

City of Scottsbluff, Nebraska

Monday, December 21, 2020

Regular Meeting

Item Consent1

Council to approve the minutes of the December 7, 2020 Regular Meeting.

Staff Contact: Kim Wright, City Clerk

The Scottsbluff City Council met in a regular meeting on December 7, 2020 at 6:03 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on December 4, 2020, 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 and that anyone attending was encouraged to wear a mask and to respect social distance guidelines. It also stated 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 had been emailed to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and NBC Nebraska, and the Star Herald. The notice was also available on the city's website on December 4, 2020. 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 and 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, Jeanne McKerrigan, Scott Shaver, Nathan Green, and Terry Schaub. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Rick Kuckkahn. Absent: None. Mayor Gonzales asked if there were any changes to the agenda. City Clerk Wright asked that item 10c, Selection of Temporary Chairperson be removed from the agenda. City Code 6-1-22 states the duties fall on the Vice President. In the absence of the President and Vice President, the Council shall elect one of its members to serve as the temporary chairperson. Council Member Schaub moved, seconded by Council Member McKerrigan to eliminate 10c, Selection of Temporary Chairperson, from the agenda. "YEAS," Green, McKerrigan, Gonzales, Shaver, and Schaub. "NAYS," None. Absent: None. Mayor Gonzales then 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 Schaub made the motion, seconded by Council Member McKerrigan to approve items 8a-h titled Minutes:

- a) The minutes of the November 1, 2020 Regular Meeting.
- b) The minutes of the November 18, 2020 Special Meeting.
- c) The minutes of the November 19, 2020 Special Meeting.
- d) The minutes of the November 30, 2020 Special Meeting.
- e) The minutes of the November 30, 2020 Regular Meeting.
- f) The minutes of the December 1, 2020 Special Meeting.
- g) The minutes of the December 2, 2020 Special Meeting.
- h) The minutes of the December 4, 2020 Special Meeting,

"YEAS," Schaub, Shaver, Green, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Council recognized Raymond Gonzales and Scott Shaver for their years of service to the Scottsbluff City Council. Vice President of the Council, Jeanne McKerrigan, presented both of them plaques on behalf of the City and thanked them for serving.

City Clerk Wright reported that Council Members-elect Angela Scanlan and Jordan Colwell are

qualified to be seated as members of the City Council and their bond applications are in process. Council Members elect Angela Scanlan and Jordan Colwell read their Oaths of Office and were seated as City Council Members. Roll call was taken and the following Council Members were present: Nathan Green, Jeanne McKerrigan, Terry Schaub, Angela Scanlan, and Jordan Colwell. Absent: None.

Chairperson McKerrigan called for nominations for Mayor. Council Member Scanlan nominated Council Member Colwell. Council Member Schaub nominated Council Member McKerrigan and Council Member Green nominated himself for President/Mayor of the City Council. There were no other nominations

City Clerk Wright called the roll in the order the nominations were received starting with calling the roll for the nomination of Jordan Colwell as Mayor, "YEAS," Scanlan and Colwell. "NAYS," Schaub, Green, and McKerrigan. Absent: None.

City Clerk Wright then called the roll for the nomination of Jeanne McKerrigan as Mayor, "YEAS," Schaub, Colwell, Scanlan, Green, and McKerrigan. "NAYS," None. Absent: None.

Due to majority vote, Council Member McKerrigan took her seat as Mayor of the City of Scottsbluff.

Mayor McKerrigan called for nominations for Vice-President of the Council. Council Member Scanlan nominated Council Member Colwell and Council Member Green nominated himself for the office of Vice-President of the Council. There were no other nominations.

City Clerk Wright called the roll for the nominations of Vice-President in the order they were received starting with calling the roll for the nomination of Jordan Colwell as Vice-President of the Council, "YEAS," McKerrigan, Schaub, Colwell, and Scanlan. "NAYS," Green. Absent: None.

Due to majority vote, Council Member Colwell took his seat to serve as Vice-President of the Council.

