

# **City of Scottsbluff, Nebraska**

**Monday, November 21, 2022**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the November 7, 2022 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on November 7, 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 November 4, 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 November 3, 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 Selina Lerma. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Kevin Spencer. Absent: Angela Scanlan. 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 Colwell, seconded by Council Member Green,

- a) The minutes of the October 17, 2022 Regular Meeting be approved,
- b) The absence of Council Member Lerma be excused from the October 17, 2022 Regular Meeting,
- c) The appointments of Monica Chandler and Rebecca Shields to the Business Improvement Board for three-year terms be approved,
- d) The Interim City Manager's appointment of Jerry Stricker to the Planning Commission for a three-year term be approved,
- e) The bid specifications for the modifications of the HVAC Systems and appurtenances for the Library for the City of Scottsbluff and authorizing the city clerk to advertise for bids to be received by November 29, 2022 at 1:00 p.m. be approved,
- f) The claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated November 7, 2022, as on file with the City Clerk and submitted to the City Council, "YEAS," Colwell, Green, Lerma, and McKerrigan. "NAYS," None. Absent: Scanlan.

#### CLAIMS

3M COMPANY,5 GALLONS ADHESIVE FOR PAVEMENT TAPE,326.28; AC ELECTRIC MOTOR SERVICE,BUILDING MAINT,1019.88;ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4087.36;AMAZON.COM HEADQUARTERS,MISC.,627.55;AMERICAN PLAYGROUND COMPANY,KENO,6293;AMERICAN WATER WORKS ASSOCIATION,MEMBERSHIPS,222; ANDERSON FORD INC,CIP-PATROL CARS,69294; ANITA'S GREENSCAPING INC,EQUIP. MAIN.,299; ASCHENBRENNER ERIN,EQUIP. MAIN.,111.91;AUTOZONE STORES,

