

City of Scottsbluff, Nebraska

Tuesday, January 19, 2021

Regular Meeting

Item Consent1

Council to approve the minutes of the January 4, 2021 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on January 4, 2021 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 December 31, 2020, 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 and that anyone attending was encouraged to wear a mask and to respect social distance guidelines. It also stated 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 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 December 31, 2020. Mayor McKerrigan presided and City Clerk Wright recorded the proceedings. The meeting was called to order and the Pledge of Allegiance was recited. Mayor McKerrigan welcomed everyone and informed those in attendance that a copy of the Nebraska Open Meetings Act is posted in the back of the room on the west wall for the public's review. The following Council Members were present: Jeanne McKerrigan, Nathan Green, Jordan Colwell, and Angela Scanlan. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Rick Kuckkahn. Absent: Terry Schaub. Mayor McKerrigan asked if there were any changes to the agenda. There were none. Mayor McKerrigan then asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There was none.

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

- a) The minutes of the December 21, 2020 Regular Meeting be approved, "YEAS," Colwell, Scanlan, Green, and McKerrigan. "NAYS," None. Absent: Schaub.

Moved by Council Member Green, seconded by Council Member Scanlan, that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated January 4, 2021, as on file with the City Clerk and submitted to the City Council, "YEAS," Green, Scanlan, McKerrigan, and Colwell "NAYS," None. Absent: Schaub.

CLAIMS

ADVANCE AUTO PARTS,DEV SVCS SHEILA- OIL AND AIR FILTER,39.46; AIRGAS USA, LLC,WELDING GLOVES,78.4; AMAZON.COM HEADQUARTERS,DEP. SUP.,20.85; ANITA'S GREENSCAPING INC,CONT. SRVCS.,255; BAKER & ASSOCIATES INC,23 CLUB ENGINEERING,5755.42; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,3681.97; BLUFFS FACILITY SOLUTIONS,JAN. SUP.,424.54; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,73.8; CELLCO PARTNERSHIP,CELL PHONES-PD,1251.94; CITIBANK N.A.,PRINTER TONER FOR CHIEF AND CAPTAIN, SHIPPING,1091.83; CITIBANK, N.A.,SUPP - NUTS & BOLTS,64.8; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,LIFE & DISABILITY INS,48.7; CONTRACTORS MATERIALS INC.,SIGNING SUPP - BANDING,503.81; CRESCENT ELECT. SUPPLY COMP INC,SUPP - DRILL BIT,99.01; CROELL INC,DEPT

