

City of Scottsbluff, Nebraska

Monday, December 18, 2023

Regular Meeting

Item Consent1

Council to approve the minutes of the December 4, 2023 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on December 4, 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 30, 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 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 Colwell, seconded by Council Member Vidlak that,

- a) The minutes of the November 20, 2023 Regular Meeting be approved,
- b) The bid specifications for the 36th Water Main Replacement Project-Avenue 'D' to Avenue 'B'-Scottsbluff and authorizing the city clerk to advertise for bids to be received by December 19th at 11:00 a.m. be approved,
- c) The following claims be approved and paid as provided by law out of the respective funds designated in the list of claims dated December 4, 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

AE SERVICES, LLC,23 CLUB MUSCO LIGHTING INSTALLATION,74205.98; AHLERS BAKING INC,DEPT SUPPL-PD,107.96;B & H INVESTMENTS, INC,SUPP - WATER,242.76;BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,2959.53;CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,281.5;CELLCO PARTNERSHIP,CELL PHONES-PD,1802.94;CLARK PRINTING LLC,BUSINESS CARDS - DS Staff,284.21;CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF-PD,395;CORE & MAIN LP,METERS,21420.72;DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,64.8;DELGADO LUPE,CONSULTING-PD,105; DHHS - ACCOUNTING,RETURN UNUSED LIHWAP FUNDS,965.47; DOCU-SHRED LLC,CONTRACTUAL-PD,40;EAKES INC,DEP. SUP.,355.54;ERIC REICHERT INSULATION & CONSTRUCTION INC,20TH

ST. CONCRETE REPAIRS,108193.93;FASTENAL COMPANY,DEPARTMENT SUPPLIES-SAN,76.44; FEDERALEXPRESSCORPORATION,POSTAGE,336.62;GABLEKIMBERLE,QUITCLAIMDEED,70; GERING MULITPURPOSE SENIOR CENTER,CONTRACTUAL,1000;GILMORE & BELL, P.C.,BOND COUNSEL FEE,8500;GRAY TELEVISION GROUP INC,TRI-CITY STORMWATER TV PSAs,1895;GREIF BERNICE,QUIT CLAIM DEED,225;HERSTEAD MONUMENT COMP. INC,DEPT SUPP CEM,110;HOA SOLUTIONS, INC,EQUIPMENT,11680;HULLINGER GLASS & LOCKS INC.,BLDG MAINT PARK,390;INGRAM LIBRARY SERVICES INC,Coll.,2592.27;INLAND TRUCK PARTS & SERVICE,FLEX TUBING FOR D. TRUCKS,76.46;INTERNAL REVENUE SERVICE,WITHHOLDINGS,77440.74;INTRALINKS,C,SONIC WALL - TRANSPORTATION,998.87; INVENTIVE WIRELESS OF NE, LLC,INTERNET-REC,25.9;JOHN DEERE FINANCIAL,SUPP - T POSTS (100),2072.86; JOHN DEERE FINANCIAL,DEPT SUP,836.28;JOHN DEERE FINANCIAL,EQUIP MAINT PARK,2170.83;LEE BHM CORP,PUBLISHING,527.15; M.C. SCHAFF & ASSOCIATES, INC,PROF SERV. - 20TH ST. OVERLAY 2023,42410;MACQUEEN EQUIPMENT INC,BROOMS FOR SWEEPERS,1217.52;MCCASLIN CONSULTING, INC,INSPECT BRIDGE ON S. BELTLINE & 21ST AVENUE,200;MENARDS, INC,DEPT SUP,453.86;MICHAEL B KEMBEL,REPLACE CABLE ON OVERHEAD DOOR,396.68; MIDLANDS NEWSPAPERS, INC,PUBLICATION-PD,179.92;MOTOROLA SOLUTIONS, INC,CIP-TECH BODY CAMS-PD,1550; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1462.6;NE LAW ENFORCEMENT TRAINING CENTER,SCHOOLS & CONF-PD,27;NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,18944.7;NEBRASKA RURAL RADIO ASSOCIATION,KNEB INTERNET AND TV PSAS,500;PAIGE MANNING,DOWNTOWN BULBOUTS AND RAIN GARDEN MAINTENANCE,7584;PANHANDLE CONCRETE PRODUCTS, INC,DEPT SUP,80;PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,411;PANHANDLE HUMANE SOCIETY, CONTRACTUAL, 5938.88; PLATTE VALLEY BANK, HEALTH SAVINGS ACCOUNT, 9725.91;QUADIENT INC,POSTAGE,1000;QUILL CORPORATION,DEPT SUPPL-PD,107.93; RAILROAD MANAGEMENT CO III, LLC,RENT - SCOTTS BLUFF DRAIN CROSSING,787.71; REGIONAL CARE INC,HEALTH INS. PREMIUM - DEC. 2023,44246.61; REGISTER OF DEEDS,PLAT LOT 13, BLOCK10, NORTHWOOD ADDITION,44;ROBERT E FORD JR,VEHICLE MAINT,84.3;ROCKSTEP SCOTTSBLUFF LLC,OCC TAX (MAR-SEP FY23),56510.74;S M E C,EMPLOYEE DEDUCTION,78.15;SATO, LEANN,REIMBURSEMENT FOR NEFSMA,102; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,260;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,429.57;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,858;SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS-PD,88; SHARAYA TOOF,SCHOOL & CONF ED,312.66;SIRSI CORPORATION,CONT. SRVCS.,15451.79; STATE FIRE MARSHALL,FIRE OFFICER I CERTIFICATION - SIX PERSONNEL,300;STATE HEALTH LAB,SAMPLES,343;THE CLEANING PEOPLE,CONTRACTUAL SERVICES-SAN,800; U AND U TRUCKING LLC,CONTRACTUAL SERVICES-SAN,2204;UNION BANK & TRUST,RETIREMENT,48643.36;UNITED STATES WELDING,CONTRACTUAL SERVICES-SAN,57.85;US BANK,SCHOOL & CONF ED,6116.92; WALMART,DEPT SUP,1157.26;WEBER TYLER,SCHOOLS & CONF-PD,137;WYOMING HEALTH FAIRS,HEALTH FAIR - POLICE,320; ZM LUMBER CO CAPITAL ONE TRADE CREDIT,VEH MAINT PARK,676.62;REFUNDS; FRANCES L TREJO, 33.34; RUBY KOCH, 55;NORTHERN HEIGHTS PRO PLAZA, 173.86

