

# **City of Scottsbluff, Nebraska**

**Tuesday, January 3, 2017**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the December 19, 2016, Regular Meeting.**

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

Regular Meeting  
December 19, 2016

The Scottsbluff City Council met in a regular meeting on Monday, December 19, 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 December 16, 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 emailed 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 December 16, 2016.

Mayor Randy Meininger presided and City Clerk Dickinson recorded the proceedings. The Pledge of Allegiance was recited. Mayor Meininger welcomed everyone in attendance and encouraged all citizens to participate in the council meeting asking those wishing to speak to come to the microphone and state their name and address for the record. Mayor Meininger informed those in attendance that a copy of the Nebraska open meetings act is posted in the back of the room on the west wall for the public's review. The following Council Members were present: Randy Meininger, Raymond Gonzales, Jordan Colwell, Scott Shaver and Mark McCarthy. Also present was City Manager Johnson, City Attorney Howard Olsen, and Deputy City Attorney Rick Ediger. Absent: None. Mayor Meininger asked if there were any changes to the agenda. There were none.

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

- a) "The minutes of the December 5, 2016 Regular Meeting be approved,"
- b) "The minutes of the December 7, 2016 Special Joint City Council Meeting with Gering be approved,"
- c) "A public hearing be set for January 3, 2017 at 6:05 p.m. to consider a Class Z Liquor License application for Great Plains distillery LLC dba Great Plains Distillery, 213 West Railway, Scottsbluff, NE,"
- d) "A public hearing be set for January 3, 2017 at 6:05 p.m. for the Board of Equalization to assess payments for Paving District 312 and Water District 105,"
- e) "A public hearing be set for January 3, 2017 at 6:05 p.m. to consider a rezone of properties located at 2214, 2218, and 2222 1<sup>st</sup> Ave., situated in the NE ¼ of Block 22, North Scottsbluff Addition, City of Scottsbluff, Nebraska, from R-1a Residential to C-1 Central Business District," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member McCarthy, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated December 19, 2016, as on file with the City Clerk and submitted to

the City Council,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None.  
Absent: None.

#### CLAIMS

ACTION COMMUNICATIONS INC.,CIP-PO#1,1078; ALVARO SILVA,CONTRACTUAL,1305; AMERICAN FUTURE SYSTEMS INC,PUBLICATIONS,124.95; ANITA'S GREENSCAPING INC,PRKNG LOT MNTNCE,1261.11; AUTOZONE STORES, INC,EQUIP MTNC,462.82; B & H INVESTMENTS, INC,JAN. SUP.,50; B&C STEEL CORPORATION,IRON FOR 18TH ST. PIPE BALLARDS,387.04; BARCO MUNICIPAL PRODUCTS INC,SUPP - 42" CONES,1373.3; BEHAVIORAL MEDICINE ASSOC LLC,PRE-EMPLOYMENT SCREENING - POLICE,416; BLUFFS SANITARY SUPPLY INC.,DEPT SUPPL,436.44; CAPITAL BUSINESS SYSTEMS INC.,EQUIPMENT MAINT,207.16; CARR- TRUMBULL LUMBER CO, INC.,SUPP - SNAP LINKS, EYE BOLTS,21.84; CELLCO PARTNERSHIP,CELL PHONES,149.59; CEMENTER'S INC,DEPT SUP,304.96; CENTRAL STATES WIRE PRODUCTS INC.,DEPT SUPPLIES,1590; CHRIS REYES,DEPT SUPP,431.99; CITIBANK N.A.,DEPT SUP,311.31; CITY OF GERING,DISPOSAL FEES,39646.47; CITY OF SCB,PETTY CASH,93.43; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; COMPUTER CONNECTION INC,DEPT SUP,4543.8; CONTRACTORS MATERIALS INC.,DEPT SUPPLIES,311.66; COURT ADMINISTRATORS OFFICE,2016 NE STATUTE UPDATES,137.5; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,211.08; CYNTHIA GREEN,DEPT SUPP,119.99; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,1044.36; DITCH-WITCH OF WEST TEXAS INC,EQUIP MAINT,489.46; DUANE E. WOHLERS,DISPOSAL FEES,900; DXP ENTERPRISES INC,CALIBRATION GAS FOR MONITORS,254.7; ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,13104; ENVIRONMENTAL ANALYSIS SOUTH, INC,CONTRACTUAL SVC,905.9; ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC,EQUIP MAINT,300; FARMERS IRRIGATION DISTRICT,2017 O & M ASSESSMENT,2028; FASTENAL COMPANY,VEHI MAINT,53.16; FEDERAL EXPRESS CORPORATION,POSTAGE,106.65; FREMONT MOTOR SCOTTSBLUFF, LLC,VEHICLE MAINT,270; GALLS INC,UNIFORMS,64.97; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUPP,36.6; GENERAL TRAFFIC CONTROLS, INC,SUPP - COLLAR ASSY FOR AVE. B,103.46; GFOA,MEMBERSHIP - N. JOHNSON,150; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,760; H D SUPPLY WATERWORKS LTD,DEPT SUP,1314.28; HAWKINS, INC.,CHEMICALS,921.45; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,1507.19; HEILBRUN'S INC.,EQUIP MTNC,1754.01; HULLINGER GLASS & LOCKS INC.,SUPP - PADLOCKS & KEYS CUT,85.5; HYATT PLACE LINCOLN/DOWNTOWN-HAYMARKET,SCHOOLS & CONF,101; IDEAL LAUNDRY AND CLEANERS, INC.,SUPP - MATS, TOWELS, CVRLLS,955.62; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,81.21; INFINITY CONSTRUCTION, INC.,PAYMENT FOR BULB OUT CONSTRUCTION - DOWNTOWN,112333.93; INGRAM LIBRARY SERVICES INC,BKS,2203.63; INTERNAL REVENUE SERVICE,WITHHOLDINGS,59380.83; INTRALINKS, INC,CONTRACT SERVICES,1237.5; J G ELLIOTT CO.INC.,BOND RENEWAL - DEPUTY CITY CLERK,1175; JOHN DEERE FINANCIAL,SUPPLIES/UNIFORM,1323.03; JOHN DEERE FINANCIAL,DEPT SUPP,71.96; KRIZ-DAVIS COMPANY,SUPP - ELECT. WIRE,231.76; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING,100; M.C. SCHAFF & ASSOCIATES, INC,ENG. SERVICES FOR

