

# **City of Scottsbluff, Nebraska**

**Tuesday, September 5, 2017**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the August 21, 2017, Regular Meeting.**

**Staff Contact: Cindy Dickinson, City Clerk**

The Scottsbluff City Council met in a regular meeting on August 21, 2017 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 August 18, 2017, in the Star Herald, a newspaper published and of general circulation in the City. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodations to attend the Council meeting should contact the City Clerk's Office, and that an agenda of the meeting kept continuously current was available for public inspection at the office of the City Clerk in City Hall; provided, the City Council could modify the agenda at the meeting if it determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been emailed to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and NBC Nebraska, and the Star Herald. The notice was also available on the city's website on August 18, 2017.

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: Randy Meininger, Scott Shaver, Raymond Gonzales, Mark McCarthy and Jordan Colwell. Also present was City Manager Johnson and City Attorney Kent Hadenfeldt. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. City Clerk Dickinson informed the Council that Items No. 13a and 14a would need to be pulled from the agenda. Moved by Mayor Meininger, seconded by Council Member Shaver, "to delete item 13a - Council to receive a presentation from Keep Scottsbluff/Gering Beautiful; and item 14a - Council to consider a Zone Change for 1202 11<sup>th</sup> Ave. from C-3 Heavy Commercial to R-1A, Single Family and approve the Ordinance" "YEAS", Colwell, Meininger, Shaver, McCarthy and Gonzales, "NAYS", None. Absent: 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 Council Member Colwell that:

1. "The minutes of the August 7, 2017, Regular Meeting be approved,"
2. "The absence of Council Member McCarthy from the August 7, 2017 Regular Meeting be approved,"
3. "A public hearing be set for September 5, 2017, 6:05 p.m., regarding the completion of the East Overland Corridor Revitalization Plan project, which was funded in part by a Community Development Block Grant from the Nebraska Department of Economic Development, ""YEAS", Colwell, Meininger, and Gonzales, "NAYS", Shaver. Abstain: McCarthy.

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 August 21, 2017, as on file with the City Clerk and submitted to the City Council," "YEAS", Colwell, Meininger, Shaver, McCarthy and Gonzales, "NAYS", None. Absent: None.

