

City of Scottsbluff, Nebraska

Monday, July 17, 2023

Regular Meeting

Item Consent1

Council to approve the minutes of the July 3, 2023 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on July 3, 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 29, 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 station NBC Nebraska and the Star Herald. The notice was also available on the city's website on June 29, 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 Scanlan, seconded by Council Member Colwell that,

- a) The minutes of the June 19, 2023 Regular Meeting be approved,
- b) The absence of Council Member Salomon from the June 19, 2023 Regular Meeting be excused,
- c) A public hearing be set for July 17, 2023 at 6:00 p.m. concerning the sufficiency or validity of protests or objections to creation of Paving District No. 314 for portions of 28th St. and Ave. K in the SE Quarter of the SE Quarter of Section 15, Township 22 North, Range 55 West of the 6th P.M.,
- d) A public hearing be set for July 17, 2023 at 6:00 p.m. concerning the sufficiency or validity of protests or objections to creation of Sanitary Sewer District No. 167 located North of 27th St. and West of Ave. I in the SE Quarter of Section 15, Township 22 North, Range 55 West of the 6th P.M.,
- e) The bid specifications for the Police Tow Service three-year contract and authorizing the city clerk to advertise for bids to be received until July 14, 2023 at 11:00 a.m. be approved,
- f) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated July 3, 2023 as on file with the City Clerk and submitted to the City Council. "YEAS," Colwell, Vidlak, Scanlan, and McKerrigan. "NAYS," None. Absent: Salomon.

CLAIMS

3MCOMPANY,WHITEPAVEMENTMARKINGTAPE,657.84;ACELECTRICMOTORSERVICE,BUILDING MAINTENANCE-REC,936.12;ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,779.38;ANITA'S GREENSCAPING INC,BLDG. MAIN.,320;ASSOCIATED SUPPLY CO, INC,EQUIPMENT MAINTENANCE-REC,1702.13;BARCO MUNICIPAL PRODUCTS INC,DELINEATOR AND TRAFFIC CONES, MEASURING WHEEL,794.62;BIBLIOTHECA LLC,EQUIP. MAIN.,995;BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY

BILL,3553.82;BSN SPORTS, INC,DEPARTMENT SUPPLIES-REC,320;CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,424.35;CASH WA DISTRIBUTING,CONCESSION SUPPLIES-REC,828.85;CELLCOPARTNERSHIP,CELLPHONESPD,1742.06;CEMSALES&SERVICE,DEPARTM ENTSUPPLIES REC, 4720.04; CENTRAL PROGRAMS INC, COLL., 459.43; CITIBANK N. A., DEPARTMENT SUPPLIES-REC,546.42;CLARK PRINTING LLC,PRINTING - CONTRACTORS LICENSE,256.45;COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTAL INSURANCE,22.75; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,153.25; CONTRACTORS MATERIALS INC.,DEPARTMENT SUPPLIES-SAN,245.39; CORE & MAIN LP,METERS,2673.37;DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTLY LONG DISTANCE,61.84; DOOLEY OIL INC,55 GAL. 5W - 40,1205.6;ELIZABETH LOUTZENHISER, SCHOOL & CONF FINANCE, 639.75; FEDERAL EXPRESS CORPORATION, POSTAGE,147.75;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,440; GALLS PARENT HOLDINGS, LLC,UNIFORMS-PD,426.91;GENOWAYS NATHAN,SCHOOLS & CONF-PD,225; GERING MULITPURPOSE SENIOR CENTER,CONTRACTUAL,1000;GREENING ENTERPRISESINC.,STATIONDUTYBOOTSMUNOZ,308.75;HAWKINS,INC.,CHEMICALS,1158.71; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,666.58; HOA SOLUTIONS, INC,EQUIP MAINT,735.24; HOBBY LOBBY STORES INC,SUPP - FILM FOR PED BRIDGE LIGHTS,-8.97; HONEY WAGON EXPRESS,CONTRACTUAL,450;HULLINGER GLASS & LOCKS INC.,BLDG MAINT PARK,122.25;INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT PARK,1432.96; INGRAM LIBRARY SERVICES INC,COLL.,420.89;INTERNAL REVENUE SERVICE,WITHHOLDINGS,70463;INTRALINKS, INC,DATTO ALTO - ADM/WA NOV. 2022,5052; JOHN DEERE FINANCIAL,DEPT SUP,5116.14; JOHN DEERE FINANCIAL,DEPT SUP,407.32; JOHN DEERE FINANCIAL,EQUIP MAINT CEM,1146.96;JOHN P. VAN DYKE,EQUIPMENT MAINTENANCE-REC,701.88; KIESLER POLICE SUPPLY INC,EQUIP MAINT-PD,68; KRIZ DAVIS,EQUIP MAINT,494.42;LABREC JOHN,GASOLINE-PD,223.03; LEAGUE ASSOCIATION OF RISK MANAGEMENT,ENDORS.#19 LIGHTS-23 CLUB,50.91;LEAL NOHEMI,CONSULTING-PD,35;LIGHTHOUSE ELECTRICAL CONTRACTORS, LLC,BLDG. MAIN.,80;LORE BRIAN & LORI,CONTRACTUAL,1400;M.C. SCHAFF & ASSOCIATES, INC,ENGINEERING,8700; MADISON NATIONAL LIFE,INSURANCE,3442.12;MATHESON TRI-GAS INC,DEPT SUPP PARK,149.86; MENARDS, INC,DEPT SUP,1339.46;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1462.6;NE DEPT OF REVENUE,WITHHOLDINGS,25595.53;NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,18495.39;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,363.61;OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT-PD,765;PANHANDLE CONCRETE PRODUCTS, INC,DEPT SUP,688; PANHANDLE COOPERATIVE ASSOCIATION,SPECIAL EVENTS-REC,131.98;PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,312;PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5656.07;PEPSI COLA OF WESTERN NEBRASKA, LLC,CONCESSIONS SUPPLIES-REC,707.75; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10303.91; PLAYAWAY PRODUCTS LLC,A/V SUP.,17.44;RADA, ZACKARY,SCHOOLS & CONF-PD,280; REGIONAL CARE INC,HEALTH INS. PREM. - JULY 2023,87594.93;RIVERSIDE ZOOLOGICAL FOUNDATION,CONTRACUTAL,75000;RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,775.91; RYAN R KUMM,2023 PJ TRAILER,11100;S M E C,EMPLOYEE DEDUCTION,192.3;SCB COUNTY TREASURER,PRIME METALS RE TAX PMT - JUNE 2023 LB840,81202.41;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,560;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,827.7;SCOTTS BLUFF COUNTY COMMUNICATIONS CENTER,PAYOFF OF RADIO PURCHASE,603972.14;SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,261;SCOTTSBLUFF MOTOR CO, INC,HIDTA CAR LEASE-PD,375;SCOTTSBLUFF POLICE OFFICERS

