

# **City of Scottsbluff, Nebraska**

**Monday, July 6, 2020**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the June 15, 2020 Regular Meeting.**

**Staff Contact: Kim Wright, City Clerk**

The Scottsbluff City Council met in a regular meeting on June 15, 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 June 12, 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 June 12, 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, Scott Shaver, and Nathan Green. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Rick Kuckkahn. Absent: Terry Schaub. 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 asked that items 8c, Council to approve the appointment of Matt Huck as a member of the Liquor License Investigatory Board; 8d, Council to approve the appointment of Andrea Margheim as a member of the Liquor License Investigatory Board; and 8e, Council to approve the bid specifications for the Police Tow Service three year contract and authorize the city clerk to advertise for bids to be received until July 15, 2020 at 11:00 a.m. be removed from the consent calendar and restored to the agenda for more discussion.

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

- a) The minutes of the June 1, 2020 Regular Meeting be approved,
- b) The June 29, 2020 Regular Council Meeting be canceled as two regular meetings will have already been held in the month of June. "YEAS," McKerrigan, Shaver, Green, and Gonzales, "NAYS," None. Absent: Schaub.

Regarding consent item 8c, approving Matt Huck as a member of the Liquor License Investigatory Board, Council Member Shaver asked who he is and why is he qualified. Police Chief Kevin Spencer explained he is one of the vice principals at the high school; we needed someone to fill the position after the resignation of former Principal Mike Halley. Council Member Shaver made the motion, seconded by Council Member Green to approve the appointment of Matt Huck as a member of the Liquor License Investigatory Board, "YEAS," Green, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: Schaub.

Regarding consent item 8d, approving Andrea Margheim as a member of the Liquor License Investigatory Board, Police Chief Spencer explained she is one of the co-owners and liquor license manager of Flyover Brewery. She will represent retail and will replace the vacant position held by Bob Scripter. Council Member Shaver asked if it is typical to have someone on the Board who has a stake to gain from it. Police Chief Spencer stated she will not weigh in on any issue that affects Flyover's liquor license; she is on the committee to be the industries voice representing retail. Council Member

McKerrigan made the motion, seconded by Council Member Green to approve the appointment of Andrea Margheim as a member of the Liquor License Investigatory Board, "YEAS," Gonzales, McKerrigan, and Green. "NAYS," Shaver. Absent: Schaub.

Regarding consent item 8e, approving the bid specifications for the Police Tow Service three year contract, Council Member Shaver commented he felt we had done this fairly recently and asked how it compared to what we did previously. Police Chief Spencer stated this was done a little over a year ago and there was not a bid; since then a rotation system was put in place and there has been quite a bit of disparity in charging. This is to help keep costs down for everybody. Council Member Shaver moved, seconded by Council Member McKerrigan to approve the bid specifications for the Police Tow Service three year contract and authorize the city clerk to advertise for bids to be received until July 15, 2020 at 11:00 a.m., "YEAS," McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: Schaub.

Moved by Council Member McKerrigan, 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 15, 2020, as on file with the City Clerk and submitted to the City Council, "YEAS," Gonzales, Green, McKerrigan, and Shaver. "NAYS," None. Absent: Schaub.

