

# **City of Scottsbluff, Nebraska**

**Monday, October 16, 2023**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the October 2, 2023 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on October 2, 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 September 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, television station NBC Nebraska and the Star Herald. The notice was also available on the city's website on September 30, 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 September 18, 2023 Regular Meeting be approved,
- b) The minutes of the September 25, 2023 Special Meeting be approved,
- c) The absence of Council Member Scanlan from the September 18, 2023 Regular Meeting be excused,
- d) The bid specifications for the construction of Paving District No. 314 and authorizing the city clerk to advertise for bids to be received by October 24, 2023 at 2:30 p.m. be approved,
- e) A public hearing be set for October 16, 2023 at 6:00 p.m. to consider the proposed Ordinance Text Change to Chapter 25, Article 5 regarding Off-Street Parking Requirements,
- f) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated October 2, 2023 as on file with the City Clerk and submitted to the City Council "YEAS," Colwell, Salomon, Vidlak, Scanlan and McKerrigan, "NAYS," None. Absent: None.

#### CLAIMS

911 CUSTOM, LLC,CIP-BODY ARMOR-PD,4150;AC ELECTRIC MOTOR SERVICE,DEPT SUPP PARK,666.79; ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,324.76;AIR EVAC EMS, INC,CONTRACTUAL,9000;AIRPORT DEVELOPMENT,LLC,TIF - AIRPORT REDEV 8/31/2023, 8166.08; AKAJRV 314, LLC, TIF AULICK REDEV 8/31/23, 23504.87; ANITA'S GREENSCAPING INC,DOWNTOWN TREE PRUNING,2890; BIBLIOTHECA LLC,EQUIP.,9372.23; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,1127.63;CAPITAL BUSINESS

SYSTEMS INC.,CONT. SRVCS.,351.4;CELLCO PARTNERSHIP,CELL PHONES-PD,2651.93; CITIBANK, N.A., GROUND MAINT PARK, 163.3; CONSOLIDATED MANAGEMENT COMPANY, SCHOOLS & CONF-PD,488.75;CONTRACTORS MATERIALS INC.,SUPP - EXP. JOINT, FLOAT, 199.92; CROELL INC, DEPT SUP, 392.69; DAS STATE ACCOUNTING CENTRAL FINANCE, MONTHLY LONG DISTANCE,68.42;DXP ENTERPRISES INC,MX6 MONITOR REPAIR,840.06; ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC,GIS SOFTWARE,15500;ERIC REICHERT INSULATION & CONSTRUCTION INC,STRUCTURE,225456.24;FARMERS STATE BANK,TIFELITEHEALTHREDEV8/31/23,89514.46;FEDERALEXPRESSCORPORATION,POSTAGE ,162.21;FIRST NATIONAL BANK OF OMAHA,TIF REGANIS REDEV 8/31/23,20266.44;FIRST STATE BANK - GOTHENBURG,TIF - YOLO PROPERTIES CARWASH 8/31/2023,2233.97;FULK JERROD,LEGAL FEES-PD,33.1;GENERAL TRAFFIC CONTROLS, INC,LABOR - SERVICE BENCH,175;GERING MULITPURPOSE SENIOR CENTER,CONTRACTUAL,1000;HAWKINS, INC.,CHEMICALS,2791.19;HD ARMS LLC,CIP-PATROL CARS-PD,968.47;HD SUPPLY INC,DEPT SUP,1709.77;HENKEL, MARLENE,QUIT CLAIM DEED,900;HULLINGER GLASS & LOCKS INC.,DEPT SUPP PARK,19.25;INGRAM LIBRARY SERVICES INC,COLL.,1723.53;INTERNAL REVENUE SERVICE,WITHHOLDINGS,69358.46;INTRALINKS, INC,CONTRACTUAL,476; JESSE LAURUHN,REIMBURSE FOR HAZMAT EXAM,45.34;JOHN DEERE FINANCIAL,SUPP - WEED KILLER - TRIMEC & RANGER PRO,611.83;JOHN DEERE FINANCIAL,UNIFORMS & CLOTHING,581.33;JOHNDEEREFINANCIAL,EQUIP MAINT PARK,3069.82;KEEP SCOTTSBLUFF-GERING BEAUTIFUL,TRI-CITY STORMWATER 2022-2023 AGREEMENT ALLOCATION,16500; KRIZDAVIS, SUPPFLOR LAMPS, 251.2; LEAGUE ASSOCIATION OF RISK MANAGEMENT, PROPERTY&EQUIPCEM,296.7;LEALNOHEMI,CONSULTINGPD,35;LEEBHMCORP,PUBLISHING ,769.81;LORE BRIAN & LORI,CONTRACTUAL,1400;M.C. SCHAFF & ASSOCIATES, INC,ENGINEERING DESIGN,27922;MACQUEEN EQUIPMENT INC,EQUIPMENT,30020; MARKETING CONSULTANTS,SHIRTS - DEVELOPMENT SERVICES,240;MATTHEW M. HUTT,CONTRACTUAL,450;MENARDS, INC,DEPARTMENT SUPPLIES-SAN,452.57;MOTOROLA SOLUTIONS, INC,CIP-PATROL CARS-PD,11938.37;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1500.1;NE DEPT OF ENVIRONMENTAL QUALITY,LICENSE & PERMITS,2360;NE DEPT OF REVENUE,TAXES,21267.48;NEBRASKA MACHINERY CO,BLDG MAINT-PD,1693.89;NEBRASKA MUNICIPAL CLERKS' ASSOCIATION,MEMBERSHIP DUES KIM WRIGHT,200;NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,25735.82; NEBRASKA SAFETY & FIRE EQUIPMENT INC.,BLDG. MAIN.,663;NORTHERN RURAL ECONOMIC DEVELOPERS ASSOC,SCHOOL & CONF S TOOF,875;NOVOTX LLC,EQUIPMENT,96066.67; OREGON TRAIL COMMUNITY FOUNDATION, INC,COMMUNITY PROGRAMMING,8000;PAGE MY CELL LLC,ANNUAL DISPATCH TO TEXT SUBSCRIPTION,600;PANHANDLE AREA DEVELOPMENT DISTRICT,MEMBERSHIP,12703.68;PANHANDLE AUTOMOTIVE GROUP LLC,EQUIPMAINTCEM,436.5;PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,357;PANHANDLEHUMANESOCIETY,CONTRACTUAL,5938.88;PANHANDLEPARTNERSHIP FOR HEALTH & HUMAN SERVICES,SCHOOL & CONF,25; PAPA MOON VINEYARDS & WINERY, LLC,ECONOMIC AGREEMENT,734624;PLATTE RIVER GLASS RODNEY L FLOTH,VEHICLE MAINT,518.08; PLATTE VALLEY BANK,TIF FAIRFIELD INN REDEV 8/31/23,79038.08; POLYDYNE INC,CHEMICALS,5379.93;POWERHOUSE SOCIAL,REGIONAL GOVERNANCE,255; PROTEX CENTRAL, INC.,CONTRACTUAL SVC,470.51;QUILL CORPORATION,DEPT SUPPL-PD,387.53;REGIONAL CARE INC,CLAIMS,84528.24; REGISTER OF DEEDS,LEGAL,20; REZPLOT SYSTEM LLC, CONTRACTUAL, 470; RIVERSIDE ZOOLOGICAL FOUNDATION, CONTRACTUAL, 75000; ROSE DREW, INC,AV SUP.,386.42; S M E C,EMPLOYEE DEDUCTION,84.15;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,280; SCB IBEW 1597

