

City of Scottsbluff, Nebraska

Monday, January 7, 2019

Regular Meeting

Item Consent1

Approve the minutes of the December 17, 2018 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on December 17, 2018 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 14, 2018, 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 14, 2018.

Mayor Gonzales presided and City Clerk Wright recorded the proceedings. The Pledge of Allegiance was recited. Mayor Gonzales 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 who they are representing for the record. Mayor Gonzales 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: Raymond Gonzales, Scott Shaver, Jeanne McKerrigan, Nathan Green, and Terry Schaub. Also present were City Manager Johnson and Deputy City Attorney John L. Selzer.

Mayor Gonzales asked if there were any changes to the agenda. Council Member Shaver asked that agenda item 7b be moved off of consent agenda. Council Member Shaver made the motion, seconded by Council Member Green "to move item 7b releasing the lien for special assessments set forth from Ordinance No. 3881, dated November 21, 2005 for improvements made by the City in Paving District No. 306 from the consent agenda," "YEAS," McKerrigan, Shaver, Green, and Gonzales. "NAYS," Schaub. Absent: None. The item was moved to 8b on the agenda.

Mayor Gonzales 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 McKerrigan, seconded by Mayor Gonzales that,

- a) "The minutes of the December 3, 2018 Regular Meeting be approved,"
- c) "The December 31, 2018 Regular Council Meeting be cancelled, as two regular meetings will have already been held in the month of December." "YEAS," Green, Schaub, Gonzales, and McKerrigan" "NAYS," Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Mayor Gonzales, "that the following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated December 17, 2018, as on file with the City Clerk and submitted to the City Council," "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

CLAIMS

ACTION COMMUNICATIONS INC.,EQUIP MAINT-PD,640.48; ADVANCED CUTTING SYSTEMS, INC,SIGNING MATERIAL - CLEAR TRANSFER TAPE,415.25; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4675.3; ANITA'S GREENSCAPING INC,CONT. SRVCS.,242; ASSURITY LIFE INSURANCE CO,LIFE INSURANCE,32.95; AUTOZONE STORES, INC,SUPP - CAR WAX & INTERIOR

