

City of Scottsbluff, Nebraska

Monday, May 15, 2023

Regular Meeting

Item Consent1

Council to approve the minutes of the May 1, 2023 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on May 1, 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 28, 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 27, 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, Matt Salomon and Betsy Vidlak. Also present were City Manager Kevin Spencer and City Attorney Kent Hadenfeldt. Absent: 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.

Council Member Scanlan entered the meeting at 6:01 p.m.

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

- a) The minutes of the April 17, 2023 Regular Meeting be approved,
- b) Council Member Scanlan's absence from the April 17, 2023 Meeting be excused,
- c) The bid specifications for the construction of the 23 Club Musco Lighting Installation and authorizing the city clerk to advertise for bids to be received by May 23, 2023 at 2:30 p.m. be approved,
- d) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated May 1, 2023 as on file with the City Clerk and submitted to the City Council "YEAS," Colwell, Salomon, Vidlak, Scanlan, and McKerrigan, "NAYS," None. Absent: N o n e .

CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,EE W/H,209.68; AE SERVICES, LLC,ELECTRICAL PARKS,189; AIRPORT DEVELOPMENT,LLC,TIF - AIRPORT REDEV 3/31/23,398.51; AKAJRV 314, LLC,TIF - AULICK REDEV 3/31/23,1237.16;AMERICAN LEGAL PUBLISHING CORPORATION,TWO HARD COPY BINDERS OF ORDINANCES,920; ASSOCIATED SUPPLY CO, INC,DEPARTMENT SUPPLIES-REC,2071.91;BEST PLUMBING HEATING & COOLING,BLDG MAINT PARK,1510.56;BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,3163.53;BLUFFS FACILITY SOLUTIONS,DEPT SUP,84.16; BRODART CO,DEP. SUP.,39.04; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,327.05;CELLCO PARTNERSHIP,CELL PHONES-PD,1742.06;CENTRAL PROGRAMS INC,COLL.,1908.87;CITIBANK N.A.,DEPT SUP,561.51;COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,EE WITHHOLDINGS,22.75; CONTRACTORS MATERIALS INC.,DEPT SUPP PARK PLAZA,391.79; CORNERSTONE BANK,TIF

