

City of Scottsbluff, Nebraska

Monday, April 15, 2019

Regular Meeting

Item Consent1

Approve the minutes of the April 1, 2019 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on April 1, 2019 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 March 29, 2019, 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 March 29, 2019.

Mayor Gonzales presided and City Clerk Wright recorded the proceedings. The meeting was called to order and 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 City Attorney Kent Hadenfeldt. Absent: None.

Mayor Gonzales asked if there were any changes to the agenda. Council Member Shaver asked that item 14-Public Comments be moved to item 9b, due to a representative from youth council being present, allowing them to not have to wait until the end of the meeting to speak. Council Member Shaver made the motion, seconded by Council Member Green "to move item 14-Public Comments, to item 9b on the agenda," "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

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.

Council Member McKerrigan declared a conflict of interest with item 7b on the consent calendar; she can sign as the secretary and is an employee of Aulick's Corporation. Moved by Mayor Gonzales, seconded by Council Member Schaub, "to accept Council Member McKerrigan's conflict of interest with item 7b on the consent calendar of setting a Public Hearing for April 15, 2019 at 6:00 p.m. for the Redevelopment Plan by HVS, LLP and Original Equipment Co. dba Aulick Industries and excuse her from voting." "YEAS," Green, Schaub, Shaver, and Gonzales. Abstain: McKerrigan. "NAYS," None. Absent: None.

Moved by Council Member Schaub, seconded by Mayor Gonzales that,

- a) "The minutes of the March 18, 2019 Regular Meeting be approved,"
- b) "A Public Hearing be set for April 15, 2019 at 6:00 p.m. for the Redevelopment Plan by HVS, LLP and Original Equipment Co. dba Aulick Industries."
- c) "The appointment of William Knapper to the Community Redevelopment Authority Board for a five year term be approved."
- d) "A Public Hearing be set for April 15, 2019 at 6:15 p.m. to consider a Catering Endorsement to a Class Z Liquor License held by Great Plains Distillery, 213 W. Railway Street, Scottsbluff, NE." "YEAS," Gonzales, Schaub, and Green." "NAYS," Shaver. Abstain: McKerrigan. Absent: None.

Moved by Council Member Schaub, seconded by Council Member McKerrigan, “that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated April 1, 2019, as on file with the City Clerk and submitted to the City Council,” “YEAS”, Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: None.