DOWNTOWN BULB OUTS,17425; MATHESON TRI-GAS INC,RENT - MACHINES,45.58; MENARDS, INC,DEPT SUPPLIES,567.74; MUNICIPAL PIPE TOOL CO, LLC,EQUIP MAINT,4054.29; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1492.93; NE DEPT OF REVENUE,TAXES,45102.09; NEBRASKA FLOODPLAIN & STORMWATER MANAGERS ASSOC,MEMBERSHIPS,35; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,38983.55; NEOPOST,PSTG.,6.1; NETWORKFLEET, INC,SUPP - GPS SERVICE,18.95; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,BLDG MAINT,1257.43; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SVCS.,339.44; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,16663.81; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,162; PANHANDLE GEOTECHNICAL & ENVIRONMENTAL INC,DEPT CNTRCL SRVCS,450; PLATTE VALLEY BANK,DEVELOPMENT,34149.93; POSTMASTER,POSTAGE,639.58; POWERPLAN,INSTALL SHIMS ON LOADER,141.2; PRAISE WINDOWS INC,BUILD. MNTC.,645; QUILL CORPORATION,DEPT SUPPL,1163.11; RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,791.57; REGION I OFFICE OF HUMAN DEVELOPMENT,CONTRACTUAL SERVICES,825; REGIONAL CARE INC,CLAIMS,241031.64; REGIONAL WEST MEDICAL CENTER,2016 HEALTH FAIR LAB,7251.4; REGISTER OF DEEDS,LEGAL,10; S M E C,EMPLOYEE DEDUCTION,179.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT,550.4; SARGENT IRRIGATION INC.,EQUIPMENT,12333.12; SCB COUNTY,DEPT CNTRCL SRVCS,78; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,165; SCOTTS BLUFF COUNTY COURT,LEGAL,170; SCOTTSBLUFF BODY & PAINT,TOW SERVICE,2230; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,528; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,SPECIAL EVENT,2099; SCOTTSBLUFF SENIOR CENTER,CONTRACT,5750; SHERIFF'S OFFICE,LEGAL FEES,199.28; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,17327.63; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,265.11; SNELL SERVICES INC.,BLDG MAINT,281.09; SPECTRUM PHOTO,CITY COUNCIL PHOTOS,150; STATE ELECTRICAL DIV,LICENSE & PERMITS,24; TEN FINGERS CRYSTAL,LEGAL FEES,20; THE WESTERN SUGAR COOPERATIVE,VEHICLE MAINT,162; THOMAS P MILLER & ASSOCIATES, LLC,PROFESSIONAL SERVICES,8847.53; TWIN CITY AUTO, INC,CIP/EQUIP MAINT,6612; TYLER TECHNOLOGIES, INC,FEES - UB ONLINE 12/1/16 - 12/31/16,348; UNIQUE MANAGEMENT SERVICES, INC,CONT. SVCS.,205.85; UNITED STATES WELDING, INC,DEPT SUPPLIES,37.85; UPSTART ENTERPRISES, LLC,VEHICLE MAINT,185.67; US BANK,INTL. ECON.DEV. COUNCIL - JOB AD FOR DIRECTOR,3096.79; VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,655; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,530; WELLS FARGO BANK, N.A.,RETIREMENT,30108.94; WESTERN COOPERATIVE COMPANY,VEHICLE MAINT,35.4; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM DOT TESTING - PRE-EMPL.SCREEN,95.5; WESTERN PLAINS BUSINESS FORMS INC,CONTRACTUAL SVC,184.87; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,33.6; ZM LUMBER INC,DEPT SUPP,204.3; REFUNDS: SARNIRAND 25.66; SCHMER 6.39; MOORE 100; 7 WONDERS LLC 10.42; COUALT 65.12; FROSSARD 26.92.