#### CLAIMS

3M COMPANY,SUPP - PAVEMENT MARKING TAPE & ARROWS,6140.36; ACTION COMMUNICATIONS INC.,INTERNET 6/1/20 - 6/30/20,110; ADVANCE AUTO PARTS,TRANS #404-AIRFILTER,55.55;ALLOCOMMUNICATIONS,LLC,LOCALTELEPHONE CHARGES,4045.82; AL'S TOWING,PD TOWING,85; ASSURITY LIFE INSURANCE CO,LIFE INS,32.95; B & H INVESTMENTS, INC,SALT UNIT RENTAL,39; BENZEL PEST CONTROL,BLDG MAINT REC,182; BLUFFS FACILITY SOLUTIONS,JAN. SUP.,870.89; CAPITAL BUSINESS SYSTEMS INC.,EQUIP MAINT,148.03; CARR- TRUMBULL LUMBER CO, INC.,SUPP - LUMBER,40.6; CELLCO PARTNERSHIP,CELL PHONES,342.69; CITIBANK, N.A.,PLYWOOD AND STUDS FOR WORKBENCH,446.91; CITY OF GERING,GARBAGE TIPPING FEES APRIL/MAY 2020,89337.88; COMPUTER CONNECTION INC,PD CONTRACT,44; CONTRACTORS MATERIALS INC.,SUPP - OIL, MARKERS,119.85; CORE & MAIN LP,EQUIPMENT,18990; CREDIT BUREAU OF COUNCIL BLUFFS,FEE - MAY 2020,50; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHMENT,132.76; CYNTHIA GREEN,DEPT SUPP ADM,36.83; DALE'S TIRE & RETREADING, INC.,NEW TIRES FOR UNIT #815,1258.16; DEINES IRRIGATION, INC,GROUND MAINT PARK,333.25; F. H. SCHAFER ELEVATOR, INC,DEPT SUP,100; FEDERAL EXPRESS CORPORATION,POSTAGE,102.06; FIREFOX RESCUE EQUIPMENT, INC,WINDSHIELD AND ARROWSTICKLIGHT-ENGINE1,771.87;FLOYD'STRUCKCENTERSCOTTSBLUFF,DIAGNOSTICS ENGINE 1 TURBO,930.26; FRANCISCO'S BUMPER TO BUMPER INC,PD TOWING,220; GALE/CENGAGE LEARNING,SBSCR.,1094; GARCIA R MARIO,LICENSE & PERMITS,59.5; GRAYTELEVISIONGROUPINC,CONTRACTUALSVC,1595;HAWKINS,INC.,CHEMICALS,1977.75; HDSUPPLYFACILITIESMAINTENANCELTD,DEPTSUP,126.34;HEIMBOUCHROYCE,TREEREBA TE,124.98;HICKOXKEVIN,NEWWORKBOOTS,150; HULLINGER GLASS & LOCKS INC.,BLDG. MAIN.,75; HYDRONIC WATER MANAGEMENT,BLDG.MAIN.,425;IDEAL LAUNDRY AND CLEANERS, INC.,PD UNI/CLOTHES,731.78; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,1080.59; INFINITY CONSTRUCTION, INC.,STRUCTURE,143821.57; INGRAMLIBRARYSERVICESINC,BKS.,19.14;INTERNALREVENUESERVICE,WITHHOLDINGS, 61491.39; INTERNATIONAL CODE COUNCIL, INC.,DEPT MATERIALS,33.45; INTRALINKS, INC,CONTRACT SERVICES - MAY 2020,1338.75; INVENTIVE WIRELESS OF NE, LLC,INTERNET CAMPGROUND,35.9; KANZLER MIKE,CDL RENEWAL,60.9; KNOW HOW