At this time, each of the Council Members selected the committees they wished to represent. Moved by Council Member Scanlan, seconded by Council Member Green, to make the following committee appointments:

- a) Panhandle Area Development District – City Manager or designee; Scanlan (alternate)
- b) Scottsbluff Drain Operating Committee – Schaub and Green (alternate)
- c) Panhandle Humane Society – Animal Control Officer Brunz
- d) Technical Advisory Committee – Scanlan and McKerrigan (alternate)
- e) NPPD Retail Community Customer Committee – City Manager or designee (primary)
- f) Public Alliance for Community Energy (PACE) – City Manager or designee (primary)
- g) Youth Council- McKerrigan
- h) Resource, Conservation & Development Board (RC&D) - McKerrigan (primary)
- i) Riverside Discovery Center Board – Green
- j) 911 Steering Committee – Schaub and Colwell (alternate)
- k) Western Nebraska Economic Development Committee – Schaub and Scanlan (alternate)
- l) Revenue Committee – McKerrigan and Colwell

- m) East Overland Steering Committee – Schaub and Green (alternate)
- n) Tri City Active Living Advisory Council – McKerrigan
- o) Platte Alliance Water Supply – Green and Colwell (alternate)
- p) Region 22 Emergency Management Advisory Board – Schaub and Schingle (proxy)
- q) Heartland Expressway – Green and McKerrigan (alternate)

“YEAS”, Colwell, Green, McKerrigan, Schaub, and Scanlan. “NAYS” None. Absent: None.

At 6:26 p.m., Mayor McKerrigan moved to convene as the Scottsbluff Leasing Corporation.

(Minutes of the Scottsbluff Leasing Corporation are under separate file)

At 6:33 p.m., moved by Council Member Green, seconded by Council Member Scanlan, to adjourn as the Scottsbluff Leasing Corporation and reconvene to the regular meeting of the Scottsbluff City Council, “YEAS” Schaub, Green, Scanlan, Colwell, and McKerrigan. “NAYS” None. Absent: None. The following Council Members were present: Angela Scanlan, Jordan Colwell, Nathan Green, Terry Schaub, and Jeanne McKerrigan. Absent: None.

Moved by Council Member Green, seconded by Council Member Schaub, “that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated December 7, 2020, as on file with the City Clerk and submitted to the City Council,” “YEAS”, Colwell, Schaub, Green, McKerrigan, and Scanlan. “NAYS” None. Absent:None.

CLAIMS

ADVANCE AUTO PARTS,PARKS 343- BELT,87.38; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4099.97; AMAZON.COM HEADQUARTERS,MISC.,384.3;ANITA'S GREENSCAPING INC,CONT.SRVCS.,510;B&HINVESTMENTS, INC,DEP. SUP. - LIRBARY,210.5; BAKER & ASSOCIATES INC,23 CLUB IMPROVEMENTS,1538.5; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,2651.01; BLUFFS FACILITY SOLUTIONS,JAN. SUP.,604.23; BNSF RAILWAY COMPANY,PATHWAY EXPENSE,5617.04; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,107.7; CARR- TRUMBULL LUMBER CO, INC.,XXL TYVEK COVERALLS,590.58; CELLCO PARTNERSHIP,CELL PHONES-PD,1565.86; CITIBANK N.A.,DEPT SUPP PARK,720.56; CITIBANK, N.A.,SUPP - HEX NUTS & BOLTS,101.7; CITY OF GERING,DISPOSAL FEES RECYCLING & TRASH OCT 2020,42846.86; CITY OF SCB,PETTY CASH,102.95; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; CONTRACTORS MATERIALS INC.,DEPT SUP,1023.02; CORE & MAIN LP,CONTRACTUAL SVC,23210;CRESCENT ELECT. SUPPLY COMP INC,ELECT. SUPP - FUSES, TIME DELAYS,82.66; CYNTHIA GREEN,DEPT SUPP GIS,691.44; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,105.94; ELLIOTT EQUIPMENT COMPANY INC.,WHEELS FOR REARLOADER CANS,922.08; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135; ENVIRONMENTAL ANALYSIS SOUTH, INC,CONTRACTUAL SVC,450.5; FAT BOYS TIRE AND AUTO,CEMETERY & PARKS- TIRES,278.1; FBG SERVICE CORPORATION,BLDG. MAIN.,1346; FEDERAL EXPRESS CORPORATION,POSTAGE,151.7;

