

City of Scottsbluff, Nebraska

Monday, November 7, 2022

Regular Meeting

Item Consent1

Council to approve the minutes of the October 17, 2022 Regular Meeting.

Staff Contact: Kim Wright, City Clerk

The Scottsbluff City Council met in a regular meeting on October 17, 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 October 14, 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, television station NBC Nebraska, and the Star Herald. The notice was also available on the city's website on October 13, 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, 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.

Ms. Elizabeth Roberts came forward to give an update on Youth Council. Ms. Roberts informed of various happenings at the high school including apply to college day, fall sports, Homecoming, Old West Band competition and math club.

Moved by Council Member Green, seconded by Council Member Colwell,

- a) The minutes of the September 30, 2022 Special Meeting be approved,
- b) The minutes of the October 3, 2022 Regular Meeting be approved,
- c) A public hearing be set for November 7, 2022 at 6:00 p.m. to consider allowing retail as a qualifying business to the City of Scottsbluff LB840 Plan,
- d) A public hearing be set for November 7, 2022 at 6:00 p.m. to consider a Plat Vacation of Lots 1, 2, Part of Lot 3, and part of Lot 1A, Block 10 Imperial Subdivision,
- e) A public hearing be set for November 7, 2022 at 6:00 p.m. to consider a Plat Vacation of Lots 2A, 2, and 3A, Block 7, Fairway Estates,
- f) The absence of Council Member Lerma be excused from the October 3, 2022 Regular Meeting,
- g) The October 31, 2022 meeting be canceled as two regular meetings have already been held in the month of October,
- h) The claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated October 17, 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

ACTION COMMUNICATIONS INC.,VEHICLE MAINTENANCE-SAN,916.46; ADVANCE AUTO PARTS,LUBE & FUEL FILTER FOR D. TRUCK,86.95;ALLO COMMUNICATIONS,LLC,LOCAL

