

City of Scottsbluff, Nebraska

Monday, June 5, 2023

Regular Meeting

Item Consent1

Council to approve the minutes of the May 15, 2023 Regular Meeting.

Staff Contact: City Council

Regular Meeting
May 15, 2023

The Scottsbluff City Council met in a regular meeting on May 15, 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 May 12, 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 May 12, 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, Angela Scanlan 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 was 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 was none.

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

- a) The minutes of the May 1, 2023 Regular Meeting be approved,
- b) A public hearing be set for June 5, 2023 at 6:00 p.m. to consider the creation of Paving District 314 for portions of 28th Street and Avenue K in the SE Quarter of the SE Quarter of Section 15, Township 22 North, Range 55 West of the 6th P.M.,
- c) A public hearing be set for June 5, 2023 at 6:00 p.m. to consider the creation of Sanitary Sewer District 167 located North of 27th Street & West of Avenue I in the SE Quarter of Section 15, Township 22 North, Range 55 West of the 6th P.M.,
- d) The May 30, 2023 Meeting be canceled as two Regular Meetings have been held in the month of May,
- e) A claim from National Subrogation Services regarding a February 9, 2023 incident at 2914 19th Ave., Scottsbluff, NE be acknowledged. City Council will withdraw and take no action on the claim which has been forwarded to the City's insurance carrier,
- f) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated May 15, 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

ACCELERATEDRECEIVABLESOLUTIONS,WAGEATTACHMENT,209.68;ACTIONCOMMUNICATI
ONS INC.,BATTERIES AND PADLOCKS FOR TORNADO SIREN- NORTHWO,1434.72;
ADVANCE AUTO PARTS,VEH MAINT-PD,37.5;AE SERVICES, LLC,ELECTRICAL MAINT
CLEVELAND FIELD,3924.98; AHLERS BAKING INC,DEPT SUPPL-PD,39.98;AIRGAS USA,

