

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

Regular Meeting
February 29, 2016
6:00 PM

1. Roll Call
2. Pledge of Allegiance.
3. **For public information, a copy of the Nebraska Open Meetings Act is available for review.**
4. Notice of changes in the agenda by the city clerk (Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless added under Item 5 of this agenda.)
5. Citizens with business not scheduled on the agenda (As required by state law, no matter may be considered under this item unless council determines that the matter requires emergency action.)
6. Consent Calendar (Items in the consent calendar are proposed for adoption by one action for all items unless any member of the council requests that an item be considered separately.):
 - a) Approve the Minutes of the February 16, 2016 Regular Meeting
 - b) Council to set a Special Public Hearing for Monday, March 14, 2016 at 6:00 p.m. with the Planning Commission and Community Redevelopment Authority, at the Fairfield Inn Conference Room, 902 Winter Creek Dr., Scottsbluff, NE, for the purpose of approving the Comprehensive Development Plan.
7. Reports from Staff, Boards & Commissions:
 - a) Council to review applications and consider appointments to the Community Redevelopment Authority.
 - b) Council discussion and instructions to staff regarding an LB357 educational plan.
 - c) Council to receive the final Comprehensive Development Plan report.
8. Executive Session
 - a) Council reserves the right to enter into closed session if deemed necessary if the item is on the agenda.
9. Public Comments: The purpose of this agenda item is to allow for public comment of items for potential discussion at a future Council Meeting. Comments brought to the Council are for information only. The Council will not take any action on the item except for referring it to staff to address or placement on a future Council Agenda. This comment period will be limited to three (3) minutes per person

10. Council reports (informational only):
11. Scottsbluff Youth Council Representative report (informational only):
12. Adjournment.

City of Scottsbluff, Nebraska

Monday, February 29, 2016

Regular Meeting

Item Consent1

Approve the Minutes of the February 16, 2016 Regular Meeting

Staff Contact: Cindy Dickinson, City Clerk

Regular Meeting
February 16, 2016

The Scottsbluff City Council met in a regular meeting on Tuesday, February 16, 2016 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 February 12, 2016, 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 February 12, 2016. 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, Raymond Gonzales, Mark McCarthy and Scott Shaver. Absent: None. Also in attendance was Scottsbluff High School Student Youth Council Representative Uriah Mata. Mayor Meininger asked if there were any changes to the agenda. There were none. Mayor Meininger asked that the February 1, 2016 minutes be placed on the regular agenda.

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, "to approve the Bids and Specifications for the Scottsbluff Intersection Bulb-Out Project and authorize the city clerk to advertise for bids to be received by March 9, 2016 at 2:00 p.m.," "YEAS", Colwell, Gonzales, Meininger, and McCarthy, "NAYS" Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Mayor Meininger, "to approve the corrected minutes of the February 1, 2016 Regular Meeting," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

Moved by Council Member Shaver, seconded by Council Member McCarthy, "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 February 16, 2016, as on file with the City Clerk and submitted to the City Council," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

CLAIMS

ACTION COMMUNICATIONS INC., FIRE PAGERS,6275.54; AE SERVICES, LLC,REPAIR THERMOCOUPLER IN U & E BUILDING,495.08; AIR CYCLE CORPORATION,DISPOSAL FEES,1437.5; ALAMAR CORP,EQUIP MAINT,218.66; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4667.12; ARROWHEAD SCIENTIFIC,INVEST SUPPL,20.6; ASSURITY LIFE INSURANCE CO,LIFE INSURANCE,34.36; B & H INVESTMENTS, INC,CONTRACTUAL SVC,366.15; B&C STEEL CORPORATION,SUPP - IRON,51.44; BLUFFS SANITARY SUPPLY INC.,DEPT SUPPL,97.56; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS,178.82;

