

City of Scottsbluff, Nebraska

Monday, June 3, 2019

Regular Meeting

Item Consent1

Approve the minutes of the May 20, 2019 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on May 20, 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 May 17, 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 May 17, 2019.

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 City Attorney Kent Hadenfeldt. Absent: None.

Mayor Gonzales asked if there were any changes to the agenda. There were 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.

Moved by Council Member Schaub, seconded by Council Member McKerrigan that,

- a) "The minutes of the May 6, 2019 Regular Meeting be approved,"
- b) "The minutes of the May 9, 2019 Budget Workshop Special Meeting be approved,"
- c) "Council to approve the Request for Proposal for the Library Carpet Replacement and authorize the City Clerk to advertise for bids to be received by June 12, 2019 at 2:00 p.m." "YEAS", McKerrigan, Green, Schaub, and Gonzales. "NAYS," Shaver. 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 May 20, 2019, as on file with the City Clerk and submitted to the City Council," "YEAS", Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

CLAIMS

3M COMPANY,PAVEMENT MARKING TAPE,9997.48; ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,367.82; ACTION COMMUNICATIONS INC.,BATTERIES FOR PORTABLE RADIOS,1022;ADVANCE AUTO PARTS,WW #986- OIL AND AIR FILTER,57.31; AL'S TOWING,TOW SERVICE-PD,85; ALVARO SILVA,CONTRACTUAL,585; AMAZON.COM HEADQUARTERS,MISC.,1765.58; ANITA'S GREENSCAPING INC,CONT. SRVCS.,252; B & H INVESTMENTS, INC,DEP. SUP.,40.5; B&C STEEL CORPORATION,EQUIP MAINT CEM,83.41; BLUFFS SANITARY SUPPLY INC.,JAN. SUP.,702.75; BRODERICK, MATTHEW,SCHOOLS & CONF-PD,160; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,620.46; CELLCO PARTNERSHIP,CELL PHONES,261.26; CITIBANK N.A.,WIRELESS