DETAILER,27.96; B & H INVESTMENTS, INC,SUPP - WATER,268.5; BIRUTA D. WALTON,EQUIP MAINT,132.79; BLUFFS SANITARY SUPPLY INC.,DEPT SUP,949.7; BROWN CO,EQUIP MAINT,387.94; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,305.82; CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP,208.8; CELLCO PARTNERSHIP,CELL PHONES,182.98; CITIBANK, N.A.,DEPT SUP,84.58; CITY OF GERING,DISPOSAL FEES,42133.65; CLARK PRINTING LLC,SUPP - DAILY TIME SHEETS,342.6; COATS CALEB, CONTRACTUAL,15; COMPUTER CONNECTION INC,CONTRACTUAL-PD,44; CONTRACTORS MATERIALS INC.,GLOVES & GLOVE LINERS,419.39; COPIER CONNECTION,CONTRACTUAL SVC,374.5; CORE & MAIN LP,DEPT SUP,3364.65; CREDIT BUREAU OF COUNCIL BLUFFS,FEE - NOVEMBER 2018,50; CRESCENT ELECT. SUPPLY COMP INC,DEPT SUPP,19.86; CROELL INC,GROUND MAINT,900; CYNTHIA GREEN,DEPT SUPP,34.99; DUANE E. WOHLERS,DISPOSAL FEES,1600; ELLIOTT EQUIPMENT COMPANY INC.,EQUIP MTNC,4740.48; ENVIRONMENTAL ANALYSIS SOUTH, INC,CONTRACTUAL SVC,454.5; ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC,GID & DS EQPMNT MNTNC,10600; FARMERS IRRIGATION DISTRICT,2019 O & M ASSESSMENT - SOCCER FIELD,2106; FASTENAL COMPANY,EQUIP MAINT,30.43; FEDERAL EXPRESS CORPORATION,POSTAGE,161.35; FERNANDEZ ROBERTO,CONTRACTUAL,60; FLOYD'S TRUCK CENTER, INC,EQUIP MTNC,15.24; FREMONT MOTOR SCOTTSBLUFF, LLC,EQUIP MTNC,381.97; GALLS INC,UNIFORMS-PD,158.8; GENERAL ELECTRIC CAPITALCORPORATION,SUPPLIES,25.04;GRAYTELEVISION GROUP INC,CONTRACTUAL SVC,1390; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,742.63; HEARTLAND EXPRESSWAY ASSOCIATION,2019 MEMBERSHIP - HEARTLAND EXPRESSWAY ASSN.,5377.32; HOBBS, CHAD,TUITION REIMBURSEMENT,600; HULLINGER GLASS & LOCKS INC.,BLDG MAINT,73.25; HYDROTEX PARTNERS, LTD,OIL & ANTIFREEZE,3489.58; IDEAL LAUNDRY AND CLEANERS, INC.,UNIFORMS-PD,834.88; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT,907.83; INGRAM LIBRARYSERVICESINC,BKS.,922.76;INTERNALREVENUESERVICE,WITHHOLDINGS,5862 3.42; INTERNATIONAL PUBLIC MANAGEMENT ASSOCIATION-HR,TESTING MATERIALS - POLICE,201; INTRALINKS, INC,CONTRACT SERVICES - NOVEMBER 2019,2322.47; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,17.95; J G ELLIOTT CO.INC.,BOND RENEWAL - C.BURBACH,875; KANZLER MIKE,UNIFORMS & CLOTHING,150; KNOW HOW LLC,SUPP - POWER LUBER & WHEEL CHARGER,1881.08; KOLB T NATHAN,CONTRACTUAL,75; LAWSON PRODUCTS, INC,DEPT SUPPLIES,100.47;LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; LITZELMAN KALE,CONTRACTUAL,15; LOFINK BRADEN,CONTRACTUAL,75; M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS,1270; MADISON NATIONAL LIFE,LIFE INSURANCE,1839.79; MALTOS-GARCIA ARNOLDO,CONTRACTUAL,75; MATHESON TRI-GAS INC,DEPT SUPP,332.86; MENARDS, INC,DEPT SUPP PK,1181.73; MICHAELBKEMBEL,REPAIRDOOROPERATORFORTOWERBAY,98.35;MIDLANDFUNDIN GLLC,WAGEATTACHMENT,363.44;MIDLANDSNEWSPAPERS,INC,LEGALPUBLISHING,66 6.57; MONUMENT PREVENTION COALITION, CONTRACTUAL- PD, 1879.88; MULLEN MITCH,CONTRACTUAL,60; MUNIMETRIX SYSTEMS CORP,IMAGESILO - NOVEMBER 2018,39.99; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1350.55; NEBRASKA MACHINERY CO,EQUIP MTNC,302.79; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,38653.9; NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL SVC,225; NEBRASKA SALT AND GRAIN CO,2 LOADS ICE SLICER,7718.82;

