

City of Scottsbluff, Nebraska

Monday, June 15, 2020

Regular Meeting

Item Consent1

Approve the minutes of the June 1, 2020 Regular Meeting.

Staff Contact: Kim Wright, City Clerk

The Scottsbluff City Council met in a regular meeting on June 1, 2020 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 May 29, 2020, 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 and that anyone attending was encouraged to wear a mask and to respect social distance guidelines. It also stated 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 had been emailed to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and NBC Nebraska, and the Star Herald. The notice was also available on the city's website on May 29, 2020. Mayor Gonzales presided and City Clerk Wright recorded the proceedings. The meeting was called to order and the Pledge of Allegiance was recited. Mayor Gonzales welcomed everyone and 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: Raymond Gonzales, Jeanne McKerrigan, Nathan Green, and Terry Schaub. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Rick Kuckkahn. Absent: Scott Shaver

Mayor Gonzales asked if there were any changes to the agenda. There were none. Mayor Gonzales 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 were none. Council Member Shaver entered the meeting at 6:01 p.m.

Regarding Scottsbluff Youth Council, Council Member McKerrigan informed everyone there is an email response included in the Council Packet because of COVID-19.

Moved by Council Member Schaub, seconded by Council Member McKerrigan that,

- a) The minutes of the May 18, 2020 Regular Meeting be approved,
- b) The bid specifications for the repair of hail damage of six separate buildings within the Transportation Facility located at 1105 3rd Avenue and authorizing the city clerk to advertise for bids to be received by July 8, 2020 at 2:00 p.m. be approved. "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales, "NAYS," None. Absent: None.

Moved by Council Member Schaub, seconded by Council Member Green, that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated June 1, 2020, as on file with the City Clerk and submitted to the City Council, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan, "NAYS," None. Absent: None.

CLAIMS

26 GROUP, LLC,TIF 4-30-20 26 GROUP FUEL,5705; ADVANCE AUTO PARTS,BATTERY CHARGER FOR STATION,133.11;AIRPORT DEVELOPMENT,LLC,TIF 4-30-20 AIRPORT REDEV,8381.31; AMAZON.COM HEADQUARTERS,MISC.,873.67; AUTOZONE STORES, INC,SUPP - SLIME SEALANT,18.98; B & H INVESTMENTS, INC,BLDG MAINT-PD,52.5; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,1208.79; BLUFFS FACILITY SOLUTIONS,JANITORIAL SUPP PARK,488.72; CAMPBELL DAVID,LICENSE & PERMITS,289.5; CELLCO PARTNERSHIP,CELL PHONES-PD,1605.54; CENTURION HOLDINGS

