

City of Scottsbluff, Nebraska

Monday, April 6, 2015

Regular Meeting

Item Consent1

Approve the minutes of the March 16, 2015 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
March 16, 2015

The Scottsbluff City Council met in a regular meeting on Monday, March 16, 2015 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 March 13, 2015, 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 delivered to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and KDUH, and the Star Herald. The notice was also available on the City's website on March 13, 2015. An agenda kept continuously current was available for public inspection at the office of the city clerk at all times from publication of the notice to the time of the meeting.

Mayor Randy Meininger presided and City Clerk Dickinson recorded the proceedings. The Pledge of Allegiance was recited. Mayor Meininger 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 address for the record. Mayor Meininger 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, Jordan Colwell, Randy Meininger, and Scott Shaver. Absent: Liz Hilyard.

Mayor Meininger asked if there were any changes to the agenda. There were none. Mayor Meininger asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none. Moved by Council Member Gonzales, seconded by Council Member Colwell that,

1. "The minutes of the March 2, 2015 Regular Meeting be approved,"
2. "A special meeting be set for March 30, 2015, 7:00 p.m., Gering Civic Center, 1050 M Street, Gering, NE to discuss the Regional Economic Development Plan,"
3. "A public hearing be set for April 6, 2015 at 6:05 p.m. to consider an Ordinance amending 25-6-1.6 dealing with signs, setting forth additional restrictions in signs and repealing and removing a portion of 25-6-6,"
4. "A public hearing be set for April 6, 2015 at 6:05 p.m. to consider an Ordinance amending Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting the number of times a plat can be amended or re-platted, 21-1-68,"
5. "A public hearing be set for April 6, 2015 at 6:05 p.m. to consider an Ordinance regulating neighborhood block parties," "YEAS", Gonzales, Colwell, Meininger, and Shaver. "NAYS" None. Absent: Hilyard.

Moved by Council Member Shaver, seconded by Mayor Meininger "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 March 16, 2015, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS" None. Absent: Hilyard.

