

# **City of Scottsbluff, Nebraska**

**Monday, August 31, 2020**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the August 17, 2020 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on August 17, 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 August 14, 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 August 14, 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 Green asked that item 8a, approving the minutes of the August 3, 2020 Regular Meeting be removed from the consent calendar and restored to the agenda for discussion.

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

- b) A public hearing be set for August 26, 2020 at 6:05 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the FY 2020-2021 budget.
- c) A public hearing be set for August 31, 2020 at 6:05 p.m. for authorizing the final tax request for the 2020-2021 year at a different amount than the prior year request.
- d) The bid specifications for the repair of hail damage at the Sanitation and Compost Facility Buildings located at 609 East 2<sup>nd</sup> Street, along with the old landfill and authorizing the city clerk to advertise for bids to be received by September 9, 2020 at 2:00 p.m. be approved, "YEAS," McKerrigan, Shaver, Green, and Gonzales, "NAYS," None. Absent: Schaub.

Regarding the minutes of the August 3, 2020 Regular Meeting, Council Member Green wanted clarification on what was written regarding the agenda item discussing the regional landfill and roll offs. He questioned the wording that stated the City would continue to pay the \$7.50 fee per ton for refuse to Gering. He thought the fee was going to be withheld. City Manager Kuckkahn responded stating, we are working on contracts for both Waste Connections and Gering, hoping to have them at the next meeting. The way it stands now the \$7.50 fee will still continue to be paid, as indicated in the minutes and discussion will continue on possibly taking the roll offs back. Council Member Green moved, seconded by Council Member McKerrigan to approve the minutes of the August 3, 2020 Regular Meeting, "YEAS," McKerrigan, Shaver, Green, and Gonzales. "NAYS," None. Absent: Schaub.

Concerning the claims, Council Member Green questioned a line item where the City pays \$800.00 to haul recycling to Denver. Mr. Kuckkahn stated this is recycling taken to Environmental Services that is then separated. The charge is what we pay a driver to haul the items Denver. Council

Member Green then questioned a line item regarding an internet charge at the swimming pool. Mr. Kuckkahn commented he is not sure, but will check with Finance Director Hilyard regarding the claim. Mr. Green then asked about the several line items for towing, thinking we had one vendor contracted to do all at a different rate. Police Chief Spencer stated we have not had a towing contract in place for a year or two, but we do, however, have a contract on this agenda for Council to discuss.

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 August 17, 2020, as on file with the City Clerk and submitted to the City Council, "YEAS," Green, Shaver, Gonzales, and McKerrigan "NAYS," None. Absent: Schaub.

