

City of Scottsbluff, Nebraska

Monday, July 1, 2019

Regular Meeting

Item Consent1

Approve the minutes of the June 17, 2019 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on June 17, 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 June 14, 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 June 14, 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. 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 June 3, 2019 Regular Meeting be approved,"
- b) "Council to approve the Request for Proposal for the Library Carpet Replacement and authorize the City Clerk to advertise for bids to be received until filled." "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Moved by Council Member Schaub, 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 June 17, 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

AC ELECTRIC MOTOR SERVICE,EQUIP MAINT,313.5; ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,367.82; ACTION COMMUNICATIONS INC.,EQUIP MAINT-PD,362.28; ADVANCE AUTO PARTS,POLICE #1- BRAKE PADS & ROTORS,515.44; AIRGAS USA, LLC,SAFETY GLASSES FOR COMPOST FACILITY,88.62; ALFA LAVAL INC,EQUIP MAINT,1314.18;ALLOCOMMUNICATIONS,LLC,LOCALTELEPHONECHARGES,2505.08;ALVAR OSILVA,CONTRACTUAL,585;AMAZON.COMHEADQUARTERS,Misc.,1169.17; AMERICAN CEMETERY,SUBSCRIPTION,75; ANTHEM SPORTS LLC,DEPT SUPP REC,159.8; ASSURITY LIFE INSURANCE CO,LIFE INS,32.95; AUTOZONE STORES, INC,SUPP - CARB CLEANER,23.88; B & H INVESTMENTS, INC,DEP. SUP. - LIBRARY,107.5;

BLUFFSSANITARYSUPPLYINC.,BLDGMAINT,1530.9;CAPITALBUSINESSSYSTEMSINC.,CONT . SRVCS.,849.93; CARR- TRUMBULL LUMBER CO, INC.,SUPP - HB SIDING,58.87;CASH WA DISTRIBUTING,CONCESSIONS,1401.1; CELLCO PARTNERSHIP,CELL PHONES,263.08; CENTRAL STATES WIRE PRODUCTS INC.,BALING WIRE,1926; CHRIS REYES,DEPT SUPPL-PD,185;CITYOFGERING,TRASH/RECYCLINGDISPOSALFEES,49422.91;COMPUTERCONNECTI ONINC,CONTRACUALPD,44;CONTRACTORMATERIALSINC.,DEPTSUP,698.77; CREDIT BUREAUOFCOUNCILBLUFFS,MONTHLYFEEMAY2019,50;CYNTHIAREEN,DEP.SUP.,393.71;D EMCO,INC,DEP.SUP.,263.64;DOOLEYOILINC,CENTRAL GARAGE- OIL,73.31; DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,850; ELITE HEALTH,CONTRACTUAL SVC,50; ELLIOTT EQUIPMENT COMPANY INC.,BLUE RECYCLING BINS x56,7601.36; ERNST KATIE,REIM POOL PARTY,125; ESQUIO RIOS JR,CONTRACTUAL,360; FASTENAL COMPANY,SUPPNUTS&BOLTS,24.82;FEDERALEXPRESSCORPORATION,POSTAGE,46.55;FEL SBURG HOLT & ULLEVIG, INC,ENG. SERVICES FOR QUIET ZONE,800; FLOYD'S TRUCK CENTERSCOTTSBLUFF,REPAIRSTOUNIT812,1024.91;FRANCHETTIMATTHEW,CONTRACTUA L,234;FYR-TEK INC,REPLACEMENT TURNOUTGEAR FOR FOUR PERSONNEL,8255; GALE/CENGAGE LEARNING,SBSCR.,1044.75; GALLSINC,UNIFORMS-PD,257.53;GARTON, LYNN,SCHOOLS & CONF,126; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,1390; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,2064.98; HOLTZ INDUSTRIES, INC,EMCO CUTTER LIDS X25,638.19; HONEY WAGON EXPRESS,CONTRACTUAL,180; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE- OIL,323.71; IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL SUPP PK,1425.95; INDEPENDENT PLUMBING AND HEATING,INC,GROUNDMAINTPK,137.6;INGRAMLIBRARYSERVICESINC,BKS&A/V,1951.66;I NTERNALREVENUESERVICE,WITHHOLDINGS,59065.08;INTERNATIONALASSOCIATION OF PLUMBING & MECHANICAL OFFICIALS,DEPT MMBRSH,200; INTRALINKS, INC,CONTRACT SERVICES - MAY 2019,10610.86; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,57.95; JANWAY COMPANY USA INC,DEP SUP.,465.23; KEMBEL JARED,CONTRACTUAL,108; KIESLER POLICE SUPPLY INC,FIREARMS SUPPL-PD,200; KIRK BERNHARDT,CONTRACTUAL,162; KNOW HOW LLC,FIRE TOWER 1- HYD HOSE AND FITTINGS,1846.99; KRIZ DAVIS,ELECT. SUPP - BLUE CODING TAPE,13.6; LEXISNEXIS RISK DATAMANAGEMENT,CONSULTINGPD,100;M.C.SCHAFF&ASSOCIATES,INC,FACILITYREPAI R,3993.75;MADISONNATIONALLIFE,INSURANCE,1787.94; MATHESON TRI-GAS INC,RENT - MACHINES,60.65; MATTHEW M. HUTT,PRE-EMPL. EVAL (POLICE),450;MENARDS, INC,MISC. SMALLTOOLSWRENCHES,SCREWDRIVERS,PLIERS,965.97;MIDLANDSNEWSPAPERS,INC,LE GALPUBLISHING,3392.99;MIDWESTCONNECT,LLC,DEPTSUPP,850.67;MIKESELLJO,CONTR ACTUAL,400; MUNIMETRIX SYSTEMS CORP,IMAGESILO - MAY 2019,39.99; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1163.1; NE COLORADO CELLULAR,INC,CONTRACTUAL SVC,75.5; NE DEPT OF REVENUE,WITHHOLDINGS,28580.49; NEBRASKA INTERACTIVE, LLC,DRIVERS LICENSE REQ. - MAY 2019,21; NEBRASKA MACHINERYCO,REPAIRSTOUNIT#830,1129.84;NEBRASKAPUBLICPOWERDISTRICT,ELECTR IC,41856.29;NEBRASKARECYCLINGCOUNCIL,MEMBERSHIPDUES,200;NEBRASKARURALRA DIOASSOCIATION,CONTRACTUALSVC,280;NEBRASKASTATEWIDEARBORETUM,DEPTSUP, 104; NETWORKFLEET, INC,GPS SERVICE,392.64; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEPT SUPP PK,31.15; NWEA,SCHOOLS & CONF,90; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,364.49; ONE CALL CONCEPTS,