LLC,CONT SRVCS.,225; CITIBANK N.A.,DEPT SUPP PARK,385.29; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; CONTRACTORS MATERIALS INC.,SUPP - MARKERS FOR SEAL COATING,1308.89; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,210.21; CYNTHIA GREEN,DEPT SUPP ADM,67.62; D & H ELECTRONICS INC.,TERMINAL BLOCK AND STRIP, CABLE TIES,32.6; DALE'S TIRE & RETREADING, INC.,EQUIP MAINT PARK,56.64; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,171.09; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135; FASTENAL COMPANY,DEPT SUPP PARK,208.87; FEDERAL EXPRESS CORPORATION,POSTAGE,371.37; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,220;GARY'S ALLIANCE,REIMB FOR PERMIT,168; GENERAL ELECTRIC CAPITAL CORPORATION,DETERGENT, ANTIFREEZE,65.67; NERALTRAFFICCONTROLS,INC,CAMERA & CONTROLLER FOR 27TH & AVE. B SIGNALS,22170; HAWKINS, INC.,CHEMICALS,2222.11; HOA SOLUTIONS, INC,EQUIP MAINT,26.27; HULLINGER GLASS & LOCKS INC.,BLDG MAINT-PD,599.35; IDEAL LAUNDRY AND CLEANERS, INC.,CENTRAL GARAGE- RUGS & SHOP TOWELS,34.79; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,770.85; INFINITY CONSTRUCTION, INC.,FACILITY REPAIR,32220.5; INTERNAL REVENUE SERVICE,WITHHOLDINGS,58820.67; INTRALINKS, INC,DATTO SIRIS - CITY HALL MAY 2020,3540.77; J G ELLIOTT CO.INC.,NOTARY BLANKET E & O - RENEWAL PREMIUM,460; JOHN DEERE FINANCIAL,DEPT SUPP PARK,1108.71; JOHN DEERE FINANCIAL,EQUIP MAINT PARK,71.2; KEMBEL SAND & GRAVEL COMPANY,DEPT SUPP CEM,75.5; KNOW HOW LLC,BATTERY FOR UTV POWERSPORTS,407.98; LEAGUE ASSOCIATION OF RISK MANAGEMENT,FY18-19 WORK COMP PREMIUM DUE AFTER AUDIT,6294.78;LINCOLN JOURNAL STAR,SBSCR. - Acct#118-00057422,990; M.C. SCHAFF & ASSOCIATES, INC,FACILITY REPAIR,5057.2; MACQUEEN EQUIPMENT INC,EQUIP MAINT,2500.37; MENARDS, INC,DEPT SUPP CEM,269.94; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,916.6; NE DEPT OF ENVIRONMENTAL CONTR,LOAN PAYMENT,170045.09; NE DEPT OF REVENUE,SALES TAX,21449.44; NE.DEPT. OF LABOR UNEMPLOYMENT,UNEMPLOYMENT,230; NEBRASKA MACHINERY CO,BLDG MAINT-PD,2202; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,18229.76; NETWORKFLEET, INC,GPS SERVICE,166.21;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,435.68; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,378.16; PANHANDLE CLERK'S ASSOC,DUES - KIM WRIGHT & CHRIS BURBACH,40; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,319; PANHANDLE HUMANE SOCIETY,ECONOMIC DEV,5278.08; PH&S PRODUCTS LLC,INVEST SUPPL-PD,180; PLATTE VALLEY BANK,TIF 4-30-20 FAIRFIELD INN REDEV,75528.59; QUADLENT INC,MONTHLY LEASE,45; QUILL CORPORATION,DEPT SUPPL-PD,568.34; RAHMIG CLAYTON,LICENSE & PERMITS,104.5;RAMIREZ ALEXA,REFUND FOR PARK RESERVATION,50; REGIONAL CARE INC,HEALTH INS. PREMIUM - JUNE 2020,39756.2;ROOSEVELT PUBLIC POWER DISTRICT,ELECTRICITY,2616.84;RURAL HEALTH DEVELOPMENT, INC.,ECONOMIC DEV,6383.33; RYAN R KUMM,REPAIR GROUND LADDER - TOWER 1,40; S M E C,EMPLOYEE DEDUCTIONS,130.5; SAFELITE FULFILLMENT, INC,VEH MAINT-PD,422.98; SALES MIDWEST, INC,EQUIP MAINT PARK,166.28; SCB COUNTY TREASURER,REFUND OF TIF OVERPAYMENT - COMMISSION,139.04; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCHAEFFER MANUFACTURING COMPANY,DEPT

SUPP PARK,123.03; SCOTTIES POTTIES INC,CONTRACTUAL,360; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1092; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,SCREENPRINT UNIFORM SHIRTS,325; SHERWIN WILLIAMS,PARTS FOR LPAINT GUN,472.5; SNELL SERVICES INC.,GROUND MAINT PARK,421.97; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL SVC,1600; STATE HEALTH LAB,SAMPLES,454; STATE OF NE.,CONTRACTUAL-PD,210; TAMARA REICHERT,DEPT SUPP PARK,72; TEXAS PNEUDRAULIC INC,ES- PLUGS AND PINS,38.38; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE-PD,343.53; TYLER TECHNOLOGIES, INC,FEE - UB ONLINE 6/1/20 - 6/30/20,348; UNION BANK & TRUST,RETIREMENT,31194.5; UNIQUE MANAGEMENT SERVICES, INC,CONT SRVCS.,241.65; UNITED STATES WELDING,CO2 CYLINDER RENTAL,43.3; US BANK,CONSOLE AND MOUNTING BRACKETS UNIT 2,1002.74; VAN DIEST SUPPLY COMPANY,SUPP - MOSQUITO SPRAY,3750; VAN PELT FENCING CO, INC,GROUND MAINT PARK,4.9; WESTERN COOPERATIVE COMPANY,DEPT SUPP PARK,46.1; WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,937.84; WESTERN STATES BANK,TIF 4-30-20 REGANIS REDEV,27054.48; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; REFUNDS: AMERICASH ADVANCE, 172.71; BARBARA MONAGHAN, 14.89.