CLAIMS

911 CUSTOM, LLC,CIP-PO-UNMARKED CAR,750; AC ELECTRIC MOTOR SERVICE,CENTRAL GARAGE- REPAIRS TO OIL PUMP,199.59; ADVANCE AUTO PARTS,POLICE #6- BRAKE PADS AND ROTORS,743.58; AMAZON.COM HEADQUARTERS,MISC.,877.23; AULICK LEASING CORP,GROUND MAINT PARK,1055.2; AUTOZONE STORES, INC,DIESEL EXHAUST FLUID,82.36; B & H INVESTMENTS, INC,DEP. SUP. - LIBRARY,40.5; BLACK HILLS GAS DISTRIBUTION LLC,REIMBURSEMENT - FRANCHISE PAYMENT,141715.7; BLUFFS SANITARY SUPPLY INC.,SUPP - WINDOW CLEANER,279.58; BPS TACTICAL INC,EQUIP MAINT-PD,483; CELLCO PARTNERSHIP,CELL PHONES-PD,1434.11; CHRIS BURBACH,CLERK INSTITUTE/ACADEMY - EXPENSE,434.36; CITIBANK N.A.,DEPT SUPPL-PD,937.35; CITIBANK, N.A.,SUPPLIES FOR ROOF PROP,309.56; CITY OF SCB,PETTY CASH,32.39; CLARK PRINTING LLC,DEPT SUPPL-PD,958.56; CLARKE MOSQUITO CONTROL PRODUCTS INC,CABLE FOR MOSQUITO FOGGER,114.7; CODY ENLOW,SCHOOLS & CONF-PD,95; COLE TOOL DISTRIBUTORSLLC,CENTRAL GARAGE- RADIATOR GENIE,34.95; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,173.55; CONTRACTORS MATERIALS INC.,DEPT SUPP CEM,215.11; COZY, INC,CIP-PO-HUMANE VEHICLE,350; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,194.92; CYNTHIA GREEN,DEPT SUPP,330.98; DALE'S TIRE & RETREADING, INC.,TIRES FOR UNIT #825,1814.04; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,117.31; DIVE RESCUE, INC,APEKS 3 GAUGE CONSOLE DIVE EQUIPMENT,1260; DOOLEY OIL INC,ES & CENTRAL GARAGE- OIL,73.31; ENERGYLABORATORIES,INC,SAMPLES,135;FAIRFIELDINN&SUITESSCOTTSBLUFF,LODGING FOR NEMA INSTRUCTORS,376; FASTENAL COMPANY,SUPP - BOLTS,12.17; FEDERAL EXPRESS CORPORATION,POSTAGE,137.18; FLIAM, TYLER,GASOLINE-PD,15; FREMONT MOTOR SCOTTSBLUFF, LLC,POLICE #4- RADIATOR,380.16; GENERAL ELECTRIC CAPITAL CORPORATION,MISC.,305.63; HAWKINS, INC.,CHEMICALS,2237.65; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE- HY-TORQUE,2604.13; IDEAL LAUNDRY AND CLEANERS, INC.,MOPS, RUGS, AND SHOP TOWELS,406.94; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT PARK,427.04; INGRAM LIBRARY SERVICES INC,BKS.,795.47; INLAND TRUCK PARTS & SERVICE,TRANS #442- WIPER LINKAGE,131.55; INTERNAL REVENUE SERVICE,WITHHOLDINGS,57809.9; INTRALINKS, INC,DELL OPTIPLEX 5050,1029.34; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,17.95; JOHN DEERE FINANCIAL,PARTS FOR ONE TON PICKUP,425.96; JOHN DEERE FINANCIAL,EQUIP MAINT PARK,291.36; KEARNEY HOSPITALITY INC,CLERK INSTITUTE & ACADEMY - C.BURBACH,799.6; KNOW HOW LLC,EQUIP MAINT CEM,1145.22; LAWSON PRODUCTS, INC,CENTRAL GARAGE- SHOP SUPPLIES,278.95; LEAGUE ASSOCIATION OF RISK MANAGEMENT,ENDORSEMENT #8 -