Finance Director, Lane Kizzire, approached Council and presented the October 2023 Financial Report. Mr. Kizzire went over the highlights and explained with the monthly change in cash the city had an influx of about 3.5M because of transfers in for bond payments that were due on December 1st. Line by

line, he added, nothing stood out to him to cause concern.

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

Mayor McKerrigan opened the public hearing at 6:03 p.m. to receive information regarding the Rezone of Lot 1A, Block 8, Laucomer Addition from C-2 Neighborhood and Retail Commercial to O-P Office and Professional.

Mr. Zach Glaubius, Development Services Director, came forward and explained the Rezone was approved at the November Planning Commission meeting. The vacant lot is owned by Reverence Funeral Parlor and they are seeking to build a crematorium, however mortuaries are not permitted in the C-2 zoning district, but are authorized in the O-P District.

Council Member Salomon asked about two houses that are located on the map in the O-P District and if they will stay residential. Mr. Glaubius answered, yes, O-P is a mixed-use district for both commercial and residential.

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

Council introduced the Ordinance dealing with the Rezone of Lot 1A, Block 8, Laucomer Addition from C-2 Neighborhood and Retail Commercial to O-P Office and Professional and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT LOT 1A, BLOCK 8, LAUCOMER ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, CURRENTLY ZONED AS C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL, WILL NOW BE INCLUDED IN O-P OFFICE AND PROFESSIONAL, REPEALING PRIOR SECTION 25-1-4, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

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 third 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.**

Council Member Colwell made a motion, seconded by Council Member Scanlan to adopt Ordinance No. 4317 approving the Rezone of Lot 1A, Spengler Subdivision from Agricultural Residential (AR) to R-1 Single Family Residential, “YEAS,” Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. “NAYS,” None. Absent: None.

