

# **City of Scottsbluff, Nebraska**

**Monday, November 15, 2021**

**Regular Meeting**

## **Item Consent1**

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

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on November 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 October 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, 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 October 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, and Selina Lerma. Also present were City Attorney Kent Hadenfeldt and City Manager Dustin Rief. Absent: Angela Scanlan. 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.

Moved by Council Member Green, seconded by Council Member Lerma,

- a) The minutes of the October 18, 2021 Regular Meeting be approved.
- b) A public hearing be set for November 15, 2021 at 6:00 p.m. to consider making a recommendation to the Nebraska Liquor Control Commission regarding a Class I Liquor License from Pocu, Inc., d/b/a Wonderful House, 829 Ferdinand Plaza, Scottsbluff, NE.
- c) Receipt of a sewer claim be acknowledged from Micah and Lori Browning at 3517 Spruce Drive, Scottsbluff, NE. Council will withdraw and take no action on the claim, "YEAS," Colwell, Green, Lerma, and McKerrigan. "NAYS," None. Absent: Scanlan.

Moved by Council Member Green, seconded by Council Member Lerma, that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated November 1, 2021, as on file with the City Clerk and submitted to the City Council, "YEAS," Green, Lerma, McKerrigan, and Colwell. "NAYS," None. Absent: Scanlan.

#### CLAIMS

26 GROUP, LLC,TIF BOND PAYMENT,21383.79; 3M COMPANY,WHITE PAVEMENT MARKING TAPE,633.35;ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,248.39; AHLERS BAKING INC,DEPT SUPPL-PD,59.97;AMAZON.COM HEADQUARTERS,MISC.,1864; AMERICAN WATER WORKS ASSOCIATION,MEMBERSHIPS,216; ANITA'S GREENSCAPING INC,EQUIP. MAIN.,265;BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,917.74;BLUFFS FACILITY SOLUTIONS,SUPP - HAND TOWELS,543.42;BRODART CO,DEP. SUP.,321.48; BROWN'S SHOE FIT, CO.,UNIFORMS & CLOTHING,357.65; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,150.09;CARR- TRUMBULL LUMBER CO, INC.,SUPP - SPRAY

