

CITY OF SCOTTSBLUFF
City of Scottsbluff City Council Chambers
2525 Circle Drive, Scottsbluff, NE 69361
CITY COUNCIL AGENDA

Regular Meeting
July 5, 2016
6:00 PM

1. Roll Call
2. Pledge of Allegiance.
3. **For public information, a copy of the Nebraska Open Meetings Act is available for review.**
4. Notice of changes in the agenda by the city clerk (Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless added under Item 5 of this agenda.)
5. Citizens with business not scheduled on the agenda (As required by state law, no matter may be considered under this item unless council determines that the matter requires emergency action.)
6. Consent Calendar (Items in the consent calendar are proposed for adoption by one action for all items unless any member of the council requests that an item be considered separately.):
 - a) Approve Minutes of the June 20, 2016 Regular Meeting.
 - b) Council to consider a Community Festival Permit for National Night Out on Broadway from 15th St. to 19th St. on August 2, 2016 from 4:00 p.m. to 9:00 p.m. including street closures, vendors and noise permit.
 - c) Council to set a public hearing for July 18, 2016 at 6:05 p.m. to consider the purchase of approximately 0.34 acres located in part of Block 1, Second Power Station Addition, Scottsbluff, NE for the purpose of building a solar array project.
7. Claims:
 - a) Regular claims
8. Petitions, Communications, Public Input:
 - a) Council to consider making a recommendation to the Nebraska Liquor License Commission regarding the appointment of Robin Darnall as the manager of the Elks BPO Lodge 1367 Class CK Liquor License.
 - b) Council to consider making a recommendation to the Nebraska Liquor License Commission regarding an addition to the Tangled Tumbleweed LLC Class C Liquor License.
9. Resolution & Ordinances:
 - a) Council to consider an Ordinance creating requirements for the placement of

- shipping containers (third reading).
 - b) Council to consider an Ordinance to consider a zoning requirement for permanent cosmetic facilities (second reading).
 - c) Council to consider an Ordinance allowing certain sizes of kayaks, canoes and non-motorized water craft on the East Riverside pond.
 - d) Council to consider approving the Resolution for the Monument Valley Pathway North project.
10. Reports from Staff, Boards & Commissions:
 - a) Council to consider an offer from Samuel Adams to purchase city owned property located in the Immigrant Trail Subdivision.
 11. Executive Session (Council reserves the right to enter into closed session if deemed necessary if the item is on the agenda.)
 - a) 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.
 12. Public Comments: The purpose of this agenda item is to allow for public comment of items for potential discussion at a future Council Meeting. Comments brought to the Council are for information only. The Council will not take any action on the item except for referring it to staff to address or placement on a future Council Agenda. This comment period will be limited to three (3) minutes per person
 13. Council reports (informational only):
 14. Scottsbluff Youth Council Representative report (informational only):
 15. Adjournment.

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; RICHES 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"

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Consent2

Council to consider a Community Festival Permit for National Night Out on Broadway from 15th St. to 19th St. on August 2, 2016 from 4:00 p.m. to 9:00 p.m. including street closures, vendors and noise permit.

Staff Contact: Kevin Spencer, Police Chief

**APPLICATION
COMMUNITY FESTIVAL, BUSINESS PROMOTIONAL EVENT, CARNIVAL
PERMIT**

To be filed with the city Clerk at least 14 days, but no more than one year before proposed event.

1. Scottsbluff Police Department
(name of sponsoring organization)

1801 Ave B Scottsbluff, Nebraska (308) 630-6261
(street) (city) (state) (telephone number)

Robert Straub (308) 630-6263
(chairperson responsible for event) (day telephone number)

2. _____
(name of co-sponsoring organization)

(street) (city) (state) (telephone number)

(contact person) (day telephone number)

3. Event Information

National Night Out
(name of event)

August 2nd 4:00 pm – 9:00 pm 2016
(date(s) of event) (time(s) of event)

Broadway between 15th Street and 19th Street
(location of event)

4. Activity Information

Describe general activities including whether there will be any vendors, music, loudspeakers. Serving or selling of alcoholic beverages*, etc.)

Food vendors. (No Alcohol) loud speakers, kids games and activities, public service vehicles, information booths etc.

*If alcoholic beverages will be sold or served, a special permit will be required. The applicant should contact the City Clerk for more information.

5. Street Closure

Broadway between 15th and 19 from 4: pm to 10:00 pm to allow for set-up and cleanup.

Please note any streets to be closed and the times required for closure

6. Flags/Banners/Signs

7. Carnivals - If event includes a carnival, the next sheet should be completed.

8. Have you provided for a public liability insurance policy naming the City as additional insured? Yes _____ No X_____

Community Festival/Business Promotion

Street Carnival

\$200,000 for one person
\$500,000 for any one accident
\$ 50,000 for injuries to property

\$ 800,000 for one person
\$2,000,000 for any one accident
\$ 200,000 for injuries to property

9. Have you provided either a \$2,500.00 cash deposit or surety bond for clean up. (This will be returned after it is determined that no repairs or clean up is required by City).

Yes _____ No X_____

I (We) agree to abide by all regulations as stated in the Scottsbluff Municipal code regulating this permit.

Dated: June 17, 2016

Signed:

Scottsbluff Police Department
(name of sponsoring organization)


(signature of authorized representative of
sponsoring organization)

(name of co-sponsoring organization)

(signature of authorized representative of
co-sponsoring organization)

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Consent3

Council to set a public hearing for July 18, 2016 at 6:05 p.m. to consider the purchase of approximately 0.34 acres located in part of Block 1, Second Power Station Addition, Scottsbluff, NE for the purpose of building a solar array project.

Staff Contact: Nathan Johnson, City Manager

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Claims1

Regular claims

Staff Contact: Liz Hilyard, Finance Director

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Public Inp1

Council to consider making a recommendation to the Nebraska Liquor License Commission regarding the appointment of Robin Darnall as the manager of the Elks BPO Lodge 1367 Class CK Liquor License.

Staff Contact: Cindy Dickinson, City Clerk

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

MUST BE:

- ✓ Citizen of the United States. Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- ✓ 21 years of age or older

Name of Corporation/LLC: Elks BPO Lodge 1367

Liquor License Number: 001678 Class Type CK (if new application leave blank)

Premise Trade Name/DBA: Elks BPO Lodge 1367

Premise Street Address: 11614 1st Ave.

