

# **City of Scottsbluff, Nebraska**

**Monday, November 6, 2023**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the October 16, 2023 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on October 16, 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 October 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, television station NBC Nebraska and the Star Herald. The notice was also available on the city's website on October 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, Matt Salomon, and Angela Scanlan. Also present were City Manager Kevin Spencer and City Attorney Kent Hadenfeldt. Absent: Jordan Colwell and Betsy Vidlak.

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 October 2, 2023 Regular Meeting be approved,
- b) The October 30, 2023 Meeting be canceled as two Regular Meetings have been held in the month of October,
- c) The bid specifications for One, New, ½ Ton 4X4 Truck for the Cemetery and authorizing the City Clerk to advertise for bids to be received by November 7, 2023 at 2:30 p.m. be approved,
- d) A public hearing be set for November 6, 2023 at 6:00 p.m. for the Rezone of Lot 1A, Spengler Subdivision, Scotts Bluff County, NE commonly identified as 80720 CR 22 from Agricultural Residential (AR) to R-1 Single Family Residential,
- e) The reappointment of Megan Hayward to the Park, Cemetery & Tree Board for a five-year term 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 October 16, 2023 as on file with the City Clerk and submitted to the City Council "YEAS," Salomon, Scanlan and McKerrigan, "NAYS," None. Absent: Colwell and Vidlak.

#### CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS, WAGE ATTACHMENT, 324.76; ACTION COMMUNICATIONS INC.,CIP-PATROL CARS-PD,5309.87;ADVANCE AUTO PARTS,LED WORKLIGHT - BRUSH 1,264.78;ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4105.5; ANITA'S GREENSCAPING INC,BLDG. MAIN.,640;B & H INVESTMENTS,

