

City of Scottsbluff, Nebraska

Monday, June 15, 2015

Regular Meeting

Item Consent1

Approve the minutes of the June 1, 2015 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on Monday, June 1, 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 May 29, 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 May 29, 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: Jordan Colwell, Randy Meininger, Liz Hilyard, Raymond Gonzales and Scott Shaver. Absent: None.

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 Hilyard that,

1. "The minutes of the May 18, 2015 Regular Meeting be approved,"
2. "A special meeting be set for June 23, 2015 at 8:00 a.m. for the purpose of conducting a FY 2015/2016 budget workshop to be held at the Platte Valley Professional Center, 1110 Circle Drive, Suite 200, Scottsbluff, NE," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

Moved by Council Member Colwell, seconded by Council Member Hilyard, "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 June 1, 2015, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Colwell, Meininger, Shaver and Hilyard. "NAYS" None. Absent: None.

CLAIMS

21ST CENTURY EQUIPMENT LLC,EQUIP-FIREARMS RANGE,1899; AE SERVICES, LLC, EQP MTC,150; AHLERS BAKING INC,DEPT SUPPL,25.98; AMAZON.COM HEADQUARTERS, BKS, 240.36; AMER BACKFLOW PREVENTION ASSOC, MEMBERSHIPS, 65; ANDREW HAYWARD, CON SRV,800; ASSOCIATED SUPPLY CO, INC,BLD MTC,13360.48; BLUFFS SANITARY SUPPLY INC., DEPT SUPP,619.05; BRUCE ROLLS,DEP SUP,118.98; BSN SPORTS, INC,GRD MTC,159.11; CAPITAL BUSINESS SYSTEMS INC.,DEPT SUPP,100.83; CARR TRUMBULL LBR INC.,DEP SUP,35.96; CASH WA DISTRIBUTING,CON SUP,1370.62; CELLCO PARTNERSHIP,

CELL PHONES,482.44; CEMENTER'S INC,DEPT SUP,625.94; CENTURION HOLDINGS LLC, EQUIP MAIN, 242.03; CITIBANK N.A.,DEPT SUP,701.16; CITY OF GERING, CONTRACTUAL,32.5; CITY OF SCB,ADM PETTY CASH,81.86; CLARK PRINTING LLC,DEP SUP 55.1; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,LIFE & DIS INS,48.7; CONTRACTORS MATERIALS INC.,DEP SUP,1377.5; COZY, INC,DEP SUP,795; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACH,191.4; CRESCENT ELECT. SUPPLY COMP INC,BULBS FOR PSB,180.03; CYNTHIA GREEN,DEPT SUP,32.67; DALE'S TIRE & RETREADING, INC.,EQP MTC,19.86; DEPT OF HLTH & HUMAN SVCS,SCHOOL & CONF,400; DUANE E. WOHLERS,DISPOSAL FEES,800; DXP ENTERPRISES INC,TESTING GAS,254.7; ELECTRONIC RECYCLERS, INC,DISPOSAL FEES,25; ENERGY LABORATORIES, INC, CONTRACTUAL SVC,2393; ESQUIO RIOS JR,CON SRV,216; EXPRESS TOLL,DEPT SCHL & CONF,10.35; FEDERAL EXPRESS CORPORATION,SHIPPING,704.3; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,13025.12; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUPPL,941.61; GILBERT CARRIZALES,CON SRV,234; H D SUPPLY WATERWORKS LTD, METERS, 3038.4; HAWKINS, INC.,CHEMICALS,542.9; HEILBRUN'S INC.,SUPP - SOFTWARE UPDATE FOR ENGINE ANALYZER,753.4; HODGES, JOSHUA H,CON SRV,200; HONEY WAGON EXPRESS,CON SRV,155; HULLINGER GLASS & LOCKS INC.,DEP SUP,16.5; HYDRONIC WATER MANAGEMENT,EQUIP MAIN,425; ICMA RETIREMENT TRUST-457,DEF COMP,1325.14; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPP,205.16; INDEPENDENT PLUMBING AND HEATING, INC,DEP SUP,480.2; INGRAM LIBRARY SERVICES INC, BKS,239.76; INTERNAL REVENUE SERVICE,PYRL W/H,60607.8; INVENTIVE WIRELESS OF NE, LLC,DEP SUP,109.9; J G ELLIOTT CO.INC.,RENEW OFFICIAL BOND,975; JIM MENDOZA,UNIFORMS & CLOTHING,109.98; JOHN DANIEL ADAMS,REPAIR TO SECURITY LIGHTING,703; JOHN DEERE FINANCIAL,DEP SUP,228.88; JOHN DEERE FINANCIAL,DEP SUP, 247.17; JONATHAN P VAN GALDER,CON SRV,18; KEMBEL SAND & GRAVEL COMPANY,DEP SUP,110.93; KIRK BERNHARDT,CON SRV,90; KLEIN FAMILY TRUCKING, INC,LB840 GRANT,5000; KRIZ-DAVIS COMPANY,BLD MTC,27.4; MAILFINANCE INC,EQUIP LEASE,106.76; MENARDS, INC,DEP SUP,929.96; MIDLANDS NEWSPAPERS, INC, SUBSCRIPTION,145.6; MIDWEST FARM SERVICE-ALLIANCE,EQP MTC,18.82; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1814.68; NE DEPT OF ENVIRONMENTAL CONTROL,SRF LOAN PAYMENTS,331847.92; NE DEPT OF REVENUE, SALES TAX,17174.33; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF,20; NEBRASKA MACHINERY CO,EQUIP MAINT,900; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC,17528.77; NEBRASKALAND TIRE, INC,VEH MAINT,743.28; NORTHERN LAKE SERVICE, INC,SAMPLES,35.75; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GRD MTC, 67.95; OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQP MTC,6411; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,162; PANHANDLE HUMANE SOCIETY,CONTRACT,4964.31; PAUL REED,GRD MTC,132.99; PEPSI COLA OF WESTERN NEBRASKA, LLC,CON SUP,453.2; PLATTE VALLEY BANK, HSA, 13425.23; POSTMASTER, POSTAGE,282.9; QUILL CORPORATION,DEPT SUPPL,1231.57; REGION I OFFICE OF HUMAN DEVELOPMENT,CONTRACTUAL SERVICES,825; REGIONAL CARE INC,INS. PREMIUMS,

