



**CITY OF SCOTTSBLUFF
Scottsbluff City Hall Council Chambers
2525 Circle Drive, Scottsbluff, NE 69361
CITY COUNCIL AGENDA**

**Special Meeting
September 25, 2023
5:00 PM**

1. **Roll Call**
2. **For public information, a copy of the Nebraska Open Meetings Act is available for review.**
3. **No other business shall be transacted at the special meeting unless all Council Members are present to consent and the City Council declares the existence of an emergency.**
4. **Public Hearings:**
 - a) Council to conduct a public hearing set for this date at 5:00 p.m. for authorizing the final tax request for the 2023-2024 FY at an amount different than the prior year request.
5. **Resolutions & Ordinances**
 - a) Council to discuss and consider action on the Resolution authorizing the final tax request for the 2023-2024 year at a different amount than the prior year and authorize the Mayor to sign the Resolution.
 - b) Council to consider action on the third reading of the Ordinance adopting the budget statement to be termed the annual appropriation bill for FY 2023-2024.
 - c) Council to consider action on the third reading of the Ordinance allowing for exceeding the allowable growth and basic allowable growth limits for the 2023-2024 FY by one-percent of budgeted restricted funds and correcting the adopted budget statement and accompanying forms.
 - d) Council to consider action on the third reading of the Ordinance updating utility user fees, including water and sewer fees, solid waste collection, surcharge for stormwater and amending the sewer averaging process.
6. **Adjournment.**

City of Scottsbluff, Nebraska
Monday, September 25, 2023
Special Meeting

Item 1

Council to conduct a public hearing set for this date at 5:00 p.m. for authorizing the final tax request for the 2023-2024 FY at an amount different than the prior year request.

Staff Contact:

City of Scottsbluff, Nebraska
Monday, September 25, 2023
Special Meeting

Item 1

Council to discuss and consider action on the Resolution authorizing the final tax request for the 2023-2024 year at a different amount than the prior year and authorize the Mayor to sign the Resolution.

Staff Contact: Chris Burbach, Deputy Finance Director

RESOLUTION NO. _____

WHEREAS, Nebraska Revised Statute 77-1632 and 77-1633 provides that the Governing Body of the City of Scottsbluff passes by a majority vote a resolution or ordinance setting the tax request: and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of the City of Scottsbluff, resolves that:

1. The 2023-2024 property tax request for non-bond purposes be set at \$2,230,934.10.
2. The 2023-2024 property tax request for bond purposes be set at \$0.00
3. The total assessed value of property differs from last year's total assessed value by 8.3081%.
4. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.199431 per \$100 of assessed value.
5. The City of Scottsbluff proposes to adopt a property tax request that will cause its tax rate to be \$.2046 per \$100 of assessed value.
6. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Scottsbluff will be more than last year's by 10.5684%.
7. The 2023-2024 property tax request for the City of Scottsbluff Off Street Parking District be set at \$54,100.00.
8. The total assessed value of property differs from last year's total assessed value by (6.6716%).
9. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.170432 per \$100 of assessed value.
10. The City of Scottsbluff proposes to adopt a property tax request that will cause its tax rate to be \$.170432 per \$100 of assessed value.
11. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Scottsbluff will be more than last year's by 1.2793%.

12. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2023.

PASSED AND APPROVED this ____ day of _____, 2023.

Mayor

ATTEST:

City Clerk (seal)

City of Scottsbluff, Nebraska
Monday, September 25, 2023
Special Meeting

Item 2

Council to consider action on the third reading of the Ordinance adopting the budget statement to be termed the annual appropriation bill for FY 2023-2024.

Staff Contact: Chris Burbach, Deputy Finance Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2023; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1: The City Manager, in accordance with the requirements of Nebraska Revised Statute § 19-646, has submitted a proposed budget statement to the City Council, which statement is attached hereto as Exhibit A and incorporated herein by reference (the “Budget Statement”).

Section 2. A public hearing will be held on the Budget Statement in accordance with the requirements of Nebraska Revised Statute § 13-506. Before the final passage and approval of this Ordinance, the Budget Statement may be amended in accordance with comments received at public hearings, the property valuations provided by Scotts Bluff County, any action to exceed the allowable growth for restricted funds as determined by law, and as necessary to adjust for any other information gathered by the City before October 1, 2023.