INC,DEP. SUP. -LIBRARY,795.26;B&C STEEL CORPORATION,GROUND MAINT PARK,29.34; BEELINE SERVICE INC,TOW SERVICE-PD,1430;BLUFFS FACILITY SOLUTIONS,JAN. SUP.,1382.79;CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,80.38;CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP,1120.55;CELLCO PARTNERSHIP,CELL PHONE/CONTRACTUAL SVC,245.72;CITY OF SCB,PETTY CASH,92.68;COMPUTER CONNECTION INC,CONTRACTUAL-PD,44;CONSOLIDATEDMANAGEMENTCOMPANY,SCHOOLS&CONF-PD,477.5;CONTRACTORS MATERIALS INC.,GROUND MAINT PARK,160.32;CREDIT BUREAU OF COUNCIL BLUFFS,CONSULTING SERVICES,50;CRESCENT ELECT. SUPPLY COMP INC,SUPP - PHOTOCONTROL THERM,170.23;CROELL INC,ROAD BASE,689.94;DOOLEY OIL INC,55 GAL. 5W - 40 OIL,1334.78;EAKES INC,DEP. SUP.,325.4;EJS SUPPLY LLC,DEPARTMENT SUPPLIES-SAN,2104;ELLIOTT EQUIPMENT COMPANY INC.,DEPARTMENT SUPPLIES-SAN,1002.09; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,216;ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,367;FASTENAL COMPANY,DEPARTMENT SUPPLIES-SAN,57.88;FAT BOYS TIRE AND AUTO,VEHICLE MAINT,1071.36;FIVE RULE LLC,SCHOOL & CONF,100;FLOYD'S TRUCK CENTER SCOTTSBLUFF,VEHICLE MAINTENANCE-SAN,56.2;FYR-TEK INC,PUMP TESTING - E1, E2, T1,1300.36;GALLS PARENT HOLDINGS, LLC,UNIFORMS/INVEST SUPPL-PD,822;GARCIA & SON'S INTERIOR & EXTERIOR SERVICES, LLC,CDBG REHAB REIMB,73251.6;GARTON, LYNN,SCHOOLS & CONF,55;GLOCK INC.,SCHOOLS & CONF-PD,500; GREAT PLAINS UNIFORMS LLC,EQUIP MAINT-PD,25;GREGORY'S LOCK SHOP LLC,VEH MAINT-PD,65; HACH COMPANY,DEPT SUP,3173.9; HAWKINS, INC.,CHEMICALS,4264.63;HD SUPPLY INC,DEPT SUP,806.63;HONEY WAGON EXPRESS,CONTRACTUAL,225;HOWMEDICA OSTEONICS CORP,EQUIP MAINT-PD,809.96;IDEAL LAUNDRY AND CLEANERS, INC.,JAN. SUP.,817.79;INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,168.38; INGRAM LIBRARY SERVICES INC,COLL.,1471.49;INLAND TRUCK PARTS & SERVICE,VEHICLE MAINTENANCE-SAN,625.38; INTERNAL REVENUE SERVICE,WITHHOLDINGS,79612.97; INTRALINKS,INC,CONTRACTUAL,6638.93;INVENTIVEWIRELESSOF NE, LLC,CONTRACTUAL SVC,247.6;KNOW HOW LLC,DEPARTMENT SUPPLIES-SAN,2894.1;KRIZ DAVIS,EQUIP MAINT,223.77; LEAGUE ASSOCIATION OF RISK MANAGEMENT,WORK COMP,1404.14; LEAL NOHEMI,CONSULTING-PD,35;LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; M.C. SCHAFF & ASSOCIATES, INC,CONTRACTUAL,9988.5;MACQUEEN EQUIPMENT INC,PARTSFOR SWEEPER - CURTAINS,346.17;MADISON NATIONAL LIFE,INSURANCE,3302.69; MATHESON TRI-GAS INC,RENT - MACHINES,43.31;McCROMETER INC,CONTRACTUAL SVC,608.84;MENARDS, INC,DEPARTMENT SUPPLIES-SAN,2440.44;MICHAEL B KEMBEL,T BOTTOMSEALSFOR OVERHEAD DOORS,570;MIDWEST CONNECT, LLC,CONTRACTUAL,3589; MIRACLE RECREATION EQUIPMENT,GROUND MAINT PARK,1177.3; MUNIMETRIX SYSTEMS CORP,CONTRACTUAL,39.99; NAT'L LEAGUE OF CITIES,MEMBERSHIP,1701;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1500.1;NE DEPT OF REVENUE,WITHHOLDINGS,26951.73;NEBRASKA INTERACTIVE, LLC,CONSULTING,22.5; NEBRASKA MACHINERY CO,EQUIP MAINT ADM,1299;NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,41061.37;NEBRASKA SAFETY & FIRE EQUIPMENT INC.,EQUIP MAINT ADM,165;NEBRASKA STATEWIDE ARBORETUM,DOWNTOWN GARDENS ARBORETUM AFFILIATE SITE DUES,130;NEBRASKALAND TIRE, INC,VEH MAINT-PD,796.64; NEMNICH AUTOMOTIVE,INSPECT SUSPENSION & ALIGNMENT,88.07; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF, GROUND MAINT PARK, 113.97; ONECALL CONCEPTS, INC, CONTRACTUAL, 154.36;PAIGE MANNING,PARKING LOT GARDEN MAINTENANCE,6630; PANHANDLE AUTOMOTIVE GROUP LLC,EQUIP MAINT CEM,12.24;PANHANDLE COOPERATIVE ASSOCIATION,FUEL,1453.3;PANHANDLE ENVIRONMENTAL SERVICES

