLUFFS BROADCASTING, DEPT SUPP, 1500; BLUFFS SANITARY SUPPLY INC., BLDG MAINT, 825.68; BOHL, MARK, RE-IMBURSEMENT FOR PETTY CASH, 68.5; BRUCE ROLLS, UNIFORMS, 545; BUHR APRIL, SHELTER RESERVATION, 25; CARR- TRUMBULL LUMBER CO, INC., DEPT SUPP, 34.65; CASH WA DISTRIBUTING, CONCESSION SUPPLIES, 1884.45; CELLCO PARTNERSHIP, CELL PHONE, 147.63; CEMENTER'S INC., DEPT SUP, 311.38; CHRIS REYES, DEPT SUPPL, 185; CITIBANK N.A., DEPT SUPPLIES, 331.53; CITIBANK, N.A., DEPT SUPP, 259.04; CITY OF GERING, DISPOSAL FEES, 47023.72; CITY OF SCB, PETTY CASH, 108.07; CLARK PRINTING LLC, DEPT SUPP, 63; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, LIFE INS, 48.7; COMPUTER CONNECTION INC., RENT-MACH, 46.48; CONSOLIDATED MANAGEMENT COMPANY, SCHOOLS & CONF, 143.89; CONTRACTORS MATERIALS INC., GROUNDS MAINT, 167.69; COPIER CONNECTION, DEP SUP, 157.7; CREDIT BUREAU OF COUNCIL BLUFFS, CONTRACT SERVICES, 9.5; CREDIT MANAGEMENT SERVICES INC., WAGE ATTACHMENT, 17.87; CRESCENT ELECT. SUPPLY COMP INC, ELECT. SUPP - WIRE, CLAMPS, 196.2; DALE'S TIRE & RETREADING, INC., VEHICLE MTNC, 2163.01; DANKO EMERGENCY EQUIPMENT COMPANY, EQUIPMENT REPAIRS - FLAG FRAMES, 101.46; DAVID M GLENN JR., TUITION REIMBURSEMENT, 1441.08; DUANE E. WOHLERS, DISPOSAL FEES, 900; DUHAMEL BROADCASTING ENTERPRISES, CONTRACTUAL SVC, 132; ESTATE OF DAVID SCHLEGEL, QUITCLAIM DEED, 525; FASTENAL COMPANY, EQUIP MAINT, 41.22; FEDERAL EXPRESS CORPORATION, POSTAGE, 146.13; FLOYD'S TRUCK CENTER, INC., VEHICLE MTNC, 5269.98; GALE/CENGAGE LEARNING, SBSCRIP, 1598.62; GARTON, LYNN, SCHOOLS & CONF, 114; GENERAL ELECTRIC CAPITAL CORPORATION, DEP SUP, 491; GRAY TELEVISION GROUP INC, CONTRACTUAL SVC, 655; HAWKINS, INC., CHEMICALS, 4659.8; HEILBRUN'S INC., HEILBRUNS, 4096.2; HELENA CHEMICAL COMPANY, CONTRACTUAL SVC, 4756.58; HODGES, JOSHUA H, CONTRACTUAL, 960; HOLIDAY INN - MID TOWN, SCHOOLS & CONF, 89; HULLINGER GLASS & LOCKS INC., BLDG MAINT, 56.5; HYDROTEX PARTNERS, LTD, HYD/TF OIL & GREASE FOR CENTRAL GARAGE, 9513.84; ICMA RETIREMENT TRUST-457, DEF COMP, 945; ICMA ROTH IRA, ROTH IRA, 530; IDEAL LAUNDRY AND CLEANERS, INC., DEPT SUPP, 1524.13; INDEPENDENT PLUMBING AND HEATING, INC, GROUNDS MAINT, 260.8; INFINITY CONSTRUCTION, INC., FACILITY REPAIR, 13526; INGRAM LIBRARY SERVICES INC, BKS, 3688.18; INTERNAL REVENUE SERVICE, WITHHOLDINGS, 67037.42; INTERNATIONAL ASSOCIATION OF