51,131.09; RICHARD JOHNSON,CON SRV,850; ROOSEVELT PUBLIC POWER DISTRICT, ELECTRIC, 2254.54; S M E C,EMP DEDUCTIONS,238; SANDBERG IMPLEMENT, INC,DEP SUP,518.92; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,225; SCHANK HOLDINGS INC,BLDG MAIN,216; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES, 600; SIMON CONTRACTORS,CONCRETE,7071.5; SNELL SERVICES INC.,EQUIP. MAIN.,11006.14; STATE OF NE.,CONTRACTUAL,525; STATE OF NE.DEPT.OF LABOR,EQP MTC,30.5; STATE OF NEBR,MONTHLY LONG DISTANCE,155.27; STEVE W. HODGES,CON SRV,180; SWBC ,ECONOMIC DEV, 250000; THOMAS P MILLER & ASSOCIATES, LLC, CONTRACT,25145.14; TOTAL FUNDS BY HASLER,PSTG,500; TYLER TECHNOLOGIES, INC,CONTRACT SERVICE,348; WELLS FARGO BANK, N.A., RETIREMENT, 29335.37; WESTERN COOPRTATIVE COMPANY,DEP SUP,114.48; WILBURNS TRANSMISSION INC., VEH MTC, 1668.71; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPP,254.9; REFUNDS: DARLENE GORR 69.51; MICHAEL LUCIUS 22.44; JOSEPH LOVELIDGE 55; BILLIE RASK 7.01.

Moved by Mayor Meininger, seconded by Council Member Hilyard, “to recess as the City Council and convene as the Community Development Agency,” “YEAS”, Gonzales, Colwell, Hilyard, Shaver and Meininger “NAYS” None. Absent: None.

