

# **City of Scottsbluff, Nebraska**

**Monday, July 3, 2023**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the June 19, 2023 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on June 19, 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 June 15, 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 June 16, 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 and Betsy Vidlak. Also present were City Manager Kevin Spencer and City Attorney Kent Hadenfeldt. Absent: Matt Salomon.

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 Colwell, seconded by Council Member Scanlan that,

- a) The minutes of the June 5, 2023 Regular Meeting be approved,
- b) A public hearing be set for July 3, 2023 at 6:00 p.m. to receive information about the purchase of property located at 1301 East 10<sup>th</sup> St., Scottsbluff, NE.,
- c) The appointment of Emily Norman, Dean of Students at WNCC, as a member of the Liquor License Investigatory Board be approved,
- d) The bid specifications for 20<sup>th</sup> Street Improvements-Cleveland Field to 17<sup>th</sup> Avenue-Concrete Repairs and authorizing the city clerk to advertise for bids to be received by July 12, 2023 at 2:30 p.m. be approved,
- e) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated June 19, 2023 as on file with the City Clerk and submitted to the City Council. "YEAS," Colwell, Vidlak, Scanlan, and McKerrigan. "NAYS," None. Absent: S a l o m o n .

#### CLAIMS

3M COMPANY,YELLOW PAVEMENT MARKING TAPE,657.84;ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,209.68;ACTION COMMUNICATIONS INC.,OUTDOOR WARNING SIREN MAINTENANCE- WESTMOOR,899.86; ADVANCE AUTO PARTS,VEH MAINT-PD,23.44; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4082.01; AMERICAN LEGAL PUBLISHING CORPORATION,CHANGES TO ONLINE CODE BOOK,225;AUTOZONE STORES, INC,HEADLIGHT LAMP AND MOTOR OIL - TOWER 1,42.9;B&C STEEL CORPORATION,DEPARTMENT SUPPLIES-SAN,3857.99; BLEISCH ELAINE,DEP. SUP.,39.58; BLOSSOM SHOP,DEPT SUPP ED,2.25;BLUFFS FACILITY SOLUTIONS,JANITORIAL SUPP