P.WORKS (2019 CHEV PICKUP),392.58; M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS,2130; MAILFINANCE INC,MAINT. POSTAGE MACHINE,148.76; MENARDS, INC,BUILDING MAINT,597.44; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1350.55; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,75.52; NE DEPT OF REVENUE,TAXES,21922.79; NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,BACKFLOW PREVENT DEVICE INSPECTION,330; NEBRASKA MACHINERY CO,COUNTER WEIGHTS FOR UNIT #831,2275.94; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,23231.42; NEBRASKA SALT AND GRAIN CO,2 LOADS ICE SLICER,8412.66; OREGON TRAIL PLUMBING, HEATING & COOLING INC,CHECK TUBE HEAT IN MORTON,115; PANHANDLE EMS EDUCATION INC.,EMS INSTRUCTOR CLASS- MEIER,300; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,253; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5174.59; PLATTE RIVER GLASS RODNEY L FLOTH,WINDSHIELD REPAIR ON UNIT #831,72.5; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10139.26; PLATTE VALLEY BANK,EDA PAYMENT,44018.14; POSTMASTER,POSTAGE,247.4; POWERPLAN,CUTTING EDGESFORGRADERS/PLOWS,971.7;PROTEXCENTRAL,INC.,DETECTORREPLACEMENT,186.6 7; PUBLIC AGENCY TRAINING COUNCIL,SCHOOLS & CONF-PD,325; REGIONAL CARE INC,HEALTH INS. PREMIUM - APRIL 2019,52557.71; RIVERSIDE ZOOLOGICAL FOUNDATION,CONTRACTUAL,87500; ROBERTA J BOYD,REIM.,18.1; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,1766.17; RURAL HEALTH DEVELOPMENT, INC.,ECONOMIC DEV,6383.33; S M E C,EMPL DEDUCTION,156.5; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCHOLASTIC LIBRARY PUBLISHING,BKS.,686.37; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,153; SCOTTSBLUFF BODY & PAINT,VEH MAINT PD,5404.06; SCOTTSBLUFF MOTOR CO, INC,NEW CHEVROLET 4 X 4 CREW CAB PICKUP,28790; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,576; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,SPECIAL EVENT,46; SHERIFF'S OFFICE,LEGAL FEES-PD,55.98; SHERWIN WILLIAMS,PARTS FOR PAINT SPRAYER,298.91; SIMON CONTRACTORS,SAND FOR ICE SLICER,230.3; SNELL SERVICES INC.,ELECTRICAL MAINT,360; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95; SOUTHEAST LIBRARY SYSTEM,PRGRM.,250; STATE HEALTH LAB,SAMPLES,168; TEXAS PNEUDRAULIC INC,ES #812- CYLINDERS,879.9; TWIN CITY AUTO, INC,CUTTING EDGES FOR SNOW PLOWS,1133.82; TYLER TECHNOLOGIES, INC,UB ONLINE - FEES,348; UNION BANK & TRUST,RETIREMENT,37051.58; UNITED STATES WELDING,TANK RENTALS,20.36; US BANK,SCHOOLS & CONF-PD,2701.55; WEBBER TYLER,SCHOOLS & CONF-PD,178; WRIGHT, KIMBERLEY,CLERK INSTITUTE/ACADEMY EXPENSE,96.01; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,103.59; REFUNDS; JUSTIN D FOCKEN, 25.70; VICTOR CHAVEZ, 16.66; KADEE CUTLER, 12.53; BENJAMIN PAEZ, 82.85; BRANDT RENTALS MARTIN BRANDT, 2.88; THORN & ROSES, LLC, 18.98

Mayor Gonzales opened the Public Hearing at 6:05 p.m. to consider a Redevelopment Plan by 26 Group, LLC for the Fuel Station and Convenience Store Project. Legal Counsel Hadenfeldt started, by stating for the record, the legal firm of Simmons Olsen Law Office has represented Mr. and Mrs. Reichert through the new construction process, but due to the Tax Increment Financing (TIF) project the firm

would be representing the City, drafting the paperwork; stating Mr. and Mrs. Reichert were free to get their own counsel. Mr. Hadenfeldt then informed members of Council the three elements of standards of review for TIF matters; the first being the Comprehensive Plan. He stated the area does conform to the plan because the corridor on Highway 26 needs to be developed and it has been previously blighted. The second, the "But For" Test includes a letter in the packet from the Redeveloper's lender stating that TIF is essential to the Redeveloper's financing. The third, Cost-Benefit Analysis, states other taxing authorities have been notified and to this point have not made any objections. Also, there is no cost to the City or other taxing authorities as the property is still taxed, paid by the Redeveloper.

Mr. Eric Reichert, Registered Agent of 26 Group LLC, approached Council explaining the project is for a fuel station on the corner of Hwy 26 and East Overland. Council Member Shaver asked how big the area is with Mr. Reichert stating it is five acres and he intends to use all of the land.

During discussion Council Member Green asked if the entire infrastructure was in place, with Mr. Reichert stating there will be a service line included in the cost. Mr. Mark Bohl, Public Works Director, commented everything Mr. Reichert intends to do is what the City requires and he has no objections. Council Member Shaver asked if the green space capacity was covered; Mr. Reichert stated yes, he has taken that into account.

There were no more comments from the public. Mayor Gonzales closed the Public Hearing at 6:09 p.m.

Under Public Comments, Ms. Halle Shaddick from Scottsbluff Public Schools gave a report on different school activities, giving updates for HOSA and DECA competitions, recognizing national qualifiers in both clubs. She also stated Student Senate produced an informational video on vaping that was shown to the students last week.

