

City of Scottsbluff, Nebraska

Monday, October 3, 2022

Regular Meeting

Item Consent1

Council to approve the minutes of the September 19, 2022 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on September 19, 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 September 16, 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 station NBC Nebraska, and the Star Herald. The notice was also available on the city's website on September 15, 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.

Moved by Council Member Scanlan, seconded by Council Member Lerma,

- a) The minutes of the September 6, 2022 Regular Meeting be approved,
- b) A public hearing be set for October 3, 2022 at 6:00 p.m. to consider the One-and Six-Year Street Improvement Plan,
- c) A public hearing be set for October 3, 2022 at 6:00 p.m. to consider the Rezone of Lots 1-2 & 5-9 of Block 3, Lots 1-3 of Block 6, Lots 1-7 of Block 7, and Tract C, Hilltop Estates Subdivision,
- d) A public hearing be set for October 3, 2022 at 6:00 p.m. to consider proposed Ordinance Text Changes to Chapter 25 Article 19, Article 12, Article 15 and Article 3 regarding the Floodplain Overlay Zone,
- e) A public hearing be set for October 3, 2022 at 6:00 p.m. to consider a Vacation Plat of Lots 1, 2, 3 and Part of Lot 1A, Block 10 Imperial Subdivision,
- f) Board and Commission appointments be reviewed and approved,
- g) A receipt of claim from Andrea Lohr, 220536 Sandberg Rd., Gering, NE be acknowledged. No action will be taken and the claim will be withdrawn for further investigation.
- h) The claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated September 19, 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

21st CENTURY WATER TECHNOLOGIES, LLC,GROUND MAINT PARK,625.96;3M COMPANY,THERMOPLASTIC PAVEMENT TAPE,786.44;ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,292.25;ACTION COMMUNICATIONS INC.,RADIO

BATTERIESIX,1290.42;ADVANCEAUTOPARTS,EQUIPMENTMAINTENANCEREC,445.51;ADVANCED CUTTING SYSTEMS, INC,2 ROLLS BLACK TAPE,1105.49;AE SERVICES, LLC,ELECTRIC PARKS,286.85; AUTOZONE STORES, INC,ANTIFREEZE - RESCUE 1,60.54; B&C STEEL CORPORATION,DEPT SUPP CEM,30.23;BLUFFS FACILITY SOLUTIONS,DEPT/JANIT SUPPL-PD,1183.73; CAPITAL BUSINESS SYSTEMS INC.,PRINTER/COPIER SERVICE,27.08; CELLCO PARTNERSHIP,IPADS, TABLETS, CELL PHONES, GRIDSMART,1152.76; CITY OF GERING,DISPOSAL FEES-SAN,47002.49; CLARK PRINTING LLC,DEP. SUP.,45; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,22.75;COMPUTER CONNECTION INC,CONTRACTUAL-PD,44; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,136.35; CONTRACTORS MATERIALS INC.,42" DELINEATOR POSTS W/BASE,2864.01; CORE & MAIN LP,METERS,4810.7; CREDIT BUREAU OF COUNCIL BLUFFS,FEE - AUGUST 2022,50; CRESCENT ELECT. SUPPLY COMP INC,FLUOR BULBS,160.79; CROELL INC,CONCRETE FOR STREET REPAIR,6285.85;DIRT STIX NURSERY,KENO,412.8;DYKES OIL INC,VEHICLE MAINT,54.37; EAKES INC,DEP. SUP.,516.3;ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,472; FAT BOYS TIRE AND AUTO,NEW TIRES FOR PICKUP,1497.34;FEDERAL EXPRESS CORPORATION,POSTAGE,501.54; FINDAWAY WORLD LLC,COLL.,2757.51; FLOYD'S TRUCK CENTER SCOTTSBLUFF,VEHICLE MAINTENANCE-SAN,8837.66;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1335; GALLS INC,UNIFORMS-PD,449.24;GENERAL TRAFFIC CONTROLS, INC,TRAFFIC SIGNAL CABINETS,45452;GRAYTELEVISIONGROUPINC,NBCNEBRASKATVPSAS,2084.33;REENINGENTERPRISESINC.,FOURSETSOFTURNOUTS,11938.64;HAWKINS,INC.,CHEMICALS,9693;HENNINGSONS CONSTRUCTION, INC.,HILLTOP ESTATES STORM SEWER OVERFLOW,2485;HONEY WAGON EXPRESS,CONTRACTUAL PARK,675; HQ COMPOST HOLDINGS LLC,DEPT SUP,8900; HULLINGER GLASS & LOCKS INC.,DEPT SUPP PARK,97; IDEAL LAUNDRY AND CLEANERS, INC.,DEPARTMENT SUPPLIES-SAN,447.22; INDEPENDENT PLUMBING AND HEATING, INC,GROUNDMAINTPARK,70.55;INFINITYCONSTRUCTION,INC.,FACILITYREPAIR,18040;INGRAMLIBRARYSERVICESINC,COLL.,1408.92;INTERNALREVENUESERVICE,WITHHOLDINGS, 71917.46;INTERNATIONAL ASSOC OF ARSON INVESTIGATORS,52ND ANNUAL NEBRASKA ARSON CONFERENCE - SCHINGLE,600; INTRALINKS, INC,CONTR.SERV. - AUGUST 2022,8947.49; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL SVC,171.85; JARED WHITING,FACADE GRANT,4242.85;JOE MCVEY,CONTRACTUAL PARK,1351.44; KNOW HOW LLC,DEPARTMENT SUPPLIES-SAN,2451.82; LEAGUE ASSOCIATION OF RISK MANAGEMENT,ENDORS#28 - TRANSP. 2023 JD LOADER,64.03; LEE BHM CORP,LEGAL PUBLISHING,4922.19;LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; L-TRON CORPORATION,EQUIP MAINT-PD,82.94; MACQUEEN EQUIPMENT INC,EQUIP MAINT,68.86;MANLEY TYREL,EQUIP MAINT,350; MARV ROGERS,REFUND - SATURDAY SERVICE CHARGE,500;MATHESON TRI-GAS INC,RENT - MACHINES,66.18; MENARDS, INC,SUPP - STRAPS, CHALK REEL, STAPLES, PANELS,586.97; MIDWEST CONNECT, LLC,UB PROCESSING - AUGUST 2022,2698.35; MUNIMETRIX SYSTEMS CORP,IMAGESILO - AUGUST 2022,39.99;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1569.1; NE DEPT OF ENVIRONMENTAL QUALITY,LICENSE/PERMITS,2100; NE DEPT OF REVENUE,WITHHOLDINGS,24843.99;NEBRASKA INTERACTIVE, LLC,SUBSCRIPTION FEE,100; NEBRASKA MACHINERY CO,CUTTING EDGES,1661; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,43959.84;NEBRASKALANDTIRE,INC,VEHICLEMAINT,423;NETWORKFLEET, INC,GPS SERVICE FOR TRANS.,340.61; NORTHWEST PIPE FITTINGS, INC. OF