INC, CONTRACTUAL, 157.46; OREGON TRAIL PLUMBING, HEATING & COOLING INC, EQUIPMINTREC, 5707; PANHANDLE COLLECTIONS INC, WAGE ATTACHMENT, 194.92; PANHANDLE CONCRETE PRODUCTS, INC, GRADERING, 70; PANHANDLE COOPERATIVE ASSOCIATION, FLEET DIESEL/PROPANE, 21235.6; PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES, 140; PAUL MENDOZA, CONTRACTUAL, 108; PAUL REED CONSTRUCTION & SUPPLY, INC, GROUND MAINT PK, 877.28; PEPSI COLA OF WESTERN NEBRASKA, LLC, CONCESSIONS, 502.8; PLATTE VALLEY BANK, HEALTH SAVINGS ACCT, 9794.26; POLYDYNE INC, CHEMICALS, 5379.93; POSTMASTER, POSTAGE, 578.8; QUILL CORPORATION, DEPT SUPPL-PD, 128.94; RAILROAD MANAGEMENT CO III, LLC, LICENSE FEES - POWER LINE CROSSING, 235.41; REAMS SPRINKLER SUPPLY CO., GROUND MAINT PK, 1589.96; REGANIS AUTO CENTER, INC, WATER #38- BEARINGS, 195.54; REGIONAL CARE INC, CLAIMS, 23241.98; RICHARD P CASTILLO, CONTRACTUAL, 54; ROD CLAUSE, LB 840 GRANT, 678.86; RON'S TOWING, TOW ENGINE 1 TO FLOYDS, 625; S M E C, SMEC, 156.5; SANDBERG IMPLEMENT, INC, EQUIP MAINT PK, 1304.7; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES, 225; SCOTTAARON, CONTRACTUAL, 126; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES, 576; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC, DEPT SUPP REC, 50; SHERWIN WILLIAMS, DEPT SUPP PK, 175.85; SHRADDHA, LLC, HOTEL FOR FIRE SCHOOL - LAURUHN, 243; SIMMONS OLSEN LAW FIRM, P.C., CONTRACTUAL SERVICES, 20024.79; SIMON CONTRACTORS, CONCRETE FOR STREET REPAIR, 3741.2; SNELL SERVICES INC., BLDG. MAIN., 404; SONNY STOWING, TOW SERVICE PD, 75; SOUTHERN UNIFORM EQUIPMENT, UNIFORMS FOR DEPARTMENT MEMBERS, 5569.34; STRICKER MARTIN, CONTRACTUAL, 72; SWANK MOTION PICTURES INC, SPECIAL EVENT, 463; SYMBOLARTS, LLC, NAME PLATES FOR PERSONNEL UNIFORMS, 394.5; THERMO SCIENTIFIC PORTABLE ANALYTICAL INSTRUMENTS, INC., TESTING VILES FOR HAZMAT CHEMICAL ID, 98.4; UNION BANK & TRUST, RETIREMENT, 37077.48; UNIQUE MANAGEMENT SERVICES, INC, CONT. SRVCS., 170.05; VOGEL WEST, INC, SUPP - PAINT STRIPPER, 105.4; WATER ENVIRONMENT FEDERATION, MEMBERSHIPS, 83; WESTERN PATHOLOGY CONSULTANTS, INC, PRE-EMPLOY. SCREENING, 89; WESTERN PLAINS BUSINESS FORMS INC, THREE PART SALES TICKETS- COMPOST FACILITY, 701.25; WESTERN TRAVEL TERMINAL, LLC, VEH MAINT-PD, 505; WILSON ZACHARIAH, CONTRACTUAL, 252; WINTER EQUIPMENT COMPANY, INC, CUTTING EDGES FOR SNOW PLOWS, 2926.17; WOODS & AITKEN LLP, PROF. SERVICES IBEW LOCAL NO. 1597 NEGOTIATIONS, 8307.05; WYOMING CHILD SUPPORT ENFORCEMENT, CHILD SUPPORT, 738.08; WYOMING FIRST AID & SAFETY SUPPLY, LLC, FIRST AID KIT SUPPLIES, 101.82; WYOMING WATER DEVELOPMENT OFF, PAWS FEASIBILITY STUDY, 3331.5; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, YMCA, 753; REFUNDS; APRIA HEALTHCARE, 239.17; ARTHUR HERNANDEZ, 13.22; TERESA MORENO, 15.29; ELMWOOD VILLAGE, 112.68; ELMWOOD VILLAGE, 83.22.