City: Scottsbluff County: Scotts Bluff Zip Code: 69361

Premise Phone Number: 308-632-2622

Premise Email address: ElksLodge1367@gmail.com

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).

 
SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER
(Faxed signatures are acceptable)

Manager's Information must be completed below PLEASE PRINT CLEARLY

Last Name: Darnall First Name: Robin MI: D
 Home Address: 3020 Rd 67
 City: Harrisburg County: Banner Zip Code: 69345
 Home Phone Number: (308) 631-2424 - Cell
 Driver's License Number & State: G85000790 NE
 Social Security Number: _____
 Date Of Birth: 06/14/1965 Place Of Birth: Valentine, NE
 Email address: rockin.robin1983@gmail.com

If you married, if yes complete spouse's information (Even if a spousal affidavit has been submitted)

☒ YES

☐ NO

Spouse's Information

Spouses Last Name: Darnall First Name: Lane MI: S
 Social Security Number: _____
 Driver's License Number & State: G85000519
 Date Of Birth: 12/20/1963 Place Of Birth: Scottsbluff, NE

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS**APPLICANT****SPOUSE**

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Harrisburg, NE	1988	2016	Harrisburg, NE	1963	2016

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2009 2015	Western Nebr. Comm. College	Debra Sargent	308-635-3606
2005 2010	Regional West Med. Center	Emergency Dept.	308-635-3711

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

☒ YES ☐ NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Robin D. Darnall	02/1994	Bridgeport, NE	Expired Vehicle ^{Registration}	Paid Fine - ^{Dismiss}

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

☐ YES ☒ NO

IF YES, list the name of the premise(s):

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

☒ YES ☐ NO

☒ YES
☐ NO

5. Have you enclosed form 147 regarding fingerprints?

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

Experience:

*For list of NLCC Certified Training Programs see www.lcc.ne.gov/training/info.html

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

*NLCC Training Certificate Issued: _____ Name on Certificate: _____

4. List the alcohol related training and/or experience (when and where) of the person making application.

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has **NO** interest directly or indirectly, a spousal affidavit of non-participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

Robin D. Darnall
Signature of Manager Applicant

Lane Darnall
Signature of Spouse

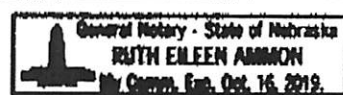
ACKNOWLEDGEMENT

State of Nebraska
County of Banner The foregoing instrument was acknowledged before me this

6th day of May, 2016 by Robin D. Darnall & Lane Darnall
NAME OF PERSON BEING ACKNOWLEDGED

Ruth Eileen Ammon
Notary Public signature

Affix Seal



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

SUBMISSION OF FINGERPRINTS / PAYMENT OF FEES TO NSP-CID

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use Only	
Class: _____	License #: _____

Applicant Name: Robin Darnall
(Corporation, LLC, Partnership or Individual)

Trade Name: Scottsbluff Elk's Lodge
(Doing Business As)

(308) 632-2622
Phone Number

rockin.robin1983@gmail.com
Contact E-mail Address

DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:

- See Application Requirement Guide for listing of Fingerprint Requirements, found on our website under "Licensing" tab in "Guidelines / Brochures". **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED PROCESSING FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE.**
- This completed form **MUST** be included with your Liquor License Application and/or Manager Application or changes to: Corporate Officers or Stockholders, LLC Members, Partners or Addition of Spouse where new fingerprint cards are required (see New Application Requirement Guide).
- **DO NOT** send fee payments to the NLCC – fees **MUST** be paid directly to NSP;
Include a list of names covered by your payment to insure proper application of payment.
- Fee payment of \$28.75 per person **must** be made **directly** to the NSP;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nsp
Or checks made payable to NSP should be mailed directly to the following address:
The Nebraska State Patrol – CID Division
3800 NW 12th Street
Lincoln, NE 68521
- Fingerprints are not required for spouses that have no involvement with business - Spousal Affidavit of Non Participation (Form 116) is required in lieu of fingerprints.
- Fingerprints taken at NSP locations will be forwarded to NSP – CID;
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices will be released to the applicants;
Fingerprint cards should be submitted with the application.

Please complete information on the following pages for EACH person fingerprinted.

FORM 147
REV MAR 2016
PAGE 1

SPOUSAL AFFIDAVIT OF NON PARTICIPATION INSERT

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

Office Use

I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will have not have any interest, directly or indirectly in the operation or profit of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices or represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. I understand my fingerprint will not be required; however, I am obligated to sign and disclose any information on all applications needed to process this application.

John Darnall
Signature of spouse asking for waiver
(Spouse of individual listed below)

Nebraska
State of
County of Banner
County of

6th day of May, 2016
date

John Darnall
Notary Public signature

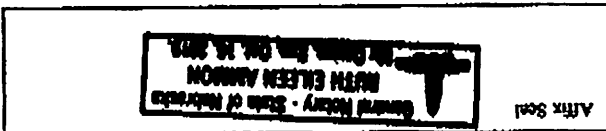
Printed name of spouse asking for waiver

Lane Darnall

The foregoing instrument was acknowledged before me this

name of person acknowledged

Lane Darnall



I acknowledge that I am the spouse of the above listed individual. I understand that my spouse and I are responsible for compliance with the conditions set out above. If it is determined that the above individual has violated (§53-125(13)) the Commission may cancel or revoke the liquor license.

John Darnall
Signature of individual involved with application
(Spouse of individual listed above)

Nebraska
State of
County of Scotts Bluff
County of

5/19/2016
date

John Darnall
Notary Public signature

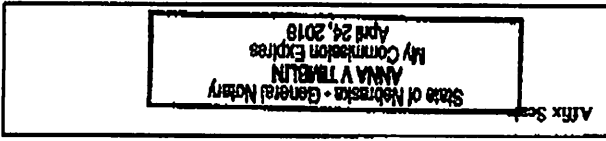
name of person acknowledged

Robin Darnall

The foregoing instrument was acknowledged before me this

Printed name of applying individual

Robin Darnall



To comply with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

Memo

To: Nathan Johnson, City Manager
From: Kevin E Spencer, Chief of Police
CC: liquor file
Date: June 16, 2016
Re: Manager Application for Robin D Darnall, Elks BPO Lodge1367 1614 1st Ave Scottsbluff, NE
License number CK-01678

This applicant, Robin Darnall was investigated for suitability as a manager on the Elk's liquor license. Nothing was discovered that would prohibit her from holding a manager position under the license. Darnall reported receiving a citation for expired registration in June of 1994. While conducting my investigation I discovered that Darnall also received a speeding citation November of 2000 that was not reported. I did not find any other violations.