LLC,PARKS #320- FUEL PUMP,575.95; LEE BHM CORP,PUBLISHING,3148.43; LEXISNEXIS RISK DATA MANAGEMENT,PD CONSULTING,100;M.C. SCHAFF & ASSOCIATES, INC,PROFESSIONAL SERVICES - MAY 2020,10839.3;MADISON NATIONAL LIFE,INSURANCE,2428.11; MATHESON TRI-GAS INC,RENT MACHINES,66.18; MENARDS, INC,DEPT SUP,286.11; MIDWEST CONNECT, LLC,PROCESS UTILITY BILLING,2312.94; MUNIMETRIX SYSTEMS CORP,IMAGESILO - MAY 2020,39.99; NE CHILD SUPPORT PAYMENTCENTER,NECHILDSUPPORTPYBLE,916.6;NEDEPTOFREVENUE,WITHHOLDINGS,1 9963.95;NEBRASKA CLERK INSTITUTE,6-16-20 VIRTUAL CLASS - KIM WRIGHT,50; NEBRASKA INTERACTIVE, LLC,DRIVERS LIC REQ. - MAY 2020,21; NEBRASKA MACHINERYCO,EQUIPMAINT,611;NEBRASKAPUBLICPOWER DISTRICT,ELECTRIC,39437.98; NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL SVC,332.5; NETWORKFLEET, INC,GPSSERVICE,309.65;NORTHWESTPIPEFITTINGS,INC.OFSCOTTSBLUFF,GROUNDMAINT PARK,83.02;ONECALLCONCEPTS,INC,CONTRACTUAL,236.56; PANHANDLECOOPERATIVE ASSOCIATION,FLEET FUEL MAY 2020,11866.5; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,277;PAUL REED CONSTRUCTION & SUPPLY, INC,DEPT SUPP CEM,120; PIERCE, GERALD,RE-IMBURSEMENT FOR CDL LICENSE,57.5; PLATTE VALLEY BANK,HEALTH SAVINGS ACCT,10489.5; PRIME METAL PRODUCTS INC,ECONOMIC DEV. ASSISTANCE AGREEMENT,1500000; QUILL CORPORATION,PD DEPT SUPP,499.28; REGIONAL CARE INC,CLAIMS,5050.02; REGIONAL WEST MEDICAL CENTER,MEDICAL BAG SUPPLIES - TOWER 1,52.9; RODNEY HORST,NEW WORK BOOTS,99.99; RODRIGUEZ JOSE R,PD TOWING,75; ROTHERHAM, DAVID,LICENSE & PERMITS,545; S M E C,EMPLOYEE DEDUCTION,130.5; SANDBERG IMPLEMENT, INC,EQUIP MAINT,1133.48; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1092; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERV,12882.79; STATE HEALTH LAB,SAMPLES,272; STEVE SCHANAMAN,LICENSE & PERMITS,305; SUBWAY 6906,LUNCH - CIVIL SERVICE - PATROL TESTING,82.21; SUNSET LAW ENFORCEMENT, LTD,PD FIREARMS,3788.96; THOMPSON GLASS, INC,INSTALLATION OF ENGINE 1 WINDSHIELD,50;TOYOTA MOTOR CREDIT CORPORATION,PD HIDTA TOYOTA,343.53; TYLER TECHNOLOGIES, INC,LICENSE FEE - SIGNATURE (RAYMOND GONZALES),138;UNDERWRITERSLABORATORIESINC,GROUNDLADDERANDAERIALLADD ERTESTING,2700.55;UNIONBANK&TRUST,RETIREMENT,32576.94;UNITEDSTATESWELDING, 5 YEAR LEASE FOR OXYGEN & ACET BOTTLES,1045; VAN DIEST SUPPLY COMPANY,MOSQUITO BRIQUETS,2257.2 WALTER WADE,LICENSE & PERMITS,230; WESTERN COOPERATIVE COMPANY,DEPT SUPP PARK,1754.78; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM DOT TESTING,203.75; WESTERN TRAVEL TERMINAL, LLC,PD VEH MAINT,411; WRIGHT WESLEY,LICENSE & PERMITS,174.5; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,765;ZAMARRIPA, CHRIS,RE-IMBURSEMENT FOR CDL LICENSE,58.1; REFUNDS; THOMAS MCCLURE, 8.77.

Mr. Doug Ferreyra, with Wal-Mart #867 was present to answer questions regarding the application to name him as the Liquor License Manager of Wal-Mart Inc., dba Wal-Mart #867. Mr. Ferreyra explained last year he was in attendance to represent the gentleman who was supposed to be named the manager, as the company wanted to have one responsible person in charge of the liquor licenses for the state. He went on to add it did not work out because several municipalities expressed dissatisfaction with one person representing the entire state, including the City of Scottsbluff; hence that

is why he is in attendance tonight to be named the liquor license manager of Scottsbluff Wal-Mart. Council Member Shaver made a motion, seconded by Council Member Green to send a positive recommendation to the Nebraska Liquor Control Commission naming Doug Ferreyra as the Liquor License Manager of Wal-Mart Inc., dba Wal-Mart #867, 3322 Avenue I, Scottsbluff, "YEAS," McKerrigan, Shaver, Green, and Gonzales. "NAYS," None. Absent: Schaub.