PLUMBING & MECHANICAL OFFICIALS,DEPT MMBRSH,150; INTRALINKS, INC,CONTRACT SERVICES, 4222.23; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL, 109.9; JEROLD E. HIGEL,TRAFFIC SIGNAL & CONTROLLER SERVICE, 720; JOHN DEERE FINANCIAL,DEPT SUPP, 72.86; JOHN DEERE FINANCIAL,DEPT SUPP,165.75; JOHN DEERE FINANCIAL,EQUIP MAINT, 19.59; KAWASAKI KORNER,EQUIP MAINT,23.05; KOVARIK, ELLISON & MATHIS PC,LEGAL FEES - OWEN ORAL SURGERY TIF, 808.5; KRIZ-DAVIS COMPANY,ELECT. SUPP FOR W. OVERLAND & B, 460.3; KUCKKAHN, RICK,CONTRACT SERVICES (MAY 30 - JUNE 3), 1500; LAYNE CHRISTENSEN COMPANY,EQUIP MAINT, 1640; LEAGUE OF NEBRASKA MUNICIPALITIES,SCHOOLS & CONF,80; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING,100; LOPEZ SANDRA,CONSULTING,35; MATHESON TRI-GAS INC,DEPT SUP, 94.88; MENARDS, INC,ELECT. SUPP - BRKR & PANELS,1059.46; MIDWEST CONNECT, LLC,DEPT SUPP,394; MIDWEST MOTOR SUPPLY CO INC,SUPP - CONN, TIES, WIRE, ETC. FOR CENTRAL GARAGE, 217.41; MONUMENT CAR WASH INC,VEH MAINT,10.17; MUNIMETRIX SYSTEMS CORP,SOFTWARE SUPPORT, 499; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE, 1448.43; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC, 74.74; NE DEPT OF REVENUE,TAXES,41436.89; NEBRASKA INTERACTIVE, LLC,PRE-EMPLOYMENT - DRIVERS LICENSE,9; NEBRASKA MACHINERY CO, EQUIP MTNC, 1493.99; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC, 40103.8; NELSON ELECTRIC MOTOR SERVICE, INC,EQUIP MAINT, 296.6; NEMNICH AUTOMOTIVE,VEH MAINT, 79.13; NEOPOST, POSTAGE, 1001; NETWORKFLEET, INC,SUPP - GPS SERVICE, 18.95; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT, 21.88; NWEA,SCHOOLS & CONF,60; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SVCS.,310.39; OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQUIP MAINT,3665; PANHANDLE CONCRETE PRODUCTS, INC,FACILITY REPAIR, 488; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL, 18037.5; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES, 54; PANHANDLE HUMANE SOCIETY,CONTRACTUAL, 5023.88; PAUL REED CONSTRUCTION & SUPPLY, INC,STRUCTURES, 22093.86; PEPSI COLA OF WESTERN NEBRASKA, LLC,CONCESSION, 1087.3; PLATTE VALLEY BANK,HSA, 13522.71; POSTMASTER,POSTAGE, 643.19; QUILL CORPORATION,EQUIP MAINT, 282.6; RAAJ LINCOLN LESSEE LLC,SCHOOLS & CONF,89; RAILROAD MANAGEMENT CO III, LLC,SUPP - LICENSE FEES, 176.86; REAMS SPRINKLER SUPPLY CO.,GROUND MAINT, 1092.23; REGANIS AUTO CENTER, INC,VEH MAINT, 693.75; REGION I OFFICE OF HUMAN DEVELOPMENT,CONTRACTUAL SERVICES, 825; REGIONAL CARE INC,CLAIMS, 52314.89; REGISTER OF DEEDS,LEGAL,50; RICHS WRECKING & SALVAGE,VEH MAINT, 25; S M E C,SMEC DEDUCTIONS, 185.5; SANDBERG IMPLEMENT, INC,PARTS FOR WEED EATERS - FILTERS, 189.17; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCOTT S OLSON,CONTRACTUAL SVC,1000; SCOTTSBLUFF BODY & PAINT,TOW SERVICE, 1000; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES, 528; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,DEPT SUPP, 266; SHERWIN WILLIAMS,BLDG MAINT, 149.83; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES, 16568.29; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR, 2233.3; SNELL SERVICES INC.,REPAIR, 600; SUHOR INDUSTRIES, INC.,DEPT SUPP,220; THOMAS P MILLER & ASSOCIATES, LLC,RETAINER SERVICES - MAY 2016, 8333.33; TOMMY'S JOHNNYS INC,CONTRACTUAL, 1305; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE, 365.69; TRANS IOWA EQUIPMENT LLC,BROOM FOR SWEEPER,5728.06; TWIN CITIES DEVELOPMENT ASSOC,