PAINT,7.18;CASPERMFG,INC,CYLINDER FOR D. TRUCK,1676.9;CELLCO PARTNERSHIP,CELL PHONES-PD,1692.98;CITIBANK N.A.,DEPT SUPPLIES,1247.2; CITY OF GERING,INTERLOCAL WATER RESOURCE INVESTIGATIONS USGS,1763;COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTAL LIFE INS,22.75;CORE & MAIN LP,DEPT SUP,1762.43;CRESCENT ELECT. SUPPLY COMP INC,SUPP - CLEAR, GREEN, BLUE BULBS,676.45;CROELLINC,CONCRETEFORSTREETREPAIR,423.5;DALEFOOTE,REIMBURSEMENT FOR CDL,59.5;DALE'S TIRE & RETREADING, INC.,REPLACE REAR TIRES- RESCUE 1,4392.99;DASSTATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,110.12; DUANE E. WOHLERS,DISPOSAL FEES,1943.64;DYNA-TECH ELECTRIC INC,BLDG MAINT-PD,1510;EAKES INC,DEP. SUP.,228.06;ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MTNC,388.19; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,162; FARMERS STATE BANK,TIF BOND PAYMENT,91410.27; FASTENAL COMPANY,DEPT SUPP PARK,23.87; FEDERAL EXPRESS CORPORATION,POSTAGE,409.77;FINDAWAY WORLD LLC,COLL.,44.99; FLOYD'S TRUCK CENTER SCOTTSBLUFF,VEHICLE MTNC,1524.41;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,560;FYR-TEK INC,DRAEGER DUAL LINE RIT PACK-TOWER1,1343.75;GARTON,LYNN,SCHOOLS&CONF,155;HAWKINS, INC.,CHEMICALS,1797.66; HOA SOLUTIONS, INC,EQUIP MAINT,1094.41; HULLINGER GLASS & LOCKS INC.,GROUND MAINT PARK,213.02; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPPLIES,365.51; INDEPENDENT PLUMBING AND HEATING, INC,EQUIP MAINT STREET,19.42; INGRAM LIBRARY SERVICES INC, COLL., 280.79; INTERNAL REVENUE SERVICE, WITHHOLDINGS, 61776.43;INTRALINKS, INC,DATTO BACKUP,2417; J G ELLIOTT CO.INC.,NOTARY BOND-PD,70; JOHN DEERE FINANCIAL,DEPT SUPPLIES,1536.81; JOHN DEERE FINANCIAL,DEPT SUPP PARK,578.58;JOHN DEERE FINANCIAL,EQUIP MAINT PARK,330.27;KEARNEY HOSPITALITYINC,SCHOOLS&CONF-PD,143.95;KEEPSCOTTSBLUFFGERINGBEAUTIFUL,TRICITY STORMWATER PROJECT,16500; MACQUEEN EQUIPMENT INC,PARTS FOR SWEEPER - WEAR PLATE,420.9; MATTHEW MURPHY,MEALS FOR OUT OF TOWN TRAINING/TESTING,- 65;M-B CO, INC,PARTS FOR RIDE ON PAINT STRIPER,8885.54; MENARDS, INC,BLDG MAINT PARK,1838.99; MICHAEL B KEMBEL,OH DOOR REPAIR - SENIOR CENTER,2012.25; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1553.1;NE DEPT OF REVENUE,TAXES,34405.74; NE LIBRARY COMMISSION,SBSCR.,1473.3; NEBRASKA RURAL WATER ASSOCIATION,SCHOOLS & CONF,1350; NEBRASKA MACHINERY CO,EQUIP MAINT STREET,2365.55;NEBRASKAPUBLICPOWER DISTRICT,ELECTRIC,18921.28; NETWORKFLEET, INC,GPS SERVICE,286.04;NMC GROUP INC,EQUIPMENT MTNC,1133.67; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,23.31;PANHANDLE ENVIRONMENTALSERVICESINC,SAMPLES,160;PANHANDLEHUMANESOCIETY,CONTRACT UAL,5491.33;PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,9853.36; PT HOSE AND BEARING,PARTS FOR GRINDLZR,65.86;QUILL CORPORATION,DEPT SUPPL-PD,135.41; RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,569.7; REGIONAL CARE INC,NOV 2021 PREMIUM,55678.78; ROCKSTEP SCOTTSBLUFF LLC,FY2021 RBOT - 2ND HALF,59597.57; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,2578.39;S M E C,EMPLOYEE DEDUCTION,150.27;SCB CO CLERK,VALLEY AMB INTERLOCAL AGMT,10564.44;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,458.18;SCOTTIES POTTIES INC,CONTRACTUAL PARK,475; SCOTTSBLUFF MOTOR CO, INC,SENSOR FOR PICKUP,53.6;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,897;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY,

LLC, EMBROIDERY AND REFLECTIVE LOGOS FOR COAT, 34; SHERIFF'S OFFICE, LEGAL FEES-PD, 511.1; SIMON CONTRACTORS, CONCRETE FOR STREET REPAIR, 3308.57; SOUTHERN UNIFORM EQUIPMENT, UNIFORM T-SHIRTS, 225.04; SPENCER, KEVIN, SCHOOLS & CONF-PD, 77; STATE HEALTH LAB, SAMPLES, 2037.1; STATE OF NE., CONTRACTUAL-PD, 525; TEXAS PNEUDRAULIC INC, VEHICLE MTNC, 170.76; THE PEAVEY CORP, INVEST SUPPL-PD, 498.5; TOYOTA MOTOR CREDIT CORPORATION, HIDTA CAR LEASE-PD, 343.53; TYLER TECHNOLOGIES, INC, ONLINE UB FEES, 348; UNION BANK & TRUST, RETIREMENT, 39998.41; UNITED STATES WELDING, DEPT SUPPLIES, 129.65; US BANK, SCHOOLS & CONF-PD, 2203.31; VAN PELT FENCING CO, INC, FENCING, 9018; WALMART, DEPT SUP, 438.94; WEST NEBRASKA CLAIMSSERVICE, INC, SEWER CLAIMS, 160; WESTERN COOPERATIVE COMPANY, GROUNDMAINT PARK, 434.75; WESTERN PATHOLOGY CONSULTANTS, INC, RANDOM POOL TESTING, 200; WESTERN SURETY COMPANY, BOND - MCKERRIGAN, 200; WYOMING CHILD SUPPORT ENFORCEMENT, CHILD SUPPORT, 738.08; ZM LUMBER CO CAPITAL ONE TRADE CREDIT, VEH MAINT PARK, 821.19;

Mayor McKerrigan opened the public hearing at 6:04 p.m. to consider a zone change for Block 1, BF Properties located at 240474 Highland Road, Scottsbluff, NE from A-Agricultural to C-3 Heavy Commercial.