ASSOCIATION,POLICE EE DUES,1716;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORM & CLOTHING-REC,1146;SHERWIN WILLIAMS,RED & BLUE LATEX PAINT,6418.75;SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,4669.36; SNELL SERVICES INC.,BLDG. MAIN.,215.4;STATE HEALTH LAB,SAMPLES,218;STATE OF NE.,CONTRACTUAL-PD,210;SUNSET LAW ENFORCEMENT, LTD,FIREARMS SUPPL-PD,4969.01;TERRY D SCOTT,VEH MAINT PARK,165.19;THE PEAVEY CORP,INVEST SUPPL-PD,75.83;TRI-STATE SPRINKLER SYSTEMS, LLC,DOWNTOWN GARDENS SEASONAL DRIP SYSTEM REPAIR,625.55;TWIN CITIES DEVELOPMENT ASSOC, INC,RWFH GRANT 2023,200000; U AND U TRUCKING LLC,CONTRACTUAL SERVICES-SAN,2204;UNION BANK & TRUST,RETIREMENT,38860.29;UNITED STATES WELDING,CONTRACTUAL SERVICES-SAN,57.85;US BANK,LICENSE/PERMITS-REC,6369.98;VAN PELT FENCING CO, INC,GROUND MAINT PARK,384.1;WALMART,BATTERIES AND LAUNDRY DETERGENT,364.88;WEITZEL JOHN,SCHOOLS & CONF-PD,225;WESTERN SURETY COMPANY,BOND,875;WRISTBANDS MEDTECH USA, INC.,DEPARTMENT SUPPLIES-REC,1120.5;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,1476.16;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,DEPARTMENT SUPPLIES-REC,2668; ZM LUMBER CO CAPITAL ONE TRADE CREDIT,SUPP - BRIDGE PLANKS,240; REFUNDS; LUCIANO PALOMO, 17.07; AQUILINO LARA, 18.58; BRYAN DULIN, 3.29; JERRY DARNELL, 1.59.

Mayor McKerrigan opened the public hearing at 6:02 p.m. to receive information about the purchase of property located at 1301 East 10th Street, Scottsbluff, NE.

Mr. Zachary Glaubius, Development Services Director, approached Council and explained the Scotts Bluff Drain Board met around a month ago to discuss the purchase of vacant property on 10th Street. Ms. Leann Sato, Stormwater Specialist, reached out to the previous property owner and they were not interested in selling at that time, but did end up selling the property to Mr. and Mrs. Beraun. When Mr. Beraun realized he could not do anything with the property he then approached the City about buying it. The Board gave a positive recommendation to purchase the property for the amount of \$18,313.98, which is the amount that Mr. Beraun paid for the property.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:03 p.m.

Council Member Colwell moved, seconded by Council Member Vidlak to approve the Real Estate Purchase Agreement with Oswaldo R. Beraun and Lucia Beraun and authorize the Mayor to sign the Agreement, "YEAS," Vidlak, Scanlon, McKerrigan, and Colwell. "NAYS," None. Absent: Salomon.