City Manager Johnson presented the request from Baker and Associates for reimbursement of expenses related to engineering services for Paving District #313 in the amount of \$2,635.00. Moved by Council Member Gonzales, seconded by Council Member McCarthy, "to approve the request for payment of claims by warrant for Paving District #313, Owen/Avenue G Subdivision, and approve Resolution No. 16-12-03," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

**RESOLUTION NO. 16-12-03**

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

That the claim of Baker & Associates in the amount of \$2,635.00, being the seventh pay estimate for Paving District #313, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 19th day of December, 2016.

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Mayor

ATTEST:

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City Clerk

“seal”

Mr. Andrew Hunzeker addressed the Council regarding the event permit for the Scottsbluff Celtic Gathering which will be May 20 and 21, 2017. This is the first annual festival, which includes a number of family activities and representation from a variety of Scottish clans. Mayor Meininger commented that this will be a great tourism event for the City of Scottsbluff. City Attorney Olsen noted that the public liability insurance information was blank on the permit; city staff will be talking to Scotts Bluff County regarding the liability insurance. This is a joint event between the City and County, so both entities will provide crews for clean-up. We will coordinate with Scotts Bluff County regarding the surety bond for clean-up after the event.

Council Member Shaver noted that the map shows a beer garden, which is not included with this permit. Mr. Hunzeker explained that this permit is only for the community festival permit, the liquor license permit will be presented later. They are planning on a small area for a beer garden and food vendors. The whiskey tasting will be at the Elks Lodge. In addition, they will have movies in the park on Saturday evening. All activities will end by 10:00 p.m. Council Member Shaver asked if there will be issues with the liquor license, since the park is between the school and a church. Mr. Olsen responded that the location is within the limits allowed to the front door of each building.

Moved by Council Member Gonzales, seconded by Mayor Meininger, “to approve the community festival permit for the Scottsbluff Celtic Gathering event on May 20 and 21, 2017 at Frank Park, conditional upon receipt of proper liability insurance from Scotts Bluff County,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

Mayor Meininger opened the public hearing at 6:10 p.m. to consider the Class C Liquor License application for LAS VII AMERICAS LLC dba AMERICAS TORTILLERIA, 1619 East Overland, Scottsbluff, NE. Cesar Orona owner, and Carmen Moreno, employee; and Police Captain Brian Wasson were sworn in to testify on the liquor license. Moved by Mayor Meininger, seconded by Council Member McCarthy, “that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) LAS VII AMERICAS LLC dba AMERICAS TORTILLERIA application; 2) City Council

check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated December 16, 2016; 4) written statement of City Clerk dated December 19, 2016; 5) written statement of City Planner Folck dated November 30, 2016; “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

Ms. Moreno explained that Mr. Orona was a bartender at El Tequilla, and never experienced a violation. He takes the selling of alcohol very seriously understands his responsibility. He plans to purchase a scanner for the business. The alcohol is in a locked cabinet and he will do the inventory. All servers will receive the alcohol server training through the Nebraska State Patrol. If there is a violation, the employee will be suspended until they can be retrained. Mr. Orona plans to be at the location the majority of the time the restaurant is open.

