

# **City of Scottsbluff, Nebraska**

**Tuesday, February 16, 2021**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the February 1, 2021 Regular Meeting.**

**Staff Contact: City Council**

Regular Meeting  
February 1, 2021

The Scottsbluff City Council met in a regular meeting on February 1, 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 January 29, 2021, 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 January 29, 2021. 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, Angela Scanlan, and Terry Schaub. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Rick Kuckkahn. Absent: None. Mayor McKerrigan asked if there were any changes to the agenda. City Clerk Wright informed Council that consent item 8c; Council to set a public hearing for February 16, 2021 at 6:00 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by 26 Group, LLC for the 26 Group Fuel Station and Convenience Store-West Project, will need to be removed due to the developer wanting to postpone the public hearing until March. Council Member Green moved, seconded by Council Member Scanlan to remove item 8c from the Consent Calendar, "YEAS," Colwell, Scanlan, Green, Schaub, and McKerrigan. "NAYS," None. Absent: 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 Green, seconded by Council Member Scanlan that,

- a) The minutes of the January 19, 2021 Regular Meeting be approved.
- b) A public hearing be set for February 16, 2021 at 6:00 p.m. to receive a report from the LB840 Citizen Review Committee.
- c) The proposal specifications for the purchase of a dump truck for transporting biosolids from the belt press at the Treatment Plant to the Compost Facility and authorizing the City Clerk to advertise for bids to be received on February 23, 2021 at 10:00 a.m. be approved.
- d) The bid specifications for the purchase of an EMCO Landfill Truck, Cab & Chassis for the Sanitation Department and authorizing the City Clerk to advertise for bids to be received on February 23, 2021 at 1:00 p.m. be approved.
- e) The bid specifications for the purchase of a Side Load Cart Sanitation Vehicle, Cab, & Chassis for the Sanitation Department and authorizing the City Clerk to advertise for bids to be received on February 23, 2021 at 1:00 p.m. be approved.
- f) The Request for Proposal for a Fueling Card System and authorizing the City Clerk to advertise for proposals to be received by February 19, 2021 at 11:00 a.m. be approved, "YEAS," Green, Schaub, Scanlan, McKerrigan, and Colwell. "NAYS," None. Absent: None.

Moved by Council Member Schaub, 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 February 1, 2021, as on file with the City Clerk and submitted to the City Council, "YEAS," Scanlan, McKerrigan, Schaub, Colwell, and Green. "NAYS," None. Absent: None.