- 26 GROUP FUEL ST. & CONV STORE 3/31/23,1535.33;CRESCENT ELECT. SUPPLY COMP INC,SUPP - CLAMPS AND ADHESIVE,39.98;CROELL INC,DEPT SUP,418.45; DAIRY QUEEN,GIFT CARDS - EE RECOGNITION BREAKFAST,150;DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,159.94;ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MAINTENANCE-SAN,11556.67;FARMERS STATE BANK,TIF - ELITE HEALTH REDEV 3/31/23,4711.55;FEDERAL EXPRESS CORPORATION,POSTAGE,174.02; FIRST NATIONAL BANK OF OMAHA,TIF - REGANIS REDEV. 3/31/23,1066.72;FIRST STATE BANK - GOTHENBURG,TIF - YOLO PROPERTIES CARWASH 3/31/23,117.58; FLYOVER BREWING COMPANY,GIFT CARDS - EE RECOGNITION BREAKFAST,150; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1100;GALLS PARENT HOLDINGS, LLC,UNIFORMS-PD,261.9;GERING MULTIPURPOSE SENIOR CENTER,CONTRACTUAL,1000;GRAY TELEVISION GROUP INC,STORMWATER PSAS2395;GREENING ENTERPRISES INC.,TURNOUT COATS AND PANTS - NEW HIRES, LEVICK,HOBBS,17860;GROSSJORDAN,LEGALFEESPD,20;HAWKINS,INC.,CHEMICALS,6511.17 ;HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,2617.5; HENNING'S CONSTRUCTION, INC.,WESTERN SUGAR IRR.LATERAL,61949.72; HQ COMPOST HOLDINGS LLC,DEPT SUP,9100; HULLINGER GLASS & LOCKS INC.,BLDG MAINT PARK,185; HYDRO-KLEAN LLC,STRUCTURE,160476.34; IDEAL LAUNDRY AND CLEANERS, INC.,JAN. SUP.,159.63; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT PARK,276.24; INGRAM LIBRARY SERVICES INC,COLL.,106.27; INTERNAL REVENUE SERVICE,941 DEPOSIT,66438.38; INTRALINKS, INC,DATTO ALTO - APRIL 2023 ADM/WA,2655; J G ELLIOTT CO.INC.,NOTARY BOND-PD,70;JAX GOURMET COFFEE & SNOW,GIFT CARDS - EE RECOGNITION BREAKFAST,150;JOHN DEERE FINANCIAL,DEPT SUPP CEM,599.55; JOHN DEERE FINANCIAL,GROUND MAINT PARK,51.98; JOHN DEERE FINANCIAL,EQUIP MAINT CEM,69.44; LOMBARDMATTHEW,UNIFORMSPD,130.5; M.C. SCHAFF & ASSOCIATES, INC, ENGINEERING, 90906.5;MACQUEEN EQUIPMENT INC,PARTS FOR SNOW BLOWER - ROD, WEAR PLATES, BOLTS.,6447.7; MARK CHRISMAN TRUCKING INC,18TH ST. PLAZA IMPR. PROJECT,74410.69; MATHESON TRI-GAS INC,RENT MACHINES,65.39; MATTHEW M. HUTT,PRE-EMPL.EVAL - T. LITTAU,450;MENARDS, INC,DEPT SUP,3926.05;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,2005.18;NE DEPT OF REVENUE,MARCH 2023 SALES/USE TAX,13082.14; NEBRASKA PUBLIC POWER DISTRICT,SEWER PUMPS,17321.02; NEBRASKA SAFETY & FIRE EQUIPMENT INC.,BLDG MAINT-PD,595;NEBRASKALAND TIRE, INC,EQUIP MAINT,2414.89;NORTHERN TRUCK EQUIPMENT CORPORATION,TARP FOR D. TRUCK,303.63; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,1176.62; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,404.05;OLE RESTAURANT,GIFT CARDS - EE RECOGNITION BREAKFAST,150;OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT-PD,6709;OWEN DEVELOPMENT, LLC,TIF - OWEN ORAL SUR REDEV. 3/31/23,14249.56;PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,212; PANHANDLE HUMANE SOCIETY, CONTRACTUAL, 5656.07; PAUL REED CONSTRUCTION & SUPPLY, INC,GROUND MAINT PARK,258.12; PIVO, INC.,TIF - HIGH PLAINS BUDWEISER 3/31/23,6782.74; PLATTE VALLEY BANK,EE HSA,17793.35;POWERHOUSE SOCIAL,GIFT CARDS - EE RECOGNITION BREAKFAST,150;QUILL CORPORATION,DEPT SUPPL-PD,379.47;REAMS SPRINKLER SUPPLY CO.,GROUND MAINT PARK,1615.23; REGIONAL CARE INC,4/21/23 CLAIMS,10970.92; RIGHT BRAIN UNLIMITED,GROUND MAINT PARK,691.15; S M E C,EE DEDUCTIONS,101.15;SAFELITE FULFILLMENT, INC,STORMWATER VEHICLE WINDSHIELD REPLACEMENT,262.3;SANDBERG IMPLEMENT, INC,CHAINSAW ROPE AND ROTOR - ENGINE 1,26.43;SAYLER SCREENPRINTING,UNIFORMS-PD,126; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION

DUES,413.85;SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,241;SCOTTSBLUFF MOTOR CO, INC,HIDTA CAR LEASE-PD,468; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,858; SCOTTSBLUFF WINSUPPLY COMPANY,BLDG MAINT PARK,136.28; SHARAYA TOOF,EXPENSE HEARTLAND ECON.BASIC TRAINING,57.85;SHERIFF'S OFFICE,LEGAL FEES-PD,124.32;SHERWINWILLIAMS,GROUNDMAINTPARK,304.49;SIMONCONTRACTORS,CONCR ETE FOR STREET YARD,6783.77;SPAANS BABCOCK INC,CONTRACTUAL SVC,3500;STATE HEALTHLAB,SAMPLES,127;STATEOFNE.,CONTRACTUAL-PD,525;STEPHENS TAYLOR,GIS/LIS SYMPOSIUM MEAL REIMBURSEMENT,78.57;SWANK MOTION PICTURES INC,SPECIAL EVENTS-REC,1440;TERRY D SCOTT,VEH MAINT CEM,334.5;THE PEAVEY CORP,INVEST SUPPL-PD,280.05;TRANS-WEST INC,FIRE PREVENTION VEHICLE PREVENTATIVE MAINTENANCE,129.88;U AND U TRUCKING LLC,CONTRACTUAL SERVICES-SAN,2204; UNIONBANK& TRUST,RETIREMENT W/H,36553.7;UNITED STATES WELDING,CONTRACTUAL SERVICES-SAN,54.85; US BANK,VISA GIS SW,4915.26;WALMART,DEPT SUPP ADM/DS,272.79; WESTERN PATHOLOGY CONSULTANTS, INC,DOT TESTING - FEB. 2023,283;WESTERN SURETY COMPANY,PUBLIC EMPLOYEE BLANKET BOND,950;WYOMING CHILD SUPPORT ENFORCEMENT,EE WITHHOLDINGS,738.08;ZM LUMBER CO CAPITAL ONE TRADE CREDIT,GROUND MAINT PARK,978.92;