#### CLAIMS

3M COMPANY,PAVEMENT MARKING TAPE,99; AC ELECTRIC MOTOR SERVICE,EQUIP MAINT,297.78; ACTION COMMUNICATIONS INC.,EQUIP MAINT,3443.58; AMAZON.COM HEADQUARTERS,MISC. - LIBRARY,994.88; ASSURITY LIFE INSURANCE CO,LIFE INS,32.95; B & H INVESTMENTS, INC,DEP. SUP. - LIBRARY,119; BIBEROS JOSEPH,CONTRACTUAL,72; BLUFFS SANITARY SUPPLY INC.,JAN. SUP.,459.07; CAPITAL BUSINESS SYSTEMS INC., CONT. SRVCS., 387.84; CASH WA DISTRIBUTING,CONCESSIONS,279.2; CELLCO PARTNERSHIP, CELL PHONE,189.01; CHILD SUPPORT,CHILD SUPPORT,12; CITIBANK N.A.,OFFICE SUPP - CARTRIDGES, PAPER,346.35; CITY OF GERING,DISPOSAL FEES, 43474.67; CITY OF SCB,POSTAGE, 58.03; CLARK PRINTING LLC,DEPT SUPP,63; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,81.6; CONTRACTORS MATERIALS INC., SUPP - SAFETY GLASSES,1504.66; CROELL INC,CONCRETE FOR STREET REPAIR, 2486.14; CYNTHIA GREEN,DEPT SUPP,171.53; DALE'S TIRE & RETREADING, INC., MOWER TIRE REPAIR,75; ELLIOTT EQUIPMENT COMPANY INC.,DEPT SUPPLIES,2049; ENERGY LABORATORIES, INC,SAMPLES,135; FASTENAL COMPANY,EQUIP MAINT,30.19; FAT BOYS TIRE AND AUTO,EQUIP MTNC,9; FEDERAL EXPRESS CORPORATION, POSTAGE, 387.39; FLIAM, TYLER,SCHOOLS & CONF,135; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC, 2002.23; FRANCISCO MAREZ,CONTRACTUAL,144; FUN EXPRESS, LLC,SPECIAL EVENT, 706.69; GENERAL ELECTRIC CAPITAL CORPORATION, DEPT SUP,607.53; GFOA,MEMBERSHIP - E.HILYARD,190; GI HOSPITALITY SCHOOLS & CONF,91; GILBERT CARRIZALES,CONTRACTUAL,144; GRAY TELEVISION GROUP INC, CONTRACTUAL SVC, 695; GREAT LAKES HIGHER EDUCATION GUARANTY CORP,WAGE ATTACHMENT, 185.82; HAWKINS, INC.,CHEMICALS,2030.45; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,562.36; HEFTI MARVIN & CATHLEEN,CONTRACTUAL SVC,61.94; HONEY WAGON EXPRESS,CONTRACTUAL,155; HULLINGER GLASS & LOCKS INC.,KEYS FOR MOBILE CMD VEH,61.75; IDEAL LAUNDRY AND CLEANERS, INC.,JANITORIAL,1074.57; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,568.79; INFINITY CONSTRUCTION, INC., LB840 - AIRPORT STORM DRAIN IMPR.,198244.1; INGRAM LIBRARY SERVICES INC, BKS., 2498.66; INTERNAL REVENUE SERVICE,WITHHOLDINGS,64618.14; INTRALINKS, INC, SECURITY CAMERAS - LIBRARY,6827.61; INVENTIVE WIRELESS OF NE, LLC, CONTRACTUAL, 109.9; JACOB MCLAIN,CONTRACTUAL,54; JOHN DEERE FINANCIAL,SUPP - ROUND UP, 199.51; JOHN DEERE FINANCIAL,DEPT SUP,117.96; JOHN DEERE FINANCIAL, EQUIP MAINT,16.08; KAMAN CHERYL,CONTRACTUAL,1000; KAWASAKI KORNER,EQUIP MTNC, 188.51; KEMBEL SAND & GRAVEL COMPANY,DEPT SUPP, 110.75; KIRK BERNHARDT, CONTRACTUAL, 416; KNOW HOW LLC,VEHICLE MTNC,1195.76; LEAGUE OF NEBRASKA MUNICIPALITIES, MEMBERSHIPS, 3267 ;LEXISNEXIS RISK DATA MANAGEMENT, CONSULTING, 100; M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS, 4763.5; MACQUEEN EQUIPMENT INC,PARTS FOR TOWER ONE,369.61; MADISON NATIONAL LIFE, INSURANCE, 1746.69; MARIO SOLORZANO III, CONTRACTUAL,72; MATHESON TRI-GAS INC,EQUIP MAINT,74.05; MATTHEW M. HUTT,CONTRACT SERVICES, 450; MENARDS, INC,SUPP - BATTERIES,163.12; METECH RECYCLING, INC,DISPOSAL FEES, 12297.86; MIDLANDS NEWSPAPERS, INC,LEGAL PUBLISHING,1249.5; MIDWEST MOTOR SUPPLY CO INC,DEPT SUPPLIES, 85.88; MONUMENT PREVENTION COALITION, CONTRACTUAL, 939.94; NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS, INC,SCHOOLS & CONF,495; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1630.93; NE DEPT OF REVENUE,TAX PAYMENT,50605.95; NE LAW ENFORCEMENT TRAINING CENTER, SCHOOLS & CONF,95; NEBRASKA MACHINERY CO,REPAIRS TO MOTOR GRADER,1741.24; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 45478.22;