PARK,3051.63;CAPITAL BUSINESS SYSTEMS INC.,COPIER SERVICE,23.07; CARR- TRUMBULL LUMBER CO, INC.,SUPP - DRIMIX CONCRETE,22.2; CELLS CO PARTNERSHIP, TABLETS, IPAD, CELL PHONES, GRIDS M A R T F O R T R A N S.,1152.7; CITY OF GERING, DISPOSAL FEE-SAN,23626.78;COMPUTER CONNECTION INC, CONTRACTUAL PD,44;CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,181;CONTRACTORS MATERIALS INC.,SUPP - EXP JOINT, SAFETY GLASSES,302.72;CORE & MAIN LP,METERS,10745.51;CREDIT BUREAU OF COUNCIL BLUFFS,FEES & EMPL.SCREEN - MAY 2023,88.25;ELLIOTT EQUIPMENT COMPANY INC., VEHICLE MAINTENANCE SAN, 386.63; ENERGY LABORATORIES, INC DEPT 6250, SAMPLES,213; ENGINEERED EQUIPMENT SOLUTIONS INC,DEPT SUP,2712.21; ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,301; FAT BOYS TIRE AND AUTO,EQUIP MAINT PARK,370.64;FEDERAL EXPRESS CORPORATION,POSTAGE,83.91; FLOYD'S TRUCK CENTER SCOTTSBLUFF,VEHICLE MAINTENANCE-SAN,1839.55;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,390;GALE/CENGAGE LEARNING,SBSCR.P.,1266.45;GRAY TELEVISION GROUP INC,STORMWATER TV ADVERTISING,2095;HAWKINS, INC.,CHEMICALS,2741.98; HOA SOLUTIONS, INC,EQUIP MAINT,150;HOBBY LOBBY STORES INC,SUPP - FILM FOR PED BRIDGE LIGHTS,8.97; HONEY WAGON EXPRESS,CONTRACTUAL PARKS,675; IDEAL LAUNDRY AND CLEANERS, INC.,JAN. SUP.,858.73; INGRAM LIBRARY SERVICES INC,COLL., 2477.71; INLAND TRUCK PARTS & SERVICE, ENGINE 1 MOTOR REPLACEMENT, 47006.85; INTERNAL REVENUE SERVICE,WITHHOLDINGS,77519.2; INTERNATIONAL ASSOCIATION OF ELECTRICAL INSPECTORS,MEMBERSHIP DS,120; INTRALINKS, INC,OPTIPLEX 7000 COMPUTERS (6) - PD,22966.88;INVENTIVE WIRELESS OF NE, LLC,INTERNET,550.7; J G ELLIOTT CO.INC.,NOTARY-PD,70; KIESLER POLICE SUPPLY INC,EQUIP MAINT-PD,54; KNOW HOW LLC,DEPARTMENT SUPPLIES-SAN,2721.26;LEAL NOHEMI,CONSULTING-PD,35; LEE BHM CORP,LEGAL PUBLISHING,492.87;LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100;LIGHTHOUSE ELECTRICAL CONTRACTORS, LLC,BLDG. MAIN.,1484.94;LINCOLN JOURNAL STAR,SBSCR.P.,714;MACQUEEN EQUIPMENT INC,CONTRACTUAL SVC,865; MADISON NATIONAL LIFE,INSURANCE,4172.84;MARK CHRISMAN TRUCKING INC,18TH STREET PLAZA IMPROV.,25756.05;MATHESON TRI-GAS INC,RENT MACHINES,70.48; MENARDS, INC,DEPT SUP WATER,2202.79;MICHAEL B KEMBEL,SUPP - PHOTO EYES,143.85; MIDWEST CONNECT, LLC,UB PROCESSING - MAY 2023,5843.01;MOTOROLA SOLUTIONS, INC,CIP-PO-BODY CAMS-PD,14899.31;MUNIMETRIX SYSTEMS CORP,IMAGE SILO - MAY 2023,39.99;NATIONAL TELEPHONE MESSAGE CORP,DEPT SUPPL-PD,298.22; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1267.1;NE DEPT OF REVENUE,WITHHOLDINGS,43245.83;NEBRASKA INTERACTIVE, LLC,DRIVERS LIC REQ. - MAY 2023,15;NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,40073.87;NEBRASKA RURAL RADIO ASSOCIATION,STORMWATER - RADIO SPOTS,475;NEBRASKA SAFETY & FIRE EQUIPMENT INC.,RECHARGE EXTINGUISHER - RESCUE 1,55;NEBRASKA LAND TIRE, INC,VEHICLE MAINT,42.28;OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,403.99;ONE CALL CONCEPTS, INC,CONTRACTUAL WW WTR PW,229.58; OREGON TRAIL COMMUNITY FOUNDATION, INC,COMMUNITY SUPPORT - OWBF,20000;PAIGE MANNING,DOWNTOWN GARDEN MAINTENANCE- PARKING LOTS,6942;PANHANDLE COOPERATIVE ASSOCIATION,CONTRACTUAL SVC,7308.47;PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,75; PANHANDLE PUBLIC HEALTH DISTRICT,LEAD BASED PAINT INSPECTION SERVICES,3000;PARADISE PUMPERS LLC,CONTRACTUAL PARKS,665;PEPSI COLA OF WESTERN NEBRASKA, LLC,CONCESSION SUPPLIES-REC,559.7; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10253.91; POLYDYNE INC,CHEMICALS,5379.93; POMPS TIRE SERVICE INC,VEHICLE MAINTENANCE-SAN,380.6;POSITIVE PROMOTIONS INC,DEPT