INC,STEERING DAMPER - BRUSH 1,62.08; B & H INVESTMENTS, INC,DEP. SUP. - LIBRARY,423.76; BAKER & ASSOCIATES INC,LIGHTING - 23 CLUB - PHASE 3,1061.45; BEST PLUMBING HEATING & COOLING,EQUIP MAINT PARK,146.6;BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,1068.66;BLUFFS FACILITY SOLUTIONS,JAN. SUP.,764.05;BRIDGECREST ACCEPTANCE CORPORATION,CONTRACTUAL-PD,2734.4; BROWN'S SHOE FIT, CO.,UNIFORMS & CLOTHING,199.75;CAPITAL BUSINESS SYSTEMS INC.,CONT.SRVCS.,372.41;CARRTRUMBULLLUMBERCO,INC.,SUPPLHORSEHOESHED,42.58;C ASCADEAUTOMATIONINC,EQUIPMAINT,3532.38;CELLCOPARTNERSHIP,CELLPHONESPD,20 19.82; CENTER POINT INC,COLL.,1725.84;CITIBANK N.A.,DEPT SUPP PARK,409.49; CITIBANK,N.A.,DEPTSUP,746.89;CITYOFSCB,POSTAGE/DEPTSUPP/LEGALFEESPD,140.07;CM FENCING,CONTRACTUALSVC,424.79;COLONIALLIFE&ACCIDENTINSURANCECOMPANY,IN SURANCE,22.75;COMPUTER CONNECTION INC,EQUIP MAINT-PD,206.49;CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,249.3; CONTINUUM EAP,EAP SERVICES 10/1/22 - 9/30/23,5000;CONTRACTORS MATERIALS INC.,SUPP - SAND BAGS,159.29;CORE & MAIN LP,DEPT SUP,9444.11;CRESCENT ELECT. SUPPLY COMP INC,DEPT SUP,1020.79;CROELL INC,HORSESHOE PIT,8082.97;DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,116.44;DOOLEY OIL INC,DEPARTMENT SUPPLIES-SAN,4105.35; ECKERBERG, PHILIP,SCHOOLS & CONF-PD,225; ELIZABETH LOUTZENHISER,GREAT PLAINS GFOA CONF EXPENSE,567.5;ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,186;FAT BOYS TIRE AND AUTO,EQUIP MAINT CEM,223.4;FEDERAL EXPRESS CORPORATION,POSTAGE,458.65;FINDAWAY WORLD LLC,COLL.,44.99;FLOYD'S TRUCK CENTER SCOTTSBLUFF,DEPARTMENT SUPPLIES-SAN,6299.09; FRANCISCO'S BUMPERTOBUMPERINC,TOWSERVICEPD,1000;GERINGMULITPURPOSESENIORCENTER,CO NTRACTUAL,1000; GRAY TELEVISION GROUP INC,NBC NEBRASKA - TV ADS,2104.99;GREENING ENTERPRISES INC.,HELMETS,4354.94; GREENKEEPER COMPANY, INC,DEPT SUPP CEM,6171; HAWKINS, INC.,CHEMICALS,2396.53; HULLINGER GLASS & LOCKS INC.,BLDG MAINT,46.5;IDEAL LAUNDRY AND CLEANERS, INC.,JAN SUP.,483.36; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,286.91;INGRAM LIBRARY SERVICES INC,COLL.,463.67;INLAND TRUCK PARTS & SERVICE,CRANK CASE FILTERENGINE1,1372.41;INTERNALREVENUESERVICE,WITHHOLDINGS,70545.41;INTRALIN KS, INC,NEW SWITCHES - ADMIN BLDG,7392.38; J G ELLIOTT CO.INC.,NOTARY BOND-PD,70; JOHN DEERE FINANCIAL,HI-LIFT JACK - BRUSH 1,477.51;JOHN DEERE FINANCIAL,EQUIP MAINT PARK,713.47; JOHN DEERE FINANCIAL,EQUIP MAINT CEM,116.7;JULIUS D KONCABA,VEHICLE MAINT,1523.92; KEEP SCOTTSBLUFF-GERINGBEAUTIFUL,TRI-CITYSTORMWATER CONTRACT PAYMENT,11509.8; KRIZ DAVIS,SUPP - FUSES,11.48; LAWSON PRODUCTS, INC,DEPT SUPPLIES,219.61; LEAGUE OF NEBRASKA MUNICIPALITIES,MEMBERSHIPS,3217; LEAL NOHEMI,CONSULTING-PD,70;LINCOLN JOURNAL STAR,PUBLICATIONS-PD,511.99; LOGAN CONTRACTORS SUPPLY INC,DETACK SURFACE TACK,355.1; LOMBARD MATTHEW,UNIFORMS-PD,129.5;M.C. SCHAFF & ASSOCIATES, INC,PROF SERV - 18TH ST. PLAZA IMPROV.,34012.25; MACQUEEN EQUIPMENT INC,SWEEPER PARTS - FILTERS & SIDE SKIRT,515.68;MARK CHRISMAN TRUCKING INC,18TH ST. PLAZA IMPR PROJ.,54693.37; MARSHA GREEN,TREE REBATE,150; MATHESON TRI-GAS INC,ARGON GAS FOR WELDING,124.65;MATTHEW M. HUTT,CONTR.SERVICES,900;MATTHEW R SCHMITZ,EXPENSE - CITY MGR. INTERVIEW,1089.63; MENARDS, INC,DEPT SUP,3744.8;MICHAEL B KEMBEL,BUILDING