FLOYD'S TRUCK CENTER SCOTTSBLUFF,REPAIRS TO UNIT #816,2079.39; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1715; FREMONT MOTOR SCOTTSBLUFF, LLC,POLICE #1- WHEEL ASSY,107.06; FYR-TEK INC,BREATHING REGULATOR REPAIR,84.8; GALLS INC,UNIFORMS-PD,585.97; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,852.54;GREENING ENTERPRISES INC.,16 SETS DUAL PURPOSE PERSONAL PROTECTIVE EQUIPMENT,11376.8;GRIESSSPENCER,SCHOOLS& CONF-PD,600;HARGES DANIEL,SCHOOLS & CONF-PD,600; HAWKINS, INC.,CHEMICALS,4454.25; HOA SOLUTIONS, INC,EQUIP MAINT,836.89; HYDROTEX PARTNERS, LTD,WW STOCK- POWER KLEEN,208.98; ICC CERTIFICATION SERVICES,DEPT MMBRSH,145; IDEAL LAUNDRY AND CLEANERS, INC.,RUGS, SHOP TOWELS, MOPS,562.17; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,95.8; INGRAM LIBRARY SERVICES INC,BKS.,606.28; INTERNAL REVENUE SERVICE,WITHHOLDINGS,63602.77; INTRALINKS, INC,DATTO SIRIS NOV 2020 - ADMIN/PD/WATER,2663; INVENTIVE WIRELESS OF NE, LLC,INTERNET,35.9; JOHN DEERE FINANCIAL,VIRUS SUPP - MASKS,465.67; JOHN DEERE FINANCIAL,EQUIP MAINT PARK,136.8; JOHN DEERE FINANCIAL,PARKS 333- ELECTRICAL COIL,69.13; KNOW HOW LLC,ES #824- ORINGS, HOSE, CONNECTORS, FITTINGS,751.19; KUCKKAHN, RICK,EXPENSE REIMB. - COUNCIL MTGS 11/18-19/20,37.91; LEAGUE ASSOCIATION OF RISK MANAGEMENT,2020 ELGIN BROOM BEAR SWEEPER,876.01; LOGAN CONTRACTORS SUPPLY INC,BEARING ASSY FOR TAR KETTLE,145.06; M.C. SCHAFF & ASSOCIATES, INC,ENGINEERING,10170; MACQUEEN EQUIPMENT INC,ONE 2020 ELGIN BROOM BEAR STREET SWEEPER,214450.55; MAGNET SOLUTIONS INC,SEWER CLAIM,1025; MATHESON TRI-GAS INC,RENT MACHINES,82.37; MENARDS, INC,BLDG MAINT-PD,622.46; MIDLANDS NEWSPAPERS, INC,PUBLICATIONS-PD,622.75;MONUMENT CAR WASH INC,VEHICLE MAINT,41.61; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,972.1; NE DEPT OF ENVIRONMENTAL CONTR,LOANPAYMENTS,169893.25; NE DEPT OF REVENUE, TAXES,55364.97;NEBRASKA MACHINERY CO,EQUIP MAINT,2222.93; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 18037.19; NEBRASKA STATEWIDE ARBORETUM, MEMBERSHIPS,130; NEBRASKALANDTIRE,INC,POLICE1TIRES, 147; NETWORK FLEET, C, GPS SERVICE,305.23; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEPT SUP,622.85; ONE CALL CONCEPTS, INC,CONTRACTUAL,201.51; PAGE MY CELL LLC,YEARLY SUBSCRIPTION CELLULAR PAGING,600; PAIGE'S POSIES,CONTRACTUAL,4275;PANHANDLE COOPERATIVE ASSOCIATION,DEPTFUEL,54.64;PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES, 284; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5383.65; PLATTE RIVER GLASS RODNEY L FLOTH,VEH MAINT-PD,270;PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10356.5; POWERPLAN,TRANS 446- CYLINDER,89.37; PRO OVERHEAD DOOR,BUILDING MAINT,109; PROTEX CENTRAL, INC.,BLDG MAINT-PD,108; PRUDENT PUBLISHING CO INC,DEPT SUPPL-PD,310.62;QUADIENTLEASING USA INC,RENT MACH-PD,219.56;QUILL CORPORATION,DEPT SUPPL-PD,1009.64;REGIONAL CARE INC,HEALTH INSURANCE PREMIUM - DEC 2020,40941.4; REGIONAL WEST MEDICAL CENTER,HEALTH FAIR - POLICE,93;REGISTER OF DEEDS,LEGAL,30; ROOSEVELT PUBLIC POWER DISTRICT,PUMPING POWER,1786.65; RURAL HEALTH DEVELOPMENT, INC.,ECONOMIC