City Manager Johnson presented the May 2019 Financial Report informing Council we received the first half property tax remittance from the County. Sales tax revenues for the reporting month of June are up \$31,530.00 from the same time last year; YTD down -\$107,512.00.

Mayor Gonzales opened the public hearing at 6:04 p.m. for the purpose of reviewing and obtaining comment on a modification to the Redevelopment Plan submitted jointly by AKAJRV 314,

LLC (successor in interest to HVS, LLP) and Original Equipment Co. dba Aulick Industries for the Aulick Industries Office and Truck Shop Project.

Council Member McKerrigan declared a conflict of interest on this item. She is an employee and can sign as secretary of the corporation for Aulick Industries. Council Member Shaver, seconded by Council Member Schaub, made a motion, "to accept Council Member McKerrigan's conflict of interest in regards to the modification of the Redevelopment Plan submitted jointly by AKAJRV 314, LLC (successor in interest to HVS, LLP) and Original Equipment Co. dba Aulick Industries for the Aulick Industries Office & Truck Shop Project," "YEAS," Shaver, Gonzales, Schaub, and Green. "NAYS," None. Abstain: McKerrigan. Absent: None.

Legal Counsel Hadenfeldt explained the purpose of the public hearing is to solicit input because the original plan has been modified. The developer has acquired property adjacent to the original site to be used for trailer parking and equipment storage. The increment on the first approved building will be used to acquire the property and for site preparation, resulting in no additional tax incurred. However, because of the modification, the entire plan must be approved again. The three main components required, which include fitting the comprehensive plan, the "but for" test and cost benefit analysis have been determined, but need to be looked at in case the modification has changed any perspective of the three elements.

Mr. Vinc Aulick of Aulick Industries approached Council explaining that they have acquired five acres of additional space to be used for storage. Trailers will be parked in the undeveloped area, which is mainly grass. They intend to include rock or paving and the area will be fenced.