#### CLAIMS

ADVANCE AUTO PARTS, ES STOCK DEF, 505.92; AMAZON. COM HEADQUARTERS, MISC., 1707.43; BAKER TILLY VIRCHOW KRAUSE, LLP,EXECUTIVE SEARCH - CITY MANAGER,19290; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,4180.3; BLUFFS FACILITY SOLUTIONS,SUPP - HAND TOWELS, GLOVES, CLEANER,601.11; CAPITAL BUSINESS SYSTEMS INC.,PRINTER COPIER CHARGES,22.8;CARR- TRUMBULL LUMBER CO, INC.,DEPTSUP,28.41;CELLCO PARTNERSHIP,CELL PHONES-PD,1900.93; CITIBANK N.A.,SUPP - SHREDDER AND MONITORS,568.46;CITY OF SCB,POSTAGE/CIP-PD,138.4;COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, INSURANCE, 48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,347.1; CONTRACTORS MATERIALS INC.,DEPT SUPP PAKR,345.28; CORE & MAIN LP,METERS,2259.81;CYNTHIA GREEN,DEPT SUPP CC,244.09; D & H ELECTRONICS INC.,ELECT. SUPP - TERM RINGS,48.22; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,123.86;DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,1600;DUSTIN RIEF,2ND HALF MOVING EXP. PER CONTRACT,7500;ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135;FASTENAL COMPANY,EQUIP MAINT-PD,3.5;FAT BOYS TIRE AND AUTO,EQUIP MAINT PARK,1281.36; FEDERAL EXPRESS CORPORATION, POSTAGE, 42.33; FLOYD'S TRUCK CENTER SCOTTSBLUFF,REPAIRS TO UNIT #825,1037;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,640;FYR-TEK INC,ANNUAL BREATHING AIR COMPRESSOR SERVICE,577.17; GALLS INC,UNIFORMS-PD,211.05;GENERAL ELECTRIC CAPITAL CORPORATION,DEP. SUP.,234.3;GENERAL TRAFFIC CONTROLS, INC,TRAFFIC SIGNAL DETECTION CAMERA FOR 20TH & B,17969.95; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,1495;GREENING ENTERPRISES INC.,PIERCING NOZZLE SYSTEM,962.81;HAWKINS, INC.,CHEMICALS,2778.25; HYDROTEX PARTNERS, LTD,ES STOCK- PIN-TAC & OIL,1766.11;IDEAL LAUNDRY AND CLEANERS, INC.,RUGS, SHOP TOWELS, MOPS,530.89;INFINITY CONSTRUCTION, INC.,27TH & I CONCRETE WORK FOR SIGNAL POLE,22549;INGRAM LIBRARY SERVICES INC,BKS.,149.72; INTERNAL REVENUE SERVICE,WITHHOLDINGS,58724.17;INT'L INST OF MUNC CLKS,ANNUAL MEMBERSHIP - C.BURBACH,115;J G ELLIOTT CO.INC.,BONDS - COLWELL & SCANLAN (4 YR.),680; JOHN DEERE FINANCIAL,SUPP - SPRING SNAPS,19.12; JOHN DEERE FINANCIAL,DEPT SUP,434.03;JOHN DEERE FINANCIAL,EQUIP MAINT PARK,543.59;KNOW HOW LLC,OIL DRY, LEATHER GLOVES, WASHER WAND,828.48; LEAGUE ASSOCIATION OF RISK MANAGEMENT,WC DEDUCTIBLE 12/31/20,2096.18;LEAL NOHEMI,CONSULTING-PD,35;MARKETING CONSULTANTS,YARD WASTE DECALS,300; MATHESON TRI-GAS INC,DEPT SUPP PARK,142.84;MATTHEW M. HUTT,PROF.SERVICES - POLICE PRE EMPLOYMENT,450;MENARDS, INC,BLDG MAINT PARK,219.26;MICHAEL P KLEMA INC,DEPT SUPP ADM,519.85;MIDLANDS NEWSPAPERS, INC,SBSCRIP.,209.35; MIDWEST CONNECT, LLC,INK CARTRIDGES - POSTAGE MACHINE,210;MONUMENT CAR WASH INC,VEH MAINT,23.14;MPH INDUSTRIES INC,EQUIP MAINT-PD,54.95;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1415.1;NEBRASKA PUBLIC POWER DISTRICT ,ELECTRICITY, 21330.55; NEBRASKA RECYCLING COUNCIL, NRC