INC,ECENTER AGREEMENT - MAY 2016, 7325; TWIN CITY AUTO, INC,VEH MAINT,76.6; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS, 125.3; US BANK,CONFERENCE REGISTRATION,1149; W & R INC,EQUIP MAINT, 250.54; WELLS FARGO BANK, N.A.,RETIREMENT, 30840.61; WESTERN COOPERATIVE COMPANY,EQUIP MAINT, 176.5; WESTERN COOPERATIVE COMPANY,DEPT SUP, 388.26; WESTERN COOPRTATIVE COMPANY,GROUND MAINT, 108.5; WESTERN PATHOLOGY CONSULTANTS, INC,PRE-EMPL. & RANDOM DOT SCREENING, 349.5; WHITNEY LISA,CAMPGROUND, 30; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, JUNE VOLUNTEER FITNESS PROGRAM,99; REFUNDS: SARAH JONES 49.84; NIKOLAS CHIZEK 23.52; HANNAH LENHART 28.25; T & A INVESTMENTS LLC 30.26.

Council reviewed the May 2016 Financial Report. Mr. Johnson reported that we will have sales tax revenues this week which will be ready for the next report. Council Member Colwell asked if expenses were higher in this report. Mr. Johnson commented that some department expenditures fluctuate, however, the report is fairly consistent.

Mayor Meininger opened the public hearing at 6:07 p.m. as scheduled for this date to consider a zoning requirement Ordinance regarding permanent cosmetic facilities. City Manager Johnson explained that the Planning Commission determined Permanent Cosmetic Facilities licenses are separate from tattoo licenses and should be zoned differently. They are an acceptable business "as a permitted use" in O & P (Office and Professional, planned business center zoning and special use permit in R1a (residential) zoning. Staff is recommending expanding the zoning for these businesses.

Mr. Dave Chalupa, citizen, commented that all tattoos are cosmetic. He feels the recommendation is favoritism for one location that has not been enforced for years. He is not in favor of the zoning change.

Mayor Meininger asked Deputy City Attorney Ediger why tattoos and permanent cosmetics are treated separately. Mr. Ediger responded that the state statute defines tattoo and permanent cosmetic facilities separately.

Jon Darnell, citizen and owner of a permanent cosmetic facility, explained that his shop only does permanent cosmetics such as eyeliner and eyebrows. He still needs to get a special use permit and apply for the license, the same as beauty parlors. Mr. Chalupa commented that the state broke these permits down and again commented that approval of this Ordinance is showing favoritism to one business. There were no further comments from the public.

Mayor Meininger closed the public hearing at 6:13 p.m. and asked for comments from the City Council. Council Member Gonzales commented that the Planning Commission sent the Ordinance to the City Council with a favorable recommendation and Legal has reviewed the Ordinance. Council Member Gonzales introduced the Ordinance which was read by title on first reading: **AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING SECTIONS 3, 11 AND 12 IN CHAPTER 25, ARTICLE 3, AMENDING VARIOUS ZONING DISTRICTS R-1A SINGLE FAMILY, O-P OFFICE AND PROFESSIONAL AND PBC PLANNED BUSINESS CENTER AS DISTRICTS IN WHICH A PERMANENT COSMETIC FACILITY WILL BE ALLOWED AS A SPECIAL PERMITTED USE OR A PERMITTED USE, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Mr. Seth Covalt, NEXT Young Professionals, presented the Community Festival Permit for the organization's annual Beer and Wine Festival which is scheduled for August 20, 2016 at the downtown mini park at Broadway and 18th Street. The permit includes street closure of a part of 18th Street between Broadway and 1st Ave. Moved by Council Member Colwell, seconded by Mayor

Meininger, “to approve the Community Festival Permit for the NEXT Young Professionals at the Broadway Mini Park, parking lot, including street closures, vendors, and noise permit for a Best of the West Beer and Wine Festival on August 20, 2016 from 12:00 p.m. to 9:00 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”, None. Absent: Shaver.