SUPPL-PD,290.8;QUILL CORPORATION,DEPT SUPPL-PD,150.84;RAAJ LINCOLN LESSE, LLC,HOTEL FOR CPR CLASS - GLENN,100.04; REGIONAL CARE INC,CLAIMS,32460.78; REGISTER OF DEEDS,LEGAL,76;REZPLOT SYSTEM LLC,CONTRACTUAL PARK,635; RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,263.24;S M E C,EMPLOYEE DEDUCTION,101.15; SANDBERG IMPLEMENT, INC,EQUIP MAINT,1447.65;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,413.85; SCOTTS BLUFF COUNTY COMMUNICATIONS CENTER,RADIOS PURCHASES - 1ST PMT,84683; SCOTTS BLUFF COUNTY TOURISM,USA NAT'L GRAVEL GRINDER RACE SUPPORT,10000;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,858;SHERIFF'S OFFICE,LEGAL FEES-PD,150.36;SIMMONSOLSENLAWFIRM,P.C.,CONTRACTUAL,15784.29;SIMONCONTRACTORS,C ONCRETE FOR STREET REPAIR,7087.5;SNELL SERVICES INC.,ELECTRIC MAINT PARK,5745.91;SOUNDSLEEPER SECURITY INC.,SERVICE PACKAGE FOR SECURITY CAMERAS,3114.95;UNION BANK & TRUST,RETIREMENT,42164;VAN PELT FENCING CO, INC,GROUND MAINT PARK,650;VERIZON CONNECT FLEET USA LLC,GPS SERVICE FOR TRANS, 244.66; WATER ENVIRONMENT FEDERATION, MEMBERSHIPS, 85; WESTERN COOPERATIVECOMPANY,DEPT SUPP CEM,506;WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,1537.11;WESTERN PATHOLOGY CONSULTANTS, INC,DOT TESTING - MAY 2023,126;WEX BANK,DIESEL FUEL-SAN,28035.38;WHITING SIGNS,KENO DEPT SUPP PARK,1432;WINCAN LLC,CONTRACTUAL SVC,7500;WNCC FOUNDATION,MONUMENT MARATHONSUPPORT,7500;WYOMINGCHILDSUPPORTENFORCEMENT,CHILDSUPPORT,738.08;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,812;REFUNDS; RUSSELL W. KNIGHT, JR., 9.85; JANET FRANKE,80; SAMUEL P. BRADLEY, 24.21; BARRY SCOTT PEYTON, 35.24; LAURA FORTNEY, 2.81; IMELDA PIZANO, 16.25; BAILEE MOORE,24.65; JESSY VALENTINE,11.01; FRED & JACOB KRIEG, 32.19

City Manager Spencer presented the May 2023 Financial Report. He explained the first page shows the cash balance report through the end of May. The second page shows the equity in each of the accounts, adding each account should be at around 33%. He then commented everything looks in good shape, there is nothing out of the ordinary.

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

Mayor McKerrigan opened the public hearing at 6:04 p.m. to receive information on the Class D Liquor License for AS 22, LLC d/b/a Route 26 Mart, 1722 E. 20<sup>th</sup> St., Scottsbluff, NE.

Mr. Brendan Rice, Legal Counsel for AS 22, LLC, came forward and explained this is a family transaction of the purchase of the already existing Route 26 Mart gas station, stating they would like to continue the existence of the liquor license they already have.

Mr. Kevin Spencer, Police Chief, approached and added both Mr. and Mrs. Parra appeared before the Liquor License Investigatory Board where they discussed their intention of the business. The board gave them a positive recommendation and since that time a background check has been conducted to make sure they are fit, willing and able to have a liquor license. Nothing came up in the investigation to disqualify them and they show to have a good plan in place.

The following exhibits were then presented on behalf of City Council and entered into record: 1) AS 22, LLC d/b/a Route 26 Mart Liquor License Application; 2) City Council Check List for section §53-132 cum supp. 2022; 3) written statement of Police Chief Kevin Spencer dated June 15, 2023; 4) written statement of City Clerk dated June 19, 2023; 5) written statement of Development Services dated May 22, 2023.

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

Council Member Colwell moved, seconded by Council Member Scanlan to send a positive recommendation to the Nebraska Liquor Control Commission regarding the Class D Liquor License for AS 22, LLC d/b/a Route 26 Mart and naming Anthony O. Parra as Liquor License Manager, “YEAS,” Scanlan, McKerrigan, Colwell, and Vidlak. “NAYS,” None. Absent: Salomon.