DEV,6383.33; S M E C,EMPLOYEE DEDUCTON,123.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT PARK,356.07;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,479.99; SCOTTIES POTTIES INC,CONTRACTUAL,720; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,180; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1053; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,SCREENPRINTING FOR UNIFORM CLOTHING,656.25; SHERWIN WILLIAMS,SUPP FOR SIGN SHOP,56.27; SIMON CONTRACTORS,DEPT SUPP CEM,705; SNELL SERVICES INC.,BLDG MAIN.,2054; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95; STAMPER SIDING & CONSTRUCTION,DUMPSTERBOTTOMSFOR8 CANS,1800;STATE HEALTH LAB,SAMPLES,306; STATE OF NE.,CONTRACTUAL-PD,1050; STEVE'S TRUCK & EQUIPMENT INC,PARKS 343-PUMP REPARIS,50; THE ABY MANUFACTURING GROUP, INC,UNIFORMS-PD,20.5; THE PEAVEY CORP,INVEST SUPPL-PD,597.9; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE-PD,343.53; TYLER TECHNOLOGIES, INC,FEE - ONLINE UB 12/1/20 - 12/31/20, 348; UNION BANK & TRUST,RETIREMENT,39209.67;UNITED STATES WELDING,CO2 TANK RENTAL,44.41; US BANK,SCHOOLS & CONF-PD,8406.39; WAKEFIELD & ASSOCIATES INC,WAGE ATTACHMENT,241.6; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08;WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT REFILL,166.07;REFUNDS; TRAILS WEST PAVILLION, 391.81.

Mayor McKerrigan opened the public hearing at 6:35 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by YOLO Properties, LLC for the YOLO Properties Car Wash Project. Ms. Starr Lehl, Economic Development Director, approached Council and explained the business will be located south of W. 29th Street and will be known as the Shaggy Buffalo Car Wash. She went on to explain the three standards for review, starting with the conformity to the comprehensive plan. She stated the proposed project meets this standard because it is in an area that has been previously designated as blighted and substandard and in the need of redevelopment. She then described the second standard to be reviewed, the “But For” Test, stating the redeveloper has certified the Plan would not be economically feasible and the Project would not occur at the Project Site without the use of tax increment financing. The third and final standard, the Cost Benefit Analysis, Ms. Lehl explained Council must find that the costs and benefits of the project, including the costs and benefits to other affected political subdivisions, the economy of the community and the demand for public and private services have been analyzed and are in the long term best interests of the community. At the conclusion of her presentation, she informed Council the CRA did adopt a cost benefit analysis, which is included in the packet.

Mr. John Hoehne, developer and owner, approached Council and explained this is a high performance carwash that will wash between 120-180 vehicles every hour to a high standard. He stated environmentally this carwash is very efficient and will use 20-30 gallons of water per car and 60-70% of the water is recyclable. In addition, the chemicals used are biodegradable, safe chemicals and anything that comes off the cars is reclaimed in the tanks below. The business will employ 4-5 full time people depending on staffing needs and he added they are very excited to be part of the business community in Scottsbluff.

There were no other comments from the public. Mayor McKerrigan closed the public hearing at 6:41 p.m.

Regarding awarding the bid for the New One-Ton Dump Truck Regular Cab 4x4, Duel Rear Wheels for Fairview Cemetery to Sid Dillon Fleet for \$33,730, Mr. Kuckkahn explained this bid meets specifications, is acceptable, and he is recommending approval of the bid. Council Member Green moved, seconded by Council Member Scanlan to approve awarding the bid for the New One-Ton Dump Truck Regular Cab 4x4, Duel rear Wheels for Fairview Cemetery to Sid Dillon Fleet for \$33,730.00, "YEAS," Schaub, Green, Colwell, Scanlan, and McKerrigan. "NAYS," None. Absent: None.

Mr. Kuckkahn presented the First Amendment to Land Lease with Cellco Partnership d/b/a Verizon Wireless for tower site at 23 Club, explaining the City was approached to ask for consideration of the current lease as Cellco Partnership felt the market rates expressed in the old lease were out dated in terms of fees and time frames. Legal Counsel Hadenfeldt further expressed Cellco Partnership wants to extend the lease another 30 years, to now expire in 2054. He cited there is a lot of competition and with a longer term the more likely Cellco Partnership is to get a co-location agreement with another cell provider, in which the City will get additional rent. Cellco Partnership is paying the City \$30,000 up front for the extended term. In addition, they have asked to reduce the rent escalator from 3% to 2% because of the length of the extension. Council Member Schaub moved, seconded by Council Member Colwell to approve the First Amendment to Land Lease with Cellco Partnership d/b/a Verizon Wireless for tower site at 23 Club and authorize the Mayor to sign the Memorandum of Lease, "YEAS," Colwell, McKerrigan, Green, Schaub, and Scanlan. "NAYS," None. Absent: None.