Regarding the Manager Application for the Liquor License of Big Bat's, Mr. Kevin Kelso gave the Council background on his qualifications. He stated he has been with Big Bat's for twenty years, starting at the bottom working his way up to become the Director of Operations for the company.

Mayor Gonzales asked what mechanisms they have in place to check ID's and manage employees. Mr. Kelso stated they have registers that require scanning the ID or manually putting in birthdates for alcohol purchases. He stated only two employees currently have taken alcohol training, but he will make it a priority that all employees take the training.

Legal Counsel Hadenfeldt asked if Mr. Kelso has a certificate of alcohol training from the Nebraska State Patrol, with Mr. Kelso stating he has in the past and will probably need to update his certificate. Police Chief Spencer was asked if he wanted to comment and he stated he has no concerns or issues with this application.

Council Member Green asked if Mr. Kelso comes to Scottsbluff every day since he is from Chadron, with Mr. Kelso stating he is in Scottsbluff at least two times a week. Mr. Hadenfeldt explained it is becoming more common for large corporations to designate a manager that does not live here, but the corporations make sure there are safeguards and procedures in place. After discussion, Council Member Schaub made a motion, seconded by Council Member Shaver, "to approve a recommendation to the Nebraska Liquor Control Commission regarding the appointment of Kevin Kelso as the manager of Big Bat's LLC dba Big Bat's," "YEAS," Gonzales, Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: None.

Mr. Doug Ferreyra, Store Manager with Scottsbluff Walmart 867 approached Council concerning the Liquor License Manager Application for Nathan Maerk. Mr. Ferreyra explained Mr. Maerk, the Market Manager, is out of Omaha and would be the license holder, but he would be the responsible person for this particular store.

Mayor Gonzales asked what the store's protocol is concerning alcohol. Mr. Ferreyra stated they have a policy where they ID anyone under the age of 40 and they have register prompts that won't allow the sale to move forward until an ID has been verified. They have computer based learning for every associate that will potentially run a register requiring a score of 100%. If an employee sells alcohol to a minor they are terminated

Legal Counsel Hadenfeldt asked about other safety protocol regarding inventory. Mr. Ferreyra stated they have a department manager to serve that particular area, with an assistant manager over him; the alcohol has its own space in the backroom under surveillance at all times. Mr. Ferreyra stated he has had alcohol training with the Nebraska State Patrol, but is uncertain how many employees of the store have taken the training.

Council Member Shaver stated concern that we don't have anyone locally controlling the liquor. Mr. Hadenfeldt explained this isn't about controlling the liquor; it is about having a manager the Liquor Control Commission will contact if there is a license issue or some kind of violation.

Council Member Schaub made the motion, seconded by Council Member Green, "to approve a recommendation to the Nebraska Liquor License Commission regarding the appointment of Nathan Maerk as the Manager of Walmart, Inc. dba Walmart 867," "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Council Member Schaub declared a conflict of interest with the agenda item of making a recommendation to the Nebraska Liquor License Commission regarding the appointment of Amanda Schaub as the manager of the Benevolent Protective Order of the Elks, dba B.P.O.E. Lodge 1367 due to being the spouse of the applicant and also holding the Office of Treasurer for the organization. Council Member Shaver made the motion, seconded by Mayor Gonzales to "accept Council Member Schaub's conflict of interest of being the spouse of the applicant and also holding the Office of Treasurer for the organization, removing himself from voting, for making a recommendation to the Nebraska Liquor Control Commission regarding the appointment of Amanda Schaub as the manager of the Benevolent Protective order of the Elks, dba B.P.O.E. Lodge 1367," "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Mrs. Amanda Schaub was present to answer questions regarding the liquor license manager application for the Benevolent Protective order of the Elks, dba B.P.O.E. Lodge 1367. Mrs. Schaub explained one of the main reasons she agreed to take on this volunteer position was to help the Elks continue the scholarship program for area students. She added she has taken the Etips training from the Nebraska State Patrol and will encourage all her volunteer staff to do as well, either in class or online. She explained they will have protocol in place to check ID's at the door and will attach wristbands to those over 21. She included the bar has closing and locking doors, aside from other parts of the building, to keep underage drinkers away, stating they have a good security system with everything under video surveillance including the bar area, storeroom and coolers.