CARLSON, DEBRA, REIM., 23.72; CARR- TRUMBULL LUMBER CO, INC., DEPT SUP, 189.75; CELLCO PARTNERSHIP, MONTHLY CELL FIRE, 347.78; CEMENTER'S INC, CEMENT - CLEVELAND FIELD, 739.82; CITIBANK N.A., GIS SUP, 579.41; CITIBANK, N.A., DEPT SUP, 198.05; CITY OF GERING, DISPOSAL FEES, 36788.92; CITY OF SCB, PETTY CASH ADM, 15.29; CLARK PRINTING LLC, DEPT SUPP, 63; COMPUTER CONNECTION INC, RENT-MACH, 45.52; CONSOLIDATED MANAGEMENT COMPANY, SCHOOLS & CONF, 370; CONTRACTORS MATERIALS INC., DEPT SUPP, 18.62; CREDIT MANAGEMENT SERVICES INC., WAGE ATTACH EE, 412.9; CRESCENT ELECT. SUPPLY COMP INC, DEPT SUPP, 61.89; CYNTHIA GREEN, DEPT SUPP, 427.64; DALE VITITO, CIP-PO#1, 5066.47; DALE'S TIRE & RETREADING, INC., EQUIP MAINT, 22.97; DUANE E. WOHLERS, DISPOSAL FEES, 900; ENERGY LABORATORIES, INC, SAMPLES, 81; FASTENAL COMPANY, EQUIP MAINT, 45.22; FEDERAL EXPRESS CORPORATION, POSTAGE, 199.67; FERGUSON SIGNS, INC, DEPT SUPP, 135; FLOYD'S TRUCK CENTER, INC, VEHICLE MTNC, 1220.13; FUN EXPRESS, LLC, DEPT SUPP, 178; H D SUPPLY WATERWORKS LTD, METERS, 15825; HAWKINS, INC., CHEMICALS, 3114.35; HEILBRUN'S INC., AIR COND. CART FOR CENTRAL GARAGE, 6234.28; HENWIL CORPORATION, CHEMICALS, 5270.15; HITCHES GALORE, VEH MAINT, 515.9; HOBBY LOBBY STORES INC, DEPT SUPP, 37.21; HOLIDAY INN - KEARNEY, SCHOOLS & CONF, 185.9; ICMA RETIREMENT TRUST-457, DEF COMP, 1725.14; IDEAL LAUNDRY AND CLEANERS, INC., SUPP - MATS, TOWELS, CVRLLS, 1079.49; INDEPENDENT PLUMBING AND HEATING, INC, BLDG MAINT, 86.03; INGRAM LIBRARY SERVICES INC, BKS, 387.44; INTERNAL REVENUE SERVICE, FEDERAL W/H, 63239.24; INT'L INST OF MUNC CLKS, MEMBERSHIP, 95; INTRALINKS, INC, ANTI-VIRUS PROGRAM, 5818.74; J G ELLIOTT CO. INC., DEPT BONDS, 100; JIM MENDOZA, CONTRACTUAL SERVICES, 57.5; JOHN DEERE FINANCIAL, EQUIP MAINT, 15.96; JOHN DEERE FINANCIAL, EQUIP MAINT, 1566.89; LEXISNEXIS RISK DATA MANAGEMENT, CONSULTING, 100; LOGOZ LLC, K-9, 108; M.C. SCHAFF & ASSOCIATES, INC, ENGINEERING, 13230.7; MADISON NATIONAL LIFE, LIFE INSURANCE, 1844.16; MAILFINANCE INC, PSTG RNTL, 711; MARKETING CONSULTANTS, DEPT SUPPLIES, 3000; MATHESON TRI-GAS INC, DEPT SUPP, 155.86; MCMASTER-CARR SUPPLY COMPANY, DEPT SUP, 193.47; MENARDS, INC, BLDG MAINT, 1485.05; MIDLANDS NEWSPAPERS, INC, LEGAL PUBLISHING, 3279.67; MIDWEST MOTOR SUPPLY CO INC, SUPP - GLOSS PAINT, FUSES, WASHERS, ETC, 852.3; NATHAN JOHNSON, CONFERENCE EXPENSE, 478.46; NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS, INC, MEMBERSHIP, 40; NE CHILD SUPPORT PAYMENT CENTER, NE CHILD SUPPORT PYBLE, 1448.43; NE COLORADO CELLULAR, INC, CONTRACTUAL SVC, 32.37; NE DEPT OF REVENUE, WITHHOLDINGS, 18899.08; NE PLANNING & ZONING, DEPT CONFRNC, 180; NEBRASKA MUNICIPAL CLERKS' ASSOCIATION, MEMBERSHIP, 35; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 42150.09; NETWORKFLEET, INC, GPS SERVICE FOR TRANS, 18.95; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF, DEPT SUP, 33.74; ONE CALL CONCEPTS, INC, CONTRACTUAL, 38.61; PANHANDLE COOPERATIVE ASSOCIATION, GASOLINE, 12209.59; PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES, 126; PATTLEN ENTERPRISE, INC, EQUIP MAINT, 1053.72; PLATTE VALLEY BANK, HSA EE, 13557.71; POSTMASTER, POSTAGE, 641.97; POWERPLAN, CAP SCREWS FOR LOADER, 43.29; PUBLIC AGENCY TRAINING COUNCIL, SCHOOLS & CONF, 495; QUICK CARE MEDICAL SERVICES, PHYSICALS FOR VOLUNTEERS-ANDREW AND HAYDEN, 250; QUILL