TELEPHONE CHARGES,4111.35;ANITA'S GREENSCAPING INC,GROUND MAINT,299; B & H INVESTMENTS, INC,DEP. SUP. -LIBRARY,506;BEST PLUMBING HEATING & COOLING,BLDG MAINT PARK,1064.53;BLUFFS FACILITY SOLUTIONS,LARGE AND X-LARGE NITRILE GLOVES,552.9;BROWN'SSHOEFIT,CO.,UNIFORMS&CLOTHING,187;BRUNZ,BRANDI,SCHOOL S & CONF-PD,80; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,70.04; CELLCO PARTNERSHIP,IPADS, CELL PHONES, TABLETS, GRIDSMART FOR TRANS.,1152.7; CITIBANK, N.A.,DEPT SUPP CEM,326.98; CITY OF GERING,DISPOSAL FEES-SAN,42813.75;CLARK PRINTING LLC,DEPT SUP,206.35;COMPUTER CONNECTION INC,CONTRACTUAL-PD,44; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,166.5;CONTRACTORS MATERIALS INC.,DEPARTMENTSUPPLIESSAN,3421.2;CORE&MAINP,DEPT SUP,2694.96;CREBUREAU OF COUNCIL BLUFFS,FEE & SCREENINGS - SEPT. 2022,100; CRESCENT ELECT. SUPPLY COMP INC,SUPP - FLUORESCENT BULBS,124.32;CROELL INC,CONCRETE FOR STREET REPAIR,3592.5;DON'S PIONEER UNIFORMS,CIP-BODY ARMOR,7482.68; DOOLEY OIL INC,55 GALLONS 5W - 40 OIL,1279.85;EAKES INC,DEP. SUP.,362.51;ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MAINTENANCE-SAN,111.38;ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,186;ESSENTIAL FUEL LLC STORE#003,VEHMAINTPD,280;FEDERALEXPRESSCORPORATION,POSTAGE,186.07;FLAGSHIP PUBLISHING INC,SBSCR.,44; FLOYD'S TRUCK CENTER SCOTTSBLUFF,VEHICLE MAINTENANCE-SAN,23515.66;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,760;FYR-TEK INC,ANNUAL PUMP TESTING - E1, E2, T1,1426.23; GALLS INC,CIP-BODY ARMOR,4567.05;GARTON,LYNN,SCHOOLS&CONF,55;HAWKINS,INC.,CHEMICALS,6728.43;HONEY WAGON EXPRESS,CONTRACTUAL,450; IDEAL LAUNDRY AND CLEANERS, INC.,DEPARTMETN SUPPLIES-SAN,510.24; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,58.8;INFINITY CONSTRUCTION, INC.,CONTRACTUAL SVC,708.81;INGRAM LIBRARY SERVICES INC,COLL.,1036.79; INTERNAL REVENUE SERVICE,WITHHOLDINGS,73479.88;INTRALINKS,INC,CONTRSERVSEPT2022,9967.5;INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL SVC,121.85; J G ELLIOTT CO.INC.,BOND RENEWAL - E.LOUTZENHISER,875; JUSTIN HOUSTOUN,REIMBURSEMENT FOR HAZMAT PHYSICAL PER CONTRACT,42.81; KNOW HOW LLC,OIL DRY,2047.49; KRIZ DAVIS,DEPT SUP,194.88;KUSTOM SIGNALS, INC,EQUIP MAINT-PD,23.68;LEAGUE ASSOCIATION OF RISK MANAGEMENT,WCDeduct.9/30/22,2205.48;LEAGUEOFNEBRASKAMUNICIPALITIES,CONFERENCE-JORDANCOLWELL,616;LEE BHM CORP,PUBLISHING,887.03; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100;M.C. SCHAFF & ASSOCIATES, INC,PROF.SERV. - SEPT 2022,3675.5; MACQUEEN EQUIPMENT INC,EQUIP MAINT,11150.42; MADISON NATIONALLIFE,INSURANCE,3198.82;MATHESONTRIGASINC,RENTMACHINES,64.62;MENARDS, INC,GROUND MAINT PARK,1666.61;MIDWEST CONNECT, LLC,UB PROCESSING - SEPTEMBER 2022,1860.42;MOBIUS COMMUNICATIONS COMPANY,ACCESS CONTROL SYSTEM - CITY HALL DOORS,6498.46;MUNIMETRIX SYSTEMS CORP,IMAGESILO - SEPTEMBER 2022,39.99;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1170.1;NE DEPT OF REVENUE,LODGING TAX SEPT 2022,224.15; NE LIBRARY COMMISSION,SBSCR.,1455.6;NEBRASKA INTERACTIVE, LLC,DRIVERS LIC REQ. - SEPT. 2022,15; NEBRASKA MUNICIPAL POWER POOL,CONTRACTUAL SVC,7895;NEBRASKA PUBLICPOWERDISTRICT,ELECTRIC,41813.92;NEBRASKARURALRADIOASSOCIATION,KNEB INTERNET AND TV PSAs,950;NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,EQUIP MAIN.,528; NEBRASKA STATEWIDE ARBORETUM,AFFILIATE SITE DUES FOR DOWNTOWN

