

City of Scottsbluff, Nebraska

Monday, December 5, 2022

Regular Meeting

Item Consent1

Council to approve the minutes of the November 21, 2022 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on November 21, 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 18, 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 17, 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.

Ms. Elizabeth Roberts came forward to give a report on Youth Council. Ms. Roberts gave a brief update of various happenings at the high school including the completion of fall sports, an update on all state choir, math club, DECA and Scottsbluff Play Production.

Moved by Council Member Colwell seconded by Council Member Lerma,

- a) The minutes of the November 7, 2022 Regular Meeting be approved,
- b) The absence of Council Member Scanlan be excused from the November 7, 2022 Regular Meeting,
- c) The bid specifications for One, New Truck, Cab/Chassis with Dump Body, Sanding Unit and Snow Plow for the Transportation Department and authorizing the city clerk to advertise for bids to be received by Monday, December 12, 2022 at 11:00 a.m. be approved,
- d) Acknowledge receipt of and take no action on a liability claim from Maggie Bernal, 1814 5th Avenue, Scottsbluff, NE. The claim has been forwarded to the City's insurance carrier,
- e) The claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated November 21, 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

ACTIONCOMMUNICATIONSINC.,EQUIPMAINT-PD,75;ADVANCEAUTOPARTS,DEPARTMENT
SUPPLIES-SAN,52.32;ANITA'S GREENSCAPING INC,BLDG. MAIN.,299;AUTOZONE STORES,
INC,TRANSMISSION FLUID,16.98;BLUFFS FACILITY SOLUTIONS,HEAVY DUTY HAND
CLEANER,780.81;BROWN'S SHOE FIT, CO.,UNIFORMS & CLOTHING,344.24;BRUNZ,
BRANDI,SCHOOLS & CONF-PD,80;CELLCO PARTNERSHIP,TABLETS, CELL PHONES, IPADS,

