

City of Scottsbluff, Nebraska

Monday, May 1, 2023

Regular Meeting

Item Consent1

Council to approve the minutes of the April 17, 2023 Regular Meeting.

Staff Contact: City Council

Regular Meeting
April 17, 2023

The Scottsbluff City Council met in a regular meeting on April 17, 2023 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 April 14, 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 April 13, 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, Matt Salomon and Betsy Vidlak. Also present were City Manager Kevin Spencer and City Attorney Kent Hadenfeldt. Absent: Jordan Colwell and Angela Scanlan.

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, approached Council and gave a brief update of happenings at the school including ACT and MAPS testing, state competitions, speech team, prom and the musical.

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

- a) The minutes of the April 3, 2023 Regular Meeting be approved,
- b) Council Member Colwell's absence from the April 3, 2023 Meeting be excused,
- c) A public hearing be set for May 1, 2023 at 6:00 p.m. to consider the proposed Ordinance Text Change to Chapter 25, Article 3 regarding Planned Business Center Zoning District,
- d) A public hearing be set for May 1, 2023 at 6:00 p.m. to consider the proposed Ordinance Text Change to Chapter 25, Article 3 regarding Miscellaneous Zoning Regulations,
- e) The bid to Transwest Ford on January 17, 2023 for three newer mid-sized four-wheel drive crew cab pickups for Development Services and Fire Department in the amount of \$105,640.42 be rescinded,
- f) A new deadline date for previously approved bid specifications for three, 2022 or newer, mid-sized four-wheel drive crew cab pickup trucks for Development Services and the Fire Department and authorizing the city clerk to advertise for bids to be received by May 9, 2023 at 2:30 p.m. be approved,
- g) The bid to Team Auto Center on February 7, 2022 for a new one-ton truck with service body for the Water Department in the amount of \$47,650 be rescinded,
- h) The bid specifications for the purchase of a new three-quarter ton truck with service body for the Water Department and authorizing the city clerk to advertise for bids to be received on May 9, 2023 at 2:30 p.m. be approved,
- i) Council will acknowledge receipt of and take no action on a liability claim from Chris Saucedo, 1617 12th Ave., Scottsbluff, NE. The claim will be withdrawn and forwarded to the City's insurance carrier,
- j) The following claims be approved and paid as provided by law out of the respective funds designated

in the list of claims dated April 17, 2023 as on file with the City Clerk and submitted to the City Council “YEAS,” Salomon, Vidlak, and McKerrigan, “NAYS,” None. Absent: Colwell and Scanlan.