On June 16, 2016 I spoke to Robin Darnall about her Elk's Manager's License. Robin explained that she would be the responsible party in regards to the alcohol at the Elk's. Robin said that she will be in charge of the alcohol to include ordering and inventory. Robin told me that during special events such as wedding parties they will require additional staff to monitor activities specifically to prevent under aged drinking as well as overserving. Robin told me that she will attend the Nebraska State Patrol Responsible Beverage Servers Training on July 19, 2016. Robin added that she is requiring all of her bartenders to attend the training with her.

The Elk's is a member's only club that requires members to enter a code or be let in by an employee on the inside. The Elk's does open to the public one Friday evening every month for a meal and during special events such as weddings. I'm not aware of any liquor law violations at the Elk's.

Respectfully,

Kevin E Spencer, Chief of Police

City of Scottsbluff

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Public Inp2

Council to consider making a recommendation to the Nebraska Liquor License Commission regarding an addition to the Tangled Tumbleweed LLC Class C Liquor License.

Staff Contact: Cindy Dickinson, City Clerk

**APPLICATION FOR ADDITION
TO LIQUOR LICENSE**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

RECEIVED

JUN 17 2016

**NEBRASKA LIQUOR
CONTROL COMMISSION**

Application:

- Must include processing fee of \$45.00 check made payable to the Nebraska Liquor Control Commission or you may pay online at www.ne.gov/go/NLCCpayport
- Must include a copy of the lease or deed showing ownership of area to be added. This is still required even if it's the same as on file with original application
- Must include simple hand drawn sketch showing existing licensed area and area to be added, must include outside dimensions in feet (not square feet), show direction north.
NO BLUE PRINTS
- May include approval from the local governing body; no addition shall be approved unless endorsed by the local governing body
- Check with your local governing body for any additional requirements that may be necessary in making this request for addition

LIQUOR LICENSE # 116298 CLASS TYPE C
LICENSEE NAME The Tangled Tumbleweed LLC
TRADE NAME The Tangled Tumbleweed
PREMISE ADDRESS 1823 Avenue A
CITY Scottsbluff ZIP CODE 69361 COUNTY Scotts Bluff
CONTACT PERSON Ronetta Green
PHONE NUMBER OF CONTACT PERSON 308-672-3854
EMAIL ADDRESS OF CONTACT PERSON thetangledtumbleweed@aol.com



RECEIVED
JUN 20 2016
PAGE 12

1. What is being added?

Explain the type of addition that is being requested, i.e. beer garden, adding to building

Front Fenced in area for dining/liquor service area - we needed to have a fence in front because of the garage doors - so we decided to enlarge area to include several tables for dining.

2. Will this addition cause the location to be within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children; or within 200 feet of a college or university campus?

☐

YES

☒

NO

JUN 17 2016

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1).

RECEIVED
NEBRASKA LIQUOR
CONTROL COMMISSION

Must include supplemental Form 134 found at this link: <http://www.lcc.ne.gov/formsdiv.html>

If proposed location is within 300 feet of a campus, the Commission may waive this restriction upon written approval from the governing body of the college or university. (Rev. Stat. 53-177)(1).

Must include supplemental Form 135 found at this link: <http://www.lcc.ne.gov/formsdiv.html>

3. Include a sketch of the area to be added showing:

- ✓ existing licensed area with length & width in feet
- ✓ area to be added with length & width in feet
- ✓ direction north

4. If adding an outdoor area explain:

- ✓ type of fencing - wooden picket fence
- ✓ height of fence 4 foot
- ✓ length & width of outdoor area in feet 16' x 40' see sketch

12.07 Outdoor area shall mean an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors and which is contained by a permanent fence, wall or other barrier approved by the Commission and shall be in compliance with all building and fire, or other applicable local ordinances.

Rule Chapter 2-012.07

I acknowledge under oath that the premises as added to comply in all respects with the requirements of the act. Neb Rev Stat §53-129