NEBRASKALAND TIRE, INC,EQUIP MTNC,304.8; NEMNICH AUTOMOTIVE, EQUIP MTNC, 203.71; NETWORKFLEET, INC,GPS SERVICE,18.95; NEW YORK TIMES, SBSCRIP., 447.2; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEPT SUP,133.23; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,995.58; OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQUIP MAINT,777; PANHANDLE AREA DEVELOPMENT DISTRICT,E OVLD PHASE I ADMIN FEE - 2ND HALF,1500; PANHANDLE CONCRETE PRODUCTS, INC,GRADE RING, 30; PANHANDLE COOPERATIVE ASSOCIATION,OTHER FUEL, 12984.92; PANHANDLE ENVIRONMENTAL SERVICES INC, SAMPLES, 94; PLATTE VALLEY BANK, HSA SAVINGS ACCT, 14587.24; POSTMASTER, POSTAGE, 650.97; PRO OVERHEAD DOOR, OVERHEAD DOOR REPAIRS-DOOR #10,684.5; QUILL CORPORATION, DEPT/JANIT SUPPL, 695.85; REGIONAL CARE INC,CLAIMS, 32751.93; REGISTER OF DEEDS, LEGAL, 130; RICHARD P CASTILLO,CONTRATUAL,180; ROBERT GOMEZ, CONTRACTUAL, 144; RUSCH'S GENERAL CONTRACTING, LLC, BLDG MAINT, 410; S M E C, EMPLOYEE DEDUCTION, 188.5; SAFETYLINE CONSULTANTS, INC,DEPT SUPPL,21.1; SANDBERG IMPLEMENT, INC, EQUIP MAINT,774.1; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES, 225; SCOTTS BLUFF COUNTY COURT,LEGAL FEES,470.75; SCOTTSBLUFF MOTOR CO, INC,EQUIP MTNC,16.56; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,552; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORM PREP,408; SHAW DAVID,CONTRACTUAL,108; SHERIFF'S OFFICE,LEGAL FEES,113.72; SHERWIN WILLIAMS,DRUM FOR GRIND/LZR,477.73; SIMMONS OLSEN LAW FIRM, P.C., CONTRACTUAL SERVICES, 13836.79; SIMON CONTRACTORS,BASE GRAVEL, 6679.57; SPENCER, KEVIN, SCHOOLS & CONF,161.51; STATE OF NE.DEPT.OF LABOR,BLDG MAINT,138; STRAUB, ROBERT,SCHOOLS & CONF,24; TEXAS PNEUDRAULIC INC,EQUIP MTNC,94.7; THE CHICAGO LUMBER COMPANY OF OMAHA INC,SUPP - HEM FIR,147.32; THE PEAVEY CORP,INVEST SUPPL, 432.65; TRAFFIC PARTS, INC,LED RED BALL LENS FOR TRAFFIC SIGNALS, 247.5; TRANS IOWA EQUIPMENT LLC,EQUIP MAINT,173.96; TWIN CITIES DEVELOPMENT ASSOC, INC,ECENTER AGREEMENT - JUNE 2017, 9000; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS.,125.3; US BANK,SCHOOLS & CONF,1757.31; VANTAGEPOINT TRANSFER AGENTS-300793,DEF COMP,1420.38; VANTAGEPOINT TRANSFER AGENTS-705437,ROTH IRA,516; VOGEL WEST, INC,EQUIP MTNC,106; W & R INC,CONTRACTUAL SVC, 329.3; WELLS FARGO BANK, N.A.,RETIREMENT,32093.68; WESTERN COOPERATIVE COMPANY,GROUND MAINT,45.4; WESTERN COOPRTATIVE COMPANY, GROUND MAINT,84.75; WESTERN PATHOLOGY CONSULTANTS, INC,JULY 2017 RANDOM DOT TESTING & PRE-EMPL.SCREENING,272.5; WESTERN PLAINS BUSINESS FORMS INC,DEPT SUPPLIES,71.5; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT,50.18; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEPT SUPPLIES,225.4; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, YMCA,1615; REFUNDS: KASSANDRA ROHRER, 83.15; MARIE ASH, 32.41; MICHAEL KLEICH 5.13; ROSALINDA SABALA 97.01; CYNTHIA VALENZUELA 5.22.

Council reviewed the July 2017 Financial Report, there were no comments from Council.

City Manager Johnson presented the bid for the Delta Drive Asphalt Overlay Project, which is part of a contract between Menard Inc. and the City of Scottsbluff to meet or exceed the City's requirements for the road. The engineer's estimate was \$208,750.00 for this project. The only bid received was from Simon's Construction in the amount of \$238,080.00, which includes one sub-contractor, Eric Reichert whose proposal for concrete work is \$98,472.00. Staff is recommending approval of the bid from Simons Construction. City staff has worked with Menard Inc. and they have agreed to pay over the engineer's estimate for this project and will pay all costs. Moved by Mayor

Meininger, seconded by Council Member McCarthy, “to award the bid for the Delta Drive Asphalt Overlay Project to Simon Construction in the amount of \$238,080.00,” “YEAS”, Colwell, Meininger, Shaver, McCarthy and Gonzales, “NAYS”, None. Absent: None.