Mr. Kuckkahn approached Council regarding the 23 Club Agreement, explaining this is a 10 year Agreement with a \$3,000 dollar payment per year for materials and services provided. He went on to add other organizations and agencies in the community are charged similar fees based on services the City provides.

Mr. Geoff Nemnich came forward and requested the Agreement be rent free for the 10 years based on the time and effort he and the rest of 23 Club have put in for the fund raising of the complex. He added \$3,000 is approximately 5% of their operating budget each year and he is asking Council to waive the fee. In addition, the reason for the longer Agreement is because they are submitting another grant application which he feels would help their chances of being awarded the grant.

Mr. Kuckkahn then informed Council the City is waiting for a payment from 23 Club to make us whole on the overall construction. He asked Council to make a condition to receive the money before the Agreement is signed.

During discussion, Council Member Green stated his reservation about making a contract longer than the current Council's terms. He did not think it was a good idea. He also questioned what the cost may be to operate the facility. Because of the concerns, Council Member Green moved to table the Agreement with 23 Club. The motion died for lack of a second.

Council Member Schaub then made a motion to not approve the Agreement or authorize the Mayor to sign the Agreement. This was seconded by Council Member Green. "YEAS," Green and Schaub. "NAYS," Scanlan, McKerrigan, and Colwell. Absent: None.

Council Member Green then moved to modify the Agreement to a two year Agreement including the \$3,000 payment with the contingency that 23 Club has paid any balances owed to the City for construction. This motion also died for lack of a second.

Mayor McKerrigan then moved to approve a five year contract at \$3,000 contingent upon the

funds being made whole with the City of Scottsbluff. This was seconded by Council Member Schaub. "YEAS," Scanlan, Schaub, Colwell, and McKerrigan. "NAYS," Green. Absent: None.

Ms. Starr Lehl, approached Council regarding Expedited Reviews of Eligible Redevelopment Projects and approving the application from the Nebraska Department of Economic Development, explaining this is Legislative Bill 1021 and it streamlines smaller tax increment financing projects. She further explained the process by going through the material in the packet on how a redevelopment plan is eligible for expedited review.

Legal Counsel Hadenfeldt then came forward explaining this is also known as Micro TIF. He went on to state the application process is streamlined to where the Department of Economic Development is developing the application, so we cannot use our City application. He further added we can also only charge a \$50.00 application fee and if it is accepted the City has to approve it. Council Member Scanlan moved, seconded by Council Member Schaub to approve the application from the Nebraska Department of Economic Development regarding Expedited Reviews of Eligible Redevelopment Projects. "YEAS," McKerrigan, Colwell, Schaub, and Scanlan. "NAYS," Green. Absent: None.

Mr. Kuckkahn approached Council regarding the Maintenance Agreement No. 22 between the City of Scottsbluff and the Nebraska Department of Transportation, explaining the Agreement involves the State paying the City to maintain certain highway sections dealing primarily with snow plowing and weed removal. Council Member Green moved, seconded by Council Member Colwell to approve the Maintenance Agreement No. 22 between the City of Scottsbluff and the Nebraska Department of Transportation and authorize the Mayor to sign the Agreement. "YEAS," Schaub, Colwell, Scanlan, McKerrigan, and Green. "NAYS," None. Absent: None.

Regarding the Resolution to approve the Redevelopment Plan submitted by YOLO Properties, LLC for the YOLO Properties Carwash Project, Council Member Schaub made the motion, seconded by Council Member Scanlan to approve Resolution No. 20-12-01 approving the Redevelopment Plan submitted by YOLO Properties, LLC for the YOLO Properties Carwash Project, "YEAS," McKerrigan, Scanlan, Colwell, and Schaub. "NAYS," Green. Absent: None.

RESOLUTION NO. 20-12-01

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 *YOLO Properties Carwash* project by YOLO Properties 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. The Planning Commission did not make a recommendation 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 2016 Scottsbluff Comprehensive Plan, that the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the CRA, are in the long term best interests of the community.

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

e. On December 7, 2020, 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 impacted by the project.