LLC,DEPARTMENTSUPPLIES-SAN,189.02;ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4045.53;AUTOZONE STORES, INC,ALTERNATOR - BRUSH 1,203.99; B & H INVESTMENTS, INC,DEP. SUP. -LIBRARY,357.5; BEST PLUMBING HEATING & COOLING,BLDG MAINT PARK,1726.56;BLUFFS FACILITY SOLUTIONS,DEPARTMENT SUPPLIES-REC,2621.3; BULK TRANSPORT COMPANY WEST INC,GROUND MAINT PARK,2494.62; CAPITAL BUSINESS SYSTEMSINC.,CONTRACTUALPD,143.28;CELLCOPARTNERSHIP,CELLPHONE/CONTRACTUA LSVC,245.54;CITIBANK,N.A.,INVEST SUPPL-PD,214.18; CLARK PRINTING LLC,PRGMG.,992.25; COMPUTER CONNECTION INC,CONT. SRVCS.,284;CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,60;CONTRACTORS MATERIALS INC.,ST. SUPP - FIBER EXP JOINT, NOZZLES,306.02;CORE & MAIN LP,DEPT SUP,598.09;CREDIT BUREAU OF COUNCIL BLUFFS,FEE - APRIL 2023,50;DXP ENTERPRISES INC,CALIBRATION GAS - HAZMAT MONITORS,963.48;EAKES INC,DEP. SUP.,466.8; EBSCO INDUSTRIES, INC,SBSCR.,1448; ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MAINTENANCE-SAN,315.64;ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,216;ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,240;FAT BOYS TIRE AND AUTO,VEH MAINT PARK,947.99;FEDERAL EXPRESS CORPORATION,POSTAGE,408.34;FLOYD'S TRUCK CENTER SCOTTSBLUFF,VEHICLE MAINTENANCE-SAN,1584.16;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1510;FUN EXPRESS, LLC,PRGRMG.,285.36;GALLS PARENT HOLDINGS, LLC,UNIFORMS-PD,460;GENERAL TRAFFIC CONTROLS, INC,SUPP - PEDESTRIAN PUSHBUTTONS,4825; GI HOSPITALITY,SCHOOLS & CONF-PD,490;GREAT PLAINS UNIFORMS LLC,CIP-BODY ARMOR-SWAT,9260.16;HARGESDANIEL,SCHOOLS&CONFPD,225;HAWKINS,INC.,CHEMICALS,5108.67; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,624.77;HULLINGER GLASS & LOCKS INC.,BLDG MAINT-PD,485;HYDRO-KLEAN LLC,STRUCTURES,55053.18; IDEAL LAUNDRY AND CLEANERS, INC.,JAN. SUP.,645.98;INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,1081.01; INGRAM LIBRARY SERVICES INC,COLL.,989.57; INLAND TRUCK PARTS & SERVICE,DOOR LATCH KIT - TOWER 1,854.93;INTERNAL REVENUE SERVICE,WITHHOLDINGS,67715.08; INT'L INST OF MUNC CLKS,MEMBERSHIP IIMC,185; INTRALINKS, INC,DELL POWEREDGE T550 - SERVER - PD,16796.47; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL SVC,193.8; JERRY STRICKER,TREE REBATE - 2 TREES,224.85; KNOW HOW LLC,DEPARTMENT SUPPLIES-SAN,3051.05;KUHLMAN, BOBBI,SCHOOLS & CONF-PD,60; LEAGUE ASSOCIATION OF RISK MANAGEMENT,WORK COMP - FINAL AUDIT FY21-22 PREM.RENEWAL,806.11;LEE BHM CORP,LEGAL PUBLISHING,1992.69; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100;LORE BRIAN & LORI,CONTRACTUAL,1400;M.C. SCHAFF & ASSOCIATES, INC,PROF SERVICES - APRIL 2023,1400; MACQUEEN EQUIPMENT INC,EQUIP MAINT,952.4;MADISON NATIONAL LIFE,INSURANCE,3502.77;MATHESON TRI-GAS INC,RENT - MACHINES,68.79;MENARDS, INC,GROUND MAINT PARK,1520.45;MIDWEST CONNECT, LLC,UB PROCESSING - APRIL 2023,4221.44;MILLER'S HEARING AID CENTERS INC,CONSULTING-PD,40;MUNIMETRIX SYSTEMS CORP,CONTRACTUAL,39.99;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1267.1;NE DEPT OF REVENUE,LODGING TAX,394.06;NEBRASKA MACHINERY CO,DEPT SUPP PARK PLAZA,271.01;NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,42664.01; NEBRASKA RURAL RADIO ASSOCIATION,STORMWATER KNEB TVAND INTERNET PSAS APRIL,475;NEBRASKA SAFETY & FIRE EQUIPMENT INC.,ANNUAL FIRE EXTINGUISHER INSPECTION,805.95; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,647.26;OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,404.05;ONE CALL CONCEPTS, INC,CONTRACTUAL,167;PAIGE MANNING,BID DOWNTOWN GARDEN MAINTENANCE APRIL,6690; PANHANDLE COOPERATIVE ASSOCIATION,FUEL/VEHICLE MAINT,2993.12;

PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,229;PARADISE PUMPERS LLC,CONTRACTUAL,620;PAUL REED CONSTRUCTION & SUPPLY, INC,KENO,1355.25; PLATTE VALLEY BANK,HEALTH SAVING ACCT,10137.52;POWERPLAN,EQUIP MAINT,230.05; PRAISE WINDOWS INC,BLDG. MAIN.,700;PRECISION AIR,SERVER ROOM AIR CONDENSOR REPLACEMENT,498.46;PT HOSE AND BEARING,HOSE & MALE END FOR PRESSURE WASHER,223.4;QA BALANCE SERVICES INC,CONTRACTUAL SVC,110; QUADIANT LEASING USA INC,CONT. SRVCS.,594.17;QUILL CORPORATION,DEPT SUPPL-PD,447.61;REAMS SPRINKLER SUPPLY CO.,GROUND MAINT PARK,3945.57; REGION 22 EMERGENCY MGMT,REGION 22 EMERGENCY MANAGEMENT FEE,7611.32;REGIONAL CARE INC,CLAIMS,104443.04;REGIONAL WEST MEDICAL CENTER,1CC SYRINGES - MEDICAL SUPPLIES,41.71;REZPLOT SYSTEM LLC,CONTRACTUAL,520.5;RHODE ISLAND NOVELTY, INC,PRGRMG.,523.61; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,2113.09; RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,650.14; S M E C,EMPLOYEE DEDUCTION,101.15; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,413.85;SCOTTSBLUFF BODY & PAINT,VEH MAINT-PD,1394.1; SCOTTSBLUFF MOTOR CO, INC,VEH MAINT ADM,644.58;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,858;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORM CLOTHING,297.46;SHAGGY BUFFALO CARWASH LLC,VEHICLE MAINT,15; SHERWIN WILLIAMS,GROUND MAINT PARK,65.89;SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,12052.19;SIMONCONTRACTORS,CONCRETEFORSTREETREPAIR,9205.52; SOUCIEANDREW,SCHOOLS&CONF-PD,225;SOUNDSLEEPERSECURITY INC.,CONTRACTUAL-PD,14.95;STANARD & ASSOCIATES INC.,POLICE OFFICER EXAM 4/28/23,217;TACTICAL MEDICAL SOLUTIONS LLC,EQUIP MAINT-PD,375.92;TERRY D SCOTT,VEH MAINT PARK,382.78;THE PEAVEY CORP,INVEST SUPPL-PD,93.6; TORRINGTON SOD FARMS,GROUND MAINT PARK,2799;UNION BANK & TRUST,RETIREMENT,36810.95;US COMPOSTING COUNCIL,MEMBERSHIPS,475;VERIZON CONNECT FLEET USA LLC,GPS SERVICE,244.66; W & R INC,BLDG MAINT-PD,573.41;WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,2588.78;WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,1752.57; WEX BANK,DIESEL FUEL-SAN,21973.1;WHITING SIGNS,CIP-EOD TRUCK,1258;WINTER CREEK CANAL COMPANY,POST CLOSURE/WATER RIGHTS,3075;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,837; REFUNDS; GABRIEL MARTINEZ, 79.18; LUIS LOPEZ, 3.10

City Manager Spencer presented the April 2023 Financial Report. He explained this report shows the first seven months of the year with everything in place, commenting we are in good shape cash wise, everything is looking good.

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

Mayor McKerrigan read the Proclamation naming May 14-20, 2023 as Police Week. Mr. Spencer also acknowledged Peace Officer Memorial Day on Thursday, May 18th. There will be a ceremony at the Public Safety Building to honor this event at 11:00 a.m.

Mayor McKerrigan presented a Key to the City to Gilberto and Valeria Rodriquez to honor them being named the Grand Marshall's of the Cinco De Mayo Parade. Along with presenting the Key, she also read a short biography highlighting their achievements.

Mr. Paul Bruning with Nebraska Public Power District approached Council to give a transmission line update. He started his presentation by informing them that on May 11th a final route was selected for the project. In addition, he went over and reviewed the project benefits which include, a) meeting electrical demand; b) reducing congestion; and c) further enhancing the reliability and resiliency of the system. He then introduced selected right-of-way agents and surveyors that will begin contacting landowners to obtain Right-of-Entry Agreements, which will allow the district to conduct activities on their property such as survey and mapping.

In conclusion, Mr. Bruning stated he anticipates to start building in the fall of 2024, working through the winter and in April/May of 2025 they plan on project completion.

Ms. Nicole Egan, Marketing and Promotions Director with Flyover Brewing Company, came forward to receive approval on nine special designated liquor licenses; eight for the Bands on Broadway Summer Series and one for the Robidoux Road Race check-in held on June 23rd.

Ms. Egan explained they will ID and wristband at point of sale; they will also have people located at entry and exit points to make sure no one takes alcohol out of the Plaza. In addition, all new staff have taken the Etips training.