Starr Lehl, Economic Development Director, presented an Economic Development Assistance Agreement for Millennium Resilient International, Inc. (MR Housing). Ms. Lehl explained that the company makes precast concrete structure hybrid posts to be used in the production of housing. LB 840 funding will be used for the purchase of equipment and working capital. The business is located on the Scottsbluff/Gering Highway at 3500 North 10<sup>th</sup> Street, Gering, NE. The Loan amount of up to \$310,000 can be repaid by job credits. There are 31 anticipated full time equivalent (FTE) jobs. Owners of the business are Mark and Amy Westphal and Rod Russell.

The company received a Business Innovation Grant from the University of Nebraska Lincoln and a Peter Kiewit grant. Their product is a new material which is light weight, easier to work with and very strong. Mr. Rod Russell explained that this hybrid component is a stronger, light weight concrete and more resilient for tornadoes and high winds. It will actually be less expensive than conventional methods because they will be making their own product.

Moved by Council Member Shaver, seconded by Mayor Meininger, “to approve the Economic Development Assistance Agreement in the amount of up to \$310,000 with Millennium Resilient International, Inc. and authorize the City Manager to execute the agreement as the Economic Development Program Administrator,” “YEAS”, Colwell, Meininger, Shaver, McCarthy and Gonzales, “NAYS”, None. Absent: None.

City Manager Johnson presented the Electronic Government Service Level Agreement which will enable customers the ability to pay the local liquor license fees on line, which will then be sent to the City. Moved by Council Member McCarthy, seconded by Council Member Shaver, “to approve the Electronic Government Service Level Agreement and authorize the Mayor to sign the Agreement,” “YEAS”, Colwell, Meininger, Shaver, McCarthy and Gonzales, “NAYS”, None. Absent: None.

City Manager Johnson presented the Police Department’s annual contract with Copier Connection. Moved by Council Member Gonzales, seconded by Mayor Meininger, “to approve the Copier Full Service Contract with Copier Connection for the Police Department and authorize the Mayor to execute the contract,” “YEAS”, Colwell, Meininger, Shaver, McCarthy and Gonzales, “NAYS”, None. Absent: None.

Mayor Meininger opened the public hearing at 6:15 p.m. for authorizing the final tax request for the 2017-2018 year at a different amount than the prior year request.

City Manager Johnson explained that the budgeted revenues net of transfers in the amount of \$29,069,018 shows an increase over the previous year which is mainly due to the \$3.6 million bond issuance for 42<sup>nd</sup> Street. The previous year’s revenues were \$25,454,739.

The General Fund revenue for FY18 is \$8,129,850, which is a decrease of \$183,928 (-2.21%). The FY18 budgeted sales tax revenue is decreased by 4%, \$236,989. The Budgeted Property Tax revenue for FY18 is an increase of \$123,901 due to Scotts Bluff County valuation increases, however the City levy remains the same with a limit of \$175,000 going into the General Fund. The remaining property tax dollars are deposited into a sinking fund for capital expenditures and debt service.

The NPPD Lease Revenues amount is \$2,539,750, which is a decrease of \$25,550 from FY17.

The FY18 Budgeted Expenditures is \$41,103,981 which includes capital expenditures of \$11,925,226, debt service \$1,981,616. This is an increase from the previous year of \$3,114,886; mainly due to 42<sup>nd</sup> Street improvements.

The FY18 Budgeted operating expenses is \$27,197,139 which is a decrease from the previous year of \$952,096, (3.38%). The General Fund budgeted operating expense is \$9,068,488 (includes a \$250,000 contingency), which is a \$184,021 decrease, or 2.0%, from last year. The number of full time

equivalent employees has dropped from 138 in FY 17 to 135.5 in FY 18. We have had some challenges with our revenues, but have been able to present a sound budget. Mayor Meininger commented that Scottsbluff has the 3<sup>rd</sup> lowest property tax mil levy in Nebraska.

There were no public comments. Mayor Meininger closed the public hearing at 6:20 p.m. Moved by Council Member McCarthy, seconded by Council Member Gonzales, "to approve Resolution No. 17-08-05 setting the final tax request for the 2017-2018 year at a different amount than the prior year request," "YEAS", Colwell, Meininger, Shaver, McCarthy and Gonzales, "NAYS", None. Absent: None.