Mr. Covalt also presented the request for a Special Designated Liquor License for the NEXT Beer and Wine Festival. He explained that attendees would be issued a wrist band, everyone who attends will need to have an identification and only those 21 and older can attend. They have not had issues in the past with people who are under the age of 21 attending the event. Moved by Council Member McCarthy, seconded by Council Member Colwell, “to approve the Special Designated Liquor License for the Liquor Cabinet and NEXT Young Professionals to serve wine and beer at a Community Festival event at the Broadway Mini Park on August 20, 2016 from 12:00 p.m. to 9:00 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, and Gonzales, “NAYS”, None. Absent: Shaver.

Dr. Sami Webb, representing the Panhandle Recreation Supporters, gave the Council an overview and presentation on a master plan for a multi-generational, indoor recreation center. They have been sharing their mission with many people throughout the community and wanted to also share with the City Council. Their focus is on wellness, economic development, community pride, seniors, events and youth. They want to develop a center to increase the quality of life for our residents, and provide an attraction for new people to move to the area. This recreation center won’t compete with other facilities in the community, but would add to the amenities we currently have. The indoor turf would provide a soccer field, walking track, courts, a senior center with a kitchen and a fitness area.

They have four committees working on the many aspects of developing a center: the location committee is looking for possible sites with approximately 8 acres; the financial committee is working on costs and developing a plan for memberships; the facility committee is looking at the design and potential programming users; and the marketing committee is looking at what is currently lacking in our community. Mr. Mike Miles who is new to the area, has many years of experience developing recreation centers, and has volunteered to assist with this process. Dr. Webb explained that they have developed a Steering Committee and invited the City Council to get involved and have a Council Member join the committee.

Amy Seiler, Western Nebraska Forrest Service, presented a project to provide a comprehensive tree inventory through the Greener Nebraska Grant pilot program. This will provide a dynamic, living inventory of the local trees, identifying their condition, type and if they are a risk or hazard. This inventory will inform the city of any potential problems, and energy savings related to trees. There is no cost to the city to partner with the Forrest Service on this three year project. After that, if the city chooses to continue with the on-going inventory, the cost is \$52.00 per year. The inventory will include only public property. It will show us what trees we currently have and how we can improve our inventory with additional plantings with the appropriate trees for our area.

City Manager Johnson presented the Ordinance to vacate Lot 2A, Block 1 Second Immigrant Trail Subdivision, which is necessary to move forward on the sale of city owned property to James Becker. Mayor Meininger introduced Ordinance No. 4190 which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, VACATING LOT 2A, BLOCK 1, SECOND IMMIGRANT TRAIL SUBDIVISION, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 30 AND THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., IN SCOTTS BLUFF COUNTY, NEBRASKA.**

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

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Shaver, "that Ordinance No. 4190 be adopted," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

Mr. Johnson presented the preliminary and final plat for the above mentioned property which will allow for the sale of the six acres in the Immigrant Trail Subdivision, which was previously approved by City Council. The final plat meets all of the guidelines of the M-1 zoning district. There will be 39.22 acres remaining in the Immigrant Trail Subdivision after the sale of the six acres. The Planning Commission approved the preliminary and final plat at their June 13, 2016 meeting. Moved by Council Member McCarthy, seconded by Council Member Colwell, "to approve the preliminary and final plat of Lots 1 and 2, Block 6, Immigrant Trail Subdivision and approve Resolution No. 16-06-05," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

RESOLUTION NO. 16-06-05

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

That the final plat of Lots 1 and 2, Block 6 Immigrant Trail Subdivision, a replat of Block 6, Immigrant Trail Subdivision and part of Lot 2, Block 1, 2nd Immigrant Trail Subdivision, situated in the Southeast ¼ of Section 30 and the Northeast ¼ of Section 31, T22N, R54W of the 6th P.M., City of Scottsbluff, Scotts Bluff County, NE dated June 20, 2016, 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 20th day of June 2016.