UNION DUES,SCB IBEW 1597 UNION DUES,413.85; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,290;SCOTTS BLUFF COUNTY PUBLIC TRANSIT,COMMUNITY BETTERMENT ROADRUNNER,7252;SCOTTSBLUFF MOTOR CO, INC,HIDTA CAR LEASE-PD,375; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,858;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS & CLOTHING,261.08;SHERWIN WILLIAMS,YELLOW LATEX PAINT,302.01;SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,16065.75;SOUNDSLEEPER SECURITY INC.,MAIN. CHARGE FOR SECURITY CAMERAS,400;STATE HEALTH LAB,SAMPLES,1122; STATE OF NE.,CONTRACTUAL-PD,210; SUBWAY 6906,FIRE TESTING RECRUITMENT,52.79;TERRY D SCOTT,VEHI MAINT PARK,86.91; THOMPSON GLASS, INC,ENGINE 1 WINDSHIELD INSTALL,200;TOMAHAWK LIVE TRAP,EQUIP MAINT-PD,230.2;TRAFFIC PARTS, INC,VISORS FOR TRAFFIC SIGNALS,7301.33; U AND U TRUCKING LLC,CONTRACTUAL SERVICES-SAN,1102;UNION BANK & TRUST,RETIREMENT,44835.06;UNITED STATES WELDING,CONTRACTUAL SERVICES-SAN,57.85;US BANK,DEPT SUPP ADOBE,16323.56;VIKING PAINTING LLC,CONTRACTUAL SVC,18190;WALMART,TVs, MOUNTS, CABLES, DRILL AND DRIP BITS,928.66;WHITING SIGNS,CIP-EOD TRUCK-PD,67.5;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,946.08;ZM LUMBER CO CAPITAL ONE TRADE CREDIT,VEH MAINT PARK,221.97;

Mayor McKerrigan opened the public hearing at 6:03 p.m. to consider the One-and Six-Year Street Improvement Plan.

Mr. Mark Bohl, Public Works Director, approached Council to go over the 2024 summary. He explained there are two projects the City will make a priority for the 2024 year. The first project is new street development from Avenue I to Avenue K on 28<sup>th</sup> Street and from 28<sup>th</sup> to 29<sup>th</sup> Street on Avenue K. The estimated cost for this project is \$863,000. The second project is 20<sup>th</sup> Street from Cleveland Field east to 17<sup>th</sup> Avenue mill and overlay with pavement markings and curb work; the estimated cost for this project is \$3,500,000. He added both projects are funded and will be finished in the summer of 2024.