Scottsbluff, Nebraska
June 1, 2015

A special meeting of the Community Development Agency (the “**Agency**”) of the City of Scottsbluff, Nebraska (the “**City**”) was held on Monday, June 1, 2015, at 6:00 p.m., at Scottsbluff City Hall, 2525 Circle Drive, Scottsbluff, Nebraska, the same being open to the public and preceded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act, Chapter 84, Article 14, Reissue Revised Statutes of Nebraska, as amended, as set forth on the attached **Exhibit A** stating (a) the time, date and place of the meeting, (b) that the meeting would be open to the attendance of the public and (c) that an agenda for the meeting, kept continuously current, was available for public inspection at the offices of the City Clerk at Scottsbluff City Hall, 2525 Circle Drive, Scottsbluff, Nebraska. Additionally, reasonable efforts were made to provide advance notice of the time, date and place of the meeting to all news media requesting the same.

Moved by Agency Member Meininger, seconded by Agency Member Gonzales, “to appoint Agency Member Shaver as the temporary Chairperson,” “YEAS”, Gonzales, Colwell, Hilyard, Shaver and Meininger “NAYS” None. Absent: None.

Chairperson Shaver asked for nominations for Chairperson of the Community Development Agency. Moved by Agency Member Meininger, seconded by Agency Member Gonzales, “to appoint Agency Member Shaver as the Chairperson of the Community Development Agency,” “YEAS”, Gonzales, Colwell, Hilyard, Shaver and Meininger “NAYS” None. Absent: None.

Moved by Agency Member Meininger, seconded by Agency Member Gonzales, “to appoint Agency Member Colwell as Vice-Chair of the Community Development Agency,” “YEAS”, Gonzales, Colwell, Hilyard, Shaver and Meininger “NAYS” None. Absent: None.

Moved by Agency Member Meininger, seconded by Agency Member Shaver, “to appoint Cindy Dickinson as the Ex-Officio Secretary of the Community Development Agency,” “YEAS”, Gonzales, Colwell, Hilyard, Shaver and Meininger “NAYS” None. Absent: None.

Chairman of the Agency, Scott Shaver presided, and Secretary, Cindy Dickinson, recorded the proceedings. The meeting was called to order and on roll call the following Agency members were present: Raymond Gonzales, Jordan Colwell, Randy Meininger, Scott Shaver and Liz Hilyard. The following Agency Members were absent: None.

A quorum being present and the meeting duly commenced, the following proceedings were had and done while the meeting was open to the attendance of the public.

Mr. Mike Bacon, Attorney for RockStep Scottsbluff, LLC, the owner of Monument Mall, addressed the Community Development Agency to explain the details of the redevelopment plan for this project. He explained that the Agency will consider adopting the cost benefit analysis that is in the plan and make a recommendation to the City Council to adopt the Redevelopment Plan for development and improvements to Monument Mall. This plan allows for approximately \$500,000.00 in Tax Increment Financing and \$1.8 million in Occupation Tax, which will be reinvested in improvements to the facility.

The Community Development Agency considered a positive recommendation regarding the Resolution and Redevelopment Plan for the Monument Mall Project. Agency Member Meininger introduced Resolution No. CDA 15-06-01 and moved its passage and approval by the Agency. Agency Member Hilyard seconded the motion. On roll call vote, the following Agency Members voted in favor of the motion: Raymond Gonzales, Jordan Colwell, Randy Meininger, Scott Shaver and Liz Hilyard. The following Agency Members voted against the motion: None. The following Agency Members were absent or did not vote: None. The passage of Resolution No. CDA 15-06-01 having been agreed upon by a majority of the Agency, Chairman Shaver declared Resolution No. CDA 15-06-01 passed. A true and complete copy of Resolution No. CDA 15-06-01 is attached hereto:

RESOLUTION NO. CDA 15-06-01

BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Recitals:

a. The City Council of the City of Scottsbluff, Nebraska (the “City”), upon the recommendation of the City Planning Commission (the “Planning Commission”), and in compliance with all public notice requirements imposed by the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), passed Resolution 13-08-01 which included a declaration of the area legally described on the attached Exhibit A (the “Redevelopment Area”) to be blighted and substandard and in need of redevelopment;

b. Pursuant to and in furtherance of the Act, a Redevelopment Plan (the “Redevelopment Plan”), has been prepared and submitted by the Agency, in the form of the attached Exhibit B, for the purpose of redeveloping the Redevelopment Area (also known as the “Project Area”).

