

# **City of Scottsbluff, Nebraska**

**Monday, March 6, 2023**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the February 21, 2023 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on February 21, 2023 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. Since the regular meeting would fall on a City recognized holiday the meeting was moved to the following day, according to 6-1-12. A notice of the meeting had been published on February 18, 2023, 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, together with a copy of the agenda, also 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 February 17, 2023. 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 in attendance and encouraged all citizens to participate in the Council meeting asking those wishing to speak to come to the microphone and state their name and who they are representing for the record. Mayor McKerrigan 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, Angela Scanlan, Matt Salomon and Betsy Vidlak. Also present were City Manager Kevin Spencer and City Attorney Kent Hadenfeldt. Absent: None.

Mayor McKerrigan asked if there were any changes to the agenda. There were none. Mayor McKerrigan 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 were none.

Ms. Elizabeth Roberts, representing Scottsbluff Youth Council, came forward to give a report of activities and highlights at the high school, including wrestling, Pro Start, Winter Royalty, and Speech team.

Moved by Council Member Scanlan, seconded by Council Member Salomon that,

- a) The minutes of the February 6, 2023 Regular Meeting be approved,
- b) A public hearing be set for March 6, 2023 at 6:00 p.m. to receive information about the purchase of real property from Scotts Bluff County,
- c) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated February 21, 2023 as on file with the City Clerk and submitted to the City Council "YEAS," Colwell, Salomon, Vidlak, Scanlan, and McKerrigan, "NAYS," None. Absent: None.

#### CLAIMS

ACTION COMMUNICATIONS INC.,INSTALL STATION RADIO ALERT,1198.45;ADVANCE AUTO PARTS,CAR WASH SOAP AND CHAMOIS CLOTHS,78.94;AUTOZONE STORES, INC,SUPP - TIRE & UPHOLSTERY BRUSHES,41.95;B&C STEEL CORPORATION,METAL FOR SNOW BLOWER,494.66;BRICK MARKERS USA,STRUCTURES,75;CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,33.92;CELLCO PARTNERSHIP,TABLETS, IPAD, CELL PHONES, GRIDSMART FOR TRANS.,1158;CITY OF GERING,DISPOSAL FEES-SAN,47472.52;CLARK PRINTING LLC,DEPT SUPP CEM,455.9;COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTALLIFEINS,22.75;COMPLIANCEGO LLC,MUNICIPAL STORMWATER TRAINING 2023,2480; COMPUTER CONNECTION INC,CONTRACTUAL-PD,44;CONTRACTORS