Legal Counsel Hadenfeldt asked if Mrs. Schaub would be ordering the alcohol and be in control of the inventory, with Mrs Schaub stating yes.

Police Chief Spencer was asked to comment by Mayor Gonzales. He stated he has no concerns,

they have a robust video system in place and Mrs. Schaub is committed to being successful.

Council Member Green made the motion, seconded by Council Member Shaver, “to approve a recommendation to the Nebraska Liquor License Commission regarding the appointment of Amanda Schaub as the manager of Benevolent Protective Order of Elks, dba B.P.O.E. Lodge 1367,” “YEAS,” Shaver, Gonzales, McKerrigan, and Green.” “Nays,” None. Abstain: Schaub. Absent: None.

City Manager Johnson presented the bids for the wide area rotary mower for the Parks Department. The following two bids were received: 21st Century Equipment (John Deere) for \$51,500.00 and LL Johnson Distributing (Toro) for \$66,846.00. Staff recommends the bid from 21st Century Equipment which is under the CIP budgeted amount of \$65,000.00 in the Capital Projects fund. Council Member Schaub made the motion, seconded by Mayor Gonzales, “to approve the bid from 21st Century Equipment, LLC for a wide area mower in the amount of \$51,500.00,” YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: None.

Council Member Schaub made the motion, seconded by Mayor Gonzales, “to adopt Resolution 19-04-01 regarding the Redevelopment Plan by 26 Group, LLC for the Fuel Station and Convenience Store Project and authorize the Mayor and City Clerk to sign the Resolution,” “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None

RESOLUTION NO. 19-04-01

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 *Fuel Station and Convenience Store* project submitted by 26 Group, 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 April 1, 2019, 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 April 1, 2019

Mayor

ATTEST:

City Clerk (Seal)

Mr. Mark Bohl, Public Works Director, presented the Preliminary Plans, Specifications, and Estimates (PS&E) for the Scottsbluff Monument Valley Pathway North Project, stating we are still estimating the August letting for the project, needing Council's approval to continue. The pathway is 5.6 miles and includes a pedestrian bridge to be built over Highway 26 with an estimated total cost of 5.2 million.

Council Member Shaver asked about one inch conduit in the bridge and if it will be enough if they decide to add more lighting to the project. Mr. Bohl stated he believes it is, but if Council decides they want more they can add to the package to make it possible.

Mayor Gonzales asked when the project would be completed, bearing no problems. Mr. Bohl stated he estimates a time line of about two years before completion due to the magnitude of the project.

Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to adopt Resolution 19-04-02 establishing approval of the Preliminary Plans, Specifications, and Estimates (PS&E) for the Scottsbluff Monument Pathway North Project and authorize the Mayor and City Clerk to sign the Resolution," "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

RESOLUTION

APPROVAL OF PRELIMINARY PLANS, SPECIFICATIONS, AND ESTIMATES (PS&E)

City of Scottsbluff

Resolution No. 19-04-02

Whereas: City of Scottsbluff (City) and State entered into an LPA Program Agreement for State to assist City in the development and construction of an LPA Federal-aid transportation project;

Whereas: The State or the design consultant has developed the project plans to the point where they are ready to submit to State's PS & E Section for final edits for a bid letting;

Whereas: The LPA Program Agreement requires the city to review the preliminary PS & E package and either request modification or approve them as acceptable at this stage;

Whereas: City wishes to approve the preliminary PS & E package as prepared.

Be It Resolved by the City Council of the City of Scotts Bluff that:

The Mayor, Raymond Gonzales, is hereby authorized to sign the bottom of this resolution and submit it to the State signifying the City's approval of the preliminary PS & E package.