CORPORATION,DEPT SUPPL,75.93; REGIONAL CARE INC,CLAIMS,44990.29; RELIABLE REFRIGERATION & APPLIANCE REPAIR,REPAIR HEATING SYSTEM IN U & E,288.74; ROHRER, JOSEPH,SCHOOLS & CONF,185; ROSE DREW, INC,DEP SUP,270; RUSHMORE MEDIA COMPANY, INC,CONTRACTUAL SVC,325; S M E C,SMEC,195.5; SAFARILAND, LLC,SCHOOLS & CONF,895; SALES MIDWEST, INC,EQUIP MAINT,683.7; SANDBERG IMPLEMENT, INC,EQUIP MAINT,969.25; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCOTTS BLUFF COUNTY COURT,LEGAL FEES,238; SCOTTSBLUFF BODY & PAINT,TOW SERVICE,500; SCOTTSBLUFF MOTOR CO, INC,VEH MAINT, 322.12; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES, 528; SCOTTSBLUFF - GERING CHAMBER OF COMMERCE, MEMBERSHIP, 6336; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,19580.79; SIMON CONTRACTORS, SAND FOR SNOW REMOVAL, 187.56; SPLASH FOUNDATION,SUPPORT AGREEMENT,40000; STATE OF NEBR,MONTHLY LONG DISTANCE,136.55; STORMWATER ONE, LLC,SCHOOLS & CONF,359; TERRY D SCOTT,VEH MAINT,120.85; THE CHICAGO LUMBER COMPANY OF OMAHA INC,DEPT SUPPLIES,20.18; THOMAS P MILLER & ASSOCIATES, LLC,PROFESSIONAL SERVICES - JAN. 2016,11301.77; TRI-STATE SPRINKLER SYSTEMS, LLC,CONTRACTUAL SVC,360; TWIN CITIES DEVELOPMENT ASSOC, INC,LB 840 CONTRACTUAL SERVICES, 16000; TYLER TECHNOLOGIES, INC,ANNUAL MAINTENANCE FEES,21467.38; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS,268.5; UNITED STATES WELDING, INC,DEPT SUPPLIES,40.02; UPSTART ENTERPRISES, LLC,DEPT SUPP,244.54; US BANK,BOND ADMINISTRATION FEES, 350; US BANK,BOOKS FOR EMT CLASS-GREEN,971.96; WELLS FARGO BANK, N.A.,RETIREMENT, 23996.88; WEST NEBRASKA ARTS CENTER, 2016 PAYMENT, 8000; WESTERN COOPERATIVE COMPANY,EQUIP MAINT,47.4; WESTERN PATHOLOGY CONSULTANTS, INC,DOT TESTING - RANDOM,330; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,91; YELLMAN, ABBIGAIL,REIMB,89.85; YESENIA LOOMIS, SHELTER, 50; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, YMCA, 1992.75; ZM LUMBER INC,DEPT SUPP,3.94; REFUNDS: CARL FRANCISCO 5.69; ALFREDO JIMENEZ 63.3; RUBEN ARZONA 66.45; SCOTT MILLER 21.69; JOST LLC MORISSA MORSE 170.95.

Assistant City Manager Johnson presented the bids for a new Refuse Truck for Environmental Services. This item was an approved CIP expenditure with \$230,000.00 budgeted. The only bid submitted was from Floyd's Truck Center, with two options for the chassis in the amounts of \$94,950.00 and \$95,450.00 and the truck body supplied by Southwestern Equipment Co. in the amount of \$86,000.00 for a total cost of \$180,950.00 as the lowest amount. Mayor Meininger complimented staff for choosing the white paint rather than maroon, which saved approximately \$5,000.00. Moved by Council Member Gonzales, seconded by Council Member McCarthy, "to award the bid for a new Refuse Truck to Floyd's Truck Center for a total amount of \$180,950.00," "YEAS", Colwell, Gonzales, Meininger, McCarthy and Shaver, "NAYS" None. Absent: None.