c. Pursuant to the Redevelopment Plan, the Agency would agree to incur indebtedness and make a grant for the purposes specified in the Redevelopment Plan (the “Project”), in accordance with and as permitted by the Act;

d. The Agency has conducted a cost benefit analysis of the Project (the “Cost Benefit Analysis”) pursuant to Section 18-2113 of the Act, a copy of which is attached to the Redevelopment Plan and designated as Exhibit D to the Redevelopment Plan; and

e. The Agency has made certain findings and has determined that it is in the best interests of the Agency and the City to approve the Redevelopment Plan and approve the Redevelopment Project and to approve the transactions contemplated by the Plan.

Resolved that:

1. The Agency determines that the proposed land uses and building requirements in the Redevelopment Plan for the Project Area are designed with the general purposes of accomplishing, and in conformance with the general plan of the City, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

2. The Agency has conducted a Cost Benefit Analysis for the Project, in the form attached to the Redevelopment Plan as Exhibit D, in accordance with the Act, and finds that the Project would not be economically feasible without the use of tax increment financing, the Project would not occur in the Project Area without the use of 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, have been analyzed and have been found to be in the long term best interests of the community impacted by the Project.

3. In compliance with section 18-2114 of the Act, the Agency finds and determines as follows: a) the Redevelopment Area constituting the Redevelopment Project will not be acquired by the Agency and the Agency shall receive no proceeds from disposal to the Redeveloper; (b) the Redeveloper has acquired the Redevelopment Area; (c) the estimated cost of preparing the project site as described in the Redevelopment Plan and related costs exceed \$8,650,000 (d) the method of acquisition of the real estate was by private contract by the Redeveloper and not by condemnation; (e) the method of financing the Redevelopment Project shall be by issuance of tax increment revenue bond issued in the amount of \$578,130, and by the issuance of an enhanced employment area occupation tax revenue bond the proceeds of such bonds shall be granted to the Redeveloper and from additional funds provided by the

Redeveloper and its lender; and (f) no families or businesses will be displaced as a result of the project.

4. The Agency recommends approval of the Redevelopment Plan and the Redevelopment Project described in the Redevelopment Plan.

5. All prior resolutions of the Agency in conflict with the terms and provisions of this resolution are repealed to the extent of such conflicts.

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

PASSED AND APPROVED on June 1, 2015.

**COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF SCOTTSBLUFF
NEBRASKA**

ATTEST:

Mayor/Chair

City Clerk

Moved by Chairman Shaver, seconded by Agency Member Meininger, "that the Community Development Agency recess and reconvene as the City Council," "YEAS" Shaver, Gonzales, Meininger, Colwell and Hilyard, "NAYS" None. Absent: None.

The following Council Members were present: Jordan Colwell, Randy Meininger, Liz Hilyard, Raymond Gonzales and Scott Shaver. Absent: None.

The Mayor stated that it was now 6:10 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a Redevelopment Plan, for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"). The notice of the public hearing had been published in the Star Herald on May 14, 2015 and May 21, 2015. The Mayor opened the public hearing and invited all interested persons to be heard.

Mr. Mike Bacon introduced Mr. Andy Weiner, principal with RockStep Scottsbluff, LLC, the owner of Monument Mall. They are requesting the use of Tax Increment Financing (TIF) and an occupation tax for ways to partially pay for improvements to Monument Mall. The test for TIF is if it's

feasible to do the project without TIF. Mr. Weiner expressed his appreciation to the City and Council for the opportunity to apply for this funding to make improvements to Monument Mall. They have been involved with Monument Mall for one and one-half years. They have had good cooperation and progress with the City. They are working to stabilize the mall, which was at about 60% vacancy when they took it over. This community has a significant amount of leakage to other areas to shop. They are working on the next group of tenants and looking at the capital needs of the property, which presents challenges. The deals offered by national tenants are prohibitive or on the verge of being prohibitive, so they are forced to look at ways to continue with momentum. The demand for capital exceeds reasonable prudent business judgement. When they are able to get additional economic assistance with capital through sources such as TIF and the Occupation Tax, it will help with the acquisition of more tenants.

