

# **City of Scottsbluff, Nebraska**

**Tuesday, September 6, 2022**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the August 15, 2022 Regular Meeting.**

**Staff Contact: City Council**

Regular Meeting  
August 15, 2022

The Scottsbluff City Council met in a regular meeting on August 15, 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 August 12, 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 August 12, 2022. Mayor McKerrigan presided and City Clerk Wright recorded the proceedings. The meeting was called to order and before the the Pledge of Allegiance was recited, Mayor McKerrigan asked for a moment of silence in honor of Scottsbluff Fire Captain, Ryan Lohr who passed away on Saturday, August 13th. Mayor McKerrigan then introduced Boy Scout Troop #13 who led the Pledge of Allegiance. After the Pledge of Allegiance, she 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, and Angela Scanlan. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Kevin Spencer. Absent: Selina Lerma. 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.

Moved by Council Member Green, seconded by Council Member Scanlan,

- a) The minutes of the July 27, 2022 Special Meeting be approved,
- b) The minutes of the August 1, 2022 Regular Meeting be approved,
- c) A public hearing be set for August 29, 2022 at 12:00 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the FY 2022-2023 budget,
- d) A public hearing be set for September 6, 2022 at 6:00 p.m. for authorizing the final tax request for the 2022-2023 year at a different amount than the prior year request,
- e) The bid specifications for the Scottsbluff WWTF Trunk Line Lining and authorizing the city clerk to advertise for bids to be received by September 7, 2022 at 10:00 a.m. be approved,
- f) The bid specifications for the repair of hail damage at the Library, Cemetery and Misc Facilities located throughout the City and authorizing the city clerk to advertise for bids to be received by September 7, 2022 at 2:00 p.m. be approved,
- g) The claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated August 15, 2022, as on file with the City Clerk and submitted to the City Council, "YEAS," Colwell, Scanlan, Green, and McKerrigan. "NAYS," None. Absent: Lerma.

CLAIMS

3M COMPANY,PAVEMENT MARKING TAPE, ARROWS AND GLUE,3633.53;ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHEMENT,292.25;ACTION COMMUNICATIONS

