

City of Scottsbluff, Nebraska

Monday, February 5, 2024

Regular Meeting

Item Consent1

Council to approve the minutes of the January 16, 2024 Regular Meeting.

Staff Contact: City Council

Regular Meeting
January 16, 2024

The Scottsbluff City Council met in a regular meeting on January 16, 2024 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. Since the regular meeting would fall on a City recognized holiday the meeting was moved to the following day, according to 6-1-12. A notice of the meeting had been published on January 11, 2024 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, television station NBC Nebraska, and the Star Herald. The notice was also available on the city's website on January 12, 2024. Mayor McKerrigan presided and City Clerk Wright recorded the proceedings. The Pledge of Allegiance was recited. Mayor McKerrigan 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 McKerrigan 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, Jordan Colwell, Angela Scanlan, Matt Salomon, and Betsy Vidlak. Also, present were City Manager Kevin Spencer and City Attorney Kent Hadenfeldt. Absent: None.

Mayor McKerrigan asked if there were any changes to the agenda. There was none. 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.

Moved by Council Member Salomon, seconded by Council Member Scanlan that,

- a) The minutes of the January 2, 2024 Regular Meeting be approved,
- b) The absence of Council Member Vidlak from the January 2, 2024 Regular Meeting be excused,
- c) The January 29, 2024 meeting be canceled as two Regular Meetings have been held in the Month of January,
- d) A public hearing be set for February 5, 2024 at 6:00 p.m. for the Rezone of Lots 1-4, Block 1, Triple Peaks Subdivision from AR Agricultural Residential to O-P Office and Professional,
- e) A public hearing be set for February 5, 2024 at 6:00 p.m. to consider a Rezone of Lot 5, Block 1, Country Club View Addition, commonly identified as 617 W. 19th Street, from C-2 Neighborhood & Retail Commercial to R-1A Single Family Residential,
- f) The bid specifications for the replacement of the HVAC System and appurtenances for the Public Safety building and authorizing the city clerk to advertise for bids to be received by February 5, 2024 at 1:00 p.m. be approved,
- g) The bid specifications for 20th Street Improvements-Cleveland Field to 17th Avenue-Mill and Overlay and authorizing the city clerk to advertise for bids to be received by February 5, 2024 at 1:30 p.m. be approved,
- h) The RFP for Fueling card system and authorizing the city clerk to advertise for proposals to be received until 11:00 a.m. on February 7, 2024 be approved,
- i) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated January 16, 2024 as on file with the City Clerk and submitted to the City Council "YEAS," Colwell, Salomon, Vidlak Scanlan, and McKerrigan, "NAYS," None. Absent: None.

