

# **City of Scottsbluff, Nebraska**

**Monday, November 1, 2021**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the October 18, 2021 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on October 18, 2021 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 October 15, 2021, 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 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 October 15, 2021. Mayor McKerrigan presided and City Clerk Wright recorded the proceedings. The meeting was called to order and the Pledge of Allegiance was recited. Mayor McKerrigan 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: Jeanne McKerrigan, Nathan Green, Jordan Colwell, Angela Scanlan, and Selina Lerma. Also present were City Attorney Kent Hadenfeldt and City Manager Dustin Rief. Absent: None. Mayor McKerrigan asked if there were any changes to the agenda. There were no changes. Mayor McKerrigan 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 was none.

Ms. Elizabeth Roberts was present and gave an update on Scottsbluff Youth Council, explaining various activities and functions at Scottsbluff High School.

Council Member Green asked that items 8c) Council to approve the reappointments of Larry Cooper and Carolyn Escamilla to the Park, Cemetery & Tree Board for five year terms and 8d) Council to approve the reappointment of Rick Wayman to the Business Improvement District for a three year term be moved off the consent agenda and restored to the regular agenda for more discussion.

Moved by Council Member Scanlan, seconded by Council Member Green,

- a) The minutes of the October 4, 2021 Regular Meeting be approved.
- b) A public hearing be set for November 1, 2021 at 6:00 p.m. to consider a zone change for BF Properties situated in the Southeast Quarter of the Southwest Quarter of Section 20, Township 22 North, Range 54 West of the 6<sup>th</sup> P.M. Scotts Bluff County, NE from A-Agricultural to C-3 Heavy Commercial, "YEAS," Colwell, Scanlan, Green, Lerma, and McKerrigan. "NAYS," None. Absent: None.

Regarding items 8c) and 8d) Council Member Green asked how appointments are going, if we have gotten any more applications and if the applicants are in the audience. City Manager Rief commented the members are not here; they are reappointments that have expressed interest to serve again. He also informed Council the Parks Board has expanded from five to seven members and the reappointments were inadvertently left off the last agenda. Council Member Scanlan moved, seconded by Council Member Lerma to approve the reappointments of Larry Cooper and Carolyn Escamilla to the Park, Cemetery & Tree Board for five year terms and reappoint Rick Wayman to the Business Improvement District for a three year term, "YEAS," Green, Lerma, Scanlan, McKerrigan, and Colwell. "NAYS," None. Absent: None.

Moved by Council Member Scanlan, seconded by Council Member Green, that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated October 18, 2021, as on file with the City Clerk and submitted to the City Council, "YEAS," Scanlan, McKerrigan, Lerma, Colwell, and Green. "NAYS," None. Absent: None.