LASER REMOTE,49.98; CITY OF GERING,RECYCLING AND TRASH DISPOSAL FEES,44186.45; CITYOF SCB,CIP-PO UNMARKED/POSTAGE-PD,71.6; CLARK PRINTING LLC,PRGRM.,1252.95; COLE TOOL DISTRIBUTORSLLC,CENTRAL GARAGE- TERMINAL RELEASE TOOL SET,49.95; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; COMPUTER CONNECTION INC,CONTRACTUAL-PD,44; CONTRACTORS MATERIALS INC.,SUPP - ADA PANELS,334.09; CORE & MAIN LP,METERS,50346.71; CREDIT BUREAU OF COUNCIL BLUFFS,FEE & MONTHLY EMPL.SCREEN - APRIL 2019,144; CROELL INC,DEPT SUP,510.39; CYNTHIA GREEN,DEP. SUP.,24.06; DALE'S TIRE & RETREADING, INC.,EQUIP MAINT PARK,27.75; DAVID M GLENN JR.,STATEWIDE EOD TRAINING- GLENN,160; DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,1600; EBSCO INDUSTRIES, INC,SBSCR.,1190; ELLIOTT EQUIPMENT COMPANY INC.,ES #824- HYDRAULIC PIPE,275.42; FAT BOYS TIRE AND AUTO,EQUIP MAINT PARK,193.85; FEDERAL EXPRESS CORPORATION,POSTAGE,111.75; FLOYD'S TRUCK CENTER SCOTTSBLUFF,ENGINE 1 STALLED, FUEL SYSTEM CHECKS,6419.33; FRANCHATIMATTHEW,CONTRACTUAL,72;RAY TELEVISION GROUP INC,CONTRACTUAL SVC,2780; HAWKINS, INC.,CHEMICALS,1345.01; HULLINGER GLASS & LOCKS INC.,BLDG. MAIN.,73.25; IDEAL LAUNDRY AND CLEANERS, INC.,UNIFORMS-PD,976.02; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,280.75; INFINITY CONSTRUCTION, INC.,FACILITY REPAIR,18740; INGRAM LIBRARYSERVICESINC,BKS.&AV,2115.78;INTERNALREVENUESERVICE,WITHHOLDINGS,54 974.77; INTERNATIONALASSOCIATION OF ELECTRICAL INSPECTORS,DEPT MMBRSHP,120; INTERNATIONAL PUBLIC MANAGEMENT ASSOCIATION-HR,POLICE OFFICER TESTING MATERIALS,334.5; INTRALINKS, INC,DELL PRECISION 5820 - GIS,5896.23; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL REC,40.35;JOHN DEERE FINANCIAL,SMALL CAPITALCEM,17778;OHNSONEARL,CONTRACTUAL,1000;KEMBELJARED,CONTRACTUAL, 72; KNOW HOW LLC,EQUIP MAINT,701.44; KRIZ DAVIS,BUILD MAINT PARK,94.14; LAWSON PRODUCTS, INC,CENTRAL GARAGE- SOLVENT & CABLE TIES,73.89; LEAGUE ASSOCIATION OF RISK MANAGEMENT,ENDORSEMENT #10 BACKHOE - CEMETERY,426.06; LEAGUE OF NEBRASKA MUNICIPALITIES,2019 NCMA ANNUAL CONF. - N.JOHNSON,125; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; M.C. SCHAFF & ASSOCIATES, INC,FACILITY REPAIR,4150; MATHESON TRI-GAS INC,CENTRAL GARAGE- BAND SAW BLADES,196.02; MENARDS, INC,DEPT SUPP PARK,568.88; MICHAEL B KEMBEL,BUILDING MAINT,103; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,4639.9; MIDWEST MOTOR SUPPLY CO INC,CENTRAL GARAGE- HYD BATTERY CRIMPER,74.95; MIRACLE RECREATION EQUIPMENT,EQUIP MAINT PARK,26642.59; MUNIMETRIX SYSTEMS CORP,IMAGESILO - MARCH & APRIL 2019,79.98; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1204.3; NE DEPT OF REVENUE,SALES TAX,22611.45; NEBRASKA INTERACTIVE, LLC,DRIVERS LIC. REQ. - HR,174; NEBRASKA MACHINERY CO,BRACKETS, FENDER, PLATE FOR COMPOST FACILITY,1110.1; NEBRASKA PUBLIC POWERDISTRICT,ELECTRIC,43585.84;NEBRASKARURALRADIOASSOCIATION,CONTRACTU AL SVC,225; NEBRASKALAND TIRE, INC,POLICE #19- NEW TIRES,253.04; NELSON TRENT,CENTRAL GARAGE- SLACK ADJUSTER,37.5; NEOPOST,POSTAGE,1000; NEOPOST USA INC,CONTRACTUAL,2417.13; NETWORKFLEET, INC,GPS SERVICE,356.83; NEXT YOUNG PROFESSIONALS,MEMBERSHIP DUES - NATHAN JOHNSON,75; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,120.41; OCLC ONLINE COMPUTER

LIBRARY CENTER, INC,CONT. SRVCS.,364.49; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BUILD MAINT REC,200; PANHANDLE COOPERATIVE ASSOCIATION,FLEET GASOLINE,23533.44; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,60; PH&S PRODUCTS LLC,INVEST SUPPL-PD,90;PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,9819.26;POSTMASTER,POSTAGE,1112.16;QUILLCORPORATION,OFFICESUPPLIES, 571.89; RECORDED BOOKS INC,SBSCR.,399.22; REGIONAL CARE INC,CLAIMS,35887.52; RICHARD P CASTILLO,CONTRACTUAL,72; ROCKSTEP SCOTTSBLUFF LLC,OCCUPATION TAX REMITTANCE,38496.05; RODRIGUEZ JOSE R,TOW SERVICE-PD,190; RURAL HEALTH DEVELOPMENT, INC.,ECONOMIC DEV,6383.33; S M E C,EMPLOYEE DEDUCTION,156.5; SAFETYLINE CONSULTANTS, INC,DEPT SUPPL-PD,60.2; SANDBERG IMPLEMENT, INC,EQUIP MAINT,103.55; SCB COUNTY,DEPT CNTRCL SRVCS,167.5; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCHANK HOLDINGS INC,BUILDING MAINT,228; SCHOLASTIC LIBRARY PUBLISHING,BKS.,146.85; SCOTT AARON,CONTRACTUAL,36; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SCOTTSBLUFF WINSUPPLY COMPANY,DEPT SUP,220.81; SHERIFF'S OFFICE,LEGAL FEES-PD,73.98; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,17850.29; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,4593.16; SNELL SERVICES INC.,EQUIP. MAIN.,631; SONNY'S TOWING,TOW SERVICE-PD,645; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL SVC,1600; THE PEAVEY CORP,INVEST SUPPL-PD,64.2; TORRINGTON SOD FARMS,DEPT SUPP CEM,42.5; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,343.53; TWIN CITY AUTO, INC,EQUIP MAINT PARK,440.81; ULINE INC,SAFETY GLASSES AND EARPLUGS,169.6; UNION BANK & TRUST,RETIREMENT,35997.89; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS.,134.25; VOGEL WEST, INC,PACKING KIT FOR PAINT STRIPER,98; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM TESTING - APRIL 2019,156; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,496; WILSON ZACHARIAH,CONTRACTUAL,108; WOODS & AITKEN LLP,PROF.SERVICES - IBEW LOCAL NO 1597 NEGOTIATIONS,3567.91; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; ZM LUMBER INC,GROUNDS MAINT PARK,62.97; REFUNDS; TREVOR TEICHROEB, 42.48; KENNETH M MOSELEY, 14.94; BEVERLY GREENE, 13.17; VARIETIES LLC, 18.94.