INC.,EQUIP MAINT PARK,116.66; ADVANCE AUTO PARTS,EQUIP MAINT,15.75; AIRGAS USA, LLC,DEPARTMENT SUPPLIES-SAN,65.4; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4121.76;ALTEC INDUSTRIES INC,NEW FORD CAB/CHASSIS BUCKET TRUCK,-141249;B&HINVESTMENTS,INC,DEP.SUP.-LIBRARY,501.33;B&C STEEL CORPORATION,DEPT SUPP PARK,11.77;BEST PLUMBING HEATING & COOLING,DEPT SUPP PARK,10.98; BLUFFS FACILITY SOLUTIONS,SUPPSUNSCREEN,740.72;CAPITALBUSINESSSYSTEMSINC.,CONTRACTUAL-PD,70.52;CELLCO PARTNERSHIP,IPADS, CELL PHONES, TABLETS, GRIDSMART FOR TRANS,2275.38;CITIBANK, N.A.,DEPT SUPP CEM,334.21; CITY OF GERING,DISPOSAL FEES-SAN,42548.72; COMPUTER CONNECTION INC,CONTRACTUAL-PD,44;CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,159;CONTRACTORS MATERIALS INC.,STROBE LITE,427.03; CORE & MAIN LP,METERS,688.29;CREDIT BUREAU OF COUNCIL BLUFFS,FEE - JULY 2022,50; CROELL INC,CONCRETE FOR STREET REPAIR,1649.5; EAKES INC,DEPT SUPP HR,257.4;ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MAINTENANCE-SAN,286.14;ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,186;ENGINEERED CONTROLS INC,EQUIP. MAIN.,317.54;ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,492; FASTENAL COMPANY,DEPARTMENT SUPPLIES-SAN,648.5;FAT BOYS TIRE AND AUTO,TIRE REPAIR ON WATER TRUCK,65.92;FEDERAL EXPRESS CORPORATION,POSTAGE,256.32; FLOYD'S TRUCK CENTER SCOTTSBLUFF,EQUIP MAINT,1294.92; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1645;FYR-TEK INC,FIRE PUMP - BRUSH 1,3930.5; HAWKINS, INC.,CHEMICALS,4922.01;HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,2862.1; HOLIDAYINN-KEARNEY,SCHOOLS&CONF,499.8; HONEY WAGON EXPRESS,CONTRACTUAL PARK,900; HULLINGER GLASS & LOCKS INC.,EQUIP. MAIN.,88;HYDRONIC WATER MANAGEMENT,EQUIP. MAIN.,477;IDEAL LAUNDRY AND CLEANERS, INC.,DEPARTMENT SUPPLIES-SAN,392.15;IMAGINATION PLAYGROUND LLC,GRANT.,2735; INDEPENDENT PLUMBING AND HEATING, INC,HOT WATER HEATER FOR MORTON BLDG,839.02; INGRAM LIBRARY SERVICES INC,COLL.,370.36;INLAND TRUCK PARTS & SERVICE,AIR CONDITIONER REPAIR ENGINE 1, 1941.33; INTERNAL REVENUE SERVICE, WITHHOLDINGS, 71960.83; INTRALINKS, INC,SONIC WALL UPGRADES,19908.02;INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL SVC,171.85;J G ELLIOTT CO.INC.,BOND - SELENA LERMA,100; JEFFREY F MARTISCHEWSKY,REPLACE RECEPTACLE - COMPUTER EQUIP.,218.49; JOE MCVEY,EQUIP MAINT,465;JOHNSON KALEB,SCHOOLS & CONF-PD,400; KNOW HOW LLC, DEPT SUP, 1229.53; LEAL NOHEMI, CONSULTING PD, 70; LEE BHM CORP, PUBLISHING, 1366.46;LEXISNEXISRISKDATAMANAGEMENT,CONSULTINGPD,100;M.C.SCHAFF&ASSOCIATES,INC,STRUCTURE,34509.03;MACQUEEN EQUIPMENT INC,REPAIR WATER GAUGE - TOWER 1,2329.48; MADISON NATIONAL LIFE,INSURANCE,3590.57; MATHESON TRI-GAS INC,RENT MACHINES,66.18; MENARDS, INC,STEEL DOOR FOR HANGAR BUILDING,776.47;MICHAEL BEEBE,BUILDING MAINTENANCE-SAN,105;MIDTOWN ANIMAL HOSPITAL P.C.,K9 FUND-PD,33; MIDWEST CONNECT, LLC,UB PROCESSING - JULY 2022,1860.35;MUNIMETRIX SYSTEMS CORP,IMAGESILO FEE - JULY 2022,39.99;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1569.1;NE DEPT OF REVENUE,LEGAL JULY 2022 LODGING TAX,446.16; NEBRASKA MACHINERY CO,EQUIP MAINT,4404.67;NEBRASKAPUBLICPOWER DISTRICT,ELECTRIC,45109.19;NEBRASKARURAL RADIO ASSOCIATION,CONTRACTUAL,950; NEBRASKALAND TIRE, INC,EQUIPMENT PARK,2639.1; NEW YORK TIMES,SBSCR.,520; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,227.21; OCLC ONLINE COMPUTER LIBRARY

