

City of Scottsbluff, Nebraska

Monday, August 16, 2021

Regular Meeting

Item Consent2

Council to approve the minutes of the August 2, 2021 Regular Meeting.

Staff Contact: City Council

Regular Meeting
August 2, 2021

The Scottsbluff City Council met in a regular meeting on August 2, 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 July 30, 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, 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 July 30, 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, and Angela Scanlan, Also present were City Attorney Kent Hadenfeldt and City Manager Dustin Rief. Absent: Terry Schaub. Mayor McKerrigan asked if there were any changes to the agenda. There were no changes. Mayor McKerrigan 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.

Council Member Green asked that item 8c) Council to approve the absence of Council Member Green from the July 19, 2021 Regular Meeting be moved off the consent agenda and restored to the regular agenda for more discussion.

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

- a) The minutes of the July 19, 2021 Regular Meeting be approved.
- b) Council Member Scanlan's absence from the July 19, 2021 Regular Meeting be excused.
- d) A liability claim be acknowledged from Christopher Kelley that has been presented. The claim was withdrawn and forwarded to the City's insurance carrier. "YEAS," Colwell, Scanlan, Green, and McKerrigan "NAYS," None. Absent: Schaub.

Regarding item 8c) dealing with the absence of Council Member Green from the July 19, 2021 Regular Meeting, Council Member Green stated even though he did make a phone call to the City Manager and the Mayor, he feels his absence should not be excused, commenting Council Member absences are getting out of hand. He does not feel he is entitled to take the excused absence, even though it was unavoidable. Council Member Colwell then stated Council Member Green is too hard on himself and moved to excuse his absence from the July 19, 2021 meeting. This was seconded by Council Member Scanlan, "YEAS," Scanlan, McKerrigan, and Colwell. "NAYS," Green. Absent: Schaub.

Moved by Council Member Scanlan, seconded by Council Member Green, that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated August 2, 2021, as on file with the City Clerk and submitted to the City Council, "YEAS," Scanlan, McKerrigan, Colwell, and Green. "NAYS," None. Absent: Schaub.