Jada Thompson, Contryman and Associates, presented the audit for year ended September 30, 2015. She explained that the City of Scottsbluff Finance Director prepares the Management's Discussion and Analysis which provides a good synopsis of the financial situation over the past year including proprietary funds and government funds. The auditors make sure this information matches the financial statements, which it does.

The Independent Auditors Report, prepared by Contryman, shows an Unqualified Report, which is what the Council wants. Contryman and Associates reported that the audit disclosed no instances of

noncompliance or other matters that are required to be reported under Government Auditing Standards. Ms. Thompson invited the Council Members to contact her with any questions or concerns regarding the audit. Moved by Mayor Meininger, seconded by Council Member Shaver, “to receive the 2015 Audit Report,” “YEAS”, Colwell, Gonzales, Meininger, McCarthy and Shaver, “NAYS” None. Absent: None.

Council reviewed the Financial Reports for October, November, and December, 2015 and January 2016. Assistant City Manager Johnson explained that staff is currently monitoring overtime salary in some departments to plan for upcoming months. Mayor Meininger asked what tools we can use to monitor any business development that may qualify for the Nebraska Advantage Tax Incentive. Mr. Johnson explained that our Finance Director monitors the revenues to note if there is a marked increase in sales tax revenue which may be related to expansion and development. Council Member Colwell asked about the negative numbers in the reports. Mr. Johnson responded that this is actually an issue with the software, which will be corrected soon. The numbers are all positive. Finance Director Hilyard commented that the financial reports were consistent with last year’s reports. All expenditures have been scheduled and were budgeted. She has added notations on the reports regarding major expenditures. The percentage numbers reflect either the amount remaining in a certain fund or the expected revenue balance.

Mayor Meininger opened the scheduled public hearing at 6:10 p.m. to discuss the One and Six Year Street Improvement Plan. Mr. Johnson noted that the first project will be Avenue G from 42nd Street to 40th Street. The projects can change as need arises, but the next proposed projects would be 42nd Street from Highway 71 to Avenue G, then potentially to 5th Ave. Also Avenue B from 27th Street to Highway 26 and various residential projects. Council Member Colwell asked how staff decides which projects to address first. Public Works Director, Mark Bohl commented that many of the projects are driven by the accident rates, deterioration of the streets, and traffic volume. The residential projects are based on development of residential neighborhoods. This plan is basically a planning tool for the Nebraska Department of Roads which needs to be submitted by March 1, however, changes can be made to the plan as the Council may find necessary. There are limited funds from the State, so we have fewer projects. There were no comments from the public. Mayor Meininger closed the public hearing at 6:20 p.m. Council Member Shaver asked about the estimated amount for 42nd Street, as the amount on the plan is less than originally anticipated. Mr. Bohl responded that this was the estimate from a while ago based on current pricing. Once we get ready for the project, we will go out for bids.

Moved by Mayor Meininger, seconded by Council Member Colwell, “to approve the 2016 One and Six Year Street Plan and approve Resolution No. 16-02-03,” “YEAS”, Colwell, Gonzales, Meininger, McCarthy and Shaver, “NAYS” None. Absent: None.

RESOLUTION NO. 16-02-03

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

1. Section 39-2115 of the Nebraska Statutes requires each municipality to develop and file with the Board of Public Roads Classifications and Standards a long range, six year plan of highway, road and street improvements. Section 39-2119 of the Nebraska Statutes requires a similar plan for specific road or street improvements for the current year.
2. Attached to this Resolution is a copy of the “2016 Six Year Plan” which includes a “First Year Plan” for projects planned for 2016 ending December 31, 2016, and a “Second thru Six Year Plan” for projects planned for fiscal years 2017/2022 ending September 30, 2022.
3. A public hearing concerning the “2016 Six Year Plan” was held on February 16, 2016 as shown in this plan.

4. The “2016 Six Year Plan”, as attached, is adopted to include the priority levels as shown in the plan.
5. The City Clerk is directed to file a copy of this Resolution with the attached “2016 Six Year Plan” with the Board of Public Roads Classifications and Standards on or before March 1, 2016.
6. This Resolution shall become effective following its passage and approval.