RESOLUTION NO. 17-08-05

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Scottsbluff passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

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

WHEREAS, it is in the best interests of the City of Scottsbluff that the property tax request for the current year shall be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Scottsbluff, by a majority vote, resolves that:

1. The 2017-2018 property tax request be set at \$1,891,336 for the City of Scottsbluff.
2. The 2017-2018 property tax request be set at \$54,100 for the Business Improvement District.
3. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2017.

PASSED AND APPROVED this 21<sup>st</sup> day of August, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk (seal)

Mayor Meininger opened the Public Hearing at 6:20 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the FY 2017-2018 budget. City Manager Johnson commented that we have a lot of great projects planned for the upcoming year, including the repairs to 42<sup>nd</sup> Street. City staff has been working very hard to find ways to increase efficiencies, which is evident in this year's budget. There were no comments from the public. Mayor Meininger closed the public hearing at 4:22 p.m.

Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL**

**APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.**

Mayor Meininger opened the public hearing at 6:23 p.m. to consider the Class D Liquor License application for AMSI, LLC, dba Cheema's Gas and Liquor, 2002 Ave. I, Scottsbluff, NE 69361. Ms. Carol Singh, Applicant, Mr. John Sorensen, Attorney for the applicant and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Mayor Meininger, seconded by Council Member Shaver, "that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) AMSI, LLC, dba Cheema's Gas and Liquor application; 2) City Council check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated August 18, 2017; 4) written statement of City Clerk dated August 21, 2017; 5) written statement from the Development Services Department dated July 27, 2017; "YEAS", Colwell, Meininger, Shaver, McCarthy and Gonzales, "NAYS", None. Absent: None.

Mr. Sorensen, speaking on behalf of Ms. Carol Singh, applicant, presented three additional exhibits for the Council's consideration. Moved by Shaver, seconded by Council Member McCarthy, "to include the following three exhibits into the record: Exhibit 6 – Letter from Brad Helgerson, Certified Public Accountant dated June 15, 2017; Exhibit 7 – Letter from Doug Millay, Certified Public Accountant, Dana F. Cole & Company, dated June 15, 2017; Exhibit 8 – Email correspondence from Denny Finken, Investment Representative, Finken Financial Services," "YEAS", Colwell, Meininger, Shaver, McCarthy and Gonzales, "NAYS", None. Absent: None.

Mr. Sorensen explained that the previous license for Carol Singh was withdrawn to give the applicant time to correct some deficiencies. The Council had some concerns regarding three previous violations against Cheema's Gas & Liquor, 2002 Ave. I. He explained that prior to these violations, this location had no violations for 17-18 years. To ensure there are no more violations, they have purchased an identification reader to prevent the sale of alcohol or tobacco to someone who is underage.

Mr. Sorensen also clarified that this is an independent application, not a continuation of the current license. He explained that the exhibits he presented are from financial planners, which shows a separation of business assets from Cheema Capital as of October 2016. Mr. Sorensen clarified that the separation of business assets is not a reaction to the previous violations against Cheema Capital. Regarding Nebraska §53-132, Ms. Singh meets all criteria. She has been in the alcohol sales business for 23 years and has never personally had a violation. The bar code reader will help prevent all employees from making any mistakes regarding sales to minors. This business is well patronized and an asset to our community.

Chief Spencer explained to the Council that he conducted a very extensive background check and did not find anything that would disqualify Ms. Singh from holding a liquor license. Chief Spencer contacted the Nebraska Liquor Control Commission and they explained that the three violations for Cheema Capital will follow Ms. Singh; if there is a forth violation within four years of the first violation, the punishment is cancellation. Chief Spencer added that his interview with Ms. Singh showed that she is determined to not have violations.

Council Member Shaver commented that regarding Nebraska §53-132 (C)(d), he does not feel the liquor store is a necessity. However, he feels the card reader is important step. Since the forth violation would result in cancellation, he does not think there is a lot of risk if the license is granted.

Mayor Meininger closed the public hearing at 6:30 p.m. There were no comments from the public. Moved by Council Member Shaver, seconded by Council Member McCarthy, "to forward a favorable recommendation to the Nebraska Liquor Control Commission for AMSI, LLC, dba Cheema's Gas and Liquor, Class D liquor license pursuant to Nebraska §53-132 (2)a, (2)b, (2)c, and (2)d," "YEAS", Gonzales, Meininger, Shaver, and McCarthy. "NAYS" Colwell. Absent: None.