CLAIMS

911CUSTOM,LLC,EQUIP MAINT-PD,22.11; ACTION COMMUNICATIONS INC.,CONTRACTUAL SVC,17.38; AGUALLO PAUL SR, WELDED CANS X16, 1600; AMAZON. COM HEADQUARTERS, MISC.,1202.32;ASSOCIATED SUPPLY CO, INC,BLDG MAINT REC,1231.12;BAKER & ASSOCIATES INC,CONTRACTUAL,1235;BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,2280.81;BLUFFS FACILITY SOLUTIONS,SUPP - HAND TOWELS PW,1390.32; CAMPBELL DAVID,ADV TRAVEL,224;CAPITAL BUSINESS SYSTEMS INC.,COPIER CHARGES,22.8;CARR- TRUMBULL LUMBER CO, INC.,SUPPLIES - 23 CLUB SHED,62.6; CASH WA DISTRIBUTING,CONCESSIONS,402.15;CELLCO PARTNERSHIP,CELL PHONES-PD,1967.51; CITIBANK N.A.,DEPT SUP,637.71;CLEARSPAN FABRIC STRUCTURES INTERNATIONAL INC, STRUCTURE, 219444.68; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, SUPPLEMENTAL LIFE INS,22.75;CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,169.61;CONTRACTORS MATERIALS INC.,SUPP - BARRICADE LIGHTS & SAFETY GLASSES,1349.25;CROELL INC,DEPT SUP,276.87;CYNTHIA GREEN,DEPT SUPP ADM,279.37; DALE'S TIRE & RETREADING, INC.,FLEET TIRE REPAIRS,4424.02;DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,192.11;ELLIOTT EQUIPMENT COMPANY INC.,RUBBER GRIPPERS FOR TRUCKS,144.73;ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,162;FAT BOYS TIRE AND AUTO,EQUIP MAINT PARK,10; FBG SERVICE CORPORATION,EQUIP MAIN.,1337.6;FEDERAL EXPRESS CORPORATION,POSTAGE,312.02; FLOYD'S TRUCK CENTER SCOTTSBLUFF,UNIT #812- REPAIRS TO FIX PACKING ISSUE,268.85;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,880;GARCIA GABRIELA,LEGAL FEES-PD,23.36;GREEN THUMB, LLC,INSTALL DRIP SYSTEM - PATHWAY,10200;GREENING ENTERPRISES INC.,TWO PAIR EXTRICATION GLOVES XXL,72; HOLIDAYINN-KEARNEY,SCHOOLS& CONF,239.9;HONEY WAGON EXPRESS,CONTRACTUAL PARK,225;HULLINGER GLASS & LOCKS INC.,BLDG MAINT PARK,99.6;HYDRONIC WATER MANAGEMENT,EQUIP MAIN.,425;IDEAL LAUNDRY AND CLEANERS, INC.,SHOP TOWELS, RUGS, AND MOPS ES,374.77;INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,228.8;INFINITY CONSTRUCTION, INC.,CONTINGENCY,58433;INGRAM LIBRARY SERVICES INC, Coll., 3948.98; INTERNAL REVENUE SERVICE, WITHHOLDINGS, 64033.86;INTRALINKS, INC,DATTO BACKUP,2635;JOHN DEERE FINANCIAL,SUPP - WEED KILLER,238.94;JOHN DEERE FINANCIAL,DEPT SUPP CEM,244.76;JOHN DEERE FINANCIAL,EQUIP MAINT PARK,6488.08;JUSTIN HOUSTOUN,ADV TRAVEL,306;KING, TONY,ADV TRAVEL,224;KNOW HOW LLC,COMPOST FACILITY- FUEL FILTERS AND BATTERY,669.03;KNOX ASSOCIATES, INC,RESIDENTIAL KNOX BOXES,10819;LEAGUE ASSOCIATION OF RISK MANAGEMENT,ENDORS.#25 - 2 TRUCKS (TRANSP),364.3;LEAGUE OF NEBRASKA MUNICIPALITIES,ANNUAL MEMBERSHIP DUES,38522;LEAL NOHEMI,CONSULTING-PD,35;LOGOZ LLC,UNIFORMS,84;LOMBARD MATTHEW,CIP-BODY ARMOR,1894; LORE BRIAN & LORI,CONTRACTUAL,1000;M.C. SCHAFF & ASSOCIATES, INC,ENG. SERVICES FOR AVE. B OVERLAY PROJECT,29322;MACQUEEN EQUIPMENT INC,PARTS FOR SWEEPERS - STRIP BROOM BAG, SIDE SKIRT,954.15;MASSIE ROYCE,SCHOOLS & CONF-PD,145;MENARDS, INC,PAINT FOR EMCO CANS,1207.1; MERRIGIAN YVONNE,POOL PARTY REFUND,200;MUNICIPAL SUPPLY INC. OF

