

City of Scottsbluff, Nebraska

Monday, August 1, 2022

Regular Meeting

Item Consent1

Council to approve the minutes of the July 18, 2022 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on July 18, 2022 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 15, 2022, 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 14, 2022. 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, Jordan Colwell, Nathan Green, Angela Scanlan, and Selina Lerma. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Kevin Spencer. Absent: None. Mayor McKerrigan asked if there were any changes to the agenda. There was 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. During the public comment period, Mr. Rod Walker approached Council stating his frustration regarding the speeding and excessive noise on Broadway. He also commented there should be more pedestrian signs along the middle school, especially during football season, there should be alternating one-way streets along 1st, 2nd, 3rd, and 4th Avenues, and a roundabout considered near Webbers Furniture.

Mr. Nick and Mrs. Bea Reyes also came forward. They have conducted their own testing and have calculated if you lower the speed limit by 10 mph it will reduce the time of 22 seconds along Broadway, which could potentially save hundreds of dollars in property damage and be the difference between life and death. They also would like answers regarding the study being completed on Broadway, asking how long it is going to take to get the data.

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

- a) The minutes of the July 5, 2022 Regular Meeting be approved,
- b) A public hearing be set for August 1, 2022 at 6:00 p.m. to consider making a recommendation to the Nebraska Liquor Control Commission regarding a Class C Liquor License for Powerhouse on Broadway, LLC d/b/a Powerhouse Social, 1721 Broadway, Scottsbluff, NE,
- c) A public hearing be set for August 1, 2022 at 6:00 p.m. to consider making a recommendation to the Nebraska Liquor Control Commission regarding a Class C Liquor License for BR Entertainment, LLC d/b/a Hight's Tavern, 20 West 18th Street, Scottsbluff, NE,
- d) A Public hearing be set for August 1, 2022 at 6:00 p.m. to consider an Ordinance Text Change to Chapter 22, Article 6 regarding Municipal Parking Lots,
- e) The bid specifications for the replacement of the HVAC System and appurtenances for the City Hall building and authorizing the city clerk to advertise for bids to be received by August 9, 2022 at 1:00 p.m. be approved,

- f) Council Member Scanlan's absence from the July 5, 2022 Regular Meeting be excused,
- g) Council Member Lerma's absence from the July 5, 2022 Regular Meeting be excused,
- h) The claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated July 18, 2022, as on file with the City Clerk and submitted to the City Council, "YEAS," Colwell, Scanlan, Green, Lerma, and McKerrigan. "NAYS," None. Absent: None.