CLAIMS

ACTION COMMUNICATIONS INC.,DEPT SUPPLIES,1399.96; AIRGAS USA, LLC,DEP SUP,26.69; ALAMAR CORP,UNIFORMS,1741.78; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4815.78; ANDREA FOLCK,DEPT BSNSS TRVL,119.71; ASSURITY LIFE INSURANCE CO,LIFE INS,34.36; ATLAS COPCO COMPRESSORS, LLC,EQUIPMENT,3950; B&C STEEL CORPORATION,DEP SUP,364.75; BLUFFS BROADCASTING,DEP SUP,200; BLUFFS SANITARY SUPPLY INC.,JAN SUP,605.37; BOBBI KUHLMAN,SCHOOLS & CONF,139; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS,295.09; CARR TRUMBULL LBR INC.,BLDG MAINT,132.38; CELLCO PARTNERSHIP,CELL PHONES FOR FIRE,343.69; CITIBANK N.A., INVEST SUPPL,307.67; CITIBANK, N.A.,DEPT SUP,57.24; CITY OF GERING,DISPOSAL FEES,71480.64; CITY OF GERING,ECON DEV,662.25; CITY OF SCB,SUPPLIES,93.36; CLARK PRINTING LLC,DEP SUP,310.07; COLORADO ASPHALT SERVICES, INC,1 LOAD COLD ASPHALT PATCH,3496.98; COMPUTER CONNECTION INC,SUPPLIES,397.17; CONTRACTORS MATERIALS INC.,DEP SUP,9.4; CORNHUSKER MARRIOTT HOTEL.,CONFERENCE,238; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACH,413.3; CREIGHTON MILLER, WITNESS FEES,23.45; CRESCENT ELECT. SUPPLY COMP INC,SUPP,26.85; CULLIGAN OF SCOTTSBLUFF,DEPT SUPPLIES,247.7; CYNTHIA GREEN,DEPT SUPPL,313.98; D & H ELECTRONICS,BUILDING MAINTENANCE,269.07; DALE'S TIRE & RETREADING, INC., VEHICLE MTNC,784.58; DAVID M GLENN JR.,ADVANCE FOR TRAINING,138; DEPT OF HLTH & HUMAN SVCS,LIC FEE,80; DUANE E. WOHLERS,DISPOSAL FEES,800; ELECTRONIC RECYCLERS, INC,DISPOSAL FEES,3237.58; FASTENAL COMPANY,EQP MTC,12.29; FEDERAL EXPRESS CORPORATION,SHIPPING FEES,39.25; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,218.99; FREMONT MOTOR SCOTTSBLUFF, LLC,VEHICLE MAINT, 3166.5; GENERAL ELECTRIC CAPITAL CORPORATION,DEP SUP,673.83; H D SUPPLY WATERWORKS LTD,CONTRACTUAL SVC,270.08; HAWKINS, INC.,CHEMICALS,1491.05; HEILBRUN'S INC.,DEPT SUPPLIES,1077.39; HOLIDAY INN-DOWNTOWN LINCOLN, CONFERENCE,166; HULLINGER GLASS & LOCKS INC.,CONTRACTUAL SVC,208; ICMA RETIREMENT TRUST-457,DEF COMP,1325.14; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPPLIES,1110.65; INGRAM LIBRARY SERVICES INC,BKS,208.28; INTERNAL REVENUE SERVICE,W/H TAXES,59484.36; INVENTIVE WIRELESS OF NE, LLC,DEP SUP,8; JACOBS AUTO GLASS,GLASS REPAIR,165; JAMIE WALLACE,CAR SEAT CLASS TRAVEL FOR WALLACE,120; JOHN DEERE FINANCIAL,EQP MTC,2305.47; JOHN DEERE FINANCIAL,DEP SUP,51.9; JOHN DEERE FINANCIAL,DEP SUP,26.67; JOHN DEERE FINANCIAL,DEP SUP,17.04; JOHNSON CASHWAY LUMBER CO,DEP SUP,22.5; KAWASAKI KORNER,EQP MTC,76.71; KEVIN, PEGGY SEGELKE,VEHICLE MTNC,390.35; KRIZ-DAVIS COMPANY,EQUIP MAINT,67.07; LEAGUE ASSOCIATION OF RISK MANAGEMENT,DEDUCTIBLE REIMBURSEMENT, 294.1; LEXISNEXIS RISK DATA MANAGMENT INC,CONSULTING,100; LOGAN CONTRACTORS SUPPLY INC,ST. REP. SUPPLIES - DETACK,360.21; MADER, PERRY,SCH CON,39; MADISON NATIONAL LIFE,LIFE & DIS INS,1886.82; MAILFINANCE INC,EQUIP LEASE,106.76; MATHESON TRI-GAS INC,WELD. SUPP,213.27; MENARDS, INC,SUPP,329.3; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,2170.66; MIDWEST MOTOR SUPPLY CO INC,SUPP,204.1; MOBIUS COMMUNICATIONS COMPANY,EQUIP