CLAIMS

AC ELECTRIC MOTOR SERVICE,EQUIP MAINT,2511.54;ADVANCE AUTO PARTS,GREASE FITTING - ENGINE 2 HOSE REEL,6.43;ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4133.33;ANDREW KELLEY,PER DIEM - INSTRUCTOR TRAINING PAPILLION,171; AUTOZONE STORES, INC,VEH MAINT PARK,57.53;B & H INVESTMENTS, INC,MISC. -LIBRARY, 709.76; BEELINE SERVICE INC, TOWSERVICE PD, 1560; BLUFFS FACILITY SOLUTIONS, DEPT/JANIT SUPPL-PD,1637.01;BRODART CO,DEP. SUP.,311.39;CAPITAL BUSINESS SYSTEMS INC., CONTRACTUAL PD, 80.36; CELLCO PARTNERSHIP, CELLPHONE/ CONTRACTUAL SVC, 245.78;CHRIS BURBACH,REIMBURSEMENT FOR NOTARY BOND & FEE,70;CITY OF GERING, DISPOSAL FEES SAN, 38902.03; COMPLIANCE GO LLC, MUNICIPAL STORM WATER TRAINING 2024,2480;COMPUTER CONNECTION INC,CONTRACTUAL-PD,44;CONTRACTORS MATERIALS INC.,SUPP - REPL. RUBBERS FOR TAR TOOLS,144.45;CORE & MAIN LP,METERS,5112.48; DEMCO, INC,DEP. SUP.,93.84;DOCU-SHRED LLC,DEPT SUPPL-PD,40; DOOLEY OIL INC,EQUIP MAINT,472.41; EAKES INC,DEPT SUPP ADMIN,559.34;ELLIOTT EQUIPMENT COMPANY INC.,VEHICLEMAINTENANCESAN,562.96;ENERGYLABORATORIES,INCDEPT6250,SAMPLES, 216;ENVISIONWARE, INC,EQUIP. MAIN.,3333.92;ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,303;FAT BOYS TIRE AND AUTO,EQUIP MAINT PARK,44;FEDERAL EXPRESS CORPORATION,POSTAGE,225.05;FLOYD'S TRUCK CENTER SCOTTSBLUFF,VEHICLE MAINTENANCE-SAN,9.99;GALLS PARENT HOLDINGS, LLC,EQUIP MAINT-PD,1170.76; GRAY TELEVISION GROUP INC,TRI CITY STORMWATER PSAS TV,1895;HAMPTON INN,INVESTIGATIONS-PD,214;HAWKINS, INC.,CHEMICALS,1527.54;HD SUPPLY INC,DEPT SUP,3272.76;HQ COMPOST HOLDINGS LLC,DEPT SUP,8000; IDEAL LAUNDRY AND CLEANERS, INC.,JAN. SUP.,894.49;INFINITY CONSTRUCTION, INC.,CONTINGENCY - 6TH AVE MAIN REPL,162709.06;INGRAM LIBRARY SERVICES INC,COLL.,1104.93;INTERNAL REVENUE SERVICE,WITHHOLDINGS,81092.15;INTERNATIONL ASSOCIATION OF CHIEFS OF POLICE, INC,MEMBERSHIP-PD,190;INTRALINKS, INC,CONTR.SERV. POLICE - DEC 2023,2147.5; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL SVC,247.6;KEARNEY PUBLIC LIBRARY,COLL. -LOST ILL BOOK,26;KNOW HOW LLC,DEPARTMENT SUPPLIES-SAN,4159.77; M.C. SCHAFF & ASSOCIATES, INC,CONTINGENCY - 6TH AVE WATER MAIN,41464.38; MACQUEENEQUIPMENT INC,PLOW BOLTS,53.78;MARKETING CONSULTANTS,DEPARTMENT SUPPLIES-SAN,300;MASSIE ROYCE,SCHOOLS & CONF-PD,65; MATHESON TRI-GAS INC,DEPT SUPP PARK,130.96;MATTHEW M. HUTT,PRE EMPL. EVAL - J. IMHOFF,900;MENARDS, INC,DEPT SUP,2615.49;MICHAEL BEEBE,EQUIP MAINT ADMIN,105;MIDTOWN ANIMAL HOSPITAL P.C.,K9 DUKE-PD,37.5;MIDWEST CONNECT, LLC,UB PROCESSING - DEC 2023,3554.24; MUNIMETRIX SYSTEMS CORP,IMAGESILO - DECEMBER 2023,39.99;NE CHILD SUPPORT PAYMENT CENTER, NE CHILD SUPPORT PYBLE, 1455.1; NE DEPT OF REVENUE, WITHHOLDINGS, 29099.13;NEBRASKA INTERACTIVE, LLC,DRIVERS LIC. REQ. - DEC 2023,7.5; NEBRASKA MACHINERY CO,VEH MAINT PARK,870.87;NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,43212.95;NEBRASKA RURAL RADIO ASSOCIATION,TRI-CITY STORMWATER PSAS - WEBSITE AND TV,500;NEBRASKA SAFETY & FIRE EQUIPMENT INC.,BLDG. MAIN.,519; NEBRASKALAND TIRE, INC,REPAIR VALVE STEM AND TIRE - TOWER 1,411.95;NEMNICH AUTOMOTIVE,VEH MAINT-PD,1060.66;ONE CALL CONCEPTS, INC,CONTRACTUAL,110.84; PANHANDLE AUTOMOTIVE GROUP LLC,EQUIP MAINT CEM, 98.99; PANHANDLE COOPERATIVE ASSOCIATION, FUEL, 2937.52; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,275;PARADISE PUMPERS LLC,CONTRACUTAL PARK,665;PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10361.53;POMPS TIRE