CENTER, INC, CONT. SRVCS., 404.05; ONECALL CONCEPTS, INC, CONTRACTUAL, 233.58; PAIGE'S POSIES, BID CONTRACT JULY 2022, 5400; PANHANDLE COOPERATIVE ASSOCIATION, FUEL, 7188.82; PANHANDLE ENVIRONMENTAL SERVICES INC, CONTRACTUAL SVC, 287; PLATTE VALLEY BANK, HEALTH SAVINGS ACCOUNT, 9816.74; POMPS TIRE SERVICE INC, VEHICLE MAINTENANCE-SAN, 3186.91; POWERPLAN, WATERPUMP FOR MOTOR GRADER, 483.4; PRIME METAL PRODUCTS INC, ED AGMT APRL 2022, 500000; QUADIENT INC, POSTAGE, 1000; QUADIENT LEASING USA INC, CONT. SRVCS., 594.17; QUILL CORPORATION, DEPT SUPPL-PD, 419.42; RAY ALLEN MANUFACTURING, LLC, K9-SUPPLIES-PD, 70.98; REAMS SPRINKLER SUPPLY CO., DEPT SUPP CEM, 669.28; REGIONAL CARE INC, CLAIMS, 27281.95; REGIONAL WESTMEDICAL CENTER, GAUZE AND BANDAGE KLING, 9.88; REGISTER OF DEEDS, LEGAL, 76; R EZ PLOTS SYSTEM LLC, CONTRACTUAL, 369; ROOSEVELT PUBLIC POWER DISTRICT, ELECTRIC POWER, 3170.76; ROSE DREW, INC, DEP. SUP., 113.4; ROUNDHOUSE BUNKER GEAR SERVICE, TURNOUT GEAR REPAIR- HUBBS/GABIS, 71.25; S M E C, EMPLOYEE DEDUCTION, 164.77; SANDBERG IMPLEMENT, INC, EQUIP MAINT PARK, 1068.73; SCB FIREFIGHTERS UNION LOCAL 1454, FIRE EE DUES, 300; SCB IBEW 1597 UNION DUES, SCB IBEW 1597 UNION DUES, 428.32; SCOTT WALTON, EQUIPMENT MAINTENANCE SAN, 382.58; SCOTTIES POTTIES INC, CONTRACTUAL, 475; SCOTTSBLUFF COUNTY, CONTRACTUAL, 4486.66; SCOTTSBLUFF BODY & PAINT, VEH MAINT-PD, 1365.89; SCOTTSBLUFF MOTOR CO, INC, VEHICLE MAINT, 234.15; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION, POLICE EE DUES, 936; SHERIFF'S OFFICE, LEGAL FEES-PD, 163.08; SHERWIN WILLIAMS, WHITE LATEX PAINT, 12508; SIMMONS OLSEN LAW FIRM, P.C., CONTRACTUAL, 12874.29; SIMON CONTRACTORS, CONCRET FOR STREET REPAIR, 4453.92; SITTNER JOE, REIMBURSEMENT FOR HAZMAT PHYSICAL EXAM, 18.4; SOUTHEAST LIBRARY SYSTEM, SCH. & CONF., 105; TEXAS PNEUDRAULIC INC, VEHICLE MAINTENANCE-SAN, 1205.84; TWIN CITY ROOFING & SHEETMETAL, INC, HAIL DAMAGE REPAIR (WA/WW), 195714.68; UNION BANK & TRUST, RETIREMENT, 44872.48; WESTERN COOPERATIVE COMPANY, DEPT SUPP CEM, 434.75; WESTERN COOPERATIVE COMPANY, GROUND MAINT PARK, 1082.32; WESTERN NE COMMUNITY COLLEGE, RURAL FELLOWS INTERN LODGING, 4145.32; WESTERN PATHOLOGY CONSULTANTS, INC, DOT TESTING - JULY 2022, 166; WEX BANK, DIESEL/UNLEADED FUEL-SAN, 34808.38; WYOMING CHILD SUPPORT ENFORCEMENT, CHILD SUPPORT, 738.08; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, YMCA, 841; REFUNDS; JENNIFER SCHROEDER, 4.88; BUYERS REALTY, 4.83; ACTIVE-SCOTTSBLUFF LANDSCAPING, 25.61; ACTIVE-TREE MONKEY'S LLC, 46.94

Mr. Spencer presented the July 2022 Financial Report. He explained the City is in good shape and there is nothing unusual on the report. He added 2 months remain in the fiscal year with budgets at 16%

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

Mayor McKerrigan opened the public hearing at 6:05 p.m. to consider an Ordinance Text Change in Chapter 4, Article 1 regarding the International Building and Residential Codes.