MAINT,80; MONUMENT PREVENTION COALITION,CONTRACTUAL,939.94; MOWER SHOP, THE,EQP MTC,23.26; MUNICIPAL SUPPLY INC. OF NEBRASKA,GRD MTC,600; NATHAN PARRISH,CAR SEAT CLASS TRAVEL,45; NE CHILD SUPPORT PAYMENT CENTER,CHILD SUPPORT,2218.31; NE COLORADO CELLULAR, INC,CONTRACTUAL SVC,36.2; NE DEPT OF REVENUE,W/H TAX,18515.2; NEBRASKA SAFETY & FIRE EQUIPEMENT INC., CONTRACTUAL SERVICES,535; NEBRASKA MACHINERY CO,EQUIP MTNC,1820.81; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,41826.83; NEBRASKA SALT AND GRAIN CO,ICE SLICER,7604.8; NEBRASKALAND TIRE, INC,VEH MAINT,1065.88; NELSON ELECTRIC MOTOR SERVICE, INC,MOTOR REPAIR,81.88; NEOPOST,POSTAGE,1000; OMAHA PRINTING COMPANY,FIREARMS SUPPL,404.31; OMAHA WORLD- HERALD COMPANY, SBSCR,283.4; ONE CALL CONCEPTS, INC,CONTRACT,62.15; PANHANDLE COOPERATIVE ASSOCIATION,GASOLINE,15106.27; PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES,54; PAUL REED CONSTRUCTION & SUPPLY, INC,WATER MAIN PROJECT, 257138.77; PETERS & SONS MFG CO,SUPPLIES,379.26; PLATTE VALLEY BANK, HSA, 13398.98; POSTMASTER,POSTAGE,902.06; REGANIS AUTO CENTER, INC,VEH MAINT,228.79; REGIONAL CARE INC,MEDICAL CLAIMS,20736.24; REGISTER OF DEEDS,DEPT SUP,56; RS VENTURES LLC,VEH MAINT,2922.05; RUSCH'S GENERAL CONTRACTING, LLC, CONTRACTUAL SVC,6000; RUSHMORE MEDIA COMPANY, INC,STRM WTR CNTRCL SRVCS, 322.5; S M E C,EMP DEDUCTIONS,238; SANDBERG IMPLEMENT, INC,EQP MTC,2302.22; SCB FIREFIGHTERS UNION LOCAL 1454,UNION DUES,225; SCOTTSBLUFF BODY & PAINT, CONTRACTUAL,635; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,UNION DUES,624; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS & CLOTHING,1259.01; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,MEMBERSHIP, 6336; SECRETARY OF STATE,CONTRACT,20; SHERWIN WILLIAMS,BLD MTC,151.98; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACT,11701.6; SIMON CONTRACTORS,CIP-PO2,500.92; SLAFTER OIL CO INC.,CONTRACTUAL SVC,8; SOURCE GAS,MONTHLY ENERGY FUEL,4548.4; STATE OF NEBR, MONTHLY LONG DISTANCE,144.56; STEVE DECKER,GRD MTC,4800; SUSAN DAVIS, BK,15; THE CHICAGO LUMBER COMPANY OF OMAHA INC,ELECTRICAL MTNC,27.13; TIMOTHY NEWMAN,SCHOOLS & CONF,48; TOMMY'S JOHNNYS INC,CON SRV,1305; TRANS IOWA EQUIPMENT LLC,PAYMENT ON SNOW BLOWER,2758.7; UNIQUE MANAGEMENT SERVICES, INC,CONT. SVCS,196.9; UNITED STATES WELDING, INC,DEPT SUPPLIES,190.76; UPSTART ENTERPRISES, LLC,DEPT SUPPL,171.86; US BANK,ANNUAL CALIBRATION OHD UNIT,2552.75; WELLS FARGO BANK, N.A.,RETIREMENT,29121.47; WESTERN PATHOLOGY CONSULTANTS, INC,DOT TESTING FEE,51; WESTERN TRAVEL TERMINAL, LLC,VEHICLE MAINT,104; WHOLESALE MOTIVE SERVICE INC.,DEP SUP,4.04; YELLMAN, ABBIGAIL, REIMB, 76; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,FITNESS PROGRAM,2293.5; ZM LUMBER INC,DEP SUP,52.93; REFUNDS: TRAVIS MALEY, 49.12; LYNDESEY SHRULL 55.56;CANDI & PAUL FROHMAN 4.28; JASON GURNSEY, 4.48.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to adjourn to executive session for the purpose of conducting a strategy session with respect to real estate purchases in the City of

Scottsbluff, Nebraska to include the City Council, City Manager, Assistant City Manager, and City Attorney,” “YEAS”, Gonzales, Colwell, Meininger, and Shaver. “NAYS” None. Absent: Hilyard.

Mayor Meininger announced that the City Council would be going into executive session at 6:05 p.m. for the purpose of conducting a strategy session with respect to real estate purchases in the City of Scottsbluff, Nebraska to include the City Council, City Manager, Assistant City Manager, and City Attorney.

At 6:25 p.m. it was moved by Mayor Meininger, seconded by Council Member Shaver, “to reconvene in the regular City Council meeting, “YEAS”, Gonzales, Colwell, Meininger, and Shaver. “NAYS” None. Absent: Hilyard.