INC,SAMPLES,175;PARADISEPUMPERSLLC,CONTRACTUAL,665;PAULREED CONSTRUCTION & SUPPLY, INC,GROUND MAINT PARK,80.5;PLATTE RIVER GLASS RODNEY L FLOTH,VEHICLE MAINT,408.96; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,9725.91;QUILL CORPORATION,DEPT SUPPL-PD,69.99;RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,689.34;REAMS SPRINKLER SUPPLY CO.,GROUND MAINT PARK,1501.62; REGIONAL CARE INC,HEALTH INS PREMIUM,43168.24;REVIZE LLC,CONTRACTUAL,4926; REZPLOT SYSTEM LLC,CONTRACTUAL,251;RIDGECREST PRODUCTS INC,UNIFORMS-PD,269.2;ROALKVAN DREW,SCHOOLS & CONF-PD,220; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC PUMPING,2665.5;RUSCH'S GENERAL CONTRACTING, LLC,CDBG REHAB REIMB,38701.14;RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,1668.01;S M E C,EMPLOYEE DEDUCTION,84.15;SANDBERG IMPLEMENT, INC,EQUIP MAINT PARK,140.56;SANDRY FIRE SUPPLY,RESCUE AIR PACKS - SCBA PROJECT,13724; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,280;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,429.57;SCOTT CALEB,SCHOOLS & CONF-PD,166.82;SCOTTS BLUFF COUNTY,SEPTIC SYSTEM INSPECTIONS,90;SCOTTSBLUFF MOTOR CO, INC,2020 CHEVY SILVERADO - FIRE PREVENTION TRUCK,73229; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICEEEDUES,858;SEANM HOPKINS,CONTRACTUAL SVC,1679.45;SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,12283.79; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,14217.5;SIOUXLAND TURF PRODUCTS INC,DEPT SUPP CEM,2450;SIRSI CORPORATION,DEP. SUP.,1934.5;SNELL SERVICES INC.,EQUIPMENT,15649.45;SOUCIE ANDREW,SCHOOLS & CONF-PD,280;SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95;SPECIAL INVESTIGATIONS ENLOW,INVEST-PD,188.46;TERRY D SCOTT,VEHICLE MAINT,659.46; THE PEAVEY CORP,INVEST SUPPL-PD,152.82;TYLER TECHNOLOGIES, INC,CONTRACTUAL,7550;UNION BANK & TRUST,RETIREMENT,48693.68;UNITED STATES WELDING,CONTRACTUAL SERVICES-SAN,57.85;VALLEY ROOFING & RESTORATION LLC,PERMIT DS,80;VERIZON COMMUNICATIONS INC,GPS SERVICE,655;WEBER TYLER,SCHOOLS & CONF-PD,76;WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,10325.78;WESTERN COOPERATIVE COMPANY,EQUIP MAINT PARK,14.3;WEX BANK,DIESEL FUEL-SAN,26110.53; WHITING SIGNS,CIP-PATROL CARS,65;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,946.08;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,804;REFUNDS; ELIZABETH OLSON, 4.63; SABRINA LONGORIA, 10.21; KAYANN HASELHUHN, 39.64; RICHARD SHIPLEY, 7.75; REGIONAL WEST MEDICAL CENTER, 29.59; REGIONAL WEST MEDICAL CENTER, 2.40; ERNIE MCCLAIN, 63.39

Mayor McKerrigan opened the public hearing at 6:02 p.m. to consider the proposed Ordinance Text Change to Chapter 25, Article 5 regarding Off-Street Parking Requirements.

Mr. Zach Glaubius, Development Services Director, approached Council and explained the Planning Commission made a positive recommendation on the approval of this text change, it is fairly minor as currently the Code allows the Planning Commission to grant an exception from the parking requirements for only wholesale, manufacturing, and warehousing uses. With the change it will allow all to be able to have permitting uses instead of limiting to those three only. It is a temporary way to reduce parking while the actual parking calculations are reviewed for development.

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

Council introduced the Ordinance for the proposed Text Change to Chapter 25, Article 5 regarding Off-Street Parking Requirements and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 5, SECTION 2 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH EXCEPTIONS TO THE REQUIRED NUMBER OF PARKING STALLS AND PROVIDING EVIDENCE THAT FEWER STALLS ARE REQUIRED PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

City Manager Spencer came forward to explain the Ordinance amending and correcting certain charges in Chapter 6, Article 6 for solid waste collection fees. He informed Council that when we went from bi-monthly to monthly billing, the per container fee was divided and shouldn't have been. Also, some minor fees were not increased, but now have been updated with the Ordinance change.

Council then introduced the Ordinance amending and correcting certain charges in Chapter 6, Article 6 for solid waste collection fees and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING AND CORRECTING CERTAIN CHARGES IN CHAPTER 6, ARTICLE 6 FOR SOLID WASTE COLLECTION FEES AT SECTION 24 DEALING WITH INSTITUTIONAL, BUSINESS, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS AND SOLID WASTE REQUIRED CONTAINERS AT CONSTRUCTION SITES AND SECTION 27 DEALING WITH SPECIAL COLLECTIONS AND ADDITIONAL CONTAINERS, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council introduced the Ordinance repealing 13-1-1 and 22-2-133 and was read by title on second 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. Mark Bohl, Public Works Director, approached Council regarding awarding the bid for the construction of Sanitary Sewer District No. 167. He stated there were five really good bids received with Infinity Construction coming in under the engineers estimate, meeting all the requirements and also submitting the lowest bid at \$30,151. Staff is recommending approval.

Council Member Scanlan moved, seconded by Council Member Salomon to approve awarding the bid for the construction of Sanitary Sewer District No. 167 to Infinity Construction in the amount of \$30,151., "YEAS," Salomon, Scanlan, and McKerrigan. "NAYS," None. Absent: Colwell and Vidlak.