3. The City Council approves the Redevelopment Plan.

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

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

(b) That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the CRA to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the CRA for financing or refinancing, in whole or in part, the project set

forth in the Redevelopment Plan. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due have been paid, the CRA shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in the redevelopment project shall be paid into the funds of the respective public bodies; and

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

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

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

PASSED and APPROVED on December 7, 2020.

Mayor

ATTEST:

City Clerk (Seal)

Regarding the Resolution to approve Expedited Reviews of Eligible Redevelopment Projects, Legal Counsel Hadenfeldt explained this is the Resolution that needs to be approved as part of the plan. Ms. Lehl also added this was approved unanimously by the Community Redevelopment Authority (CRA). Council Member Schaub moved, seconded by Council Member Scanlan to approve Resolution No. 20-12-02 approving Expedited Reviews of Eligible Redevelopment Projects, "YEAS," Scanlan, McKerrigan, Colwell, and Schaub. "NAYS," Green. Absent: None.

RESOLUTION NO. 20-12-02

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

Recitals:

a. According to L.B. 1021 (Neb. Laws 2020), now codified in the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the “Act”), the City Council may elect by resolution to allow expedited reviews of redevelopment plans that meet the requirements of Section 18-2155(2) of the Act (“Eligible Redevelopment Plans”).

b. The Community Redevelopment Authority has recommended to the City Council that the City Council allow expedited reviews of Eligible Redevelopment Plans.

Resolved:

1. The City of Scottsbluff shall allow expedited reviews of Eligible Redevelopment Plans according to the Act.
2. The City shall charge an application fee for Eligible Redevelopment Plans in the amount of \$50.00 per application.
3. The City Manager or his or her designee shall conduct expedited reviews of the Eligible Redevelopment Plan applications and submit the Eligible Redevelopment Plans to the City Council for review and approval according to the Act.
4. 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 Act.
5. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on December 7, 2020.

Mayor

ATTEST:

City Clerk (Seal)

Ms. Starr Lehl approached Council regarding a Resolution for the purpose of committing LB840 funds as a match for the Nebraska Department of Economic Development Regional Workforce Housing Grant. She reminded Council that two years ago Panhandle Area Development District applied on behalf of the counties of Scotts Bluff, Morrill, and Kimball, with the City of Scottsbluff at that time committing \$400,000 in matching funds, however that application was unsuccessful. She added Twin Cities

Development is now bringing forward another application and explained the LB840 Application Review Committee has met and has recommended setting aside \$350,000 for this purpose.

Ms. Rawnda Pierce, Executive Director of Twin Cities Development came forward to give some history on the project. Ms. Pierce explained the Rural Workforce Housing was made available in 2017. There were 14 communities funded in the initial application, however, our community was not included in that funding. She explained housing projects would be bid and funds awarded to local contractors, eligible housing groups and others to build affordable workforce housing in the community. The fund would be a revolving loan fund and any loan proceeds would be repaid and revolved for additional housing projects in the community. She went on to state liens would be placed on properties and upon sale, the loan proceeds would be repaid to the TCD RWHF fund. Ms. Pierce did address that the initial funds of \$350,000, recommended by the LB840 Committee, would only be used in Scottsbluff.

Ms. Pierce also explained a letter of intent is due by December 15, 2020 with the application deadline January 28, 2021.

Council Member Green moved seconded by Council Member Scanlan to approve Resolution 20-12-03 for the purpose of committing LB840 funds as a match for the Nebraska Department of Economic Development Workforce Housing Grant, "YEAS," Schaub, Colwell, Green, McKerrigan, and Scanlan. "NAYS," None. Absent: None.

Resolution No 20-12-03

WHEREAS, the City of Scottsbluff, Nebraska ("Scottsbluff") operates its Economic Development Program (the "Program") through the use of its Economic Development Program Funds (the "Funds"); and

WHEREAS, the Program is able—under its Economic Development Plan (the "Plan") and the Nebraska Local Option Municipal Economic Devolvment Act (NEB. REV. STAT. § 18-2701 *et. seq.*)—to provide assistance from the Funds in the form of grants to businesses that derive their principal source of income from the construction or rehabilitation for sale or lease of housing as part of a workforce housing plan; and

WHEREAS, the Plan includes workforce housing plan, and the Rural Workforce Housing Fund (RWHF) with the Nebraska Department of Economic Development is accepting applications for a match-grant to eligible non-profit organizations for rural workforce housing projects; and