City Manager Johnson presented the April 2019 Financial Report to the City Council explaining we have five months remaining in the current fiscal year; sales tax numbers are down around \$100,000.00.

Mayor Gonzales opened the public hearing at 6:05 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by Platte Valley Bank for the Platte Valley Addition Improvements Project. Legal Counsel Hadenfeldt explained his firm represents Platte Valley Companies as well, but regarding this matter, will be representing the City, stating that individuals from Platte Valley Companies were informed and were free to choose other counsel, if warranted, to review documents. He went over the three criteria for Tax Increment Financing (TIF), the first being the Comprehensive Plan of the City. Mr. Hadenfeldt stated this does fit within the plan due to the Hwy 26 commercial neighborhood boundary for which it is zoned. The second, "But For" test states the project would not occur "but for" TIF financing. Mr. Hadenfeldt explained the key regarding this particular project is the improvements, which does not include the building in place, but does include public improvements for streets, sidewalks, drainage, and the parking lot. The Third, Cost Benefit Analysis,

states the City is not at risk for any financial contribution and there is no cost to the City or other taxing authorities.

Mr. Zac Karpf, Chief Operating Officer of Platte Valley Companies approached Council to give a brief summary of the Redevelopment Plan. He stated the project goals are geared towards employee, customer, and citizen safety. He went on to explain there are three areas that are qualified costs to accomplish the goals which include; asphalt/concrete demolition, drainage improvements, and raised sidewalks/ crosswalks, including lighting.

Council Member Shaver asked about the cost and what is associated with it, commenting he does not think it fits the “but for” test because the community center would not be done “but for” TIF. Legal Counsel Hadenfeldt explained they would not do the improvements “but for” TIF and would not occur without TIF financing. They have already done the improvement on which the increment is going to generate the revenue with their own private funds; stating you need to focus on the actual project applied for and not the improvement that generates the increment. Mr. Karpf went on to explain there are expenses that have not taken place yet, but have been planned.

Council Member Schaub asked if the drainage improvements could be explained. Mr. Karpf showed a visual identifying several new outlets which will flow to the drain fixing a public drainage issue.

Mayor Gonzales closed the public hearing at 6:20 p.m.

Mayor Gonzales opened the public hearing at 6:21 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by 1dash5 Enterprises, LLC for the Scooter’s Drive thru Coffee Kiosk Project. Legal Counsel Hadenfeldt explained his firm represents 1dash5 Enterprises, LLC as well, but regarding this matter will be representing the City for purposes of TIF. He stated Mr. Gary Rimington, President of 1dash5 Enterprises, LLC, was notified he could get alternate Counsel if he desired. Mr. Hadenfeldt then went over the three criteria for TIF; the first being whether it conforms to the Comprehensive Plan of the City; stating this project is in the South West District which includes neighborhood commercial property and does not need to be rezoned. The second element, the “But For” test, needs to confirm the project would not occur “but for” TIF financing. The projected area is in a flood plain and will incur significant cost for site development and would not occur “but for” TIF. The third confirms the Cost Benefit Analysis, which identifies a notice was sent to all taxing authorities. It also looks at the impact to public entities and employers in the area determining there is no affect to them.

