

# **City of Scottsbluff, Nebraska**

**Monday, March 29, 2021**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the March 15, 2021 Regular Meeting.**

**Staff Contact: City Council**

Regular Meeting  
March 15, 2021

The Scottsbluff City Council met in a regular meeting on March 15, 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 March 12, 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 March 12, 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 City Manager Dustin Rief. Absent: None. Mayor McKerrigan asked if there were any changes to the agenda. City Clerk Wright informed Council there was a request to move agenda item 13c) Council to discuss and consider action on Change Order and Authorization to proceed with Trihydro Corporation for site investigations and drafting of a permit for a new landfill and authorize the Mayor to sign the Work and Change Orders to 9b) after Claims, due to impending weather. Council Member Scanlan moved, seconded by Council Member Green to move item 13c) to 9b) on the agenda after Claims, "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 Schaub, seconded by Council Member Scanlan that,

- a) The minutes of the March 1, 2021 Regular Meeting be approved.
- b) The bid specifications for the repair of hail damage at the Senior Center and Transportation Facilities located throughout the City of Scottsbluff and authorizing the City Clerk to advertise for bids to be received by April 7, 2021 at 2:00 p.m. be approved.
- c) The bid specifications for the construction of the Avenue "B" Asphalt Overlay Project – West Overland to 33<sup>rd</sup> Street and authorizing the City Clerk to advertise for bids to be received by April 7, 2021 at 2:00 p.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 March 15, 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

26 GROUP, LLC,TIF - 26 GROUP FUEL 2/28/21,1056.89; 911 CUSTOM, LLC,EQUIP MAINT-PD,108.01; ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,87.96; ACTION COMMUNICATIONS INC.,EQUIP MAINT-PD,238.33; ADVANCE AUTO PARTS,DEF,598.66; AGUALLO, PAUL,CDL RENEWAL,63.5; AIRGAS USA, LLC,SAFETY GLASSES,18.14; AIRPORT DEVELOPMENT,LLC,TIF - AIRPORT REDEV 2-28-21,382.14; AKAJRV 314, LLC,TIF - AULICK REDEV2/28/21,377.04;ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4093.91; AMAZON.COM HEADQUARTERS,LIGHTING FOR COMPOST FACILITY,264.99; AMERICAN PUBLIC WORKS ASSOCIATION,MEMBERSHIP,720; ASSURITY LIFE INSURANCE CO,LIFE INSURANCE,32.95;AUTOZONE STORES, INC,HEADLIGHT LAMP - ENGINE 1,23.89; B & H INVESTMENTS,INC,CONTRACTUALSVC, 535.75; BLUFFS FACILITY SOLUTIONS, JAN. SUP., 475.35;CAPITALBUSINESS SYSTEMS INC.,CONT. SRVCS.,431.6; CELLCO PARTNERSHIP,CELL PHONES-PD,2787.86; CITIBANK, N.A.,EQUIP MAINT PARK,21.22; CITY OF GERING,DISPOSAL FEESFORTRASH&RECYCLING,36163.34;CLARKPRINTINGLLC,DEPTSUP,232.2;COLLABORATIVE SUMMER LIBRARY PROGRAM,PRGMG.,2017.26; COMPUTER CONNECTION INC,CONTRACTUAL-PD,44; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,368.52; CONTRACTORS MATERIALS INC.,DEPT SUPP PARK,193.06; CORE & MAIN LP,METERS,1614.15; CREDIT BUREAU OF COUNCIL BLUFFS,FEE - FEB 2021,50; CYNTHIA GREEN,DEPT SUPP ADM,333.59;DALE'S TIRE & RETREADING, INC.,TIRE REPAIRS FOR FLEET,2432.95; DEAN KENDRA,QUIT CLAIM DEED,300; DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,800; ENFORCEMENT VIDEO, LLC,EQUIP MAINT-PD,75; FARMERS STATE BANK,TIF - ELITE HEALTH REDEV 2/28/21,4517.93; FASTENAL COMPANY,DEPT SUP,13.17; FEDERAL EXPRESS CORPORATION,POSTAGE,155.62; FELSBURG HOLT & ULLEVIG, INC,CONTRACTUAL SVC,3651;FLOYD'S TRUCK CENTER SCOTTSBLUFF,ES #821- FILTERS,342.46; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,610; FREMONT MOTOR SCOTTSBLUFF, LLC,POLICE STOCK- WIRE ASSY,273.6; GALLS INC,EQUIP MAINT-PD,1563.31;GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,1595;GREENING ENTERPRISES INC.,FIRE HOSE - 1 3/4 INCH,2762.6;GRUBBS ANTHONY,PERMIT REFUND,400; HAWKINS, INC.,CHEMICALS,3113.25;HD SUPPLY FACILITIESMAINTENANCELTD,DEPTSUP,293.98;HOASOLUTIONS,INC,EQUIPMENT,46374.25; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE- OIL,2095.75; IDEAL LAUNDRY AND CLEANERS, INC.,RUGS, SHOP TOWELS, MOPS,661;INGRAM LIBRARY SERVICES INC,COLL.,807.05; INTERNAL REVENUE SERVICE,WITHHOLDINGS,64524.36; INTERSTATE INDUSTRIAL SERVICE,CONTRACTUAL SVC,135.52;INTRALINKS, INC,DATTO ALTO BACKUP - JAN 2021 (ADM, PD, WATER),5049.5; INVENTIVE WIRELESS OF NE, LLC,INTERNET,35.9; KNOW HOW LLC,DEPT SUP,590.82; LAWSON PRODUCTS, INC,CENTRAL GARAGE- MISC PARTS & TOOLS,224.61;LEE BHM CORP,PUBLISHING,1293.68; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100;M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS,7442.5; MACQUEEN EQUIPMENT INC,EQUIPMENT MTNC,1583.1; MADISON NATIONAL LIFE,INSURANCE,2683.77; MATHESON TRI-GAS INC,RENT MACHINES,61.49; MENARDS, INC,SHED LIGHTS REPAIR,1548.88; MICHAEL B KEMBEL,CHECK OVERHEAD DOORS ON SHOP BUILDINGS,741.46; MIDWEST CONNECT, LLC,UB MAILING - FEBRUARY 2021,1941.97; MIDWEST MACHINERY & SUPPLY CO,POSTS