GARDENS,130;NEBRASKALAND TIRE, INC,VEHICLE MAINT,80.99;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,173.83;OCLC ONLINE COMPUTER LIBRARY CENTER, INC, CONT. SRVCS., 404.05; ONE CALL CONCEPTS, INC, CONTRACTUAL, 218.24;PANHANDLECOOPERATIVEASSOCIATION,FUEL,4003.07;PANHANDLEENVIRONMENTAL SERVICES INC,SAMPLES,237;PANHANDLE PUBLIC HEALTH DISTRICT,CDBG 20HO31041 LEAD BASED PAINT,14000; PATTLEN ENTERPRISE, INC,EQUIP MAINT PARK,263.12;PLATTEVALLEYBANK,HEALTHSAVINGSACCOUNT,9110.98;POWERPLAN,EQUIP MAINT,343.74; QUILL CORPORATION,DEPT SUPPL-PD,472.22; RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,626.68;REAMS SPRINKLER SUPPLY CO.,DEPT SUPP CEM,888.76; REGIONAL CARE INC,CLAIMS,36706.05;REGIONAL WEST MEDICAL CENTER,GAUZE FOR MED BAG,1.16; REGISTER OF DEEDS,LEGAL,90; REZPLOT SYSTEM LLC,CONTRACTUAL PARK,159; RIGHT BRAIN UNLIMITED,DEPT SUPP PARK,501.43; ROOSEVELT PUBLIC POWERDISTRICT,ELECTRICPOWER,3121.66;SME C,EMPLOYEE DEDUCTION,159;SANDBERG IMPLEMENT, INC,EQUIP MAINT PARK,818.31;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,260;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,384.23; SCOTT WALTON,EQUIP MAINT,180.45; SCOTTIES POTTIES INC,CONTRACTUAL,625; SCOTTS BLUFF COUNTYCOURT,LEGALFEES-PD,105;SCOTTSBLUFFPOLICEOFFICERSASSOCIATION,POLICE EE DUES,936; SCOTTSBLUFF PUB SCHOOLS,LICENSE FEES - 9/30/22,11252.5;SCOTTSBLUFF SCREENPRINTING&EMBROIDERY,LLC,UNIFORMS-PD,22;SCOTTSBLUFF/GERINGCHAMBER OF COMMERCE,STATE OF THE VALLEY LUNCHEON,180;SEILER INSTRUMENT MFG. CO., INC,GPS UNIT AND BATTERY,721.08; SHERWIN WILLIAMS,GROUND MAINT PARK,59.45; SIMMONSOLSENLAWFIRM,P.C.,CONTRACTUAL,13844.29;SIMONCONTRACTORS,CONCRETEFORSTREETREPAIR,5100.1;SOUNDSLEEPERSECURITYINC.,CONTRACTUALPD,14.95;SPECIALINVESTIGATIONS ENLOW,INVEST SUPPL-PD,327.57;SUHOR INDUSTRIES, INC.,DEPT SUPP CEM,180;UNSET LAW ENFORCEMENT, LTD,FIREARMS SUPPL-PD,1614.24;TERRY D SCOTT,VEHICLE MAINT PARK,1001.43; THE PEAVEY CORP,INVEST SUPPL-PD,504.33; THOMPSON GLASS, INC,BUILDING MAINT,51.29; TWIN CITY AUTO, INC,CABLE & CABLE ASSY FOR PLOW,130.16; TYLER TECHNOLOGIES, INC,TRANS.FEE 7/1/22 - 9/30/22,3552.5; U AND U TRUCKING LLC,CONTRACTUAL SERVICES-SAN,1102;UNION BANK & TRUST,RETIRMENT,42981.85; US BANK,MEMBERSHIP,707;VERIZON CONNECT FLEET USA LLC,GPS SERVICE,340.61;WEBER TYLER,SCHOOLS & CONF-PD,80;WESTERN COOPERATIVE COMPANY,GROUNDMAINTPARK,4875.6;WESTERNCOOPERATIVECOMPANY,DEPARTMENT SUPPLIES-SAN,2282.7; WEX BANK,DIESEL/UNLEADED FUEL-SAN,30531.37;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,771; REFUNDS; CHANCEE SENTELLE, 115.78

Mayor McKerrigan opened the public hearing at 6:04 p.m. to receive a report from the LB840 Citizen Review Committee.

Ms. Starr Lehl, Economic Development Director, approached Council and explained the Citizen's Advisory Review Committee met on October 6th and the minutes of that meeting have been included in the packet for their review. In addition, Ms. Lehl stated all the business reports have been in compliance with the executed agreements, but there was one modification to an agreement brought forward that was due to an affiliate corporation transfer change, which is Eaglemed, LLC to Guardian Flight, LLC. She also informed Council, at the next meeting, a public hearing will be held to discuss adding retail to the LB840 plan.

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

Council introduced the Ordinance to approve the proposed Ordinance Text Changes to Chapter 25 Article 19, Article 12, Article 15 and Article 3 regarding the Floodplain Overlay Zone and was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 25, ARTICLE 19, SECTIONS 1 THROUGH 26 DEALING WITH FLOODPLAIN OVERLAY ZONE, REVISING CHAPTER 25-12-11, 25-12-12 AND 25-12-14, TO REFER TO THE FLOODPLAIN OVERLAY ZONE, AMENDING CHAPTER 25-12-13 TO CONFORM WITH THE NEW PROVISIONS OF THE FLOODPLAIN OVERLAY ZONE, AMENDING CHAPTER 25-15-27 TO REFER TO THE FLOODPLAIN OVERLAY ZONE AND ITS AMENDMENTS, AND REPEALING CHAPTER 25-3-22 REFERRING TO A FLOODPLAIN ZONING DISTRICT, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council Member Scanlan, representing the Downtown Scottsbluff Association, presented the Community Festival Permit for the Downtown Christmas Parade on Broadway, November 27th from 4:00-8:00 p.m. Ms. Scanlan explained they will not be able to use the Plaza due to the ongoing construction, but mentioned The Emerald Center had brought forward discussion of having an outdoor market that night encompassing vendors, firepits, photos, etc. Concerning the parade, it will start at the Bluffs Middle School Parking lot and head south down Broadway, turning off on 15th Street. The Midwest Theatre will have Santa and the Grinch available for photos as well.

