

City of Scottsbluff, Nebraska

Monday, August 7, 2023

Regular Meeting

Item Consent1

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

Staff Contact: City Council

Regular Meeting
July 17, 2023

The Scottsbluff City Council met in a regular meeting on July 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 July 13, 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 July 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, Jordan Colwell, Angela Scanlan, Matt Salomon 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 July 3, 2023 Regular Meeting be approved,
- b) The absence of Council Member Salomon from the July 3, 2023 Regular Meeting be excused,
- c) The July 31, 2023 Meeting be canceled as two Regular Meetings have been held in the month of July,
- d) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated July 17, 2023 as on file with the City Clerk and submitted to the City Council. "YEAS," Colwell, Scanlan, Salomon, Vidlak and McKerrigan. "NAYS," None. Absent: None.

CLAIMS

3M COMPANY, WHITE PAVEMENT MARKING TAPE, 657.84; AC ELECTRIC MOTOR SERVICE, BUILDING MAINTENANCE-REC,936.12;ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,324.76;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; CELLCO PARTNERSHIP, CELLPHONES PD, 1742.06; CEM SALES & SERVICE, DEPARTMENT SUPPLIES-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;CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,153.25;

CONTRACTORS MATERIALS INC.,DEPARTMENT SUPPLIES-SAN,245.39; CORE & MAIN LP,METERS,2673.37;DASSTATEACCOUNTINGCENTRALFINANCE,MONTHLYLONGDISTANCE, 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;REENING ENTERPRISES INC.,STATION DUTY BOOTS - MUNOZ,308.75;HAWKINS, INC.,CHEMICALS,1158.71; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,666.58;HOA SOLUTIONS, INC,EQUIP MAINT,735.24;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, 71528.64; 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,10200.91; PLAYAWAY PRODUCTS LLC,A/V SUP.,17.44;RAAJ LINCOLN LESSE, LLC,HOTEL FOR CPR CLASS - GLENN,-100.04;RADA, ZACKARY,SCHOOLS & CONF-PD,280;REGIONAL CARE INC,HEALTH INS. PREM. - JULY 2023,118183.95;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,96.15; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,280;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,413.85;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,858;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, 38926.62; 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, 738.08; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE, DEPARTMENT SUPPLIES-REC, 2668; ZM LUMBER CO CAPITAL ONE TRADE CREDIT, SUPP - BRIDGE PLANKS, 240; REFUNDS; LAURA J SALAZAR, 3.43; MOREHEAD KREATIONS, 17.32

City Manager Spencer presented the June 2023 Financial Report. He explained this is the YTD Financial Report going through the end of June; it is the 9th month, so it represents 75% of our budget. He also commented everything looks good and in order, adding the work and projections that were done last budget cycle are coming in as planned.

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

Mayor McKerrigan opened the public hearing at 6:06 p.m. to determine 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.

Legal Counsel Hadenfeldt explained he called City Clerk Wright this afternoon and found out there were no objections filed; there is nothing to review for sufficiency. The first day of publication was June 24th and there is a time date based upon that publication date. We have not received any comments, other than the first night the Ordinance was introduced., adding because of this, there is nothing for Council to review regarding the Paving District.

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

Mayor McKerrigan opened the public hearing at 6:08 p.m. to determine 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.

Legal Counsel Hadenfeldt approached Council again and explained it was anticipated that this would not have any objections since the developer owns all the property, adding we did not receive any objections from the developer. He further commented there is nothing to review or determine the sufficiency or validity of any objections for the Sanitary Sewer District.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:09 p.m.

Regarding the Community Festival Permit for the Downtown Scottsbluff Association's "Sidewalk Sales" on Broadway scheduled for July, 27th, 28th and 29th Mr. Spencer commented this is the annual Sidewalk Sale that has been done for a number of years. It lasts three days from 9:00 a.m. to 6:00 p.m.; staff is recommending approval.

Council Member Colwell made a motion, seconded by Council Member Scanlan to approve the Community Festival Permit to include vendors and noise permit for the Downtown Scottsbluff Association's "Sidewalk Sales" on Broadway, July 27th, 28th, and 29th from 9:00 a.m. to 6:00 p.m., "YEAS," Scanlan, McKerrigan, Vidlak, Colwell, and Salomon. "NAYS," None. Absent: None.

Mr. Spencer presented the Community Festival Permit for the Scottsbluff Police Department for National Night Out 2023 on August 1, 2023 from 5-9 p.m. He explained this will be the 25th year for the event, adding it has grown through the years. It is well attended and staff recommends approval.

Council Member Scanlan moved to approve the Community Festival Permit for the Scottsbluff Police Department for National Night out 2023 on August 1, 2023 from 5-9 p.m., including street closure of the 1500-1900 Blocks of Broadway, vendors and noise permit. The motion was seconded by Council Member Salomon. "YEAS," Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. "NAYS," None. Absent: None.

Ms. Andrea Margheim, representing Flyover Brewing Company, approached Council regarding a Community Festival Permit for "Flyover Days" on August 4th through 6th. Ms. Margheim stated they would like to close 19th Street from the alley to Broadway on those days in order to set up a stage and have events such as yoga. She added this is a celebration honoring their 5th year in business, which will also include a 5-mile run.