NEBRASKALAND TIRE, INC,EQUIP MTNC,140.62; NEOPOST,POSTAGE,1000; NETWORKFLEET, INC,GPS FOR VEHICLES,180.1; NEWMAN, TIMOTHY,EXPENSES - NACO CONF. DEC 12-14, 2018,105; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,669.39; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,364.49; OLSON JOSEPH,CONTRACTUAL,45;ONE CALL CONCEPTS, INC,CONTRACTUAL,77.19; PANHANDLE CLERK'S ASSOC,DUES 2018 & 2019,80; PANHANDLE COLLECTIONS INC,WAGE ATTACHMENT,194.92; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL,28044.63; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,140; PELCO CORP,DEPT SUPP,420; PH&S PRODUCTS LLC,INVEST SUPPL-PD,98; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,14805.6; PLATTE VALLEY BANK,ECON. DEV. ASSISTANCE AGREEMENT,117723.71; POSTMASTER,P,630.21; PRO OVERHEAD DOOR,BLDG MAINT,967; QUILL CORPORATION,DEPT SUPPL-PD,213.66; RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,868.79; REG OKLAHOMA ACQUISITIONS,DEP. SUP.,38.07; REGANIS AUTO CENTER, INC,EQUIP MTNC,2591.97; REGIONAL CARE INC,CLAIMS,540275.41; REGISTER OF DEEDS,LEGAL,30; ROD CLAUSE,ECONOMIC DEV,1693.6; S M E C,EMPLOYEE DEDUCTION,160; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCHROEDER MICHAEL,CONTRACTUAL,75; SCOTTIES POTTIES INC,CONTRACTUAL,675; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,187; SCOTTSBLUFF MOTOR CO, INC,VEH MAINT-PD,69.25; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,576; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,NAME PLATES & PLAQUE - COUNCIL,64; SCOTTSBLUFF WINSUPPLYCOMPANY,GROUNDMAINT,1001.09;SIMMONSJACOB,CONTRACTUAL,45;SI MONCONTRACTORS,DE-CER,68.45;SIRSI CORPORATION,EQUIPMAIN.,12511.67; SONNY'S TOWING,TOW SERVICE-PD,763; SUPERIOR SIGNALS, INC,EQUIP MTNC,404.55; THE CHICAGO LUMBER COMPANY OF OMAHA INC,DEPT SUPPLIES,32.67; THOMPSON GLASS, INC,VEH MAINT,209.12; TWIN CITY AUTO, INC,CUTTING EDGES FOR SNOW PLOWS,1065.99; UNION BANK & TRUST,RETIREMENT,36760.11; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS.,187.95; UNITED STATES WELDING,WELD. SUPP - OXYGEN, ACET,360.2; WEITZEL JOHN,SCHOOLS & CONF-PD,600; WESTERN COOPERATIVE COMPANY,EQUIP MAINT,196.2; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM DOT & PRE-EMPL.SCREENINGS NOVEMBER 2018,97.5; WESTERN PLAINS BUSINESS FORMS INC,DEPT SUPPLIES,705; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,290; WHITING SIGNS,DEPT SUPPLIES,900; WOODS & AITKEN LLP,CIR CASE 1464-IBEW 1597,10821.49; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; WYOMING WATER DEVELOPMENT OFF,PAWS FEASIBILITY STUDY,2337; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,1699; ZM LUMBER INC,BLDG MAINT,34.45; REFUNDS: JUSTIN R SHADDICK, 56.24; JUDY K PEDERSEN, 39.80; FERGUSON REAL ESTATE, 2.55; JENNIE BREHM, 11.31

At the request of Council Member Shaver, moving consent item 7b, due to questioning what it entails, City Manager Johnson explained the City has received the entire payment for the paving district created in 2005 and since the City has been paid for the improvements is requesting the release of lien. Council Member Green made the motion, seconded by Council Member Shaver, "to approve the release of lien for special assessments set forth from Ordinance No. 3881, dated

November 21, 2005 for improvements made by the City in Paving District No. 306,” “YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: None.

Regarding the October financial report, Mr. Johnson reported this is the first month of the fiscal year; highlighting payments paid, including - LARM insurance premium; annual payment to Scotts Bluff County Communication Center; Keno items of Balloon Fest and playground equipment; and 42nd Street related items. He also mentioned sales tax numbers for the reporting month of December compared to this time last year are down \$373.00 or -.08%; YTD down \$25,209.00.

Mayor Gonzales opened the public hearing at 6:06 p.m. to consider a Redevelopment Plan by PIVO, Inc. for the HPB Expansion Project. Deputy City Attorney Selzer presented and explained to Council the plan is to expand the current High Plains Budweiser building which is located at 2810 Ave M. Tax Increment Financing is to be used for demolition, site preparation, and civil engineering; also to move a current storm drain, which is under the property, to a different location. The area of town is zoned C-3 heavy commercial and falls into the conformity of the comprehensive plan. This project will increase the valuation of the property 850,000.00 with the tax increment being around \$18,400.00 per year. The Cost Benefit Analysis supports this project as the business currently employs twenty people, with that increasing as the project moves forward and there are no negative impacts on other employers in the area or Scottsbluff Public Schools.

Mr. Jeff Scheinost, President of High Plains Budweiser, approached Council and explained the storm drain did not show up on any deeds or easements and was located by accident when looking in a manhole. They would like to move forward with the project and because of the storm drain replacement and expansion of the facility, need tax increment financing to do so. He stated with the expansion, they plan on implementing three truck docks for adding a non-alcoholic product to their inventory.

There were no more comments from the public. Mayor Gonzales closed the public hearing at 6:17 p.m.