Ms. Starr Lehl, Economic Development Director, approached Council regarding a Community Festival Permit for the Bands on Broadway Summer Series to be held on July 2<sup>nd</sup>, 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup>, 30<sup>th</sup>, August, 6<sup>th</sup> and 13<sup>th</sup>. The Permit also includes vendors, street closure and noise permit. Ms. Lehl explained the event was very popular last year and they are excited to be able to have it again this year. She addressed the Directed Health Measures by the Governor for COVID-19, by explaining they can have up to 750 people at the event and last year people were already distancing themselves on the grass while listening to the music, so social distancing should not be a problem. In addition, the food vendors will have markers on the ground, six feet apart, to adhere to guidelines. She also added the committee will fill out the form to Panhandle Public Health District, if necessary. Regarding the street closing, she clarified the request will only be for the first event on July 2<sup>nd</sup> for a kiddie parade. Council Member Shaver asked about alcohol. Ms. Lehl stated Flyover Brewery will apply for the Special Designated Liquor Licenses at a later date. Council Member McKerrigan made the motion, seconded by Council Member Green to approve the Community Festival Permit for the Downtown Scottsbluff Association at the 18<sup>th</sup> Street Plaza, including vendors, street closure and noise permit for the Bands on Broadway Summer Series to be held on July 2<sup>nd</sup>, 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup>, 30<sup>th</sup>, August 6<sup>th</sup> & 13<sup>th</sup>; 6:00-9:00 p.m., "YEAS," McKerrigan, Shaver, Green, and Gonzales. "NAYS," None. Absent: Schaub. Mayor Gonzales asked Ms. Lehl to update the Council on the event as things get going.

Regarding approving the Preliminary Plat of Lots 1 & 2, Webber Manor Fourth Addition, City of Scottsbluff, NE, Mr. Jack Baker with Baker and Associates came forward and explained this is a section of land north of the former Albertson's building that is currently unplatted; the parties involved with this would like to subdivide it into different parcels to potentially sell part of the land. Council Member Shaver commented that it was zoned C-2 and C-3 and C-3 would not be consistent with that area completely, stating if this is going to be done, why not rezone it to C-2 currently. Mr. Baker answered right now they are not looking to rezone, it is a separate process altogether; the first step is to get the plat filed. Mayor Gonzales made the motion, seconded by Council Member McKerrigan to approve the Preliminary Plat of Lots 1 & 2, Webber Manor Fourth Addition to the City of Scottsbluff, NE, "YEAS," Green, Gonzales, and McKerrigan. "NAYS," Shaver. Absent: Schaub.

Council introduced the Ordinance adopting the International Fire Code 2018 Edition which was read by title on third 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.** Council Member McKerrigan made a motion, seconded by Mayor Gonzales to adopt the Ordinance. During discussion, Council Member Green had a question about the Fire Code Official terminology. Fire Chief Schingle explained that is a change to reflect the fire code more closely; the fire code does not recognize a fire marshal, they recognize a fire code official, who could be the fire chief, fire marshal or anyone designated with those duties. He went on to add they do

have the ability to cite violations and it applies only to commercial properties, clarifying, their goal is to always get a property in compliance, very rarely do they cite someone. After discussion Mayor Gonzales asked to call the roll, “YEAS,” Gonzales and McKerrigan. “NAYS,” Shaver and Green. Absent: Schaub. The Ordinance was not adopted due to lack of a majority vote.

City Manager Kuckkahn presented to Council the Region 22 Management Agency Interlocal Agreement, Fee Schedule and Resolution. Mr. Kuckkahn explained a couple of months ago he attended a Region 22 Management Board meeting where steps were taken to move the Region 22 Management Agency to the County. Mr. Kuckkahn went on to add the Agreement will take effect July 1<sup>st</sup> which is the start of the County’s budget cycle; staff is recommending approval. Council Member Shaver asked what would change by putting it under the County. Mr. Kuckkahn answered it will relieve us of lots of cumbersome bookkeeping and accounting. It will also place the Agency in a more centralized location governmentally. Mr. Kuckkahn also mentioned there is a shared cost with all of the participants; Scottsbluff’s share is 40%. Mr. Tim Newman, Emergency Management Coordinator will move his office to the County and Fire Chief Schingle has been appointed as the liaison with Region 22. Council Member Shaver made the motion, seconded by Council Member Green to approve the Region 22 Management Agency Interlocal Agreement and Fee Schedule Addendum along with Resolution 20-06-03, “YEAS,” McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: Schaub.

