

City of Scottsbluff, Nebraska

Monday, August 17, 2020

Regular Meeting

Item Consent1

Approve the minutes of the August 3, 2020 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on August 3, 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 July 31, 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 July 31, 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, Nathan Green, and Terry Schaub. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Rick Kuckkahn. 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.

Moved by Council Member Schaub, seconded by Mayor Gonzales that,

- a) The minutes of the July 16, 2020 Special Meeting be approved,
- b) The minutes of the July 20, 2020 Regular Meeting be approved,
- c) The bid specifications for the repair of hail damage to the Public Safety Building located at 1801 Avenue B and authorizing the city clerk to advertise for bids to be received by August 26, 2020 at 2:00 p.m. be approved, "YEAS," McKerrigan, Green, Schaub and Gonzales, "NAYS," Shaver. Absent: None.

Regarding the claims, Council Member Green had a question concerning a line item for a concrete saw purchased for transportation and the expense of heating oil during this time of year. Public Works Director Bohl stated the saw was included in last year's budget and the heating oil is for the pilot lights on the hot water heaters.

Moved by Council Member Schaub, seconded by Council Member McKerrigan, that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated August 3, 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

21st CENTURY WATER TECHNOLOGIES, LLC, GROUND MAINT PARK, 199.28; ADVANCE AUTO PARTS, DEF, 519.98; AGUALLO, PAUL, UNIFORMS & CLOTHING, 299.42; AIRGAS USA, LLC, WELDING WIRE, 172.33; AL'S TOWING, TOW SERVICE PD, 250; AMAZON.COM HEADQUARTERS, MISC., 1297.62; ANITA'S GREENSCAPING INC, CONT. SRVCS., 255; BLACK HILLS GAS DISTRIBUTION LLC, MONTHLY ENERGY BILL, 767.66; BLUFFS FACILITY SOLUTIONS, VIRUS SUPP - MASKS, SANIT, 529.8; BROWN'S SHOE FIT, CO., UNIFORM CLOTHING, 144.45; CAPITAL BUSINESS SYSTEMS INC., CONTRACTUAL-PD, 51; CARR- TRUMBULL LUMBER CO,