Mr. Zac Karpf, with Platte Valley Companies, approached Council on behalf of Mr. Gary Rimington who was absent. Mr. Karpf commented he is familiar with Mr. Rimington’s business practices, stating he is a very good local business man who has made a good significant investment in Scottsbluff.

Ms. Andrea Margheim, business owner, commented she is concerned with traffic in the area especially near the four way stop, stating it can get very congested, wondering how this would help the problem.

Ms. Starr Lehl, Economic Development Director, stated this is a great TIF project because it is in a flood plain, stating Mr. Rimington is going to spend money to build the area up; he is happy it is in a high traffic area and is pleased with the response of his other shop which led to him put another in Scottsbluff. She also commented he is investing a lot in Western Nebraska.

Mayor Gonzales closed the public hearing at 6:28 p.m.

Mayor Gonzales opened the public hearing at 6:29 p.m. to consider a Class C Liquor License for B49 Operating, LLC dba The Tangled Tumbleweed. Ms. Esther Benson and Police Chief Kevin Spencer were sworn in to testify about the liquor license. Moved by Council Member Shaver, seconded by Council Member Schaub “that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) B49 Operating, LLC dba The Tangled Tumbleweed, Liquor License Application; 2) City Council check list for section 53-132 cum supp 2016; 3) written statement of Police Chief Kevin

Spencer dated May 17, 2019; 4) written statement of City Clerk dated May 20, 2019; 5) written statement from the Development Services Department dated May 1, 2019; “YEAS,” Shaver, Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: None.

Ms. Esther Benson testified she recently purchased the Tangled Tumbleweed, stating her experience with alcohol has been the last three years working at the business. She has passed the TIPS training and all her servers have as well. Her policy is to not hire anyone under the age of 21 who will be serving; they ask for ID from anyone who looks under the age of 50 and also ask everyone if they have their ID on them. If they do not have their ID, they are not served.

Police Chief Spencer reported he does extensive background checks on all applicants to make sure they are fit, willing, and able. He reported nothing showed on the report and he has no issues with the application.

Mayor Gonzales closed the public hearing at 6:34 p.m. Council Member Schaub made the motion, seconded by Council Member McKerrigan, “to approve the Class C Liquor License for B49 Operating, LLC dba The Tangled Tumbleweed, 1823 Avenue A, Scottsbluff, NE and forward a positive recommendation to the Nebraska Liquor Control Commission,” “YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: None.

Council Member Schaub, seconded by Council Member Green made a motion, “to make a positive recommendation to the Nebraska Liquor Control Commission naming Esther J. Benson as the Liquor License Manager of B49 Operating, LLC dba The Tangled Tumbleweed,” “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

RESOLUTION NO. 19-05-02

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

1. On May 20, 2019 the matter of the application of a Class C liquor license for B49 Operating, LLC dba The Tangled Tumbleweed, 1823 Avenue A, Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class C liquor license for B49 Operating, LLC dba The Tangled Tumbleweed, 1823 Avenue A, Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2016)

Exhibit 3 - Written statement of Police Chief dated May 17, 2019

Exhibit 4 - Written statement of City Clerk dated May 20, 2019

Exhibit 5 - Written statement of Development Services Department dated May 1, 2019

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Esther J. Benson, Manager; 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. (2016) 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 for B49 Operating, LLC dba The Tangled Tumbleweed 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: \$15.27.

Passed and approved this 20th day of May, 2019.

Mayor

ATTEST:

City Clerk
“seal”

No one was present to give a report from Scottsbluff Youth Council.

Mayor Gonzales read the Proclamation for Emergency Services Week. After the reading, Council Member Schaub recognized Mr. Kyle Meininger and Mr. Beau Walsh with Valley Ambulance Service who were present at the meeting. Mr. Meininger thanked Council and all the EMS providers for their service.

Ms. Jeri Goodman, “Farmer’s Market” representative, approached Council concerning the Business Promotional Event Permit for the Downtown Scottsbluff Association, sponsors of the “Farmer’s Market.” Ms. Goodman stated the market will start June 1, 2019 and run through September 28, 2019; the hours are 8:00 a.m. to 11:00 a.m. Council Member Shaver asked if there was a fee to reserve the Plaza and if vendors charged sales tax. Mr. Johnson stated there is no fee to use the Plaza and Ms. Goodman stated each vendor is responsible for charging and collecting their own sales tax. Council Member Schaub made the motion, seconded by Mayor Gonzales, “to approve a Business Promotional Event Permit for the Downtown Scottsbluff Association, sponsors of the “Farmer’s Market” at the 18th Street Downtown Plaza on Saturday mornings, 6/1/19-9/28/19; 8:00 a.m. to 11:00 a.m.,” “YEAS,” McKerrigan, Green, Schaub, and Gonzales. “NAYS,” Shaver. Absent: None.