Ms. Michele Denton, Executive Director of West Nebraska Arts Center, was present to answer questions regarding the Special Designated Liquor License for a reception to be held on June 18, 2020 from 4:00 p.m. to 8:00 p.m. Ms. Denton explained Panhandle Coop is applying for this license because the Arts Center is only allowed six per year and it was the family of the artist who had requested the special event reception. She also commented they will follow all the social distancing guidelines. Police Chief Spencer stated they have had no problems with events in the past and he sees no reason to not approve the application. Council Member Schaub made the motion, seconded by Council Member McKerrigan to approve the Special Designated Liquor License for Panhandle Cooperative Association to serve beer, wine, & distilled spirits at the West Nebraska Arts Center, 106 East 18th St, Scottsbluff for a reception on June 18, 2020 from 4:00 to 8:00 p.m., “YEAS,” Shaver, Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: None.

Mr. Chad Leeling representing The Stomping Ground, LLC dba Shots Bar & Grill approached Council regarding a change of location for the existing Class C Liquor License from 1722 Broadway to 705 East Overland, Scottsbluff. Mr. Leeling explained he is moving his business primarily because there is more parking at the new location and because the old location has some repairs that need to be done. Police Chief Spencer came forward and commented they have worked very well with Mr. Leeling in the past at his prior location on 18th Street and they would expect that to continue at the new location. He also stated there is a new security system in place and they would have no reason to oppose the change of location. Council Member Schaub moved, seconded by Council Member Green, to approve the change of location regarding the existing Class C Liquor License for The Stomping Ground, LLC dba Shots Bar & Grill from 1722 Broadway to 705 East Overland Scottsbluff, “YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: None.

Council introduced the Ordinance adopting the International Fire Code 2018 Edition and was read by title on second reading: **AN ORDINANCE DEALING WITH THE SCOTTSBLUFF FIRE CODE, ADOPTING PROVISIONS OF THE INTERNATIONAL FIRE CODE 2018 EDITION, WITH EXCLUDED PORTIONS; AMENDING CURRENT CHAPTERS, ARTICLES AND**

SECTIONS OF THE SCOTTSBLUFF MUNICIPAL CODE BY REPEALING OR REVISING CHAPTER 8, ARTICLES 1, 2, AND 3; CHAPTER 4, ARTICLE 1 AND CHAPTER 23, ARTICLES 2 AND 3; REPEALING PRIOR PROVISIONS OF THE SCOTTSBLUFF MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

Regarding the Resolution naming Paul Reed Construction & Supply Inc. as the contractor for the Scottsbluff Monument Valley Pathway North Project with a low bid of \$5,687,326.17, Mr. Kuckkahn explained this project has been long in the making and they recommend the signing of the Resolution. The City has adequate funding; we have been billed by the State and have paid \$209,132.04 in favor of the project.

Public Works Director Mark Bohl approached Council stating the project will start in July of 2020 and end July of 2021; they will start with the pedestrian bridge and then work both ways. Council Member Green made the motion, seconded by Council Member Schaub to approve Resolution No. 20-06-01 naming Paul Reed Construction & Supply Inc. as the contractor for the Scottsbluff Monument Valley Pathway North Project with the low bid of \$5, 687,326.17 and authorize the Mayor to sign the Resolution, "YEAS," Gonzales, Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: None.