Council Member Colwell moved, seconded by Council Member Green to approve the Community Festival Permit for the Downtown Christmas Parade 2022 on Broadway, sponsored by the Downtown Scottsbluff Association on November 27, 2022 from 4:00-8:00 p.m., including street closure, vendors, and noise permit. Before roll was taken, Council Member Green asked if Ms. Scanlan had a conflict of interest since she belongs to the group that is sponsoring the parade. Legal Counsel Hadenfeldt then asked Ms. Scanlan if she could have any potential financial gain on her behalf that is separate and apart from any other member of the public that is along the parade route? Ms. Scanlan answered no. Mayor McKerrigan then asked to call the roll, "YEAS," Green, Scanlan, McKerrigan, and Colwell, "NAYS," None. Absent: Lerma.

Interim City Manager Spencer approached Council regarding the renewal of existing Sewer Cleaning and Fire Hydrant Maintenance Agreements. Mr. Spencer stated there are seven Agreements where the City provides service to others with sewer cleaning. The cost is set forth in the City's Municipal Code where emergency cleaning is performed at \$350.00/hour. The eighth Agreement is for fire hydrant maintenance and the work is performed for the cost of labor, equipment and materials. The Agreements are for three years and would continue under the same terms and conditions as in the past.

Council Member Scanlan made a motion, seconded by Council Member Green to approve the renewal of existing Sewer Cleaning and Fire Hydrant Maintenance Agreements and authorize the Mayor to sign the Agreements for another three year term, "YEAS," Scanlan, McKerrigan, Colwell, and Green. "NAYS," None. Absent: Lerma.

Ms. Starr Lehl, Economic Development Director, presented the Economic Development Assistance Agreement with Mesner Development Co., explaining they are a housing development company looking to purchase five lots across the street from city hall. Ms. Lehl stated during the LB840 Committee meeting a quorum was not held to be able to give a recommendation, but there were many positive comments regarding the development. The applicant is asking for \$50,000; \$10,000 per lot to help with the buydown cost.

Mr. Chris Lenz with Mesner Development Co., approached Council and stated they are working with a realtor and wanting to close on the property before it gets cold. They have an Agreement with TCD to use Rural Workforce Housing monies, anticipating the cost of the homes to run approximately \$230,000-\$250,000. The homes run around 1500 square feet, two bedrooms, two baths including a two-car garage. He also stated the assistance they are asking for tonight is contingent on the homes being built; they will receive a Certificate of Occupancy from the city before the money is released and all the work done will be local.

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

Regarding the letter asking for an extension to complete the Owner-Occupied Rehabilitation Project for the City of Scottsbluff, Ms. Starr Lehl, Economic Development Director, explained the CDBG Block grant for Owner-Occupied Rehab Housing expires in November and not all of the money has been spent of the \$732,000 that was awarded to the city. This grant is earmarked for low to moderate income families who own their homes and the big reason for the extension is due to a shortage of contractors and materials to complete the projects.

Council Member Colwell moved to approve the letter asking for an extension to complete the Owner-Occupied Rehabilitation Project for the City of Scottsbluff and also authorize the Mayor to sign the letter. The motion was seconded by Council Member Green. "YEAS," McKerrigan, Green, Colwell, and Scanlan. "NAYS," None. Absent: Lerma.

Under Council Reports, Council Member Colwell stated there is a 911 Committee Meeting tomorrow, October 18th. Mayor McKerrigan added she and Mr. Spencer went to an Aquatics meeting, there is Tri-City Active Living Committee meeting on October 18th as well as Coffee with a Cop at Taco De Oro and the ground breaking ceremony for the 18th Street Plaza.

Council Member Colwell moved, seconded by Council Member Scanlan to adjourn the meeting at 6:19 p.m., "YEAS," Colwell, Scanlan, Green, and McKerrigan. "NAYS," None. Absent: Lerma.

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Mayor

Attest:

City Clerk