SERVICE INC,DEPARTMENT SUPPLIES-SAN,2853.55;POWER SCREENING LLC,EQUIP MAINT,5919.77;PRAISE WINDOWS INC,BLDG. MAIN.,700; PT HOSE AND BEARING,HYD. HOSE GUARD FOR BOBCAT SKIDSTEER,68.17;QUILL CORPORATION,DEPT SUPPL-PD,422.15; REGION 22 EMERGENCY MGMT,QUARTERLY EMERGENCY MANAGEMENT FEE,7837.84; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,1849.58;ROSE DREW, INC,A/V SUP.,127.22;RUSSELL INDUSTRIES INC,EQUIPMENT,10028.91;RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,1534.16;RUS-WILINC,VEHICLEMAINT,4041.89;SANDBERGIMPLEMENT, INC,EQUIP MAINT PARK,2535.29; SANDRY FIRE SUPPLY,BRACKETS, AXES, PIKES - ENGINE 3,1540; SCB COUNTY MUTUAL AID ASSOC.,ANNUAL MEMBERSHIP DUES,100; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,MEMBERSHIP INVESTMENT,6586; SHAGGY BUFFALO CARWASH LLC,VEHICLE MAINT,100;SHERWIN WILLIAMS,GROUND MAINT PARK,231.16; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,9484.61;SIMON CONTRACTORS,GROUND MAINT PARK,2330.1;SOUNDSLEEPER SECURITY INC.,INVEST SUPPL-PD,122.9;STANARD & ASSOCIATES INC.,POLICE CAPTAIN PROMOTIONAL TEST (12--8-23),167;TEXAS PNEUDRAULIC INC,VEHICLE MAINTENANCE-SAN,202.96;THOMPSON GLASS, INC,CIP-DOOR LOCKS/FOBS,200; TYLER TECHNOLOGIES, INC,UB TRANSACTION FEES (10/1/23 - 12/31/23),7896.25;UNION BANK & TRUST,RETIREMENT,50417.47; US BANK,DEPT SUP,5456.1; VERIZON COMMUNICATIONS INC,GPS SERVICE,191.4;W & R INC,CIP-BUILDING,1789.7; WEITZEL JOHN,SCHOOLS & CONF-PD,65;WESTERN PATHOLOGY CONSULTANTS, INC,DRUG/DOT TESTING - DEC 2023,343;WEX BANK,FUEL-SAN,20613.42;REFUNDS; KRISTEN PALSER, 159.47; ARELI GARCIA, 17.72; FRED OZUNA, 19.36; KIEGAN MARTINEZ, 4.84, JUDY BAILEY, 81.19; KOHLTON PRIBBLE, 12.65

City Finance Director, Lane Kizzire, approached to go over the December 2023 Financial Report. Notable items identified, include the purchase of a Fire Truck, 20th Street project and reimbursement of the CDBG grant. He did include a quarterly report, as well, explaining the report looks different from last years because he has not finalized the prior year adjustments. On the whole, department percentages look good and everything is in order.

Council Member Scanlan moved, seconded by Council Member Vidlak to approve the December 2023 Financial Report, "YEAS," Salomon, Vidlak, Scanlan, McKerrigan, and Colwell. "NAYS," None. Absent: None.

Mayor McKerrigan opened the public hearing at 6:05 p.m. to receive information regarding the Class D Liquor License for Chen's Express Mart, LLC, 405 W. 27th Street, Scottsbluff, NE.

Mr. Jian Bin Chen, owner and Liquor License Manager applicant, came forward to explain his processes and take questions from Council. Mr. Chen stated he held a liquor license from June 2006 through April 2010 when he operated a restaurant in Scottsbluff. While holding that license he did not receive any violations. He also explained he will do all the ordering and inventory of the alcohol and he and his other employee have taken updated alcohol training offered by the state.