#### CLAIMS

3MCOMPANY,PAVEMENTMARKINGTAPE&ADHESIVE,10566.79;ACTIONCOMMUNICATIONS INC.,EQUIP MAINT-PD,760.06ADVANCE AUTO PARTS,CENTRAL GARAGE- XTREME BLUE,409.86;AIRGASUSA,LLC,WELDING WIRE,68.04; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4020.77; ASCHENBRENNER ERIN,REIMB.,30.03; ASSURITY LIFE INSURANCE CO,LIFE INSURANCE,32.95; B & H INVESTMENTS, INC,DEP. SUP. - LIBRARY,575;BERNHARDTJUSTIN,TOWSERVICEPD,380;BLUFFSFACILITYSOLUTIONS,CENTRAL GARAGE- HAND CLEANER,117.24; BOX ELDER VALLEY, INC,EQUIP MAINT PARK,752; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,224.6; CARR- TRUMBULL LUMBER CO, INC.,DEPT SUP WTR,17.99; CELLCO PARTNERSHIP,CELL PHONES,1903.04;CITIBANK N.A.,OFFICE CHAIRS FOR WORKSTATIONS,389.97;CITY OF GERING,DISPOSAL FEES- TRASH/RECYCLING FEES,44990.08; CITYOFSCB,POSTAGEPD,46.3;COMPUTERCONNECTION INC,CONTRACTUAL-PD,44; CONTRACTORS MATERIALS INC.,SHRINK WRAP,309.38; CREDIT BUREAU OF COUNCIL BLUFFS,FEE & EMPL. SCREEN - JULY 2020,72; CROELL INC,DEPT SUP,242.36; CYNTHIA GREEN,DEPT SUPP DS,208.13; D & H ELECTRONICS INC.,SUPP - BATTERIES & CONNECTORS,57.47; DALE'S TIRE & RETREADING, INC.,TIRE REPAIRS FOR FLEET,1759.14; DELGADO LUPE,CONSULTING-PD,35;DUANE E. WOHLERS,HAULING RECYCLING TO DENVER. CO,800; ENFORCEMENT VIDEO, LLC,CIP-PO,2770; FASTENAL COMPANY,SUPP - RUSTOLEUM,178.47;FAT BOYS TIRE AND AUTO,EQUIP MAINT,3332.79; FEDERAL EXPRESS CORPORATION,POSTAGE,205.02; FLOYD'S TRUCK CENTER SCOTTSBLUFF,REPAIRS TO UNIT #815,1128.28; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,220; FREMONT MOTOR SCOTTSBLUFF, LLC,POLICE #1-COIL ASSY,100.16;GENERAL TRAFFIC CONTROLS, INC,SUPP - SHELF RACK FOR T.S. CONTROLLERS,94; GORANSON NICHOLAS,TREE REBATE,74.98; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,1695; HARGES DANIEL,SCHOOLS & CONF-PD,600; HAWKINS, INC.,CHEMICALS,1290.5; HEARTLAND EXPRESSWAY ASSOCIATION,MEMBERSHIP,5354.64; HICKOX KEVIN,REMAINDER OF BOOTS,64; HOBBS, CHAD,REIMBURSE FOR FUEL PICKING UP EQUIPMENT IN CO,56.83; HONEY WAGON EXPRESS,CONTRACTUAL,225; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE- OIL,395.11; IDEAL LAUNDRY AND CLEANERS, INC.,UNIFORMS-PD,1002.41; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK SOCCER FIELD,1109.48; INGRAM LIBRARY SERVICES INC,BKS.,2601.68; INLAND TRUCK PARTS & SERVICE,ES #820- PTO SHAFTS AND YOKE,880.61; INTERNAL REVENUE SERVICE,WITHHOLDINGS,58444.15; INTERNATIONAL PUBLIC MANAGEMENT ASSOCIATION-HR,PO ENTRY EXAM 6/5/2020,204.5; INTRALINKS, INC,CRADLEPOINT BROADBAND ROUTERS (5),9008.85; INVENTIVE WIRELESS OF NE, LLC,INTERNET WESTMOOR POOL,35.9; J G ELLIOTT CO.INC.,NOTARY BOND-PD,70; KANZLER