CLAIMS

AC ELECTRIC MOTOR SERVICE,EQUIP MAINT,251.26;ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,292.25; ACTION COMMUNICATIONS INC.,EQUIP MAINT-PD,455.37; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4070.76;AL'S TOWING,INC.,TOWSERVICE-PD,200;AMERICANLEGALPUBLISHINGCORPORATION,ZONING - SUPPLEMENT PAGES,1716.64;ANDERSON-SHAW CONSTRUCTION, INC,BLDG MAINT PARK,120;ASSOCIATED SUPPLY CO, INC,EQUIP MAINT,3417.74;AUTOZONE STORES, INC,HEAD LAMP FOR BRUSH 1,28.39;BEST PLUMBING HEATING & COOLING,BLDG MAINT PARK,4.12;BLOEDORN LUMBER CO - ALLIANCE,DEP. SUP.,294.31;BLUFFS FACILITY SOLUTIONS,DEPT SUPPL-PD,1440.17;CAPITAL BUSINESS SYSTEMS INC.,EQUIP MAINT ADM,3.41;CASHWADISTRIBUTING,CONCESSIONS,613.1;CELESTESALAZAR,CONTRACTUAL ,200;CELLCO PARTNERSHIP,TABLETS, IPADS, CELL PHONE, GRIDSMART FOR TRANS,1102.63;CEM SALES & SERVICE,EQUIP MAINT REC,4215.23;CHRIS REYES,DEPT SUPPL-PD,213;CITY OF GERING,DISPOSAL FEE,46567.52; CITY OF SCB,PETTY CASH,54.33; COLETOOLDISTRIBUTORSLLC,DEPTSUP,140;COMPUTERCONNECTIONINC,CONTRACTUAL -PD,44; CONSERV FLAG COMPANY,DEP. SUP.,61.95;CONSOLIDATED MANAGEMENT COMPANY,SCHOOL & CONF,530.5;CONTRACTORS MATERIALS INC.,SUPP - BLADE FOR SAW,419.19;CORE & MAIN LP,METERS,5114.84;CREDIT BUREAU OF COUNCIL BLUFFS,FEE - JUNE 2022,50;CRESCENT ELECT. SUPPLY COMP INC,BUILDING MAINT,2338.6; DATA443 RISK MITIGATION INC,CONT. SRVCS.,567.31;DELL MARKETING LP,TWO TABLETS FOR REPLACEMENT PROGRAM,4785.88; EAKES INC,DEPT SUPP CC,264.52;ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,186;FAT BOYS TIRE AND AUTO,FLAT REPAIR ON SWEEPER,59.47;FEDERAL EXPRESS CORPORATION,POSTAGE,433.21;FINDAWAY WORLD LLC,COLL.,547.9; FLOYD'S TRUCK CENTER SCOTTSBLUFF,HEADER FOR SWEEPER,950.12; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,340;HAWKINS, INC.,CHEMICALS,5522.12;HERSTEAD MONUMENT COMP. INC,DEPT SUPP CEM,440; HONEY WAGON EXPRESS,CONTRATUAL,450;HULLINGER GLASS & LOCKS INC.,BLDG MAINT PARK,26.75;HYDRONIC WATER MANAGEMENT,EQUIP. MAIN.,425;IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPP ES,607.71;INDEPENDENT PLUMBING AND HEATING, INC,EQUIP MAINT PARK,78.03;INGRAM LIBRARY SERVICES INC,Coll.,762.54;INTERNAL REVENUE SERVICE,WITHHOLDINGS,70768.03;INTRALINKS, INC,CONTR.SERV. - POLICE JUNE 2022,427.5;INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL SVC,239.8;KITE, LANCE,SCHOOLS & CONF-PD,225; KNOW HOW LLC,EQUIP MAINT PARK,2904.7; LEAGUE ASSOCIATION OF RISK MANAGEMENT,WC DEDUCTIBLE 6/30/22,3533.88;LEE BHM CORP,PUBLISHING,1730.71; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; M.C. SCHAFF & ASSOCIATES, INC,PROF SERVICES - JUNE 2022,9200;MACQUEEN