Mayor Gonzales opened the public hearing at 6:18 p.m. to consider a Redevelopment Plan by Auto Spa, LLC, for the Auto Spa Project. Deputy City Attorney Selzer presented and explained to Council the proposal is to build a car wash, which is landlocked by City property, on the SW corner of Ave I and 27th Street. Tax Increment Financing is to be used for sewer and water infrastructure and access to the lot from 27th Street. The area is zoned as M-1 light manufacturing industrial, allowing for a coin automated car wash and falling into the conformity of the comprehensive plan. The Cost Benefit Analysis supports this project as it is estimated to increase the tax value of the lot by \$240,000.00, which will result in tax revenues of about \$5,160.00 annually. There are no negative impacts to other employers or to the school district.

Mr. Casey York, owner of Auto Spa, explained to Council that it is not financially feasible to do this project without Tax Increment Financing and acknowledges the site faces issues regarding access to the property and sewer. Council Member Shaver questioned why Mr. York doesn't buy the City property so he could have more space and then it could also be taxable. Mr. Mark Bohl, Public Works Director, commented if that would be a possibility, the City would like to keep at least 30 feet because there is a controller at the base of the property and the City would possibly like to implement a turn lane off 27th Street and Ave I for trucks at some point. Legal Counsel Selzer reiterated that Council needs to address the tax increment financing portion only at this time and can revisit the property discussion later. There were no more comments from the public. Mayor Gonzales closed the public hearing at 6:36 p.m.

Ms. Michele Denton, Executive Director of the West Nebraska Arts Center, was present to request three special designated liquor licenses for special arts-related events happening at the Center. Police Chief Kevin Spencer added the police have never been called to an event and because of this has no problem with the request. Council Member Shaver asked if the alcohol would be contained within the Center; Ms. Denton stated it would. Council Member Schaub made the motion, seconded by Council Member Shaver, “to approve the issuance of special arts-related event wine

permits for the West Nebraska Arts Center, 106 East 18th Street and special designated liquor licenses for three events on January 19, 2019; January 31, 2019; and May 30, 2019,” “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

Council Member Shaver made the motion, seconded by Council Member Schaub “ to approve Resolution No. 18-12-02 regarding the Redevelopment Plan by PIVO, Inc., for the HPB Expansion Project,” “YEAS,” McKerrigan, Shaver, Green, Schaub, and Gonzales. “NAYS,” None. Absent: None.

RESOLUTION NO. 18-12-02

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

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the "Act"), a redevelopment plan for the *HPB Expansion*, submitted by Pivo, Inc. (the "Redevelopment Plan") has been submitted to the Scottsbluff Community Redevelopment Authority ("CRA"). The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Redevelopment Plan includes the use of tax increment financing.

b. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the 2016 Scottsbluff Comprehensive Plan (the "Comprehensive Plan"). The Planning Commission recommended approval of the Redevelopment Plan to the CRA and City Council.

c. The Redevelopment Plan has been reviewed by the CRA, which found that the Redevelopment Plan conforms to the Comprehensive Plan, that the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the CRA, are in the long term best interests of the community.

d. The CRA recommended approval of the Redevelopment Plan to the City Council.

e. On December 17, 2018, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.

f. The City Council has reviewed and conducted a cost-benefit analysis of the Redevelopment Plan and makes the findings and recommendations as documented in writing in this Resolution.

Resolved:

1. The Redevelopment Plan is determined to be feasible and in conformity with the Comprehensive Plan and with the legislative declarations and determinations set forth in the Act.

2. The project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long-term best interests of the community.

3. The City Council approves the Redevelopment Plan.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Redevelopment Plan, the City Council provides that any ad valorem tax on the Project Site as set forth in the Redevelopment Plan, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in § 18-2147, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the CRA. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies;

(b) That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the CRA to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the CRA for financing or refinancing, in whole or in part, the project set forth in the Redevelopment Plan. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due have been paid, the CRA shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in the redevelopment project shall be paid into the funds of the respective public bodies; and

(c) Any interest and penalties due for delinquent taxes shall be paid in the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

6. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on December 17, 2018

Mayor

ATTEST:

City Clerk (Seal)

Council Member Shaver, seconded by Council Member McKerrigan made the motion “to approve Resolution No. 18-12-03 regarding the Redevelopment Plan by Auto Spa, LLC, for the Auto Spa Project,” “YEAS,” Green, Schaub, Shaver, Gonzales, and McKerrigan. “NAYS,” None. Absent: None.