GRIDSMART FOR TRANS,1152.52;CITY OF GERING,DISPOSAL FEES-SAN,41193.07;CITY OF SCB,NEW CASH DRAWER,300;CLARK PRINTING LLC,DS - INSPECTION MEMOS,307.65; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,22.75;COMPUTER CONNECTIONINC,CONTRACTUALPD,44;CONSOLIDATEDMANAGEMENTCOMPANY,SCHOOLS & CONF-PD,126.6; CONTRACTORS MATERIALS INC.,SUPP - SAND BAGS,81.18; CORE & MAIN LP,METERS,943.72;CREDIT BUREAU OF COUNCIL BLUFFS,FEE - EMPL SCREENING OCTOBER 2022,75;CRESCENT ELECT. SUPPLY COMP INC,HORSESHOE PIT SUPPL.,17.54; CUSTOM TRUCK ONE SOURCE LP,REPAIRS TO BUCKET TRUCK,6470.03; DXP ENTERPRISES INC,CALIBRATIONGASANDSENSORSMX6S,3283.79;DYKESOILINC,VEHICLEMAINT,96.05;EAKES INC,DEPT SUPP,443.32;ELLIOTT EQUIPMENT COMPANY INC.,DEPARTMENT SUPPLIES-SAN,1012.21;ESO SOLUTIONS INC,RECORDS MANAGEMENT VISION PLUS WITH MAPS,1145;ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,338;FAT BOYS TIRE AND AUTO,EQUIP MAINT PARK,45.99; FEDERAL EXPRESS CORPORATION,POSTAGE,503.05; FOUR THE GOOD LIFE LLC,POWER KLEEN FOR EQUIPMENT,150;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1220;GENOWAYS NATHAN,SCHOOLS & CONF-PD,280; GRAINGER,EQUIP MAINT-PD,92.7;GREENING ENTERPRISES INC.,STRUCTURE BOOTS AND STATIONBOOTS,630;GUZMANENRIQUETA,LEGALFEESPD,23.75;HAWKINS,INC.,CHEMICAL S,2773.95;HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,1513.84;HEARTLAND EXPRESSWAYASSOCIATION,2023MEMBERSHIP,5141.52;HOASOLUTIONS,INC,EQUIPMENT,8 831.75; HONEY WAGON EXPRESS,CONTRACTUAL PARK,225;IDEAL LAUNDRY AND CLEANERS,INC.,DEPARTMENT Ss-SAN,586.12; INDUSTRIAL/ORGANIZATIONAL SOLUTIONS INC.,MEMBERSHIP DUES - WRIGHT & BURBACH,806;INGRAM LIBRARY SERVICES INC,KENO,2897.96;INTERNAL REVENUE SERVICE,WITHHOLDINGS,70208.09;INTRALINKS, INC,CONTR.SERVICES - OCTOBER 2022,6930;KEARNEY HOSPITALITY INC,SCHOOLS & CONF,469.8; KNOW HOW LLC,DEPARTMENT SUPPLIES-SAN,2903.21;LEE BHM CORP,PUBLISHING,2531.29; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; M.C. SCHAFF & ASSOCIATES, INC,PROF SERV. - OCTOBER 2022,13760;MACQUEEN EQUIPMENT INC,HYD. FILTERS FOR SWEEPERS,363.37;MADISON NATIONAL LIFE,INSURANCE,3570.89; MENARDS, INC,KENO,2532.83;MICHAEL B KEMBEL,BOTTOM RETAINER AND SEAL FOR OVERHEAD DOORS,94.5;MIDLANDS NEWSPAPERS, INC,1 YEAR SUBSCRIPTION,381.99;MIDTOWN ANIMAL HOSPITAL P.C.,K9-BOARD-PD,20;MIDWEST CONNECT, LLC,UB PROCESSING - OCTOBER 2022,2133.76;MUNIMETRIX SYSTEMS CORP,IMAGESILO - OCT. 2022,39.99;NANCY FOOS,TREE REBATE,74.88;NATIONAL TELEPHONE MESSAGE CORP,DEPT SUPPL-PD,252.22;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1170.1;NE DEPT OF REVENUE,SALES & USE TAX,18953.5;NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF-PD,75; NE.DEPT. OF LABOR UNEMPLOYMENT,UNEMPLOYMENT 6/30/22,261.63; NEBRASKA PUBLICPOWERDISTRICT,ELECTRIC,48501.39;NEBRASKARURALRADIOASSOCIATION,STORMWATER INTERNET AND KNEB TV PSAS ON KNEB,475; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,404.05; PANHANDLE CLERK'S ASSOC,MEMBERSHIP DUES - WRIGHT & BURBACH,40;PANHANDLE COOPERATIVE ASSOCIATION,FUEL,3904.22; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,75;PLATTE RIVER GLASS RODNEY L FLOTH,VEH MAINT-PD,326;PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,9045.98;POMPS TIRE SERVICE INC,VEHICLE MAINTENANCE-SAN,5145.66; POWERPLAN,EQUIP MAINT,34.6;PRIME METAL PRODUCTS INC,LB840 ED ASSISTANCE

AGRMT,250000;PROTEX CENTRAL, INC.,CONTRACTUAL SVC,155.69;PT HOSE AND BEARING,HYD. ORBIT MOTOR FOR D. TRUCK,622.4;QUADIENT LEASING USA INC,RENT-MACHINES-PD,423.38;QUILL CORPORATION,DEPT/INVEST SUPPL-PD,287.09;RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,689.34;REGION 22 EMERGENCY MGMT,REGION 22 EMERGENCY MANAGEMENT FEE,5754.03; REGIONAL CARE INC,CLAIMS,37946.49; REGISTER OF DEEDS,LEGAL,60;RIDGECREST PRODUCTS INC,UNIFORMS-PD,124;S M E C,EMPLOYEE DEDUCTION,318;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,540; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,740.66;SCOTT WALTON,EQUIP MAINT PARK,848.76;SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,227.75; SCOTTSBLUFF MOTOR CO, INC,HIDTA CAR LEASE-PD,375;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1872;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS-PD,22; SHARAYA TOOF,SCHOOL & CONF ED,163;SHERIFF'S OFFICE,LEGALFEESPD,230.04;SIMMONSOLSENLAWFIRM,P.C.,CONTRACTUAL,11784.79;SIM ON CONTRACTORS,DEPT SUPP CEM,908.32;SIRSI CORPORATION,CONT. SRVCS.,14874.56; SNELL SERVICES INC.,BLDG. MAIN.,1830; SOUNDSLEEPER SECURITY INC.,CAMERAS TO UPDATE SECURITY SYSTEM,4314.95; STARR LEHL,SCHOOL & CONF ED,301.97;SUBWAY 6906,EXPENSE CSC EXAM - FIRE,71.93; TERRY D SCOTT,VEH MAINT PARK,1446.37; TEXAS PNEUDRAULIC INC,VEHICLE MAINTENANCE-SAN,148.36;THE PEAVEY CORP,INVEST SUPPLPD,40;THOMPSONGLASS,INC,BLDGMMAINTADM,125;TRISTATECARPORTS,HORSESHOE PIT COVER,4538;UNION BANK & TRUST,RETIREMENT,44447.47;UNITED STATES WELDING,CONTRACTUAL SERVICES-SAN,105.97;VERIZON CONNECT FLEET USA LLC,GPS SERVICE,340.61;WEBER TYLER,SCHOOLS & CONF-PD,66;WESTERN PATHOLOGY CONSULTANTS, INC,EMPL. & DOT TESTING - OCT 2022,400;WESTERN SURETY COMPANY,BOND - JEANNE MCKERRIGAN,100;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,1476.16;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,683;REFUNDS; WESTERN TRAIL SPORTS POST, 26.47;DIANE VANDENBERGE, 9.73