INC.,TYVEK COVERALLS AND SPRAY BOTTLES,239.91; CELLCO PARTNERSHIP,CELL PHONES-PD,1626.77; CITIBANK N.A.,PRINTER - S.LEHL,930.86; CITIBANK, N.A.,DEPT SUP,211.86;COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,INSURANCE,48.7; CONTRACTORS MATERIALS INC.,NEW CONCRETE SAW,7349.93;CROELL INC,DEPT SUP,242.36; CYNTHIA GREEN,DEPT SUPP ADM,92.88; D & H ELECTRONICS INC.,CENTRAL GARAGE- FUSE,2.25; DALE'S TIRE & RETREADING, INC.,TIRES FOR UNIT #828,1216.9; DANKO EMERGENCY EQUIPMENT COMPANY,LARGE, X-LARGE, XX-LARGE STRUCTURE GLOVES,711.57;DAS STATE ACCOUNTING-CENTRAL FINANCE,MONGHLY LONG DISTANCE,192.16; ELLIOTT EQUIPMENT COMPANY INC.,BLACK CARTS X 40 & BLUE CARTSX75,9302.95;ENERGYLABORATORIES, INC DEPT 6250,SAMPLES,155; ENFORCEMENT VIDEO, LLC,EQUIP MAINT-PD,145; FAT BOYS TIRE AND AUTO,EQUIP MAINT CEM,114.02; FEDERAL EXPRESS CORPORATION,POSTAGE,67.89; FLIAM, TYLER,SCHOOLS & CONF-PD,145; FLOYD'S TRUCK CENTER SCOTTSBLUFF,REPLACE AC COMPRESSOR AND CHARGE SYSTEM- ENGINE 1,4739.48; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,390; GALLS INC,UNIFORMS/EQUP MAINT-PD,65.01; GENERAL ELECTRIC CAPITAL CORPORATION,DEPTSUP,390.43;HAWKINS, INC.,CHEMICALS,3377.5;HD POWER SOLUTIONS INC,POLICE #16- ALTERNATOR,748.62; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,19.74; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE- OIL,1537.62; IDEAL LAUNDRY AND CLEANERS, INC.,SHOP TOWELS, RUGS, MOPS,429.48; INFINITY CONSTRUCTION, INC.,CONTRACTUAL SVC,3448.48; INGRAM LIBRARY SERVICES INC,BKS.,223.4; INTERNAL REVENUE SERVICE,WITHHOLDINGS,56906.09; INTRALINKS, INC,DATTO SIRIS - ADMIN & PD (JULY 2020),2869.78; J & A TRAFFIC PRODUCTS, LLC,SIGN MATERIAL - POSTS & ANCHORS,2095.3; JOHN DEERE FINANCIAL,CLOTHING ALLOW,2756.01; JOHN DEERE FINANCIAL,DEPT SUPP PARK,164.23; JOHN DEERE FINANCIAL,EQUIP MAINT CEM,378.42; KNOW HOW LLC,CENTRAL GARAGE- OIL BARREL PUMP,677.26; LAWSON PRODUCTS, INC,CENTRAL GARAGE- MISC SHOP SUPPLIES,218.76; M.C. SCHAFF & ASSOCIATES, INC,ENGINEERING,22527; MATHESON TRI-GAS INC,DEPT SUP,62.4; MAXWELL PRODUCTS, INC,8 PALLETS JOINT FILLER,10322.31; MENARDS, INC,DEPT SUP,214.7; NE CHILD SUPPORT PAYMENTCENTER,NECHILDSUPPORTPYBLE,916.6;NEDEPTOFREVENUE,WITHHOLDINGS,2 1070.23; NEBRASKA RURAL WATER ASSOCIATION,MEMBERSHIPS,275; NEBRASKA MACHINERYCO,EQUIPMAINT,4160.39;NEBRASKAPUBLICPOWERDISTRICT,ELECTRICITY,2 9810.24; NEBRASKALAND TIRE, INC,POLICE #9- NEW TIRES,599.96; NORTHERN SAFETY COMPANY,INC.,DEPTSUP,381.42;NORTHWESTPIPEFITTINGS,INC.F SCOTTSBLUFF,GROUND MAINT PARK,42.25;OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,378.16; O'KEEFE ELEVATOR COMPANY INC,BLDG MAIN.,935; PANDURO FRANCISCO,DEV SERV FILING FEE REFUND,178; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,204; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,10556.16; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10344.5; PT HOSE AND BEARING,DEPT SUP,105.02; QUILL CORPORATION,DEPT SUPPL-PD,212.34; REAMS SPRINKLER SUPPLY CO.,GROUND MAINT PARK,1882.1; REGIONAL CARE INC,HEALTH INS. PREMIUM - AUGUST 2020,92754.93; REGIONAL WEST MEDICAL CENTER,CONSULTING-PD,196.55; RODRIGUEZ JOSE R,TOW SERVICE-PD,75; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,3191.58; RURAL HEALTH DEVELOPMENT, INC.,ECONOMIC DEV,6383.33; RUSSELL INDUSTRIES INC,EQUIP MAINT,1273.6; S M E C,EMPLOYEE DEDUCTION,129.5; SANDBERG IMPLEMENT, INC,EQUIP