Mayor Gonzales closed the public hearing at 6:10 p.m.

Regarding the Scottsbluff Valley Monument North Pathway Project, Mr. Dave Schaff with M.C. Schaff and Associates came forward to explain the timeline of the project. Mr. Schaff stated around 2010 the application was submitted to the Department of Transportation to align the locations of the project and select the priority points, adding the process is very competitive with other communities because of the allocation of federal funding. In 2012 his firm was contracted to start the design process and have preliminary walkthroughs. In 2013, after being notified by mail, a public hearing was held with all property owners along and within 300 feet of the alignment to give their opinions on the project; based off those comments, the design was finalized with the State taking over. Mr. Schaff also mentioned, that in 2018, there was an alignment change and because of this, property owners along and within 300 feet had to be notified by mail a second time.

Mr. Kevin Figg and wife Angela, homeowners, approached Council to explain their concern with the project. Mr. Figg stated the pathway will take around a third of his yard and he was not contacted prior to it being finalized. He and his wife are not against the project, but are unclear as to why it does not run up 5th Avenue to the Landers Soccer complex and proceed east along the Village Pathway to get to Regional West Medical Center, which was originally reported. He argues that eminent domain would not fall under a bicycle or walking path, but, however, for projects of the greater good.

Mr. Mark Sitzman, representing Sitzman Family Partnership, explained he will lose nine residential lots due to the project. He stated he did not receive any letters, nor was he contacted. He is very disappointed regarding communication with the City. He, however, is not against the overpass as it is a concern with children crossing the highway.

Mr. Richard Wegelin, President of the Stoney Creek Homeowners Association came forward and expressed his concern with how close the project is coming to their properties, stating they were not

informed properly. He commented they have privacy and safety concerns, addressing the issue of fencing, asking the City to provide the funds to put fences on their properties. He also asked they move the pathway a little west for more privacy. They are concerned about property values as well.

Mr. Kevin Courtier and Ms. Beth McKibbin, with Classic Living Homeowners Association approached Council. Mr. Courtier stated they have a tree line that has existed for over 20 years and they are concerned where the inside line of the pathway will be. He asked if the trees will become a liability. Ms. McKibbin is concerned that the cul-de-sac by her property will become a parking lot and a jumping on point to the pathway.

Mr. Glen Camerer, resident of Stoney Creek, stated fencing would be expensive for everyone and is concerned for the trees that would only be two feet from the pathway.

Mr. Stan Kountgiannus, resident, feels the pathway should extend to the Landers Soccer Complex, stating the kids in the community will use it more than anyone. He asked Council to go back to the original plan.

Mr. Mark Westphal, land owner, stated he did get notice in 2013, but the plan at that time was to follow 5th Avenue to the Landers Soccer complex, which he was agreeable to. He added the problem is solvable asking Council to help come up with a solution.

At 7:12 p.m. Council took a five minute recess, reconvening at 7:17 p.m.

Ms. Starr Lehl approached Council regarding a Community Festival Permit for the Bands on Broadway Summer Series. This event is a six week music series that will highlight area bands and bring people to the downtown area. It will be Thursday nights starting July 4th and ending August 8th from 6:00 to 9:00 p.m. Ms. Lehl stated the first event on July 4th will host a kiddie parade and is asking to close Broadway at 17th and 18th Streets for 30-40 minutes. During the series, the association has requested that Broadway between 18th and 19th Streets be closed to allow an eating area with food trucks.

Council Member Green asked if all the affected business owners had been contacted regarding the street closures. Ms. Lehl stated all business owners have been contacted by email and quite a few businesses are participating in the event. Council Member Shaver asked if they were physically contacted, thinking that is how it was originally set up. Ms. Lehl stated they would talk to the businesses that were affected.

Ms. Katie Bradshaw, resident, asked that during events the sidewalk south of the Plaza not be blocked off and the cattle panels be in the street, not on the curb, so people can access Broadway quicker from 1st Avenue. She stated it is a four minute detour if it is blocked, is unfriendly and unwelcoming as well as a safety hazard if the panels are on the sidewalk. Ms. Lehl stated they will accommodate to make the sidewalk open.