Mr. Spencer presented the September 2022 Financial Report. He explained notable line items on the report include Regional Library for LED lighting, Transportation for the Avenue B overlay, and a cash transfer to Central Garage. He did mention we also received our second payment of ARPA funds, noting we have three years to make decisions concerning the funding.

Regarding the October 2022 Financial Report, he stated it shows the annual insurance payment to LARM, the purchase of the lot at 27th and Avenue I, and the \$250,000 early payment to Prime Metals. He added gas and fuel prices have been stabilizing; we did budget for the increase, however.

Mr. Mark Bohl, Public Works Director, approached Council regarding the Year-End Certification of Street Superintendent. Mr. Bohl stated he served as the Steet Superintendent for 2022 and has met the licensing requirement for the position.

Council Member Colwell moved, seconded by Council Member Green to approve Resolution No. 22-11-02 authorizing the Mayor to sign the Year-End Certification of Street Superintendent certifying Philip Mark Bohl as the City of Scottsbluff Street Superintendent for year 2022, "YEAS," Green, Lerma, McKerrigan, and Colwell. "NAYS," None. Absent: Scanlan.

RESOLUTION
SIGNING OF THE
YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT
2022

Resolution No. 22-11-02

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment(s) of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

Whereas: The NDOT requires that each certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor ☒ Village Board Chairperson ☐ of City of Scottsbluff
(Check one box) (Print Name of Municipality)
is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed form(s).

Adopted this 21st day of November, 2022 at Scottsbluff, Nebraska.
(Date) (Month)

City Council/Village Board Members

<u>Jeanne McKerrigan</u>	<u>Jordan Colwell</u>
<u>Nathan Green</u>	<u>Angela Scanlan</u>
<u>Selina Lerma</u>	

City Council/Village Board Member Colwell
Moved the adoption of said resolution
Member Green Seconded the Motion
Roll Call 4 Yes 0 No 0 Abstained 1 Absent
Resolution adopted, signed, and billed as adopted.

Attest:

(Signature of Clerk)

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 second 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 merge offices with City Manager and Police Chief and set forth residency requirements with the offices and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING THE SCOTTSBLUFF MUNICIPAL CODE TO INCLUDE §6-2-15 MERGING THE OFFICES OF THE CITY MANAGER AND POLICE CHIEF, AMENDING CHAPTER 6, ARTICLE 2 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH THE RESIDENCE OF THE CITY MANAGER REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council Member Lerma made a motion that the statutory rule regarding merging the offices of City Manager and Police Chief and setting forth residency requirements for the offices to be read by title on three different days be suspended. The motion was seconded by Council Member Green. “YEAS,” McKerrigan, Lerma, Colwell, and Green. “NAYS,” None. Absent: Scanlan.