Mr. Zach Glaubius, Planning Administrator approached Council and explained this started as a subdivision request for property located at Henkel Ag Repair east of town. During the process, the City requested zoning be changed from Agricultural to C-3 Heavy Commercial to match the other Implement Tractor repair places within the City's jurisdiction.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:05 p.m.

Regarding the Preliminary and Final Plats of Block 1, BF Properties, Mr. Glaubius once again approached Council and explained the Planning Commission at their October meeting made a positive recommendation to Council for this request.

Council Member Green asked if there is a canal along one side of the property. Mr. Gregg Schilz with M.C. Schaff and Associates commented, yes, there is an easement for the sanitary sewer extension SID 4A.

Council Member Green moved, seconded by Council Member Lerma to approve Resolution No. 21-11-01 authorizing the Preliminary and Final Plats of Block 1, BF Properties located at 240474 Highland Road, Scottsbluff, NE, "YEAS," McKerrigan, Lerma, Colwell, and Green. "NAYS," None. Absent: Scanlan.

#### **RESOLUTION NO. 21-11-01**

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

**WHEREAS, BE IT RESOLVED,** the preliminary and final plat of Block 1, BF Properties, situated in the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 20, Township 22 North, Range 54 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska, dated September 16, 2021, duly made, acknowledged and certified, is approved and the Mayor is authorized to sign the Plat on behalf of the City of Scottsbluff, Nebraska. Such Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 1<sup>st</sup> day of November, 2021.

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Mayor

ATTEST:

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City Clerk

Mr. Glaubius presented the Preliminary and Final Plats of Lots 1 & 2 West Nebraska Express Subdivision located at 615 & 619 South Beltline Highway, Scottsbluff, NE. Mr. Glaubius informed Council this also came before the Planning Commission at their October meeting and received a positive recommendation to Council as well. He further explained they are doing a lot split so the existing buildings will be on their own lot. This will create an access easement so the one lot can be accessed through the existing one to the west.

Mayor McKerrigan moved, seconded by Council Member Lerma to approve Resolution No. 21-11-02 authorizing the Preliminary and Final Plat of Lots 1 and 2, Block 3, West Nebraska Express Subdivision located at 615 & 619 South Beltline Highway, Scottsbluff, NE, "YEAS," Lerma, Colwell, McKerrigan, and Green. "NAYS," None. Absent: Scanlan.

**RESOLUTION NO. 21-11-02**

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

**WHEREAS, BE IT RESOLVED**, the preliminary and final plat of Lots 1 and 2, Block 3, West Nebraska Express Subdivision, a Replat of Block 3, West Nebraska Express Subdivision, situated in part of the SW¼ of the NW¼ of Section 25, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska, dated August 18, 2021, duly made, acknowledged and certified, is approved and the Mayor is authorized to sign the Plat on behalf of the City of Scottsbluff, Nebraska. Such Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 1<sup>st</sup> day of November, 2021.

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Mayor

ATTEST:

Regarding the Ordinance for the rezone of Block 1, BF Properties located at 240474 Highland Road from A-Agricultural to C-3 Heavy Commercial, Mr. Rief explained this is the first reading of the Ordinance for the public hearing that was just held where Council made the approval of the subdivision.

Council introduced the Ordinance for the rezone of Block 1, BF Properties 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 BLOCK 1, BF PROPERTIES, IN SCOTTS BLUFF COUNTY, NEBRASKA CURRENTLY ZONED AS AGRICULTURAL (A), WILL NOW BE INCLUDED IN C-3 HEAVY COMMERCIAL, AND REPEALING PRIOR SECTION 25-1-4.**

Council Member Lerma moved that the statutory rule regarding the Ordinance for the rezone of Block 1, BF Properties to be read by title on three different days be suspended. Council Member Colwell seconded the motion, "YEAS," McKerrigan, Green, Colwell, and Lerma. "NAYS," None Absent: Scanlan.

Council Member Lerma made a motion, seconded by Council Member Green to adopt Ordinance No. 4265 dealing with the rezone of Block 1, BF Properties from Agricultural (A) to C-3 Heavy Commercial, "YEAS," Colwell, Green, Lerma, and McKerrigan. "NAYS," None. Absent: Scanlan.