Ronetta Green
Signature of Licensee or Officer

State of Nebraska

County of Scotts Bluff

The foregoing instrument was acknowledged before me this

6-15-16

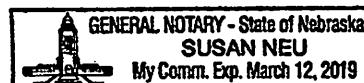
Date

by Ronetta Green

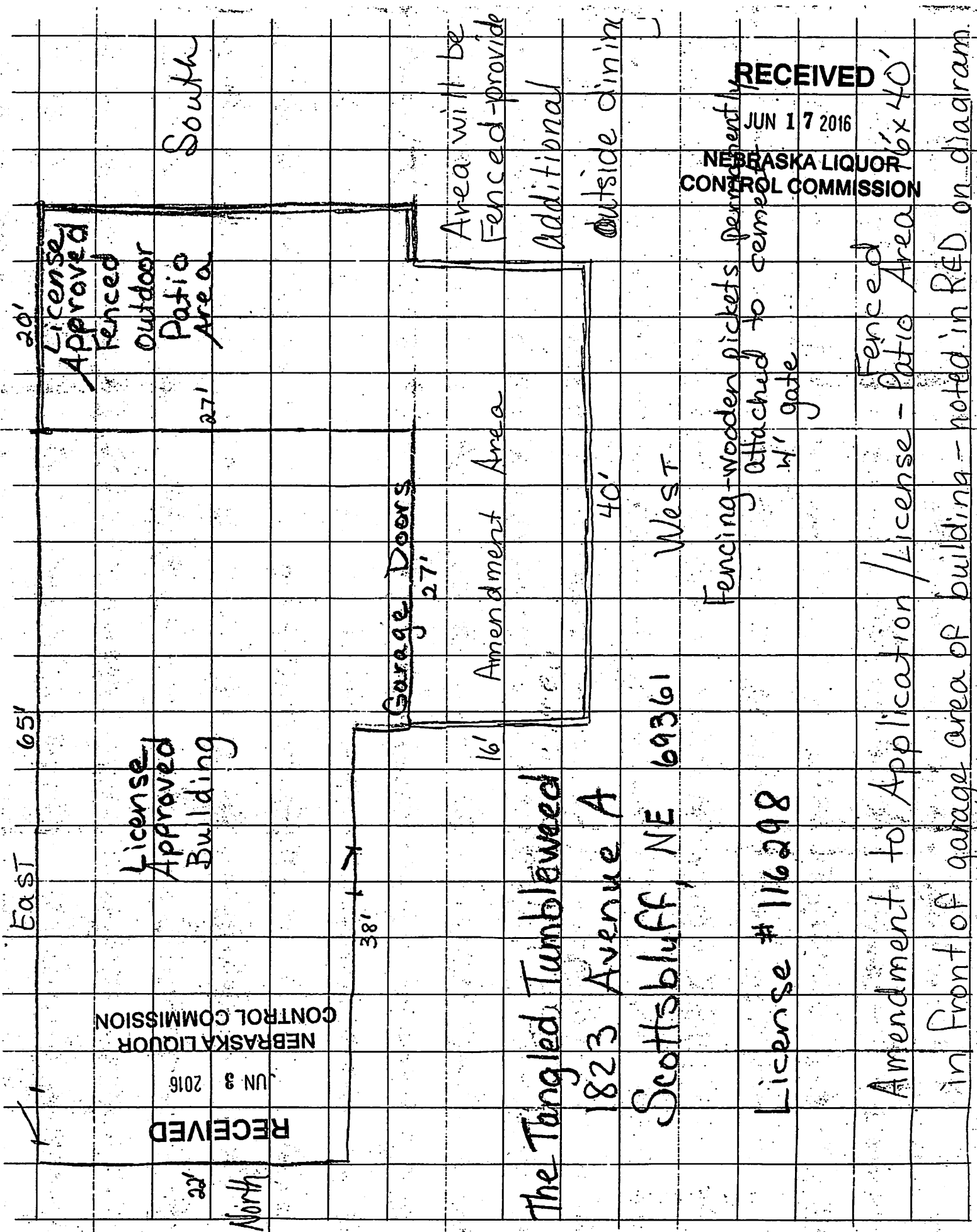
name of person acknowledged (individual(s) signing document)

Susan Neu
Notary Public signature

Affix Seal



FORM 110
REV JULY 2015
Page 2 of 2





2018-225

NEBRASKA DOCUMENTARY STAMP TAX	
Date	1-15-2016
\$	155.25 By J. Bandy

RECORDED
SCOTTS BLUFF COUNTY, NE

Date 1-15-16 Time 4:20 pm

INST. 2016 225
JAN 15 2016 RECEIVEDREGISTER OF DEEDS
JUN 17 2016NEBRASKA LIQUOR
CONTROL COMMISSION

NUM PAGES	1
DOC TAX	155.25 PD ✓ CHG RET
FEES	10.00 PD ✓ CHG RET 20.00
TOTAL	165.25 OK 259.25
REC'D	Western Prairie Title
RET	✓
COMPUTER	CP CP
PICTURED	CP
IMAGED	

WARRANTY DEED

Ronald Phillips and Karma Phillips, husband and wife, GRANTORS in consideration of \$10.00 AND OTHER GOOD AND VALUABLE CONSIDERATION received from GRANTEE, do hereby grant, bargain, sell, convey and confirm unto The Tangled Tumbleweed, LLC, a Nebraska Limited Liability Company, the following-described real estate, (as defined in Neb. Rev. Stat. §76-201):

Lot 1A, Block 8, a Replat of Lots 1 and 2, Block 8, Third Addition, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska

GRANTORS covenants (jointly and severally, if more than one) with GRANTEE that GRANTORS

1. Is lawfully seized of such real estate and that is free from encumbrances, except easements, covenants and restrictions of record;
2. Has legal power and lawful authority to convey the same; and
3. Warrants and will defend title to the real estate against the lawful claims of all persons.

EXECUTED: Jan 15 2016

Ronald Phillips
BY: Ronald Phillips

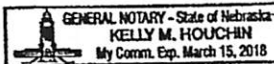
Karma Phillips
BY: Karma Phillips

STATE OF Nebraska

COUNTY OF Scotts Bluff

)ss.

The foregoing instrument was acknowledged before me on this 15th day of January, 2016, by Ronald Phillips and Karma Phillips, husband and wife.



Kelly M. Houchin
NOTARY PUBLIC

Commission Exp. Date:

Return To:
✓ Western Prairie Title & Escrow
1925 10th Street
Gering, NE 69341

Memo

Date: July 5, 2016
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Nathan Johnson
Re: Class "C" Liquor License Application
The Tangled Tumbleweed
1823 Avenue A
Scottsbluff, NE 69361

Action:

The Tangled Tumbleweed applied for a liquor license back in March of this year. They are enlarging the front fenced in area with several tables for dining/liquor area outside.

The Development Services Department is required by Article 1, Chapter 11 of the Scottsbluff Municipal Code to report specific information to the Mayor and City Council whenever a liquor license application hearing is held. In accordance with that directive the following information is offered:

- (1) The property at 1823 Avenue A is situated in a C-1 (Central Business District) zoning district where restaurant/bar/taverns are allowed by right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances.
- (2) In a C-1 Zone (Central Business District) no off-street parking spaces are required. (25-5-1*)
- (3) The use of this property is consistent with the surrounding neighborhood, which is generally commercial in nature. (Broadway, Avenue A, & 1st Avenue)
- (4) There are no churches, schools, or other similar institutions within 300 feet of the subject property.
- (5) The existing population of Scottsbluff is approximately 15,039.

Memo

To: Nathan Johnson, City Manager
From: Kevin E Spencer, Chief of Police
CC: liquor file
Date: June 29, 2016
Re: Application to expand Class C Liquor License number C-116298, The Tangled Tumbleweed LLC dba The Tangle Tumbleweed, 1823 Ave A Scottsbluff, NE

In March of 2016 Ronetta Green and Natasha Koncaba appeared before both the Liquor License Holders Investigatory Board and the Scottsbluff City Council, asking for support in obtaining a liquor license. Both the board and council approved a positive recommendation to the Nebraska Liquor Commission. Ronetta and Natasha are now asking to expand their license to include a portion of the property on the west side or in front of the building. The area in question is an area 16' x 40' in front of two garage doors. The proposal is to enclose the area with a 4' wooden fence.