RESOLUTION 20 - 06 - 01

WHEREAS, there has been signed by the CITY OF SCOTTSBLUFF on the 7th day of May 2012 _____, and the State on the 24th day of May 2012 an agreement providing for the construction of a Federal Aid City Project at the following location: SCOTTSBLUFF MONUMENT VALLEY PATHWAY NORTH and

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as ENH-79(42), and

WHEREAS, the above mentioned agreement provided that the City will pay costs as set forth in the agreement, and

WHEREAS, the State, on behalf of the City received bids for the construction of this project based on the final plans and specifications on May 21, 2020, at which time 3 bid(s) were received for the construction of the proposed work, and

WHEREAS, the following Contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

PAUL REED CONSTRUCTION & SUPPLY, INC, GERING, NE 69341-1763
GRADING, CAST-IN-PLACE RETAINING WALL, MSE WALL AT STATION 0+00.00-2+86.45 , MSE WALL AT STATION 0+00.00-2+03.45, MSE WALL AT STATION 0+00.00-0+74.58, CONCRETE PAVEMENT, CULVERTS, SEEDING, LANDSCAPING, BRIDGE AT STATION 306+39.99 , BRIDGE AT STATION 301 +73.97 , ELETRICAL, SIGNING, GENERAL ITEMS: \$5,687,326.17

NOW THEREFORE, in consideration of the above facts, the City Council of the CITY OF SCOTTSBLUFF, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above mentioned Contractor(s) for the items of work listed, to whom the contract(s) should be awarded.

3. The Council hereby approves of the final plans and specifications that were used in the bidding process for this project.

4. The Council hereby authorizes the Mayor to sign the contract(s) with the above mentioned Contractor(s) for the above mentioned work on behalf of the City.

DATED THIS 1st DAY OF June A.D. 2020

CITY OF SCOTTSBLUFF

(Mayor)

ATTEST:

(City Clerk)

Council Member Green
moved the adoption of said resolution.

Roll Call: 5 yea, 0 nay.
Resolution adopted, signed and billed as adopted.

City Attorney Kent Hadenfeldt approached Council regarding the Resolution and License Agreement concerning Covid-19 and the use of municipal property for Youth Baseball and Softball explaining the terms have already changed and should now read Sports or Other Recreational Activities. He went on to add that he attended many teleconferences with the League of Nebraska Municipalities and Counsel; from that they thought it was important to have a Resolution to open up public property for use of recreational items to include sporting events. He also stated that it is important for organizations using the property to agree to comply with all of the guidelines issued by the government.

Mr. Hadenfeldt added the reason we have a license agreement and not an amendment to the contract is because we do not have an agreement with 23 Club right now. Last fall we changed the agreement to a ten year agreement because 23 Club thought it would help them with financing for their new project by having a longer term; however, the agreement was tabled but never signed. The License and Management Agreement provided in the packet runs from June 1st to December 31st 2020; this will give us time to work on a new Agreement for next year.

Council Member Shaver inquired about the City's equipment, wanting to make sure only City employees use the equipment needed for maintenance and not members of 23 Club. Mr. Geoff Nemnich, with 23 Club, stated the only time they use the City's equipment is for the Father's Day Tournament because City staff is not working on the weekends. Council Member Shaver asked what the liability is regarding that since our policy states only City employees can use City equipment. City Manager Kuckkahn stated he will check into it and get back to Council. Council Member Shaver also asked if the fees cover the cost of the maintenance. Mr. Kuckkahn stated no, they do not.

After discussion Council Member McKerrigan made a motion, seconded by Council Member Schaub to approve Resolution No. 20-06-02 along with the License and Management Agreement regarding COVID-19 and the use of Municipal Property for Sports and Other Recreational Activities and authorize the Mayor to sign both the Resolution and Agreement, "YEAS," McKerrigan, Green, Schaub, and Gonzales. "NAYS," Shaver. Absent: None.

Resolution 20-06-02

COVID-19: Resolution of the City Council of Scottsbluff, Nebraska
Regarding Use of Municipal Property for Sports and Other Recreational Activities

A Resolution of Scottsbluff, Nebraska (“Scottsbluff”), Nebraska, Regarding the Risk of Exposure to COVID-19 Through the Use of Municipal Property for Sports and Other Recreational Activities.