CLAIMS

21ST CENTURY EQUIPMENT,EQUIPMENT CEM,23008;3M COMPANY,PAVEMENT TAPE, ARROWS, ADHESIVE,8047.85;911 CUSTOM, LLC,CIP-PATROL CARS,1776.04;ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,209.68;ACTION COMMUNICATIONS INC.,EQUIP MAINT-PD,187.03; ADVANCE AUTO PARTS,VEHICLE BATTERIES - BRUSH 1,384.98; ADVANCED CUTTING SYSTEMS, INC,FLEXI UPGRADE FOR SIGN CUTTER 19 TO 22,899; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4077.38;AUTOZONE STORES, INC,EQUIP MAINT,7.05;B & H INVESTMENTS, INC,EQUIPMENT,9435.1;B&C STEEL CORPORATION,SUPP - FLAT BAR,34.28;BLUFFS FACILITY SOLUTIONS,DEPT SUPP ADM,1082.27;CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,132.92;CARR-TRUMBULL LUMBER CO, INC.,DEPT SUPP PARK PLAZA,110.92; CELLCO PARTNERSHIP,IPADS, TABLETS, CELL PHONES, GRIDSMART FOR TRANS,1147.16;CEM SALES & SERVICE,DEPARTMENT SUPPLIES-REC,4762.24;CITIBANK, N.A.,BLDG MAINT PARK,418.42; CITY OF GERING,DISPOSAL FEES-SAN,43491.47;CITY OF SCB,POSTAGE/LEGAL FEES-PD,84.55;CLARK PRINTING LLC,BUSINESS CARDS - ZACH,43.7;COMMUNITY PHARMACY,MEDICATIONS AND EMS SUPPLIES,89.17;COMPUTER CONNECTION INC,CONTRACTUAL SVC,437.45; CONSERV FLAG COMPANY,DEP. SUP.,78.95; CONTRACTORS MATERIALS INC.,DEPT SUPP PARK,375.34; CORE & MAIN LP,DEPT SUP,27031.48;CREDIT BUREAU OF COUNCIL BLUFFS,ACCT 104001 FEES/SCREENINGS MARCH 2023,75.5; CROELL INC,DEPT SUP,272.85; CURTIS HOWARD,PROMOTION VIDEO,3333; EAKES INC,DEPT SUPP ADM,622.31; ECKERBERG, PHILIP,SCHOOLS & CONF-PD,450;ELLIOTT EQUIPMENT COMPANY INC., VEHICLE MAINTENANCE SAN, 1718.7; ENERGY LABORATORIES, INC DEPT 6250, SAMPLES,216; ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,389; FAT BOYS TIRE AND AUTO,VEHICLE MAINT,64.35; FEDERAL EXPRESS CORPORATION,POSTAGE HR,79.64; FLOYD'S TRUCK CENTER SCOTTSBLUFF,VEHICLE MAINTENANCE-SAN,984.31; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,685;GENERAL TRAFFIC CONTROLS, INC,FLASHER CABINETS, TIME CLOCKS, POLES,6377;HAWKINS, INC.,CHEMICALS,1664.11;HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,173.14; HULLINGER GLASS & LOCKS INC.,GROUND MAINT PARK,35;IDEAL LAUNDRY AND CLEANERS,INC.,JAN.SUP.,785.84;IDEXXLABORATORIES,INC,DEPT SUP,207.76;INDEPENDENT PLUMBING AND HEATING, INC,FILTERS,99.77;INFINITY CONSTRUCTION, INC.,FACILITY REPAIR,11126; INGRAM LIBRARY SERVICES INC,COLL.,936.28;INTERNAL REVENUE SERVICE,WITHHOLDINGS,67985.71; INTRALINKS, INC,CONTR.SERV. - MARCH 2023,4025; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL SVC,139.8;J G ELLIOTT CO.INC.,BOND - KIM WRIGHT,875;JOHN DEERE FINANCIAL,EQUIP CEM,-23008;KITE, LANCE,SCHOOLS & CONF-PD,123; KNOW HOW LLC,EQUIP MAINT PARK,2511.05; KRIZ DAVIS,EQUIPMENT MAINTENANCE-SAN,273.13; KUHLMAN, BOBBI,SCHOOLS & CONF-PD,100;LEE BHM CORP,PUBLISHING,783.99;LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; LIGHTHOUSE ELECTRICAL CONTRACTORS, LLC,ELECTRICAL MAINT,976.03; M.C. SCHAFF & ASSOCIATES, INC,PROF. SERVICES - MARCH 2023,3600;MACIAS WILLIAM,BLDG MAINT ADM,75;MACQUEEN EQUIPMENT INC,VALVE FOR SWEEPER,395.67;MADISON NATIONAL LIFE,INSURANCE,3527.34;MARKETING CONSULTANTS,CLOTHING ALLOWANCE - PKS,WW,WA,1677;MATHESON TRI-GAS INC,RENT MACHINES,105.37;MATTHEW M. HUTT,CONTR.SERVICES - M.VORSE,450;MENARDS, INC,BOAT AND SEADOO TRAILER TIRES,1082.07; MIDWEST CONNECT, LLC,UB PROCESSING - MARCH 2023,2783.05; MIDWEST MOTOR SUPPLY CO INC,SUPP - SANDING DISCS,195.15;MUNIMETRIX SYSTEMS