Ms. Brenda Leisy with the Scotts Bluff Area Visitor’s Bureau approached Council regarding the Community Festival Permit for the Tour De Nebraska – Scottsbluff Welcome Event on June 21, 2019 from 5:00 p.m. to 10:00 p.m. Ms. Leisy explained this is a bicycle event of 400-500 cyclists that will come thru the area. She is asking that Broadway between 18th and 19th Streets be closed due to the influx of pedestrian traffic and is requesting the use of the Plaza for providing entertainment. During discussion, Council Member Shaver commented he would like to see the bicyclists come up 1st Avenue rather than Broadway due to traffic. Council Member Green expressed concern with people backing up if the intersection is blocked off. Police Chief Spencer acknowledged the concerns stating they will make

adjustments at the time to make sure traffic is flowing, adding the Police Department will have a presence. Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to approve a Community Festival Permit for the Scotts Bluff Area Visitor's Bureau at the Downtown Plaza, including vendors, street closure, and noise permit for the Tour de Nebraska – Scottsbluff Welcome Event on June 21, 2019 from 5:00 p.m. to 10:00 p.m., "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Regarding the Special Designated Liquor License for the event, Ms. Andrea Margheim with Flyover Brewing Company was present to answer questions from Council and provide information. She stated with a group this size they will only have alcohol at the Plaza, which will be fenced off. They will ID and wristband people when they purchase alcohol and will have volunteers walking around making sure everyone who has alcohol is wearing a wristband, to prevent underage drinking. Police Chief Spencer requested to have the Police Department provide security for the event as well. Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to approve a Special Designated Liquor License for BDS3C, LLC dba Flyover Brewing Company and Scotts Bluff Area Visitor's Bureau to serve beer at a Community Festival Event at the Downtown Plaza on June 21, 2019 from 4:00 p.m. to 10:00 p.m., "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

Mr. Johnson presented the bids for the City's Sewer Camera Van and Equipment. The City received bids from MacQueen Equipment for \$186,187.00 and Key Equipment & Supply Co. for \$221,243.00; both bids met specifications and included a trade in. A bid was also received from Aries Industries, Inc. for \$202,430.00 which did not meet specifications and had no trade in. Staff is requesting approval of the bid from MacQueen Equipment for \$186,187.00; Mr. Johnson added this bid is over budget of \$1,187.00 which will come out of department supplies. Council Member Green made the motion, seconded by Council Member Shaver, "to award the bid for the City's Sewer Camera Van and Equipment to MacQueen Equipment for \$186,187.00," "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

Concerning Resolution No. 19-05-03 approving the Redevelopment Plan submitted by Platte Valley Bank for the Platte Valley Addition Improvements Project, Council Member Shaver commented again he does not think the project fits the "but for" test. Legal Counsel Hadenfeldt explained the value comes from the buildings put up, causing the increment; the projects are the public improvements. Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to approve Resolution No. 19-05-03 regarding the Redevelopment Plan submitted by Platte Valley Bank for the Platte Valley Addition Improvements Project," "YEAS," Gonzales, Green, McKerrigan, and Schaub. "NAYS," Shaver. Absent: None.

RESOLUTION NO. 19-05-03

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 *Platte Valley Addition Improvements* project submitted by Platte Valley Bank (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 May 20, 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 May 20, 2019

Mayor

ATTEST:

City Clerk (Seal)

Regarding Resolution No. 19-05-04 approving the Redevelopment Plan submitted by 1dash5 Enterprises, LLC for the Scooter's Drive thru Coffee Kiosk Project, Council Member Schaub stated he would like to hear more from Mr. Rimington about traffic concerns, wanting to table the item. Legal Counsel Hadenfeldt explained the three elements of criteria for Tax Increment Financing is what Council reviews; the traffic concerns are looked at by City staff and committees and can be addressed in the future. Council Member Schaub rescinded his motion to table. Council Member Shaver, seconded by Council Member McKerrigan, made the motion, "to approve Resolution No. 19-05-04 regarding the Redevelopment Plan submitted by 1dash5 Enterprises, LLC for the Scooter's Drive thru Coffee Kiosk Project," "YEAS, McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