WHEREAS, projects eligible under the RWHF program may likewise qualify for assistance under the Program, and Twin Cities Development, Inc. ("TCD") is an eligible non-profit organization interested in submitting a match-grant application to the RWHF program; and

WHEREAS, the RWHF program requires a 50% local match of funds from the applicant or from the surrounding community of the applicant, and TCD has submitted an application under the Program for Scottsbluff to provide matching funds from Funds of the Program for TCD's RWHF program application; and

WHEREAS, TCD's application for assistance under the Program has been reviewed and recommended for approval by the Program's Application Review Committee (the "Committee") in an amount of \$350,000, subject to (1) such Funds being spent directly on Qualifying Businesses under the

Program, which are anticipated to be contractors or businesses that derive their principal source of income from the construction or rehabilitation for sale or lease of housing; (2) such funds being expended for housing projects located in the municipal limits of Scottsbluff; and (3) an economic development assistance agreement between Scottsbluff and TCD, satisfactory to Scottsbluff, being executed to that effect.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Scottsbluff, Nebraska, that the following is committed:

1. Scottsbluff commits and earmarks up to \$350,000 from the Funds to TCD as a local match to the match-grant requirements of TCD's anticipated application to the RWHF program, subject to the following:

A. The commitment of \$350,000 is conditional upon Scottsbluff and TCD executing an economic development assistance agreement, satisfactory to Scottsbluff, under which the Funds pledged and distributed to TCD are (i) spent directly on Qualifying Business of the Plan, which are anticipated to be contractors or businesses that derive their principal source of income from the construction or rehabilitation for sale or lease of housing; (ii) such Funds are expended for housing projects located in the municipal limits of Scottsbluff; and (iii) TCD's RWHF program application is granted by the Nebraska Department of Economic Development in an amount that matches at least the \$350,000 from the Fund; provided, however, that Scottsbluff's commitment of the Funds may be reduced proportionally to the amount awarded by the Nebraska Department of Economic Development under the RWHF program.

B. The commitment of Funds shall expire if (i) TCD declines to submit the RWHF program application in January 2021, or (ii) TCD's RWHF program application submitted in January 2021 is not funded by the Nebraska Department of Economic Development.

PASSED AND APPROVED this 7th day of December, 2020.

Mayor

Attest:

City Clerk

(Seal)

Council Member Colwell moved, seconded by Council Member Scanlan to approve Resolution No. 20-12-04 authorizing the Mayor to sign the Year-End Certification of Street Superintendent form certifying Philip Mark Bohl, License Number S-1103, Class B, as the City of Scottsbluff Street Superintendent for calendar year 2020 beginning on January 1, 2020 and ending on December 31, 2020, "YEAS," Scanlan, Colwell, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted.
Failure to complete and return: If a municipality had an appointed and Licensed City Street Superintendent for all or part of Calendar Year 2020 and the municipality does not complete and return the original Signing Resolution, original Year-End Certification, and a copy of the documentation of the city street superintendent(s) appointment to the NDOT by December 31, 2020, the municipality will not receive an Incentive Payment for Calendar Year 2020.

RESOLUTION
SIGNING OF THE
YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT
2020

Resolution No. 20-12-04

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent; and

Whereas: The NDOT requires that such certification shall also include a copy of the documentation of the city street superintendents appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor ☒ Village Board Chairperson ☐ of Scottsbluff
(Check one box) (Print Name of Municipality)
 is hereby authorized to sign the attached Year-End Certification of City Street Superintendent.

Adopted this 7th day of December, 2020 at Scottsbluff, Nebraska.
(Month)

City Council/Village Board Members

| | |
|-------------------|----------------|
| Jeanne McKerrigan | Nathan Green |
| Terry Schaub | Jordan Colwell |
| Angela Scanlan | |
| | |
| | |

City Council/Village Board Member Colwell
Moved the adoption of said resolution
Member Scanlan Seconded the Motion
Roll Call: 5 Yes 0 No 0 Abstained 0 Absent
Resolution adopted, signed and billed as adopted.

Attest:

(Signature of Clerk)

Page 1 of 3

Under Council Reports, Council Member Green reported on a Platte Alliance Water Supply (PAWS) meeting.

Council Member Colwell moved, seconded by Scanlan to adjourn the meeting at 7:24 p.m., “YEAS,” McKerrigan, Green, Colwell, Scanlan, and Schaub. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk

“SEAL”