Mr. Zach Glaubius, Planning Administrator, approached Council regarding the Ordinance to update parks within the City. He explained at the August 11, 2021 regular meeting of the Park, Cemetery and Tree Board a positive recommendation was made to amend the Ordinance by changing the name of Mini Park to 18<sup>th</sup> Street Plaza, include additions of Donor Plaza and the 23 Club Complex, as well as update the address of Monument Valley Pathway. However, City Council at the September 7, 2021 regular meeting voted to send the Ordinance back to the Park, Cemetery, and Tree Board for review, recommending the senior center be removed. In the course of their October 13, 2021 meeting, The Park, Cemetery and Tree Board made a positive recommendation to remove the senior center from the Ordinance and keep the other additions and revisions.

During discussion, Council Member Green asked if the Parks Board had looked at a naming opportunity for the 23 Club complex. Mr. Glaubius stated they did not discuss that in their meeting.

Council introduced the Ordinance updating parks within the City and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 15, ARTICLE 1, SECTION 1 OF THE MUNICIPAL CODE TO UPDATE THE NAMES AND LISTINGS OF PARKS IN THE CITY OF SCOTTSBLUFF, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Ms. Andrea Margheim with BDS3C, LLC d/b/a Flyover Brewing Company approached Council regarding a Special Designated Liquor License to serve beer, wine and distilled spirits at the 18<sup>th</sup> Street Plaza on December 4, 2021 from 9:00 a.m. to 5:00 p.m. for the Very Merry Christmas Market event. Ms. Margheim explained this is a new event for the Downtown Scottsbluff Association, stating outdoor markets are becoming very popular and are nostalgic and traditional. The event will be family friendly and will host a tree lot, food vendors and story time with the library. She added they will sell beer and a warm mulled wine, commenting they will ID and bracelet at the point of sale.

Police Chief Kevin Spencer came forward and stated he does not anticipate any problems; they have done many events this year with no issues.

Council Member Lerma moved, seconded by Council Member Colwell to approve the Special

Designated Liquor License for BDS3C, LLC d/b/a Flyover Brewing Company to serve beer, wine, and distilled spirits at the 18<sup>th</sup> Street Plaza on December 4, 2021 from 9:00 a.m. to 5:00 p.m. for the Very Merry Christmas Market event, “YEAS,” McKerrigan, Lerma, Colwell, and Green. “NAYS,” None. Absent: Scanlan.

Ms. Starr Lehl, Economic Development Director came forward and presented the Economic Development Assistance Agreement for BDS3C, LLC d/b/a Flyover Brewing Company. Ms. Lehl explained the Agreement is a total of \$550,000; \$325,000 in a grant (\$250,000 for the purchase of additional canning and brewing equipment, \$75,000 job credit) and a \$225,000 loan that will be rewritten with their current amount owed of approximately \$409,000, making their payment less than what they are currently paying now. Ms. Lehl added this is a great business, not only for Downtown Scottsbluff, but for the entire community because craft breweries are becoming more and more popular. Also, this was passed unanimously by the LB840 Application Review Committee.

Ms. Margheim was asked by Mayor McKerrigan how many additional employees they are looking to hire. Ms. Margheim answered they currently have 40 employees now and they are looking at adding five to ten more for the increased seating capacity and production.

Council Member Lerma made a motion, seconded by Council Member Colwell to approve the Economic Development Assistance Agreement for BDS3C, LLC d/b/a Flyover Brewing Company, “YEAS,” Lerma, Colwell, McKerrigan, and Green. “NAYS,” None. Absent: Scanlan.

City Manager Rief approached Council regarding State of Nebraska opioid settlement proceeds. Mr. Rief stated this last summer there were two class action lawsuits that were settled for opioid related issues from the pharmaceutical companies. He explained there is a significant amount of funding that has been allocated to the State and we are one of sixteen cities that are due to receive this funding, commenting we will receive 15% of the total, which is based on population. In addition, the funding will be for a 10 year period, potentially more, where we will partner with the panhandle and also the State to put a program in place to help fund measures to offset opioid addiction. This item is on the agenda to garner approval from Council for the city manager to take care of paperwork and handle the receiving of funds; however, any contracts would need to come before Council for approval.

Council Member Colwell moved, seconded by Council Member Lerma to approve action on the State of Nebraska opioid settlement proceeds and authorize City Manager Rief to sign documentation relating to the settlement proceeds, “YEAS,” McKerrigan, Green, Colwell, and Lerma. “NAYS,” None. Absent: Scanlan.

There were no meetings attended by Council to update in Council Reports.

Council Member Colwell moved, seconded by Council Member Green to adjourn the meeting at 6:23 p.m., “YEAS,” Colwell, Green, Lerma, and McKerrigan. “NAYS,” None. Absent: Scanlan.

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Mayor

Attest:

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City Clerk