SUP,335.98; CYNTHIA GREEN,MAYOR STAMP,99.75; D & H ELECTRONICS INC.,SUPP - 12V BATTERIES,199.28;DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,100.57; DAVID M GLENN JR.,TUITION REIMBURSEMENT FY20-21,600; DEINES IRRIGATION, INC,IRRIGATION MOTOR - SOCCER COMPLEX,8128.98;DELGADO LUPE,CONSULTING-PD,50; DUSTIN RIEF,FIRST HALF MOVING EXPENSE,7500; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135; FASTENAL COMPANY,UNIT 325,121.57; FEDERAL EXPRESS CORPORATION,POSTAGE,529.99; FLOYD'S TRUCK CENTER SCOTTSBLUFF,ES #825- SEAT CUSHION,230.44; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1075; FREMONT MOTOR SCOTTSBLUFF, LLC,VEH MAINT-PD,68; FYR-TEK INC,BREATHING CYLINDER HANDWHEEL SPRING AND NUT,19.25; GENERAL ELECTRIC CAPITAL CORPORATION,DEPT SUP,949.65; HAWKINS, INC.,CHEMICALS,2992; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,1025.99; HULLINGER GLASS & LOCKS INC.,BLDG. MAIN.,55; HYDROTEX PARTNERS, LTD,OIL/POWER KLEEN,1971.52; IDEAL LAUNDRY AND CLEANERS, INC.,JAN. SUP.,402.64;INGRAM LIBRARY SERVICES INC,BKS.,109.25; INLAND TRUCK PARTS & SERVICE,EQUIP MAINT,90.68;INTERNAL REVENUE SERVICE,941 DEPOSIT,61772.46; INTRALINKS, INC,MONTHLY BACKUP - PD, ADMIN, WATER,2635; J G ELLIOTT CO.INC.,CC BOND,40; JOHN DEERE FINANCIAL,SUPP - BOLTS & LINKS,97.31; JOHN DEERE FINANCIAL,PATHWAY MARKERS,94.63; JOHN DEERE FINANCIAL,PARKS #330- HYD COUPLERS & ORINGS,179.58; KNOW HOW LLC,BATTERIES AND BOLTS,1329.79; KRIZ DAVIS,ELECT. CORE FOR 27TH & I TRAFFIC SIGNAL,866.43; LAWSON PRODUCTS, INC,CENTRAL GARAGE- MISC SHOP PARTS & MATERIALS,429.35;LEE BHM CORP,NOV BILLING,2076.07; M.C. SCHAFF & ASSOCIATES, INC,ENG. SERVICES FOR AVENUE B OVERLAY PROJECT,12819.5; MATHESON TRI-GAS INC,RENT MACHINES,124.21; MENARDS, INC,SHOP SUPPLIES,1560.91; MID-STATES ORGANIZED CRIME INFORMATION CENTER,MEMBERSHIPS-PD,200; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PAYABLE,1415.1; NEBRASKA MACHINERY CO,EQUIP MAINT,7355.34; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC POWER,18596.4; NEBRASKALAND TIRE INC,EQUIP MAINT,28; ONE CALL CONCEPTS, INC,CABLE LOCATES,303.67; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,270; PANHANDLE HUMANE SOCIETY,JAN 2021 CONTRACT,5383.65; PLATTE VALLEY BANK,EE HSA,10935.6; PT HOSE AND BEARING,DEPT SUP,108.32; REGIONAL CARE INC,HEALTH INS.PREMIUMJANUARY2021,104211.16;RIVERSIDEZOOLOGICALFOUNDATION,CONTRACT, 75000; ROOSEVELT PUBLIC POWER DISTRICT,PUMPING POWER,1847.44; RURAL HEALTH DEVELOPMENT, INC.,LB 840 AGMT,6383.33; S M E C,EE DEDUCTION,123.5; SANDBERG IMPLEMENT, INC,SIDEWALK EDGER,612.47; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,479.99; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1053; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS-PD,43.8; SIMON CONTRACTORS,DEPT SUP,406.61; SNELL SERVICES INC.,BLDG. MAIN.,323; STATE HEALTH LAB,SAMPLES,1706; STATE OF NE.,CONTRACTUAL-PD,315; THE PEAVEY CORP,INVEST SUPPL-PD,185.1; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,343.53; TRAFFIC PARTS, INC,LED BALLS FOR TRAFFIC SIGNALS,4383.29; TWIN CITY AUTO, INC,SNOW PLOW OIL,20.74; TYLER TECHNOLOGIES, INC,MONTHLY UB ONLINE,348; UNION BANK &

TRUST,RETIREMENT CONTRIBUTIONS,37109.41; UNITED STATES WELDING,CO2 TANK RENTAL,43.3; US BANK,FIREARMS-PD,1228.29; WAKEFIELD & ASSOCIATES INC,WAGE ATTACHMENT,241.6; WESTERN PLAINS BUSINESS FORMS INC,CONSTRUCTION DUMPSTER APPLICATIONS,345; WYOMING CHILD SUPPORT ENFORCEMENT,WY CHILD SUPPORT,738.08; ZM LUMBER INC,GORILLA TAPE,48.63;

City Manager Kuckkahn presented the November 2020 Financial Report reminding Council that due to LB840 Legislation, a limitation of property tax dollars amounting to \$175,000 is allocated to the General Fund. He suggested Council take a look at easing the restriction by way of a ballot question at the next election so property tax dollars can be allocated to the General Fund on a larger scale. The bulk of these funds currently go to transportation, cemetery perpetual care fund, public safety, debt service and capital projects. He went on to add all have substantial cash reserves because of this.