SCOTTSBLUFF,GALVANIZED FITTINGS - BRUSH 1,115.48; ONE CALL CONCEPTS, INC,CONTRACTUAL,259.86; PAGE MY CELL LLC,PAGING OVER CELLULAR PHONES,600; PAIGE'S POSIES,BID - PARKING LOT GARDEN MAINTENANCE,5475; PANHANDLE COOPERATIVE ASSOCIATION,FUEL,4699.28; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,75; PANHANDLE PUBLIC HEALTH DISTRICT,CDBG 20HO31041 #1,16000; PLAKA & ASSOCIATES INC,ECON.DEV. STRATEGIC PLAN (FINAL) ,7487.5; PLATTE VALLEY BANK, HEALTH SAVINGS ACCT, 9541.74; POWERPLAN, NEW WHEEL LOADER,154700;QUINTANA KATHLEEN,PER DIEM ARSON CONFERENCE,144; REAMS SPRINKLER SUPPLY CO.,GROUND MAINT PARK,1290.41; REGIONAL CARE INC,CLAIMS,10779.25; REGISTER OF DEEDS,LEGAL,50; REZPLOT SYSTEM LLC,CONTRACTUAL PARK,280.5; S M E C,EMPLOYEE DEDUCTION,159; SANDBERG IMPLEMENT, INC,FILTER & BELTS FOR GRINDLZR & PLATE COMPACTOR,79.3;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,260;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,405.73;SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,178; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,936; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,12338.29; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,7611.21; SNELL SERVICES INC.,EQUIP. MAIN.,1830;SOUNDSLEEPER SECURITY INC.,MAINTENANCE SERVICE FOR SECURITY SYSTEM,414.95;STANDS STEVE,RE-IMBURSEMENT FOR CDL,60;SUBWAY 6906,RECRUITMENT,55.8;SUHOR INDUSTRIES, INC.,DEPT SUPP CEM,220; TEXAS PNEUDRAULIC INC,VEHICLE MAINTENANCE-SAN,106.75; THE PEAVEY CORP,INVEST SUPPL-PD,82.11;TRAFFIC PARTS, INC,RED, AMBER, GREEN LED'S FOR TRAFFIC SIGNALS,2725.05; U AND U TRUCKING LLC,CCONTRACTUAL SERVICES-SAN,1102; UNION BANK & TRUST,RETIREMENT,43810.65;WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,9820.5; WESTERN COOPERATIVE COMPANY,DEPT SUPP PARK,635.25; WESTERN PATHOLOGY CONSULTANTS, INC,DOT TESTING - AUGUST 2022,166; WEX BANK,DIESEL/UNLEADED FUEL-SAN,35263.92;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08;