City Planner, Annie Folck gave a presentation on the proposed downtown development, which includes closing 18th Street between Broadway and 1st Ave. The Business Improvement Board recommended acceleration of the project as it is key to the development of downtown. In order to create a downtown city center and close a portion of 18th Street, the purchase of two properties is necessary to accomplish the downtown plaza concept. This is a prime opportunity for this development as the two buildings needed are currently for sale. Ms. Folck presented the conceptual drawings for this project which includes an indoor/outdoor playground, skating rink, splash pad, gathering spaces with fire pits and benches, and an outdoor stage. This would provide space for a wide variety of functions. The total space available for the plaza is close to one acre of land. The development would also include a pathway connecting 1st Ave. to Broadway, and the addition of more trees and plantings. This concept ties in with the Economic Development Plan, which recommends more gathering spaces downtown.

Mr. Kuckkahn explained that City Planner Folck and Assistant City Manager Johnson started working on this concept in December, and now, with both buildings for sale, this is a rare opportunity to create the downtown plaza. Mayor Meininger asked about financing this project. Mr. Kuckkahn informed the Council that funding for this project is not from the General Fund, but rather the Debt Service Fund, which has adequate funding for this project.

Ms. Folck added that she will also be looking at grant funds to offset some of the expenses of the project. She can’t apply for these grants until the buildings are purchased and the plan is set. There are grant funds for community centers available through the Nebraska Department of Economic Development, the Peter Kiewit Foundation and possibly the Oregon Trail Foundation.

Assistant City Manager Johnson explained that the first property is located at 23 East 18th St. Staff recommends approval to proceed with the purchase of this property in the amount of \$282,500.00, which is the listing price. Staff has satisfied the state statute requiring an appraisal. The building appraised at \$258,000.00. City Attorney Howard Olsen added that the State Statute does not state that the purchase price needs to be the same as the appraisal, however, there should be some justification for paying a higher price. The concept requires the purchase of two properties, so some premium is justified. Mr. Kuckkahn added that with this situation, there are two properties with ramifications if we purchase one and not the other one.

Staff is also recommending approval to proceed with the other property, located at 15 East 18th St., in the amount of \$147,000.00, which is the listing price. The appraisal value of this property was \$137,500.00. Mr. Kuckkahn added that since we need both properties, we are paying for the privilege to purchase both buildings. Mr. Olsen added that an appraisal is not an exact science, and the difference between the listing prices and appraisals is not a significant amount.

Moved by Council Member Gonzales, seconded by Council Member Colwell, “to approve, authorize payment and ratify the counter offer for the purchase of the real estate property located at 23 East 18th Street, contingent upon the public hearing,” “YEAS”, Gonzales, Colwell, Meininger, “NAYS” Shaver. Absent: Hilyard.

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to set a public hearing for April 6, 2015 at 6:05 p.m. regarding the purchase of real estate property located at 23 East 18th Street, Scottsbluff, Nebraska,” “YEAS”, Gonzales, Colwell, Meininger, “NAYS” Shaver. Absent: Hilyard.

Moved by Council Member Gonzales, seconded by Council Member Colwell, “to approve, authorize payment and ratify the counter offer for the purchase of the real estate property located at 15 East 18th Street, contingent upon the public hearing,” “YEAS”, Gonzales, Colwell, Meininger, “NAYS” Shaver. Absent: Hilyard.

Moved by Mayor Meininger, seconded by Council Member Colwell, “to set a public hearing for April 6, 2015 at 6:05 p.m. regarding the purchase of real estate property located at 15 East 18th Street, Scottsbluff, Nebraska,” “YEAS”, Gonzales, Colwell, Meininger, “NAYS” Shaver. Absent: Hilyard.

Assistant City Manager Johnson presented a Resolution which will reimburse expenses from the Scottsbluff Leasing Corporation Bonds to purchase the buildings which have been discussed and develop the project. Moved by Council Member Gonzales, seconded by Council Member Colwell, “to consider Resolution No. 15-03-02 to reimburse certain expenses from the proceeds of the City of Scottsbluff Leasing Corporation Building Bonds in connection with the acquisition of buildings and improvements for the downtown development project,” “YEAS”, Gonzales, Colwell, Meininger, “NAYS” Shaver. Absent: Hilyard.