#### CLAIMS

ACTION COMMUNICATIONS INC.,EQUIP MAINT-PD,444.1;ADVANCE AUTO PARTS,SWITCH FOR SHOP PICKUP,27.38;AIRGAS USA, LLC,WELDING JACKET AND CAP,75.3;ALLO COMMUNICATIONS,LLC,LOCALTELEPHONECHARGES,4387.88;ASSURITY LIFE INSURANCE CO,LIFE INS,32.95;AUTOZONE STORES, INC,VEH MAINT FIRE,18.56;B&C STEEL CORPORATION, DEPARTMENT SUPPLIES, 313.7; BEEHIVE INDUSTRIES, LLC, CONTRACTUAL SVC,25300;BLOEDORN LUMBER CO - ALLIANCE,EQUIP. MAIN.,235.34; BLUFFS FACILITY SOLUTIONS, DEPT/ JANIT SUPPL PD, 370.96; BOHL, MARK, REIMBURSEMENT FOR CDL,59.5;BROWN'S SHOE FIT, CO.,UNIFORMS & CLOTHING,85; BRUNZ, BRANDI,SCHOOLS & CONF-PD,255;APITAL BUSINESS SYSTEMS INC.,EQUIP. MAIN.,352.69;CELLCO PARTNERSHIP,IPADS, CELL PHONES, TABLETS FOR TRANS.,1090.16; CENTER POINT INC,Coll.,1697.04;CIRRUS HOUSE, INC.,CONTRACTUAL-PD,1137.43; CITIBANK, N.A.,SUPP - ZINC BOLTS,55.35;CITY OF GERING,DISPOSAL FEES,44169.45; CITY OF SCB,DEPT SUPPL/POSTAGE-PD,116.25;CLARK PRINTING LLC,DEPT SUP,224.65;COLLEEN HERMAN,FACADE GRANT,1060.5;COLORADO ASPHALT SERVICES, INC,1 LOAD COLD ASPHALT,4210.8;COMPUTER CONNECTION INC,CONTRACTUAL-PD,44;CONSERV FLAG COMPANY,DEP. SUP.,61.95;CREDIT BUREAU OF COUNCIL BLUFFS,FEES/EMPL SCREEN - SEPT 2021,61.5;CROELL INC,CONCRETE FOR STREET REPAIR,1066.67;CS PRECISION MANUFACTURING INC,ECON DEV - LB 840,150000;DEMCO, INC,GRANT,1433.75;DUSTIN RIEF,EXPENSE - ANNUAL CONF. (9/21/21 - 9/24/21),398.82; EAKES INC,DEPT SUPP,513.89; ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,16132.85;ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,162;ENFORCEMENT VIDEO, LLC,CIP-PATROL CARS-PD,4955; ENVIRONMENTAL RESOURCE ASSOCIATES,CONTRACTUAL SVC,159.22;ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC,GIS CNTRCL SRVCS,15000;FAT BOYS TIRE AND AUTO, VEHICLE MAINT, 864.05; FEDERAL EXPRESS CORPORATION, POSTAGE, 163.44; FINDA WAY WORLD LLC,COLL.,694.86;FLOYD'S TRUCK CENTER SCOTTSBLUFF,SENSOR, DRAIN VALVE, BUSHING- UNIT #828,105.75;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE PD, 1490; GALLS INC, EQUIP/ UNIFORMS PD, 662.87; GRAY TELEVISION GROUP INC, CONTRACTUAL SVC,2095;GREENKEEPER COMPANY, INC,DEPT SUPP CEM,5962; HAWKINS, INC.,CHEMICALS,3459.79;HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP, 1165.07; HOA SOLUTIONS, INC, EQUIPMAINT, 1133.04; HONEY WAGON EXPRESS, CONTRACTUAL PARK,225;HULLINGER GLASS & LOCKS INC.,INSTALL GLASS IN SHOP BUILDING,253.8;IDEAL LAUNDRY AND CLEANERS, INC.,SHOP TOWELS, RUGS, MOPS,394.02;INGRAM LIBRARY SERVICES INC,COLL.,1545.89;INTERNAL REVENUE SERVICE,WITHHOLDINGS,68571.88;INTRALINKS, INC,CONTR.SERVICES - SEPT 2021,4866.04; INVENTIVE WIRELESS OF NE, LLC,INTERNET,35.9;JESSIE J. MARTINEZ,FACADE GRANT,4160.5;KIESEL, ROB,LAB EXPENSE - POLICE FITNESS PROGRAM,40;KITE, LANCE,SCHOOLS & CONF-PD,244;KNOW HOW LLC,HYDRAULIC FLUID FOR SHOP,4155.91; LEAGUE ASSOCIATION OF RISK MANAGEMENT,21/22 RENEWAL,724928.93; LEAGUE OF NEBRASKA MUNICIPALITIES,CONF. REGISTR & EXP (SCANLAN & RIEF),844; LEE BHM CORP,PUBLISHING,1461.68;LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100;