MAINT,121.87;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1170.1; NE DEPT OF REVENUE,WITHHOLDINGS,46689.7;NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF-PD,194.25;NEBRASKA MACHINERY CO,RENT - MACHINES,1250.28;NEBRASKA PRINTWORKS, LLC,CONTRACTUAL SVC,1539.59; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,11191.26;NEBRASKA STATE TREASURER'S OFFICE,UNCLAIMED PROPERTY,932.08;NEBRASKALAND TIRE, INC,VEH MAINT-PD,944.12;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,704.03;ONE CALL CONCEPTS, INC,CONTRACTUAL,145.92;OREGON TRAIL COMMUNITY FOUNDATION, INC,2022 OLD WEST BALLOON FEST,10258;PAIGE'S POSIES,SEPTEMBER GARDEN MAINTENANCE - BID,8100;PANHANDLE AREA DEVELOPMENT DISTRICT,FY 2022/2023 PADD MEMBERSHIP,12703.68;PANHANDLE CONCRETE PRODUCTS, INC,SIGN BASES W/PIPE,1388; PANHANDLE ENVIRONMENTAL SERVICESINC,SAMPLES,300;PANHANDLEHUMANESOCIETY,CONTRACTUAL,5656.07;PANHANDLE REGIONAL DEVELOPMENT, INC.,MEMBERSHIP,50; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10331.09;POMPS TIRE SERVICE INC,VEHICLE MAINTENANCE-SAN,4790.26; POWERTECH LLC,EQUIP MAINT,2015;PRO OVERHEAD DOOR,BUILDING MAINTENANCE-SAN,441.25; PROTEX CENTRAL, INC.,CONTRACTUAL SVC,324;PT HOSE AND BEARING,EQUIP MAINT,61.29;QUADIENT LEASING USA INC,CONT. SRVCS.,390.35;QUILL CORPORATION,DEPT/INVEST SUPPL-PD,449.1;REAMS SPRINKLER SUPPLY CO.,DEPT SUPP CEM,1277.17; REGIONAL CARE INC,MEDICAL CLAIMS 10/28/22,128307.34;REVIZE LLC,WEBSITE REDESIGN,4596; RICHARD W. DAVIS,LEADERSHIP TRAINING,2125;RIDGECREST PRODUCTS INC,UNIFORMS-PD,583; ROCKSTEP SCOTTSBLUFF LLC,OC. TAX 9-30-22,56261.52;ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,2649.77; RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,391.27;S M E C,EMPLOYEE DEDUCTION,159;SANDBERGIMPLEMENT,INC,EQUIPMENT-SAN,31707.23;SCBFIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,260; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,384.23; SCOTT WALTON,EQUIP MAINT PARK,940.19;SCOTTIES POTTIES INC,CONTRACTUAL,475; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,936; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,2021 SERVICE AWARDS,525;SCOTTSBLUFF WINSUPPLY COMPANY,GROUNDS MAINT.,99.62;SHERIFF'S OFFICE,LEGAL FEES-PD,157.32; SIMON CONTRACTORS,DEPT SUPP CEM,841.31;SNELL SERVICES INC.,ELECTRICAL MAINT,65.3; STANARD & ASSOCIATES INC.,FIREFIGHTER EXAM 9/9/22,1014.5; STATE HEALTH LAB,SAMPLES,2669;STATE OF NE.,CONTRACTUAL-PD,1050;TERRY D SCOTT,VEHICLE MAINT,1947.64;TORRINGTON SOD FARMS,GROUND MAINT PARK,2302; U AND U TRUCKING LLC,CONTRACTUAL SERVICES-SAN,1102;UNION BANK & TRUST,RETIREMENT,41504.09; UNITED STATES WELDING,CONTRACTUAL SERVICES-SAN,49.8; US BANK,GO HWY ALLOC BONDS 2020,889705;US BANK,MAX OUTDOOREQP.AERATORPARTS,6061.72;WALMART,LAUNDRYDETERGENT,139.12;WESTERN NE TOURISM COALITION,MEMBERSHIP,125;WESTERN PATHOLOGY CONSULTANTS, INC,DOT TESTING - SEPTEMBER 2022,126;WEX BANK,DIESEL/UNLEADED FUEL-SAN,30369.59;WHITING SIGNS,SIGNS - PIONEER LEGENDS DISC GOLF,1032;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08;ZM LUMBER CO CAPITAL ONE TRADE CREDIT,GROUND MAINT PARK,73.71; REFUNDS; HERBERT BERRY, 133.66; FRED REICHERT, 5.76; TRACY E STEELE, 32.59

Mayor McKerrigan opened the public hearing at 6:03 p.m. to consider allowing retail as a qualifying business to the City of Scottsbluff LB840 Plan.

Ms. Starr Lehl, Economic Development Director, approached Council and presented a power point regarding the subject. She highlighted key points in the presentation, one being that LB840 funds could only be used in the Business Improvement District. She did mention, however, they currently have approximately 50 vacant spaces available and as those business buildings fill up, they would like to extend that to include the redevelopment area as well.