CORP,IMAGESILO - MARCH 2023,39.99;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1267.1;NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF-PD,165;NE MOSQUITO & VECTOR CONTROL ASSN.,2 MEN ATTEND MOSQUITO WORKSHOP & CALIBRATE MACH,105;NEBRASKA INTERACTIVE, LLC,DRIV.LIC.REQ. - MARCH 2023,7.5; NEBRASKA MACHINERY CO,GROUND MAINT PARK,244; NEBRASKA MUNICIPAL POWER POOL,MEMBER DUES,4766.44;NEBRASKA PRINTWORKS, LLC,CONTRACTUAL SVC,1657.38; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,43164.87;NEBRASKA RURAL RADIO ASSOCIATION,STORMWATER RADIO/KNEB INTERNET/KNEB TV PSAs,475;NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,EQUIP. MAIN.,319; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,60.2;ONE CALL CONCEPTS, INC,CONTRACTUAL,119.2; PAIGE MANNING,PAIGE'S POSIES - BID PARKING LOTS,4796;PANHANDLE COOPERATIVE ASSOCIATION,FUEL,10652.97;PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,275; PANHANDLE PARTNERSHIP FOR HEALTH & HUMAN SERVICES,2023 MEMBERSHIP DUES,100; PARADISE PUMPERS LLC,CONTRACTUAL,620;PLATTE VALLEY BANK,HEALTH SAVINGS ACCT,10114.72;POLYDYNE INC,CHEMICALS,5379.93;POMPS TIRE SERVICE INC,VEHICLE MAINTENANCE-SAN,233.88;POWERPLAN,PARTS FOR MOTOR GRADER - BEACON, CONN,179.49;POWERTECH LLC,EQUIP MAINT,1369;QUILL CORPORATION,DEPT SUPPL-PD,563.2;RAILROAD MANAGEMENT CO III, LLC,RENT LAND,344.67;REGIONAL CARE INC,CLAIMS,22075.48;REGIONAL WEST MEDICAL CENTER,25 GAUGE NEEDLES FOR EMS,38.88;REGISTER OF DEEDS,LEGAL,30;ROCKSTEP SCOTTSBLUFF LLC,OCC. TAX.,43807.99; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,1940.84; RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,3306.06;S M E C,EMPLOYEE DEDUCTION,101.15; SAN MIGUEL DAMIAN,REFUND PURCHASE-PD,225.25;SANDBERG IMPLEMENT, INC,DEPARTMENT SUPPLIES-SAN,1032.1;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,436.65;SCOTT CALEB,SCHOOLS & CONF-PD,400;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,858; SCOTTSBLUFF PUB SCHOOLS,LIC. FEES 10/1/22 THRU 3/31/23,6755;SHAGGY BUFFALO CARWASH LLC,VEHICLE MAINT,20;SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,13028.29; SIMON CONTRACTORS,CONCRETE FOR YARD,957.21;SNELL SERVICES INC.,BLDG MAINT PARK,1217;SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95;SPAANS BABCOCK INC,EQUIP MAINT,4297;SPECIAL INVESTIGATIONS ENLOW,INVESTIGATION-PD,188.46; TERRY D SCOTT,VEH MAINT PARK,989.2;TEXAS PNEUDRAULIC INC,VEHICLE MAINTENANCE-SAN,1803.34;THE PEAVEY CORP,INVEST SUPPL-PD,99.02;THOMPSON GLASS, INC,BLDG MAINT ADM,140;TYLER TECHNOLOGIES, INC,UB TRANSACTION FEES (1/1/23 - 3/31/23),4303.75;UNION BANK & TRUST,RETIREMENT,21793.75; US BANK,2018 GO HWY BONDS,17767.5;VAN PELT FENCING CO, INC,FENCING FOR PLAZA,1152.8;VERIZON CONNECT FLEET USA LLC,GPS SERVICE,244.66; WEST NEBRASKA ARTS CENTER,ANNUAL BUDGET REQUEST,8000;WESTERN COOPERATIVE COMPANY,EQUIP MAINT,76.61; WESTERN PATHOLOGY CONSULTANTS, INC,DOT TESTING & EMPL SCREENING - MARCH 2023,492; WEX BANK,DIESEL FUEL-SAN,25422.31;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,784;

City Manager Spencer presented the March 2023 Financial Report. He explained the report shows balances through the end of March, the first six months of the 2022-23 budget. The first page shows outflows that are highlighted including Plaza improvements, debt payments for 42nd Street and 2020 chipseal. He added departments are close to or at 50% of their budgets and everything looks good to this point.

Council Member Colwell entered the meeting at 6:06 p.m.

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

Ms. Rosemary Florez, with Rosita's Restaurant, came forward to obtain approval on a Special Designated Liquor License to serve margaritas at the Cinco De Mayo celebration on May 5th from 4:00-10:00 p.m. Ms. Florez explained they will check ID's on everyone, including those who may already be wearing a wristband. She added they will also be selling food in addition to the alcohol.

Council Member Colwell made a motion to approve the Special Designated Liquor License for P.R.E.S. Inc. d/b/a Rosita's Restaurant to serve distilled spirits on the 1600-1900 Blocks of Broadway on May 5, 2023 from 4:00-10:00 p.m. for the Cinco De Mayo Celebration. The motion was seconded by Council Member Salomon, "YEAS," Salomon, Vidlak, McKerrigan, and Colwell. "NAYS," None. Absent: Scanlan.

Ms. Alexandria Schuler was present on behalf of Schuler Eats, Inc. to also request approval on a Special Designated Liquor License to serve wine at the Cinco De Mayo Celebration on May 5th from 4:00-10:00 p.m. Ms. Schluter explained they will check all ID's, but will not wristband because they can be taken off. They will be bringing their beverage truck and in addition to the wine will also offer coffees and other types of beverages. This will be their first year and they are excited to be part of the celebration.