Section 3. In accordance with the requirements of the Nebraska Budget Act and Nebraska Revised Statute § 16-704, the amounts set forth in the attached and incorporated Budget Statement shall be and are hereby recognized as the budget appropriations for the City of Scottsbluff, Nebraska for the fiscal year 2023-2024. The fund descriptions and amounts are as follows:

Fund	Budgeted Expenditures
General	13,621,895
Regional Library	14,000
Transportation	6,933,400
Cemetery	458,637
Cemetery Perpetual Care	350,000
Special Projects	3,301,234
Business Improvement	237,500
Public Safety	541,814
Industrial Sites	31,817
Keno	100,000
Economic Development	3,140,943
Mutual Fire	417,500
Debt Service	5,367,877
CRA	760,814
CDBG	402,500
Leasing Corp	6,766
Capital Projects	686,000
Environmental Services	4,152,770
Wastewater	4,052,574
Water	3,443,721
Electric	3,435,000
Stormwater	565,272
GIS	102,499
Central Garage	-
Unemployment	60,000
Health Insurance	2,590,780

Section 4. Upon final passage and approval of this Ordinance, the Budget Statement is adopted by the City of Scottsbluff, Nebraska as the adopted budget statement. A copy of the Budget Statement shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Scotts Bluff County, Nebraska, for use by the levying authority.

Section 5. This Ordinance shall become effective upon its passage on October 1, 2023.

Passed and approved this _____ day of September, 2023.

Jeanne McKerrigan, Mayor

(Seal)

Attest: _____
Kimberley Wright, City Clerk

Approved as to Form and Legality:

City Attorney

City of Scottsbluff, Nebraska
Monday, September 25, 2023
Special Meeting

Item 3

Council to consider action on the third reading of the Ordinance allowing for exceeding the allowable growth and basic allowable growth limits for the 2023-2024 FY by one-percent of budgeted restricted funds and correcting the adopted budget statement and accompanying forms.

Staff Contact: Chris Burbach, Deputy Finance Director

ORDINANCE NO.

AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2023-2024 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.

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

SECTION 1. Governmental units are authorized pursuant to State law at Chapter 13, Section 519, to exceed the Allowable Growth (§13-518(1)) and the Basic Allowable Growth (§77-3446) for budgeted restricted funds authority up to an additional one percent, by affirmative vote of the City Council of at least 75%.

SECTION 2. The City Council finds that such limit as provided by Section 13-519 (a) and (b) should be exceeded by one percent.

SECTION 3. An affirmative vote of at least 75% in favor of this increase is hereby cast.

SECTION 4. Section 13-511 allows correction of an adopted budget statement for clerical, mathematical, and accounting errors, which correction does not affect the total amount budgeted by more than one percent or increase the amount required from property taxes. The one percent limit increase is calculated into the current budget statement.

SECTION 5. The allowable increase in "restricted funds authority" with the additional 1% of \$176,403.17 and included in the resulting "total restricted funds authority" in the adopted budget ordinance is hereby amended to the amount of \$18,257,728.66.

SECTION 6. Those portions of the existing budget ordinance for 2023-2024 are amended accordingly.

SECTION 7. The City Treasurer is authorized to make appropriate changes in the submitted forms for computation of the limit for fiscal year 2023-2024, and transmit those changes to the State Auditor's office.

SECTION 8. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

PASSED AND APPROVED this ____ day of _____, 2023.

Jeanne McKerrigan, Mayor

(SEAL)

Attest: _____
Kimberley Wright, City Clerk

Approved as to Form and Legality:

City Attorney

City of Scottsbluff, Nebraska
Monday, September 25, 2023
Special Meeting

Item 4

Council to consider action on the third reading of the Ordinance updating utility user fees, including water and sewer fees, solid waste collection, surcharge for stormwater and amending the sewer averaging process.