Council Member Green was concerned about detours on Broadway and asked if we could get information out about the street closure. Police Chief Spencer commented he does not see a huge problem, the event will be advertised, and he will have additional staff on hand. After discussion, Mayor Gonzales asked that in the future we set up protocol regarding contacting businesses with Broadway street closures. Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to approve the Community Festival Permit for the Downtown Scottsbluff Association at the Downtown Plaza, including vendors, street closure and noise permit for the Bands on Broadway Summer Series to be held on July 4th, 11th, 18th, 25th, August 1st & 8th, 2019 from 6:00 p.m. to 9:00 p.m.," "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

Regarding the six Special Designated Liquor Licenses (SDL) for the Bands on Broadway Summer Series Event at the Downtown Plaza, Ms. Lehl explained that Peter Meyer with Flyover Brewery was present but had to leave. She added alcohol will only be served in the Plaza and wristbands will be sold at point of sale. Council Member Green commented he is hesitant with allowing six SDL permits at one time. Mayor Gonzales stated he understands the concerns, but he has confidence in the Police Chief to make sure the events are run smoothly. Council Member Shaver asked how many permits the Flyover Brewery can have a year. Ms. Lehl stated they have unlimited because of the type of liquor license they hold. City Clerk Wright added each location is allowed 12 Special Designated Liquor Licenses per calendar year. With these and the following agenda item for the NEXT Young Professional's Beer and Wine Fest, will total nine for the Downtown Plaza. Council Member Shaver expressed concern that one association will use half of the twelve SDL permits allowed at the Plaza. Council Member Schaub made the motion, seconded by Mayor Gonzales, "to approve six Special Designated Liquor Licenses for BDS3C, LLC dba Flyover Brewing Co. and the Downtown Scottsbluff Association to serve beer at the Bands on Broadway Summer Series at the Downtown Plaza on July 4th, 11th, 18th, 25th, August 1st & 8th, 2019 from 5:00 p.m. to 10:00 p.m.," "YEAS," Gonzales, McKerrigan, and Schaub. "NAYS," Green and Shaver. Absent: None.

Ms. Jennifer Urdiales and Ms. Laurie Buhlke, representing NEXT Young Professionals approached Council regarding a Community Festival Permit and Special Designated Liquor License for the Best of the West Beer and Wine Festival on August 10th, 2019. This is the ninth event and the first year the organization is applying for the Special Designated Liquor License. They have asked for three uniformed police officers to monitor the area and they are going to use snow fencing instead of cattle guards; for that reason, they have requested to waive the requirement of double fencing. Ms. Urdiales added their priority is security at the event and they have doubled their insurance liability because of the Special Designated Liquor License. Council Member Green made the motion, seconded by Council Member Shaver, "to approve the Community Festival Permit for the NEXT Young Professionals at the Downtown Plaza, including vendors, noise permit and street closure for the Best of the West Beer and Wine Festival on August 10, 2019 from 4:00 p.m. to 8:00 p.m.," "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Regarding the Special Designated Liquor License for the NEXT Young Professionals, Ms. Buhlke stated they do the event once a year and everything is taken down before dark. They serve from 4:00 to 8:00 p.m. Council Member Schaub made the motion, seconded by Council Member Shaver, "to approve the Special Designated Liquor License for NEXT Young Professionals to serve beer and wine at the Best of the West Beer and Wine Festival on August 10, 2019 from 4:00 p.m. to 8:00 p.m.," "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Council Member McKerrigan declared a conflict of interest regarding the Resolution approving the modification to the Redevelopment Plan submitted jointly by AKAJRV 314, LLC (successor in interest to HVS, LLP) and Original Equipment Co. dba Aulick Industries for the Aulick Industries Office and Truck Shop Project because she is an employee and secretary of the corporation. Council Member Shaver, seconded by Council Member Schaub made the motion, "to accept Council Member McKerrigan's conflict of interest regarding the Resolution approving the modification to the Redevelopment Plan submitted jointly by AKAJRV 314, LLC (successor in interest to HVS, LLP) and Original Equipment Co. dba Aulick Industries for the Aulick Industries Office and Truck Shop Project

and excuse her from voting,” “YEAS,” Shaver, Gonzales, Schaub, and Green. “NAYS,” None. Abstain: McKerrigan. Absent: None.