Recitals

WHEREAS, the novel coronavirus, COVID-19, has been declared a worldwide pandemic by the World Health Organization, is extremely contagious, and is believed to spread mainly from person-to-person contact;

WHEREAS, on March 13, 2020, the Governor of the State of Nebraska declared a state of emergency related to COVID-19 within the entire State of Nebraska, and this state of emergency remains in effect;

WHEREAS, directed health measures are in effect for every County in the State of Nebraska through May 31, 2020, and are likely to be extended by the Governor in some form for most or all Counties after May 31, 2020;

WHEREAS, on May 11, 2020, the Governor announced that the directed health measure prohibiting all organized team sports, youth and adult, would be relaxed by the State of Nebraska beginning June 1, 2020, in order to permit the planned reopening of certain adult and/or youth team sports;

WHEREAS, a copy of the June 1st Statewide Sports Reopening Guidelines is attached to this Resolution and incorporated herein as part of these Recitals;

WHEREAS, players, coaches, officials, and others who participate in such games, practices or other group recreational activities, and spectators who attend such activities risk the dangers of illness, disease, medical complications, injury or death, caused by or related to COVID-19, by voluntarily

entering the grounds on which such activities take place, by watching such activities, and by participating or authorizing the participation of a minor, in such games, practices, or other recreational activities; and

WHEREAS, it is the intent of Scottsbluff to permit the resumption of adult and/or youth team sports or other recreational activities on municipal property and/or facilities, in accordance with the directed health measures and other laws and guidance issued by the State of Nebraska, including, but not limited to, the June 1st Statewide Sports Reopening Guidelines, and such further laws and guidance that may be issued in the future, provided that every individual, organization, or group sponsoring such activities, and all participants and spectators, fully assume the health risks associated with these activities, including the inherent risk now present in any such activities as a result of the presence of COVID-19 in the State of Nebraska, and provided that participants in such activities sign an agreement that releases Scottsbluff, its elected and appointed officials and employees, and all other participants in adult and/or youth team sports or other recreational activities from liability associated with exposure to COVID-19 in the course of such activities.

NOW, THEREFORE, BE IT RESOLVED by the City Council that any individual, organization or group sponsoring adult and/or youth team sports or other recreational activities that wishes to use the playing or practice fields, courts, grounds and/or other facilities of Scottsbluff for games, practices, or other group recreational activities will be required to enter into the COVID-19: License and Management Agreement for Use of Municipal Property for Sports or Other Recreational Activities attached hereto. These License Agreements will be maintained by the Clerk and shall constitute an addendum to any other contract, license agreement, lease, or agreement allowing the use of the municipal property and/or facilities of Scottsbluff by the same individual, organization, or group.

BE IT FURTHER RESOLVED that, in order to enter the playing or practice fields, courts, grounds and/or other facilities of Scottsbluff to participate in games, practices, or other group recreational activities, all players, coaches, officials and other participants must sign the agreement titled COVID-19: Participants Agreement for Sports or Other Recreational Activities in substantially the same form as attached hereto. Each team wishing to participate on or use the municipality property and/or facilities of Scottsbluff must provide copies of signed Agreements for all participants affiliated with the team, together with a roster containing a complete list of the names of all players, coaches, officials, and others affiliated with the team. Copies of these documents must be provided to and shall be maintained by the municipal Clerk.

BE IT FURTHER RESOLVED that, for the avoidance of doubt as to the risk assumed by participants and spectators, in order to encourage compliance with directed health measures and guidelines, and in order to promote public safety, the applicable provisions of the June 1st Statewide Sports Reopening Guidelines, shall be posted on all practice and playing fields, courts grounds, and/or other facilities where adult and/or youth practices and/or games or other recreational activities occur. If the June 1st Statewide Sports Reopening Guidelines, are subsequently modified or updated, the applicable provisions of the modified or updated guidelines shall be posted in the same manner.