Passed and approved this 16th day of February, 2016.

Mayor

ATTEST:

City Clerk

“seal”

Mayor Meininger opened the scheduled public hearing at 6:20 p.m. to consider the Rezone of 1218-1220 9th Ave.; 818 E. Overland; 816 E. Overland.; and 808 East Overland from R-1A Residential to C-2 Neighborhood and Retail Commercial. Mr. Johnson noted that this rezone request is for potential retail development at this location. Currently these properties have vacated multi-family buildings. The new development is consistent with other retail businesses in the neighborhood and will be an improvement to the neighborhood. The Future Land Use Map calls for commercial development along East Overland. This property is located directly across from Roosevelt Elementary. There were no public comments. Mayor Meininger closed the public hearing at 6:25 p.m.

Council Member Shaver introduced Ordinance No. 4179 which was read by title on first reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT PROPOSED S 100’ OF N 250’ OF LOT 1, BLOCK 1, MILLER PLACE ADDITION; E 66’ N½ N 300’ LOT 1, BLOCK 1, MILLER PLACE ADDITION; W 66’ N½ N 300’ LOT 1, BLOCK 1, MILLER PLACE ADDITION; AND PART OF E½ & E 16’ OF W½ LOT 2, BLOCK 1, MILLER PLACE ADDITION, SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS R-1A RESIDENTIAL, WILL NOW BE INCLUDED IN C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL, AND REPEALING PRIOR SECTION 25-1-4.**

Moved by Mayor Meininger, seconded by Council Member Gonzales, “that the statutory rule requiring the Ordinance to be read by title on three different days be suspended,” “YEAS”, Colwell, Meininger, Gonzales, McCarthy and Shaver, “NAYS”: None, Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Council Member Shaver, seconded by Council Member McCarthy, “that Ordinance No. 4179 be adopted,” “YEAS”, Colwell, Meininger, Shaver, Gonzales, and McCarthy, “NAYS”: None. Absent: None.

Assistant City Manager Johnson presented the Amended Maintenance Agreement with Anita’s Greenscaping, Inc. for parking lot garden maintenance. This is for the downtown green space gardens

including the parking lot greenspace. The amended agreement includes parking lots 1 and 10 which are located at 1617 and 1620 Avenue A for an additional \$1100.00 making the total contract \$8900.00.

This is paid for out of the Business Improvement District (BID) funds and a number of other department funds. Council Member Shaver asked why city staff doesn't maintain these areas. Mr. Johnson informed Council that currently we don't have the trained staff required to maintain these specialized gardens. We are currently looking into rectifying this situation which will be proposed to the City Council during the budget workshop. These gardens are maintained year round. As the gardens are developed, we will be able to remove the irrigation and they will be irrigated by stormwater. Moved by Council Member McCarthy, seconded by Council Member Colwell, "to approve the Amended Maintenance Agreement with Anita's Greenscaping, Inc. for parking lot garden maintenance and authorize the Mayor to execute the agreement," "YEAS", Colwell, Meininger, Gonzales, and McCarthy, "NAYS": Shaver. Absent: None.

Mr. Johnson presented the Agreement between the Scottsbluff Police Department and Panhandle Public Health District for Tobacco Compliance. This is a yearly agreement with a reimbursement of expenses not to exceed \$750.00 per year. Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the Memorandum of Agreement between Panhandle Public Health District and the Scottsbluff Police Department to provide tobacco compliance checks and authorize the Mayor to execute the Agreement," "YEAS", Colwell, Meininger, Shaver, Gonzales, and McCarthy, "NAYS": None. Absent: None.

Regarding the issue of placing LB357 on the primary ballot, Deputy City Attorney Rick Ediger explained that an updated Resolution has been submitted for consideration which includes the maximum of 18% of the additional sales tax collected being used to fund the Scottsbluff Improvement Agency, which is a decision the Council will make each year at budget time. An additional clause states that this portion can either be a fixed amount or a percentage of the additional sales tax receipts. Council Member Shaver asked for a clarification of why "bridges" are still mentioned in the Resolution. Mr. Ediger explained that the definition of bridges are varied and may include items such as bridges over ditches. Council also discussed the possibility of pathways to be included as qualified infrastructure project. Mr. Ediger commented that all projects are driven by the City Council and will require their approval.