The Nebraska Liquor Control Act and Rules and Regulations of the Liquor Control Commission define an outdoor area as:

12.07 Outdoor area shall mean an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors and which is contained by a permanent fence, wall or other barrier approved by the Commission and shall be in compliance with all building and fire, or other applicable local ordinances.

Respectfully,



Kevin E Spencer, Chief of Police

City of Scottsbluff

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Resolut.1

Council to consider an Ordinance creating requirements for the placement of shipping containers (third reading).

Staff Contact: Annie Folck, City Planner

ORDINANCE NO. _____

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.

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

Section 1. Chapter 25, Article 3, Section 25 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding subsection (16) with the following language:

“Section 25-3-25. Miscellaneous regulations.

No provisions of this section, except sections 25-3-22 (1) and 25-3-22 (2) are applicable to a PBC Zone. Any provisions in the aforementioned sections which conflict with any of the provisions of Article 13 shall, to the extent of the conflict, constitute exceptions to and modify the conflicting provisions of such Article.

(1) Basement garages; grade. No basement garage may be constructed with a front entrance below the established grade nor may such an entrance be constructed in an existing building or structure, unless proper drainage, as determined by the development Services Director, is provided.

(2) Buildings, structure; design; construction. No building or structure may be erected or structurally altered unless its architectural design and construction conforms to applicable provisions of this Chapter insofar as such conformity may be accomplished without unreasonable hardship or substantial interference with the lawful intended use of such building or structure.

(3) Dwelling unit; inside entrance. Rooms within a dwelling unit must have their principal entrance from inside the dwelling unit.

(4) Grades; flood requirements. No building may be built, rented, or occupied which is located on a lot or other tract of land that does not comply with all lawful grade requirements for flood purposes.

(5) Ground cover, surfacing. Front yard and side yard setback areas may be landscaped and maintained with low ground cover, except in the case of an approved off-street parking area. Asphaltic concrete, masonry, rock, gravel or other forms of artificial surfacing may not be used as a principal ground cover.

(6) Manufactured Homes.

- a. A manufactured home shall be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.
- b. Manufactured homes shall meet the following standards:
 1. The home shall have no less than nine hundred square feet of floor area;
 2. The home shall have no less than an eighteen-foot exterior width;
 3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
 4. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction.
 5. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 6. The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

Mobile Home Parks shall be excluded from these guidelines. All manufactured (mobile) homes shall meet the standards set forth in the HUD - Manufactured Housing & Standards or Verification of HUD Standard Upgrades.

(7) Multiple unit buildings; exits. Each dwelling unit in a multiple unit residence building, or in a multiple use building, shall have a front and rear exit, or an exit to a corridor on the same level which has a front and rear exit.

(8) Public storage garages; location. No public garage used only for storing motor vehicles may have either a motor vehicle entrance or exit which is within two hundred (200) feet of an

entrance or exit of any existing public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution. No public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution may be built within two hundred (200) feet of either the motor vehicle entrance or exit to a public garage used for storing motor vehicles.

(9) Public street; abut; necessity. No building or structure shall be so constructed on a lot or tract of land which does not abut on a public street for a distance of at least twenty (20) feet.

(10) Railroad premises; tracks; docks. A railroad right-of-way may be used for railroad or spur tracks. Loading and unloading platforms or structures may be located on a railroad right-of-way only if the abutting property is in a C-3 or M Zone and no R zone is within three hundred (300) feet of the platform or structure on the same side of the right-of-way.

(11) Residence buildings; number. Except as provided in Article 9, no more than one (1) building used for residence purposes may be located on any lot.

(12) Residence; sleeping quarters. Permanent sleeping quarters may not be located or used in any building or structure in an R zone other than a main residence building.

(13) Residence; rear of lot. No building, designed to provide living or sleeping quarters, or both, may be located on an interior lot to the rear of the main building which is used for nonresidence purposes.

(14) Single family dwelling; walls. A single family dwelling shall be constructed as a single building with connecting walls. The plane surface of any connecting wall shall be at least eight (8) feet in length.

(15) Quonset; R zone. No quonset-type building or structure may be built or placed on any lot or tract of land in an R zone.

(16) Shipping containers.

- a. Shipping containers defined. For the purposes of this Chapter, a shipping container shall mean any container, which may otherwise be known as a container, freight container, ISO container, shipping container, high-cube container, box, C container or container van, designed to store and move materials and products across various modes of the Intermodal Freight Transportation System.
- b. General restrictions for shipping containers:
 1. A shipping container may be placed in the front yard setback only if being used for moving or relocating purposes.
 2. A shipping container may not be placed within the site triangle as defined in Section 25-2-104.1 of the Scottsbluff Municipal Code.
 3. A shipping container may not exceed 8 feet in width, 9 feet in height or 40 feet in length.
 4. A shipping container must be kept out of easements, public rights-of-way, and setbacks except as otherwise provided for in this Code.
 5. A shipping container may be placed on a lot if it is incidental to the permitted construction activities on the same lot. The shipping container must be removed at the completion of the construction project or expiration of the building permit.
- c. Residential zoning districts. A shipping container is allowed on a temporary basis only if a valid permit is issued by the City's Planning and Development Department. The shipping container will be permitted only on a temporary basis for moving or actually used for construction activities, in all residential zoning districts. A shipping container may be allowed on a developed lot for a period of 30 days if used for moving or if used for construction activities as set forth in section (16) b.5. of this section. If additional time is required, the owner of the lot may apply for one 30 day permitted extension.
- d. Commercial zoning districts. Shipping containers may be used only for storage or shipping by the occupant of the lot in all commercial zoning districts only as an accessory building provided:
 1. A valid permit for its use is issued by the City's Planning and Development Department.
 2. All shipping containers are located in areas not generally utilized by the customers of the commercial business and where shipping and receiving are conducted on the lot.
 3. All shipping containers are maintained and kept in good repair with no holes and rust and must be adequately secured to prevent entry by unauthorized people.