FOR GUARD RAILS,620.36; MORFORDS DECORATIONG CENTER INC,STRCTRS.,79235; MUNIMETRIX SYSTEMS CORP,IMAGE SILO - FEB 2021,39.99; NE CHILD SUPPORT PAYMENTCENTER,NECHILDSUPPORTPYBLE,1415.1;NEDEPTOFREVENUE,WITHHOLDINGS, 23004.72; NE PLANNING & ZONING,2021 NPZA DIGITAL SPRING WORKSHOP,100; NEBRASKA INTERACTIVE, LLC,DRIVERS LICENSE REQ - FEB 2021,6; NEBRASKA MACHINERY CO,EQUIP MAINT ADM,712.06; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,40323.99; NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL SVC,580;NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,FIRE SPRINKLER FLUSH & REPAIRS,439; NEBRASKA SALT AND GRAIN CO,1 LOAD ICE SLICER,4111.73; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,378.16;OMAHA WORLD- HERALD COMPANY,SBSCR.,612.35; ONE CALL CONCEPTS, INC,CONTRACTUAL,51.86; OWEN DEVELOPMENT, LLC,TIF - OWEN ORAL SUR REDEV 2/28/21,350.38; PANHANDLE COOPERATIVE ASSOCIATION,FLEET FUEL,19618.5;PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,357;PAUL REED CONSTRUCTION & SUPPLY, INC,23 CLUB BALLPARK IMPROVEMENTS,31420.23;PIVO, INC.,TIF - HIGH PLAINS BUD REDEV - 2/28/21,325.22; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,14249.69; PRISM CORPORATE SOLUTIONS LLC,DEP. SUP.,582; QUILL CORPORATION,DEPT SUPPL-PD,476.83; REAMS SPRINKLER SUPPLY CO.,DEPT SUPP CEM,314.26; REGIONAL CARE INC,CLAIMS,18916.26; ROOSEVELT PUBLIC POWER DISTRICT,PUMPING POWER,2062.54; ROSE DREW, INC,DEP. SUP.,97.69; RUSSELL INDUSTRIES INC,EQUIP MAINT,2010.95; S M E C,EMPLOYEE DEDUCTIONS,156.27; SAFELITE FULFILLMENT, INC,VEHICLE MAINT PARK,329.98; SANDBERG IMPLEMENT, INC,EQUIP MAINT PARK,1725.84;SCADBERT INC,STRCTRS.,51360; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,462.29; SCOTTIES POTTIES INC,CONTRACTUAL,475; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,268; SCOTTSBLUFF MOTOR CO, INC,VEH MAINT-PD,176.69; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1014; SECRETARY OF STATE,BIENNIAL REPORT - LEASING CORP,20;SHERWIN WILLIAMS,GROUND MAINT PARK,93.58; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACUTAL,11548.79; SIMON CONTRACTORS,PATHWAY,3302.88; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95; STATE FIRE MARSHALL,INSTRUCTOR I CERTIFICATION - SIX PERSONNEL,300; STATE HEALTH LAB,SAMPLES,197; THE PEAVEY CORP,INVEST SUPPL-PD,317.9; UNION BANK & TRUST,RETIREMENT,39622.24; US BANK,NATIONAL FIRE PROTECTION ASSOCIATION CODE REFERENC,4599.68; WESTERN NE COMMUNITY COLLEGE,CENTRAL GARAGE- A/C TRAINING WAYNE LUND,536; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM TESTING - FEB 2021,56.25; WESTERN STATES BANK,TIF - REGANIS REDEV. 2/28/21,1022.88; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,353; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08;WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,548.6;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,765; ZM LUMBER INC,GROUND MAINT PARK,353.39;