Moved by Council Member Gonzales, seconded by Mayor Meininger, "to approve Resolution 16-02-04 placing LB357 on the primary ballot, imposing an additional ½% sales tax for the purpose of funding public infrastructure projects," "YEAS", Colwell, Meininger, Shaver, Gonzales, and McCarthy, "NAYS": None. Absent: None.

RESOLUTION NO. 16-2 -04

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

- a. The City currently imposes a City Sales and Use Tax in the amount of 1.5% pursuant to the Local Option Revenue Act, sections 77-27,142, *et seq.* of the Nebraska Statutes (the "Existing City Sales and Use Tax")
- b. The City is in need of additional revenue in order to provide for public infrastructure projects.
- c. §77-27,142 of the Nebraska Statutes allows the City Council to impose an additional one-half of one percent (1/2%) sales tax in addition to the Existing City Sales and Use Tax for the purpose of funding public infrastructure projects, following an election at which a majority of the qualified electors of the City approve such additional sales and use tax;

Resolved by the Mayor and City Council of the City that:

1. At the May 10, 2016 primary election, the following proposition in the form shown below shall be submitted to the qualified electors of the City for their approval or disapproval at the primary election:

Shall the City Council of the City of Scottsbluff, Nebraska increase the local sales and use tax rate by an additional one-half of one percent ($\frac{1}{2}\%$) from the current rate of one and one-half percent ($1\frac{1}{2}\%$) to a total rate of two percent (2%) and impose a sales and use tax at the increased rate upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax, subject to the terms and conditions set out below?

_____ Yes (For increasing the Sales and Use Tax)

_____ No (Against increasing the Sales and Use Tax)

Terms and Conditions: The terms and conditions of the proposition are as follows:

- a. No reductions or elimination of other taxes or fees is contemplated.
 - b. Revenues from the increased sales and use tax are to be used for the following public infrastructure projects as are allowed pursuant to §77-27,142 of the Nebraska Statutes: public highways and bridges and municipal roads, streets, bridges, and sidewalks; solid waste management facilities; wastewater, storm water, and water treatment works and systems, water distribution facilities, and water resources projects, including, but not limited to, pumping stations, transmission lines, and mains and their appurtenances.
 - c. The City and the Community Redevelopment Authority of the City of Scottsbluff will enter into an Interlocal Agreement which creates the Scottsbluff Improvement Agency for purposes related to public infrastructure projects. The Interlocal Agreement contains provisions, including benchmarks, relating to the long-term development of unified governance of public infrastructure projects with respect to the parties.
 - d. The Scottsbluff Improvement Agency may be funded by a portion of the sales tax increase equal to an amount which is no more than 18% of the increased sales tax receipts, which amount shall be determined on an annual basis by the City Council prior to October 1 of each fiscal year, either as a fixed amount or a percentage of the additional sales tax receipts.
 - e. The increased sales and use tax shall terminate no more than ten years after the effective date of the increased sales and use tax or, if bonds are issued and the local option sales and use tax revenue is pledged for payment of such bonds, upon payment of such bonds and any refunding bonds, whichever date is later.
2. Electors desiring to vote in favor of or against the proposition shall do so in the manner specified in the ballot form as provided by the Scotts Bluff County Clerk.

3. The primary election shall be conducted by the Scotts Bluff County Clerk at polling places established by the County Clerk in each of the City's precincts. The polls shall be open from 7:00 a.m. through 7:00 p.m. on the day of the general election.

4. The following notice required by law shall be published in the Star-Herald, a legal newspaper of general election in the City not more than 30 days nor less than 10 days before the date of the election. The notice shall be in substantially the following form:

City of Scottsbluff, Nebraska

Notice of Election

Notice is given that at the primary election on Tuesday, May 10, 2016, at the usual polling place in each precinct of the City of Scottsbluff, Nebraska, the ballot will include for the electors of the City for their approval or rejection, the following proposition:

[Insert text of proposition from Paragraph 1 of this Resolution in the notice]

The polls will be open from 7:00 a.m. through 7:00 p.m. on the Election Day. Absent, disabled, and confined voters' ballots may be obtained from the County Clerk as provided by law. Copies of the proposition may be obtained at the office of the Scottsbluff City Clerk at City Hall, 2525 Circle Drive, Scottsbluff, Nebraska 69361.

