

City of Scottsbluff, Nebraska

Monday, August 20, 2018

Regular Meeting

Item Resolut.7

Council to discuss and consider action regarding a Resolution to place LB357 on the election ballot.

Staff Contact: Nathan Johnson, City Manager

RESOLUTION NO. 18- 1 - ____

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

a. The City currently imposes a City Sales and Use Tax in the amount of 1.5% pursuant to the Local Option Revenue Act, sections 77-27,142, *et seq.* of the Nebraska Statutes (the “Existing City Sales and Use Tax”)

b. The City is in need of additional revenue in order to provide for public infrastructure projects such as the mill and overlay of Avenue B, East and West Overland and 20th Street as well as tourism facilities such as a swimming pool, pathway or recreational facility.

c. §77-27,142 of the Nebraska Statutes allows the City Council to impose an additional one-half of one percent (1/2%) sales tax in addition to the Existing City Sales and Use Tax for the purpose of funding public infrastructure projects listed above, following an election at which a majority of the qualified electors of the City approve such additional sales and use tax;

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

1. At the November 6, 2018 general election, the following proposition in the form shown below shall be submitted to the qualified electors of the City for their approval or disapproval at the primary election:

Shall the City Council of the City of Scottsbluff, Nebraska increase the local sales and use tax rate by an additional one-half of one percent (½%) from the current rate of one and one-half percent (1½%) to a total rate of two percent (2%) and impose a sales and use tax at the increased rate upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax, subject to the terms and conditions set out below?

_____ Yes (For increasing the Sales and Use Tax)

_____ No (Against increasing the Sales and Use Tax)

Terms and Conditions: The terms and conditions of the proposition are as follows:

a. No reductions or elimination of other taxes or fees is contemplated.

b. Revenues from the increased sales and use tax are to be used for the following public infrastructure projects as are allowed pursuant to §77-27,142 of the Nebraska Statutes: mill and overlay work on Avenue B from Railway to Highway 26, East Overland and West Overland from city limit to city limit and

20th Street from city limit to city limit and a new swimming pool, and existing pathway projects including Phase 1 and Phase 2.

c. The City and the Community Redevelopment Authority of the City of Scottsbluff will enter into an Interlocal Agreement which creates the Scottsbluff Infrastructure Agency for purposes related to the listed public infrastructure projects. The Interlocal Agreement contains provisions, including benchmarks, relating to the long-term development of unified governance of the listed public infrastructure projects with respect to the parties.

d. The increased sales and use tax shall terminate no more than ten years after the effective date of the increased sales and use tax or, if bonds are issued and the local option sales and use tax revenue is pledged for payment of such bonds, upon payment of such bonds and any refunding bonds, whichever date is later.

2. Electors desiring to vote in favor of or against the proposition shall do so in the manner specified in the ballot form as provided by the Scotts Bluff County Clerk.

3. The general election shall be conducted by the Scotts Bluff County Clerk at polling places established by the County Clerk in each of the City's precincts. The polls shall be open from 7:00 a.m. through 7:00 p.m. on the day of the general election.

4. The following notice required by law shall be published in the Star-Herald, a legal newspaper of general election in the City not more than 30 days nor less than 10 days before the date of the election. The notice shall be in substantially the following form:

**City of Scottsbluff, Nebraska
Notice of Election**

Notice is given that at the general election on Tuesday, November 6, 2018, at the usual polling place in each precinct of the City of Scottsbluff, Nebraska, the ballot will include for the electors of the City for their approval or rejection, the following proposition:

[Insert text of proposition from Paragraph 1 of this Resolution in the notice]

The polls will be open from 7:00 a.m. through 7:00 p.m. on the Election Day. Absent, disabled, and confined voters' ballots may be obtained from the County Clerk as provided by law. Copies of the proposition may be obtained at the office of the Scottsbluff City Clerk at City Hall, 2525 Circle Drive, Scottsbluff, Nebraska 69361.

Dated: August ____, 2018.

/s/ City Clerk

5. The City Clerk shall cause a certified copy of this Resolution to be delivered to the Scotts Bluff County Clerk on or before September 1, 2018.

Passed and Approved on August ____, 2018.

Mayor

Attest:

City Clerk

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b. The City is in need of additional revenue in order to provide for public infrastructure projects such as the mill and overlay of Avenue B, East and West Overland and 20th Street as well as tourism facilities such as a swimming pool, pathway or recreational facility.

c. §77-27,142 of the Nebraska Statutes allows the City Council to impose an additional one-half of one percent (1/2%) sales tax in addition to the Existing City Sales and Use Tax for the purpose of funding public infrastructure projects listed above, following an election at which a majority of the qualified electors of the City approve such additional sales and use tax;

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_____ Yes (For increasing the Sales and Use Tax)

_____ No (Against increasing the Sales and Use Tax)

Terms and Conditions: The terms and conditions of the proposition are as follows:

a. No reductions or elimination of other taxes or fees is contemplated.

b. Revenues from the increased sales and use tax are to be used for public infrastructure projects as are allowed pursuant to §77-27,142 of the Nebraska Statutes to include any of the following projects, or combination thereof: public highways and bridges and municipal roads, streets, bridges and sidewalks; solid

waste management facilities; wastewater, stormwater, and water treatment works and systems, water distribution facilities and water resources projects, including but not limited to pumping stations, transmission lines, and mains and their appurtenances; hazardous waste disposal systems; resource recovery systems, airports; port facilities; buildings and capital equipment used in the operation of municipal government; convention and tourism facilities; redevelopment projects as defined in §18-2103; mass transit and other transportation systems, including parking facilities; and equipment necessary for the provision of municipal services.

c. The City and the Community Redevelopment Authority of the City of Scottsbluff will enter into an Interlocal Agreement which creates the Scottsbluff Infrastructure Agency for purposes related to the listed public infrastructure projects. The Interlocal Agreement contains provisions, including benchmarks, relating to the long-term development of unified governance of the listed public infrastructure projects with respect to the parties.

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20th Street from city limit to city limit, work on the Scottsbluff drain, stormwater and stormwater systems to include work on the storm drains from the North Platte River North past Highway 26.

c. The City and the Community Redevelopment Authority of the City of Scottsbluff will enter into an Interlocal Agreement which creates the Scottsbluff Infrastructure Agency for purposes related to the listed public infrastructure projects. The Interlocal Agreement contains provisions, including benchmarks, relating to the long-term development of unified governance of the listed public infrastructure projects with respect to the parties.

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city limit to city limit, mill and overlay work on 20th Street from city limit to city limit, and the current pathway project, Phase 1 and Phase 2.

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