L-TRON CORPORATION,EQUIP MAINT-PD,65.6;M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS,380;MADISON NATIONAL LIFE,LIFE INSURANCE,2618.47;MATHESON TRIGAS INC,RENT MACHINES,64.62;MATTHEW MURPHY,MEALS FOR OUT OF TOWN TRAINING/TESTING,65;MENARDS, INC,KEVLAR CABLES,146.55;IDWEST CONNECT, LLC,UB PROCESSING - SEPT 2021,2833.44;MONTELONGO JOSE,LEGAL FEES-PD,23.36;MUNIMETRIX SYSTEMS CORP,IMAGESILO - SEPT 2021,39.99;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1553.1;NE DEPT OF REVENUE,WITHHOLDINGS,35944.11; NEBRASKA INTERACTIVE, LLC,DRIVERS LIC REQ - SEPT 2021,22.5; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 40483.18; NEBRASKA RURAL RADIO ASSOCIATION, CONTRACTUAL SVC,325;NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,EQUIP. MAIN.,802; NEBRASKA STATE TREASURER'S OFFICE,UNCLAIMED PROPERTY 2017,94.95;NEBRASKA STATEWIDE ARBORETUM,MEMBERSHIPS,130;NEBRASKALAND TIRE INC,TIRE REPAIR ON LOADER - COMPOST FACILITY,230.89;NEBRASKALAND TIRE, INC,VEH MAINT-PD,3277.05; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,385.72;ONE CALL CONCEPTS, INC,CONTRACTUAL,190.15;OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQUIP MAINT REC,1228;ORIGINAL EQUIPMENT CORPORATION,DEPT SUPP PARK,6294; PAIGE'S POSIES,BID - CONTR.SERV - SEPT 2021,3520;PANHANDLE COOPERATIVE ASSOCIATION,FUEL,1682.12;PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,140; PANHANDLE REGIONAL DEVELOPMENT, INC.,WNED 2022 FY MEMBERSHIP,50; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10078.36;POSITIVE PROMOTIONS INC,DEPT SUPPL-PD,181.35;POWERPLAN,REPAIRS TO UNIT #866- COMPOST FACILITY,1293.62; PROJECT WET FOUNDATION,DEPT SUP,2813.16;PROTEX CENTRAL, INC.,BLDG MAINT-PD,320.94;QUADIENT INC,POSTAGE,1000;QUILL CORPORATION,INVEST SUPPL-PD,219.76; REAMS SPRINKLER SUPPLY CO.,DEPT SUPP CEM,556.83; REGIONAL WEST MEDICAL CENTER, CPR CARDS, 75; REGISTER OF DEEDS, LEGAL, 110; REZPLOT SYSTEM LLC, CONTRACTUAL,156.5;RICHARD CELLI,SEADOO WEAR RING REPAIR,356.53;RODRIGUEZ BROTHERS PROCESSING, LLC,LB 840 FUNDS,50000;ROHRER, JOSEPH,LAB EXPENSE - FITNESS PROG,124;S M E C,EMPLOYEE DEDUCTION,150.27;SANDBERG IMPLEMENT, INC,REPAIRS TO UNIT #838,268.91;SATUR, JACK,SCHOOLS & CONF,33;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,458.18;SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,280;SCOTTSBLUFF KIWANIS,MBRSHPS.,60;SCOTTSBLUFF MOTOR CO, INC,SWITCH FOR PICKUP,131.57; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,897;SCOTTSBLUFF PUB SCHOOLS,LICENSE FEES 9/30/21,12062.5;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS-PD,112;SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,16777.79;SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,6946.77;SIRSI CORPORATION,CONT. SRVCS.,1263.02;SNELL SERVICES INC.,GROUND MAINT PARK,812.76;SOUNDSLEEPER SECURITY INC.,FACADE GRANT,3532.88;SOUTHERN UNIFORM EQUIPMENT,UNIFORM SHIRTS- XL,721.97;SPECTRUM PHOTO,SELENA LERMA - COUNCIL PHOTO,100;SPENCER, KEVIN,SCHOOLS & CONF-PD,51;SUBWAY 6906,DEPT SUPP HR,30.38;SYMBOLARTS, LLC,UNIFORM NAME PLATES - SITTNER,53.5;TERRY D SCOTT,VEH MAINT PARK,307.15; TEXAS PNEUDRAULIC INC,JOYSTICK FOR UNIT #812,419.9;THOMPSON GLASS, INC,VEHICLE MAINT,100.5;TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE-PD,343.53;TYLER TECHNOLOGIES, INC,FEES - UB 7/1/21 - 9/30/21,3345;UNION BANK & TRUST,RETIREMENT,42144.07;UNITED STATES WELDING,WELD. SUPP - ACET.,