Mr. Kuckkahn also mentioned we are approximately 2% behind on sales tax revenues. He expects this will even out in the months ahead, but they will continue to keep a close look at it.

Ms. Michele Denton, Executive Director of West Nebraska Arts Center was present to discuss a special arts-related wine permit and a Special Designated Liquor License for West Nebraska Arts Center for an Art Exhibit Reception on February 4, 2021 from 4:00-8:00 p.m. Ms. Denton explained the reception is for the Image Open Photography show; the event has been going on for thirty years. Police Chief Kevin Spencer was asked if he had any objections and he commented he has no concerns with this event. Council Member Scanlan moved, seconded by Council Member Colwell to approve the special arts-related wine permit for the West Nebraska Arts Center, 106 East 18th Street and Special Designated Liquor License for an Art Exhibit Reception on February 4, 2021 from 4:00 to 8:00 p.m., “YEAS,” Scanlan, McKerrigan, Colwell, and Green. “NAYS,” None. Absent: Schaub.

Ms. Andrea Margheim, Manager and Member of BDS3C, LLC d/b/a Flyover Brewing Company was present to answer questions regarding approving an indoor area approximately 130 X 25 including outdoor area approximately 25 X9, located at 1820 Broadway to their existing L, C, and K Liquor Licenses and License Agreement. Ms. Margheim explained they have purchased the building to the south at 1820 Broadway for an expansion to their business. It will be a continuation of their dining room and they will be adding a patio to the front of the building, which will allow for a five feet clearance from the curb. She added she has contacted Development Services and completed the application for permit to Obstruct Sidewalk Public Right-Of-Way. Police Chief Spencer came forward commenting he has no concerns, stating Flyover has had no compliance issues with their licenses. Council Member Scanlan moved, seconded by Council Member Colwell to approve an indoor area approximately 130 X 25 including outdoor area approximately 25 X 9 located at 1820 Broadway for BDS3C, LLC d/b/a Flyover Brewing Company to their existing L, C, and K Liquor Licenses and License Agreement, “YEAS,” Colwell, McKerrigan, and Scanlan. “NAYS,” Green. Absent: Schaub.

Regarding discussing and considering action on the quote from Safe Slide for repair and restoration of both Westmoor Pool Waterslides for \$29,900, Mr. Kuckkahn explained the City is working towards opening the pool for the 2021 season and the slides are critical for success. He is recommending a motion to approve. Council Member Green made a motion, seconded by Council Member Colwell to approve the quote from Safe Slide for repair and restoration of both Westmoor Pool Waterslides for the 2021 season for \$29,900, “YEAS,” McKerrigan, Green, Colwell, and Scanlan. “NAYS,” None. Absent: Schaub.

Council Member Scanlan moved that the statutory rule regarding the Ordinance adopting the International Fire Code 2018 Edition to be read by title on three different days be suspended. This was

seconded by Council Member Colwell, “YEAS,” Colwell, Scanlan, and McKerrigan. “NAYS,” Green. Absent: Schaub. The motion was not approved by three-fourths of the Council Members so therefore the Ordinance will be read by title on three different days.