MIKE,BALANCE OF BOOTS,58.64; KNOW HOW LLC,WW #934- INTAKE MANIFOLD,1204.97; KRIZ DAVIS,EQUIP MAINT-PD,459.94; LEAGUE ASSOCIATION OF RISK MANAGEMENT,WORK COMP DEDUCTIBLE 6/30/20,306.73; LEAGUE OF NEBRASKA MUNICIPALITIES,MEMBERSHIP DUES 9/1/20 - 8/31/21,35560;LEE BHM CORP,PUBLISHING,4025.26; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; M.C. SCHAFF & ASSOCIATES, INC,PROF. SERVICES - PROJ. RM200034-00,11461.91; MACQUEENEQUIPMENTINC,EQUIPMAINT,2612.07;MADISONNATIONALLIFE,INSURANCE,2 412; MATHESON TRI-GAS INC,TRANS STOCK- WELDING WIRE,103.83; MATTHEW M. HUTT,PRE-EMPL.EVALUATION - S.GRIESS,450; MENARDS, INC,DEPT SUP WW,147.76;MIDLANDSNEWSPAPERS,INC,SBSCR.,66.35;MIDWESTCONNECT,LLC,PROCESSI NG UTIL.BILLING - JULY 2020,2250.92; MIZE, ROBERT,WORK BOOTS,167.92; MUNICIPAL EMERGENCY SERVICES INC,LEATHER STRUCTURE BOOTS,327.93; MUNIMETRIX SYSTEMS CORP,IMAGESILO - JULY 2020,39.99; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,916.6; NEBRASKA INTERACTIVE, LLC,DRIVERS LIC. REQ. - JULY 2020,36; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,43691.59;NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL SVC,255; NEW YORK TIMES,SBSCR.,520; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,1689.4; ONE CALL CONCEPTS, INC,CONTRACTUAL,213.53;PANHANDLECOOPERATIVEASSOCIATION,FLEETFUEL,19406.28; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,264; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10344.5; PRAISE WINDOWS INC,BLDG MAIN.,250; PT HOSE AND BEARING,DEPT SUP,57.5; QUADIENT LEASING USA INC,CONT. SRVCS.,569.82; RANGEL SARA,CONTRACTUAL-PD,1613.14; REAMS SPRINKLER SUPPLY CO.,DEPT SUPP PARK,1705.23; REGANIS AUTO CENTER, INC,TRANS #430- MODULE, PROGRAM KEYS,572.35; REGIONAL CARE INC,CLAIMS,51932.07; ROBERTA J BOYD,REIMB.,35.52; RON'S TOWING,TOW SERVICE-PD,625; RR DONNELLEY,DEPT SUPPL-PD,85.59; RYAN R KUMM,EQUIP MAINT,80; S M E C,EMPLOYEE DEDUCTIONS,129.5;SANDBERG IMPLEMENT, INC,EQUIP MAINT PARK,684.44; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCOTTIES POTTIES INC,CONTRACUTAL,360; SCOTTS BLUFF COUNTY COURT,LEGAL FEES- PD,238; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1053; SHERIFF'S OFFICE,LEGAL FEES-PD,76.56; SHERWIN WILLIAMS,WHITE LATEX PAINT,1900; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,14519.29; SIMON CONTRACTORS,CONCRETE,5879; SNELLSERVICESINC.,ELECTRICAL,7314.8;SOUNDSLEEPER SECURITY INC.,CONTRACTUAL- PD,14.95; STATE OF NEBRASKA DEPT OF HEALTH,SCHOOLS & CONF,260; SUPERIOR SIGNALS, INC,POLICE STOCK- MODULE LIGHTS,266.68; THOMPSON GLASS, INC,REPLACEMENT WINDOW AT COMPOST FACILITY- HAIL STORM,267.39; TRANS IOWA EQUIPMENT LLC,TRANS #450- RUBBER BUMPERS,220.02;TYLER TECHNOLOGIES, INC,ONLINE UB FEES 8/1/20 - 8/31/20,348; UNION BANK & TRUST,RETIREMENT,36749.31; UNITED STATES GEOLOGICAL SURVEY,JOINT FUNDING AGREEMENT 20NRJFA00240,2250; WESTERNPATHOLOGYCONSULTANTS,INC,PRE-EMPL.SCREENING/RANDOML/JULY,410.25; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,362; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,765; REFUNDS; CROWN WEST, 4.63; T & A INVESTMENTS LLC, 11.24; JOSHUA CAHOJ, 73.02; GIL TRIMBLE, 15.98.

Mr. Kuckkahn presented the July 2020 Financial Report, stating all the City funds are in good shape, mainly because of reduced spending due to the effects of COVID in March and April. He also explained there has been continued revenue coming in because of the hailstorm last year and mass buying related to COVID-19. The City has been diligently working with utility customers to make late payments and the electric revenues are up. We have continued to improve our cash; investment income is down, but we will work with our investment representative to help adjust this.

Ms. Michele Denton, Executive Director of the West Nebraska Arts Center, approached Council regarding a special arts-related wine permit and Special Designated Liquor License for an art exhibit reception on September 3, 2020 from 4:00-8:00 p.m. Ms. Denton stated this will be her fifth permit for the year. Police Chief Spencer commented he has no concerns with this request. Council member Shaver moved, seconded by Council Member Green to approve the special arts-related wine permit for the West Nebraska Arts Center and Special Designated Liquor License for an art exhibit reception on September 3, 2020 from 4:00-8:00 p.m., "YEAS," Shaver, Gonzales, McKerrigan, and Green. "NAYS," None. Absent: Schaub.