Staff Contact: Chris Burbach, Deputy Finance Director

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING AND CHANGING CHAPTER 6, ARTICLE 6, FOR SOLID WASTE COLLECTION FEES AT SECTIONS 6-6-23, 6-6-24; AMENDING AND CHANGING SEWER USER FEES INCLUDING SURCHARGE FOR STORMWATER REGULATORY REQUIREMENTS AT SECTIONS 6-6-19; 6-6-20; AND 6-6-22, AMENDING AND CHANGING THE WATER SERVICE FEES AT SECTION 6-6-28 ALL IN CHAPTER 6 ARTICLE 6 OF THE MUNICIPAL CODE, AMENDING CHAPTER 18, ARTICLE 4, SECTION 3 FOR SEWER AVERAGING PROCESS, REPEALING CHAPTER 18, ARTICLE 4 SECTION 4 AND AMENDING CHAPTER 23, ARTICLE 2, SECTION 2, ALL RELATING TO A MONTHLY BILLING CYCLE, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA.

Section 1. Section 6-6-19 of the Scottsbluff Municipal Code is amended to provide as follows: **“6-6-19. MINIMUM CHARGE.**

Each user shall pay a monthly sewer service charge of \$20.51. Each user shall pay an additional charge of \$2.79 per each 1,000 gallons for all gallons of water consumed by the user during the applicable monthly billing period as determined in Chapter 18. Provided, however, wholesale users shall pay 92.5% of the charges provided in this paragraph.

The rates and fees provided for in this section shall be effective with respect to all connections, installations and billings after October 1, 2023.”

Section 2. Section 6-6-20 of the Scottsbluff Municipal Code is amended to provide as follows:

“6-6-20. PRIVATE WATER SUPPLY.

With respect to users having a private water supply which is discharged into the City's sanitary sewer system, sewer service charges shall be calculated as follows:

(1) Commercial and industrial users shall meter their water supply at their expense and their sanitary sewer use charge shall be based on the quantity of water consumed on the premises from all sources.

(2) Single-family residential users within the city limits shall pay \$31.38 per monthly period.

(3) Single-family residential users outside the city limits shall pay \$52.54 per monthly period.

(4) Multi-family residential users shall pay \$45.18 per dwelling unit per monthly period. The rates and fees provided for in this section shall be effective with respect to all connections, installations and billings after October 1, 2023.”

Section 3. Section 6-6-22 of the Scottsbluff Municipal Code is amended to provide as follows:

“6-6-22. SURCHARGE.

(1) There will be a \$2.50 per billing cycle surcharge fee to all residents of the city for stormwater regulatory requirements and the use, upkeep and maintenance of the city’s stormwater collection system.

(2) Users who contribute wastewater the strength of which is greater than normal domestic sewage shall, in addition to the basic sewer charge, pay a surcharge equal to \$0.63 per pound for the first ten thousand (10,000) pounds of excess B.O.D. per billing cycle (or up to the limit of their contract with the City), and a surcharge of \$1.17 for all additional excess B.O.D. per billing cycle. A contribution of more than twelve thousand (12,000) pounds of excess B.O.D. per billing cycle, in the absence of a contract, shall subject the user to the sanctions and penalties provided in this Chapter. Users with a contract who exceed the limits of their contract may also be subject to the sanctions and penalties provided in this Chapter.

(3) Users who contribute wastewater the strength of which is greater than normal domestic sewage shall, in addition to the basic sewer charge, pay a surcharge equal to \$0.063 per pound of excess suspended solids per billing cycle.

(4) The expression “per billing cycle” as used in this section means the period for which the sewer service charge is payable.

(5) The rates and fees provided in this section shall be effective with respect to connections, installations and billings after October 1, 2023.”

Section 4. Section 6-6-23 of the Scottsbluff Municipal Code is amended to provide as follows:

“6-6-23. RESIDENTIAL.

The minimum monthly charges for collection and disposal service to residential units for solid waste and the single stream recycling program all of which is contained in approved containers shall be as follows, effective for all billings made after October 1, 2023:

One-family unit (including mobile homes with an individual water or sewer connection).	\$25.38
One-family two container unit (including mobile homes with an individual water or sewer connection).	\$58.05

The minimum requirement for one-family two container units is twelve months from the date of request for two container service.

Multifamily structures (including mobile home parks with a single water or sewer connection)

Monthly Rate Per Unit	
2 to 4 units	\$25.38
5 to 6 units	\$22.80
7 to 10 units	\$21.55
11 to 16 units	\$20.28
17 to 39 units	\$18.98
40 to 59 units	\$17.71
60 or more units.....	\$16.49

Hotels, motels and rooming houses shall be considered as commercial establishments and shall pay charges based on the charges provided for institutional business, commercial and industrial establishments as provided in this Chapter. The charges for quantities or services which exceed those covered by the minimum charge shall be an amount equal to the reasonable cost of the service as determined by the City Manager or the designee of the City Manager.