Council Member Scanlan moved, seconded by Council Member Colwell to approve nine Special Designated Liquor Licenses for Flyover Brewing Co. to serve beer, wine & distilled spirits at Bands on Broadway, June 15th, 22nd, 29th; July 6th, 13th, 20th, 27th & Aug. 3rd 4-10 p.m. & Robidoux Check-in June 23rd; 2-10 p.m. at 18th Street Plaza, "YEAS," Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. "NAYS," None. Absent: None.

Ms. Kerri Schaff, representing Powerhouse on Broadway, LLC, approached Council to get approval for eight special designated liquor licenses to serve beer, wine and distilled spirits at the Bands on Broadway Summer Series. Ms. Schaff explained they have applied for their Class K catering license from the Nebraska Liquor Control Commission, but have not received the endorsement yet. Because of this, they are asking approval for the first six SDL licenses at this time, removing the applications of July 27th and August 3rd. She further explained their plan is to set up a bar on the outside patio and serve from there. They will have people at the entry/exit gates and will ID and wristband as well, adding their management company, Hotel Equities, does all their training for them.

Council Member Scanlan made a motion to approve six Special Designated Liquor Licenses for Powerhouse on Broadway, LLC to serve beer, wine, and distilled spirits at Bands on Broadway, June 15th, 22nd, 29th, July 6th, 13th and 20th from 4-10 p.m. at the 18th Street Plaza, "YEAS," Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. "NAYS," None. Absent: None.

Mr. Mark Bohl, Public Works Director, presented the bid for a new three-quarter ton truck with service body for the Water Department to Transwest Ford, LLC in the amount of \$61,115. He explained this was the only bid received and did exceed the amount budgeted of \$51,000. However, since the truck will not be delivered until next fiscal year, additional funds will be budgeted. Staff is recommending approval of the bid.

Council Member Colwell moved, seconded by Council Member Vidlak to award the bid for a new three-quarter ton truck with service body for the Water Department to Transwest Ford, LLC in the amount of \$61,115, "YEAS," McKerrigan, Scanlan, Colwell, Vidlak, and Salomon, "NAYS," None. Absent: None.

Regarding the Micro Tif application from Tom and Becky Horne for property located at 19 East 15th St, Ms. Sharaya Toof, Economic Development Director, approached Council and explained this is the first application received for this type of funding. Tom and Becky Horne want to implement the property to be Prime Fifteen Suites, adding the building and area have met the qualifications needed to be considered for Micro Tif. These qualifications include being located in a substandard and blighted area within the

corporate limits of the city for at least sixty years; involving the rehabilitation of an existing structure, being located in a county with a population of less than 100,000; and the assessed value of the property, when completed, is estimated to be no more than \$1.5M for a commercial structure.

Ms. Becky Horne came forward and explained their vision for the building which includes parking, privacy and easy location, adding, she, as well as her daughter, will house their businesses there. They will also offer professional suites to be rented out, complimenting the space with a 1920's theme.

Council Member Scanlan moved, seconded by Council Member Colwell to approve the Micro Tif application for Tom and Becky Horne for property located at 19 East 15th St., Scottsbluff, NE and authorized the Mayor to sign Resolution No. 23-05-01, "YEAS," Colwell, Salomon, Vidlak, Scanlan and McKerrigan, "NAYS," None. Absent: None.

RESOLUTION NO. 23-05-01

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

Recitals:

a. On December 7, 2020, the City Council elected, by Resolution 20-12-02, to allow expedited reviews of redevelopment plans that meet the requirements in Section 18-2155(2) of the Community Development Law (NEB. REV. STAT. § 18-2101 *et seq.*).

b. Tom and Becky Horne (the "Redevelopers") have submitted an Application for Expedited Review of Community Redevelopment Plan (the "Plan") for the *Prime Fifteen Professional Studio Suites Project* (the "Project"), dated April 21, 2023. The Redevelopers have paid the application fee for the Plan and obtained a building permit for the Project.

c. The Plan proposes to redevelop an area of the City that the City Council has declared to be blighted and substandard and in need of redevelopment. The Plan includes the use of tax increment financing.

d. The City Manager and the Economic Development Director have conducted an expedited review of the Plan, determined that the Plan meets the requirements of Section 18-2155(2) of the Community Development Law, and recommended approval of the Plan.