Council introduced the Ordinance adopting the International Fire Code 2018 Edition and was read by title on second reading: **AN ORDINANCE DEALING WITH THE SCOTTSBLUFF FIRE CODE, ADOPTING PROVISIONS OF THE INTERNATIONAL FIRE CODE 2018 EDITION, WITH EXCLUDED PORTIONS; AMENDING CURRENT CHAPTERS, ARTICLES AND SECTIONS OF THE SCOTTSBLUFF MUNICIPAL CODE BY REPEALING OR REVISING CHAPTER 8, ARTICLES 1, 2 AND 3; CHAPTER 4, ARTICLE 1 AND CHAPTER 23, ARTICLES 2 AND 3; REPEALING PRIOR PROVISIONS OF THE SCOTTSBLUFF MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

Regarding the Ordinance amending language in the Municipal Code regarding where the City Manager may reside, Legal Counsel Hadenfeldt explained there are two sections in the Municipal Code that deal with the residency of the City Manager and they are both set forth in the Ordinance. He amended the Municipal Code to say the City Manager either has to live in the City or the City’s zoning jurisdiction, which is the two mile extraterritorial zoning jurisdiction.

Council Member Scanlan moved that the statutory rule regarding the Ordinance amending the language in the Municipal Code regarding where the City Manager may reside to be read by title on three different days be suspended. The motion died for lack of a second.

Council then introduced the Ordinance amending language in the Municipal Code regarding where the City Manager may reside and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 6, ARTICLE 2 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH THE RESIDENCE OF THE CITY MANAGER, REPEALING PRIOR PROVISIONS OF MUNICIPAL CODE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Ms. Starr Lehl, Economic Development Director, approached Council regarding an Economic Development Agreement for CS Precision Manufacturing, Inc. Ms. Lehl explained CS Precision Manufacturing, Inc. is a company that manufactures and distributes hydraulic fittings and couplings. With this particular project they are expanding their facility in Gering and adding 36 fulltime jobs with benefits. The grant applied for is \$900,000 and the 36 jobs would be created within five years.

Mr. Scott James, President of CS Manufacturing, Inc. came forward and explained to Council they are looking for assistance to add an additional building to their facility and expand the electro plating line. They are working with the high schools and the college to provide internships and training for employment opportunities. Council Member Colwell made a motion, seconded by Council Member Scanlan to approve an Economic Development Agreement for CS Precision Manufacturing, Inc., “YEAS,” Green, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: Schaub.

Regarding discussing and considering action on authorizing the Mayor to sign the 2020 Rural Workforce Housing Investment Fund Entity Commitment Form, Ms. Lehl explained this is a follow-up to the \$350,000 for Rural Workforce Housing that Council approved at a previous meeting. The form needing signed is required for the grant and is due on January 28th. Council Member Scanlan moved, seconded by Council Member Colwell to approve authorizing the Mayor to sign the 2020 Rural Workforce Housing Investment Fund Entity Commitment Form, “YEAS,” Scanlan, McKerrigan, Colwell, and Green. “NAYS,” None. Absent: Schaub.

Council Member Green made a motion, seconded by Council Member Scanlan to approve appointing Philip Mark Bohl, License S-1103, Class B, as the City of Scottsbluff Street Superintendent

for January 1 through December 31, 2021, for the purpose of the 2021 calendar year Highway Incentive Payment, to be issued to the City, by the Nebraska Department of Transportation, in February 2022, “YEAS,” Scanlan, McKerrigan, Colwell, and Green. “NAYS,” None. Absent: Schaub.

Mr. Kuckkahn approached Council regarding authorizing payment of a drone flight for a video project from their \$500,000 special projects fund. He explained this activity was authorized without a line item in the budget and he is asking Council if they would consider authorizing payment out of their special projects fund. The video was used to show City Manager candidates our area and will be used for Economic Development. Council Member Scanlan made a motion, seconded by Council Member Colwell to approve authorizing payment for drone flight for a video project from their \$500,000 special projects fund, “YEAS,” Colwell, McKerrigan, Green, and Scanlan. “NAYS,” None. Absent: Schaub.

Regarding Council Reports, there was nothing to discuss.

Council Member Scanlan moved, seconded by Council Member Green to adjourn the meeting at 6:37 p.m., “YEAS,” McKerrigan, Green, Colwell, and Scanlan. “NAYS,” None. Absent: Schaub.

Mayor

Attest:

City Clerk