**RESOLUTION NO. 17-08-06**

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

1. On August 21, 2017, the matter of the application of a Class D liquor license for AMSI, LLC, dba Cheema's Gas and Liquor, 2002 Ave. I, Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class D liquor license for AMSI, LLC, dba Cheema's Gas and Liquor, 2002 Ave. I, Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2010)

Exhibit 3 - Written statement of Police Chief dated August 18, 2017

Exhibit 4 - Written statement of City Clerk dated August 21, 2017

Exhibit 5 - Written statement of Development Services Department dated July 27, 2017

Exhibit 6 – Letter from Brad Helgerson, Certified Public Accountant dated June 15, 2017

Exhibit 7 – Letter from Doug Millay, Certified Public Accountant, Dana F. Cole & Company, dated June 15, 2017

Exhibit 8 – Email correspondence from Denny Finken, Investment Representative, Finken Financial Services.

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from John Sorenson, Attorney for Carol Singh, Carol Singh; Police Chief Kevin Spencer spoke on behalf of the City.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
  - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.
  - b. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2010) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes.  
Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class D liquor license be issued to AMSI, LLC, dba Cheema's Gas and Liquor, at the premises described in the application.
5. The City Clerk shall transmit a copy of this Resolution to the Commission.
6. Cost of publication: \$14.51.

Passed and approved this 21<sup>st</sup> day of August, 2017.

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Mayor

ATTEST:

City Clerk

“seal”

Moved by Mayor Meininger, seconded by Council Member Gonzales, “to submit a positive recommendation for Carol Singh as manager of the Class D Liquor License for AMSI, LLC, dba Cheema’s Gas and Liquor, Class D liquor license “YEAS”, Gonzales, Meininger, Shaver and McCarthy. “NAYS” Colwell. Absent: None.

Council introduced the Ordinance approving the sale of approximately 365.34 acres of city-owned property to Croell, Inc., an Iowa Corporation, which was read by title on third reading: **AN ORDINANCE AUTHORIZING THE SALE OF PART OF THE NE1/4, PART OF THE SE1/4, PART OF THE SW1/4 (NORTH OF THE CANAL) IN SECTION 34, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA.**

City Manager Johnson gave the Council a summary of the comments the City Council has received regarding the sale of this property at the previous two meetings. Comments opposing the sale of city-owned property to Croell, Inc., which mainly centered on environmental issues:

Concern regarding emissions, chemicals, and dust; threat to wetlands; asphalt emissions; organic certification; buffer zone; environmental impact study; truck traffic on roads; concern about facility location of 145 feet from the Meadowlark Hearth farm residents; request for City to look for another property for the business; there is already a batch plant in town and this would be additional competition; road repairs; sense of community of the farm making Meadowlark a destination point; City should look at new economic development focused around tourism and inspiring people because the old economic development plan did not work.

Comments supporting the sale of city-owned property to Croell, Inc.:

The sale of this land would put the property back on the tax roll; additional employment; lower consumer prices; Croell, Inc. has plans of being good neighbors - they are agreeable to add a buffer and will have little impact on wildlife; there is a spin-off revenue of jobs; it would enhance the tax base; they are a great corporate citizen; highly regulated company; they have mitigated the majority of concerns regarding the concrete batch plant; there are no current plans for an asphalt plant.

Mr. Johnson gave the Council a timeline of events since the City purchased the property:

- Purchased in 1993 as buffer for city-owned landfill.
- Used the dirt to cover landfill, closed 1993-94. Simon Construction created pond to use dirt to cover landfill.
- 2000 – Nebraska Department of Roads expands Highway 26 to 4 lanes between Scottsbluff and Minatare, using materials from the land for the road.
- 2004-2005 road completed – mining is ceased.
- 2005 to present, city maintains property and sprays annually with synthetic pesticides.

Mr. Johnson explained the annual impact of the sale of this property to Croell, Inc. and the development of their concrete plant. According to the Nebraska Public Power District report the direct labor income would be \$884,000. Secondary income from other industries is estimated at \$535,000,

making a total additional Annual Income of \$1,419,000 per year. The value-added total contribution to the local area profit is an additional \$2,020,000. The estimated total economic impact of this business in our community would be approximately \$6,334,000.