NDOR Project Number: 51512

NDOR Control Number: ENH-79(42)

NDOR Project Description: Scottsbluff Monument Valley Pathway North

Adopted this 1st day of April, 2019 at Scottsbluff Nebraska.
(Month) (Year)

The City Council of the City of Scottsbluff, Nebraska

Raymond Gonzales Scott Shaver

Nathan Green Jeanne McKerrigan

Terry Schaub _____

Board/Council Member _____

Moved the adoption of said resolution

Member _____ Seconded the Motion

Roll Call: _____ Yes _____ No _____ Abstained _____ Absent

Resolution adopted, signed and billed as adopted

CITY OF SCOTTSBLUFF
Raymond Gonzales

Mayor

Attest:

Signature City Clerk

Regarding the City's recycling efforts, Mr. Johnson explained to Council their packet contains a Memorandum of Understanding (MOU) between the North Platte Natural Resources District, the City of Gering, the City of Scottsbluff, and Waste Connections of Nebraska, Inc. to recognize education efforts along with the need and benefits of recycling in their respective jurisdictions; stating the integrated solid

waste plan we have to adhere to through the Department of Environmental Quality (DEQ) requires us to recycle. There is also an email in the packet pertaining to cost; trash per ton is \$48.87; recycling \$24.65 per ton (single stream only) and the Ordinance that sets forth fees for electronic waste, non-recyclable appliances and cardboard which was approved on September 17, 2018. Mr. Johnson stated we are recouping costs, explaining to date we have 1323 blue single stream recycling containers in the community working towards quadrupling from 2014 when the number was 445. He added there are about 5800 active accounts eligible for single stream recycling, explaining from a financial perspective we should be encouraging more recycling because it is cheaper per ton.

Council Member Shaver asked what doesn't go into single stream recycling. Mr. Johnson stated no glass, ewaste, or plastic bags from stores, explaining recycling is a very diverse opportunity. He used cardboard as an example; stating cardboard is steady in pricing, sold when we have abundance, offsetting the fluctuating cost of ewaste, making it a wash. Mr. Shaver also asked Mr. Johnson if he received an answer regarding a question he asked from a previous meeting as to where the single stream recycling was going once it got to Gering. Mr. Johnson stated he believes it goes to Denver, as Gering has a contract with Waste Management, which is located in Denver.

Council Member Green commented on the Hefty Orange Bag Program and the purple buckets for glass recycling, asking how we can make our program better. He also questioned if ewaste was part of recycling. Mr. Johnson commented Scottsbluff has a good program and ewaste is part of recycling as the computers are shipped to Denver, broken down and refurbished. Council Member McKerrigan added she has spoken with representatives from Keep Scottsbluff/Gering Beautiful and they are receptive to helping us find solutions with ewaste, adding it is something that cannot be dumped in the landfill.

Mr. Dave Wolf, Information and Education Coordinator with the North Platte NRD, was present and explained they have looked into options regarding ewaste, but our community does not have enough electronics to make the business model work; our closest recycling facility is Ogallala, but they do not take everything. He stressed on the importance of education, stating he visited 209 classrooms last year; logging almost 2000 hours. He added the problem with taking recycling away, which is the most visible aspect of conservation, makes the others such as littering and water quality not as important.

Mayor Gonzales asked how the children react to his presentations. Mr. Wolf stated they are overwhelmingly positive and the teachers always ask him to come back.

Mr. Jeff Tracy, resident, encouraged Council to continue their efforts with recycling, stating a good recycling program will benefit us long term. He feels the Scottsbluff/Gering area does a nice job with recycling.

Mayor Gonzales asked if we could get together with the City of Gering, the NRD, Keep Scottsbluff/Gering Beautiful and the City of Terrytown to expand our education and combine efforts and report back to Council. Mr. Wolf also stated he would be willing to come back and give an educational piece on recycling. Council took no action on the City's recycling efforts.