Council Member Colwell moved, seconded by Council Member Vidlak to approve the Special Designated Liquor License for Schuler Eats, Inc. to serve wine on the 1600-1900 Blocks of Broadway on May 5, 2023 from 4:00-10:00 p.m. for the Cinco De Mayo Celebration, "YEAS," Vidlak, Colwell, McKerrigan, and Salomon. "NAYS," None. Absent: Scanlan.

Legal Counsel Hadenfeldt approached Council regarding the License Agreement for Sterling Huff due to the absence of Zach Glaubius, Planning Administrator. Mr. Hadenfeldt explained in City Code 20-6-1 it states if someone requests to use or put something on City right-of-way, we have a permit process. If those items cannot be removed then we have the requestor sign a License Agreement which is recorded with the Register of Deeds.

Mr. Sterling Huff, Attorney at Law, then came forward and explained that he wants to build a deck with an awning above it with three posts outside by the curb area to offer support. The permit requires the deck be 8 ft' above the sidewalk surface and must meet the minimum clearance for handicapped access. In addition, he plans on leaving the existing street curb that is currently there, but will pour a new sidewalk with a heated tubing underneath to prevent freezing in the winter.

Council Member Salomon moved, seconded by Council Member Vidlak to approve the License Agreement with Sterling Huff, Attorney at Law, PC. LLO at 20 E. 16th Street and authorize the Mayor to sign the Agreement, "YEAS," McKerrigan, Colwell, Vidlak, and Salomon. "NAYS," None. Absent: Scanlan.

Regarding the Resolution authorizing the purchase and acquisition of real estate from the County, Legal Counsel Hadenfeldt stated this is the final step for the City to purchase the property and will authorize City Manager Spencer to sign closing documents.

Council Member Colwell made a motion, seconded by Council Member Vidlak to approve Resolution 23-04-04 authorizing the purchase and acquisition of real estate and approving City Manager Spencer to sign closing documents for the purchase of property from Scotts Bluff County, "YEAS," Colwell, Salomon, Vidlak, and McKerrigan. "NAYS," None. Absent: Scanlan.

RESOLUTION 23-04-01

WHEREAS, The City of Scottsbluff, Nebraska (“City”) has conducted a Public Hearing, following proper notice, to discuss and consider acquiring real property, by purchase, from Scotts Bluff County.

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 approves the Real Estate Purchase Agreement dated March 6, 2023 and ratified on April 3, 2023.

2) Pursuant to the Real Estate Purchase Agreement, the City is authorized to acquire by Warranty Deed the following described real property:

Tracts situated in part of the S½ of Section 30 and the NE¼ of Section 31, all in Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska formerly owned by Scotts Bluff County.

3) Kevin Spencer, as 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: April 17, 2023.

Jeanne McKerrigan, Mayor

ATTEST:

Kimberley Wright, City Clerk

City Manager Spencer presented the amended Agreement with Twin Cities Baseball, Inc., explaining this is coming before Council again because Twin Cities Baseball was not able to finish the infield turf due to the weather. This amended Agreement extends the completion date to December 31, 2023.

Council Member Vidlak moved, seconded by Salomon to approve the amended Agreement with Twin Cities Baseball, Inc. and authorize the Mayor to sign the Agreement, “YEAS,” Salomon, Vidlak, McKerrigan, and Colwell. “NAYS,” None. Absent: Scanlan.

Under Council Reports, Council Member Salomon reported on the Humane Society and the Zoo. He stated compared to this time last year the Humane Society has seen more cats, but less dogs. However, on a positive note, for the month of March, there were 39 cat and 25 dog adoptions. The Zoo Easter event on April 7th and 8th had 1630 participants; they raised \$10,172. Council Member Salomon also visited the Street Department and gave kudos to Public Works Director Bohl and his staff for such an impressive setup.

Mr. Spencer stated there is a 911 Advisory meeting tomorrow, April 18th. Council Member Colwell was congratulated on the arrival of his new son and he congratulated the Parks Department for a successful Easter egg hunt.

Council Member Colwell moved to adjourn the meeting at 6:31 p.m. The motion was seconded by Council Member Vidlak, “YEAS,” Vidlak, Colwell, McKerrigan, and Salomon. “NAYS,” None. Absent: Scanlan.

Mayor

Attest:

City Clerk

“SEAL”