Interim City Manager Spencer presented the August 2022 Financial Report to Council. Mr. Spencer stated this is the 11th month in the fiscal year; departments should have 8.33% left in budgets. He explained there are delayed capital improvement projects, but anticipates that changing soon. He also informed Council the City has received the second installment of ARPA funding amounting to \$2.8M.

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

Mayor McKerrigan opened the public hearing at 6:05 p.m. to discuss and consider acquisition of property located at 904 West 27th Street, Scottsbluff, NE.

Mr. Spencer explained this property is at the SW corner of 27th and Ave I. He added our signal cabinet sits on the corner and we own a quarter of the property. Regarding plans on what to do with the property, discussions have been had of implementing green space for the Pathway as well as a bicycle repair station for that area. The negotiated price is \$36,000 and staff is recommending approval of the purchase.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:07 p.m.

Council Member Green made a motion, seconded by Council Member Scanlan to approve Resolution No. 22-09-02 authorizing the purchase and acquisition of real estate and authorizing Interim City Manager Spencer to sign closing document for the purchase of property located at 904 West 27th Street, "YEAS," Scanlan, McKerrigan, Lerma, Colwell, and Green. "NAYS," None. Absent: None.

RESOLUTION 22-09-02

WHEREAS, The City of Scottsbluff, Nebraska ("City") has conducted a Public Hearing, following proper notice, to discuss and consider acquiring real property, by purchase, within the City.

WHEREAS, public input was received and the City Council of the City now, by majority vote, resolves as follows:

NOW, THEREFORE BE IT RESOLVED:

1. The City Council ratifies and approves the Real Estate Purchase Agreement dated August 22, 2022.
2. Pursuant to the Real Estate Purchase Agreement, the City is authorized to acquire by Warranty Deed the following described real property:

Lot 1, Block 1, Plat of Burlington Northern Subdivision of Blocks One, Two, Three, Four, Five and Six, a Subdivision of the City of Scottsbluff, situated in part of the NE¼ of Section 22, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.

3. Kevin Spencer, as Interim City Manager of the City, is authorized to execute and accept any and all documents deemed necessary or required in connection with the acquisition which are in the best interests of the City, to complete the acquisition.

Dated: September 19, 2022.

Jeanne McKerrigan, Mayor

ATTEST:

Kimberley Wright, City Clerk

Council introduced the Ordinance regarding a Text Change in Chapter 4, Article 1 concerning the International Building and Residential Codes and was read by title on third 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.**

Council Member Colwell moved, seconded by Council Member Lerma to adopt Ordinance No. 4285 regarding a Text Change in Chapter 4, Article 1 concerning the International Building and Residential Codes, “YEAS, Lerma, Colwell, McKerrigan, Green, and Scanlan. “NAYS,” None. Absent: None.

Council introduced the Ordinance adopting the budget statement to be termed the annual appropriation bill for FY 2022-2023 and was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.**

Council introduced the Ordinance allowing for exceeding the allowable growth and basic allowable growth limits for the 2022-2023 FY by one percent of budgeted restricted funds and correcting the adopted budget statement and accompanying forms and was read by title on second reading: **AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2022-2023 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS.**