She went on to add that the maximum assistance a business could receive is \$10,000 or 50% of the project, whichever is less. Also, the applicant must have a minimum of 10% monetary investment and have other financing involved in the project.

Ms. Lehl commented that the benefits of adding retail to the plan is countless, explaining one such benefit is workforce attraction and retention. People will want to stay in town and shop and the appeal of being able to work parttime is one of the advantages of retail.

She concluded the presentation by informing Council the goal of both the Citizen Advisory and Application Review Committees is to create a vibrant business district in the city and stated both send a positive recommendation to add retail to the LB840 plan.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:09 p.m.

Mayor McKerrigan opened the public hearing at 6:12 p.m. to consider a Plat Vacation of Lots 1, 2, Part of Lot 3, and Part of Lot 1A, Block 10 Imperial Subdivision.

Mr. Zach Glaubius, Planning Administrator came forward and explained this is related to the Orphan Motors replat that Council approved in September; and with that Lot 1B was also vacated. The Scotts Bluff County Register of Deeds has requested further vacations of this land for ease of record keeping and the Planning Commission did review and sent a positive recommendation on the approval of the Plat Vacation at their meeting. Mr. Glaubius also requested that since the request has already been approved, staff would like to waive the three readings of the Ordinance that will be presented later in the agenda.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:13 p.m.

Mayor McKerrigan opened the public hearing at 6:14 p.m. to consider the Plat Vacation of Lots 2A, 2, and 3A, Block 7, Fairway Estates.

Mr. Glaubius approached Council to explain this is a Plat Vacation for lots up by the Country Club. The lots have been replated twice and exceed the permitted two replates per Municipal Code 21-1-68. Because of this, the plat needs to be vacated to replat due to the landowner wanting to split off the eastern half to sell the property. The Planning Commission made a positive recommendation on the approval of the Plat Vacation at their meeting and since it is a small replat, staff is asking to waive the three readings of the Ordinance.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:14 p.m.

Council introduced the Ordinance to consider allowing retail as a qualifying business to the City of Scottsbluff LB840 Plan and was read by title on first reading: **AN ORDINANCE AMENDING THE SCOTTSBLUFF ECONOMIC DEVELOPMENT PLAN TO PROVIDE FOR RETAIL AS A QUALIFYING BUSINESS WITHIN A BUSINESS IMPROVEMENT DISTRICT.**

Council introduced the Ordinance to consider a Plat Vacation of Lots 1, 2, Part of Lot 3, and Part of Lot 1A, Block 10 Imperial Subdivision and was read by title on first reading: **AN ORDINANCE OF**

**THE CITY OF SCOTTSBLUFF, NEBRASKA VACATING PART OF LOT 1A, BLOCK 10, IMPERIAL SUBDIVISION, AND LOT 1, LOT 2 AND PART OF LOT 3, BLOCK 10, IMPERIAL SUBDIVISION ADDITIONS TO THE CITY OF SCOTTSBLUFF, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council Member Green made a motion that the statutory rule regarding the Plat Vacation of Lots 1, 2, Part of Lot 3, and Part of Lot 1A Imperial Subdivision to be read by title on three different days be suspended. The motion was seconded by Council Member Lerma, “YEAS,” Green, Lerma, McKerrigan, and Colwell. “NAYS,” None. Absent: Scanlan.

Council Member Colwell moved, seconded by Council Member Green to adopt Ordinance No. 4291 approving the Plat Vacation of Lots 1, 2, Part of Lot 3, and Part of Lot 1A Imperial Subdivision, “YEAS,” McKerrigan, Lerma, Colwell, and Green, “NAYS,” None. Absent: Scanlan.

**Council introduced the Ordinance to consider a Plat Vacation of Lots 2A, 2, and 3A, Block 7, Fairway Estates and was read by title on first reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA VACATING LOT 2A, BLOCK 7, FAIRWAY ESTATES, AND LOT 2 AND LOT 3A, BLOCK 7 FAIRWAY ESTATES, LOCATED IN SCOTTSBLUFF COUNTY, NEBRASKA, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council Member Colwell moved that the statutory rule regarding the Plat Vacation of Lots 2A, 2, and 3A, Block 7, Fairway Estates to be read by title on three different days be suspended. Council Member Lerma seconded the motion, “YEAS,” Lerma, Colwell, McKerrigan, and Green. “NAYS,” None. Absent: Scanlan.