Police Chief Spencer approached and explained he completed a background check on Mr. Chen to make sure his is fit, willing, and able to hold a liquor license as required by law. The check did not show anything to disqualify him from having a liquor license. In addition, Mr. Chen appeared before the Liquor License Advisory Board on January 10th receiving a positive recommendation from the committee.

The following exhibits were then presented on behalf of City Council and entered into record: 1) Chen's Express Mart, LLC Liquor License Application; 2) City Council Check List for section §53-132 cum supp. 2022; 3) written statement of Police Chief Kevin Spencer dated January 12, 2024; 4) written statement of City Clerk dated January 16, 2024; 5) written statement of Development Services dated December 7, 2023.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:08 p.m.

Council Member Colwell made a motion, seconded by Council Member Vidlak to send positive recommendations to the Nebraska Liquor Commission regarding the Class D Liquor License for Chen's Express Mart and for Jian Bin Chen to be the Liquor License Manager, "YEAS," Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. "NAYS," None. Absent: None.

RESOLUTION NO. 24-01-02

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

1. On January 16, 2024 the matter of the application of a Class D liquor license for Chen's Express Mart, LLC, 405 W. 27th St., Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class D liquor license for Chen's Express Mart, LLC, 405 W. 27th St., Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2022)

Exhibit 3 - Written statement of Police Chief dated January 12, 2024

Exhibit 4 - Written statement of City Clerk dated January 16, 2024

Exhibit 5 - Written statement of Development Services Department dated December 7, 2023

2. Witnesses appeared and testimony was received in support of the application at the public hearing on this date from Jian Bin Chen, Manager; Police Chief Kevin Spencer spoke on behalf of the City.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
 - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.
 - b. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2022) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes. Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class D liquor license for Chen's Express Mart, LLC at the premises described in the application.
5. The City Clerk shall transmit a copy of this Resolution to the Commission.
6. Cost of publication: \$24.57.

Passed and approved this 16th day of January, 2024.

Mayor

ATTEST:

City Clerk
“seal”

Mayor McKerrigan opened the public hearing at 6:09 p.m. for the Rezone of Lots 1-4, Block 1, Triple Peaks Subdivision from AR Agricultural Residential to O-P Office and Professional. There was no one in attendance to comment on behalf of Triple Peaks, however, Legal Counsel Hadenfeldt commented that this was still put on the agenda for public comment because we had published the hearing, but we had not received the required paperwork and contract for public improvements before the deadline. We have since received the paperwork and application signed by all owners to Rezone the development East and South of the SWBC building from Agricultural to O-P and at the next meeting the Ordinance will be introduced.

There being no comments, Mayor McKerrigan closed the public hearing at 6:11 p.m.

Mayor McKerrigan opened the public hearing at 6:12 p.m. for the purpose of reviewing and obtaining comment on an Amended Redevelopment Plan for the Former Monument Mall, Now Uptown Mall, Rehabilitation and Former K Mart Site Rehabilitation.

Ms. Sharaya Toof, Economic Development Director, came forward and explained an Amended Redevelopment Plan for the Former Monument Mall now Uptown Mall has been submitted to the Community Redevelopment Authority. 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. She added the Redevelopment Plan includes a request for tax increment financing and for the designation of an Enhanced Employment Area for purposes of establishing two percent occupation tax on taxable sales within the Enhanced Employment Area. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the 2016 Scottsbluff Comprehensive Plan. The Planning Commission recommended approval of the Redevelopment Plan to the CRA and City Council. In addition, the CRA reviewed and conducted a cost-benefit analysis for the project according to the Community Redevelopment Law, and finds 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 the costs and benefits of the project are in the long-term best interest of the community. Ms. Toof also added everything is broken down by the cost benefit analysis and the EEA tax is not a part of the Resolution that is on the agenda tonight, however, it will be brought forth by Ordinance included in a later agenda.