Captain Brian Wasson explained that Mr. Orona appeared at the Liquor License Investigatory Board meeting on December 15<sup>th</sup>. After many questions by the board, they unanimously approved a favorable recommendation to the City Council for this liquor license. Captain Wasson inspected the property and noted beer coolers located in the front of the building next to the cash register. The liquor was stored in locked cabinets. They have an intrusion alarm, and videos throughout the building. Mr. Orona failed to report some traffic violations on his application; he did not think this information was necessary. Chief Spencer noted this on his memo to the Council and informed Mr. Orona that all violations need to be reported; he was satisfied with Mr. Orona’s response. The restaurant will be open from 7 am – 2:00 p.m. and the Tortilleria will be open until 8 p.m.

There were no further comments from the public. Mayor Meininger closed the public hearing at 6:20 p.m. Mayor Meininger stressed the importance of having a procedure to keep alcohol from minors. The Council noted that the Manager’s License was not included on the agenda, this will be added to the January 3, 2017 agenda for approval. Moved by Council Member Gonzales, seconded by Council Member Colwell, “to forward a positive recommendation to the Nebraska Liquor Control Commission regarding the liquor license application of Las VII Americas LLC dba Las VII Americas Tortilleria Class C-121080 License,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

#### **RESOLUTION NO. 16-12-04**

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

On December 19, 2016, the matter of the application of Las VII Americas LLC dba Las VII Americas Tortilleria, for a Retail Class C liquor license at 1619 E. Overland, Scottsbluff, Nebraska, came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Las VII Americas LLC dba Las VII Americas Tortilleria

Exhibit 2 - City Council Check List for Section 53-132 R.R.S. (2010)

Exhibit 3 - Written statement of Police Chief dated December 16, 2016

Exhibit 4 - Written statement of City Clerk dated December 19, 2016

Exhibit 5 - Written statement of Development Services Director dated November 30, 2016

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Cesar O. Orona, owner and Police Chief Kevin Spencer spoke on behalf of the City.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:

- a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.
  - b. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2010) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes.

Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class C liquor license be issued to Las VII Americas LLC, at the premises described in the application.

5. The City Clerk shall transmit a copy of this Resolution to the Commission.
6. Cost of publication: \$15.65.

Passed and approved this 19<sup>th</sup> day of December, 2016.

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Mayor

ATTEST:

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City Clerk

“seal”

Mayor Meininger opened the public hearing at 6:20 p.m. to consider the purchase of property with the City of Gering, generally located in Section 36: East ½ South East ¼. City Manager Johnson explained that the purpose of the public hearing is to consider cost sharing in the acquisition of property with the City of Gering; the property is located just outside of the city limits of Gering. The City of Scottsbluff is not listed on the Purchase Agreement. The funds for this acquisition would come from the City’s LB840 Economic Development Fund. To date, there have been three qualifying businesses that have contacted us who are interested in locating in the industrial park. In April of 2014, the City hired Thomas P. Miller and Associates (TPMA) to complete a Regional Economic Development Plan, which identified ten potential certifiable industrial tracts. Olsson and Associates further evaluated the certification potential for sites identified for industrial development opportunities based on site size; number of owners and ease of land assembly; easements; location, including proximity to major transportation corridors; ease and safety of access for both employees and products; site visibility and brand exposure; serviceability by urban infrastructure; site topography; environmental issues; and costs to develop, including demolition and off-site extensions.

In 2016, the City of Scottsbluff agreed to sell 45 acres of farm ground, zoned M1 at \$5,481.89 per acre for 39.22 acres and \$8,500.00 per acre for 6 acres. Other similar sales included 2.59 acres for \$9,652.50 per acre and .94 acre for \$9,391.00 to the City of Minatare for a water transfer station.