CITY COUNCIL  
SCOTTSBLUFF, NEBRASKA

RESOLUTION NO. 20-06-03

**WHEREAS**, the City of Scottsbluff has the power to do all acts in relation to the concerns of the City necessary to the exercise of its corporate powers pursuant to Neb.Rev.Stat. § 16-201(4), and said corporate powers are exercised by the City Council pursuant to Neb.Rev.Stat. § 16-246

**WHEREAS**, the City of Scottsbluff has approved and adopted the Interlocal Agreement dated the 15th day of June, 2020, establishing the Region 22 Emergency Management Agency;

**BE IT RESOLVED** by the City Council of the City of Scottsbluff, Nebraska, that the following Addendum and Fee Schedule for the Region 22 Emergency Management Agency is hereby adopted:

**2020 Addendum to the Region 22 Interlocal**

Pursuant to Paragraph 12 of the Region 22 Interlocal Agreement in effect as of July 1, 2020, the following percentages are assessed to each Region 22 participating entity.

Banner County will be assessed at eight percent (8%) of the net expenses after any state or federal reimbursement. The remaining 92% shall be assessed to the remaining parties based on percentages of the total population within their county. These assessment percentages will be reevaluated every ten years upon new US Census Data.

City of Scottsbluff, Nebraska	40.8%
City of Gering, Nebraska	23.0%
City of Terrytown, Nebraska	03.3%

Scotts Bluff County, Nebraska	21.9%
City of Minatare, Nebraska	02.2%
Village of McGrew, Nebraska	00.3%
Village of Lyman, Nebraska	00.9%
Village of Henry, Nebraska	00.3%
City of Mitchell, Nebraska	04.7%
Village of Morrill, Nebraska	02.6%
Total remaining assessment	100%

Approved and adopted this 15th day of June, 2020.

CITY COUNCIL  
SCOTTSBLUFF, NEBRASKA

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Mayor

ATTEST: \_\_\_\_\_  
City Clerk

Mayor Gonzales approached Council regarding authorizing Panhandle Area Development District (PADD) to submit an application for the Owner Occupied Housing and Rehabilitation Grant, stating this came before Council last summer, the application was submitted, but we did not receive the grant funding. The State has made the funding available again and he has asked that we consider submitting the application once more. He asked that City Manager Kuckkahn be directed to find a number that works for the City, as there were 19 applications received last year. Council Member Shaver made the motion, seconded by Council Member McKerrigan to instruct City Manager Kuckkahn to work with PADD on getting the application ready to bring back to City Council to move forward with the project, "YEAS," Gonzales, Green, McKerrigan, and Shaver. "NAYS," None. Absent: Schaub.

Regarding additional funding for the Old West Balloon Fest in the amount of \$10,000.00 to provide for free parking, Mr. Kuckkahn explained he talked to Hunter Kosman, one of the organizers of the event, and he asked the City to contribute an additional \$10,000.00. Mr. Kuckkahn stated the funding would come out of the contingency in the general fund, stating Mr. Kosman is also asking Gering and the County to donate as well, but he would like to see the other entities commit before any decision is made by Council. Council Member Shaver expressed dissatisfaction, stating he has a problem with that not knowing where we are at financially and this not being an emergency. Mayor Gonzales commented the pool did not open and those funds will not be utilized. He asked if we could take the funding from that budget. After discussion, Mayor Gonzales made a motion to approve the additional funding for the Old West Balloon Fest in the amount of \$10,000.00 to provide for free parking, contingent on Mr. Kuckkahn finding a source of funding that is acceptable to Council. This was seconded by Council Member McKerrigan, "YEAS," McKerrigan, Green, and Gonzales. "NAYS," Shaver. Absent: Schaub.

Legal Counsel Hadenfeldt started discussion on the agenda item to reconsider the License and Management Agreement for 23 Club to include removing the payment of \$3,000.00 to the City of Scottsbluff. Mr. Hadenfeldt stated at the last meeting the terms of the License Agreement included a payment of 3,000.00 to the City, which was approved by Council. The amount of \$3,000.00 came from the 10 year agreement that was tabled by Council last year. This agenda item came about because 23 Club felt they should not have to pay the fee because they are giving the City money through fund raising for improvements to the complex.

Mr. Geoff Nemnich, with 23 Club, approached Council and explained they have not paid a fee to the City for four years because 23 Club had provided scoreboards for the complex, amounting to \$12,000.00. He was under the impression that 23 Club would not have to pay the fee because of the donations given for the improvements to the complex. Council Member Green commented that the City Manager is supposed to be negotiating all contracts and he thinks the City Manager is being undermined. He also stated that at a previous Council Meeting it was decided to charge all organizations to use City facilities. Council Member Shaver added his concern is there is a cost to maintain the field we as a City are responsible for and feels any facility we let anybody use should be covered by that; the fees of our employees are still happening. Council Member McKerrigan commented the park would still need to be maintained regardless who was using it.