NEBRASKA,STRUCTURE,10020;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1315.1;NEBRASKA MACHINERY CO,EQUIP MAINT,8925;NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,23516.43;NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,BLDG MAINT-PD,189;NEBRASKALAND TIRE, INC,VEH MAINT-PD,341.49;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,315.03;OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,1093.08;PANHANDLE COOPERATIVE ASSOCIATION,SPECIAL EVENT,28.35;PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,328;PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5383.65;PEPSI COLA OF WESTERN NEBRASKA, LLC,CONCESSIONS,356.2;PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10298.36;POLYDYNE INC,CHEMICALS,5379.93;POSITIVE PROMOTIONS INC,DEPT SUPPL-PD,161.4;PRAISE WINDOWS INC,EQUIP. MAIN.,350;PROTEX CENTRAL, INC.,VEH MAINT-PD,57;QUILL CORPORATION,DEPT SUPPL-PD,141.35;RAMIREZ SELENA,LEGAL FEES-PD,23.36;REGION 22 EMERGENCY MGMT,REGION 22 EMERGENCY MANAGMENT FEE,7913.73;REGIONAL CARE INC,HEALTH PREM. - AUGUST 2021,75562.6;REZPLOT SYSTEM LLC,CONTRACTUAL PARK,50.5;ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,3050.8;RURAL HEALTH DEVELOPMENT, INC.,ECON DEV,6383.33;S M E C,EMPLOYEE DEDUCTION,150.27;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,280;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,458.18;SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,136; SCOTTSBLUFF KIWANIS,MBSHPS.,60;SCOTTSBLUFF MOTOR CO, INC,1 NEW CHEVROLET SILVERADO FLATBED,78122;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,936;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS,1326;SHERWIN WILLIAMS,STRUCTURE,102.59;SIMON CONTRACTORS,2ND PAYMENT FOR AVE. B OVERLAY PROJECT,285020.44;SNELL SERVICES INC.,EQUIP. MAIN.,1830;SOUICIE ANDREW,SCHOOLS & CONF-PD,145;STATE HEALTH LAB,SAMPLES,3882.25;TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE-PD,343.53;TYLER TECHNOLOGIES, INC,UB TRANSACTION FEES (4/1/21 - 6/30/21),3436.75;UNION BANK & TRUST,RETIREMENT,40294.81;UNITED STATES WELDING,CO2 TANK RENTAL,47.2;US BANK,DEPT SUP,2455.34;WALMART,DEPT SUPP CEM,917.78;WEITZEL WILBUR,QUITCLAIM DEED,300;WELLS FARGO BANK, N.A.,WAGE ATTACHMENT,96.47;WESTERN COOPERATIVE COMPANY,DEPT SUP,62.63;WESTERN COOPERATIVE COMPANY,MOSQUITO BRIQUETTES,87;WESTERN NE TOURISM COALITION,MEMBERSHIP DUES (7/1/21 - 6/30/22),100;WHITING SIGNS,VEH MAINT-PD,65; WILSON CRYSTAL,POOL PARTY REIMB,62.5;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08;WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT REFILL,259.63;ZM LUMBER INC,SUPP - HEM FIR,74.96;

Mr. Rief explained to Council on July 8th there was a sewer main failure at the Wastewater Treatment Plant. Bypass pumping needed to be done for approximately 40 hours and staff is asking for the approval of and the waiving of the three readings of the Ordinance to get the contractors paid. He added we budget around \$600,000 in contingency for these types of events.

Council introduced the Emergency Ordinance to repair and replace the main trunk line of the sanitary sewer into the Wastewater Treatment Plant and was read by title on first reading: AN

ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AUTHORIZING AN EMERGENCY REPAIR AND REPLACEMENT OF THE MAIN TRUNK LINE FOR THE SANITARY SEWER INTO THE WASTEWATER TREATMENT PLANT AND THE EXPENDITURE OF \$77,743.00 FROM THE SEWER CONTINGENCY FUND AND DECLARING AN EMERGENCY.

Council Member Colwell moved that the statutory rule regarding the Emergency Ordinance to repair and replace the main trunk line of the sanitary sewer into the Wastewater Treatment Plant to be read by three different days be suspended. Council Member Scanlan seconded the motion. "YEAS," Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: Schaub.

The motion carried, having been approved by three-fourths of the Council Members. Moved by Council Member Scanlan, seconded by Council Member Colwell that Ordinance No. 4261 be adopted, "YEAS," McKerrigan, Green, Colwell, and Scanlan. "NAYS," None. Absent: Schaub.