OXYGEN,,234.84;US BANK,GO HWY ALLOC - PLEDGE BONDS SERIES 2020,881187.5; WASSON, BRIAN,SCHOOLS & CONF-PD,244;WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,665;WEX BANK,FLEET DIESEL/GASOLINE,20660.2;WHITING SIGNS,FACADE GRANT,2852;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,765;REFUNDS, HILARIA ESPARZA GARCIA, 40.43; ALDEAN E ANDREWS, 25,70; ALVENA HUGHES, 5.95; R & K LAND CO, LLC, 9.17

Mayor McKerrigan opened the public hearing at 6:08 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by 26 Group, LLC for the 26 Group Fuel Station and Convenience Store-West Project.

Mr. Eric Reichert, developer, came forward and addressed Council. Mr. Reichert explained the plan for the northeast corner of 27<sup>th</sup> Street and Avenue I is to have a fuel station similar to what they have on Hwy 26; a little smaller with less fuel pumps, however. It will house a restaurant but they are not sure what that will be as of yet and they would like to scrape the lot by the end of the year.

Legal Counsel Hadenfeldt then went over the three elements for the Standards of Review. He explained the first is Conformity with Comprehensive Plan and Community Development Law. Mr. Hadenfeldt stated the memo in the packet shows that it meets this requirement. The second element, "But For" Test, has been certified that it would not be economically feasible or occur in the blighted and substandard area without the use of Tax Increment Financing. The third element is Cost-Benefit Analysis. Given the scope of the project the impact on taxing authorities is limited because the infrastructure and services are already there. The taxing authorities are still getting the base tax rate so it has limited impact on the cost analysis.

Mr. Hadenfeldt also added for the record his firm represents Mr. Reichert and his development group. There were no more comments from the public. Mayor McKerrigan closed the public hearing at 6:10 p.m.

Mayor McKerrigan opened the public hearing at 6:11 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by BDS3C, LLC for the Flyover Brewing Company Expansion Project.

Ms. Andrea Margheim with Flyover Brewing Company approached Council and explained they have purchased the building next to them and are expanding into it for additional dining space, private dining space, and expanded production area.

Legal Counsel Hadenfeldt again went over the three elements for the Standards of Review. The first element, Conformity with Comprehensive Plan and Community Development Law, Mr. Hadenfeldt explained does meet the criteria for which it is zoned for. The second "But For" Test has been certified that, but for this financing, the developer could not proceed with this project and third Cost-Benefit Analysis, the scope of this particular project does not create a burden on the other taxing districts; they still get the base amount and the TIF amount is generated based on the improved value over the course of ten years.

There were no more comments from the public. Mayor McKerrigan closed the public hearing at 6:13 p.m.

Mayor McKerrigan opened the public hearing at 6:14 p.m. to consider a Class CK Liquor License application from 27<sup>th</sup> Street Bro's, LLC d/b/a Brothers 27<sup>th</sup> St. Wings and Burgers, 2621 5<sup>th</sup> Ave., Scottsbluff, NE.

Mr. Chad Leeling, liquor license manager applicant and Police Chief Kevin Spencer were present to answer questions regarding the liquor license. The following exhibits presented on behalf of the City Council were entered into record: 1) 27<sup>th</sup> Street Bro's LLC d/b/a Brothers 27<sup>th</sup> St. Wings and Burgers

Liquor License Application; 2) City Council check list for section §53-132 cum. supp. 2016; 3) written statement of Police Chief Kevin Spencer dated October 15, 2021; 4) written statement of City Clerk dated October 18, 2021; 5) written statement of Development Services Department dated September 30, 2021.