Ms. Annie Folck, Engineer with the City of Gering, approached Council regarding the agenda item of discussing and considering action on the Change Order and Authorization to Proceed with

Trihydro Corporation for site investigations and drafting of a permit for a new landfill. Ms Folck gave some background on the project, explaining the cities entered into the agreement with Trihydro in May of 2018. During that time there had been around nine different sites evaluated, with one site North of Scottsbluff being chosen. She then went on to explain the Change Order, citing two major reasons for the additional cost. The first reason was due to additional meetings that had to be held during the extended time frame. The second is due to groundwater located at the site being deeper than originally anticipated. Ms. Folck explained this is good, but because the price to drill the monitoring wells is determined by cost per foot, makes the cost more expensive. She explained Trihydro is requesting an increase of \$233,012 and asking for authorization of Step 2, which is current application development to develop the permit and submitting to DEQ.

Ms. Folck stated the current landfill has a life span through 2026, explaining we are right on track with the timing for the new landfill; however, she added, we do not have time to lose. Council Member Green asked if we were getting any closer to the Interlocal Agreement creating an Independent Agency. Ms. Folck answered we have not had many conversations regarding the Agreement because the main thing right now is trying to locate a site, get due diligence done and getting cost assessments.

After discussion, Council Member Green made a motion to approve the Change Order and Authorization to Proceed with Trihydro Corporation for site investigations and drafting of a permit for a new landfill and authorize the Mayor to sign the Work and Change Orders, with a caveat we keep the Interlocal Agreement to create the Independent Agency as a definite priority. This was seconded by Council Member Scanlan, “YEAS,” Colwell, McKerrigan, Green, and Scanlan. “NAYS,” Schaub. Absent: None.

City Manager Rief presented the February 2021 Financial Report, stating we are in good shape to make it through budget; we are watching overtime, but overall everything looks good. Council Member Scanlan moved, seconded by Council Member Schaub to approve the February 2021 Financial Report, “YEAS,” McKerrigan, Green, Colwell, Scanlan, and Schaub. “NAYS,” None. Absent: None.

Mayor McKerrigan opened the Public Hearing at 6:14 p.m. to discuss and consider action on a Class IB Liquor License for Marez, LLC d/b/a Oasis, 1722 Broadway, Scottsbluff, NE.

Mr. Anthony Marez, Oasis Manager and Police Chief Kevin Spencer were present to answer questions regarding the liquor License. The following exhibits, presented on behalf of the City Council, were entered into record: 1) Marez, LLC d/b/a Oasis Liquor License Application; 2) City Council check list for section 53-132 cum. supp. 2016; 3) written statement of Police Chief Kevin Spencer dated March 12, 2021; 4) written statement of City Clerk dated March 15, 2021; 5) written statement from Development Services Department dated March 9, 2021.

Mr. Marez approached Council and explained he is opening the business as a tribute to his late father who was well known in the entertainment industry. He added the business will be located in the old 18<sup>th</sup> Street Bar building at 1722 Broadway. His target is to collaborate with both young and old crowds, providing an atmosphere for both. He also informed Council he has registered to take the State alcohol training and added all employees will be required to take the class as well.

Police Chief Kevin Spencer came forward and explained he conducted an extensive background check and met with Mr. Marez. He stated he is very serious about the business and following the rules. In addition, he did appear before the Liquor License Investigatory Board and received a positive recommendation; including there is nothing that would indicate he is not fit, willing, and able to obtain the license.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:24 p.m.

Council Member Green moved, seconded by Council Member Schaub to send a positive recommendation to the Nebraska Liquor Control Commission for Marez, LLC d/b/a Oasis Class IB

Liquor License pursuant to Nebraska §53-132 (2)a, (2)b, (2)c, and (2)d, “YEAS,” Colwell, Scanlan, Green, Schaub, and McKerrigan. “NAYS,” None. Absent: None.