The property being considered, owned by Mr. Leo Hoehn, is appraised at \$681,000.00; the purchase agreement approved by the City of Gering is for \$726,000.00 for the 83 acres or \$8,746.98 per acre. Of this land, approximately 59 acres is zoned MH- Heavy Industrial and Manufacturing; the remaining 24 acres is currently zoned Agricultural. Sales of the same zoned land need to be used for an accurate comparison in regard to establishing a price for the parcel to be acquired.

Rick Ediger, Deputy City Attorney, explained how the LB840 works into this purchase. The Inter-local Agreement with Gering identifies the LB840 funds as the source of funding this cost share with Gering. We generally use these funds as business grants and loans to create jobs with incentives based on the number of jobs created. There is an exception to this use, which includes the purchase of real estate, based on the land being used for a known qualifying business; or potentially for an unknown business that would be a qualifying business. Any buyer of the property must be a qualifying business under the City's plan. A typical business locating on this property would be engaged in manufacturing, which is a qualifying business. Any proceeds received from the sale of this land will have to be returned to the LB840 program. Another requirement of the LB840 plan, is that the property must be properly zoned before we could commit LB840 funds to the purchase of the property.

Mayor Meininger added that the City of Scottsbluff has been involved with the LB 840 program for 21 years. We currently have approximately \$6 million in this fund; this cannot generally be used for streets, infrastructure or the general fund. The issue before us is not regarding the purchase of the land from Mr. Hoehn, as Gering has already purchased the land. This public hearing concerns whether to partner with the City of Gering in this purchase.

Council Member McCarthy asked if there are stipulations regarding using LB 840 funds outside of our jurisdiction. Mr. Ediger responded that we can and have made LB840 loans outside of Scottsbluff in the past. This was included in the plan because statistics show that approximately one-half of our sales tax revenue comes from outside the City of Scottsbluff.

Mayor Meininger welcomed comments to hear from those in opposition, neutral, or in favor of the cost share with Gering to purchase the industrial site.

Ross Cozad, resident, explained that he understands the need for property for manufacturing, but feels that we need to utilize the dilapidated properties around the area that are currently vacant.

Robert Kinsey, resident, asked the City Manager about the recent sale of the land at Immigrant Trails subdivision. Mr. Johnson answered that this land was acquired prior to the LB840 program. It was recently sold to individuals who are planning to develop the property. Mr. Kinsey commented that he does not think that city government should be in the real estate business. He feels the land at Immigrant Trails is a good example of land that was owned by the city for many years with no development. He doesn't think our area can compete with bigger communities for manufacturing businesses; therefore this land will remain vacant for many years. There are many people working on Economic Development, however nothing has happened yet. He also commented on the Nation Star business, with many people moving to Texas when the business sold. He does not feel the purchase of the land in Gering is good for the community, as he thinks it will sit vacant for many years.

Ken Morris, resident, made a comment with a neutral opinion. He was concerned about the tax exemption on the property once it is owned by the City, and the potential loss of tax revenue for the County. City Attorney Ediger explained that he did not think that the property would be tax exempt because it's not being used for a public purpose; he will verify.

Bill Knapper, resident and member of the Community Redevelopment Authority, was positive about the purchase of the property to be used as an industrial park. He commented that we are isolated in



our area and when we lose jobs, we lose population. We've had some recent shocks to our economy with the railroad, agriculture, and Cabela's. Our area is competing for jobs and economic development, and it's important we have locations available for development. Many other cities in Nebraska own industrial sites and we need to be able to compete with them. He applauded both Gering and Scottsbluff Councils for having this vision.

Mayor Meininger asked about working with the Gering and the Scottsbluff LB840 plans. Deputy City Attorney Ediger clarified that any business purchasing this land would need to qualify under both the Gering and Scottsbluff LB840 plans; the more restrictive plan would govern.

Todd Holcomb, resident and President of WNCC, was in support of the purchase, as the idea of an industrial park is not new. We are in competition with many other states to recruit and attract business. After six years as a member of the Twin Cities Development board, he realized that we have lost businesses because we didn't have a shovel ready industrial site. It will increase activity and make us more attractive to have a strategic location to offer potential developers.

With no further comments, Mayor Meininger closed the public hearing at 6:45 p.m. He summarized that the City Council has several options: it can vote to proceed with the project and share in the cost of the property; it can choose to not participate; or it can take the testimony and refer it back to the LB840 Committee. This is new territory for the City of Scottsbluff, as we have not purchased land in the past using LB840 funds.