MATERIALS INC.,LEATHER GLOVES,238.32;DEMCO, INC,PRGRMG.,73.92;EAKES INC,DEP. SUP.,238.47;ENVISIONWARE, INC,CONT. SRVCS.,970.61;ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,132;FAT BOYS TIRE AND AUTO,EQUIP MAINT CEM,191.64;FEDERAL EXPRESS CORPORATION,POSTAGE,236.45;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,390;GALLS PARENT HOLDINGS, LLC,UNIFORMS-PD,569.52;GERING VALLEY PLUMBING & HEATING, INC,CHECKED AND REPAIRED HEATING SYSTEM IN SHOP,701; GRAY TELEVISION GROUP INC,TRI-CITY STORMWATER OTT PSAs,2045;HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,1363.21;HOA SOLUTIONS, INC,EQUIP MAINT,1790.2;IDEAL LAUNDRY AND CLEANERS, INC.,DEPARTMENT SUPPLIES-SAN,377.24; INGRAM LIBRARY SERVICES INC,COLL.,391.17;INLAND TRUCK PARTS & SERVICE,CHECK AIR LEAKS AND ABS CODES - RESCUE 1,933.56;INTERNAL REVENUE SERVICE,WITHHOLDINGS,64402.24;INTRALINKS, INC,DATTO ALTO - FEB. 2023 ADM/WA,4545;INVENTIVE WIRELESS OF NE, LLC,INTERNET,35.9;KNOW HOW LLC,DEPARTMENT SUPPLIES-SAN,4976.41;KRIZ DAVIS,ELECTRICAL MAINT,540.74;LAW ENFORCEMENT RISK MANAGEMENT GROUP INC,SCHOOLS & CONF-PD,425;LEE BHM CORP,PUBLISHING,5316.41;LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100;LOPEZ STEVE,SCHOOLS & CONF-PD,145;M.C. SCHAFF & ASSOCIATES, INC,PROF.SERVICES - SOLID WASTE TRANSFER STATION,27663.08;MATHESON TRI-GAS INC,RENT MACHINES,70.48; MENARDS, INC,DEPARTMENT SUPPLIES-REC,1058.69;MICHAEL B KEMBEL,BUILDING MAINTENANCE-SAN,216;MIDWEST CONNECT, LLC,UB PROCESSING - JAN. 2023,2847.06;MUNIMETRIX SYSTEMS CORP,IMAGESILO FEE - JANUARY 2023,39.99;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1267.1;NE DEPT OF REVENUE,TAX,18062.89;NEBRASKA MACHINERY CO,PARTS FOR GRADER - BAR,502.05; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,44927.85;NEBRASKA RURAL RADIO ASSOCIATION,KNEB INTERNET AND TV PSAs,475;NEBRASKA SALT AND GRAIN CO,1 LOAD ICE SLICER,9028.5;NEDA,MEMBERSHIP ED,150;OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,404.05; OMAHA WORLD- HERALD COMPANY,SBSCR.,821.39; ONE CALL CONCEPTS, INC,CONTRACTUAL,33.02;OREGON TRAIL PLUMBING, HEATING & COOLING INC, BLDG MAINT ADM, 152; PANHANDLE COOPERATIVE ASSOCIATION, FUEL, 5559.16;PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,187;PARADISE PUMPERS LLC, CONTRACTUAL PARK, 620; PELCO CORP, ENGRAVING / PLATES (COUNCIL), 193.45; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,9819.72;POLYDYNE INC,CHEMICALS,5379.93;POMPS TIRE SERVICE INC,DEPARTMENT SUPPLIES-SAN,4674.68; POWERPLAN,O-RINGS, FILTERS, LAMPS,FUEL PUMP FOR GRADER,1502.16;QUADIENT LEASING USA INC,RENT-MACHINES-PD,423.38;QUILL CORPORATION,DEPT SUPPL-PD,494.16;REGIONAL CARE INC,CLAIMS,18426.78; REGISTER OF DEEDS,LEGAL,46; RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,676.63;S M E C,EMPLOYEE DEDUCTION,101.15; SANDBERG IMPLEMENT, INC,CIP PARKS,96762.35;SCB CO CLERK,2022 PRIMARY ELECTION COSTS,5409.75;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,435.63; SCB TENT & AWNING,VEH MAINT PARK,220;SCOTTS BLUFF COUNTY COMMUNICATIONS CENTER,CONT. SRVCS.,125; SCOTTSBLUFF MOTOR CO, INC,MAINTENANCE AND REPAIR DOOR SENSOR - UNIT 2,668.78; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,858; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,DEPT SUP,37.45;SHERIFF'S OFFICE,LEGAL FEES-PD,150; SIMMONS OLSEN LAW FIRM, P.C., CONTRACTUAL, 15213.79; SIMON CONTRACTORS, SAND FOR ICE SLICER,146.63; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95;THE PEAVEY CORP,INVEST SUPPL-PD,536.47; THOMPSON GLASS, INC,BLDG MAINT

ADM,350;TRANS-WEST INC,VEHICLE MAINT,6235.92;TWIN CITY AUTO, INC,VEH MAINT PARK,338.02;TWIN CITY ROOFING & SHEETMETAL, INC,2019 HAIL DAMAGE - LIBR.CEM. MISC,10946.78;TYLER TECHNOLOGIES, INC,MONTHLY BILLING CONSULT,290;UNION BANK & TRUST,RETIREMENT,43252.63;VERIZON CONNECT FLEET USA LLC,GPS SERVICE,244.66; W & R INC,BLDG MAINT-PD,332.65;WESTERN PATHOLOGY CONSULTANTS, INC,DOT TESTING - JANUARY 2023,57;WEX BANK,UNLEADED GASOLINE,32070.55;WILSON T RONALD,SCHOOLS & CONF-PD,145;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; REFUNDS; CHRISTEEN HERNANDEZ, 23.57

Mr. Spencer presented the January 2023 Financial Report. He explained we are a little under 67% in each department with four months in the budget cycle, commenting everything is in order and looks good.

Council Member Salomon asked if we are okay budget wise with all of the snow removal. Mr. Spencer stated it is costing us, but we will be alright; overtime has taken some hits, but it is to be expected.

Council Member Scanlan moved to accept the January 2023 Financial Report, seconded by Council Member Colwell, "YEAS," Salomon, Vidlak, Scanlan, McKerrigan, and Colwell. "NAYS," None. Absent: None.

Regarding the Ordinance to change utility user fees of solid waste collection, stormwater surcharge, and water service fees from a bi-monthly to monthly billing cycle, Mr. Spencer explained this is the Ordinance to change to monthly billing. He added there were software issues that caused it from being on a prior agenda and thanked Finance Director Elizabeth Loutzenhiser and her staff for making this happen.