**RESOLUTION NO. 23-06-01**

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

1. On June 19, 2023 the matter of the application of a Class D liquor license for AS 22, LLC d/b/a Route 26 Mart, 1722 E. 20<sup>th</sup> St., Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class D liquor license for AS 22, LLC d/b/a Route 26 Mart, 1722 E. 20<sup>th</sup> St., Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2022)

Exhibit 3 - Written statement of Police Chief dated June 15, 2023

Exhibit 4 - Written statement of City Clerk dated June 19, 2023

Exhibit 5 - Written statement of Development Services Department dated May 22, 2023

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Brendan Rice, Legal Counsel; Police Chief Kevin Spencer spoke on behalf of the City.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
  - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.
  - b. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2022) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes.

Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class D liquor license for AS 22, LLC d/b/a Route 26 Mart at the premises described in the application.

5. The City Clerk shall transmit a copy of this Resolution to the Commission.

6. Cost of publication: \$17.58.

Passed and approved this 19th day of June, 2023.

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Mayor

ATTEST:

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City Clerk

“seal”

Mayor McKerrigan opened the public hearing at 6:07 p.m. to receive information regarding the Class IK Liquor License for Sweet V’s, LLC d/b/a Sweet V’s, 1818 1<sup>st</sup> Ave., Scottsbluff, NE.

Mr. Mark Villagrana, owner and liquor license manager applicant, came forward and explained he does not have much experience serving alcohol as their business started out small with cotton candy and shaved ice. He, however, has done a substantial amount of research and plans on checking the ID’s of all patrons who order alcohol. He also stated the waitresses will be utilizing handhelds that will scan the ID’s once they are obtained. Mr. Villagrana also commented that he filled out the liquor license application rather quickly and neglected to disclose a driving under suspension charge along with some other items that were in his past, stating the violations were not felonies and he thought they did not need to be added.

Police Chief Spencer then came forward and explained a background investigation was conducted on Mark and his wife Allison to make sure they are fit, willing, and able to obtain a liquor license. Mr. Spencer commented while some items did appear, none of them were of a disqualifying nature. He added he did have good conversation with Mark and believes him when he thought he didn’t need to report the violations. He also commented Mark has a good plan in place and also appeared before the Liquor License Investigatory Committee receiving a positive recommendation.

The following exhibits were then presented on behalf of City Council and entered into record: 1) Sweet V’s, LLC d/b/a Sweet V’s Liquor License Application; 2) City Council Check List for section §53-132 cum supp. 2022; 3) written statement of Police Chief Kevin Spencer dated June 15, 2023; 4) written statement of City Clerk dated June 19, 2023; 5) written statement of Development Services dated May 24, 2023.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:13 p.m.

Council Member Scanlan made a motion to send a positive recommendation to the Nebraska Liquor Control Commission regarding the Class IK Liquor License for Sweet V’s, LLC d/b/a Sweet V’s and naming Mark Villagrana as Liquor License Manager. The motion was seconded by Council Member Colwell, “YEAS,” Vidlak, Colwell, McKerrigan, and Scanlan. “NAYS,” None. Absent: Salomon.

**RESOLUTION NO. 23-06-02**

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

1. On June 19, 2023 the matter of the application of a Class IK liquor license for Sweet V's LLC d/b/a Sweet V's, 1818 1<sup>st</sup> Ave., Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class IK liquor license for Sweet V's, LLC d/b/a Sweet V's 1818 1<sup>st</sup> Ave., Scottsbluff, NE 69361

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2022)

Exhibit 3 - Written statement of Police Chief dated June 15, 2023

Exhibit 4 - Written statement of City Clerk dated June 19, 2023

Exhibit 5 - Written statement of Development Services Department dated May 24, 2023

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Mark A. Villagrana, Manager; Police Chief Kevin Spencer spoke on behalf of the City.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
  - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.
  - c. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2022) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.
4. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes.

Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class IK liquor license for Sweet V's LLC d/b/a Sweet V's at the premises described in the application.

5. The City Clerk shall transmit a copy of this Resolution to the Commission.
6. Cost of publication: \$17.58.

Passed and approved this 19th day of June, 2023.