MEMBERSHIP DUES,414;NEBRASKA SALT AND GRAIN CO,2 LOADS ICE SLICER,8662.7; NETWORKFLEET, INC,GPS SERVICE,305.23;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF, DEPT SUP, 203.25; ORIGINAL EQUIPMENT CORPORATION, ALUMINUM BRACKET REPAIR - RESCUE 1,200; OWEN DEVELOPMENT, LLC,TIF 12/31/2020,14178.21; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,215;PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5383.65;PANHANDLE PARTNERSHIP FOR HEALTH & HUMAN SERVICES,DEPT SCHOOL & CNFRNCE,70;PAUL REED CONSTRUCTION & SUPPLY, INC,23 CLUB BALLPARK IMPROVEMENTS,122936.48;PIVO, INC.,TIF PAYMENT 12/31/2020,6580.05; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10632.36;PRO OVERHEAD DOOR,DEPT SUP,110;QUILL CORPORATION,DEPT SUPPL-PD,444.87;REGION 22 EMERGENCY MGMT,REGION 22 EMERGENCY MANAGEMENT FEE,5468.78;REGIONAL CARE INC,HEALTH INS. PREMIUM - FEB 2021,58150.42; REGIONAL WEST MEDICAL CENTER,IV EXTENSION SETS,41.99;REGIONAL WEST PHYSICIANS CLINIC,SCHOOLS & CONF-PD,113.72; REGISTER OF DEEDS,LEGAL,86; RON'S TOWING,PARKS #343- TOWING FROM LACY PARK TO CG,250; ROOSEVELT PUBLIC POWER DISTRICT,PUMPING POWER,1823.81;RURAL HEALTH DEVELOPMENT, INC.,ECONOMIC DEV,6383.33;S M E C,EMPLOYEE DEDUCTION,156.27; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,479.99;SCB TENT & AWNING,CONTRACTUAL SVC,110;SCOTT WALTON,EQUIP MAINT PARK,90;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1053;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,SEW PATCHES ON UNIFORMS,28;SHERIFF'S OFFICE,LEGAL FEES-PD,340.24;SIMON CONTRACTORS,SAND FOR ICE SLICER,155.54;SIRSI CORPORATION,CONT.SRVCS.,13338.87;SNELL SERVICES INC.,BLDG MAINT PARK,4199.05;STANARD & ASSOCIATES INC.,POLICE CAPTAIN TESTING,515; STATE HEALTH LAB,SAMPLES,1377;STATEOF NE.,CONTRACTUAL-PD,1050; TEXAS PNEUDRAULIC INC,ES #815- CYLINDER, BEARINGS, SEAL KIT,1031.45; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE-PD,343.53;TRI-STATE SPRINKLER SYSTEMS, LLC,DEPT SUP,4300; TYLER TECHNOLOGIES, INC,ANNUAL MAINTENANCE (3/1/21 - 2/28/22),30410.01; UNION BANK & TRUST,RETIREMENT,36457.3;UNITED STATES WELDING,CO2 TANK RENTAL, 44.41; US BANK, SCH. & CONF., 3114.47; WYOMING CHILD SUPPORT ENFORCEMENT, CHILD SUPPORT,738.08;ZM LUMBER INC,VEH MAINT PARK,58;REFUNDS; ERNIE AGUALLO, 30.06; ERNIE AGUALLO, 26.21; CLIFF HILBERT, 2.54

City Manager Kuckkahn presented the December 2020 Financial Report. He commented when new City Manager Dustin Rief arrives there will be a thorough overview of the next report. Council Member Schaub moved, seconded by Council Member Green to accept the December 2020 Financial Report, "YEAS," Schaub, Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: None.

Mayor McKerrigan opened the public hearing at 6:06 p.m. to consider a Zone Change for Lot 1, Block 1, Frank Properties from Agricultural to Commercial (C-2) Zoning. Mr. John Hoehne, owner and operator of the proposed carwash, approached Council explaining this is the last step to complete in order for his architectural team to go out for construction bid. He then thanked Council for their input and cooperation with the process. There were no more comments from the public. Mayor McKerrigan closed the public hearing at 6:07 p.m.

Council introduced the Ordinance for the rezone of Lot 1, Block 1, Frank Properties from Agricultural to Commercial (C-2) Zoning and 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 LOT 1, BLOCK 1, FRANK PROPERTIES AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA CURRENTLY ZONED AS AGRICULTURE WILL NOW BE INCLUDED IN C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL, AND REPEALING PRIOR SECTION 25-1-4.**

Council Member Schaub moved that the statutory rule regarding the Ordinance for the rezone of Lot 1, Block 1, Frank Properties from Agricultural to Commercial (C-2) Zoning to be read by title on three different days be suspended. Council Member Scanlan seconded. "YEAS," McKerrigan, Colwell, Scanlan, Schaub. "NAYS," Green. Absent: None.

Council Member Schaub moved, seconded by Council Member Scanlan to adopt Ordinance No. 4257 for the rezone of Lot 1, Block 1, Frank Properties from Agricultural to Commercial (C-2) Zoning. "YEAS," Colwell, Scanlan, Green, Schaub, and McKerrigan. "NAYS," None. Absent: None.

Regarding adopting the International Plumbing and Mechanical Codes and repealing the Uniform Plumbing and Mechanical Codes, City Manager Kuckkahn explained this did go through committee and there was unanimous recommendation that the changes be made. He also noted surrounding communities have already adopted the International Plumbing and Mechanical Codes so therefore we will not be out of sync with them.