Council Member Colwell asked about the floodplain located on the site. Mr. Johnson explained that the flood plain is located on the very northern portion of the property. This is not a significant obstacle, and actually, one business interested in purchasing a portion of the industrial site is interested in the area within the floodplain. This area can be built up if construction occurs in order to avoid an issue with the floodplain.

Council Member Shaver asked what the advantage was of having the city purchase the land as opposed to having any potential purchasers go directly to the current property owner. Mr. Johnson explained that most developers only want a small portion, not the entire 83 acres. By having the city own the development, they can control where each industry goes to best suit the land development plan.

Mayor Meininger noted that the idea for an industrial park is part of the 2014 Regional Economic Development Plan with all communities in our area; this is Master Plan for Economic Development. One of the areas we were lacking was an Industrial Site. This property was one of the preferred sites for this development.

Council Member Shaver commented that in the past week he has had several constituents contact him, all of which were not in favor of sharing the cost of the purchase.

Council Member Gonzales asked if there were locations considered in Scottsbluff, which there were. He stated the owner of this property had originally purchased this property for the possible use as a packing plant speculation.

Moved by Mayor Meininger, seconded by Council Member McCarthy, "to refer the testimony from this public hearing on the cost sharing with the City of Gering on the purchase of property located in Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska to the City of Scottsbluff LB840 Application Review Committee for a recommendation to be considered at the January 17, 2017 City Council Meeting," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Mr. Jim Trumbull, Chairman of the LB840 Application Review Committee commented that he appreciated the opportunity to have the LB840 Committee review this proposal. He also added that the Community Redevelopment Authority and LB840 Citizen Review Committee would be valuable resources. It's important to consider the specific criteria required for a shovel ready industrial park and utilize the recommendation from TPMA and Olsson and Associates.

City Manager Johnson introduced the new Library Director, Noelle Thompson to the City Council. Ms. Thompson explained the OneLibrary Interlocal Amended Agreement, which is an interlocal cataloging system with other libraries. The City has been involved with this Interlocal Agreement for a few years and it's been very beneficial. Moved by Council Member Shaver, seconded by Council Member McCarthy, "to approve the OneLibrary Interlocal agreement, and authorize the Mayor to execute the agreement," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Mr. Johnson presented the amended Fire Contract which increases the Fire Department employees dental insurance premium, the same as general employees. Moved by Council Member Gonzales, seconded by Mayor Meininger, "to approve the amended Fire Contract ARTICLE XXI Health Insurance and authorize the Mayor to execute the agreement," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Emergency Management Director Tim Newman explained the ASPCA Pet Shelter Grant to the Council. The City has been awarded this grant which will help to buy supplies to shelter pets in the event of a major storm event. He also reported that Region 22 now has 21 volunteers who have donated 111.5 hours of volunteer time. Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve the acceptance of the ASPCA Emergency Pet Shelter Grant in the amount of \$2,000.00 and authorize the Emergency Manager to electronically sign the agreement," "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

City Manager Johnson presented the Vistabeam lease agreement for the Coke Plant Water Tower. The changes included an extension of the term of the lease from three years to five years with a rental amount of \$150.00 per month. City Attorney Olsen added that they have made an addition to the agreement regarding the painting of the tower and who pays for temporary removal of antennas and equipment. Moved by Council Member Shaver, seconded by Council Member McCarthy, "to approve the renewal of a Lease Agreement with Inventive Wireless LLC, dba Vistabeam for their wireless antenna system on the Coke Plant Water Tower, with the following addition to section 5a: Vistabeam will be responsible for and pay the cost required to remove and temporarily relocate the transmission equipment in the event the city determines to conduct maintenance or repainting the water tower. In such an event the City agrees to give Vistabeam written notice of the maintenance activity at least 30 days prior to beginning; and authorize the Mayor to execute the agreement with the revision," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

City Manager Johnson presented the Release of Lien for Paving District No. 306, as this has been paid in full. Moved by Council Member Gonzales, seconded by Council Member McCarthy, "to authorize the Mayor to sign the Release of Lien resulting from the assessments for Paving district No. 306," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Regarding the Economic Development agreements for Webb Orthodontics and Webb Eye Care, Mr. Johnson explained that the City had independent legal counsel review both documents due to a conflict of interest for the City Attorney's office. There were no major issues with either agreement.