Council Member Lerma moved, seconded by Council Member Green to adopt Ordinance No. 4294 merging the offices of City Manager and Police Chief and setting forth residency requirements, “YEAS,” Lerma, Colwell, McKerrigan, and Green. “NAYS,” None. Absent: Scanlan.

Ms. Andrea Margheim, representing the Downtown Scottsbluff Association came forward to present the amended Community Festival Permit for the Very Merry Christmas Market. Ms. Margheim explained because they will be having over 40 vendors, they would like to change the setup time to 9:00 a.m. and teardown to 6:00 p.m. rather than the times of 11:00 a.m. and 5:00 p.m. that was originally presented. This will allow enough time for the vendors to be able to set up and tear down without having any problems.

Council Member Green moved, seconded by Council Member Lerma to approve the amended Community Festival Permit for the Very Merry Christmas Market to change the setup time to 9:00 a.m. and tear down at 6:00 p.m. to include vendors, noise permit and closure of the 1600-1800 blocks of Broadway, “YEAS,” McKerrigan, Green, Colwell, and Lerma. “NAYS,” None. Absent: Scanlan.

Regarding authorizing the Mayor to sign the Nebraska Power Review Board consent and waiver letter concerning the construction of a new 15vK transmission line by Nebraska Public Power District, Mr. Spencer explained NPPD is investing \$8M on this project to make sure our electrical system is redundant. By signing this letter, it shows the City’s support for the project only; the route is still being decided.

Council Member Colwell made a motion to authorize the Mayor signing the Nebraska Power Review Board Consent and Waiver Letter. The motion was seconded by Council Member Lerma. “YEAS,” Colwell, Green, Lerma, and McKerrigan. “NAYS,” None. Absent: Scanlan.

Council Member Green moved, seconded by Council Member Lerma to appoint Philip Mark Bohl, License S-1103, Class B as the City of Scottsbluff Street Superintendent for January 1 through December 31, 2023 for the purpose of the 2023 calendar year Highway Incentive Payment to be issued to the City by the Nebraska Department of Transportation in February 2024 and authorize the Mayor to sign the Agreement, “YEAS,” Green, Lerma, McKerrigan, and Colwell. “NAYS,” None. Absent: Scanlan.

Concerning the City Manager Employment Agreement, Mayor McKerrigan asked Council if they had any questions. Legal Counsel Hadenfeldt noted there was one change made by Mr. Spencer from the original drafted Agreement in paragraph 8. The change being, the City Manager may join whichever professional organization he chooses and is not limited to the ICMA.

Council Member Colwell asked if the bi-annual evaluation is every six months. Mr. Hadenfeldt answered Mr. Spencer will be evaluated on a bi-annual basis for the first year of employment. With the first review there will be no compensation action after the end of six months and Mr. Spencer agrees to provide a plan for the restructure and succession in the office of Police Chief. Mr. Colwell also asked about paragraph 4, item D, dealing with discipline as the Police Chief. Mr. Hadenfeldt answered as Police Chief discipline is handled through the Civil Service Commission, but as City Manager it is handled through Council.

Council Member Green asked, for clarification, when Mr. Spencer will receive his first raise. Mr. Hadenfeldt stated it will not occur at the bi-annual evaluation. After the annual evaluation, Council will make the determination at that time regarding compensation.

Council Member Lerma moved, seconded by Council Member Green to approve the City Manager Employment Agreement and authorize the Mayor to sign the Agreement, "YEAS," McKerrigan, Lerma, Colwell, and Green. "NAYS," None. Absent: Scanlan.

Under Council Reports, Council Member Lerma informed there is a meeting on December 12th at the Midwest Theatre at 12:00 p.m. for the Creative Arts District. She encourages the community to come and give input. Council Member Colwell explained there was not a quorum held at last 911 meeting. They will meet again on Tuesday, November 29th. Mayor McKerrigan attended an aquatics meeting, sharing they are ready to regroup and find an alternative funding source. She also went to Monument Rehab and spoke on behalf of the City for the four centurions in attendance.

Council Member Lerma moved to adjourn the meeting at 6:23 p.m. The motion was seconded by Council Member Cowell, "YEAS," Lerma, Colwell, McKerrigan, and Green. "NAYS," None. Absent: Scanlan.

Mayor

Attest:

City Clerk