RESOLUTION NO. 15-03-02

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF SCOTTSBLUFF, NEBRASKA TO REIMBURSE CERTAIN EXPENSES FROM THE PROCEEDS OF CITY OF SCOTTSBLUFF LEASING CORPORATION BUILDING BONDS IN CONNECTION WITH THE ACQUISITION OF BUILDINGS AND CERTAIN OTHER IMPROVEMENTS FOR USE IN CONNECTION WITH THE CITY’S DOWNTOWN PROJECT.

BE IT RESOLVED by the Council (the “Council”) of the City of Scottsbluff, Nebraska (the “City”) as follows:

Section 1. Findings.

(a) The City has contracted for acquisition of buildings and expects to make certain other improvements for use in connection with the City’s downtown project (together, the “Project”).

(b) Pursuant to Section 19-2421, Reissue Revised Statutes of Nebraska, as amended (“Section 19-2421”), the City is authorized to enter into contracts for the lease of real and personal property for any purpose for which the city is authorized by law to purchase property or construct improvements, which contracts shall not be restricted to a single year and may provide for the purchase of the property in installment payments.

(c) The City anticipates entering into a lease-purchase agreement (the “Lease Agreement”) with City of Scottsbluff Leasing Corporation (the “Leasing Corporation”) pursuant to its authority under Section 19-2421 in connection with the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery by the Leasing Corporation of its building bonds (the “Bonds”).

(d) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the Bonds and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder (the "Regulations").

(e) The Regulations govern the City's use of proceeds derived from the sale of the Bonds to reimburse "original expenditures" made by the City prior to the authorization of the Bonds. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and a reimbursement allocation be made, from the proceeds of those obligations within 18-months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(f) It is necessary, desirable, advisable and in the best interests of the City that the requirements of the Regulations be satisfied to preserve the ability of the City to reimburse costs of the Project made by the City from and after the date of the passage and adoption of this Resolution from the proceeds of the Bonds.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of this Resolution and Section 1.150-2 of the Regulations, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the execution and delivery of the Lease Agreement and the issuance of the Bonds in connection therewith, the interest portion of which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the execution and delivery of the Lease Agreement and the issuance of the Bonds, the City is authorized to advance moneys in an amount not to exceed \$500,000.00 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) "de minimus expenditures" defined under Section 1.150-2(f)(1) of the Regulations, and (iii) "preliminary expenditures" defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) Payments under the Lease Agreement constituting debt service on the Bonds will be paid from the City's General Fund.

(d) The Bonds will be issued in the amount, and upon the terms and conditions agreed to between or among the City, the Leasing Corporation under the Lease Agreement and the purchaser(s) of the Bonds, as authorized by the Council at a meeting held for such purpose.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the Bonds.

Section 3. Authorizations.

(a) The Mayor, Finance Director and the City Manager (each an "Authorized Officer") are hereby authorized to take any further action that is necessary to preserve the ability of the City to reimburse original expenditures made in furtherance of the Project from and after the date of the passage and adoption of this Resolution from the proceeds of the Bonds.

(b) The Authorized Officers shall be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited

to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) An Authorized Officer shall be responsible for making the “reimbursement allocations” described in Section 1.150-2 of the Regulations by transferring the appropriate amount of Bond proceeds to the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and must specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City’s ability to reimburse expenditures made in furtherance of the Project with the proceeds of the Bonds are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

PASSED AND APPROVED THIS 16th DAY OF March, 2015.

CITY OF SCOTTSBLUFF, NEBRASKA

Mayor

ATTEST:

City Clerk

City Manager Kuckkahn presented the February 2015 Financial Report. He reported that there has been an increase in the sales tax revenue over the last month’s report. Staff will continue to watch this revenue very closely. Mayor Meininger commented that we may still need to make adjustments in the last half of this fiscal year.

Mr. Kuckkahn explained the Ordinance to implement the extension of the sales and use tax and the amended Economic Development Plan which was approved by the voters at the November 4, 2014 General Election. Mayor Meininger introduced Ordinance No. 4147 which was read on first reading by title: AN ORDINANCE IMPLEMENTING THE EXTENSION OF THE CITY SALES AND USE TAX AND THE AMENDED ECONOMIC DEVELOPMENT PLAN, AS ADOPTED AT THE GENERAL ELECTION HELD ON NOVEMBER 4, 2014. Moved by Mayor Meininger, seconded by Council Member Shaver, “that the statutory rule requiring the Ordinance to be read by title on three different days be suspended,” “YEAS”, Gonzales, Colwell, Meininger, and Shaver, “NAYS”, None. Absent: Hilyard.