The Webb Orthodontics Agreement is a 9 year loan for \$300,000.00. They have the opportunity to repay a portion of the loan through additional job creation. The LB840 Application Review Committee voted unanimously to support this application. Council Member Shaver asked what this loan would be used for. Mr. Johnson explained it was for job creation, to help the business grow the base, expand and invest in Scottsbluff. Mr. Ediger explained that the funds can be used for job retention and job expansion. Mr. Trumbull commented that Dr. Sami Webb has increased her employees to 18 and the committee was appreciative that they applied. They have become one of the most prominent and community minded businesses in our area.

Mr. Ediger explained that the agreement is structured as a loan, not a grant. Businesses can repay the loan in the form of earned job credits or repay the loan. Dr. Sami Webb thanked the Council and they are appreciative of the low interest loan. They have provided good jobs and love what they are doing in Scottsbluff.

Moved by Council Member Shaver, seconded by Council Member Gonzales, "to approve the Economic Development Assistance Agreement with Webb Orthodontics and authorize execution of the related documents," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

City Manager Johnson presented the agreement with Jason Webb Eye Care which is a \$200,000.00, nine year loan. With job creation, they can pay against this loan. The LB840 Application Review Committee voted unanimously to support this application also. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the Economic Development Assistance Agreement with Jason Webb, OD, PC and authorize execution of related documents," "YEAS", Meininger, Colwell, Shaver, Gonzales and McCarthy, "NAYS" None. Absent: None.

Mr. Johnson presented the Economic Development Agreement with Klein Family Trucking for much needed infrastructure improvements to the area. An LB840 qualifying business was required in order to move forward with infrastructure improvements to this growing industrial tract which currently consists of businesses that would be qualifying businesses under the LB840 Plan. There were several issues with the location of the Fed Ex ground transportation, which is operated by Klein Family Trucking. This agreement is for a \$434,000.00 grant for infrastructure improvements for stormwater management. Mayor Meininger noted that they are a conduit for this project, as there are a number of other businesses who will benefit from these improvements.

Deputy City Attorney Ediger noted that this project is an exception. We have provided funding for water extensions for other businesses, directly to Scotts Bluff County. We can no longer make grants to political subdivisions, so we need a qualifying business to apply. The major beneficiaries are the FED EX AIR and Fusion Ranch. This will also impact the FED EX GROUND operation. Our City Engineer has advised that any future development in this area is hindered until some infrastructure work can be completed. There have been some run off issues with the airport, and now that development has continued, this is the only funding source available for these improvements. This is a unique project in that there is no accountability in the agreement other than all improvements must be built to city standards.

Moved by Mayor Meininger, seconded by Council Member McCarthy, "to approve of the Economic Development Assistance Agreement with Klein Family Trucking and authorize execution of the related documents, "YEAS", Meininger, Colwell, Gonzales and McCarthy, "NAYS" Shaver. Absent: None.

Regarding the traffic signal located at Ave. D and 27<sup>th</sup> Street, Mr. Johnson informed Council that a pedestrian traffic count was conducted, however, given the weather, was not as accurate as they would like. There were three pedestrians crossing, and the Manual on Uniform Traffic Control Devices (MUTCD) requires 133 to justify a light. There are lights at Ave. B and Ave. I. Council Member Shaver was concerned about not having a light at this intersection on 27<sup>th</sup> Street which is extremely busy. The safety of one child is more important than the (MUTCD) study and justifies a pedestrian crossing light or some type of warning.

Captain Brian Wasson commented that he will inform his officers and arrange schedules to provide a crossing guard until some type of warning light can be installed. Staff will continue to reassess this crossing. Council Member McCarthy would also like to have the parents with school age children in that neighborhood to be informed of the lack of a crossing light. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve Resolution No. 16-12-05 authorizing the removal of the traffic

signal located at Ave. D and 27<sup>th</sup> Street to replace the signal located at Ave. I and 27<sup>th</sup> Street,” “YEAS”, Meininger, Colwell, Shaver, Gonzales and McCarthy, “NAYS” None. Absent: None.