Regarding the Liquor License Manager application for Powerhouse Social, Mr. William Jennings, Liquor License Manager Applicant, came forward to explain that Powerhouse Social is making a manager change only to their liquor license and nothing is going to be different with their processes or how they handle the alcohol. In addition, he does have experience with this as he manages the liquor license for the Fairfield Inn as well.

Police Chief Spencer approached, stating, he sees no issues with this manager change, adding he did go online and checked to see if there were any violations with either of the licenses and there were none, commenting everything looks good.

Council Member Salomon made a motion, seconded by Council Member Scanlan to approve the Liquor License Manager application naming William T. Jennings as the Liquor License Manager for Powerhouse Social, 1721 Broadway, Scottsbluff, NE., "YEAS," Scanlan, McKerrigan, and Salomon. "NAYS," None. Absent: Colwell and Vidlak.

Ms. Sharaya Toof, Economic Development Director, came forward to present the Community Festival Permit for the Downtown Scottsbluff Association's "Trick or Treat Street" on October 31<sup>st</sup> from 3-7 p.m. Ms. Toof explained this event has really grown and to provide safety for all who will be participating, they are asking that Broadway be closed between the 1400-1900 blocks to allow for children to cross the street safely.

Council Member Scanlan moved to approve the Community Festival Permit for the Downtown Scottsbluff Association's "Trick or Treat Street" on October 31<sup>st</sup> from 3-7 p.m. to include noise permit and street closure of the 1400-1900 blocks of Broadway. The motion was seconded by Council Member Salomon. "YEAS," McKerrigan, Salomon, and Scanlan. "NAYS," None. Absent: Colwell and Vidlak.

Ms. Celeste Salazar, representing the Emerald Center, approached Council regarding a Community Festival Permit for the Emerald Center Fall Market on November 4, 2023 from 9:00 a.m. to 5:00 p.m. Ms. Salazar stated this is their second year for the fall festival, which includes closing W. 16<sup>th</sup> Street. The event is free and will include local food and craft vendors for the public to enjoy.

Council Member Scanlan made a motion, seconded by Council Member Salomon to approve the Community Festival Permit for The Emerald Center Fall Market on November 4, 2023 from 9:00 a.m. to 5:00 p.m. to include vendors, noise permit and the street closure of W. 16<sup>th</sup> Street, "YEAS," McKerrigan, Scanlan, and Salomon. "NAYS," None. Absent: Colwell and Vidlak.

Mr. Benjamin Rodriquez, representing Hight's Tavern, came forward to receive approval on a Special Designated Liquor License to serve beer, wine and distilled spirits at the Emerald Center Fall Market on November 4, 2023 from 11:00 a.m. to 2:00 p.m. He explained they would like to bring their mobile drink trailer to the Fall Market to serve spiked ciders and beers to the participants of the event. He added they will implement wristbands and check all ID's before serving.

Council Member Salomon moved, seconded by Council Member Scanlan to approve the Special Designated Liquor License for BR Entertainment, LLC d/b/a Hight's Tavern to serve beer, wine and distilled spirits at The Emerald Center Fall Market on November 4, 2023 from 11:00 a.m. to 2:00 p.m., "YEAS," Salomon, Scanlan, and McKerrigan. "NAYS," None. Absent: Colwell and Vidlak,

Mr. David Welanko, Grant Specialist with Panhandle Area Development District, presented the letter asking for an extension to complete the Owner-Occupied Housing Rehabilitation Project for the City of Scottsbluff. He explained through the process they had 26 people apply. Of those 26, thirteen were able to proceed on getting construction done on their homes in an amount up to \$25,000. Five have finished the program and have had their homes upgraded and passed lead testing. Four have had the work done, but are waiting on the lead test and two should be done in a week or so. However, one house has ordered aluminum custom windows and the windows possibly will not be here before the project expires, so that is why they are asking for the 90-day extension.

Council Member Scanlan made a motion, seconded by Council Member Salomon to approve the letter asking for an extension to complete the Owner-Occupied Housing Rehabilitation Project for the City of Scottsbluff and authorize the Mayor to sign the letter, "YEAS," Scanlan, McKerrigan, and Salomon. "NAYS," None. Absent: Colwell and Vidlak

Under Council Reports, Council Member Salomon gave an update on the Humane Society. He informed they are housing around 120 cats and dogs right now, but are averaging around 30 adoptions each per month. YTD totals include 542 cats and 730 dogs.

Mr. Spencer went to a PADD meeting last week where the focus was on making sure the Broadband map is accurate.

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

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Mayor

Attest:

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City Clerk

“SEAL”