**RESOLUTION NO. 21-03-01**

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

1. On March 15, 2021 the matter of the application of a Class IB liquor license for Marez, LLC d/b/a Oasis, 1722 Broadway Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class IB liquor license for Marez, LLC, d/b/a Oasis, 1722 Broadway, Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2016)

Exhibit 3 - Written statement of Police Chief dated March 12, 2021

Exhibit 4 - Written statement of City Clerk dated March 15, 2021

Exhibit 5 - Written statement of Development Services Department dated March 9, 2021

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Anthony M. Marez, Manager; 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. (2016) 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 IB liquor license be issued for Marez, LLC d/b/a Oasis 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: \$11.92.

Passed and approved this 15th day of March 2021.

ATTEST:

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City Clerk  
“seal”

Mr. Kirby A. Case approached Council regarding being named the Liquor License Manager of Western Travel Terminal, LLC d/b/a Western Travel Terminal, 822 S. Beltline Hwy West, Scottsbluff, NE. Mr. Case explained he has retired from his previous job and is now taking on a new venture. He admitted he has no experience and explained this is something totally different from anything he has done. He added he has taken the alcohol training from the State Patrol, however, and stated every employee has to take the training as well. In addition, he informed Council all the alcohol is kept in locked containers, with only he and the store manager having access to the keys and recently they have updated all security cameras on the premises to include sound.

Police Chief Spencer came forward and stated there is nothing to prohibit Mr. Case from being named the manager as he is fit, willing, and able.

Council Member Schaub moved, seconded by Council Member Scanlan to make a positive recommendation to the Nebraska Liquor Control Commission naming Kirby A. Case as the Liquor License Manager of Western Travel Terminal, LLC d/b/a Western Travel Terminal, 822 S. Beltline Hwy West, Scottsbluff, NE., “YEAS,” Green, Schaub, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Ms. Terry Rajewich Accounts Manager for Nebraska Public Power District presented the Scotts Bluff County Trend Study, focusing on Labor Force and Employment; Resident and Work Flow Patterns; Population Changes due to Migration and Mortality; and Retail Sales and Income Levels. The study showed the population of Scottsbluff is declining; however the pull factor for retail sales is 1.97%, signifying we are a strong retail center for this area.

City Manager Rief presented the findings of the School Safety Zone Study to Council explaining the recommendations of the study findings. The recommendations include:

- Scottsbluff Public Schools adding security.
- The City hiring crossing guards (in place).
- Adding additional parking northwest of the SHS building to accommodate 40-50 spaces.
- Partnership between the School and the City to improve signage and crosswalks with a possible elimination of the 4<sup>th</sup> Avenue crosswalk and maintaining the 20 mph limit school zone in front of SHS.
- 23 Club Partnership to improve shared parking lot to fields northwest of school.
- Future considerations of resident permits for exclusive parking in front of their homes and reconfiguring and improving passageway north of the school to accommodate extra access points and additional parking.

Mr. Rief did request, with the last bullet point that we engage in conversations with the neighborhoods before making any future commitments to the recommendation. He also asked that Council only approve the recommendation in the study dealing with parking. The other recommendations

need to be taken under consideration when we can have further in depth discussions and review.

Council Member Colwell moved, seconded by Council Member Scanlan to make a recommendation to go forward on the additional parking proposal and to take under advisement the other recommendations listed below the parking proposal in the study, “YEAS,” Scanlan, McKerrigan, Schaub, Colwell, and Green. “NAYS,” None. Absent: None.

Regarding the letter for recertification in the State of Nebraska Economic Development Certified Community Program, Ms. Starr Lehl, Economic Development Director, approached Council explaining this program has been around for a long time and is administered through the Nebraska Department of Economic Development. She added Scottsbluff was one of the first communities to become certified; our certification is up for renewal and this letter is one of the first steps to become recertified. Council Member Colwell made a motion to approve the Letter for Recertification in the State of Nebraska Economic Development Certified Community Program and authorize the Mayor to sign the letter. This was seconded by Council Member Scanlan. “YEAS,” Schaub, Colwell, McKerrigan, Green and Scanlan. “NAYS,” None. Absent: None

Under Council Reports, Council Member Schaub asked Ms. Lehl to give a report on WNED. Ms. Lehl stated they discussed Land Banks and seeing if communities were current on their nuisance and abatement Ordinances. Council Member Green presented a certificate from the Census Bureau thanking the City for their participation.

Council Member Schaub moved, seconded by Council Member Scanlan to adjourn the meeting at 7:22 p.m., “YEAS,” McKerrigan, Green, Colwell, Scanlan, and Schaub. “NAYS,” None. Absent: None.

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Mayor

Attest:

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City Clerk