

City of Scottsbluff, Nebraska

Monday, December 4, 2023

Regular Meeting

Item Consent1

Council to approve the minutes of the November 20, 2023 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on November 20, 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 November 16, 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 November 17, 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 Salomon, seconded by Council Member Vidlak that,

- a) The minutes of the November 6, 2023 Regular Meeting be approved,
- b) A public hearing be set for December 4, 2023 at 6:00 p.m. for the Rezone of Lot 1A, Block 8, Laucomer Addition, commonly identified as 2003 Char Avenue from C-2 Neighborhood and Retail Commercial to O-P Office and Professional,
- c) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated November 20, 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

ACCELERATED RECEIVABLES SOLUTIONS, WAGE ATTACHMENT, 350.69; ACTION COMMUNICATIONS INC.,VEHICLE CHARGER INSTALLATION - 5 UNITS,1000; ADVANCE AUTO PARTS,CARWASH SOAP, WINDSHIELD WIPERS - E2,275.11;AUTOZONE STORES, INC,VEH MAINT PARK,252.7;B&C STEEL CORPORATION,SQUARE TUBING FOR D. TRUCKS, 324.5; BEELINE SERVICE INC, TOW SERVICE PD, 1820; BLUFFS FACILITY SOLUTIONS, DEPT/JANIT SUPPL-PD,2031.4;CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,16.61; CELLCO PARTNERSHIP, TABLETS, IPAD, CELL PHONES, GRIDSMART FOR TRANS.,1152.76; CITYOFGERING,DISPOSALFEESAN,43343.05;COMPUTERCONNECTIONINC,CONTRACTUAL

-PD,44;CONSOLIDATEDMANAGEMENTCOMPANY,SCHOOLS & CONF-PD,439; CONTRACTORS MATERIALS INC.,GROUND MAINT PARK,562.51;CRESCENT ELECT. SUPPLY COMP INC,ELECTRICAL MAINT,3404.32;CROELL INC,CONCRETE FOR STREET REPAIR,2196; EAKES INC,DEPT SUPP ADM,486.1;ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,216;ESO SOLUTIONS INC,RECORDS MANAGMENT MAPPING,1145.4;ESSENTIAL FUEL LLC STORE #003,VEH MAINT-PD,277;FAT BOYS TIRE AND AUTO,VEHICLE MAINT,3016.79;FLOYD'S TRUCK CENTER SCOTTSBLUFF,OIL & FUEL FILTERS FOR D. TRUCKS,547.02; GALLS PARENT HOLDINGS, LLC,UNIFORMS/EQUIP MAINT-PD,1573.87;GENERAL TRAFFIC CONTROLS, INC,REPAIRED CONNECTOR BOX & CONTROL SIGNAL BOARD,1175;GRAINGER,AFF EQUIT-GUN SAFE-PD,1284.38;GREENING ENTERPRISES INC.,STRUCTURE FIRE BOOTS - LEVICK,358.75;HAWKINS, INC.,CHEMICALS,2816.05;HD SUPPLY INC,DEPT SUP,2882.23; HOWMEDICA OSTEONICS CORP,AED DATA RETRIEVAL SOFTWARE - 5 YEARS,2500; IDEAL LAUNDRY AND CLEANERS, INC.,JAN. SUP.,877.66;INGRAM LIBRARY SERVICES INC,COLL.,876.19;INLAND TRUCK PARTS & SERVICE,COOLANT HOSE AND COOLANT - ENGINE 1,95.12;INTERNAL REVENUE SERVICE,WITHHOLDINGS,73533.51;INTRALINKS, INC,CONTRACTUAL,2655; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL SVC,221.7; KEARNEY HOSPITALITY INC,SCHOOLS & CONF,269.9;KNOW HOW LLC,VEHICLE MAINT,3615.23;KRIZ DAVIS,EQUIP MAINT,867.67; LEAGUE ASSOCIATION OF RISK MANAGEMENT, VEH INSURANCE, 652.59; LEXISNEXIS RISK DATA MANAGEMENT, CONSULTING-PD,100;M.C. SCHAFF & ASSOCIATES, INC,ENGINEERING,27535.88; MADISON NATIONAL LIFE,INSURANCE,3365.06;MATHESON TRI-GAS INC,RENT - MACHINES,44.16; MCMASTER-CARR SUPPLY COMPANY,DEPT SUP,3108.18;MENARDS, INC,BUILDING MAINT, 1333.62; MIDWEST CONNECT, LLC, CONTRACTUAL, 5593.45; MOBIUS COMMUNICATIONS COMPANY,CIP-ACCESS CONTROL-PD,5032;MUNICIPAL SUPPLY INC. OF NEBRASKA,DEPT SUP,835.39;MUNIMETRIXSYSTEMSCORP,CONTRACTUAL,39.99;NECHILDSUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1462.6;NE DEPT OF REVENUE,SALES TAX,21547.29; NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF-PD,150;NEBRASKA MACHINERY CO, EQUIP MAINT, 1084.7; NEBRASKA PUBLIC POWER DISTRICT, ELECTRIC, 39140.19;NEBRASKA SAFETY & FIRE EQUIPMENT INC.,EQUIP. MAIN.,504.25; NEDA,MEMBERSHIP,150;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,374.29; ONE CALL CONCEPTS, INC,CONTRACTUAL,226.08;PANHANDLE CLERK'S ASSOC,MEMBERSHIP,40; PANHANDLE COOPERATIVE ASSOCIATION,FUEL,2949.82; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,332;PLATTE RIVER GLASS RODNEY L FLOTH,EQUIP MAINT,855.6;PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,9725.91;POMPS TIRE SERVICE INC,DEPARTMENT SUPPLIES-SAN,6447.34; POWER SCREENING LLC,EQUIPMENT,505000; POWERTECH LLC,EQUIP MAINT,2015; PRO OVERHEAD DOOR,BUILDING MAINTENANCE-SAN,6.11;QUADIENT LEASING USA INC,RENT-MACH-PD,470.85;REAMS SPRINKLER SUPPLY CO.,DEPT SUPP CEM,259.29;REGIONAL CARE INC,FLEX FUNDING,660; REVIZE LLC,CONTRACTUAL,2954; RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,2173.21;S M E C,EMPLOYEE DEDUCTION,78.15;SALES MIDWEST, INC,DEPT SUPP PARK,56.41;SANDBERG IMPLEMENT, INC,VEHICLE MAINTENANCE-SAN,550.75;SCB COUNTY TREASURER,EQUIPMENT,4293.04;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,280;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,429.57; SCOTTS BLUFF COUNTYCOURT,LEGALFEES-PD,259;SCOTTSBLUFFPOLICEOFFICERS ASSOCIATION,POLICE EE DUES,858; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS & CLOTHING,2265.68;SHERWIN WILLIAMS,HOSE FOR PAINT SPRAYER,117.99;SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,14120.79;SIMON CONTRACTORS,CONCRETE FOR STREET