EQUIPMENT INC, FLOW VALVE FOR SWEEPER, 171.46; MADISON NATIONAL LIFE, INSURANCE, 4881.27; MALMRENEE, REFUND, 25; MATHESON TRIGAS INC, BAND SAW BLADE, 187.2; MENARDS INC, DEP SUP, 585.88; MIDWEST CONNECT, LLC, UB PROCESSING - JUNE 2022, 2658.52; MOBIUS COMMUNICATIONS COMPANY, CITY HALL ACCESS CONTROL - DOORS, 1996.15; MUNIMETRIX SYSTEMS CORP, IMAGES ILO - JUNE 2022, 39.99; NE CHILD SUPPORT PAYMENT CENTER, NE CHILD SUPPORT PYBLE, 1569.1; NE DEPT OF REVENUE, WITHHOLDINGS, 26101.65; NEBRASKA MACHINERY CO, EQUIP MAINT, 6286.07; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 43017.76; NEBRASKA LAND TIRE, INC, VEH MAINT PD, 22.99; NETWORK FLEET, INC, GPS SERVICE, 340.61; NORTHWEST PIPE FITTINGS, INC. OF SCOTTS BLUFF, GROUND MAINT PARK, 108.66; OCLC ONLINE COMPUTER LIBRARY CENTER, INC, CONT. SRVCS., 1141.47; ONE CALL CONCEPTS, INC, CONTRACTUAL, 114.2; PAIGE'S POSIES, CONTR.SERV.BID MAY 2022, 10225; PANHANDLE COOPERATIVE ASSOCIATION, FUEL, 4503.87; PANHANDLE ENVIRONMENTAL SERVICES INC, CONTRACTUAL SVC, 502; PEPSI COLA OF WESTERN NEBRASKA, LLC, CONCESSIONS, 98; PLATTE VALLEY BANK, HEALTH SAVINGS ACCOUNT, 9972.82; POSITIVE PROMOTIONS INC, DEPT SUPPL-PD, 290.8; POWERPLAN, FILTERS, FUEL PUMP, GASKET FOR LOADER, 275.64; PT HOSE AND BEARING, EQUIP MAINT, 198.06; REAMS SPRINKLER SUPPLY CO., DEPT SUPP CEM, 1635.12; RECOLLECT SYSTEMS INC, RECOLLECT ROUTE WARE SERVICES FOR SANIT, 7935.41; REGIONAL CARE INC, CLAIMS, 56803.07; REZPLOT SYSTEM LLC, CONTRACTUAL, 408; RIGHT BRAIN UNLIMITED, DEPT SUPP PARK, 497.35; ROOSEVELT PUBLIC POWER DISTRICT, ELECTRIC POWER, 2883.83; ROSE DREW, INC, DEP. SUP., 75.6; RR DONNELLEY, DEPT SUPPL-PD, 467.01; RUSSELL INDUSTRIES INC, EQUIP MAINT, 59.85; RUSSELL'S AUTOMOTIVE, VEH MAINT-PD, 665.79; S M E C, SMEC, 164.77; SANDBERG IMPLEMENT, INC, EQUIP MAINT PARK, 3663.91; SCB COUNTY, DEPT CNTRCL SRVCS, 75; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES, 300; SCB IBEW 1597 UNION DUES, SCB IBEW 1597 UNION DUES, 428.32; SCOTTIES POTTIES INC, CONTRACTUAL PARK, 475; SCOTTS BLUFF COUNTY COURT, LEGAL FEES-PD, 286; SCOTTS BLUFF KIWANIS, MBR SHPS., 60; SCOTTS BLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES, 936; SCOTTS BLUFF WIN SUPPLY COMPANY, GROUND MAINT PARK, 220.73; SCOTTS BLUFF/GERING CHAMBER OF COMMERCE, LEG. WRAP UP - SENATOR STINNER, 45; SHERIFF'S OFFICE, LEGAL FEES PD, 100.2; SIMMONS SOLSEN LAW FIRM, P.C., CONTRACTUAL, 142.29; SIMON CONTRACTORS, DEPT SUP, 799.99; SNELL SERVICES INC., ELECTRIC, 434.52; SOUNDSLEEPER SECURITY INC., CONTRACTUAL-PD, 14.95; STANARD & ASSOCIATES INC., POLICE OFFICER TESTING 3/25/22, 73; TERRY D SCOTT, VEH MAINT PARK, 843.89; TWIN CITY ROOFING & SHEET METAL, INC, HAIL REPAIR - WA/WW, 59213.14; TYLER TECHNOLOGIES, INC, UB FEES - 4/1/22 - 6/30/22, 3317.5; UNION BANK & TRUST, RETIREMENT, 42158.12; UNITED STATES WELDING, CYLINDER/TANK RENTAL, 141.77; US BANK, ADMIN FEES - GO HWY ALLOC BOND 2020, 880; W & R INC, ELECTRICAL, 1031.27; WASSON, BRIAN, SCHOOLS & CONF-PD, 270; WESTERN COOPERATIVE COMPANY, GROUND MAINT PARK, 1052.26; WESTERN COOPERATIVE COMPANY, GROUND MAINT PARK, 554.48; WESTERN PATHOLOGY CONSULTANTS, INC, TESTING - MARCH 2022, 719.25; WESTERN SURETY COMPANY, CITY MANAGER BOND - K.SPENCER, 875; WEX BANK, FUEL, 37680.16; WYOMING CHILD SUPPORT ENFORCEMENT, CHILD SUPPORT, 738.08; WYOMING FIRST AID & SAFETY SUPPLY, LLC, DEPT SUPP ES, 152.79; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTS BLUFF, NE, YMCA, 841; REFUNDS; ALVENA HUGHES, 144.95; BRANDON SMITH, 6.23; SAMANTHA

ROOD, 74.34; PHS LAND & CATTLE, 11.53; JOSEPH LIBERT, 46.55

Mr. Spencer presented the June 2022 Financial Report. He stated everything is in order; there are three months remaining for this budget cycle. We continue to look at fuel expenses, but fortunately are not in too bad shape as, we during the last budget cycle, inflated this anticipating a raise.

Council Member Scanlan moved, seconded by Council Member Lerma to approve the June 2022 Financial Report, "YEAS," Green, Lerma, Scanlan, McKerrigan, and Colwell. "NAYS, None. Absent: None.

Regarding the Resolution extending the date for written notice of termination in participation in the League Association of Risk Management (LARM) and consider contribution credits for multi-year commitments, Mr. Spencer explained this is for our annual insurance renewal. By committing with LARM for three years we receive a five percent discount in our premium. Unfortunately, rates have gone up, approximately \$130,000, but we will be meeting with a LARM representative to go over possible ways to reduce this.