Council Member Scanlan moved, seconded by Council Member Colwell to approve the Community Festival Permit for BDS3C, LLC d/b/a Flyover Brewing Company for "Flyover Days" on August 4th-6th to include noise permit and street closure of 19th St., from the alley to Broadway, starting at 12:00 p.m. August 4th to 12:00 p.m. August 6th, "YEAS," McKerrigan, Salomon, Colwell, Scanlan, and Vidlak. "NAYS," None. Absent: None.

Regarding the Special Designated Liquor License for BDS3C, LLC d/b/a Flyover Brewing Company, to serve beer at "Flyover Days", Ms. Margheim explained they will ID and wrist band those that are drinking and will also fence the area designated for the SDL. She explained the morning hours assigned to the SDL will be after the run and yoga, all other events will be inside.

Council Member Scanlan made a motion, seconded by Council Member Colwell to approve the Special Designated Liquor License for BDS3C, LLC d/b/a Flyover Brewing Company to serve beer on August 4th from 12-11 p.m.; August 5th, 10:00 a.m. to 11:00 p.m.; and August 6th from 10:00 a.m. to 12:00 p.m. for "Flyover Days" at 1824 Broadway to include of 19th St., from the alley to Broadway, "YEAS," Colwell, Scanlan, Salomon, Vidlak, and McKerrigan. "NAYS," None. Absent: None.

City Manager Spencer came forward to present the proposal from Johnson Controls, Inc. for replacing the cooling tower at the Library. Mr. Spencer explained the cooling tower at the Library has not worked well for three years and creates quite a noise disturbance in the neighborhood. He added we tried to bid this project in November and received no bids. Because of this, Mr. Dave Schaff, with M.C. Schaff and Associates, has reached out to Johnson Controls, Inc., because they did show interest, but were too busy at the time to consider it. Their proposal is below the engineer's estimate, the funds are budgeted and staff is recommending approval.

Council Member Colwell moved, seconded by Council Member Salomon to approve the proposal from Johnson Controls, Inc. in the amount of \$311,700 to replace the cooling tower at the Library, "YEAS," Salomon, Vidlak, Scanlan, McKerrigan, and Colwell. "NAYS," None. Absent: None.

Mr. Mark Bohl, Public Works Director, approached Council regarding the bid for 20th Street Improvements – Cleveland Field to 17th Ave. – Concrete Repairs. Mr. Bohl explained we received four really good bids for this project with Eric Reichert Insulation and Construction, Inc. coming in with the lowest bid of \$1,005,348.48. This year it was decided to repair the curbs, gutters and sidewalks (ADA) first, and then do the mill and overlay after. By doing it this way, the City will save money by having a complete bid and not relying on a larger firm, that specializes in asphalt, to sub bid it out which would result in a 10- 15% increase. He added the project is below the engineer's estimate and staff is recommending approval.

Council Member Salomon made a motion to approve awarding the bid for 20th Street Improvements – Cleveland Field to 17th Ave.- Concrete Repairs to Eric Reichert Insulation & Construction in the amount of \$1,005,348.48. The motion was seconded by Council Member Scanlan, “YEAS,” Scanlan, McKerrigan, Vidlak, Colwell, and Salomon. “NAYS,” None. Absent: None.

Mr. Spencer came forward to explain the Continuum Employee Assistance (EAP) Contract to Council. He informed the employees are using this service for training and counseling, adding it is a big part of our wellness program. The price has not increased and the Contract is for three years; staff is recommending approval.

Council Member Scanlan moved, seconded by Council Member Colwell to approve the Continuum Employee Assistance (EAP) Contract and authorize the Mayor to sign the Contract, “YEAS,” Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. “NAYS,” None. Absent: None.

Concerning the First Amendment to Land Lease Agreement between the City and Cellco Partnership d/b/a Verizon Wireless, Mr. Spencer explained this is for their tower out on our wellfield property west of town. In May the Terms of Agreement was on the agenda and now this formalizes that Agreement. The annual rent will decrease this first term to \$875.00, but will increase by 15% during the five-year period.

Council Member Salomon made a motion, seconded by Council Member Vidlak to approve the First Amendment to Land Lease Agreement between the City and Cellco Partnership d/b/a Verizon Wireless and authorize the Mayor to sign the Agreement, “YEAS,” McKerrigan, Salomon, Colwell, Scanlan, and Vidlak. “NAYS,” None. Absent: None.

Under Council Reports, Council Member Salomon gave an update on the Humane Society. He stated they are up in numbers, around 33%, with both cats and dogs. They did, however, receive a nice donation of \$90,000 from the Sherri McIntosh Estate. He added the Zoo received their AZA inspection in June. They need to do some minor changes/recommendations before they get final approval in September. The AZA did like that the fox enclosure had doubled in size and that the bear’s enclosure is now the second largest in the nation. They are also happy the animals are in good care, and that the zoo is kid friendly. He added the Discovery Center is waiting on their HVAC system and Schank Roofing completed the roof on the Chimp building. The animal hospital is using their new oxygen machine from Box Butte Hospital and the back area has been cleaned up. They are looking to improve the fence by Bonnie the Bobcat and will replace the badger cage. In addition, there are new baby swans and zebras. On July 23rd there will be new animals in the lion exhibit area. Also, in the fall they are hoping to bring in a new tiger.

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

Mayor

Attest:

City Clerk

“SEAL”