Council Member Colwell asked about the berm and how far the entrance would be from the farm. Mr. Johnson explained that the proposed berm, based on organic certification needs, includes shutting off the existing entrance to the parcel and shifting it north as far as it can go. Croell, Inc. is committed to building a buffer zone with a berm of some sort. The plant would be ¼ mile off of County Road 26 to the east. We will work with Scotts Bluff to mitigate the dust from the road.

Council Member Shaver commented that he wanted to hear from many people and get all the information possible. He appreciated the information from community. Both sides of this issue want each other to be successful; therefore he doesn't need to hear more about support for each other. His main concern was the issue regarding organic certification for Meadowlark Hearth if a concrete plant were located close by. It took many hours to get to the bottom of issue, and he discovered there is no certification issue that will be affected by Croell Inc. if they locate across the street from the organic farm. Croell, Inc. has gone above and beyond to appease the concerns of Meadowlark Hearth. Not wanting certain neighbors is not a good enough reason to not sell the property to Croell, Inc. Any zoning issues will be dealt with Scotts Bluff County and are not within the city's control.

Mr. Nathan Clark, Meadowlark Hearth approached the Council, stating he appreciated the mitigating efforts of Croell, however is still concerned about this development affecting the land and wildlife habitat.

Others speaking in opposition of the sale of city-owned property to Croell, Inc. included: Phil Moser, Scot Mosher, David Kleensang, and Kelley Hagenbauch.

Those speaking in support of the sale of city-owned property to Croell, Inc. included: Adam Reed, Terry Rajewich, Michelle Coolidge, and Aaron Nab.

Kurt Croell, owner of Croell, Inc., explained that this has been a family owned business since 1968. They are very excited to locate in Scottsbluff. They are now located in seven states and will be celebrating their 50 year anniversary in 2018. They would not still be here if they hadn't handled business properly for the last 50 years.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to approve Ordinance No. 4219, authorizing the sale of approximately 365.34 acres of city-owned property to Croell, Inc., an Iowa Corporation," "YEAS", Colwell, Meininger, Shaver, McCarthy and Gonzales, "NAYS", None. Absent: None.

Moved by Council Member McCarthy, seconded by Council Member Colwell, "to approve the contract selling approximately 365.34 acres of city-owned property to Croell, Inc., an Iowa Corporation in the amount of \$548,010.00 and authorize the Mayor to execute the contract, "YEAS", Colwell, Meininger, McCarthy and Gonzales, "NAYS", Shaver. Absent: None.

City Manager Johnson presented the Ordinance authorizing the issuance of General Obligation Highway Allocation Fund Bond Series 2018 for improvements to 42<sup>nd</sup> Street. This bond amount will not exceed \$3,870,000.00. Mayor Meininger introduced the Ordinance which was read by title on first reading: **AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2018, OF THE CITY OF SCOTTSBLUFF, NEBRASKA IN A PRINCIPAL AMOUNT NOT TO**

**EXCEED \$3,870,000 TO PAY THE COSTS OF CONSTRUCTING IMPROVEMENTS TO CERTAIN STREETS OF THE CITY; PRESCRIBING THE FORM AND CERTAIN DETAILS OF THE BONDS AND PROVIDING FOR THE FIXING AND ESTABLISHING OF OTHER DETAILS OF THE BONDS; PLEDGING FUNDS RECEIVED FROM THE NEBRASKA HIGHWAY ALLOCATION FUND AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS.**

Jeff Kelley, Panhandle Area Development District (PADD), gave the Council an annual update on the current projects at PADD. PADD was formed in 1973, and became a development district in 1995. PADD is funded by grants and membership dues. The dues are used to match the grants, which is crucial. They have formed a membership committee and a Brownfields Coalition to increase the membership. PADD currently has many active grant programs throughout the entire Panhandle, providing a number of community and economic development improvements.

Under Public Comments, Bayard Mayor Michelle Coolidge expressed her gratitude to the City of Scottsbluff for the assistance following the tornado this summer. Nathan Green commented on the improvement with the traffic control at the beginning of school.

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

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Mayor

Attest:

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City Clerk  
“SEAL”