Mr. Nemnich reminded Council that the economic impact of 23 Club is huge, an example being the Father's Day tournament this weekend; many sales tax dollars will be made. Council Member Shaver answered, stating he does not disagree there is an economic benefit or a benefit for the kids, but the \$600,000.00 donation was to cover that. He went on to add 23 Club has exclusive rights to the property, they are putting money in, but they are the only ones who can use it. Mr. Nemnich, answered, by stating if the project does not go through many of the buildings are in disrepair and will need to be fixed eventually; the City will have to flip the bill 100%. After discussion, Mayor Gonzales made a motion to reconsider the License and Management Agreement for 23 Club to include removing the payment of \$3,000.00 to the City of Scottsbluff. This was seconded by Council Member McKerrigan. "YEAS," McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: Schaub.

Mayor Gonzales then asked Council if there would be a motion to approve the License and Management Agreement for 23 Club removing the \$3,000.00 payment to the City of Scottsbluff. Council Member McKerrigan made a motion to remove the \$3,000.00 payment and licensing fee to the City of Scottsbluff from the License and Management Agreement for 23 Club. This was seconded by Mayor Gonzales. "YEAS," Gonzales, McKerrigan, and Green. "NAYS," Shaver. Absent: Schaub.

Regarding outside use of City equipment, Mr. Kuckkahn started discussing by stating this was brought up at the last meeting because 23 Club uses the City's gator for the Father's Day tournament. He stated his primary concern was the insurance and if the equipment, used by someone who is not an employee, is covered under the City's liability policy. It was determined after contacting the City's insurance carrier (LARM) the equipment is covered if used by a non-employee. Council Member Shaver stated his concern is, we have coverage the City is not liable, but that does not change the fact that nobody is to use City equipment. He is confused what this item is about, unless we want to change the Ordinance where we can loan people equipment for no reason. He went on to state there is a huge liability letting citizens use City equipment for their personal use.

After discussion, Council determined that City Manager Kuckkahn can make the decision tonight, due to the tournament being this weekend, and come back with more information at the next meeting. Mr. Kuckkahn stated his decision is to let the practice continue until Council changes it. He did stress, however, no drivers under the age of 16 will be allowed on the gator. He also acknowledged this item will be addressed again at the next meeting.



Mayor Gonzales moved, seconded by Council Member McKerrigan to remove from the table approving the Mayor to execute the Contract to get a project date set for the 23 Club Improvement Project, “YEAS,” Green, Shaver, Gonzales, and McKerrigan. “NAYS,” None. Absent: Schaub.

Public Works Director Mark Bohl approached Council and explained he has been in contact with the Game and Parks Commission regarding the start date of August 11<sup>th</sup> for the 23 Club Improvement Project. He added they did not think there would be a problem with that date, but they will not release the grant of \$200,000.00 until they receive the tribal review. Mr. Bohl did inform Council, however, he has talked with Adam Reed of Paul Reed Construction and he has no problem extending the bid contract until the City receives the \$200,000.00. With that, Council Member Shaver made a motion to table approving the Mayor to execute the Contract to get a project date set for the 23 Club Improvement Project until we get the tribal review. This was seconded by Council Member Green. Mr. Kuckkahn asked about the rest of the donations and if Council wanted to wait. Council Member Shaver stated we cannot ask them to give us the money until we have a start date. Mayor Gonzales asked to call the roll “YEAS,” McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: Schaub.

Mr. Kuckkahn presented the State of Nebraska Department of Economic Development Civic & Community Center Financing Fund Assistance Award. This award is for the 23 Club Improvement Project and is in the amount of \$74,171.50. Council Member McKerrigan made the motion, seconded by Council Member Green to approve the Mayor to sign the Contract for the State of Nebraska Department of Economic Development Civic & Community Center Financing Fund Assistance Award Contract 20-03-097 for the 23 Club Improvement Project, “AYES,” Gonzales, Green, McKerrigan, and Shaver. “NAYS,” None. Absent: Schaub.