Mr. Tim Newman, Region 22 Emergency Management Director, was in attendance to give a presentation on the local response to the March 13-14, 2019 blizzard. He stated on March 12, 2019 there was a meeting in which pre planning was done with the Village, City, and County officials; discussing snow emergencies, priority plowing, potential for loss of utilities; and potential closing of government offices. A preemptive disaster declaration from Scotts Bluff County was also obtained during this time. Mr. Newman stated during the storm the wind was a primary factor, making it hard to determine total accumulation, but radar indicated we received around 20 inches; adding Scotts Bluff County's threshold

for damage was about \$137,000.00, which is based on population. It was determined that Region 22 suffered approximately 1.5 million in damages and in conjunction, the Federal Emergency Management Agency (FEMA) assigned a program delivery manager to get in contact with the entities to help with recovery; within 60 days, FEMA will provide 75% and the State 12.5%. The local entity's portion will equal 12.5%, which Mr. Newman stated could be covered by a soft match.

Council Member Shaver asked what we as a community could do to help the other end of the state. Mr. Newman stated he encourages money be sent to reputable organizations and in the future volunteering a weekend to help a City with cleanup efforts.

Regarding the License Agreement with the Scottsbluff Public School District for locating a tornado siren near Westmoor School, Mr. Johnson stated we are removing the siren from the back of a residential yard and putting a new siren at the South West Corner of Westmoor School. This item was approved at the last meeting of the Scottsbluff Public School District and the siren is similar to what we already have with voice capability and no movement. Council Member McKerrigan made the motion, seconded by Council Member Schaub, "to approve a License Agreement with the Scottsbluff Public School District for locating a tornado siren near Westmoor School," "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Concerning the City Manager's evaluation, Mayor Gonzales asked Mr. Johnson how he would like to proceed, asking if he wanted to provide the evaluations. Mr. Johnson stated all the evaluations were not received, so hard copies were not shared, leaving it up to Council how they would like to continue.

Mayor Gonzales then requested that each Council Member comment on the evaluation, but asked before doing so, Mr. Johnson go over the goals both he and Council set last year.

Mr. Johnson explained items in the packet, the first being the City Manager Performance Evaluation form, stating this form is from the National League of Cities in conjunction with the International City County Management Association (ICMA). He then went over Organizational Goals, including Financial; Economic Development; Infrastructure; Public Safety; Business Corridors; City Operations; Community Relations; and Professional Goals.

Council Member Shaver asked what the City's succession plan would be if Mr. Johnson would leave. Mr. Johnson explained he trusts the department heads; they would know what to do because he does not micromanage, commending the staff because they do the right work.

During discussion, Council Member Schaub stated he thinks Mr. Johnson is doing a good job and he reflected that in his evaluation.

Council Member McKerrigan commended Mr. Johnson, stating he uses good judgment when dealing with the City Council and the community and he continues to use great composure as he is faced with differing personalities and controversial decisions. She feels the City Council is here to support Mr. Johnson and not make decisions for him regarding proposals and ideas; doing their best to work with him on those matters.

Mayor Gonzales stated it has been a good experience watching Mr. Johnson grow in his professionalism and his knowledge; guiding the City through very difficult financial times. He is well received in the community and feels he is doing a good job. Mayor Gonzales asked if there were any other comments.

There being none, Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to accept the City Manager's annual evaluation and give him a positive vote of confidence

to lead the City into next year,” “YEAS,” Gonzales, Schaub, McKerrigan, and Green. “NAYS,” Shaver.
Absent: None.

Under Council Reports, Council Member Shaver stated PAWS had a meeting scheduled, but it was cancelled and they were going to send the notes from the Wyoming meeting, but he has not received them yet. Also, 911 had a meeting; they went out for bids on the tower they were putting up. Mayor Gonzales said PADD meeting is next Thursday; he has been asked to read a proclamation at West Way Church recognizing Foster Grandparents on Wednesday, April 3rd. Council Member Green requested the last two months of citations being issued dealing with safety of the public from Police Chief Spencer.

Council Member Schaub made the motion, seconded by Mayor Gonzales, “to adjourn the meeting at 8:13 p.m. “YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None.
Absent: None.

Mayor

Attest:

City Clerk
“SEAL”