Mr. Bacon added that the Tax Increment Financing Bond will sunset in 15 years and the Occupation Tax in 20 years, or earlier if the bond is paid off before that time period.

Mayor Meininger asked if there was anyone else who would like to comment on the project. There were no further comments from the public.

Mayor Meininger closed the public hearing at 6:15 p.m. Council Member Gonzales then introduced Resolution No. 15-06-01 and moved its passage and approval: Council Member Colwell seconded the motion. On roll call vote, the following Council Members voted in favor of the motion: "YEAS" Shaver, Gonzales, Meininger, Colwell and Hilyard, "NAYS" None. Absent: None.

The passage of Resolution No. 15-06-01, having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 15-06-01 passed. A true and complete copy of Resolution No. 15-06-01 follows:

RESOLUTION NO. 15-06-01

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

Recitals:

a. The City of Scottsbluff, Nebraska, a municipal corporation and city of the first class (the "City"), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment;

b. The Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects;

c. The City has previously declared an area which includes an area legally described in Exhibit A (the "Redevelopment Area") to be blighted and substandard and in need of redevelopment pursuant to the Act;

d. The Community Development Agency of the City of Scottsbluff, Nebraska (the "Agency") has received a Redevelopment Plan (the "Redevelopment Plan") pursuant to Section 18-2111 of the Act, which includes a proposal for the designation of an enhanced employment area, described on

Exhibit B (the “Enhanced Employment Area”), in the form attached as Exhibit C, and recommended the Redevelopment Plan to the Planning Commission of the City;

e. The Agency and the Planning Commission of the City (the “Planning Commission”) have both reviewed the Redevelopment Plan and recommended its approval by the Mayor and Council of the City;

f. The Agency has prepared a Cost Benefit analysis of the Redevelopment Project set forth in the Redevelopment Plan and has recommended approval of the Redevelopment Plan by the City Council; and

g. There has been presented to the City by the Agency for approval, a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as described on the attached Exhibit D (the “Redevelopment Project”); and

h. The City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan to include the Redevelopment Project and the Enhanced Employment Area; and

Resolved that:

1. The Redevelopment Plan for the area described on the attached Exhibit A, including the Enhanced Employment Area described on the attached Exhibit B and the Redevelopment Project legally described on the attached Exhibit D, is determined to be feasible and in conformity with the general plan for the development of the City of Scottsbluff as a whole and the Redevelopment Plan, including the Enhanced Employment Area and the Redevelopment Project identified on the attached Exhibit D, is in conformity with the legislative declarations and determinations set forth in the Act; and it is found and determined that (a) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the Redevelopment Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the Redevelopment Project. .

2. The Redevelopment Plan is approved. The Agency is directed to implement the Redevelopment Plan in accordance with the Act.

3. The form and substance of the Redevelopment Contract as set forth for on the attached Exhibit D is approved and affirmed. The Mayor and Clerk are authorized and directed to execute such documents and take such actions as are necessary to carry out this Resolution, including, but not limited to, entering into a Redevelopment Contract with the Agency and a redeveloper in substantially the form as set forth in Exhibit D.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in the Redevelopment Project included or authorized in the Redevelopment Plan which is described above shall be divided, for a period not to exceed 15 years after the effective date of this provision, which effective date shall be January 1, 2016 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; and

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

(c) The Mayor and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Scotts Bluff County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to each Redevelopment Project.

5. The City finds and determines that the proposed land uses and building requirements in the Redevelopment Area are designed with the general purposes of accomplishing, in accordance with the general plan for development of the City, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity; and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of a healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreation and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

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 June 1, 2015.

ATTEST:

City Clerk (Seal)

Moved by Mayor Meininger, seconded by Council Member Hilyard, “that the City Council recess and reconvene as the Community Development Agency,” “YEAS” Shaver, Gonzales, Meininger, Colwell and Hilyard, “NAYS” None. Absent: None.

The following Agency Members were present: Jordan Colwell, Randy Meininger, Liz Hilyard, Raymond Gonzales and Scott Shaver. Absent: None.

Agency Member Meininger introduced Resolution No. CDA 15-06-02 and moved its passage and approval by the Agency. Chairman Shaver seconded the motion. On roll call vote, the following Agency Members voted in favor of the motion: Raymond Gonzales, Jordan Colwell, Randy Meininger, Scott Shaver and Liz Hilyard.