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Gonzales, “that Ordinance No. 4147 be adopted,” “YEAS”, Gonzales, Colwell, Meininger, and Shaver, “NAYS”, None. Absent: Hilyard.

Police Chief Kevin Spencer gave a summary of Legislative Bill 189, which reduces the effectiveness of penalties to combat the possession, manufacturing and distribution of marijuana products

coming from Colorado. As an example, if someone is caught selling close to a school, the maximum fine is \$300.00 and it is very difficult to prosecute. Another issue is that it very difficult to determine the substance without a botanist. There is another bill also, LB 326, which gives better guidance and maintains the current offenses and penalties for manufacturing and delivery of marijuana products.

Another complication with the legalization of medical marijuana arises for those with a medical card. The K9 dogs are trained to smell marijuana, so it would present complications with the trained dogs on the force. Council Member Shaver commented that these investigations are increasing the costs for the Police Department. Council Member Colwell also commented that the bill is very confusing. Chief Spencer agreed that it is a very long, and confusing bill. The memo from Corey O'Brien, Nebraska State Assistant Attorney General, helps to explain the problems presented with LB 189.

Moved by Council Member Shaver, seconded by Council Member Gonzales, "to approve Resolution No. 15-03-03, expressing disapproval of Legislative Bill 189," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS", None. Absent: Hilyard.

A RESOLUTION TO EXPRESS DISAPPROVAL OF LEGISLATIVE BILL 189

RESOLUTION NO. 15-03-03

WHEREAS, the State of Colorado has legalized the recreational use of marijuana; and

WHEREAS, the legalization of marijuana in the State of Colorado has had a negative impact on the law enforcement and criminal justice resources of Scottsbluff, Nebraska; and

WHEREAS, the problems associated with the possession, manufacture, and distribution of marijuana and marijuana products have been exacerbated by the actions of the State of Colorado; and

WHEREAS, LB 189 reduces the effectiveness of penalties and procedures utilized to combat the possession, manufacture, and distribution of marijuana and marijuana products; and

WHEREAS, LB 189 does not address the real problems associated with the proliferation of marijuana and marijuana products; and

WHEREAS, LB 189 does not promote public safety and accountability;

NOW, THEREFORE BE IT RESOLVED that the City Council of Scottsbluff, Nebraska expresses its disapproval of LB 189.

BE IT FURTHER RESOLVED that said the Scottsbluff City Council urges the members of the Nebraska Legislature to oppose LB 189 and to vote against the advancement and enactment of LB 189.

Motion by: Council Member Shaver to adopt Resolution No. 15-03-03.

Seconded by: Council Member Gonzales

Voting yes were: Gonzales, Colwell, Meininger, Shaver

Voting no were: None Absent: Hilyard

Motion carried.

Dated this 16th day of March, 2015.

_____, Mayor

Attest:

_____, City Clerk

SEAL

Council introduced the Ordinance regarding the Gateway Greenway Overlay zoning district located within the entryways/corridors of the City of Scottsbluff which was read by title on second reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH THE GATEWAY/GREEN OVERLAY ZONE, REPEALING PRIOR §25-3-22.01 OF THE SCOTTSBLUFF MUNICIPAL CODE AND REPLACING THE ENTIRE SECTION, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