**RESOLUTION NO. 16-12-05**

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

- A. WHEREAS, the City Council of the City of Scottsbluff had placed a traffic signal for a pedestrian crossing at the intersection of Avenue D and 27<sup>th</sup> Street within the City of Scottsbluff, Nebraska.
- B. WHEREAS, as a result of wind damage, the City of Scottsbluff must use the mast arm of that traffic signal for replacement of a mast arm for the traffic signal at the intersection of Avenue I and 27<sup>th</sup> Street within the City of Scottsbluff.
- C. WHEREAS, the City Council of the City of Scottsbluff wants to consider a pedestrian and traffic study at the intersection of Avenue D and 27<sup>th</sup> Street before making a final decision about whether to replace the traffic signal or mark the pedestrian crossing in another way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsbluff, that the mast arm of the traffic signal located at Avenue D and 27<sup>th</sup> Street should be used to replace the broken mast arm at the intersection of Avenue I and 27<sup>th</sup> Street, and

BE IT FURTHER RESOLVED that pursuant to the above referenced Code sections and pursuant to the findings of the pedestrian and traffic study conducted, the City Council determines that public safety, convenience or welfare require or warrant that a pedestrian crossing should be located at the intersection of Avenue D and 27<sup>th</sup> Street and that appropriate markings on the pavement and pedestrian crossing signs should be placed at that location, but the traffic signal which was removed should not be replaced. The City Council instructs the director of public works to make the appropriate markings on the pavement and signage as prescribed by the Nebraska Manual of Uniform Traffic and Control Devices for streets and highways issued by the Department of Roads of the State of Nebraska for signage and markings to identify the pedestrian crossing, however, the traffic signal located at Avenue D and 27<sup>th</sup> Street shall be removed.

This Resolution shall become effective following its passage and approval.

Passed and approved on December 19, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

City Manager Johnson explained that with the reorganization of the City Council, a new resolution is required authorizing signatures on bank transactions. Moved by Council Member McCarthy, seconded by Mayor Meininger, “to approve Resolution No. 16-12-06 regarding authorized signatures on banking transactions,” “YEAS”, Meininger, Colwell, Gonzales and McCarthy, “NAYS” Shaver. Absent: None.

**RESOLUTION NO. 16-12-06**

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

1. US Bank NA, First National Bank, First State Bank, Platte Valley Bank, Western States Bank, all with local branches in Scottsbluff, Nebraska, and the Nebraska Public Agency Investment Trust (NPAIT) as well as Wells Fargo Bank, NA and Wells Fargo Securities, LLC are designated as depositories and/or financial investment institutions for funds of the City.

- a. Depository funds of the City deposited in each bank shall be subject to withdrawal upon checks, notes, drafts, or other orders for the payment of money when signed on the City’s behalf by any two of the following City officials:

Randy Meininger OR  
Floyd J. “Jordan” Colwell AND

Cynthia Dickinson OR  
Christine Burbach

- b. All investment funds of the City held as Government Money Market Funds, Certificates of Deposit, Treasury Notes, and other authorized securities purchased by the City shall be signed by the Finance Director for the City, Elizabeth Hilyard and one of the following City officials per the City’s Investment Policy:

Nathan Johnson OR  
Cynthia Dickinson

2. Provided, the Finance Director for the City, Elizabeth Hilyard, is authorized to make ACH drafts and withdrawals for payroll, electronic claims, utility payment drafts and debt payments on behalf of the City from any of the financial institutions named in paragraph 1. of this Resolution.

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

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

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

Passed, approved and effective this 19<sup>th</sup> day of December, 2016.

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Mayor

ATTEST:

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City Clerk

Under Public Comment, Robert Kinsey commented that he appreciates the good developments taking place with assistance from LB840 funding.

Under Council Reports, Mayor Meininger reported on the Senior Center and challenges with the cold weather and their building. Council Member Shaver reported on activities at Scottsbluff High School.

City Attorney Howard Olsen announced that he will be stepping down as the lead Scottsbluff City Attorney, a position he has served since 1989. The lead City Attorney will be Kent Hadenfeldt, who is an excellent attorney at the Simmons Olsen Law Firm. Mr. Olsen said it has been a privilege to serve the City, working with five city managers during his time as City Attorney.

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

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Mayor

Attest:

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City Clerk  
"SEAL"