The following Agency Members voted against the motion: None.

The following Agency Members were absent or did not vote: None.

The passage of Resolution No. CDA 15-06-02 having been agreed upon by a majority of the Agency, the Chair declared Resolution No. CDA 15-06-02 passed.

RESOLUTION NO. CDA 15-06-02

**THE COMMUNITY DEVELOPMENT AGENCY OF THE
CITY OF SCOTTSBLUFF, NEBRASKA**

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF SCOTTSBLUFF, NEBRASKA OF (A) A TAX INCREMENT REVENUE BOND, NOTE OR OTHER OBLIGATION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$578,130 FOR THE PURPOSE OF (1) PAYING THE COSTS OF CONSTRUCTING, RECONSTRUCTING, IMPROVING, EXTENDING, REHABILITATING, INSTALLING, EQUIPPING, FURNISHING AND COMPLETING CERTAIN IMPROVEMENTS WITHIN THE CITY’S MONUMENT MALL REDEVELOPMENT PROJECT AREA, AND (2) PAYING THE COSTS OF ISSUANCE THEREOF AND (B) AN OCCUPATION TAX REVENUE BOND, NOTE OR OTHER OBLIGATION IN AN AGGREGATE PRINCIPAL AMOUNT TO NOT EXCEED \$1,816,650 FOR THE PURPOSE OF (1) PAYING THE COSTS OF CONSTRUCTING, RECONSTRUCTING, IMPROVING, EXTENDING, REHABILITATING, INSTALLING, EQUIPPING, FURNISHING AND COMPLETING CERTAIN IMPROVEMENTS WITHIN THE CITY’S MONUMENT MALL ENHANCED EMPLOYMENT ACT AREA, AND (2) PAYING THE COSTS OF ISSUANCE THEREOF; PRESCRIBING THE FORM

AND CERTAIN DETAILS OF SUCH BONDS, NOTES OR OTHER OBLIGATIONS; PLEDGING CERTAIN PROPERTY TAX REVENUE AND OTHER REVENUE TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE TAX INCREMENT REVENUE BOND, NOTE OR OTHER OBLIGATION AS THE SAME BECOME DUE; PLEDGING CERTAIN OCCUPATION TAX REVENUES TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OCCUPATION TAX REVENUE BOND, NOTE OR OTHER OBLIGATION AS THE SAME BECOME DUE; LIMITING PAYMENT OF SUCH BOND, NOTE OR OTHER OBLIGATION TO THE REVENUES SPECIFIED HEREIN; CREATING AND ESTABLISHING FUNDS AND ACCOUNTS; DELEGATING, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXERCISE HIS INDEPENDENT DISCRETION AND JUDGMENT IN DETERMINING AND FINALIZING CERTAIN TERMS AND PROVISIONS OF SUCH BONDS, NOTES OR OTHER OBLIGATIONS NOT SPECIFIED HEREIN; TAKING OTHER ACTIONS AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING; AND RELATED MATTERS.

**COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF SCOTTSDLUFF,
NEBRASKA**

By: _____
Chair

Clerk

There being no further business to come before the Agency at the meeting, moved by Chairman Shaver, seconded by Agency Member Colwell, "to adjourn the meeting of the Community Development Agency of the City of Scottsbluff at 6:20 p.m. and reconvene as the City Council," "YEAS" Gonzales, Colwell and Hilyard, "NAYS" Meininger, Shaver. Absent: None.

The following Council Members were present: Jordan Colwell, Randy Meininger, Liz Hilyard, Raymond Gonzales and Scott Shaver. Absent: None.

Jeff Sprock with the North Platte Natural Resource District gave the Council a presentation and demonstration of their Interactive Recreational Mapping Application which can be found on the NRD website: www.npnrd.org.