Council Member Green made a motion, seconded by Council Member Colwell to adopt Ordinance No. 4292 regarding the Plat Vacation of Lots 2A, 2, and 3A, Block 7, Fairway Estates, “YEAS,” McKerrigan, Green, Colwell, and Lerma. “NAYS,” None. Absent: Scanlan.

**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 third 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 Colwell moved, seconded by Council Member Green to adopt Ordinance No. 4293 approving the proposed Ordinance Text Changes to Chapter 25 Article 19, Article 12, Article 15 and Article 3 regarding the Floodplain Overlay Zone, “YEAS,” Colwell, Green, Lerma, and McKerrigan. “NAYS,” None. Absent: Scanlan.

Mr. Zach Glaubius, Planning Administrator, approached Council regarding the Preliminary and Final Plat of Lots 1 & 2, Block 1, Morgan Subdivision. He stated at the October Planning Commission meeting they made a positive recommendation on the approval of the Preliminary and Final Plat of the Morgan Subdivision, stating items in the replat include that Avenue C will not continue to 27<sup>th</sup> Street and

there needs to be the construction and dedication of a cul de sac according to City Code 21-1-18. Mr. Glaubius also informed Council the landowner does not intend to develop the northern lot adjoining the cul de sac and has proposed a contract for public improvements which would require the infrastructure be built prior to the issuance of a building permit. Also, one lot is zoned residential, the other commercial.

Mr. Phillip Kelly, Attorney, representing Dr. Morgan, the landowner, came forward to answer questions from Council. Mr. Kelly explained Lot 1 on 27<sup>th</sup> Street is sold pending after the approval tonight of the final plat. A retail establishment has purchased the property and his client is not involved in the development. His client is also not planning on developing the residential lot at this time.

Councill Member Colwell moved, seconded by Council Member Lerma to approve the Preliminary & Final Plat of Lots 1 & 2 Block 1, Morgan Subdivision and authorize the Mayor to sign Resolution No. 22-11-01 and the Contract for Public Improvements, "YEAS," McKerrigan, Lerma, Colwell, and Green. "NAYS," None. Absent: Scanlan.

**RESOLUTION NO. 22-11-01**

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

**WHEREAS, BE IT RESOLVED,** the Final Plat of Lot 1, Block 1, Morgan Subdivision, a Replat of part of the East 66 feet of the South 66 feet of Tract 11, Goos Tracts, and part of Lot B Goos Tracts, a Replat of part of Tract 7 and all of Tract 8, Goos Tracts, and Lot 2, Block 1, Morgan Subdivision a Replat of part of the East 66 feet of the South 66 feet of Tract 11, Goos Tracts, part of the North 132 feet of Tract 11, Goos Tracts, and part of Lot B, Goos Tracts, a Replat of part of Tract 7 and all of Tract 8 Goos Tracts, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in part of the Northeast Quarter of Section 26, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska, dated October 25, 2022 duly made, acknowledged and certified, is approved along with the condition that a Contract for Public Improvements be signed by the Owner and approved by the City Council for construction of a portion of Avenue C, sign and submit a Deed of Trust to secure the cost of the construction, and the Mayor is authorized to sign the Final Plat on behalf of the City of Scottsbluff, Nebraska. Such Final Plat and related documents are ordered to be filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 7th day of November, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Mr. Glaubius presented the Agricultural Estate Dwelling Site from KEB Farms, Inc. for property located at 80436 County Road 24. Mr. Glaubius explained it complies with the requirements for AEDS

as it meets the minimum size, including width; the Planning Commission made a positive recommendation at their meeting.

Council Member Lerma made a motion, seconded by Council Member Colwell to approve the Agricultural Estate Dwelling Site from KEB Farms, Inc. and authorize the Mayor to sign the Certificate, "YEAS," Lerma, Colwell, McKerrigan, and Green, "NAYS," None. Absent: Scanlan.