Mr. Zach Glaubius, Planning Administrator, approached Council and explained Staff was reviewing Chapter 4 and found two items that need to be cleaned up. The first is in section 4-1-10 which states the International Fire Code is excluded, however in Chapter 8 it states it was adopted. The second, 4-1-2 references Appendix F of the IBC, however it was intended to be Appendix F of the IRC. Mr.

Glaubius added the Planning Commission made a positive recommendation and staff is also asking for approval of the change.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:06 p.m.

Council introduced the Ordinance to consider a Text Change in Chapter 4, Article 1 regarding the International Building and International Residential Codes and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING §4-1-2 DEALING WITH STANDARD CODES AND AMENDING §4-1-10 DEALING WITH THE INTERNATIONAL BUILDING CODE, REMOVING CERTAIN LANGUAGE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Mr. Spencer came forward and informed Council there was a water leak on 26<sup>th</sup> Street and Avenue A which needs to be declared an emergency. He added crews are mobilized and getting ready to start working, this will be paid through the water contingency fund and the reason for the leak is aging infrastructure.

Council introduced the Ordinance for the repair and extension of the City's water main near 26<sup>th</sup> Street and Avenue A and was read by title on first reading: **AN ORDINANCE AUTHORIZING AN EMERGENCY WATER MAIN REPAIR AND EXTENSION AT 26<sup>TH</sup> STREET AND AVENUE A AND THE EXPENDITURE OF \$78,633.86 FROM THE WATER CONTINGENCY FUND AND DECLARING AN EMERGENCY.**

Council Member Scanlan moved to approve the Emergency Ordinance No. 4284 for the repair and extension of the City's water main near 26<sup>th</sup> Street and Avenue A and authorized the Mayor to sign. This was seconded by Council Member Green, "YEAS," Scanlan, McKerrigan, Colwell, and Green. "NAYS," None. Absent: Lerma.

Mr. Zach Glaubius presented the Preliminary Plat of Frank Properties Subdivision explaining this is for land west of Viaero south of Home Depot. The applicant is looking to subdivide part of the field into eight lots. While the Planning Commission made a positive recommendation on the approval of the final plat and rezone, the developer, however, is only looking to get the preliminary plat approved by Council at this time. Staff recommends approval on the preliminary plat with the condition that the Developer's Agreement includes the extension of 28<sup>th</sup> Street, Avenue K, and the extension of 29<sup>th</sup> Street sanitary sewer.

Mr. Brendan Rice, legal counsel for Bryan Frank the owner of Frank Properties, came forward and explained they are working with Mr. Glaubius to reach the appropriate Developer's Agreement to approach the concerns.

Council Member Scanlan moved, seconded by Council Member Colwell to approve the Preliminary Plat of Frank Properties Subdivision including the Mayor signing Resolution 22-08-05, "YEAS, Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: Lerma

**RESOLUTION NO. 22-08-05**

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

**WHEREAS, BE IT RESOLVED,** the preliminary plat of Lots 2 through 9, Block 1 Frank

Properties, an Addition to the City of Scottsbluff, situated in the SE¼ of the SE¼ of Section 15, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska, submitted July 5, 2022 is approved subject to the Owner entering into a Contract for Public Improvements to comply with Municipal Code §21-1-27 for required public improvements. Such preliminary plat is valid for a two-year period following the approval date set forth herein and must be presented in final form for approval by that time.

Passed and approved this 15<sup>th</sup> day of August 2022.

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Mayor

ATTEST:

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City Clerk

Regarding the item of accepting all improvements in the Hilltop Subdivision as constructed, Mr. Spencer explained in November Council accepted the required repairs to be made so the addition would drain properly; this is the final acceptance of the subdivision.