The rates and fees provided in this section shall be effective with respect to usage for which billings are made after October 1, 2023.”

Section 5. Section 6-6-24 of the Scottsbluff Municipal Code is amended to provide as follows:

“6-6-24. INSTITUTIONAL; BUSINESS; COMMERCIAL INDUSTRIAL.

(a) The monthly charges for collection and disposal of solid waste of institutional, business, commercial and industrial establishments, and solid waste in required containers at construction sites, shall be based upon the number of approved containers collected per collection. Where an establishment has its own water or sewer connection, the fact that it shares a building with another establishment, or does not occupy the entire building, shall be of no significance. The charge per approved container per collection shall be as follows:

	Each time container minimum is emptied	Monthly
90 gallon	\$ 6.56	\$52.49
1.5 cubic yard	\$ 8.76	\$70.01
3.0 cubic yard	\$17.15	\$133.22

The rates and fees provided in this section shall be effective with respect to usage for which billings are made after October 1, 2023.”

Section 6. Section 6-6-28 of the Scottsbluff Municipal Code is amended to provide as follows:

“6-6-28. WATER SERVICE.

(1) Each user of the City water system located within the City limits shall pay charges based on monthly consumption as follows:

<u>Consumption Charge</u>	<u>Rate per Thousand Gallons</u>
All gallons	\$1.71

Consumption of any part of 1,000 gallons shall be considered as consumption of an entire 1,000 gallons for purposes of calculating billed consumption and total consumption charge.

(2) Each user of the City water system located within the City limits shall pay a monthly charge based on meter size as follows:

<u>Water Meter Size</u>	<u>Minimum Charge</u>
5/8" or 3/4"	\$10.99
1"	\$19.88
1 1/2"	\$37.66
2"	\$50.98
3"	\$81.76
4"	\$125.34
6"	\$177.54
8"	\$264.48

In the case of premises as to which the final date for connection of the plumbing has been deferred under section 22-1-8, there shall be a monthly charge for standby fire protection service of \$3.00.

Each user of the City water system located outside of the City limits, except for whole sale water use provided by the City pursuant to the terms of an agreement, shall pay the following 1.5 times the minimum charges listed above. Provided, whole sale water use and sale shall be sold at an agreed upon amount as set by the City Council for charges outside the City limits.

The rates and fees provided for in this section shall be effective with respect to all connections, installations, and billings after October 1, 2023.”

Section 7. Section 18-4-3 of the Scottsbluff Municipal Code is amended to provide as follows:

“18-4-3. BASIS FOR COMPUTATION; BILLING; PAYMENT.

(A) Sewer service charges shall be computed, and paid on a monthly basis, and shall be billed and paid at the same time as monthly charges for water service.

(B) The amount to be charged shall be calculated as follows:

(1) Except as provided in division (B)(2) below, the charge to each residential user shall be based in the quantity of water consumed by the residential user during the month of February. Once the charge for the quantity for this time period is computed, the charge shall be payable for a period of one year beginning the following October.

(2) Commercial, industrial, and wholesale users will be billed on a monthly basis. The Charge to each commercial, industrial, and wholesale user shall be based on the amount of water consumed on the premises during the period for which the sewer service charge is payable.”

Section 8. Section 18-4-4 of the Scottsbluff Municipal Code is repealed.

Section 9. Section 23-2-2 of the Scottsbluff Municipal Code is amended to provide as follows:

“23-2-2 WATER SERVICE RATES.

Each user of the city water system located within the city limits shall pay charges based on monthly consumption as provided in Chapter 6, Article 6 of this code.”

Section 10. Existing Sections 6-6-19, 6-6-20, 6-6-22, 6-6-23, 6-6-24, 6-6-28, 18-4-3, 18-4-4 and 23-2-2 of the Scottsbluff Municipal Code are hereby repealed. This Ordinance shall not be construed to effect any cause of action, civil or criminal, existing or actions pending, at the time this Ordinance becomes effective.

Section 11. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED and APPROVED on _____, 2023.

Jeanne McKerrigan, Mayor

ATTEST:

City Clerk (Seal)

Approved as to form:

City Attorney