Mr. Alan Beiermann with Nebraska Public Power District came forward to give an update on the 115kV transmission line project. Mr. Beiermann started by explaining the benefits of increasing the transmission system capacity, stating this project will meet the electrical demand, reduce congestion and further enhance reliability and resiliency of the system.

He informed Council at the first open house 57 people attended with 111 virtual attendees, commenting that shows good interest in the project by the community and they are very pleased. In addition, they were able to track the top three criteria the team should prioritize when narrowing down the route segments and the results of that were; 1) Residences/homes; 2) Agriculture; and 3) Commercial/Industry. He added they will have another open house this month, they will then go through the criteria again and end with a public hearing in early 2023.

In conclusion, Mr. Beiermann explained they will need to file an application with the Nebraska Power Review Board. This application needs to be approved before the project can be completed and requires the Mayor to sign a consent waiver form that states the City supports the project for the community.

Ms. Sharaya Toof, Small Business Outreach/Public Relations Coordinator, approached Council regarding the Community Festival Permit for "Small Business Saturday Food Trucks" on November 26, 2022 from 11:00 a.m. to 2:00 p.m. Ms. Toof explained they are going to mirror what they did in July with Sidewalk Sales by having food trucks park downtown in parking spots approved by business owners. She added this helps keeps people downtown longer making it a great event.

Council Member Colwell made a motion to approve the Community Festival Permit for "Small Business Saturday Food Trucks" on November 26, 2022 from 11:00 a.m. to 2:00 p.m. to include food vendors and noise permit. The motion was seconded by Council Member Lerma. "YEAS," McKerrigan, Green, Colwell, and Lerma. "NAYS," None. Absent: Scanlan.

Ms. Celeste and Mr. Denzel Salazar came forward regarding a Community Festival Permit for the Emerald Center, LLC for The Emerald Christmas Market on November 27<sup>th</sup>. Ms. Salazar explained they would like to close down West 16<sup>th</sup> Street as they plan on having craft and food vendors and also live reindeer. Ms. Salazar stated with this event they would like to include selling alcohol and asked if the City would be able to help with the fencing required to obtain the Special Designated Liquor License. Interim City Manager Spencer stated it would be up to Mr. and Mrs. Salazar to obtain the cattle panels to meet the requirements of the liquor commission. Ms. Salazar then asked if they could modify their Community Festival Permit to close West 16<sup>th</sup> street at 2:00 p.m. rather than 3:00 p.m., that was originally requested. Mr. Spencer answered he did not have a problem with that, the application would have to be amended and the approval would have to reflect the 2:00 p.m. setup. Mr. Salazar then asked if they needed to continue to use the orange barricades like they have done in the past. Mr. Spencer stated yes, the City would provide those.

Council Member Green moved to approve the Community Festival Permit for the Emerald Market, LLC for The Emerald Christmas Market on November 27, 2022 to incorporate the amended time of 2:00 p.m. to 10:00 p.m. including vendors, street closure of West 16<sup>th</sup> Street and noise permit. The motion was seconded by Council Member Colwell, "YEAS," Colwell, Green, Lerma, and McKerrigan. "NAYS," None. Absent: Scanlan.

Ms. Tammy Cooley with Racks Sports Bar, LLC presented the Special Designated Liquor License to serve distilled spirits at The Emerald Christmas Market on November 27, 2022 from 5:00 p.m. to 9:00 p.m. Ms. Cooley explained they would have a booth where they would sell hot chocolate and apple cider for the children and alcoholic beverages for the adults. They will use different colored cups for the beverages and will card, ID and wristband at point of sale. Ms. Cooley also stated she will make sure the fencing and barricades are approved by the liquor commission, adding they plan on having one point of entry which will be monitored.

Council Member Lerma moved, seconded by Council Member Green to approve the Special Designated Liquor License for Rack's Sports Bar, LLC to serve distilled spirits at The Emerald Christmas Market on November 27, 2022 from 5:00-9:00 p.m., "YEAS," Green, Lerma, McKerrigan, and Colwell. "NAYS," None. Absent: Scanlan.