REPAIR,4524.32;SIRSI CORPORATION,CONT. SRVCS.,1350.07;SNELL SERVICES INC.,BLDG. MAIN.,2184.9; SOUNDSLEEPER SECURITY INC.,EQUIP MAINT-PD,99.95;STAMPER SIDING & CONSTRUCTION,DEPARTMENT SUPPLIES-SAN,2610;STATE OF NEBRASKA DEPT OF HEALTH,LICENSE/PERMITS,1610;SUBIAS CONSTRUCTION,CDBG - REHAB REIMB.,24999; TERRY D SCOTT,VEHICLE MAINT,511.93;THE PEAVEY CORP,INVEST SUPPL-PD,65.96; TRANSWEST INC,KIT FOR PICKUP,145.71; U AND U TRUCKING LLC,CONTRACTUAL SERVICES-SAN,2204;UNIONBANK&TRUST,RETIREMENT,49479.71;UNITED STATES WELDING,WELDING SUPP - ACET, OXYGEN,154.82; US BANK,GO HWY ALLOC. BOND SERIES 2023,1263681.29; VAN PELT FENCING CO, INC,GROUND MAINT PARK,2913.48;VERIZON COMMUNICATIONS INC,GPS SERVICE,95.7;W & R INC,ELECTRICAL MAINT,319.31;WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,107.4;WESTERN COOPERATIVE COMPANY,EQUIP MAINT,104.65;WESTERN PATHOLOGY CONSULTANTS, INC,CONTRATUAL,229;WEX BANK,DIESEL FUEL-SAN,30113.51;WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,1892.16;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,769; REFUNDS; ELUISA DUQUE, 13.60; MARCELA QUEVEDO, 54.32; REGIONAL WEST MEDICAL CENTER, 5.05; LAURI MATISSE, 14.34; GRANT W WILSON, 16.62

City Manager Spencer presented the September 2023 Financial Report. He started by introducing new Finance Director Lane Kizzire to Council and commented how happy we are to have him on staff. He then explained the unaudited year-end report, stating items of acknowledgement on the report are the completion of the 18th Street Plaza, continued work on 23 Club lighting and Library HVAC system. In addition, with Public Safety, payoff of the new radios was completed, as well as additional radios in Transportation and the Parks Departments. He commended Department Heads for projecting and staying in budget, adding we took a conservative approach to our spending and it shows in the report.