Council introduced the Ordinance to adopt the International Plumbing and Mechanical Codes and repeal the Uniform Plumbing and Mechanical Codes and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING THE SCOTTSBLUFF MUNICIPAL CODE TO ADOPT THE INTERNATIONAL PLUMBING CODE AND INTERNATIONAL MECHANICAL CODE, TO REPEAL THE UNIFORM PLUMBING CODE AND UNIFORM MECHANICAL CODE, TO AMEND CHAPTER 4, ARTICLE 3, SECTIONS 36, 37, 62, 63, 64, 65 AND 91 OF THE SCOTTSBLUFF MUNICIPAL CODE, TO REPEAL SECTIONS 38 AND 39 IN CHAPTER 4, ARTICLE 3, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR PROVIDING AN EFFECTIVE DATE.**

Ms. Megan Heyward, Architect with Trails West Architecture, approached Council and stated she is in full support of this Ordinance adding it is good for our community to step up and update codes.

Council Member Schaub moved that the statutory rule regarding the Ordinance adopting the International Plumbing and Mechanical Codes and repealing the Uniform Plumbing and Mechanical Codes to be read by title on three different days be suspended. Council Member Scanlan seconded. "YEAS," Schaub, Scanlan, McKerrigan, and Colwell. "NAYS," Green. Absent: None.

Council Member Schaub moved, seconded by Council Member Scanlan to approve Ordinance No. 4258 adopting the International Plumbing and Mechanical Codes and repealing the Uniform Plumbing and Mechanical Codes, "YEAS," Scanlan, McKerrigan, Schaub, Colwell, and Green. "NAYS," None. Absent: None.

Mr. Kuckkahn presented the Interlocal Agreements with the City of Terrytown for paint striping and street sweeping services through December 31, 2021. He explained these are annual agreements, we have a set charge for man power, equipment and materials; staff is recommending approval. Council Member Schaub made a motion, seconded by Council Member Scanlan to approve the Interlocal Agreements with the City of Terrytown for paint striping and street sweeping services through December 31, 2021 and authorize the Mayor to sign the Agreements, "YEAS," Schaub, Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: None.

Mr. Kuckkahn approached Council regarding the Copier Service Contract renewal with Copier Connection, Inc. for the Water and Wastewater office copier, stating this is a maintenance agreement for a two year period, there is no change in pricing and staff is recommending approval. Council Member Colwell moved, seconded by Council Member Green to approve the Copier Service Contract renewal with Copier Connection, Inc. for the Water and Wastewater office copier and authorize the Mayor to sign the Contract, "YEAS," McKerrigan, Green, Colwell, Scanlan, and Schaub. "NAYS," None. Absent: None.

Regarding discussion and considering action on adopting Procurement Procedures and Code of Conduct, conditions required for the State of Nebraska Department of Economic Development CDBG Owner Occupied Housing Rehabilitation Grant, Mr. Kuckkahn reminded Council Panhandle Area Development District (PADD) is the agency servicing the grant for us. He went on to acknowledge there was quite a bit of reading material included in the packet dealing with the environmental review, but it is important to appreciate the effort that goes into all of this, due to the size of the grant. Legal Counsel Hadenfeldt also reminded Council that conflict of interest statutes apply and they need to be aware of that if asked to approve something.

Council Member Schaub moved, seconded by Council Member Colwell to approve adopting Procurement Procedures and Code of Conduct, conditions required for the State of Nebraska Department of Economic Development CDBG Owner Occupied housing Rehabilitation Grant and authorize the Mayor and City Clerk to sign documents required for the Grant, "YEAS," Colwell, Scanlan, Schaub, and McKerrigan. "NAYS," Green. Absent: None.

Under Council Reports, Council Member Green stated he attended a Heartland Expressway meeting. They clarified goals and are looking at ways to get new members. Legal Counsel Hadenfeldt mentioned that the Senior Center will be dissolving their corporation. The main reason for the dissolution is due to COVID-19. Regarding the building, which is owned by the City, Mr. Kuckkahn explained an appraiser will be appraising the value of the building in the future. A decision will have to be made to keep the building or sell it. The City is currently using it for training for the Fire and Police Departments.

Council Member Schaub moved, seconded by Council Member Colwell to adjourn the meeting at 6:32 p.m., "YEAS," Scanlan, McKerrigan, Schaub, Colwell, and Green. "NAYS," None. Absent: None.

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Mayor

Attest:

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City Clerk