Police Chief Spencer was present to answer questions regarding the Police Tow Service three year contract. Chief Spencer informed Council there was only one bid received from Bumper to Bumper. He stated the prices on the bid are reasonable, adding it is good to be consistent with fees for citizens. He is recommending approval. Council Member Green asked about response times and if that is dictated by the City or contractor. Chief Spencer stated that is based on the opinion of contractor and he feels what is listed in the contract is reasonable. He also reminded Council this contract is for Police Tow only. Council Member McKerrigan made the motion, seconded by Council Member Shaver to approve awarding the bid for the Police Tow Service three year contract to Bumper to Bumper, 818 Ave B Suite 1, Scottsbluff, NE from August 2020 to August 2023, "YEAS," McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: Schaub.

Ms. Starr Lehl, Economic Development Director, approached Council regarding an Economic Development Assistance Agreement for Bluffs Physical Therapy and Hydrozen, LLC. Ms. Lehl stated this application was passed unanimously by the LB840 application committee. The owner Michael Moravec has built a new building on Avenue B, as well as adding other services. The total amount requested is \$87,000; \$57,000 in a forgivable loan based on job creation and \$30,000 in a loan to be paid in annual payments. They are currently combining the grant and loan they were awarded in 2018 due to continued growth and job creation. Council Member Shaver moved, seconded by Council Member McKerrigan to approve the Economic Assistance Agreement for Bluffs Physical Therapy, LLC and Hydrozen, LLC, "YEAS," McKerrigan, Shaver, Green, and Gonzales. "NAYS," None. Absent: Schaub.

Regarding the Economic Development Assistance Agreement with Western Hospitality, LLC, Ms. Lehl approached Council explaining this request is to provide lodging for pilots and staff involved with the U.S National Hot Air Balloon Championships. The amount of the Agreement is \$11,868; The City of Gering is paying for lodging for the pilots of the Old West Balloon Fest. Council Member Shaver moved, seconded by Council Member Green to approve the Economic Development Assistance Agreement for Western Hospitality, LLC, "YEAS," Green, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Mr. Kuckkahn presented to Council the Agreement between the City of Scottsbluff and Pilgrim Productions, LLC. Mr. Kuckkahn explained this Agreement has been brought forth because of a reality television show that will be filming in the area. The City has been asked to provide additional police protection for the event at \$60.00 per hour; there is also an additional equipment charge. Staff is recommending approval. Council Member Green moved, seconded by Council Member McKerrigan to approve the Agreement between the City of Scottsbluff and Pilgrim Productions, LLC and authorize the Mayor to sign the Agreement, “YEAS,” Shaver, Gonzales, McKerrigan, and Green. “NAYS,” None. Absent: Schaub.

With regards to increasing the NPPD lease payment by one-half percent, Mr. Kuckkahn explained the City has an agreement with NPPD that allows us to increase the rate by one-half percent every year capping at 14%. We are currently at 13%; this increase will bring in additional revenue amounting to \$115,000. Council Member McKerrigan made the motion, seconded by Mayor Gonzales to approve increasing the NPPD lease payment by one-half percent, “YEAS,” McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent” Schaub.

Legal Counsel Hadenfeldt presented the agenda item of approving the amendments to the “Articles of Incorporation” and “Bylaws” of the League of Nebraska Municipalities by voting for proposed actions 1, 2, and 3 on the Regular Member Ballot. Mr. Hadenfeldt explained the League of Municipalities discovered, because of some legal issues, they needed to update their Articles of Incorporation and Bylaws by doing three things; 1) Adding to the articles that it is a public benefit corporation; 2) Allowing members to participate electronically when legally allowed; 3) Requiring a 2/3 vote to amend the bylaws which are all consistent with the Nebraska Business Corporation Act.