Council Member Colwell asked if it would behoove the City to look locally to see if anyone could match this and show we are doing our due diligence. Mr. Spencer stated we could have the discussion; however, we need to decide by August 15th, as that is the timeline set by LARM. He also stated if Council approves and goes with the 5% discount, they are also agreeing to a three-year commitment.

Council Member Scanlan made a motion, seconded by Council Member Colwell to approve Resolution 22-07-01 extending the date for written notice in participation in the League Association of Risk Management (LARM) and consider contribution credits for multi-year commitments, "YEAS," Scanlan, McKerrigan, Lerma, Colwell, and Green. "NAYS," None. Absent: None.

**League Association of Risk Management
2022-23 Renewal Resolution**

RESOLUTION NO. 22-07-01

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, 2025. **(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, 2024. **(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, 2023. **(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, 2025. **(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, 2024. **(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, 2023. **(90 day Notice only)**

Adopted this 18th day of July, 2022.

Signature:	_____
Title:	<u>Mayor</u>
ATTEST:	_____
Title:	<u>City Clerk</u>

Please email (customerservice@LARMpool.org) or fax (402.476.4089) the completed resolution to LARM.

Ms. Priscilla Sandoz with Studio ‘B’ came forward to discuss the Community Festival Permit for the Downtown Association’s “Sidewalk Sales” on Broadway, July 21st, 22nd, & 23rd from 10:00 a.m. to 6:00 p.m. Ms. Sandoz explained they will be closing the sidewalks and have around 16-17 businesses participating. They are also inviting four to five food trucks to take part and they will set up utilizing five to six parking spaces on Broadway. The trucks will serve on the second and third days of the event and will face the businesses so not to impede traffic on Broadway.

Council Member Scanlan moved, seconded by Council Member Lerma to approve the Community Festival Permit to include food vendors and noise permit for the Downtown Scottsbluff Association’s “Sidewalk Sales” on Broadway; July 21st, 22nd, & 23rd from 10:00 a.m. to 6:00 p.m., “YEAS,” Lerma, Colwell, McKerrigan, Green, and Scanlan. “NAYS,” None. Absent: None.

Mr. Spencer presented the Community Festival Permit on behalf of the Scottsbluff Police Department for National Night Out 22. Mr. Spencer stated this is the 23 or 24th year; it is very successful and well attended. They will close the street around 4:00-4:30 to start setting up. He explained this is a

great opportunity for public safety to get out and meet the community, adding this is a National Event happening all over the country, same date and time.

Council Member Scanlan made a motion to approve the Community Festival Permit for the Scottsbluff Police Department for National Night Out 2022 on the 1500 to 1900 Blocks of Broadway, August 2, 2022 from 6:00-8:00 p.m. including street closures, vendors, and noise permit. The motion was seconded by Council Member Lerma. "YEAS," McKerrigan, Green, Colwell, Scanlan, and Lerma. "NAYS," None. Absent: None.

Regarding the Agreement with Nebraska Municipal Power Pool to conduct a Water and Wastewater Financial Plan, Cost of Service and Rate Design Study, Mr. Spencer stated with our new water meter system we can read the meters quickly and because of this would like to move to a monthly billing cycle. He added this is a big reason for the rate study, as well as analyzing data and supporting our rates, to make sure we are charging appropriately. The study will be complete within 90 days after receiving the data and will continue to be an ongoing process.

Council Member Scanlan moved, seconded by Council Member Green to approve the Agreement with Nebraska Municipal Power Pool to conduct a Water and Wastewater Financial Plan, Cost of Service and Rate Design Study and authorize the Mayor to sign the Agreement, "YEAS," Colwell, Scanlan, Green, Lerma, and McKerrigan. "NAYS," None. Absent: None.

Under Council Reports, Council Member Scanlan stated she has helped with the 18th Street Farmers Market and things are going well. Council Member Colwell stated there is a 911 Committee Meeting tomorrow (July 19th) and they are going to discuss the Agreement with Box Butte County. Mayor McKerrigan added there is also a Tri City Active Living Meeting tomorrow.

Council Member Colwell moved to adjourn the meeting at 6:28 p.m. This was seconded by Council Member Lerma, "YEAS," Scanlan, McKerrigan, Lerma, Colwell, and Green. "NAYS," None. Absent: None.

Mayor

Attest:

City Clerk