Mayor

Attest:

City Clerk
SEAL

Council introduced the Ordinance creating requirements for the placement of shipping containers which was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 25 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH ZONING AND MISCELLANEOUS REGULATIONS BY INCLUDING REGULATIONS CONCERNING SHIPPING CONTAINERS USED FOR STORAGE, ADDING §25-3-25(16) RESTRICTING THE USE OF SHIPPING CONTAINERS AS STORAGE, REPEALING ALL PRIOR SECTIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Dave Chalupa, citizen, commented on the Ordinance, suggesting that the city allow shipping containers in residential areas if they add paneling and a roof to improve the aesthetics.

Mr. Johnson presented the agreement with the Village of Morrill to provide sewer cleaning services at a rate of \$200.00 per hour and emergency cleaning at \$300.00 per hour. This agreement is for three years and will continue under the same terms and conditions as in the past. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve the agreement with the Village of Morrill to provide sewer cleaning services and authorize the Mayor to execute the agreement," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

City Manager Johnson presented the copy machine maintenance contracts with Copier Connection for the Library, \$240.00 / year and Police \$520.00 / year. Moved by Council Member Gonzales, seconded by Mayor Meininger, "to approve the copy machine contracts with Copier Connection for the Police Department and Library and authorize the Mayor to execute the contracts," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

Deputy City Attorney Rick Ediger presented the revisions to the Nebraska Municipal Economic Development Act, which allows for more flexibility for grants and loans for businesses involved in the construction of housing. He explained that LB 840 is very specifically defined to provide jobs above minimum wage and to encourage and assist local and new qualifying businesses in the creation and retention of jobs. Not all Economic Development projects qualify for LB840 funding, it must be direct or indirect financial assistance to a "qualifying business", without regard to whether the business is identified at the time the project is initiated or is to be determined at some time in the future. The restriction is that the property where the project is located must be a qualifying business.

The eligible activities include: loans or grants to qualifying businesses for fixed assets or working capital or both; grants for public works improvements; job training; purchase of real estate, options, renewals or extensions; salaries and support of city staff to implement the program; expenses related to business recruitment; technical assistance for marketing, management counseling, financial packaging, and engineering assistance and expenses for locating a qualifying business into the area.

There are some eligible activities which are allowed by statute, but not included in the City of Scottsbluff plan, which include relocation incentives for new residents; grants or loans for the construction or rehabilitation for sale or lease of low to moderate income housing. The reason why housing hasn't been included to date is due to the requirement of specific guidelines for low to moderate income housing which raises issues as to criteria and the need for staffing which the City doesn't currently have. Also, this is restricted to low and moderate income residents.

The addition of LB1059, which will be effective July 21, 2016, will provide for grants or loans for the construction or rehabilitation for sale or lease of housing as a part of a "Workforce Housing Plan".

Under the current plan, the principal source of income for a "Qualifying Business" must come from manufacturing; research and development; processing, storage, transportation or sales of goods in interstate commerce; sale of services in interstate commerce; headquarters facilities relating to eligible activities; telecommunication activities; and tourism related activities. There are some additional qualifying businesses allowed by statute, but not currently in the Scottsbluff Plan.

The key to LB1059 is the inclusion of the concept of a Workforce Housing Plan, which is a program to construct or rehabilitate single family housing or market rate multi-family housing which is designed to address a housing shortage that impairs the ability of a city to attract new businesses or the ability of existing businesses to recruit new employees. So, there is no longer

the restriction on low to moderate income housing. If the City finds that a housing shortage is adversely impacting new business in the area, this would be an appropriate program.

If the city chose to implement a workforce housing plan, we would need to amend the City's Economic Development Plan. This would require an assessment of current housing stock, which is in process with the WNED Housing Study; determine whether the plan will include low to moderate income housing; address other factors faced by existing business in recruiting new employees; and review other factors relevant in assessing the conditions faces by those seeking new or rehabilitated housing.

To amend the plan, the requirements include a public hearing, approval of 2/3 of the City Council Members; and generally, a new vote of the registered voters. The exception to the general rule states that the vote of the registered voters is not required if the amendment deals with the addition or deletion of a category of Qualified Business and is recommended by the Citizen Advisory Review Committee.

Staff is asking for direction from Council regarding the plan amendment. One of the biggest hindrances of bringing large businesses to our community is lack of housing. The City Council can give direction regarding this amendment or any others allowed by state statute.