Resolved:

1. The City Council has determined that the Plan meets the requirements of Section 18-2155(2) of the Community Development Law.

2. The City Council approves the Plan and the Project.

3. The City Manager and designees and the Community Redevelopment Authority are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Plan according to Section 18-2155 of the Community Development Law.

4. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on May 15, 2023.

Mayor

ATTEST:

City Clerk (Seal)

Mr. Mark Bohl, Public Works Director, presented the Interlocal Agreements with the City of Terrytown for paint striping and street sweeping services. Mr. Bohl explained one change implemented was to have the Agreements expire in three years, to run in conjunction with the Sewer Jetting Agreement we currently have with the City of Terrytown. Another change administered with the paint striping Agreement is to bill for the paint and beads after the work is done, due to the volatility of pricing right now. He added these services are performed twice a year, with Terrytown giving us ten days advance notice before work is to be performed.

Council Member Colwell made a motion to approve the Interlocal Agreements with the City of Terrytown for paint striping and street sweeping services for terms to end December 31, 2026 and authorize the Mayor to sign the Agreements. The motion was seconded by Council Member Salomon. "YEAS," Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. "NAYS," None. Absent: None.

Mr. Spencer came forward to explain the Land Lease Agreement with Verizon Wireless for their tower located at Highway 92 and County Road 19. He stated we are currently in year eight of a twenty-year Agreement where they pay us monthly. Verizon is re-evaluating all of their leases and terms with the goal to reduce payments, costs and extend terms. They want to change the amount paid to \$875.00/month with 15% increase after each 5-year term and extend the Agreement to 35 years. Mr. Spencer added he recommends the changes and if Council approves Verizon will then send an amendment to the Agreement to be voted on at the June 5th meeting.

Council Member Colwell moved, seconded by Council Member Vidlak to approve the proposed modification to the Land Lease Agreement with Verizon Wireless for their tower located at Highway 92 and County Road 19, "YEAS," Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. "NAYS," None. Absent: None.

Regarding the bi-annual evaluation of the City Manager's job performance in the first year of employment, each Council Member gave a brief explanation of their thoughts on the performance evaluation of Mr. Spencer.

Council Member Salomon started by stating he sees no issues or concerns; he thinks Mr. Spencer is doing a great job.

Council Member Vidlak shared it is hard as a new Council Member to review, but she has heard positive things throughout the community. She appreciates that Mr. Spencer listens and hears what people say. She added, in the future, to communicate his transition plan between Police Chief and current position.

Council Member Colwell likes Mr. Spencer's motto of "people first". He has noticed a change in morale at city hall and with city staff. He has brought leadership and renewed trust. He has a concern with work life balance and encourages Mr. Spencer to enjoy life outside of the office.

Council Member Scanlan appreciates the smooth and harmonious atmosphere and feels everyone is moving in the same direction.

Mayor McKerrigan added Mr. Spencer does a great job managing his time with both positions. She likes how he is building strong relationships with staff and community members. She also likes that Mr. Spencer lets department heads make decisions, helping them feel empowered and responsible.

Mr. Spencer commented he appreciates Council's support and he feels he can do more helping Council prepare for meetings. He gave thanks to department heads for their help and accomplishments. He is not concerned with burn out and looks forward to good things to come.

Under Council Reports, Mr. Spencer stated there was a PADD meeting last week; they are still looking for someone to do their audit. He also commented TCD did receive the Rural Workforce funding and that is great news.

Council Member Salomon added the Zoo is finishing the final touches for the June inspection, with Gering High School delivering the bed for the bears. The Discovery Center is going to be remodeled and they are seeing lots of schools visiting the Zoo.

Council Member Scanlan reported she and Sharaya Toof graduated from Leadership Scottsbluff.

Council Member Colwell moved, seconded by Council Member Vidlak to adjourn the meeting at 6:58 p.m., "YEAS," Colwell, Salomon, Vidlak, Scanlan, and McKerrigan. "NAYS," None. Absent: None.

Mayor

Attest:

City Clerk

"SEAL"