Dated: April ____, 2016.

/s/ City Clerk

5. The City Clerk shall cause a certified copy of this Resolution to be delivered to the Scotts Bluff County Clerk on or before March 1, 2016.

Passed and Approved on February 16, 2016.

Mayor

Attest:

City Clerk

“SEAL”

Mr. Ediger also explained that the Scottsbluff Improvement Agency Agreement reflects the conditions discussed by the City Council. An additional condition states that funding for the agency may

come from a portion of the additional sales tax or funding as determined by the City Council. Moved by Mayor Meininger, seconded by Council Member Colwell, “to approve the Interlocal Agreement for Scottsbluff Improvement Agency and authorize the Mayor to execute the agreement, ““YEAS”, Colwell, Meininger, Shaver, Gonzales, and McCarthy, “NAYS”: None. Absent: None.

Council introduced the Ordinance which was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 3, ARTICLES 3 AND 4 OF THE SCOTTSBLUFF MUNICIPAL CODE, AMENDING AND REVISING CHAPTER 20, ARTICLE 6 OF THE SCOTTSBLUFF MUNICIPAL CODE, ALL INCLUDING NEW DEFINITIONS AND DEALING WITH THE REGULATION OF MOTORIZED SKATE BOARDS, HOVERBOARDS, MOTORIZED SCOOTERS, AND THE LIKE WITHIN THE CITY OF SCOTTSBLUFF, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council introduced Ordinance No. 4180 which was read by title on second reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT PROPOSED LOTS 1 & 2, TRACT B & C, BLOCK 10, FIVE OAKS SUBDIVISION SITUATED IN PART OF THE NW¼ OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS AG-AGRICULTURAL, WILL NOW BE INCLUDED IN O-P OFFICE AND PROFESSIONAL, AND REPEALING PRIOR SECTION 25-1-4.**

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”, Colwell, Meininger, Gonzales, McCarthy and Shaver, “NAYS”: None, Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Shaver, “that Ordinance No. 4180 be adopted,” “YEAS”, Colwell, Meininger, Shaver, Gonzales, and McCarthy, “NAYS”: None. Absent: None.

Under Council Reports, Mayor Meininger reported that he met with the Scottsbluff Senior Center Board and discussed their utility bill which they will need to begin paying. They appreciated his help in explaining this situation. Also, the 911 Advisory Task Force met and they now have a draft of the RFP for the CAD System. City of Scottsbluff legal staff will be a part of this review committee.

Council Member McCarthy informed the Council that he noticed the police officer stationed at a school crossing and complimented the friendliness and helpfulness of this employee.

Council Member Gonzales informed the Council that the WNED will meet this Thursday at the Scottsbluff Runza at 6:00 p.m.

Moved by Council Member McCarthy, seconded by Council Member Colwell, “to adjourn the meeting at 8:00 p.m.,” “YEAS”, Colwell, Meininger, and McCarthy, “NAYS” Gonzales, Shaver. Absent: None.

Mayor

Attest:

City Clerk

“SEAL”

City of Scottsbluff, Nebraska

Monday, February 29, 2016

Regular Meeting

Item Consent2

Council to set a Special Public Hearing for Monday, March 14, 2016 at 6:00 p.m. with the Planning Commission and Community Redevelopment Authority, at the Fairfield Inn Conference Room, 902 Winter Creek Dr., Scottsbluff, NE, for the purpose of approving the Comprehensive Development Plan.

Staff Contact: Rick Kuckkahn, City Manager

City of Scottsbluff, Nebraska

Monday, February 29, 2016

Regular Meeting

Item Reports1

**Council to review applications and consider appointments to the
Community Redevelopment Authority.**

Staff Contact: Mayor Meininger

City of Scottsbluff, Nebraska

Monday, February 29, 2016

Regular Meeting

Item Reports2

Council discussion and instructions to staff regarding an LB357 educational plan.

Staff Contact: Nathan Johnson, Assistant City Manager

City of Scottsbluff, Nebraska

Monday, February 29, 2016

Regular Meeting

Item Reports3

Council to receive the final Comprehensive Development Plan report.

Staff Contact: Annie Folck, City Planner

City of Scottsbluff, Nebraska
Monday, February 29, 2016
Regular Meeting

Item Exec1

Council reserves the right to enter into closed session if deemed necessary if the item is on the agenda.

Staff Contact: City Council