Regarding the Resolution authorizing the purchase and acquisition of real estate and approving City Manager Spencer to sign closing documents, Legal Counsel Hadenfeldt reminded Council that as part of the purchase, a title insurance commitment will be ordered to make sure there is a marketable title. This will be reviewed and a closing set up where this Resolution will give City Manager Spencer the authority to sign closing documents required by the title company.

Council Member Scanlan made a motion, seconded by Council Member Colwell to approve Resolution No. 23-07-01 authorizing the purchase and acquisition of real estate and approving City Manager Spencer to sign closing documents for the purchase of property from Oswaldo R. and Lucia Beraun and authorized the Mayor to sign the Resolution, "YEAS," Scanlan, McKerrigan, Colwell, and Vidlak. "NAYS," None. Absent: Salomon.

RESOLUTION 23-07-01

WHEREAS, the City of Scottsbluff, Nebraska ("City") in an effort to help clean up the right of way for the Scottsbluff Drain has entered into an agreement to purchase real estate located within the City known as 1301 East 10th Street, Scottsbluff, NE.

WHEREAS, the City has conducted a Public Hearing, following proper notice, to discuss and consider acquiring the real estate, by purchase, within the City.

WHEREAS, public input was received and the City Council of the City is required to pass a Resolution approving the purchase and to designate a person authorized to sign the closing documents. The City Council of the City now, by majority vote, resolves as follows:

NOW, THEREFORE BE IT RESOLVED:

- I. The City Council ratifies and approves the Real Estate Purchase Agreement dated July 3, 2023.
2. Pursuant to the Real Estate Purchase Agreement, the City is authorized to acquire by Warranty Deed the following described real estate:

The West 82 feet of Tax Lot 5C, situated in the NW1/4NE1/4 of Section 25, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, being more particularly described as follows: The South 126.36 feet of the North 382.22 feet of the S1/2 of the West 187 feet of the said NW1/4NE1/4, EXCEPT the West 10 feet thereof; AND EXCEPT the East 95 feet thereof.

3. Kevin Spencer, as City Manager of the City, is authorized to execute any and all closing documents required and accept any and all documents deemed necessary in connection with the purchase which are in the best interests of the City, to complete the purchase.

Dated: July 3, 2023.

Jeanne McKerrigan, Mayor

ATTEST:

Kimberley Wright, City Clerk

Mr. Glaubius came forward regarding the Final Plat of Lot 24A, Hillerege Addition, commonly identified as 240364 Karubos Road. He explained in June the Planning Commission made a positive recommendation for the approval of this replat, stating, typically this would have been an administrative replat, however it didn't meet the lot minimum requirements for the R1B District. This land was plotted in

the 1940's and since it is going towards the requirement, staff made a positive recommendation on the approval of this as well.

Council Member Scanlan moved to approve the Final Plat of Lot 24A, Hillerege Addition, commonly identified as 240364 Karubos Road and authorized the Mayor to sign Resolution No. 23-07-02. Council Member Colwell seconded the motion. "YEAS," Vidlak, Colwell, McKerrigan, and Scanlan, "NAYS," None. Absent: Salomon.

RESOLUTION NO. 23-07-02

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

WHEREAS, BE IT RESOLVED, the final plat of Lot 24A, Hillerege Addition, a Replat of the East 136 Feet of Lot 24, Hillerege Addition, and EXCEPT the South 150 Feet of the West 68 Feet of Lot 24, Hillerege Addition, and EXCEPT the West 61 Feet of the East 136 Feet of the North 491.6 Feet of Lot 24, Hillerege Addition and the South 150 Feet of the West 68 Feet of the East 16 Feet of Lot 24, Hillerege Addition, a Subdivision of part of the Southeast Quarter of Section 20, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska, dated July 3, 2023, duly made, acknowledged and certified, is approved and the Mayor is authorized to sign the Final Plat on behalf of the City of Scottsbluff, Nebraska. Such final plat is ordered to be filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 3rd day of July, 2023.

Mayor

ATTEST:

City Clerk

Under Council Reports, Council Member Colwell acknowledged there was a lot of City representation at the Welcoming Communities Conference held in Gering last month, commenting there was lots of information and he is excited to see what is done. City Manager Spencer commended staff for the cleanup that was done after the hail storm.

Mr. Steve Teets from Greeley, Colorado approached Council. He stated he is visiting family in the area and wanted to comment on the bus system, explaining that it needs to be more mobile and accessible. He also commented the trees in the park along 20th Street and 5th Avenue need clipping. He likes the City and feels the citizens are friendly.

Council Member Colwell moved, seconded by Mayor McKerrigan to adjourn the meeting at 6:12 p.m. “YEAS,” McKerrigan, Scanlan, Colwell and Vidlak. “NAYS,” None. Absent: Salomon.

Mayor

Attest:

City Clerk

“SEAL”