RESOLUTION NO. 19-05-04

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 *Scooter's Drive Thru Coffee Kiosk* project submitted by 1dash5 Enterprises, 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 May 20, 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 May 20, 2019

Mayor

ATTEST:

City Clerk (Seal)

Ms. Starr Lehl, Economic Development Director, approached Council concerning the request to modify the Economic Development Assistance Agreement for Elite Urgent Care and Family Health, LLC. Ms. Lehl explained Elite Urgent Care received an Economic Development loan for \$75,000.00, but has experienced delays in construction. Because of the delays, Ms. Alicia Gonzales-Longoria, sole member, is asking to change the interest accrual date to March 1, 2019 and first annual payment to April 1, 2020. Council Member Shaver asked if she received the money when she was supposed to, questioning the modification; Ms. Lehl stated yes, the contract is such that payments are made when the business is open and revenue comes in. Council Member Green asked if the job credit was delayed as well, with Ms. Lehl stating yes. Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to approve the request to modify the Economic Development Assistance Agreement for Elite Urgent Care and Family Health, LLC.," "YEAS," Green, Schaub, Gonzales, and McKerrigan. "NAYS," Shaver. Absent: None.

Regarding the request to modify the Economic Development Assistance Agreement for Pioneer Animal Clinic, LLC, Ms. Lehl explained this is similar to the previous item; Pioneer Animal Clinic received an Economic Development loan of \$700,000.00 and experienced delays in construction also. They would like to change the interest accrual date to May 1, 2019 and first monthly payment to July 1, 2019. Council Member Green asked when we delay the payments, what the savings is to the company. Ms. Lehl stated with Pioneer Animal Clinic the amount is over \$7,000.00, but the payment is delayed and not lost, we receive the money at a later time. Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to approve the request to modify the Economic Development Assistance

Agreement for Pioneer Animal Clinic, LLC,” “YEAS,” Gonzales, Schaub, McKerrigan, and Green. “NAYS,” Shaver. Absent: None.

Mr. Johnson stated Council Member Shaver had approached him about annexing properties into the City and based on that conversation would like direction from Council on how they would like to proceed. He stated there are two ways to annex, by property owners request, which would require three readings of an Ordinance or by force annexation, which we can do as a governmental entity. Mr. Johnson explained the annex matrix is based off of properties that have City utilities available and added we have had property owners request to annex, but in order to do so, the property owners between would have to agree to do so as well. He used the City Wastewater Treatment plant as an example, stating all properties between the plant and City limits would have to be annexed before the Wastewater Treatment plant. Council Member Shaver commented if the availability is there, those properties should be part of the City.

During discussion, Council Member McKerrigan asked what the drawback would be to a business owner if they chose not to annex. Mr. Johnson explained they pay more for utilities, the Insurance Services Office (ISO) rating in the County is higher than the City, there is not 24 hour Policing in the County, and we have a fulltime Fire Department, commenting a property owner is better off in the City. After discussion, Mayor Gonzales asked to continue to work with business owners by pushing the benefits of the City, letting them approach us; he does not support force annexation; Council Member Schaub agreed. Council Members Shaver and Green disagreed, stating if a property owner has City services and they are standing in the way of another property being able to annex, this should be something Council looks at.

Mr. Johnson gave an update on Westmoor pool due to request from Council. Currently 12 lifeguards, two pool managers, and ten recreation aids have been hired. Because of this, the planned opening date of the pool is June 1st. Family passes are level with last year at \$125.00/season, individual \$75.00/season, and adult day pass \$3.50. Additional lifeguard interviews are scheduled this week; we hope to hire more to be able to extend the closing date of the pool to after Labor Day.

There were no comments from the public. Under Council Reports, Council Member Shaver stated there will be no 911 committee meeting this month. Council Member McKerrigan reported the Senior Center is excited about being a pit stop for the Tour de Nebraska; Tri City Active Living Advisory conducted their walk audits and will have a report available soon. Council Member Green stated the Zoo committee had new faces, they discussed the new chimp exhibit, a fundraiser, and going to other cities to garner funds. Council Member Schaub stated he has not heard anything from the East Overland Revitalization Committee.

Council Member Schaub made the motion, seconded by Council Member Green, “to adjourn the meeting at 7:29 p.m.,” “YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”