4. All shipping containers must be placed on a level surface with a base of rock or concrete/pavement so as to prevent any settling of the shipping container while it is on the lot.
 5. Comply with the requirements of subparagraph e. of this section.
 6. Comply with all requirements for accessory building.
- e. In Ag, C-1, C-2 and C-3, M-1 and M-2 zoning districts, no shipping containers shall be allowed except as provided:
1. A permit is required for a shipping container used for onsite storage of material incidental to the permitted or accessory use of the lot. The building permit must be procured through the Planning and Development Department of the City.
 2. A shipping container located in a front or side yard must be painted so no signage or language is visible.
 3. A shipping container may not be connected to any City utility.
 4. A shipping container must be kept in good repair with no holes or rust.
 5. A shipping container must be placed on a level surface with a base of rock or concrete so as to prevent any settling of the shipping container while it is on the lot.

Section 2. Previously existing Section 25-3-25 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage and approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2016.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Resolut.2

Council to consider an Ordinance to consider a zoning requirement for permanent cosmetic facilities (second reading).

Staff Contact: Annie Folck, City Planner

ORDINANCE NO. _____

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.

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

Section 1. Chapter 25, Article 3, Section 3 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

25-3-3. R-1a Single Family.

Intent: The intent of the R-1a Single Family Zone is to:

1. Provide for medium and low density residential areas where the predominant uses are single family detached and single family semi-attached dwelling units.
2. Protect these areas from incompatible uses.

Principle Permitted Uses.

1. Church
2. Community Center
3. Family child care home
4. Home occupations
5. Multi-family units
6. Municipal Uses
7. Rooming/boarding house with no more than two (2) guests
8. School
9. Single family detached dwelling units
10. Golf courses
11. Parks
12. Fire stations
13. Public utilities and substations
14. Two family dwellings
15. Water wells

Special Permit Uses.

1. Cluster housing
2. Condominium
3. Funeral home
4. Hair salons
5. Hospital
6. Library
7. Lodge or club
8. Nursery school or day care center
9. Permanent cosmetic facility
10. Public utility facilities
11. Retirement facilities
12. Rooming or boarding house for not more than six (6) roomers or boarders.
13. Temporary building or contractor's storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone in which it is located.
14. Tourist information booths
15. Townhouses (single family attached) dwelling units
16. Utility plants
17. Water storage
18. Retirement facilities

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.) (ft.)		Setbacks Rear (ft.)	Interior Side (ft.)	Side Street (sq.ft.)	Floor Area Min (ft.)	Height
Single Family	5,500	55	60	1	A	B	5	C	700	35	
Two Family	7,000	70	50	2	25	15	5	12.5	600/DU	35	
Multi Family	7,000	70	50		25	25	5	12.5	400/DU	35	
(Minimum 2500 sq. ft. per dwelling unit)											
Accessory Building						3	2	C	900	1 story	
Garage						3	2	C	900	18	

- A. Minimum front yard setback to front facing garage shall be twenty (20) feet; to front of dwelling face shall be twelve (12) feet; to front of porch shall be seven (7) feet. If buildings have been built on lots which comprise more than twenty-five (25) percent of the front footage of any block, no building or structure may be built or structurally altered which projects beyond the average front yard setback already established.

If the only building is one on an adjoining lot, the minimum front yard setback shall be the greater of twenty (20) feet or the setback of such building. If buildings have been built on lots which comprise twenty-five (25) or less percent of the front footage of any block, the minimum front yard setback shall be twenty (20) feet.

No front yard setback shall exceed fifty (50) feet.

- B. Minimum rear yard setback to the dwelling shall be fifteen (15) feet. Minimum rear yard setback to a deck shall be ten (10) feet.
- C. Minimum side yard setback from a side street shall be twelve and one-half (12.5) feet. Minimum side yard setback from a side street for a side-loading garage shall be twenty (20) feet.

2. Accessory building; detached

- A. A detached accessory building must be located:
- (1) to the rear of the main building,
 - (2) at least ten (10) feet from the main building, or a distance of at least five (5) feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the international 1&2 Family Dwelling Code Section 309.2, which has been adopted by this Municipal Code, provided a detached accessory building constructed prior to June 26, 1974, to the rear of and at a distance not less than five (5) feet from the main building shall not be deemed to be in violation of this requirement;
 - (3) at least three (3) feet from the rear lot line if the lot line is a common lot line abutting a lot;
 - (4) at least two (2) feet from the interior side lot line; provided, this requirement shall not apply where the interior side lot lines is over which the main building extends. If the lot abuts a side street, an accessory building must comply with the setback requirements applicable to the lot or tract of land upon which the main building is located. Setbacks shall be measured from the nearest eve of the building or buildings.
 - (5) Minimum rear yard setback to a garage with an alley entrance shall be five (5) feet.
- B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.
- C. A detached garage may be located in the side yard if the following requirements are met:
- (1) The garage must meet the performance guidelines in the residential zone.
 - (2) The garage must observe the same front yard setbacks required for the main structure.
 - (3) Garages shall not be placed over easements.
 - (4) Lot coverage will meet requirements in the zoning district.

Section 2. Chapter 25, Article 3, Section 11 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

25-3-11. O-P Office and Professional.

Intent: The intent of an O-P office and professional zone is to:

1. Allow for a mixture of professional office and some residential occupancies with limited other compatible commercial uses.

Principle Permitted Uses.

19. Accounting, auditing, bookkeeping services
20. Arts & crafts studio
21. Bank automated teller facilities, indoor
22. Bank & Saving & Loan
23. Barber/Beauty shop
24. Church
25. Clinic
26. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
27. Community Center
28. Educational or charitable institutions & educational or scientific research services
29. Florist
30. Gift shop
31. Home Occupations
32. Hospital
33. Insurance agency/services
34. Laboratory, medical, dental, optical
35. Library
36. Marriage and family counseling
37. Mortuary
38. Multi-family dwellings. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval.
39. Municipal Uses
40. Offices, professional services
- 22.1 Permanent cosmetic facility
41. Pharmacy
42. Professional membership organizations
43. Professional schools
44. Rooming/boarding house
45. School
46. Single family dwelling. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval.
47. Tourist information booth
48. Two family dwelling

Special Permit Uses.