John Marshall, representing the NEXT Young Professionals, explained the Community Event Permit for their annual fundraiser event, Best of the West Beer and Wine Festival which will be held on August 15, 2015 from 12:00 p.m. to 9:00 p.m. They will have cattle guards around the event location by the downtown mini park at Broadway and 18th Street to ensure that all attendees have shown their ID and are over 21. The proceeds from the event goes to community betterment projects. Moved by Council Member Shaver, seconded by Council Member Hilyard, "to approve the Community Festival Permit for the NEXT Young Professionals at the Broadway Mini Park, parking lot, including street closures, vendors, and noise permit for a Best of the West Beer and Wine Festival on August 15, 2015 from 12:00

noon to 9:00 p.m.,” “YEAS”, Gonzales, Shaver, Colwell, Meininger and Hilyard, “NAYS” None. Absent: None.

Mr. Marshall explained that the Special Designated Liquor License will actually be attained by Gary Kelley, Liquor Cabinet, the liquor license holder who will provide the beer and wine for the event. Minors will not be allowed in the area where the tasting is taking place. This is the 5th annual event and there have not been any problems with minors being served in the previous 4 years. Moved by Council Member Colwell, seconded by Council Member Shaver, “to approve the Special Designated Liquor License for the Liquor Cabinet and NEXT Young Professionals to serve wine and beer at a Community Festival event at the Broadway Mini Park on August 15, 2015 from 12:00 noon to 9:00 p.m.,” “YEAS”, Gonzales, Shaver, Colwell, Meininger and Hilyard, “NAYS” None. Absent: None.

City Manager Kuckkahn presented the Redevelopment Plan for the Elite Health Development. He explained that this draft version is presented to Council for their referral to the Planning Commission. There is a considerable amount of development planned and a substantial investment of approximately \$1.8 million. Moved by Mayor Meininger, seconded by Council Member Shaver, “to refer the Redevelopment Plan for the Elite Health Development including a request for Tax Increment Financing to the Planning Commission,” “YEAS”, Gonzales, Shaver, Colwell, Meininger and Hilyard, “NAYS” None. Absent: None.

Assistant City Manager Johnson presented the request for contingency funds to purchase a new heater for the slide and lazy river part of the Westmoor Swimming Pool. The only quote received was from Verne Simmonds Company for \$16,523.00 which does not include freight and installation. Staff is asking Council to waive the formal bidding requirements as it is necessary to order and install this heater as soon as possible. Moved by Mayor Meininger, seconded Council Member Gonzales, “to approve the expenditure of approximately \$27,000.00 in contingency funds for a new heater at the Westmoor Swimming Pool,” “YEAS”, Gonzales, Colwell, Meininger and Hilyard, “NAYS” Shaver. Absent: None.

Mr. Johnson presented the preliminary budget numbers for FY 2015/2016 for Council to review prior to the budget work session. While the revenues are looking better, our expenditures still exceed our revenue. Mayor Meininger commented that the general fund budget for FY 14/15 was \$8.8 million and we are estimating \$8.6 million for FY 15/16. As part of the goal setting for the budget workshop session, Mr. Johnson said we would like to formalize a General Fund Reserve Policy for long term planning.

Regarding the Splash Arena Pool contract with Scottsbluff Public School District, Mr. Kuckkahn explained that we have had an agreement since 1975, which will expire July 31, 2015. Staff would like to continue with an agreement to address the renovation of the locker rooms. The proposed contract calls for the City to pay up to \$202,000.00 or one-half of the renovation cost. This amount will be budgeted on a yearly basis until the work is complete. The district will provide a one year notification of the start of construction so we can plan for this expenditure. The deadline to complete the locker room construction will be 2020. Funding for this renovation will come from the general fund. Mr. Kuckkahn added that we will give ourselves credit for approximately \$100,000.00 per year in planning for the budget, as this is the approximate amount we spent on the indoor Splash Arena. We will continue to work with the school district on operation of the outdoor Splash.

Council Member Shaver commented that this contract covers the repairs to the locker room, however was concerned about maintenance to the pool and the programs. Mr. Kuckkahn responded that the School District will have the responsibility of maintaining the pool and a third party organization is in the process of forming to discuss running the pool programs. The City will still be responsible for maintenance of the outdoor pool, which will be used for lessons, however we currently don’t have enough lifeguards to keep it open for general use.

Moved by Council Member Shaver, “to deny the agreement with the Scottsbluff Public School District for the Indoor Splash Arena Pool.” There was no second to the motion, motion died.