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

Mr. Mark Bohl, Public Works Director, approached Council regarding the Year-End Certification of Street Superintendent. Mr. Bohl stated he served as the Steet Superintendent for 2023 and has met the licensing requirement for the position.

Council Member Scanlan made a motion, seconded by Council Member Salomon to approve Resolution No. 23-11-01 authorizing the Mayor to sign the Year-End Street Certification of Street Superintendent certifying Philip Mark Bohl as the City of Scottsbluff Street Superintendent for the year 2023, “YEAS,” Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. “NAYS,” None. Absent: None.

RESOLUTION
SIGNING OF THE
YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT
2023

Resolution No. 23-11-01

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment(s) of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

Whereas: The NDOT requires that each certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor Village Board Chairperson of City of Scottsbluff
(Check one box) (Print Name of Municipality)
 is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed form(s).

Adopted this 20th day of November, 2023 at Scottsbluff, Nebraska.
(Date) (Month)

City Council/Village Board Members

Jeanne McKerrigan	Jordan Colwell
Angela Scanlan	Matt Salomon
Betsy Vidlak	

City Council/Village Board Member Scanlan
 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 the Resolution updating the bank signature authorization. He explained the update is to add new Finance Director Lane Kizzire to the accounts and move Deputy Finance Director Chris Burbach to her prior authority.

Council Member Colwell made a motion to approve Resolution No. 23-11-02 updating the bank signature authorization and authorize the Mayor to sign the Resolution. The motion was seconded by Council Member Vidlak. "YEAS," Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. "NAYS," None. Absent: None.

RESOLUTION NO. 23- 11-02

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

1. US Bank NA, First National Bank, Riverstone Bank, Platte Valley Bank and Pinnacle Bank, all with local branches in Scotts Bluff County, Nebraska and the Nebraska Public Agency Investment Trust (NPAIT) as well as Moreton Capital Markets, LLC are designated as depositories and/or financial investment institutions for funds of the City of Scottsbluff, Nebraska ("City").

- a. Depository funds of the City deposited in each bank shall be subject to withdrawal upon checks, notes, drafts, or other orders for the payment of money when signed on the City's behalf by any two of the following City officials:

Jeanne McKerrigan OR
Jordan Colwell AND

Kimberley Wright OR Christine Burbach

2. Provided, the Finance Director for the City, Lane Kizzire, is authorized to make ACH drafts and withdrawals for payroll, electronic claims, utility payment drafts and debt payments on behalf of the City from any of the financial institutions named in paragraph 1. of this Resolution.
3. The banks are authorized to pay all orders and receive them for the credit of or in payment from the payee or any other holder without inquiring into the circumstances of the issue or the disposition of the proceeds.
4. US Bank is authorized to issue Visa credit cards to City personnel. The personnel to receive the cards and the credit limit on said cards shall be as approved by the City Manager or his/her designee.

5. This Resolution will revoke Resolution 23-08-03 and all prior banking resolutions and shall be delivered to all banks named in this Resolution. This Resolution will remain in effect until notice of revocation is delivered to any of these banks.

Passed, approved and effective this 20th day of November, 2023.

Mayor

ATTEST:

City Clerk

Regarding the Ordinance dealing with Chapter 6, Article 7 dealing with penalties including waiverable offenses, Legal Counsel Hadenfeldt explained we were contacted by the Clerk Magistrate of the Scotts Bluff County Court who was attempting to implement the new E-Citation format through the State Supreme Court system. He informed that we have for years allowed our Ordinance violations to go through the waiver schedule and not have to appear in court. However, with our E-Citation program they feel they do not have the authority to use the waiver schedule for City Ordinance violations. Because of this, he has amended our Ordinance to read, in paragraph C, where we consent to any Ordinance violations that are equivalent under the Supreme Court waiver fine schedule to carry the penalty the Supreme Court schedule sets forth. He also added this will not affect any of our citizens as we have already been doing this for years.

Council introduced the Ordinance regarding Chapter 6, Article 7 dealing with penalties, including waiverable offenses and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 6, ARTICLE 7, SECTION 1 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH PENALTIES, INCLUDING WAIVERABLE OFFENSES AND AUTHORIZING THE USE OF THE SUPREME COURT WAIVER/FINE SCHEDULE FOR ORDINANCE VIOLATIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council Member Colwell moved, seconded by Council Member Scanlan that the statutory rule regarding the Ordinance dealing with penalties, including waiverable offenses and authorizing the use of the Supreme Court waiver/fine schedule for Ordinance violations to be read by title on three different days be suspended, "YEAS," McKerrigan, Scanlan, Colwell, Vidlak, and Salomon. "NAYS," None. Absent: None.