Mr. Glaubius approached to explain the Ordinance regarding the vacation of alleys and easement in Block 2, Block 8, and Block 9A, Reganis Subdivision. He stated at the November Planning Commission meeting they reviewed the Preliminary and Final Plats and also the vacation request for easements and alleys in the Reganis subdivision. He added this is the Ordinance to vacate the alley that is towards the rear

of Lots 8 and 9A. With the plat it will be converted to a utility easement, and also there is a north/south utility easement crossing the proposed lot 9A which currently has no utilities in it and they are requesting a vacation of that easement as well. In addition, he would like Council to consider waiving the three readings of the Ordinance so the Plat Resolution can be passed.

Council introduced the Ordinance regarding the vacation of alleys and easement in Block 2, Block 8, and Block 9A, Reganis Subdivision and was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA VACATING A PORTION OF THE 30 FOOT ALLEY AND 30 FOOT UTILITY EASEMENT AS SET FORTH IN THE REPLAT OF BLOCKS 8 AND 9A, REGANIS SUBDIVISION, A REPLAT OF BLOCK 9, REGANIS SUBDIVISION LOCATED IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Council Member Scanlan moved, seconded by Council Member Colwell that the statutory rule regarding the Ordinance dealing with the vacation of alleys and easement in Block 2, Block 8, and Block 9A, Reganis Subdivision to be read by title on three different days be suspended, "YEAS," Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. "NAYS," None. Absent: None.

Council Member Colwell moved to approve Ordinance No. 4318 regarding the vacation of alleys and easement in Block 2, Block 8, and Block 9A, Reganis Subdivision. The motion was seconded by Mayor McKerrigan. "YEAS," McKerrigan, Scanlan, Colwell, Vidlak, and Salomon. "NAYS," None. Absent: None.

Mr. Glaubius came forward to present the Preliminary and Final Plats of Blocks 8 and 9A, Reganis Subdivision. He explained this is a Preliminary Plat for the Reganis Subdivision, as the proposed Block 8 is on unplatted land. There is also a Final Plat for the existing lot line of Block 9A to be adjusted, adding the Planning Commission made a positive recommendation on approval of the Plats, which includes the vacations, at their November meeting.

Council Member Scanlan made a motion, seconded by Council Member Salomon to approve the Preliminary and Final Plats of Blocks 8 and 9A, Reganis Subdivision and authorized the Mayor to sign Resolution No. 23-12-01, "YEAS," Colwell, Salomon, Vidlak, Scanlan, and McKerrigan. "NAYS," None. Absent: None.

RESOLUTION NO. 23-12-01

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

WHEREAS, BE IT RESOLVED, the preliminary and final plat of Blocks 8 and 9A, Reganis Subdivision, a Replat of Block 9, Reganis Subdivision, and part of vacated 30 foot alley, and unplatted lands in the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in the Southeast Quarter of the Southwest Quarter of Section 13, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska dated November 29, 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 4th day of December, 2023.

Mayor

ATTEST:

City Clerk

Regarding the Final Plat of Lot 1, Block 1, Dollar General Plat 1, Mr. Glaubius approached and explained this Plat and Contract for Public Improvements was also reviewed at the November Planning Commission meeting receiving a positive recommendation. The proposal is to Replat three lots into one, adding there is no sewer or stormwater sewer serving the site, hence the need for the Contract for Public Improvements to get it built.

Council Member Salomon made a motion, seconded by Council Member Colwell to approve the Final Plat of Lot 1, Block 1, Dollar General Plat 1 and authorize the Mayor to sign Resolution No. 23-12-02 and Contract for Public Improvements, "YEAS," Scanlan, McKerrigan, Salomon, Colwell, and Vidlak. "NAYS," None. Absent: None.