Mr. Chad Leeling approached Council and explained that they are opening more of a restaurant than bar serving liquor, wings and burgers. He reiterated they will be focusing on the restaurant more than the alcohol.

Police Chief Kevin Spencer came forward and added he does an extensive background check on the applicant to make sure they are fit, willing and able to have a liquor license. He added he has found nothing to disqualify Mr. Leeling or his business partner and Mr. Leeling has held a liquor license since 2015. In addition, Mr. Leeling did appear before the Liquor License Investigatory Board and they recommended a positive recommendation to City Council.

Legal Counsel Hadenfeldt brought Council's attention to the Development Services Memo regarding the proximity of the restaurant to the school being within 150 ft. He added it was noted on the application and checked out that Mr. Leeling is operating more of a restaurant as opposed to a nightclub or bar scenario.

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

Council Member Colwell moved, seconded by Council Member Scanlan to send a positive recommendation to the Nebraska Liquor Control Commission for 27<sup>th</sup> Street Bro's, LLC d/b/a Brothers 27<sup>th</sup> St. Wings and Burgers, Class CK Liquor License pursuant to Nebraska §53-132 (2)a, (2)b, (2)c, and (2)d, "YEAS," Lerma, Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: None.

Council Member Colwell made a motion, seconded by Council Member Scanlan to adopt Resolution No. 21-10-03 approving the Redevelopment Plan submitted by 26 Group, LLC for the 26 Group Fuel Station and Convenience Store-West Project, "YEAS," McKerrigan, Green, Colwell, Scanlan, and Lerma. "NAYS," None. Absent: None.

### **RESOLUTION NO. 21-10-03**

#### **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 *26 Group Fuel Station and Convenience Store-West* project submitted by 26 Group, LLC (the "Redevelopment Plan") has been submitted to the Scottsbluff Community Redevelopment Authority ("CRA"). The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Redevelopment Plan includes the use of tax increment financing.

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

c. The Redevelopment Plan has been reviewed by the CRA, which found that the Redevelopment Plan conforms to the Comprehensive Plan, that the project as proposed in the

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

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

e. On October 18, 2021, 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 October 18, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk (Seal)

Council Member Scanlan moved, seconded by Council Member Green to adopt Resolution No. 21-10-04 approving the Redevelopment Plan submitted by BDS3C, LLC for the Flyover Brewing Company Expansion Project, “YEAS,” Colwell, Scanlan, Green, Lerma, and McKerrigan. “NAYS,” None. Absent: None.

**RESOLUTION NO. 21-10-04**

**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 *Flyover Brewing Company Expansion* project submitted by BDS3C, 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 October 18, 2021, 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:**

3. 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.

4. 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.

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

**PASSED and APPROVED** on October 18, 2021.

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Mayor

ATTEST:

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City Clerk (Seal)

Mr. Zachary Glaubius, Planning Administrator, approached Council regarding taking action on a Resolution adopting the North Platte Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update. Mr. Glaubius explained the update is part of a five year plan; the last time this was completed was in 2016. In addition it is required by FEMA and is something the North Platte NRD coordinates with all of its jurisdictions. The City of Scottsbluff has a team of himself and four others who have worked on getting this updated, coordinated by Leann Sato, Stormwater Specialist. Part of the requirement is to get the Resolution adopted by Council.

Council Member Colwell asked if there were any changes since last time. Mr. Glaubius stated there are some, but nothing that is noteworthy; it lists the priorities that have been removed and lists in different sections the updated items within the document.

Council Member Scanlan moved, seconded by Council Member Lerma to approve Resolution No. 21-10-05 adopting the North Platte Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update, "YEAS," Green, Lerma, Scanlan, McKerrigan, and Colwell. "NAYS," None. Absent: None.