RESOLUTION NO. 18-12-03

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

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the "Act"), a redevelopment plan for the *Auto Spa Development*, submitted by *Auto Spa, LLC* (the "Redevelopment Plan") has been submitted to the Scottsbluff Community Redevelopment Authority ("CRA"). The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Redevelopment Plan includes the use of tax increment financing.

b. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the 2016 Scottsbluff Comprehensive Plan (the "Comprehensive Plan"). The Planning Commission recommended approval of the Redevelopment Plan to the CRA and City Council.

c. The Redevelopment Plan has been reviewed by the CRA, which found that the Redevelopment Plan conforms to the Comprehensive Plan, that the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the CRA, are in the long term best interests of the community.

d. The CRA recommended approval of the Redevelopment Plan to the City Council.

e. On December 17, 2018, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.

f. The City Council has reviewed and conducted a cost-benefit analysis of the Redevelopment Plan and makes the findings and recommendations as documented in writing in this Resolution.

Resolved:

1. The Redevelopment Plan is determined to be feasible and in conformity with the Comprehensive Plan and with the legislative declarations and determinations set forth in the Act.

2. The project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long-term best interests of the community.

3. The City Council approves the Redevelopment Plan.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Redevelopment Plan, the City Council provides that any ad valorem tax on the Project Site as set forth in the Redevelopment Plan, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in § 18-2147, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the CRA. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies;

(b) That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the CRA to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the CRA for financing or refinancing, in whole or in part, the project set forth in the Redevelopment Plan. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due have been paid, the CRA shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in the redevelopment project shall be paid into the funds of the respective public bodies; and

(c) Any interest and penalties due for delinquent taxes shall be paid in the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

6. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on December 17, 2018

Mayor

ATTEST:

City Clerk (Seal)

Council introduced the Ordinance No. 4240 requesting annexation from property owners Western Sugar Company and Eric and Brandy Reichert and was read by title on third reading: **AN ORDINANCE**

OF THE CITY OF SCOTTSBLUFF, NEBRASKA, ANNEXING TRACTS OF LAND KNOWN AS LOT 1, BLOCK 1, WESTERN ADDITION AND TRACTS OF LAND SITUATED IN THE W1/2 SW1/4 OF SECTION 19, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., ALL IN SCOTTS BLUFF COUNTY, NEBRASKA, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM. There were no comments from the public regarding this Ordinance. Council Member Shaver made the motion, seconded by Council Member Green “to adopt Ordinance No. 4240 requesting the annexation from property owners Western Sugar Company and Eric and Brandy Reichert,” “YEAS,” Shaver, Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: None.

Council introduced Ordinance No. 4241 including definitions for Micro Distilleries and Distilleries and including such as a special permitted and permitted use in certain zoning districts within the City and was read by title on second reading: **AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING ARTICLE 2, CHAPTER 25 OF THE MUNICIPAL CODE TO INCLUDE DEFINITIONS FOR A MICRO DISTILLERY AND DISTILLERY, CORRECTING A TYPOGRAPHIC ERROR IN SECTION 25-2-13.2, AND AMENDING ARTICLE 3 OF CHAPTER 25 BY INCLUDING SUCH A MICRO DISTILLERY AND DISTILLERY AS A SPECIAL PERMITTED AND A PERMITTED USE IN CERTAIN ZONING DISTRICTS WITHIN THE CITY, REPEALING ALL PRIOR ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Moved by Council Member Schaub, seconded by Council Member McKerrigan, “that the statutory rule requiring the Ordinance be read by title on three different days be suspended,” “YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver . NAYS,” None. Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Council Member Schaub, seconded by Council Member Shaver, “that Ordinance No. 4241 be adopted,” “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub . “NAYS,” None. Absent: None.