Council introduced the Ordinance relating to principle permitted uses and special permit uses for parking requirements and off street parking in the C-1 zoning district, located on Broadway from 14th St. north to 20th Street which was read by title on second reading: AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, RELATING TO ZONING , AND REVISING §25-3-13, RELATING TO PRINCIPLE PERMITTED USES AND SPECIAL PERMIT USES, §25-5-2 RELATING TO PARKING REQUIREMENTS FOR RESIDENTIAL USES AND §25-7-38 RELATING TO OFF STREET PARKING REQUIREMENTS AND EXCEPTING CONDOMINIUM USES IN CENTRAL BUSINESS DISTRICT, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Kuckkahn presented the bids for the 27th Street and 2nd Avenue turn lane from Infinity Construction in the amount of \$86,356.25 and Paul Reed Construction in the amount of \$111,886.43. The engineer's estimate for this project was \$86,617.50. Staff is recommending awarding the bid to Infinity Construction. Mayor Meininger commented that funds for this project were not from the General Fund, but rather from the Street Fund. Mark Bohl, Public Works Director, commented that this project will tie in with the Scottsbluff School remodel project. Council Member Shaver asked about any restrictions regarding sub-contractors. Mr. Kuckkahn responded that the City will oversee the project, and there will be no sub-contractors. Moved by Council Member Shaver, seconded by Council Member Colwell, "to award the bid for the 27th Street and 2nd Avenue turn lane construction to Infinity Construction in the amount of \$86,256.25 as the lowest and most responsible bid," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS", None. Absent: Hilyard.

Mr. Kuckkahn presented the bids to move the Zoo Entrance to align with Avenue N which will improve the safety of this intersection. Two bids were received: Infinity Construction in the amount of \$106,510.00 and Paul Reed Construction in the amount of \$102,574.63. The engineer's estimate was \$100,035.00. Staff is recommending that the bid be awarded to Paul Reed Construction. Mayor Meininger commented that this intersection is on the 1 & 6 Year Street Plan. The funds for this project will also come from the Street Fund, not the General Fund. Moved by Council Member Colwell, seconded by Council Member Gonzales, "to award the bid for the Riverside Discovery Center entrance and Avenue N intersection improvement project to Paul Reed Construction in the amount of \$102,574.63 as the lowest and most responsible bid," "YEAS", Gonzales, Colwell, Meininger, and "NAYS" Shaver. Absent: Hilyard.

Council Member Gonzales asked if this project information could be posted to the city's web site with updates. Staff will follow through with this recommendation.

Mr. Kuckkahn presented the sublease agreement with American Tower for the Verizon location by the 23 Club. This tower has multiple uses and our agreement with Verizon allows for a sublease. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to approve the sublease of the Verizon ground lease at the 23 Club to American Tower or one of its affiliates and authorize the Mayor to sign the agreement," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS", None. Absent: Hilyard.

Mayor Meininger discussed the member appointment to the Revenue Committee. He is recommending that Council Member Hilyard serve on this committee as she has expertise in this area. He also feels it's important to keep Council Member Gonzales on this committee since he has long term experience. Council agreed with this recommendation. Mayor Meininger suggested that the Revenue Committee look at the Reserve Fund and give Council a recommendation regarding a preferred balance for this fund.

Regarding the City Manager's annual evaluation, Mayor Meininger explained that the City Council members had received evaluation forms from the city clerk for evaluations to be conducted by the City Council and the senior staff (360 review). Council Member Shaver commented that he did not care for the evaluation form for the City Council Members to fill out. Council Members asked for guidance from the City Attorney regarding the 360 review. Mr. Olsen responded that there is a state statute that explains that the City Council is to stay out of the administrative service. The 360 review is an opportunity for the Council to do their statutory duty with regard to the city manager's evaluation and gain additional resources with the City Manager's approval. Mr. Kuckkahn added that it's important that the staff's review is risk free with no public exposure and only the aggregate responses would be available to the public. Assistant City Manager Johnson shared that some of the staff are sensitive about the concept of the 360 review, and there may be staff members who would not complete the evaluation. Council Member Gonzales suggested getting more information from other companies who have conducted a 360 review and possibly look at it again next year.

Moved by Mayor Meininger, seconded by Council Member Gonzales "to have the City Council move forward with the ICMA Evaluation for the City Manager and bring the completed evaluations back to the next Council meeting," "YEAS", Gonzales, Colwell, Meininger, and "NAYS" Shaver. Absent: Hilyard.

Under public comment, Nathan Green approached the Council and asked for an update on Code Enforcement progress in Scottsbluff. This item may be added to a future Council Meeting.

Moved by Council Member Gonzales, seconded by Council Member Colwell, "to adjourn the meeting at 7:30 p.m.," "YEAS", Gonzales, Colwell, Meininger, and Shaver, "NAYS", None. Absent: Hilyard.

Mayor

ATTEST:

City Clerk