Nathan Green approached Council and commented that he purchased a pool pass and now he can’t use it for the outdoor Splash. Mr. Kuckkahn informed him that pool pass refunds will be issued through June 15th for those who purchased a pass expecting to use both the Outdoor Splash and Westmoor Pool.

Moved by Mayor Meininger, seconded by Council Member Hilyard, “to approve the agreement with the Scottsbluff Public School District for the Splash Pool and authorize the Mayor to execute the agreement,” “YEAS”, Gonzales, Colwell, Meininger and Hilyard, “NAYS” Shaver. Absent: None.

City Manager Kuckkahn presented the grant application for the \$600,000.00 grant to build a downtown plaza area. There is a required cash match, which would come from the City in one form or another. Staff will look at financial conditions and funding for the match when and if the grant is awarded. The purchase of downtown properties which took place a few months ago does not qualify as match. Staff will talk to the state regarding options available for matching funds. Moved by Council Member Hilyard, seconded by Council Member Colwell, “to authorize the Mayor to sign the grant application to the Department of Economic Development for the Civic and Community Center Financing Fund for downtown revitalization,” “YEAS”, Gonzales, Colwell, Meininger and Hilyard, “NAYS” Shaver. Absent: None.

Assistant City Manager Johnson gave the Council information regarding the Downtown Gardens Arboretum Dedication and Bike Rack unveiling to be held June 5, 2015 at 10:30 a.m. Six local artists have created the bike racks which will be dedicated at this event.

Mr. Kuckkahn presented the contract with Thomas P. Miller and Associates (TPMA) for additional Economic Development services. TPMA will be providing assistance with the partnering communities and developing the inter-local agreement with all communities. They are making good process and providing resources to the partner communities. This will be an addendum to the original contract, which provides for \$150.00/hour fee, and a retainer of \$5,000.00, maximum. We are trying to coordinate with inter-local groups to provide savings with travel, etc. LB 840 is the funding source for this addendum, as there is no funding in the inter-local group. This addendum will also allow TPMA to contact each community. The Council can approve this agreement, and then will need to get the endorsement from the Regional Economic Development Inter-local group.

Council Member Shaver asked if Council Member Hilyard should abstain from the vote since she serves on the Regional Economic Development Committee. Deputy City Attorney Ediger agreed that it would be best if she declared a conflict of interest on this contract. Moved by Mayor Meininger, seconded by Council Member Shaver, “to acknowledge a conflict of interest for Council Member Hilyard regarding the contract with Thomas P. Miller and Associates for assistance with the Economic Development Inter-local Committee and excuse her from voting on this item ,” “YEAS”, Gonzales, Shaver, Colwell, Meininger and Hilyard, “NAYS” None. Absent: None.

Moved by Council Member Gonzales, seconded by Mayor Meininger, “to approve the Thomas P. Miller and Associates contract for Economic Development services to the Regional Economic Development Inter-Local partner cities and authorize the Mayor to execute the contract,” “YEAS”, Gonzales, Colwell, and Meininger, “NAYS” Shaver. Absent: None. Abstain: Hilyard.

Mr. Johnson presented the draft ordinances regarding the appointment of members to Fair Housing Commission. We currently do not have members serving on this committee as they previously

also served on the Community Development Advisory Committee, which has been dissolved. The legal department has drafted two ordinances, one to give this commission responsibility to the Planning Commission, and the other to repeal the commission. Moved by Mayor Meininger, seconded by Council Member Shaver, "to refer the issue regarding the structure of the Fair Housing Commission and the appointment of members or repeal of the Fair Housing Commission to the Planning Commission," "YEAS", Gonzales, Shaver, Colwell, Meininger and Hilyard, "NAYS" None. Absent: None.

Under Council Reports, Council Member Hilyard informed the Council that the next Regional Economic Development Inter-Local committee meeting would be June 18, 2015, 6 p.m. at either the Scotts Bluff County Office or the Gering City Offices.

Moved by Council Member Shaver, seconded by Council Member Colwell, "to adjourn the meeting at 7:00 p.m.," "YEAS", Gonzales, Shaver, Colwell, Meininger and Hilyard, "NAYS" None. Absent: None.

Mayor

Attest:

City Clerk

SEAL