Mr. Hadenfeldt added because the City is a member of LONM they are given the opportunity to vote on the actions. Council Member Green made the motion, seconded by Council Member McKerrigan to approve the amendments to the “Articles of Incorporation” and “Bylaws” of the League of Nebraska Municipalities by voting “For” the “Proposed Actions 1, 2, and 3 on the Regular Member Ballot; authorizing the Mayor to sign the Regular Member Ballot, and returning the Ballot to the League by October 1, 2020; no later than 5:00 p.m. (CT), “YEAS,” Green, Shaver, Gonzales, and McKerrigan. “NAYS,” None. Absent: Schaub.

Mr. Geoff Nemnich, 23 Club President, approached Council regarding additional funding. He reviewed phase 1 of the project, showing pictures, to give Council an idea of what the complex will look like. He then addressed phase 2 of the project. Phase 2 consists of field resurfacing, landscaping, irrigation, and parking lot upgrades to include adding lighting. He commented he would like to do both phases at the same time because it will save money, plus be more efficient.

Council Member Green asked what percentage of parking will be removed due to the project. Mr. Jack Baker, with Baker and Associates, stated just the areas between the fields that are blocked off. Mr. Nemnich came forward and added there will be over 150 parking spots, if it is organized. He explained by restriping, adding a one way street, and creating diagonal parking there could be 100 parking spots added easily. He also informed Council he has met with the school board and they are receptive to splitting the cost, with regards to a shared space between the fields and the school, to add parking; they just would like to see a bid to estimate what the costs will be, as well as have an agreement in place with the City.

Mr. Nemnich then explained to complete phase 2 they would need an additional \$250,000 and

asked Council if they would consider the request with this years' budget cycle. He added, by considering this, it would be a cost savings in the long run and get the project completed quicker.

Council Member Shaver stated his concern is, when we did the first phase, we were going to do a whole lot of it as "in kind" and it turned into money and you're talking change orders and everything else; we don't know where we stand on the first section yet. He thinks until we know where we stand on the first section it is dumb to get further in until we know where we stand on that. Mr. Baker addressed the "in kind" work by explaining it had been added to the contract to be bid on to allow for the work to be done sooner.

Mayor Gonzales added, by commenting, that several organizations will benefit from this project. Council Member McKerrigan agreed, stating the City can save money by doing two phases at one time and that is beneficial, too. Council Member Green asked how much phase 3 will cost. Mr. Baker stated the lighting will be approximately \$514,000, but that includes 25 year maintenance. Mr. Nemnich also added they will continue to fund raise and apply for grants to help fund phase 3, as this phase can be done at any time.

Mayor Gonzales then asked Council if they would be receptive to funding phase 2. Council Members Green and Shaver both agreed they are not comfortable at this time. They would like to see where we are at. Council Member McKerrigan added she is open; stating when cost savings is involved it is beneficial and working with the high school is good strategy. She thinks this will be a good project to put the excess funding towards. Mayor Gonzales agreed with Council Member McKerrigan and stated he supports funding the project.

At the end of discussion, Mayor Gonzales asked Mr. Kuckkahn to bring the priority projects Council discussed at the budget hearing back to the next meeting with whatever information he can provide.

Under Council Reports, Council Member Shaver stated there is a 911 meeting on August 18<sup>th</sup>. He will not be able to attend and has asked that either Fire Chief Schingle or Police Chief Spencer attend for the City to be represented. Council Member McKerrigan attended an RC&D meeting; they are looking at combining with League Management because they are not able to get a quorum at the meetings. She also gave an update on the Senior Center. They are closed right now; they do not have a cook or site manager. Gering is delivering the meals for Scottsbluff Seniors as they look to fill the positions. Ms. Starr Lehl, Economic Development Director gave an update on WNED. She informed Council LB424, the Land Bank Bill passed. Also, the Heartland Expressway annual meeting is August 18<sup>th</sup> at the Gering Civic Center. City Manager Kuckkahn attended the PADD meeting on the 13<sup>th</sup>. He stated they hired an Executive Director and are going through the transition.

Council Member McKerrigan made the motion, seconded by Council Member Green to adjourn the meeting at 7:24 p.m. "YEAS," Green, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: Schaub.

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Mayor

Attest:

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City Clerk  
"SEAL"