Ms. Andrea Margheim representing Flyover Brewing Company approached Council regarding a Special Designated Liquor License to serve beer, wine and distilled spirits at the Very Merry Christmas Market on December 3, 2022 from 11:00 a.m. to 6:00 p.m. Ms. Margheim stated because of the construction at the 18<sup>th</sup> Street Plaza the event is being held in the street between the 1600-1800 blocks of Broadway. She added they will be located in the 17<sup>th</sup> Street intersection and the fencing is already provided with the street closure. They plan on having a mulled wine and hot apple cider. There will be no other beverages and patrons will have to show ID and wear a wristband.

Council Member Colwell moved, seconded by Council Member Lerma 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 Very Merry Christmas Market on December 3, 2022 from 11:00 a.m. to 6:00 p.m., "YEAS," McKerrigan, Lerma, Colwell, and Green. "NAYS," None. Absent: Scanlan.

Ms. Starr Lehl, Economic Development Director, came forward regarding the amended Economic Development Assistance Agreement with Prime Metal Products, Inc. Ms. Lehl explained they are requesting an early release of funds and included in the packet is a letter asking for the remaining \$250,000 of grant monies, due to increased receivables and inventory. The disbursement was scheduled to be paid out in January of 2023.

Mr. Herb Gibson with Prime Metal Products, Inc. came forward and explained they are waiting on pending funds from the State and that is the reason for the request. He added sales are great and they are above 50 employees.

Council Member Colwell made a motion to approve the amended Economic Development Assistance Agreement with Prime Metal Products, Inc. and authorize the Economic Development Program Administrator to sign the Agreement, "YEAS," McKerrigan, Green, Colwell, and Lerma. "NAYS," None. Absent: Scanlan.

Regarding making an offer to City Manager candidate and giving direction to staff on an Agreement, Mayor McKerrigan stated she asked to have this on the agenda because the candidates have gone through interviews with Council, staff and the community. She then asked how Council wished to proceed.

Council Member Green made a motion to go into closed session for the reason that it is clearly necessary for the protection of the public interest and for the prevention of needless injury to the reputation of an individual to discuss the terms of an offer and potential Agreement to a City Manager candidate. Council Member Colwell seconded the motion and asked to include Legal Counsel Hadenfeldt.

Mayor McKerrigan then stated a motion has been made and seconded to go into closed session to protect the public interest and or for the prevention of needless injury to the reputation of an individual for the purpose of discussing the terms of an offer and proposed Agreement. There was no discussion.

Mayor McKerrigan explained the pending motion is to go into closed session to protect the public interest and or for the prevention of needless injury to the reputation of an individual for the purpose of discussing an offer and proposed Agreement for one of the City Manager candidates. She then asked to call the roll, "YEAS," Colwell, Green, Lerma, and McKerrigan. "NAYS," None. Absent: Scanlan.

Council entered into executive session at 6:50 p.m.

Council Member Colwell moved to come out of executive session at 7:16 p.m. The motion was seconded by Council Member Green, "YEAS," McKerrigan, Lerma, Colwell, and Green. "NAYS," None. Absent: Scanlan.

Council Member Lerma made a motion, seconded by Council Member Green to offer Kevin Spencer the position of City Manager, authorizing the Mayor to meet with Mr. Spencer to discuss the parameters of the Agreement discussed in closed session, "YEAS," Lerma, Colwell, McKerrigan, and Green. "NAYS," None. Absent: Scanlan.

Under Council Reports, Council Member Lerma stated she and Sharaya Toof have brought back the East Overland Steering Committee. She also stated the Creative Arts District is coming along, they had visitors from Lincoln who have approved the City going forward with the District. Council Member Green thanked Ms. Lehl and Ms. Toof for participating in Trick or Treat Street. Mayor McKerrigan attended the last aquatics meeting and also attended a meeting with Mr. Spencer regarding a possible grant from the State of Nebraska for the east side of town.

Council Member Colwell moved, seconded by Council Member Lerma to adjourn the meeting at 7:21 p.m., "YEAS," Colwell, Green, Lerma, and McKerrigan. "NAYS," None. Absent: Scanlan.

---

Mayor

Attest:

---

City Clerk