1. Ambulance service
2. Animal clinic (indoor only): Residential use is permitted above the ground floor and within the confines of a business building. The entire business must be conducted within a building. Preliminary and final site plans must be submitted to the Planning Commission for review and approval.
3. Bank automated teller facilities, outdoor: (See “a” below)
4. Book & stationery store
5. Day care center (child care center) or preschool: (See “a” below)
6. Delicatessen
7. Health food store
8. Restaurant
9. Temporary building or contractor’s storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure

- complies with all height and area requirements for the zone in which it is located.
10. Temporary medical housing
 11. Public utility facilities
 12. Lodge or club
 13. Utility plants
 14. Water storage
 - a. Residential use is permitted only within the confines of a building in which a permitted use is conducted. Preliminary and final site plans must be submitted to the Planning Commission for review and approval

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Maximum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Setbacks				Side Street (sq.ft.)	Area (ft.)	Floor Height
	7,000	-	C	C	Front (ft.) 25 or D	Rear (ft.) A	Interior Side (ft.) B		12.5	C	70

A. If a lot abuts on a public alley, the minimum rear yard setback is five feet; otherwise, the minimum rear yard setback is fifteen (15) feet.

B. The minimum side yard setback is five (5) feet for buildings and structures not more than three stories high. For buildings more than three (3) stories high, the required minimum side yard setback is increased one foot for each additional story over three (3). Provided, in the case of a residential building extending across a common interior lot line of abutting lots which are in common ownership, the above minimum side yard setback requirements do not apply to such lot line, but there shall be a minimum side yard setback of (1) five (5) feet from the lot line on the opposite side of each of the lots in zones R-1, R-1a, R-1b, and (2) ten (10) feet from the lot line on the opposite side of each of the lots in zones R-4 and OP.

C. Minimum floor area per dwelling unit and the maximum lot coverage is as follows:

Floor Area	Lot Coverage
500 sq. ft.	70% lot coverage
450 sq. ft.	76% lot coverage
400 sq. ft.	60% lot coverage
350 sq. ft.	55% lot coverage
300 sq. ft.	45% lot coverage

D. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and either a C Zone, M Zone or OP Zone. If all frontage between two (2) streets is in either a C or M Zone, no front setback is required.

2. Accessory building/garage; detached

A. A detached accessory building must be located at least ten (10) feet from the main building.

B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.(Ord. 4072, 2012)

Section 3. Chapter 25, Article 3, Section 12 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

25-3-12. PBC Planned Business Center.

Intent: The intent of a planned business center zone is to:

1. Provide an area for a unified commercial center which provides goods and services to a regional trading area.
2. Provide for joint or grouped parking facilities serving several retail stores.
3. Coordinate a vehicular and pedestrian traffic circulation system and carefully design access that is compatible with surrounding uses.

Principle Permitted Uses.

15. Accounting, auditing, bookkeeping services

16. Ambulance service
17. Amusement centers, indoor only
18. Animal clinic, indoor only
19. Arts & crafts studio
20. Automated or coin-operated car wash
21. Bakery or bakery goods store
22. Bank automated teller facilities, outdoor
23. Bank automated teller facilities, indoor
24. Bank & savings & loan
25. Barber, beauty shop
26. Book & stationary store
27. Business college, trade school
28. Church
29. Cleaning, laundry agency
30. Clinic
31. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
32. Community center (public)
33. Confectionery stores
34. Convenience stores w/o dispensing gasoline
35. Convenience stores with dispensing gasoline
36. Dance, music or voice studio
37. Day care center (child care center) or preschool
38. Delicatessen
39. Drive-thru photo facility
40. Drive-thru (fast food) restaurant
41. Educational and scientific research service
42. Florist
43. Food store, delicatessen
44. Furniture/appliance store
45. Gift shop
46. Grocery store
47. Hardware store
48. Hospital
49. Insurance agency/services
50. Jewelry store
51. Laboratory, medical, dental, optical
52. Laundromat, self-service
53. Library
54. Marriage and family counseling
55. Mortuary
56. Multi-family dwelling units. Living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
57. Municipal Uses
58. Offices, professional and service
- 44.1 Permanent cosmetic facility
59. Pharmacy
60. Photographic studio
61. Printing & blueprinting
62. Professional membership organizations
63. Professional schools
64. Reducing/Suntanning
65. Restaurant, bar, tavern
66. Retail stores and services
67. Service station-full service
68. Service station-mixed use
69. Single family dwelling units. Living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
70. Shoe store
71. Theater, indoor
72. Tire shop, recapping

73. Utility business offices

Special Permit Uses.

1. Adult book store. No such use shall be located within three hundred (300) linear feet of any school, public or private, place of worship, public park, day care center, child nursery, library, or residential district. No such use shall be located within 1,000 linear feet of any existing adult book store. No such use may be allowed in combination with the sale or consumption of alcoholic beverages.
2. Lodge or club
3. Public Utility facilities
4. Temporary building or contractor's storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone in which it is located.
5. Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one.
6. Utility Plants
7. Water storage

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Setbacks Rear (ft.)	Interior Side (ft.)	Side Street (sq.ft.)	Floor Area (ft.)	Maximum Height
Accessory Building	5acres	See below		none						*
Garage						12.5				

* = Height requirement listed in #4 of Design Requirements: Buildings, structures; height.

2. Accessory building/garage; detached
 - A. A detached accessory building must be located at least ten (10) feet from the main building
 - B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.
3. Accessory building, attached.
 - A. A building which if detached from the main building would constitute an accessory building may be connected to the main building by a breezeway or similar structure, and in such event shall meet all requirements for the main building.
4. Design Requirements:

Buffer strips; R Zones.

A buffer strip, at least twenty-five (25) feet in width, sodded, and planted with shrubs or other greenery, and with a permanent screen at least ten (10) feet high, must be established and maintained adjacent to the boundary line of any abutting lot or tract of land located in whole or part in an R Zone.

Buildings, structures; height.

No building or structure, except for an elevator, penthouse water tower, or decorative building projection, may exceed three (3) stories or forty-five (45) feet in height, whichever is lower.

Dwellings.

No building in a center may be used as dwelling except for a paid custodian, caretaker, or watchman living in the center.

General design.

A center must be laid out and developed as a unit in accordance with an integrated or coordinated overall design that complies with the provisions of this Article. Buildings, structures, parking areas, walks, lighting, and appurtenant facilities must be located and arranged with due regard for surrounding land uses. Any part of a center not used for buildings, structures, access ways, parking and loading or unloading areas must be landscaped with grass, trees, shrubs, or pedestrian walks.