Council Member Schaub made the motion, seconded by Mayor Gonzales, “to approve Resolution 19-06-01 approving a modification to the Redevelopment Plan submitted jointly by AKAJRV 314, LLC (successor in interest to HVS, LLP) and Original Equipment Co. dba Aulick Industries for the Aulick Industries Office and Truck Shop Project,” “ YEAS,” Schaub, Gonzales, and Green. “NAYS,” Shaver. Abstain: McKerrigan, Absent: None.

RESOLUTION NO. 19-06-01

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.*, a "Redevelopment Plan" titled *Aulick Industries Office and Truck Shop*, prepared by AKAJRV 314, LLC (successor in interest to HVS, LLP) and Original Equipment Co. d/b/a Aulick Industries (the "Redeveloper") has been approved by the Scottsbluff City Council and Community Redevelopment Authority ("CRA").

b. The Redeveloper has submitted to the CRA a "Modification" to the Redevelopment Plan. The Redevelopment Plan, as modified by the Modification (together, the "Modified 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 Modified Plan includes the use of tax increment financing.

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

d. The Modified Plan has been reviewed by the CRA, which found that the Modified Plan conforms to the Comprehensive Plan, that the project as proposed in the Modified 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 Modified Plan to the City Council.

e. On June 17, 2019, the City Council held a public hearing on the proposal to approve the Modified Plan.

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

Resolved:

1. The Modified 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 Modified 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 Modified Plan.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Modified 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 portion 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 portion 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 Modified 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 Modified Plan.

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

PASSED and APPROVED on June 17, 2019

Mayor

ATTEST:

City Clerk (Seal)

City Manager Johnson explained that after the budget workshop in May it was directed to City Staff to come back with an Ordinance charging everyone, commercial and residential, who take trees,

brush, and yard waste to the compost facility. This will become effective the start of the new fiscal year October 1, 2019.

Council Member Shaver asked why a Scottsbluff resident would have to pay the same as a non-resident. Mr. Johnson stated because Council gave the direction to charge everyone to use the facility, but if they wanted to modify the Ordinance, now would be the time to do it.

Council Member Schaub introduced the Ordinance that was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF DEALING WITH DISPOSAL OF TREES, BRUSH AND YARD WASTE AT CITY DISPOSAL SITES, AMENDING THE SCOTTSBLUFF MUNICIPAL CODE SECTION 6-6-26, SETTING FORTH RATES AND CHARGES FOR ACCEPTING ALL COMMERCIAL AND RESIDENTIAL YARD WASTE AND TREE DISPOSAL, REPEALING THE FORMER SECTION, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

Council Member Schaub made a motion, "to waive the three readings of the Ordinance." The motion died for lack of a second. Mayor Gonzales asked to read the Ordinance out; allowing time to obtain more data from Environmental Services pertaining to waste the City receives from other communities.

Mr. Johnson explained the interlocal agreement with the City of Terrytown authorizing Scottsbluff to perform and conduct stormwater facility and out fall inspections at the rate of \$41.00 per hour. This contract is for four years; staff is recommending approval. Council Member McKerrigan, seconded by Council Member Green made the motion to, "approve the Terrytown/Scottsbluff Interlocal Stormwater agreement and authorize the Mayor to execute the agreement," "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

Mr. Hunter Kosman approached Council explaining the City targets to be used for the launch and land sites during the US National Hot Air Balloon Championship, stating balloonists will drop a bean bag at marked targets within the locations. Sites included are; City wells off 20th Street, Legion Field, Veteran's Park, Northwood Park, Lacy Park, and Landers Soccer Complex. Lacy Park and Landers Soccer Complex will also be used as launch/land sites. Council Member Green asked about insurance. Mr. Kosman stated the City will be listed as an additional insured on the policy. Council Member Green made the motion, seconded by Council Member Shaver, "to approve using City owned property as target(s) and/or launch and land sites during the US National Hot Air Balloon Championship, August 10-17, 2019," "YEAS," Gonzales, Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: None.

There were no comments from the public. Under Council reports, Council Member Shaver stated there was no 911 meeting this month. Council Member McKerrigan stated Tri City Active Living Committee met and they are working on the bike event, signage and the walk audit. Mayor Gonzales stated PADD met last Thursday, they are looking at adjusting their membership fees. He also mentioned there are several grants available, a couple which could be beneficial to the City.

Council Member Schaub made the motion, seconded by Council Member McKerrigan, "to adjourn the meeting at 8:08 p.m.," "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Mayor

Attest:

City Clerk "SEAL"