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Mayor

ATTEST:

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City Clerk

“seal”

Council introduced the Ordinance to consider the creation of Paving District 314 for portions of 28<sup>th</sup> Street and Avenue K in the SE Quarter of the SE Quarter of Section 15, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. and was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA CREATING PAVING DISTRICT NO. 314; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING AND GUTTERING, OR SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR PLANS, SPECIFICATIONS, ESTIMATES OF COST AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SAID IMPROVEMENTS AGAINST THE PROPERTY IN SAID DISTRICT ESPECIALLY BENEFITTED THEREBY IN PROPORTION TO SAID BENEFITS; PROVIDING FOR THE ISSUANCE OF DISTRICT IMPROVEMENT WARRANTS AND DISTRICT AND INTERSECTION IMPROVEMENT BONDS AND FOR THE LEVY OF SPECIAL ASSESSMENTS AND GENERAL TAXES TO PAY FOR SAID IMPROVEMENTS; PROVIDING FOR THE REPEALING OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

After the reading of the Ordinance, Mr. Brendan Rice, Legal Counsel of Frank Properties, came forward and explained he failed to comment, during the public hearing at the last meeting, that Frank Properties owns more than 51% of the frontage. He further stated if you look at the statute to protest Paving Districts it would require that more than 51% of the frontage file the protest, so essentially no one can really protest this.

After Mr. Rice’s comments, Council Member Scanlan moved, seconded by Council Member Colwell that the statutory rule regarding the Ordinance to consider creating Paving District No. 314 for portions of 28<sup>th</sup> Street and Avenue K to be read by title on three different days be suspended, “YEAS,” McKerrigan, Scanlan, Colwell, and Vidlak. “NAYS,” None. Absent: Salomon.

Council Member Scanlan moved to adopt Ordinance No. 4304 creating Paving District No. 314 for portions of 28<sup>th</sup> Street and Avenue K. The motion was seconded by Council Member Colwell, “YEAS,” Colwell, Vidlak, Scanlan, McKerrigan. “NAYS,” None. Absent: Salomon.

Council introduced the Ordinance to consider the creation of Sanitary Sewer District 167 located North of 27<sup>th</sup> Street and West of Avenue I in the SE Quarter of Section 15, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. and was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA CREATING SANITARY SEWER DISTRICT NO. 167; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING THE CONSTRUCTION OF**



**NECESSARY IMPROVEMENTS AND SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR PLANS, SPECIFICATIONS, ESTIMATES OF COST AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SAID IMPROVEMENTS AGAINST THE PROPERTY IN SAID DISTRICT ESPECIALLY BENEFITTED THEREBY IN PROPORTION TO SAID BENEFITS; PROVIDING FOR THE ISSUANCE OF DISTRICT IMPROVEMENT WARRANTS AND DISTRICT IMPROVEMENT BONDS AND FOR THE LEVY OF SPECIAL ASSESSMENTS AND GENERAL TAXES TO PAY FOR SAID IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

Council Member Scanlan moved, seconded by Council Member Colwell that the statutory rule regarding the Ordinance to consider Sanitary Improvement District No. 167 located North of 27<sup>th</sup> Street and West of Avenue I to be read by title on three different days be suspended, “YEAS,” Vidlak, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: Salomon.

Council Member Scanlan made a motion, seconded by Council Member Colwell to adopt Ordinance No. 4305 creating Sanitary Sewer District No. 167 located North of 27<sup>th</sup> Street and West of Avenue I, “YEAS,” Scanlan, McKerrigan, Colwell, and Vidlak. “NAYS,” None. Absent: Salomon.

Council Member Colwell moved, seconded by Council Member Vidlak to remove from the table approving seven Special Designated Liquor Licenses for Rosita’s Restaurant to serve beer, wine, and distilled spirits at Bands on Broadway, June 22<sup>nd</sup>, 29<sup>th</sup>, July 6<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup>, & Aug. 3<sup>rd</sup> from 4-10 p.m. at the 18<sup>th</sup> Street Plaza, “YEAS,” Vidlak, Colwell, McKerrigan, and Scanlan. “NAYS,” None. Absent: Salomon.