Council Member Colwell asked about the EEA tax and if it is the same tax that is on the mall now. Ms. Toof stated, yes, they just want to amend it and include the former Kmart site. Legal Counsel Hadenfeldt also added the tax will not be the same amount as they are proposing an increase, at 2%, as opposed to the current half percent now. In addition, this new request could be used for infrastructure as the current half cent cannot.

Ms. Toof also stated they plan on doing the project in four phases, starting with the mall and doing outfacing with some retail stores, then the former Kmart and lastly out lots.

There was no one in attendance to represent RockStep due to illness and travel issues. There were also no comments from the public. Mayor McKerrigan closed the public hearing at 6:20 p.m.

Mayor McKerrigan opened the public hearing at 6:20 p.m. to for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by Timothy G. Reganis, Trustee for the TGR Trust for a Redevelopment Project related to a Chrysler, Dodge, Jeep, Ram dealership.

Ms. Toof, again came forward to inform we received a Redevelopment Plan from Timothy G. Reganis, Trustee for the TGR Trust. She added everything is in compliance with the 2016 Comprehensive Plan, also the CRA reviewed the plan and conducted a cost benefit analysis finding the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing. In addition, both the Planning Commission and CRA recommended approval, however, did have concerns with the lighting of the car lot.

Mr. Timothy Reganis approached Council with Mr. Jeff Gion, Office Manager, to comment about the lighting. Mr. Gion explained they did a comprehensive lighting study and will only have three light poles on the premises, which will have more directional instead of broadcast lighting. Two poles will be located off of 12th and one off of 27th Street that will be focused more toward the open lot of the area.

Mr. Reganis then explained why he chose to relocate, stating he was required by Honda to build a new building as they did not want to be in the same space as Chrysler/Jeep. He added he did not intend on moving, but received a buyout from General Motors and Cadillac; it is that money he is investing in the Chrysler dealership. In addition, it is more cost productive having the two dealerships together and in the long run are way better off.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:26 p.m.

Regarding the Resolution to approve the Amended Redevelopment Plan for the Former Monument Mall, Now Uptown Mall, Rehabilitation and Former Kmart Site Rehabilitation, Legal Counsel Hadenfeldt explained the Council's review is limited to three points. The first is if the project conforms to the City's Comprehensive Plan in the Community Development Law; the second element is the "But For" test which states if not for this financing the project could not occur, and thirdly the Cost Benefit Analysis. Given the scope of this project having a limited impact on taxing authorities, it does not require additional investment for infrastructure or additional services with any of the taxing authorities and the developer will still pay the base tax. In addition, it will not be a huge impact, they were all given notice by certified mail and no response was received back from the five taxing authorities. Mr. Hadenfeldt also explained this plan, with an Enhanced Employment Area, requires a commitment to a development that costs more than \$500,000 in investment and create more than ten employees.

Council Member Colwell moved to approve Resolution No. 24-01-03 adopting the Amended Redevelopment Plan for the Former Monument Mall, Now Uptown Mall, Rehabilitation and Former Kmart Site Rehabilitation. The motion was seconded by Council Member Scanlan, "YEAS," Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. "NAYS," None. Absent: None.

RESOLUTION NO. 24-01-03

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

Recitals:

a. An Amended Redevelopment Plan for the Former Monument Mall, now Uptown Mall, Rehabilitation and Former K Mart Site Rehabilitation (the "Redevelopment Plan") has been submitted to the Scottsbluff Community Redevelopment Authority ("CRA") according to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the "Act"). 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.

b. The Redevelopment Plan includes a request for tax increment financing and for the designation of an Enhanced Employment Area for purposes of establishing two percent occupation tax on taxable sales within the Enhanced Employment Area.

c. The area to be redeveloped and designated as an Enhanced Employment Area is described as: Lot 3, Block 3, Third Replat of Lots 3 and 4, Block 3, Northeast Second Addition Replat No. 2, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska (2302 Frontage Road); Lot 2, Block 3, Northeast Second Addition Replat No. 2, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska (2410 Frontage Road); and Lots 1 and 2, Block 1, Subdivision of Block 1, Northeast Second Addition Replat No. 1, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska (804 and 802 East 27th Street) (together the “Redevelopment Area”).

d. 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.

e. 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.