MAINT,371.03; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1053; SCOTTSBLUFF WINSUPPLY COMPANY,GROUND MAINT PARK,11.74; SHERIFF'S OFFICE,LEGAL FEES-PD,149.02; SIMON CONTRACTORS,CONCRETE FOR E. 17TH PARKING LOT,6728.05; SNELL SERVICES INC.,BLDG MAIN.,75; STATE HEALTH LAB,SAMPLES,667; STATE OF NE.,CONTRACTUAL-PD,315; TEXAS PNEUDRAULIC INC,ES #818- SWITCH,141.88; THE ABY MANUFACTURING GROUP, INC,UNIFORMS-PD,405.5; THE PEAVEY CORP,INVEST SUPPL-PD,214; THOMPSON GLASS, INC,EQUIP MAINT,288.7; TRANS IOWA EQUIPMENT LLC,FIRE ENGINE 1- HEATER CORE,846.61;UNION BANK & TRUST,RETIREMENT,38453.33; UNITED STATES WELDING,HP & CO2 TANK RENTAL,43.3; US BANK,STRUCTURE BOOTS FOR MURPHY,1267.72; VAN PELT FENCING CO, INC,FENCING,3026; VOGEL WEST, INC,TIPS FOR PAIIN STRIPER,56.58; WESTERN COOPERATIVE COMPANY,DEPT SUPP CEM,662.83; WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,1232.03; WESTERN STATES FIRE PROTECTION,BLDG MAINT-PD,795; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; ZM LUMBER INC,DEPT SUPP PARK,299.9; REFUNDS; ROCK STEP SCOTTSBLUFF, 70.41.

City Manager Kuckkahn presented the Resolution to extend the termination notice to the League Association of Risk Management (LARM) to the year 2023. Mr. Kuckkahn explained by extending our renewal commitment for three years we will receive a five percent discount; staff is recommending approval. Council Member McKerrigan made the motion seconded by Council Member Green to approve Resolution 20-08-01 extending the termination notice to the League Association of Risk Management (LARM) to the year 2023, "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

**League Association of Risk Management
2020-21 Renewal Resolution**

RESOLUTION NO. 20-08-01

WHEREAS, The City of Scottsbluff is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of The City of Scottsbluff, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- ☒ Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2023. **(180 day and 3 year commitment; 5% discount)**
- ☐ Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2022. **(180 day and 2 year commitment; 4% discount)**
- ☐ Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2021. **(180 day notice only; 2% discount)**
- ☐ Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2023. **(90 day notice and 3 year commitment only; 2% discount)**
- ☐ Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2022. **(2 year commitment only; 1%)**
- ☐ Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2021. **(90 day Notice only)**

Adopted this 3rd day of August, 2020.

Signature: _____
 Title: Mayor
 ATTEST: _____
 Title: City Clerk

Please email (customerservice@LARMpool.org) or fax (402.476.4089) the completed resolution to LARM.

City Manager Kuckkahn started discussion on COVID-19. He stated we currently have 43 active cases in the county. The big topic of conversation is the wearing of masks, adding there are many opinions regarding this topic. He then opened it up for Council discussion.

Council Member Shaver commented the input he has gotten from people is, in a public building that the City is paying for and all the citizens are paying for, having masks recommended is fine but having them required is insane.

Council Member Green stated he wears a mask out of respect, but was told he was pandering to people. He has concerns for citizens who want to pay their bills; they cannot drop cash off and go, adding there is only one place to pay their bill, which is city hall. He asked that we expand our wifi for people who would want to pay their bill online. He expressed there is a lot more to it than just the mask that we wear.

Council Member Schaub thinks it is out of line to require masks. He has done research and found that if you are healthy, do not wear a mask; you are hurting yourself by killing your own immune system.

City Manager Kuckkahn stated he fully understands Council's comments; he will talk with senior staff and come up with a solution that makes sense to everybody. He cited the recent closure of the

library and how devastating that was to the community and staff, but because of the mask mandate the outcome was good and required no quarantining.

Council Member McKerrigan added, stating, it is different when you are a business and have employees; you need to be conscious of the employee's feelings regarding their health.

Mayor Gonzales commented that Mr. Kuckkahn's main objective, since he started, was to keep the employees safe. He feels he has adjusted accordingly to updated information, but at the same time, has not deviated from that stance which is important.

Regarding the FY 2020-2021 budget, Mr. Kuckkahn explained nothing has changed since the budget workshop. Staff is working on getting the new position filled and also trying to spend down some of the cash accounts.