Mr. Evan Lerma, with Rosita’s Restaurant, approached Council and explained they will be late submitting two of the applications to the Liquor Commission, so because of that will only need approval on the last five. They plan on just selling margaritas, no beer or wine and will check all ID’s and wristband at point of sale.

Council Member Colwell moved, seconded by Council Member Vidlak to approve five Special Designated Liquor Licenses for Rosita’s Restaurant to serve beer, wine, and distilled spirits at Bands on Broadway, July 6<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup>, & Aug. 3<sup>rd</sup> from 4-10 p.m. at the 18<sup>th</sup> Street Plaza, “YEAS,” McKerrigan, Scanlan, Colwell, and Vidlak. “NAYS,” None. Absent: Salomon.

Ms. Alexandria Schluter, with Schluter Eats, Inc. came forward to request two Special Designated Liquor Licenses to serve wine at Bands on Broadway, July 13<sup>th</sup> and 27<sup>th</sup> from 4-10 p.m. at the 18<sup>th</sup> Street Plaza. Ms. Schluter explained they do not do wristbands, but they will check all Id’s, however. They will only offer wine and plan on serving a white, red, and rose.

Council Member Scanlan moved, seconded by Council Member Colwell to approve two Special Designated Liquor Licenses for Schluter Eats, Inc., to serve wine at Bands on Broadway, July 13<sup>th</sup> and 27<sup>th</sup> from 4-10 p.m. at the 18<sup>th</sup> Street Plaza, “YEAS,” Colwell, Vidlak, Scanlan, and McKerrigan, “NAYS,” None. Absent: Salomon.

Ms. Tina Worthman, Executive Director of the Midwest Theater, approached Council regarding a Community Festival Permit for Friends of the Midwest Theater on July 10<sup>th</sup> from 5-11 p.m. for a Marquee Lighting Ceremony. Ms. Worthman explained they would like to close Broadway from 17<sup>th</sup> to 18<sup>th</sup> to have a celebration for the community to watch the lighting of the new marquee. They plan on having a live remote from a local radio station and have asked Powerhouse Social to offer some nostalgic drinks from

the 40's to relive when the Theater first opened. Ms. Worthman commented this will be the first time the new marquee will be lit since the renovation and wanted to make it a fun, memorable event for the community. They hope to be approved so they can finalize their plan which includes food trucks and other downtown businesses.

Police Chief Spencer came forward and added he does not see a problem with the event or closing of the street; the time frame is reasonable and it is happening on a Monday evening.

Council Member Colwell moved, seconded by Council Member Vidlak to approve the Community Festival Permit for Friends of the Midwest Theater on July 10<sup>th</sup> from 5-11 p.m. for a Marquee Lighting - Celebration for the Midwest Theater to include vendors, noise permit and street closure of the 1700-1800 blocks of Broadway, "YEAS," Scanlan, McKerrigan, Colwell, and Vidlak. "NAYS," None. Absent: Salomon.

Regarding the Special Designated Liquor License for Powerhouse on Broadway, LLC to serve beer, wine, and distilled spirits at the Marquee Lighting Ceremony for the Midwest Theater, Mr. Dave Schaff approached Council and explained they will work with the Public Works Department in the City to make sure the gates and fences are installed, which are required for the Special Designated Liquor License. In addition, they will check all ID's and wristband at point of sale. Currently they are still working with Tina and her staff to see how they want to set up. They are open to either patrons coming inside their business or serving the community outside.

Council Member Scanlan made a motion, seconded by Council Member Colwell to approve the Special Designated Liquor License for Powerhouse on Broadway, LLC to serve beer, wine, and distilled spirits at the Marquee Lighting Celebration for the Midwest Theater on July 10<sup>th</sup> from 5-11 p.m. on the 1700-1800 Blocks of Broadway, "YEAS," Vidlak, Colwell, McKerrigan, and Scanlan. "NAYS," None. Absent: Salomon.