Mayor McKerrigan opened the public hearing at 6:02 p.m. to consider the proposed Ordinance Text Change to Chapter 25, Article 3, regarding Planned Business Center Zoning District.

Mr. Zach Glaubius, Development Services Director, approached Council and explained on March 17, 2023 Rockstep Capital submitted an application for a zoning ordinance text change regarding minimum lot size of the Planned Business Center District. Currently the minimum lot size is five acres per lot and after looking at other Nebraska cities it was determined to remove the minimum lot size and replace it with a minimum district size of eight acres. Mr. Glaubius added the Planning Commission is recommending the proposed change and staff is requesting waiving the three readings of the Ordinance.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:04 p.m.

Mayor McKerrigan opened the public hearing at 6:05 p.m. to consider the proposed Ordinance Text Change to Chapter 25, Article 3, regarding Miscellaneous Zoning Regulations.

Mr. Glaubius came forward to inform Council as part of the comprehensive review, staff came across three sections of code which prohibits more than one residential building per lot which disallows multi building apartment development. By repealing, this will allow for multiple apartment buildings on a single lot, which will allow for consolidated parking and less surveying. Additionally, the City is looking to repeal Regulation D which deals with flood plain items. The floodplain overlay zone was updated last year which makes this regulation redundant. The Planning Commission also made a positive recommendation on the change and staff is requesting waiving the three readings of the Ordinance.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:07 p.m.

Council introduced the Ordinance amending Chapter 25, Article 3, Section 12 dealing with PBC Planned Business Center Regulations and Performance Standards and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 12 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH PBC PLANNED BUSINESS CENTER REGULATIONS AND AMENDING THE PERFORMANCE STANDARDS THEREIN, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council Member Colwell moved the statutory rule regarding the Ordinance amending Chapter 25, Article 3, Section 12 dealing with PBC Planned Business Center Regulations and Performance Standards to be read by title on three different days be suspended. The motion was seconded by Council Member Salomon, “YEAS,” Salomon, Vidlak, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Council Member Scanlan moved, seconded by Council Member Vidlak to adopt Ordinance No. 4302 amending Chapter 25, Article 3, Section 12 dealing with PBC Planned Business Center Regulations and Performance Standards, “YEAS,” Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. “NAYS,” None. Absent: None

Council introduced the Ordinance amending Chapter 25, Article 3, Section 25 dealing with Miscellaneous Regulations and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 25 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH MISCELLANEOUS REGULATIONS, REPEALLING SUBPARAGRAPHS D, J, K AND L OF 25-3-25 AS THEY ARE ADDRESSED IN OTHER ZONING REGULATIONS, RELETTERING SUBPARAGRAPHS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council Member Scanlan moved, seconded by Council Member Salomon that the statutory rule regarding the Ordinance amending Chapter 25, Article 3, Section 25 dealing with Miscellaneous Regulations to be read by title on three different days be suspended, “YEAS,” Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. “NAYS,” None. Absent: None.

Council Member Colwell made a motion to adopt Ordinance No. 4303 amending Chapter 25, Article 3, Section 25 dealing with Miscellaneous Regulations. The motion was seconded by Council Member Salomon, “YEAS,” McKerrigan, Scanlan, Colwell, Vidlak, and Salomon. “NAYS,” None. Absent: None.