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

g. On January 16, 2024, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.

h. 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 Redevelopment 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 project contemplated by the Redevelopment Plan will result in at least ten new employees in the Redevelopment Area and a new investment in the Redevelopment Area of at least \$500,000.00.

4. The City Council approves the Redevelopment Plan.

5. 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 Redevelopment Area 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, as may be amended, to be entered into between the Redeveloper, the CRA, and the City Council. 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.

6. 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 January 16, 2024

Mayor

ATTEST:

City Clerk (Seal)

Regarding the Resolution to approve the Redevelopment Plan submitted by Timothy G. Reganis, Trustee for the TGR Trust for the Redevelopment Project related to a Chrysler, Dodge, Jeep, Ram dealership, Mr. Hadenfeldt addressed Council and reminded them of the three elements to review. The first is if it conforms to the Comprehensive Plan in the Community Development Law; the second element is the “But For” Test that is certified in the plan and the third is Cost Benefit Analysis which does not require any of the taxing authorities to make significant investments or require a financial contribution; taxes will

still be paid.

Council Member Colwell moved, seconded by Council Member Scanlan to approve Resolution No. 24-01-04 adopting the Redevelopment Plan submitted by Timothy G. Reganis, Trustee for the TGR Trust for the Redevelopment Project related to a Chrysler, Dodge, Jeep, Ram dealership, "YEAS," McKerrigan, Scanlan, Colwell, Vidlak, and Salomon, "NAYS," None. Absent: None.

RESOLUTION NO. 24-01-04

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 *TGR Trust/Reganis Car Dealership* project (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 January 16, 2024, 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:

4. 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.

5. 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. According to 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 January 16, 2024

Mayor

ATTEST:

City Clerk (Seal)

Mr. Jason L. Rupp, Liquor License Manager applicant for Panhandle Cooperative, approached Council regarding the request to change the liquor license manager at Northgate Ampride, 3302 Avenue B in Scottsbluff. There being no questions, Council Member Salomon made a motion, seconded by Mayor McKerrigan to make a positive recommendation to the Nebraska Liquor Control Commission naming Jason L. Rupp as the Liquor License Manager of the Class D Liquor License held by Panhandle Cooperative at 3302 Avenue B, Scottsbluff, NE., “YEAS,” Colwell, Salomon, Vidlak, Scanlan, and McKerrigan. “NAYS,” None. Absent: None.

Mayor McKerrigan read the Proclamation recognizing Larry Massie for his service to the community. After a reading telling of Larry’s accomplishments and generosity by his son Royce Massie, Larry was also presented a Key to the City.

Ms. Amy Bartholemew, Executive Director with Panhandle Humane Society, approached to give an update on the Humane Society. Ms. Bartholemew gave a brief overview of intakes of both stray dogs and cats as well as the outcomes. In 2023, intakes for stray dogs were 526; cats 302 in Scottsbluff. Outcomes for 2023 include 394 for stray dogs and 250 for cats.

Ms. Bartholemew explained the money received from the City is used for food, cleaning supplies, wages, vaccinations, detergent and medications. In addition, the Humane Society employs 4 fulltime employees and 4/5 part time employees. Ms. Bartholemew stated they do need more employees, but they have a hard time retaining them due to compassion fatigue and burnout. As far as additional funding, they do receive funding from the Cities of Gering, Scotts Bluff County and Terrytown. They also receive funding through donations, fund raisers and fees. Their biggest goal is to be fully staffed and they would like to build a new building that is more cost effective and fits their needs better.

Under Council Reports, Council Member Salomon gave an update on the Zoo.

Council Member Colwell moved to adjourn the meeting at 7:00 p.m. The motion was seconded by Council Member Scanlan. “YEAS,” Salomon, Vidlak, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk

“SEAL”