BE IT FURTHER RESOLVED that all participants and spectators shall comply with all federal, state and local laws and regulations, all directed health measures and guidelines, and all security policies or procedures established by Scottsbluff relating to COVID-19 or other safety or hygiene precautions while present on municipal property. Provided, Scottsbluff may elect to deny entrance to its property to any individual or group at any time.

BE IT FURTHER RESOLVED that the Mayor of Scottsbluff is authorized to execute the directives set forth in this Resolution.

RESOLVED this ____ day of _____, 2020.

ATTEST: _____

City Clerk

By: _____,

Raymond Gonzales, Mayor

Concerning the City's response to Covid-19, City Manager Kuckkahn explained City Hall will open June 8th, with normal business hours. Customers who want to pay their bill in person will be able to, but with need to adhere to social distancing guidelines. The Police Department will also open their outside door on June 8th; however their hours will be from 8:00 to 12:00 p.m. Mr. Kuckkahn also added the Library Director has submitted a plan for the reopening of the Library, commenting they will probably take appointments at first to control volumes and have young teens be accompanied by a parent or guardian. These implementations should take effect sometime this month.

Mr. Kuckkahn brought forth discussion regarding the 23 Club Improvement Project. He added the last time this was on the agenda; Council had asked that money for the Project be in the bank before it was started. He mentioned in the packet are letters of commitment and minutes from entities who are willing to donate to the project, but that is not money received. He then asked Council if they would be comfortable accepting these commitments, reminding them that some of the donations will not come in until after the project is completed.

Mr. Geoff Nemnich, with 23 Club, approached Council and answered questions they had regarding the commitment letters. He also addressed the funding from the Tourism Grant, clarifying they had originally pledged \$100,000.00 to the project, \$60,000.00 in the 2019 budget and \$40,000.00 in 2020 budget. He stated the County Tourism Board has agreed, because of the repercussions of COVID-19, to not fund any projects for the upcoming year, so the \$40,000.00 will not be received. Mr. Nemnich did state, however, that once a bill is given to the County for an amount exceeding \$60,000.00 they will write the City of Scottsbluff a check for that portion of the grant immediately.

Council Member Schaub asked Mr. Nemnich what his preferable date would be to start. Mr. Nemnich answered, August 15th adding if the project does not get started then, it will not happen and the funding will be lost. He stated they currently have 1.27 million accounted for in cash, which includes the money from the City.

Mr. Kuckkahn responded by commenting the money mentioned by Mr. Nemnich is not all cash in hand. He then added if the contract is executed, the only flexibility the City has concerning the bid is with

the three alternates, which amount to approximately \$150,000.00, advising Council the alternates should be held back until the project is completed because of possible change orders.

Public Works Director Bohl then came forward and informed Council that the Game and Parks Grant of \$200,000.00 still needs to go through tribal review, which could take two months. He went on to clarify that a start date for the project cannot be given until the review has taken place or the City risks losing the grant money.

Mr. Nemnich responded by reminding Council that after the bid is approved there are a set amount of days to execute the contract before it becomes obsolete. If, because of timing, the City does not get the Game and Parks Grant there still is \$1,070,000.00 which will still cover the base bid, minus the alternates and the project could still get started.

Mr. Jack Baker with Baker and Associates came forward and clarified the bid is good for 60 days from April 28th, stating we still have some time. He wondered if we can award the contract, but not issue a notice to proceed to be in compliance with the Game and Parks Grant. Mr. Bohl stated he will visit with representatives from the Game and Parks and will bring the answer back to the next Council meeting. Mr. Baker also stated he will talk with Paul Reed Construction and ask them to extend their bid.

After discussion, Mr. Kuckkahn reiterated to Council as far as he is concerned the money should be in the bank; stating, if we do not get the money, the project should not proceed. He did clarify; however, it is Council's decision to make concerning how to move forward with this item. With that statement, Council Member Schaub made a motion, seconded by Council Member Shaver to table approving the Mayor to execute the Contract to get a contract date set for the 23 Club Improvements Project until the June 15, 2020 meeting, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Regarding establishing a future meeting location, Mayor Gonzales stated this was brought forward due to the Directed Health Measures and possibly moving to the library where there is more space. Legal Counsel Hadenfeldt clarified with public meetings the ten person limit or any limit does not apply. After discussion, it was the consensus of Council to continue having the meetings at City Hall.