Council Member Scanlan moved to accept the improvements as constructed. This was seconded by Council Member Colwell, “YEAS,” McKerrigan, Green, Colwell, and Scanlan. “NAYS,” None. Absent: Lerma

Ms. Celeste and Mr. Denzel Salazar approached Council regarding a Community Festival Permit, to include vendors, street closure and noise permit for The Emerald Market – Fall Market on Saturday, September 24, 2022 from 10:00 a.m. to 4:00 p.m. Ms. Salazar stated they would like to close 16<sup>th</sup> Street and have the entrance off Broadway. They would also like to close the alleys if possible because the event will include craft and food vendors. Mr. Spencer stated that is something that can be worked out and barriers will be dropped off on Friday afternoon before the event. Setup can start at 8:00 a.m. on Saturday and cleanup will be allowed after 4:00 p.m. to accommodate the vendors.

Council Member Colwell made a motion, seconded by Council Member Scanlan to approve the Community Festival Permit to include vendors, street closure and noise permit for the Emerald Market – Fall Market on Saturday, September 24, 2022 from 10:00 a.m. to 4:00 p.m., “YEAS,” Colwell, Scanlan, Green, and McKerrigan. “NAYS,” None. Absent: Lerma

Ms. Starr Lehl, Economic Development Director, approached Council to present the Economic Development Assistance Agreement with Fusion Ranch, Inc. She explained Fusion Ranch has requested funds for additional equipment, as they are expanding their operation. The recommendation of the LB840 Application Review Committee was \$500,000 worth of assistance; \$300,000 in a forgivable loan based on job creation, and \$200,000 loan paid back monthly. Ms. Lehl added this business has been very

successful, receiving two other Assistance Agreements in the past; they will be paying off a \$225,000 loan in October of this year.

Ms. KaiYen Mai with Fusion Ranch, Inc., was present via Zoom to answer questions from Council. Ms. Mai explained the equipment they will be purchasing is a packaging machine and a slicer. She added they currently have 45 employees and are looking to expand to a minimum of 10 jobs. They sell throughout the United States in supermarkets such as Costco, Safeway, and Albertsons.

Council Member Colwell moved, seconded by Council Member Scanlan to approve the Economic Development Assistance Agreement with Fusion Ranch, Inc. and authorize the Economic Development Program Administrator to sign the Agreement, "YEAS," Green, Scanlan, McKerrigan, and Colwell. "NAYS," None. Absent: Lerma

Regarding the contract between the City of Scottsbluff and Scottsbluff Police Officer's Association, Inc., Mr. Spencer explained this union contract was up for full negotiation. Also, because of his Interim City Manager and Police Chief roles, Legal Counsel Hadenfeldt was asked to negotiate the Contract. He added there were not a lot of changes, but one notable is the increase in wage of 3%, like the other employees.

Council Member Scanlan moved, seconded by Council Member Green to approve the Contract between the City of Scottsbluff and Scottsbluff Police Officer's Association, Inc. and authorize the Mayor to sign the Contract, "YEAS," Scanlan, McKerrigan, Colwell, and Green. "NAYS," None. Absent: Lerma.

Mr. Spencer then presented the amended Fire Contract Article VIII Wages to Council for approval. He added this was an off year as they will be up for full negotiation next year. They met a total of three times, which resulted in a 3% wage increase for them as well.

Council Member Colwell made a motion, seconded by Council Member Scanlan to approve the amended Fire Contract Article VIII Wages and authorize the Mayor to sign the Amendment, "YEAS," Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: Lerma

Mr. Spencer also presented the amended IBEW Contract Schedule A Wages to Council, stating the negotiations went very well. He also gave credit to Human Resources Director Cami Kite for her help with this. They met one time, agreeing on a 3% wage increase for employees.

Council Member Colwell moved, seconded by Council Member Scanlan to approve the amended IBEW Contract Schedule A Wages and authorize the Mayor to sign the Amendment, "YEAS," McKerrigan, Green, Colwell, and Scanlan. "NAYS," None. Absent: Lerma.

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

Council Member Scanlan moved to adjourn the meeting at 6:35 p.m. This was seconded by Council Member Colwell, "YEAS," Colwell, Scanlan, Green, and McKerrigan. "NAYS," None. Absent: Lerma.

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Mayor

Attest:

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City Clerk