RESOLUTION NO. 23-12-02

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

WHEREAS, BE IT RESOLVED, the Final Plat of Lot 1, Block 1, Dollar General Plat1, a replat of Lots 2A, 2B and 2C, Eisele Subdivision a replat of Lot 2, Eisele Subdivision to the City of Scottsbluff, Scotts Bluff County, Nebraska, dated November 30, 2023 duly made, acknowledged and certified, is approved. Approval is made on the condition that a Contract for Public Improvements be signed by the Owner and approved by the City Council for construction of sanitary mains and storm main improvements and providing a payment or performance bond to secure the cost of the construction. Upon the conditions being met, the Mayor is authorized to sign the Final Plat on behalf of the City of Scottsbluff, Nebraska. Such Final Plat and related documents are ordered to be filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska, once it is confirmed that the property has been conveyed.

Passed and approved this 4th day of December 2023.

Mayor

ATTEST:

City Clerk

City Manager Spencer presented the Interlocal Cooperation Agreement for Stormwater Specialist with the City of Gering to Council. He explained this is an Agreement to share Leann Sato, the City of Scottsbluff Stormwater Specialist with the City of Gering. Ms. Sato will work in Gering two days a week and Scottsbluff three days a week, adding this will help fill a gap for the City of Gering. Mr. Spencer also stated we will invoice Gering for wages and benefits for the time she spends over there.

Council Member Scanlan made a motion, seconded by Council Member Vidlak to approve the Interlocal Cooperation Agreement for Stormwater Specialist with the City of Gering and authorize the Mayor to sign the Agreement, "YEAS," Vidlak, Colwell, McKerrigan, Salomon, and Scanlan. "NAYS," None. Absent: None.

Regarding the agenda item of conducting the evaluation of City Manager's job performance in first year of employment, Mayor McKerrigan asked Council if they wanted to share any comments.

Council Member Salomon started by commenting this is his first year and he has a lot to learn, but thinks overall Mr. Spencer is doing a good job. He added everything seems professional, Council is kept in the loop on things and he appreciates the input.

Council Member Scanlan added Mr. Spencer has the unique ability to both calm people down and inspire them because he has a strong belief in each person's ability to do their job well. Instead of micromanaging he has released city employees to do what they do best and celebrate them for what they are doing instead of taking credit.

Council Member Vidlak echoed Council Member Scanlan with the strengths of delegation and using employees to the best of their ability. She also liked how Mr. Spencer was instrumental in restructuring the utilities and bringing in Andrew from NMPP to help everyone understand the process. She asked that he continue to work on his transition of the Police Chief role, concluding he is doing a great job and she enjoys working with him.

Council Member Colwell stated these are exciting times as there are so many things going on in the background. He appreciates Mr. Spencer's leadership and is impressed by how he continues to build his team, thanking him for his hard work, calm demeanor and empowering employees to do their best.

Mayor McKerrigan, concluded by stating, she appreciates all Mr. Spencer has done for the city and staff. Things have been running very smoothly and she thinks he is doing great. Regarding finding a Police Chief, she commented she knows he is trying to find the right person to fill the position and looks forward to that.

Mr. Spencer came forward and thanked Council. He addressed the Police Chief matter stating it is on his list of items to get done, commenting he wants to get through some of the issues so to be able to attract the best candidate they possibly can. He also appreciates Council and the support he has been given.

Council Member Scanlan moved, seconded by Council Member Colwell to give a positive evaluation of the City Manager's job performance in the first year of employment, "YEAS," McKerrigan, Scanlan, Colwell, Vidlak, and Salomon. "NAYS," None. Absent: None.

Under Council Reports, Council Member Scanlan attended the Twin Cities Development annual meeting. She stated they are making moves to champion our community and found it very enlightening of the different things they are working on. City Manager Spencer informed Council at the next meeting Desiree Davison from the Riverside Discovery Center will be in attendance to give an update.

Council Member Colwell moved to adjourn the meeting at 6:24 p.m. The motion was seconded by Council Member Vidlak, “YEAS,” Colwell, Salomon, Vidlak, Scanlan, and McKerrigan. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk “SEAL”