At the request of Council Member Shaver the agenda item of changing the speed limit on 27th Street back to 30 mph was brought forward. Mr. Shaver stated he asked to have this added to the agenda because school is not in session; we have switched it to 20mph and kids still step in front of cars. He also stated if it is 30 mph and we enforce it, we are in a better position than at 20 mph and not enforce it.

Police Chief Spencer came forward and explained the traffic study by Lamp Rynearson is almost complete and they expect to have some pretty specific plans for safety with viable changes for pedestrian traffic. He also stated there was traffic counts conducted by M.C. Schaff which helped come up with average speed limits in that area. Lamp Rynearson looked at the 85th percentile of those average speed limits and predicted them to be between 20-27 mph, which indicated a 25 mph speed limit, could be appropriate. Police Chief Spencer also suggested he would not endorse changing the speed limit back and forth because credibility is lost and it is hard to enforce. He would like to wait for the results of the traffic study, stating he will have an update regarding the status of the study at the June 15th meeting.

Regarding changing the guidelines for fences to be 8 feet in all areas instead of 6 feet was also brought forward at the request of Council Member Shaver. He started discussion on the item by stating City code used to allow an 8 foot fence in C-3 Commercial and Industrial Manufacturing. He owns property in C-3 Commercial, the code has since changed and now he cannot put up an 8 foot fence, he would like to discuss this. Legal Counsel Hadenfeldt answered, stating, in residential the six foot limit was put in place because that is the standard model code courts have decided does not obstruct a view for a neighbor. Mr. Shaver commented some commercial is limited to 6 foot as well and he would like to see this changed for everybody, at least commercial.

After discussion, Mayor Gonzales asked that we check with other municipalities to see what they have in place. Legal Counsel Hadenfeldt stated he will also visit with Development Services. This item

will be readdressed at the June 15th meeting.

Council took a five minute break reconvening at 7:33 p.m.

City Manager Kuckkahn brought forth discussion on approving an RFP contract for solid waste disposal options to extend the life of the Gering landfill by explaining after reviewing the Request for Proposal documents, he would like to see Waste Connections become the preferred private hauler. He stated their tipping fee is \$43.00 per ton and this includes transportation. Concerning the tipping fee, they will go with the Consumer Price Index every year and they will take our recycling. The contract length is five years and they have their own transfer station. He also stated the City will still continue to pay \$7.50 per ton to the Regional Landfill Fund, adding we need to position ourselves for the future by having a solid way to dispose of our waste stream and at the same time keep our options open with the Regional Landfill idea. He also reminded Council that by going with a private hauler we will not be paying a million dollars to build a transfer station.

During discussion, the subject of roll offs and how they will still be handled by the City of Gering was brought up, with Council Member Shaver commenting since we are paying the \$7.50 fee that should basically let us do what we want to do for trash.

Mr. Kuckkahn asked that Council allow him to work with Waste Connections and come up with contract parameters and he will have Legal Counsel draw up an addendum to the City of Gering contract with Council's concerns to be brought back at the June 15th meeting.

Council Member McKerrigan exited the meeting at 7:50 p.m.

Under Council Reports, Council Member Schaub attended a Region 22 meeting, stating a new Interlocal Agreement will be addressed by different communities. He added they are also realigning the bylaws to be a more active board. He also attended a WNED meeting. Council Member Shaver attended a 911 meeting by teleconference and due to complications he was not able to see the equipment discussed at the meeting. He also commented he has received positive reports that the parks are opened. Mayor Gonzales stated there will be a PADD meeting next Thursday. He also commented how beautiful the cemetery was for the Memorial Day Holiday.

Council Member Schaub moved, seconded by Council Member Green to adjourn the meeting at 7:52 p.m., "YEAS," Green, Schaub, Shaver, and Gonzales. "NAYS," None. Absent: McKerrigan.

Mayor

Attest:

City Clerk
"SEAL"