Mr. Tom Schingle, Fire Chief, approached Council regarding the bids for 18 new self-contained breathing apparatus (SCBA) and accessories for the Fire Department. Mr. Schingle explained there were two bids received, with Sandry Fire Supply meeting the specifications required in the bid packet. Additionally, one major enhancement with the Sandry equipment is it uses only one central battery supply for voice communications, heads-up display and personal alert safety system. Mr. Schingle advised they have been sinking approximately \$20,000/year; the budget is \$200,000 and will come from MFO funds.

Council Member Scanlan moved, seconded by Council Member Colwell to approve awarding the bid for 18 new self-contained breathing apparatus (SCBA) and accessories for the Fire Department to Sandry Fire Supply in the amount of \$173,852, “YEAS,” Colwell, Salomon, Vidlak, Scanlan, and McKerrigan. “NAYS,” None. Absent: None.

Ms. Colleen Johnson, representing Old West Balloon Fest, came forward to request funding to help defray the costs of the event that will be held in August of 2023. Ms. Johnson explained Old West Balloon Fest is in its 9th year and will be held August 7-12, 2023. She went over the impact the event had on the community last year, explaining there were approximately 12,500 out of town visitors that attended the six-day event. On average those visitors spent approximately \$191 per person in lodging, gas, food and merchandise. During the six-day event, activities will include night glows, mass ascensions, new shapes and a youth ballooning camp.

Council Member Scanlan made a motion, seconded by Council Member Colwell to approve funding of \$20,000 from the Community Programming Fund to help defray the costs of lodging for pilots during Old West Balloon Fest held August 7-12, 2023, “YEAS,” Salomon, Vidlak, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Mr. Aaron Raines, who is assisting the tourism bureau, Ms. Karla Neidan Streeks, City of Gering Tourism Director and Brenda Leisy, representing Scotts Bluff Area Visitors Bureau, approached Council to explain the impact of gravel cycling and the benefit our community will receive by hosting the USA National Gravel Grinder Race to be held in September of 2023 and 2024. This event will be covered nationally and will enhance the area greatly with lodging and sales tax. They would like to request funding of \$10,000 to help defray costs associated with the event.

Council Member Scanlan made a motion to approve the funding request of \$10,000 to help aid in the expenses of the USA National Gravel Grinder Race to be held in Scotts Bluff County in September of 2023. The motion was seconded by Council Member Vidlak, “YEAS,” Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. “NAYS,” None. Absent: None.

Mr. Brian Wasson, Police Captain, presented the annual report from the Police Department. Mr. Wasson gave an informative report of the many activities in the Police Department, which include Mission/Vision Statements; Core Values & Goals; K-9 Officer Duke; Personnel Distribution; Operations & Support Services Divisions; School Resource Officers; Interns; Activity Summaries; and Community Outreach.

In 2022 there was a total of 18,559 calls with 742 arrests; in all 4190 reports were written. The WING Task Force and Scottsbluff Police Department experienced significant increases in the number of opiates seized and possessed by offenders. Seized amounts included: 910 grams of Methamphetamine, 23 grams of Heroin, 2,179 pills containing suspected and confirmed fentanyl and 4,268 grams of Marijuana. Another area of the department, Code Enforcement, saw 155 compliance calls, with Animal Control complaints at 434 in 2022.

On October 1, 2022 the department earned Accreditation through the Nebraska Crime Commission by updating and composing thirteen policies of the 29 required to meet standards. Additionally, on May 15, 2023, Peace Officers Memorial Day will be celebrated at the Public Safety Building. They will be honoring the 100th year anniversary of the death of the only Scottsbluff Police officer who had died in the line of duty, Albert Peterson, on April 25, 1923.

Under Council Reports, Council Member Salomon gave an update on the zoo. He stated a crew of Gering Seniors came and stained a handicapped deck, adding Mr. Brown, welding instructor and students, are working on a project using steel to make bed frames for the bears. Additionally, Box Butte General Hospital has donated an oxygen machine and they are working on community support to be able to update cages to bring cats back to the zoo.

Council Member Scanlan moved to adjourn the meeting at 7:14 p.m. The motion was seconded by Council Member Colwell, “YEAS,” Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk

“SEAL”