Council introduced the Ordinance regarding a Zone Change for parcel Lot 1, Block 1, Northern Heights by Foos from an R-1A Single Family to Office & Professional (O&P) and was read by title on second reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT LOT 1, BLOCK 1, NORTHERN HEIGHTS BY FOOS, SCOTTS BLUFF COUNTY, NEBRASKA, CURRENTLY ZONED AS R-1A SINGLE FAMILY, WILL NOW BE INCLUDED IN O & P OFFICE AND PROFESSIONAL, AND REPEALING PRIOR SECTION 25-1-4.**

Mr. Leon Ross, resident, approached Council regarding traffic control in this area. He thinks the bank, when built, will be good for the community as far as employment and taxes, however he is concerned about traffic and how to exit the property due to an island on Avenue B. He feels the City should put a stop light at Avenue B and 35th Street to help with the influx of traffic due to the bank being built; asking that parking not be taken away from 35th Street.

Mr. Mike Bostock, resident, asked to have studies done and to have the State involved before this could potentially turn into a disaster due to the amount of traffic in the area.

Mr. Jack Baker of Baker and Associates expressed that the site plan design for the bank has not started yet and agrees that all the questions are valid. He stressed that Council is just working on the rezone at this point.

Council Member Schaub made a motion “that the statutory rule requiring the Ordinance be read by title on three different days be suspended,” The motion died for lack of a second.

Mr. Johnson explained that due to leadership positions being changed at the last Council meeting the bank needs an updated Resolution to add Raymond Gonzales and Jeanne McKerrigan to the bank signature card authorization. Council Member Schaub made the motion, seconded by Council Member

Green “to approve Resolution No. 18-12-04 updating the bank signature authorization,” “YEAS,” Green, Schaub, Shaver, Gonzales, and McKerrigan. “NAYS,” None. Absent: None.

RESOLUTION NO. 18-12-04

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 and Pinnacle Bank, all with local branches in Scotts Bluff County, Nebraska and the Nebraska Public Agency Investment Trust (NPAIT) as well as Moreton Capital Markets, 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:

Raymond Gonzales OR
Jeanne McKerrigan AND

Kimberley Wright 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 Kimberley Wright

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 Resolution 18-5-01 and 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 17th day of December, 2018.

Mayor

ATTEST:

City Clerk

Mr. Johnson directed Council to the maintenance agreement regarding Highway 26 and the State of Nebraska Department of Transportation. The amount of the agreement is \$32,970.00, an increase from last year which was around \$26,000.00. Council Member Shaver put into motion, seconded by Council Member Schaub "to approve the Maintenance Agreement No. 22 renewal between the City of Scottsbluff and the Nebraska Department of Transportation," "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

Regarding the Right of Way and License Agreement with Auto Spa, LLC, Mr. Johnson stated this gives Auto Spa the ability to bore under Avenue I to further the project. Council Member Shaver questioned if the City would have any expense; Mr. Johnson stated no. Council Member Shaver, seconded by Council Member Schaub made the motion "to approve a Right of Way and License Agreement with Auto Spa, LLC for the placement and maintenance of a sewer service line, clean outs and water service line and authorize the Mayor to execute the Agreement," "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

Mr. Johnson explained the reason of conducting a goal setting/strategy session is to devise and formulate policy decisions to compile the upcoming budget, by aligning Council and staff goals. After discussion it was decided to set the goal setting/strategy session for January 7, 2019 at 4:30 p.m. before the regular Council meeting.

City Manager Johnson presented the lease for a new car for use by the WING investigator, to replace the existing lease. This lease is paid with funds from the HIDTA grant; the City pays for gasoline

and insurance. Moved by Council Member Shaver, seconded by Mayor Gonzales, “to approve a three-year lease agreement for the HIDTA investigator vehicle in the amount of \$340.00 per month and authorize the City Manager to execute the agreement,” “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

Under Council Reports, Council Member Shaver requested information for the trash bids. Council Member Green stated the Zoo meeting was also tonight and he was unable to attend. Council Member McKerrigan attended the Senior Center and Tri City Active Meetings and Council Member Schaub attended the East Overland Steering Committee meeting. Mayor Gonzales asked about the Scottsbluff Youth Council and if there is any progress. City Manager Johnson stated not at this time, but it will be on the next agenda.

Council Member Schaub made the motion, seconded by Council Member McKerrigan “to adjourn the meeting at 7:16 p.m.,” “YEAS,” McKerrigan, Green, Schaub, and Gonzales. “NAYS,” Shaver. Absent: None.

Mayor

City Clerk

“SEAL”