Regarding the others on the six-year plan, they have appeared for many years and it will determine when the individuals want to extend those and funds are available.

There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:05 p.m.

Council Member Scanlan moved, seconded by Council Member Vidlak to approve the One-and Six-Year Street Improvement Plan, “YEAS,” Salomon, Scanlan, Vidlak, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Mayor McKerrigan read the Proclamation proclaiming October 5-8, 2023 as Support Citizens with Intellectual Disabilities Week.

Mr. Zach Glaubius, Development Services Director, came forward to present the application for Agriculture Estate Dwelling Site from Bryan Frank for property located at 240336 Highland Road. He explained this application went before the Planning Commission at their September meeting receiving a positive recommendation. He added it meets all the requirements; however, it is an interior type Ag Estate Dwelling Site, meaning it requires a 25-foot access road to the County Road instead of the 150-foot road frontage.

Council Member Colwell moved to approve the Agriculture Estate Dwelling Site located at 240336 Highland Road, Scottsbluff, NE for Bryan Frank (Frank Properties, LLC) and authorize the Mayor to sign the Certificate. The motion was seconded by Council Member Scanlan, “YEAS,” Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. “NAYS,” None. Absent: None.

Regarding the Resolution authorizing the signing of the Annual Certification of Program Compliance to Nebraska Board of Public Roads Classifications and Standards 2023, Mr. Mark Bohl approached and explained this is a requisite from the State signifying that the City has met all the compliance requirements set forth in its certification process. He added we did comply and have been in compliance for the last 30 years.

Council Member Colwell made a motion, seconded by Council Member Salomon to approve Resolution No. 23-10-01 authorizing the signing of the Annual Certification of Program Compliance to Nebraska Board of Public Roads Classifications and Standards 2023 and authorized the Mayor to sign the Resolution, “YEAS,” Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. “NAYS,” None. Absent: None.

**RESOLUTION**  
**SIGNING OF THE**  
**MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE**  
**2023**

Resolution No. 23-10-01

**Whereas:** State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and standards; and

**Whereas:** State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

**Be it resolved** that the Mayor  Village Board Chairperson  of Scottsbluff  
(Check one box) (Print name of municipality)  
is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this 2nd day of October, 2023 at Scottsbluff Nebraska.  
(Month)

City Council/Village Board Members

Jeanne McKerrigan  
Angela Scanlan  
Betsy Vidlak  
\_\_\_\_\_  
\_\_\_\_\_

Jordan Colwell  
Matt Salomon  
\_\_\_\_\_  
\_\_\_\_\_

City Council/Village Board Member Colwell  
Moved the adoption of said resolution  
Member Salomon Seconded the Motion  
Roll Call: 5 Yes 0 No 0 Abstained 0 Absent  
Resolution adopted, signed, and billed as adopted.

Attest:

\_\_\_\_\_  
(Signature of Clerk)

City Manager Spencer approached Council regarding an Ordinance repeal of 13-1-1 dealing with concealed weapons and 22-2-133 dealing with a “Deaf Child Playing” sign on Avenue F. Mr. Spencer stated it is repealing our conceal and carry Ordinance that is in conflict with the constitutional carry that was passed with LB77 going into effect on September 2<sup>nd</sup>. Regarding the “Deaf Child Playing” sign, there is a sign on Avenue F between 22<sup>nd</sup> and 23<sup>rd</sup> Streets, that was put up 27 years ago in 1996.

Council introduced the Ordinance repealing 13-1-1 and 22-2-133 and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, REPEALING SECTIONS OF THE SCOTTSBLUFF MUNICIPAL CODE AT 13-1-1 DEALING WITH CONCEALED WEAPONS AND SECTION 22-2-133 DEALING WITH A “DEAF CHILD PLAYING” SIGN ON AVENUE F, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Mr. Spencer presented the Addendum to Contract with the City of Minatare explaining this is regards to the water agreement we have with them. It will raise the rate to .81/1000 gallons of water; the previous rate was .67/1000 gallons. The increase is to cover our cost to supply water to them; we have been providing this service since 2013.

Council Member Scanlan moved, seconded by Council Member Colwell to approve the Addendum to Contract with the City of Minatare regarding water rates and authorize the Mayor to sign the Addendum, “YEAS,” McKerrigan, Scanlan, Colwell, Vidlak, and Salomon. “NAYS,” None. Absent: None.

Under Council Reports, City Manager Spencer stated he went to the League Conference this week. Council Members Vidlak and Colwell also attended, adding it was a great conference that was very informative on property tax relief and grants for broadband. Mayor McKerrigan recognized second year UNMC nursing students Emma, Cynthia, Jameson, Piper, Jalyn and Kaitlynn that attended the meeting.

Council Member Salomon made a motion to adjourn the meeting at 6:18 p.m. The motion was seconded by Council Member Colwell, “YEAS,” Colwell, Salomon, Vidlak, Scanlan, and McKerrigan. “NAYS,” None. Absent: None.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

“SEAL”