City Manager Spencer presented the bids for the 23 Club Musco Lighting Installation, explaining two bids were received with Adams Electric submitting the lowest proposal of the two; they were also lower than the engineers estimate for the project. He added this will be the last phase of the 23 Club renovation and installation should start in the fall when the ground is firm. In addition, the MLB Grant of \$100,000 will be used to help fund the project.

Council Member Scanlan made a motion to approve awarding the bid for the 23 Club Musco Lighting Installation to Adams Electric Services in the amount of \$301,589. The motion was seconded by Council Member Colwell, "YEAS," McKerrigan, Scanlan, Colwell, and Vidlak. "NAYS," None. Absent: Salomon.

Mr. Jordan Diedrich, Executive Director of Twin Cities Development Association, approached Council in reference to the Workforce Housing Investment Fund Local Match Agreement between the City and Twin Cities Development Association, Inc. Mr. Diedrich informed Council that TCD was awarded the Rural Workforce Housing matching grant. He continued by explaining the success of the program, adding there are 15 total projects creating 22 housing units in our region; 10 projects and 17 units in Scottsbluff specifically. In addition, \$2M was spent towards projects in the last year with \$1.4M of that in the City of Scottsbluff. Four of the projects have paid back into the fund with the monies going back into the community, which shows the money is being reused.

In terms of the Agreement, Mr. Diedrich stated this Agreement is a little different than the last one that was approved. He explained instead of the money being a grant, like in the prior Agreement, if the program comes to an end or if the use of the program is changed the City would get their money back. He also added they need to have the funds of \$200,000 in their account by July 10<sup>th</sup> to get the matching funds from the State.

Council Member Scanlan moved, seconded by Council Member Vidlak to Approve the Workforce Housing Investment Fund Local Match Agreement between the City and Twin Cities Development Association, Inc. and authorize the Mayor to sign the Agreement, “YEAS,” Colwell, Vidlak, Scanlan, and McKerrigan. “NAYS,” None. Absent: Salomon.

Mr. Herb Gibson, President of Prime Metal Products, Inc., came forward to explain and answer questions regarding the Amended and Restated Economic Development Assistance Agreement. Mr. Gibson stated the reason for the Amended and Restated Agreement is due to receivables not being collected from a job in Texas amounting to around \$600,000. He added the loss of cash flow affected the residential part of their business to where they could not fill orders and ended up losing business. They combated that by changing their strategy, starting a new production line and have seen sales grow that will add 23 new jobs.

Mr. Gibson explained they currently have 34 employees in Scottsbluff within the 60-mile range, running around a \$2.2M payroll expense with benefits.

During discussion, Mr. Spencer added, with this Agreement, there is a \$500,000 disbursement where the City will pay some of the payables directly, which will improve the City’s position considerably. He also reminded Council that Prime Metals has created some high paying jobs in the area for three years.

Council Member Scanlan moved, seconded by Council Member Vidlak to approve the Amended and Restated Economic Development Assistance Agreement with Prime Metal Products, Inc., and authorize the Economic Development Program Administrator to sign the Agreement, “YEAS,” Scanlan, McKerrigan, Colwell, and Vidlak. “NAYS,” None. Absent: Salomon.

Under Council Reports, Council Member Colwell gave a report on the Zoo in the absence of Council Member Salomon. Mr. Colwell informed that the splash pad is up and running, also Bonnie the Bobcat’s cage is being improved and expanded to add more climbing space. The lemurs and spider monkeys are rotating cages and a new Scottish Highland calf was born. In addition, the Discovery Center received a Speed Grant Improvement Award for a new ceiling, lighting and HVAC. The National Guard is also volunteering to help get the zoo ready for their upcoming accreditation with the AZA.

Mr. Tom Schingle, Fire Chief, approached stating the 911 Advisory Board met last week and they are updating the interlocal agreement, which still needs quite a bit of work.

Council Member Colwell made a motion to adjourn the meeting at 6:50 p.m. The motion was seconded by Council Member Scanlan, “YEAS,” Vidlak, Colwell, McKerrigan, and Scanlan. “NAYS,” None. Absent: Salomon.

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Mayor

Attest:

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City Clerk

“SEAL”