City Manager Rief presented the Resolution extending the date for written notice of termination in participation in the League Association of Risk Management (LARM) and for considering the contribution credits for multi-year commitments. Mr. Rief explained we will receive a discount if we commit to a three year extension through LARM; staff is recommending approval. Council Member Colwell moved, seconded by Council Member Scanlan to approve Resolution No. 21-08-01 extending the date for written notice of termination in participation in the League Association of Risk Management (LARM) and consider the contribution credits for multi-year commitments, "YEAS," Colwell, Scanlan, Green, and McKerrigan. "NAYS," None. Absent: Schaub.

**League Association of Risk Management
2021-22 Renewal Resolution**

RESOLUTION NO. 21-08-01

WHEREAS, The City of Scottsbluff is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of The City of Scottsbluff, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2024. **(180 day and 3 year commitment; 5% discount)**
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2023. **(180 day and 2 year commitment; 4% discount)**
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2022. **(180 day notice only; 2% discount)**
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2024. **(90 day notice and 3 year commitment only; 2% discount)**
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2023. **(2 year commitment only; 1%)**
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2022. **(90 day Notice only)**

Adopted this 2nd day of August, 2021.

Signature: _____
 Title: Mayor
 ATTEST: _____
 Title: City Clerk

Regarding the Donation Agreement with Smith Properties, Mr. Rief explained this is a donation of land which is subdivided off the Webber Plat located behind the old Albertsons building. This Agreement is to accept the property and move forward. Council Member Colwell moved to approve the Donation Agreement with Smith Properties and authorize the Mayor to sign the Agreement. This was seconded by Council Member Scanlan, “YEAS,” Green, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: Schaub.

Mr. Rief approached Council regarding the Roadway Surfacing Agreement with BNSF Railway Company. He explained this Agreement allows the City to enter the right of way to grind down and repair the asphalt near the Avenue ‘B’ railroad tracks. This is in conjunction with the mill and overlay project and has a cost of approximately \$633.00 to cover the railroad’s liability insurance policy. Mr. Rief also explained the reason for the Agreement is because the City is doing the repair. Council Member Scanlan moved, seconded by Council Member Colwell to Approve the Roadway Surfacing Agreement with BNSF Railway Company and authorize the Mayor to sign the Agreement, “YEAS,” Colwell, McKerrigan, Green, and Scanlan. “NAYS,” None. Absent: Schaub.

Mr. Rief presented the funds cost estimates of items on the discretionary project list to Council. He explained the items on the list are projects that can be finished this fiscal year, which is what he would like to concentrate on completing. Items on the list include: youth soccer goals and backstops to be located in Northwood, McCaffree, Bea Lovell, Terry Carpenter, and Veteran's Parks, trees on the pathway, fence for a dog park to be located at Terry Carpenter Park, horseshoe pit fence at Frank Park, and benches downtown from 15th to 20th Street. The total estimated cost for the items is \$63,982.21.

Council Member Colwell asked if 30 trees would be enough for the Pathway. Mr. Rief explained the number can be altered, they started with 30, hoping to add more in the future.

Council Member Colwell also asked that the Dog Park and Horseshoe Organizations are kept abreast of what is going on so they can and make sure the areas stay there for years to come.

Council Member Scanlan then moved, seconded by Council Member Colwell to approve purchasing the items on the discretionary project list consisting of youth soccer goals and backstops for designated City parks, trees along the pathway, fence for dog park located at Terry Carpenter Park, Horseshoe pit fence at Frank Park and benches downtown on Broadway from 15th to 20th Streets, "YEAS," McKerrigan, Green, Colwell, and Scanlan. "NAYS," None. Absent: Schaub.

Under Council Reports, Mayor McKerrigan attended a Tri City Active Living meeting. The group has many ideas and is excited about the Pathway. Council Member Green commented he is trying to get people together for a PAWS meeting.

Council Member Scanlan moved, seconded by Council Member Colwell to adjourn the meeting at 6:31 p.m., "YEAS," Colwell, Scanlan, Green, and McKerrigan. "NAYS," None. Absent: Schaub.

Mayor

Attest:

City Clerk