Council Member Colwell moved to adopt Ordinance No. 4316 dealing with penalties, including waiverable offenses and authorizing the use of the Supreme Court waiver/fine schedule for Ordinance violations. The motion was seconded by Mayor McKerrigan. "YEAS," Colwell, Salomon, Vidlak, Scanlan, and McKerrigan. "NAYS," None. Absent: None.

Council introduced the Ordinance dealing with the Rezone of Lot 1A, Spengler Subdivision from Agricultural Residential (AR) to R-1 Single Family Residential and was read by title on second reading: **AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT LOT 1A, SPENGLER SUBDIVISION, A REPLAT OF LOT 1, SPENGLER SUBDIVISION, A REPLAT OF LOT 1, HESSLER SUBDIVISION AND UNPLATTED LANDS SITUATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA CURRENTLY ZONED AS AGRICULTURAL RESIDENTIAL (AR), WILL NOW BE INCLUDED IN SINGLE-FAMILY RESIDENTIAL (R-1), REPEALING PRIOR SECTION 25-1-4, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Mr. Spencer presented the bids for the ½ Ton 4X4 truck for the Cemetery, explaining we received two bids, however the bid that came in at the lowest amount and under budget did not meet bid specifications. The other bid came in over budget by \$2,300, but did meet all specifications. Staff is recommending approval of the bid from Transwest Ford in the amount of \$47,324.36.

Council Member Colwell moved, seconded by Council Member Vidlak to award the bid for One, New, ½ Ton 4X4 pickup for the Cemetery to Transwest Ford in the amount of \$47,324.36, “YEAS,” Salomon, Vidlak, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Mr. Mark Bohl, Public Works Director, approached Council regarding the 6th Avenue Emergency Water Main Replacement. Mr. Bohl explained this item was on the last agenda as an emergency item and because of that M.C. Schaff went out for bids immediately to get the project started. There were three bids received with Infinity Construction submitting the lowest bid at \$179,065. He added they will start on Monday, November 27th after the State approves the project.

Council Member Scanlan made a motion, seconded by Council Member Salomon to award the 6th Avenue Emergency Water Main Replacement to Infinity Construction in the amount of \$179,065 and authorize the use of contingency funds to cover the project costs, “YEAS,” Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. “NAYS,” None. Absent: None.

Mr. Tom Schingle, Fire Chief came forward to explain an Offer Agreement with Wadding River Fire District to purchase a 2002 Pierce Dash 2000/750/40/20 Pumper for \$125,000. Mr. Schingle stated they started the pursuit about a year ago to find backup for their current fleet. This engine is in good shape, considering its age, has low mileage, low hours and is being used on the front line with its current department. It also has a compressed air foam system which is used heavily in structure protection for the wild land arena.

Mr. Schingle added, if given approval, a mechanic will look at it; if they find anything suspect we would just have to pay the cost of the mechanic, which is approximately \$270. If, however, the pumper checks out, they have worked with a broker to have a transport company bring it out at approximately \$5,000, adding they have \$250,000 in contingency budgeted for this equipment.

Council Member Colwell moved, seconded by Council Member Scanlan to approve the offer Agreement with Wadding River Fire District to purchase a 2002 Pierce Dash 2000/750/40/20 Pumper in the amount of \$125,000 and authorize the Mayor to sign the Agreement, “YEAS,” McKerrigan, Scanlan, Colwell, Vidlak, and Salomon. “NAYS,” None. Absent: None.

Council Member Scanlan moved, seconded by Council Member Salomon to appoint Philip Mark Bohl, License S-1103, Class B as the City of Scottsbluff Street Superintendent for January 1 through December 31, 2024 for the purpose of the 2024 calendar year Highway Incentive Payment to be issued to the City by the Nebraska Department of Transportation in February 2025 and authorize the Mayor to sign

the Agreement, “YEAS,” Colwell, Salomon, Vidlak, Scanlan, and McKerrigan. “NAYS,” None. Absent: None.

Under Council Reports, Council Member Salomon gave an update on the zoo. He stated they received Keno funding from the City of Gering and will use it for a cat’s cage, hoping to start construction on December 1st.

City Manager Spencer attended a Heartland Express Meeting, stating they are gearing up for their trip to Washington D.C. to promote the Heartland Express.

Council also commended Economic Development Director Sharaya Toof and Development Services Director, Zach Glaubius for work on the promotion video and website.

Council Member Colwell moved, seconded by Council Member Vidlak to adjourn the meeting at 6:27 p.m., “YEAS,” Salomon, Vidlak, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk

“SEAL”