Regarding receiving an update on changing the speed limit on 27<sup>th</sup> Street, Police Chief Kevin Spencer approached Council informing them he has received another draft of the Engineer’s report on the traffic study and commented it contains a lot of good information. He added the next step is to meet with Scottsbluff School District and discuss if there is anything that needs to be changed. After that meeting a final report will be completed for Council to review.

Council Member Shaver started discussion on the agenda item of changing the guidelines for fences to be 8 feet tall in all areas instead of 6 feet, by stating the City Manager has reached out to him with the different areas referenced in code; it looks like the only places that have the 6 foot restriction in place is residential. Mr. Kuckkahn made a comment that most of your prefab fences are 6 feet, he doesn’t see any reason to have fences any taller. Mr. Shaver then stated a dog can climb a 6 foot fence, but will have a harder time with an 8 foot fence. He asked Council what their thoughts were on this subject. Mayor Gonzales questioned Police Officer safety, stating many can get over a 6 foot fence, but would have a harder time with a higher fence. After discussion, Mayor Gonzales asked Mr. Kuckkahn to reach out to fencing companies to see what their recommendation would be regarding fence height and bring the information back to the next Council meeting.

Concerning the leash law and related control of pets, Mayor Gonzales stated he asked to have this put on the agenda because seeing dogs running loose in parks and on the streets is an ongoing problem. Council Member Green asked if this brings up the conversation of having dog areas in each park, as this was a recommendation made at a prior meeting and nothing transpired out of the discussion. Council Member Shaver also asked why the signs were taken down that state dogs need to be on a leash.

During discussion, Police Chief Spencer stated animal control is a challenge. A new animal control officer was hired last August and he is doing a good job adjusting to the position. He reminded Council they receive monthly reports showing the number of leash law violations. He also stated

everyone needs to keep calling and letting them know dogs are loose. They have to be made aware when there is a problem.

After discussion, Mayor Gonzales asked to have someone from the Parks Department reach out to the dog park group to see if they would be willing to reconstitute the effort of adding more dog parks.

Mr. Kuckkahn presented to Council the amended landfill Agreement with the City of Gering. He explained this amendment to the current Contract states we will continue to pay the \$7.50 per ton, but we will be able to deposit our waste into another landfill. He added by doing this it will allow more time to seek an alternative and work toward the regional landfill. It also recognizes the new landfill will not be in place before the Gering landfill is full. He then asked Council to move to transmit the addendum to the City of Gering with some expectation of when to receive an answer. After that statement, Council Member Green moved to go into Executive Session to protect the public interest for the purpose of discussing the Gering landfill. This was seconded by Council Member Shaver. Mayor Gonzales then stated a motion has been made and seconded to go into Executive Session to protect the public interest for the purpose of discussing the landfill. He then asked for a roll call vote to go into Executive Session. "YEAS," McKerrigan, Shaver, Green, and Gonzales. "NAYS," None. Absent: Schaub. Mayor Gonzales stated the motion to go into Executive Session to protect the public interest for the purpose of discussing the landfill has been adopted. Council, City Manager Kuckkahn and City Attorney Hadenfeldt went into Executive Session at 7:52 p.m.

Council reconvened out of Executive Session at 8:11 p.m. as stated on the record. The following Council Members were present: Raymond Gonzales, Jeanne McKerrigan, Scott Shaver, and Nathan Green. Also present were City Manager Rick Kuckkahn and City Attorney Hadenfeldt. Council Member Shaver made the motion, seconded by Council Green to come out of Executive Session, "YEAS," Green, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: Schaub. Council Member Shaver then made a motion to send the amended landfill Agreement to the City of Gering with a 30 day timeline. This was seconded by Council Member McKerrigan. "YEAS," McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: Schaub.

Under Council Reports, Council Member Shaver stated he has not attended any meetings; the 911 meeting for this month has been canceled. There is, however, a PAWS meeting on June 24<sup>th</sup> to get a submission for an application for funding. Council Member McKerrigan stated Tri City Active and Senior Center have not met; RC &D scheduled a meeting but did not have a quorum. Council Member Green complimented the chip seal project and how quickly it is going.

Council Member McKerrigan moved, seconded by Council Member Green to adjourn the meeting at 8:14 p.m., "YEAS," Green, McKerrigan, Gonzales, and Shaver. "NAYS," None. Absent: Schaub.

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Mayor

Attest:

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City Clerk  
"SEAL"