Council Member Shaver asked Mr. Kuckkahn if he had found anything out on pricing for the billboards that were suggested at the budget meeting. Mr. Kuckkahn stated they have not priced them out yet, but he will address it. Mr. Shaver then commented he wanted to know where we stood on it, as one of his biggest things has been when the City ends up with a large amount of money at the end to spend; raising any utility rates is absolutely insane and shouldn't be done. If we need to use part of the \$500,000 to offset that, he would be okay with it. It is wrong to keep raising the rates every year when we have an excess sitting there. Mr. Kuckkahn reiterated the only utility increasing will be Environmental Services at 3%, (.67/month) due to anticipated increased cost in the waste stream. The estimated bill will go from \$59.68 to \$60.35. Mr. Shaver answered, stating, he does not want the bill to go up and will not pass it if it does. Mr. Kuckkahn added he will find out how many customers we have and get a total of what we will be reducing, by not increasing the percent, for Council to review and consider.

Mr. Kuckkahn approached Council regarding incorporating modification of the Economic Development (LB840) Program to provide additional flexibility in allocating sales tax. He explained this is a topic, in light of the budget discussion, for the future as the revenue is not needed this year. It is also a little late to be considering this now due to time constraints of being placed on the ballot.

He explained LB840 has limitations in the plan, adding in 1995 the ballot language limited the property tax that could be levied by the City for General Fund Purposes to \$175,000. He suggested one of the changes to be considered could be eliminating or changing the limit to a higher number, adding this would not increase taxes in any form. It would, however, allow the City to allocate additional property taxes into the general fund instead of putting it into the debt service fund where it is not needed. Another option would be to reallocate the sales tax collected through LB840 where you are not channeling as much money into LB840, which is a separate fund, to free some of the sales tax to the general fund.

Council Member Shaver asked how much property tax the City collects. He suggested by doing a percentage, as the property taxes change, the amount changes; we are not stuck at the \$175,000; as the property tax goes up the money actually changes.

Council Member Schaub commented this would help the City "live within its means". He stated by not raising or adding taxes, but just adjusting allocation would help overall.

Regarding receiving an update on the Regional Landfill and discussion on how to proceed with roll off containers, Mr. Kuckkahn started by explaining he has had meetings with Gering and Waste Connections and hopes to have contracts at the next meeting. Concerning roll offs; Mr. Kuckkahn asked Council how they would like to proceed. He suggested we could work out a contractual arrangement with Waste Connections using a franchise fee approach. He reminded Council we sent over a request to Gering

to amend the 2007 contract, stating we would still continue to pay the \$7.50 per ton towards the new landfill, but have not received anything back.

Council Member Schaub stated he would like to see Scottsbluff take the roll off business back. Council Member Green expressed we provide trash containers to our citizens, why can't we provide roll offs to them as well. Council Member Shaver added we have two options, we can either fill up the landfill in Gering to where they can't use it before we get a new one or we can try to do something that extends their life in their landfill; we are trying to help them as much as anybody else.

It was the consensus of Council to add roll off language in the contract with Waste Connections.

Under Council Reports, Mayor Gonzales stated he was at a meeting with the City of Gering concerning roll offs and the Regional Landfill. He met with Dr. Simone at WNCC regarding the COVID issue. Also, there will be a PADD meeting on August 13th at the Cirrus House Conference room. Council Member Schaub gave an update on the WNED meeting in which Economic Director Starr Lehl attended for him. The meeting addressed the progress of land banks. He was also not able to attend the Emergency Management meeting, but stated the emails regarding COVID are not getting to the recipients. Council Members Shaver, McKerrigan and Green commented they are not receiving them; Council Member Schaub will follow up and let Tim Newman, Emergency Management Director, know. Council Member Green added Scottsbluff was well represented in the youth Cal Ripken baseball tournaments in Sidney this past weekend. He gave a brief update on the tournament and added he is excited to see other cities work together for the youth.

Council Member Shaver moved, seconded by Council Member Schaub to adjourn the meeting at 6:59 p.m., "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

Mayor

Attest:

City Clerk
"SEAL"