Council then introduced the Ordinance changing utility user fees to a monthly billing cycle and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING AND CHANGING CHAPTER 6, ARTICLE 6, FOR SOLID WASTE COLLECTION FEES AT SECTIONS 6-6-23, 6-6-24; AMENDING AND CHANGING SEWER USER FEES INCLUDING SURCHARGE FOR STORM WATER REGULATORY REQUIREMENTS AT SECTIONS 6-6-19; 6-6-20; AND 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 AND ALL RELATING TO A MONTHLY BILLING CYCLE, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council Member Salomon moved that the statutory rule regarding the Ordinance to change utility user fees to a monthly billing cycle to be read by title on three different days be suspended. The motion was seconded by Council Member Scanlan, "YEAS," Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. "NAYS," None. Absent: None.

Council Member Salomon moved, seconded by Council Member Vidlak to adopt Ordinance No. 4301 changing utility user fees of solid waste collection, stormwater surcharge, and water service fees from a bi-monthly to monthly billing cycle, "YEAS," Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. "NAYS," None. Absent: None.

Mr. Mark Bohl, Public Works Director, approached Council regarding the bids for the Western Sugar Irrigation Lateral. He explained there were three bids received with Hennings Construction coming in with the lowest at \$101,680. He also added the bid was over the engineers estimate, but pipe prices have escalated in recent months causing the increase; staff is recommending approval of the bid.

Council Member Colwell moved, seconded by Council Member Scanlan to award the bid for the Western Sugar Irrigation Lateral to Hennings Construction in the amount of \$101,680, "YEAS," McKerrigan, Scanlan, Colwell, Vidlak, and Salomon. "NAYS," None. Absent: None.

Fire Chief Tom Schingle came forward to present the 2022 Annual Fire Department Report. He started by explaining last year was a busy year because of illness, injuries, increase in service demand, and the passing of Captain Ryan Lohr. With that, however, they answered 2,524 calls for service, an increase of 254 calls from the previous year, adding since 2012 this has increased 29%.

Regarding Fire Prevention and Life Safety, Mr. Schingle stated Fire Marshal Katie Quintana was hired last year and one of her main duties is checking fire systems compliance with commercial systems and making sure they are up to code. The Fire Department also hosted a two-day firefighter camp for 10–14-year-olds. Each day consisted of eight hours of fun for the kids where they learned fire prevention and behavior, with basic life support skills.

Total fire calls for 2022 was 93, up 13 from the prior year, with Mr. Schingle noting Friday has stayed the busy day of the week for calls. Also, the month of December showed almost 112 calls above the previous year.

In addition, response times averaged 4 minutes and 55 seconds on 59% of calls. Average on medical calls was 4 minutes, 17 seconds; average for fire incidents inside city limits came in at 3 minutes, 29 seconds. With the response times, Mr. Schingle concluded, estimated property loss is at 1%, which is good for our community, as is the Public Protection Classification rating of three by Verisk, formerly known as the Insurance Services Organization (ISO).

Mr. David Welanko, Grant Manager with Panhandle Area Development District, came forward to present the Contracts for Housing Management and General Administration for the Owner-Occupied Rehabilitation Grant. He explained the Contracts are being brought forward again because of a date change due to an extension. He added 13-15 homes have gotten bids and they are waiting on the Department of Economic Development to proceed.

Council Member Scanlan made a motion, seconded by Council Member Salomon to approve the Professional Service Contracts with Panhandle Area Development District for Housing Management and General Administration for the Owner-Occupied Rehabilitation Grant and authorize the Mayor to sign the Contracts, “YEAS,” Colwell, Salomon, Vidlak, Scanlan, and McKerrigan. “NAYS,” None. Absent: None.

Regarding the Professional Service Contract with Panhandle Public Health District to conduct lead paint testing and risk assessment services for the Owner-Occupied Housing Rehabilitation Program, Mr. Welanko explained the same reason applies as before, this is due to date changes in the Contract. The lead testing is all paid for and this Contract is required by the prior Agreement.

Council Member Scanlan moved, seconded by Council Member Colwell to approve the Professional Service Contract with Panhandle Public Health District to conduct lead paint testing and risk assessment services for the Owner-Occupied Housing Rehabilitation Program and authorize the Mayor to sign the Contract, “YEAS,” Salomon, Vidlak, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Under Council Reports, Council Member Salomon stated he will meet with the Zoo Board this Friday and will touch base with them to see where things are going. Council Member Vidlak attended the WNED meeting, commenting they have things they would like worked on for their next agenda. Mr. Spencer reported on Heartland Express. Mr. Schingle gave an update on the radio project for the 911 Steering Committee, stating they are waiting for a cut over date for the phones and should go live after that. Council Member Scanlan reported Leadership Scottsbluff had their Entrepreneurship Day, they continue to plan for the Hoops for Hero’s event on March 17<sup>th</sup>. Kyle’s Day Foundation is the beneficiary of the event which will support first responders in the community.

Council Member Colwell moved to adjourn the meeting at 6:42 p.m. The motion was seconded by Council Member Vidlak, “YEAS,” Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. “NAYS,” None. Absent: None.

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Mayor

Attest:

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City Clerk

“SEAL”