**RESOLUTION NUMBER 21-10-05**

**WHEREAS**, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

**WHEREAS**, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by the North Platte Natural Resources District, with assistance from JEO Consulting Group, Inc.

**WHEREAS**, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the counties and participating jurisdictions located within the planning boundary by identifying the hazards that affect City of Scottsbluff and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

**WHEREAS**, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of Scottsbluff in the form of a resolution and further requesting approval of the plan at the Federal Level; and

**NOW, THEREFORE**, the governing body of City of Scottsbluff does herewith adopt the most recent and FEMA approved version of the North Platte NRD Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety; and

PASSED AND APPROVED this 18th day of October, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

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Clerk

Council introduced the Ordinance amending Chapter 25, Article 2 of the Municipal Code to revise the definition of Family in Section 40 for the purpose of zoning and was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 25, ARTICLE 2, SECTION 40 OF THE SCOTTSBLUFF MUNICIPAL CODE REGARDING THE DEFINITION OF FAMILY, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Planning Administrator Glaubius came forward and added staff recommends the waiving of the third reading of the Ordinance; the purpose of the change is to reduce legal liability from our current definition of family.

Council Member Lerma moved that the statutory rule regarding the Ordinance amending Chapter 25, Article 2 of the Municipal Code to revise the definition of Family in Section 40 for the purpose of zoning to be read by title on three different days be suspended. Council Member Scanlan seconded the motion, “YEAS,” Lerma, Colwell, McKerrigan, and Scanlan. “NAYS,” Green. Absent: None.

Council Member Lerma made a motion, seconded by Council Member Scanlan to adopt Ordinance No. 4264 amending Chapter 25, Article 2 of the Municipal Code to revise the definition of Family in Section 40 for the purpose of zoning, “YEAS,” McKerrigna, Colwell, Scanlan, and Lerma. “NAYS,” Green. Absent: None.

Mr. Dave Hoxworth, Activities Director for Scottsbluff High School approached Council regarding a request for a sponsorship commitment from the City for the Class B Girls State Golf Championships that are being held in Scottsbluff and Gering. Mr. Hoxworth explained he is part of the Girls State Golf Championships Host Committee that has made this happen for the communities. He added this is the second year the community was able to hold the tournament in the area. Last year the tournament was held in Gering, this year in Scottsbluff and next year in Gering. He stated the last NSAA State Championship held in this area was in 1978 and commented to bring another NSAA State Championship back to this area is a pretty special thing. The requested funds of \$6,000 (\$2,000 for each year) are to be used for the NSAA staff for travel and accommodations. They also provide gift bags to the players that qualify for the championships. He added the range of players that qualify to be around 75 to 85 girls and explained this brings many people to our area that stay in hotels and eat in our restaurants.

Council Member Colwell moved, seconded by Council Member Scanlan to approve the request from Scottsbluff-Gering Girls State Golf Championship Host Committee for a sponsorship commitment from the City for the Class B Girls State Golf Championships, “YEAS,” Green, Lerma, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

City Manager Rief presented the Façade Improvement Grant from Amila’s Decorations located at 615 East Overland Drive. Mr. Rief explained this grant went before the Community Redevelopment Authority (CRA) and received a positive recommendation to the City Council for approval. He added the grant is for \$5,700; this will leave approximately \$100,000 in the fund to award until the end of the year. Council Member Colwell made a motion, seconded by Council Member Scanlan to approve the City of Scottsbluff Façade Improvement Grant to Amila’s Decorations, “YEAS,” Scanlan, McKerrigan, Lerma, Colwell, and Green. “NAYS,” None. Absent: None.

There were no meetings attended to be reported by Council under Council Reports.

Council Member Colwell moved, seconded by Council Member Lerma to adjourn the meeting at 6:34 p.m., “YEAS,” Lerma, Colwell, McKerrigan, Green, and Scanlan. “NAYS,” None. Absent: None.

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Mayor

Attest:

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City Clerk