Grants can also be used for infrastructure for housing developments and down payment assistance. Council Member Colwell asked how the housing rehabilitation would be administered. Mr. Ediger explained that guidelines and requirements would need to be established by the Application Review Committee.

Mayor Meininger added that this could work in conjunction with Tax Increment Financing as another financing tool to make a project more feasible. City Manager Johnson commented that this also fits into the current housing study which is being conducted through the Western Nebraska Economic Development committee.

Dr. Jason Webb, citizen, asked why this tool can't be used for retail. Mr. Ediger responded that traditionally there has been a concern with funding competition for existing small businesses. Rawnda Pierce, Twin Cities Development, commented that the addition of housing to the City's plan would be very helpful, as they get a lot of comments and requests for funding for housing.

Moved by Mayor Meininger, seconded by Council Member McCarthy, "to refer the economic development plan back to the LB840 Citizen Advisory Review Committee to consider a revision to the plan," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

City Manager Johnson presented the following options for additional revenue sources in preparation for the budget workshop: (1) Property tax levy increase, which would generate approximately \$20,000.00 for a .0025 levy increase and \$40,000.00 for a .0050 levy increase. Mr. Johnson commented that this option does not generate enough revenue considering the undesirability of increasing taxes. (2) Motel Occupation Tax at a 6% tax would generate approximately \$434,166.54, which is a conservative amount. This is a considerable amount and should be considered as a way to diversify funds for the general fund. (3) Occupation tax, Restaurants – the projected revenues with at 1.0% occupation tax would be approximately \$343,745.00. (4) Annexation – there are many benefits including an increase in property valuation, an increase in NPPD lease payments, without increasing any overhead to the City, and increased sales tax revenue.

Regarding the hotel occupation tax, Council Member Gonzales commented that he is not opposed to exploring this option again, however, we may need to do more research. Mayor Meininger commented that he would like to check with Gering to see if they are going to propose the hotel tax as well. There is a limit of \$700,000.00 for each type of Occupation Tax that can be collected by a first class city.

Council Member Colwell asked if we would need additional staff if we chose to annex more land. Mr. Johnson said that we will look into that, however there should be no impact to services.

Mayor Meininger commented that we need to discuss these options further at the budget workshop. He suggested that we eliminate the property tax option off the list and continue the discussion about the other options at the budget workshop.

Council considered an offer from Samuel Adams to purchase approximately 39.22 acres of city owned property located in the Immigrant Trail Subdivision. City Manager Johnson explained that Mr. Adams has several businesses who would like to relocate to the property. The businesses are appropriate for the zoning in that location. Mr. Adams explained that there are some access issues he will need to address with the property. He was also concerned about the contract with the current tenant who farms the land. He would also be in favor of annexation of this property. Deputy City Attorney Ediger informed the Council that there are restrictive covenants and restrictions that apply to this property.

Moved by Mayor Meininger, seconded by Council Member Colwell, "to adjourn to executive session to discuss the potential sale of city owned property for protection of the public interest, regarding the sale of city owned real estate; reason - discussion of strategy in responding to Samuel Adams offer," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

Moved by Mayor Meininger, seconded by Council Member Colwell, "to include the City Council, City Manager and City Attorney in executive session," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

Mayor Meininger announced that at 7:20 p.m. the City Council entered executive session to discuss the potential sale of city owned property for protection of the public interest, regarding the sale of city owned real estate; reason - discussion of strategy in responding to Samuel Adams offer.

Moved by Mayor Meininger, seconded by Council Member Council, "to reconvene out of executive session at 7:35 p.m.," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to refer the item regarding the potential sale of city owned property located at Immigrant Trail Subdivision to Samuel Adams, back to staff to negotiate," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

Under Comment Period, Dan Marshall, Park Board Member, commented on the nice addition the new screen for movies at the park. He also expressed his appreciation for the wonderful downtown concert event on Saturday.

Under Council Reports, Mayor Meininger commented that the 911 Task Force approved the RFP for the CAD and Records Management and those have been sent to potential bidders. He also met with the Senior Center Board, and they are working on a Capital Improvement Plan for their building to submit to the City.

Moved by Council Member McCarthy, seconded by Council Member Colwell, "to adjourn the meeting at 7:40 p.m.," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS", None. Absent: Shaver.

Mayor

Attest:

City Clerk "SEAL"