Loading facilities.

A center must provide adequate areas for motor vehicles to load or unload merchandise, materials, or equipment without interfering with the use of any public street or alley.

Location.

A center may be located only in a PBC Zone established in accordance with this Article, and only on a lot or tract of land abutting one (1) or more arterial streets.

Off-street parking.

Adequate off-street parking must be provided in a center to accommodate all motor vehicles of employees, customers, and other persons reasonably expected to use the center, and for vehicles used in the conduct of businesses in the center. At least one (1) parking space must be provided for each two hundred (200) square feet of floor area used for selling or offices. Areas designed primarily for loading and unloading or standing space are not parking spaces within the meaning of this section. Floor area designed for selling or office may not include areas used for storage, utilities or restrooms. Parking spaces and areas must meet the requirements of Chapter 25, Article 5.

Setbacks.

No building or structure may be constructed or maintained in a center within one hundred (100) feet of the boundary line of an abutting lot or tract of land located in an R Zone nor within twenty-five (25) feet of the right-of-way of a public street or road. No roadway or parking area in a center may be constructed or maintained within twenty-five (25) feet of the right-of-way line.

Storage; outdoor; restrictions.

Merchandise, materials or equipment may not be stored in an open area except for immediate sale or temporary display not exceeding seven (7) days.

Section 4. Previously existing Chapter 25, Article 3, Section 3, Section 11 and Section 12, and all other Ordinances and parts of Ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 5. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2016.

Mayor

ATTEST:

City Clerk

(Seal)

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Resolut.3

Council to consider an Ordinance allowing certain sizes of kayaks, canoes and non-motorized water craft on the East Riverside pond.

Staff Contact: Perry Mader, Park and Rec Director

Agenda Statement

Item No.

For meeting of: July 5th, 2016

AGENDA TITLE: Council to consider an ordinance for non-motorized boating on East Riverside Pond.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Parks and Recreation

PRESENTATION BY: City Manager Nathan Johnson

SUMMARY EXPLANATION: Council to consider an ordinance that will allow non-motorized boating activity on the east Riverside pond. This includes, but not limited to canoes, kayaks, paddle boats and paddle boards. The parks and recreation department sees this as an opportunity to expand services, promote water safety and potentially create an additional revenue source in the future through classes and rentals.

EXHIBITS

Resolution x

Ordinance ☐

Contract ☐

Minutes ☐

Plan/Map ☐

Other (specify) _____

NOTIFICATION LIST: Yes ☐ No ☐ Further Instructions ☐

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING SECTIONS 13-10-17 AND 15-1-7 OF THE MUNICIPAL CODE ALLOWING CERTAIN SIZES OF KAYAKS, CANOES AND NON MOTORIZED WATER CRAFT ON THE PONDS IN RIVERSIDE PARK, REPEALING ALL PRIOR ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Chapter 13, Article 10, Section 17 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

“13-10-17. Swimming, boating, prohibited on city property; exceptions. It shall be unlawful for any person to swim or boat on any property owned by the City, provided however, that it shall not be unlawful to swim in municipal swimming pools, and provided further that it shall not be unlawful to kayak, canoe or use non-motorized water craft in the ponds at Riverside Park if in compliance with Section 15-1-7 of this Code.”

Section 2. Chapter 15, Article 1, Section 7 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

“15-1-7. Boating and swimming; prohibited, listing of exception; fishing allowed; when. No boating or swimming is allowed in any park owned by the City. Provided, however, that kayaking, canoeing and non-motorized water craft are allowed on the ponds in Riverside Park. Provided further that any kayaking, canoeing, and water craft must not be propelled with a motor and only in a kayak, canoe or non-motorized water craft which is shorter than 14 feet in length and with each occupant of the kayak, canoe or non-motorized water craft wearing a life jacket at all times they are on a pond. In addition, all persons under the age of 18 must be accompanied with an adult while on a ponds. No swimming, tubes, inflatables or other devises shall be allowed on or in a pond. Fishing is permitted in the ponds at Riverside Park, subject to the applicable regulations of the State of Nebraska.”

Section 3. Previously existing Chapter 13, Article 10, Section 17 and Chapter 15, Article I, Section 7 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities or duties or causes of action, either criminal or civil, existing or actions pending at the time this Ordinance becomes effective.

Section 4. This Ordinance shall become effective upon its passage and approval as provided by law and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2016.

_____, Mayor

Attest: _____, City Clerk

(Seal)

Approved as to form:

City Attorney

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Resolut.4

Council to consider approving the Resolution for the Monument Valley Pathway North project.

Staff Contact: Perry Mader, Park and Rec Director

Agenda Statement

Item No.

For meeting of: July 5th, 2016

AGENDA TITLE: Council to approve resolution for the Monument Valley Pathway North project.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Parks and Recreation

PRESENTATION BY: City Manager Nathan Johnson

SUMMARY EXPLANATION: Council to sign Resolution approving the 90% plans for the Monument Valley Pathway North project.

*Resolution attached.

EXHIBITS

Resolution x

Ordinance ☐

Contract ☐

Minutes ☐

Plan/Map ☐

Other (specify) _____

NOTIFICATION LIST: Yes ☐ No ☐ Further Instructions ☐

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Reports1

Council to consider an offer from Samuel Adams to purchase city owned property located in the Immigrant Trail Subdivision.

Staff Contact: Nathan Johnson, City Manager

June 30, 2016

City of Scottsbluff
2525 Circle Drive
Scottsbluff, NE 69361

Gentlemen:

After further review of the proposed property I had the farmable/usable acres measured. Those acres come out to approximately 37.1. It is my understanding that six acres of this land has been sold off which leave approximately 31 acres of usable land. I am proposing \$8500.00 per acre for 20 acres of the frontage area and \$4000.00 per acre for the 11 acres of the usable property for at total \$215,000.00 for the total parcel.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Adams', with a long horizontal flourish extending to the right.

Sam Adams

*Further Note: I am willing to be Annexed
into the City Limits
S.A.*

City of Scottsbluff, Nebraska

Tuesday, July 5, 2016

Regular Meeting

Item Exec1

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.

Staff Contact: City Council