Council introduced the Ordinance updating utility user fees, including water and sewer fees, solid waste collection and surcharge for stormwater and was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING AND CHANGING THE SOLID WASTE COLLECTION FEES AT SECTIONS 6-6-23, 6-6-24, 6-6-26, 6-6-26.1, AND 6-6-27; AMENDING AND CHANGING SEWER USER FEES INCLUDING SURCHARGE FOR STORMWATER REGULATORY REQUIREMENTS AT SECTIONS 6-6-19, 6-6-20, 6-6-22, AMENDING AND CHANGING THE WATER SERVICE FEES AT SECTION 6-6-28 ALL IN CHAPTER 6 ARTICLE 6 OF THE MUNICIPAL CODE, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Mr. Spencer presented the bid for hail damage repair at the Library, Cemetery and Misc. Facilities. He explained there was only one bid received by Twin City Roofing & Sheet Metal, Inc. in the amount of \$111,110.55. He also noted this is the last bid package for the hail storm of 2019, giving credit to Dave Schaff and his staff for the work they did putting the packages together. Staff is recommending approval of the final bid package to Twin City Roofing & Sheet Metal, LLC.

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

bid for hail damage repair to the Library, Cemetery and Misc. Facilities to Twin City Roofing & Sheet Metal, Inc., in the amount of \$111,110.55, “YEAS,” McKerrigan, Green, Colwell, Scanlan, and Lerma. “NAYS,” None. Absent: None.

Regarding the bid for the Sewer Main Lining Project at the Wastewater Treatment Plant, Mr. Spencer explained there were two bids received for the lining of the sewer line that has now broken twice. Staff is recommending awarding the bid to Hydro-Klean, LLC in the amount of \$243,841.50, which was the lower bid received of the two.

Council Member Green made a motion, seconded by Council Member Scanlan to approve awarding the bid for the Sewer Main Lining Project at the Wastewater Treatment Plant to Hydro-Klean, LLC in the amount of \$243,841.50, “YEAS,” Colwell, Scanlan, Green, Lerma, and McKerrigan. “NAYS,” None. Absent: None.

Mr. Spencer approached Council regarding the renewal of Lease Agreements with Telecom West, Inc. for their wireless antenna systems on the Airport and Cemetery Water Towers. Mr. Spencer explained staff did checking to make sure we were competitive in pricing; the lease is for three years and approval is recommended. As far as terms in the Agreement, we are still using the internet at the Cemetery which amounts to \$75.00/ month, so the lease is \$150.00/month at that location and \$225.00 at the airport.

Council Member Scanlan moved, seconded by Council Member Lerma to approve the renewal of Lease Agreements with Telecom West, Inc. for their wireless antenna systems on the Airport and Cemetery Water Towers, “YEAS,” Green, Lerma, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Mayor McKerrigan started discussion on whether to interview any applicants for the City Manager position and if a Special Meeting should be scheduled to do so. She explained she added this to the agenda after each Council Member came in and met with Human Resources Director Cami Kite to review applications. She then stated there were three candidates that stood out and she would like Council’s thoughts on how they wish to proceed.

Council Member Colwell asked if the interviews would be in person or online. Mayor McKerrigan answered they are proposing to have them done by Zoom and added September 30th worked for the majority between the hours of 10:00 a.m. to 3:00 p.m. She also stated one Council Member would be traveling and would like to Zoom in as well. Legal Counsel Hadenfeldt explained that member could certainly listen, but not participate. Mayor McKerrigan then brought Human Resources Director Cami Kite forward to announce the top three candidates for City Manager.

Ms. Kite approached Council and stated the candidates in alphabetical order, Mr. Shawn Metcalf, Mr. Matthew Schmitz, and Mr. Kevin Spencer.

Council Member Colwell asked, if the three applicants are interviewed, are they then narrowed down to two and the public be able to meet them? Mayor McKerrigan answered yes, and at that time they would be asked to come in person.

Council Member Scanlan moved, seconded by Council Member Lerma to move forward with the interviews of the top three individuals on September 30th between 10:00 a.m. and 3:00 p.m., “YEAS,” Scanlan, McKerrigan, Lerma, Colwell, and Green. “NAYS,” None. Absent: None.

Under Council Reports, Council Member Colwell stated he attended the League of Nebraska Municipality meetings. He mentioned the City of Scottsbluff was the showcase City for the LB840 Committee presentation. He also stated there were updates on LB644 and good reminders from the audit presentation to review bank financials. Mayor McKerrigan added the State of the Valley is Wednesday, September 21st. City Clerk Wright reminded Council of the Special Meeting on Tuesday, September 27th at 6:00 p.m.

Council Member Scanlan moved, seconded by Council Member Lerma to adjourn the meeting at 6:26 p.m., “YEAS,” Lerma, Colwell, McKerrigan, Green, and Scanlan. “NAYS,” None. Absent; None.

Mayor

Attest:

City Clerk