

City of Scottsbluff, Nebraska

Tuesday, September 8, 2020

Regular Meeting

Item Consent2

Approve the minutes of the August 31, 2020 Regular Meeting.

Staff Contact: City Council

Regular Meeting
August 31, 2020

The Scottsbluff City Council met in a regular meeting on August 31, 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 28, 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 28, 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, Interim City Manager Rick Kuckkahn, Finance Director Elizabeth Hilyard, and Economic Development Director Starr Lehl. Absent: None. Mayor Gonzales asked if there were any changes to the agenda. Council Member Schaub moved that item 11f; Council to discuss and consider action on the Contract with Waste Connections to provide disposal services to the City and 11g; Council to discuss and consider action on the Interlocal Cooperative Agreement for the Expenditure of Reserve Account Funds with the City of Gering be switched on the agenda. This was seconded by Council Member McKerrigan, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: 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 Council Member McKerrigan that,

- a) The minutes of the August 17, 2020 Regular Meeting be approved.
- b) Council Member Schaub's absence from the August 17, 2020 be excused, "YEAS," Green, Schaub, Gonzales, and McKerrigan. "NAYS," Shaver. Absent: None.

Mayor Gonzales opened the public hearing at 6:05 p.m. to authorize the final tax request for the 2020-2021 year at a different amount than the prior year request. There were no comments from the public. Mayor Gonzales closed the public hearing at 6:06 p.m.

He then asked for comments from Council. Council Member Shaver asked what this is doing since it states it is a different amount from last year. Finance Director Hilyard stated this is a tax levy request; the valuation increase of the dollar amount.

Council Member Schaub made a motion, seconded by Council Member McKerrigan to approve Resolution No. 20-08-02 setting the final tax request for the 2020-2021 year at a different amount than the prior year request, "YEAS," Gonzales, Schaub, McKerrigan, and Green. "NAYS," Shaver. Absent: None.

RESOLUTION NO. 20-08-02

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the City of Scottsbluff passes by a majority vote a resolution or ordinance setting the tax request: and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of the City of Scottsbluff, resolves that:

1. The 2020-2021 property tax request for non-bond purposes be set at \$1,086,493.00.
2. The 2020-2021 property tax request for bond purposes be set at \$ 944,515.00.
3. The total assessed value of property differs from last year's total assessed value by 3%.
4. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.209526 per \$100 of assessed value.
5. The City of Scottsbluff proposes to adopt a property tax request that will cause its tax rate to be \$.2160 per \$100 of assessed value.
6. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Scottsbluff will exceed last year's by 7%.
7. The 2020-2021 property tax request for the City of Scottsbluff Off Street Parking District be set at \$54,100.00.
8. The total assessed value of property differs from last year's total assessed value by 4%.
9. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.169195 per \$100 of assessed value.
10. The City of Scottsbluff proposes to adopt a property tax request that will cause its tax rate to be \$.176587 per \$ 100 of assessed value.
11. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Scottsbluff will be less than last year's by 16%.

12. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2020.

PASSED AND APPROVED this 31st day of August, 2020.

Mayor

ATTEST:

City Clerk (seal)

Council introduced the Ordinance adopting the budget statement to be termed the annual appropriation bill for FY 2020-2021 and was read by title on second reading: **AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO PUBLISH IN PAMPHLET FORM.**

Council introduced the Ordinance amending and changing the solid waste collection fees and was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING AND CHANGING THE SOLID WASTE COLLECTION FEES AT CHAPTER 6 ARTICLE 6 OF THE MUNICIPAL CODE, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Ms. Starr Lehl, Economic Development Director, approached Council regarding an Economic Development Agreement for Inventive Wireless of Nebraska, LLC dba Vistabeam. Ms. Lehl explained Inventive Wireless, LLC previously received funds back in 2018. They have continued to grow their business and have purchased a new building in Scottsbluff. The Agreement terms include a \$50,000 Grant based on job creation and \$100,000 promissory note which will allow them to fund the capital asset purchase of the new branch location, the initial operating capital costs of the expansion, and the creation of five new jobs with benefits. She further stated this Agreement was unanimously recommended by the LB840 Committee. Council Member Schaub moved, seconded by Council Member Green to approve the Economic Development Agreement for Inventive Wireless of Nebraska, LLC dba Vistabeam, "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

Regarding the Economic Development Agreement for Reverence Funeral Parlor, LLC, Ms. Lehl explained the funeral parlor will be a new business in Scottsbluff offering interment,

cremation and mortuary care service. The proceeds of \$50,000 in the form of a loan will be used for start-up expenses in opening the business, including real estate purchase and operating capital.

Ms. Stephanie Gonzales, along with her husband Oscar, approached Council. Ms. Gonzales explained she is a licensed Funeral Director who has worked in the area for the last ten years. Her desire is to start her own funeral home, mainly to offer affordable and quality funeral service care to the families in this area. She stated she will be the sole funeral director and embalmer at this time, but hopes to add an additional director in the next two to three years, as well as a full time secretary, commenting she does not want to compete with other funeral homes in the area, but offer another option to people in the community. Council Member Schaub made the motion, seconded by Council Member Green to approve the Economic Development Agreement for Reverence Funeral Parlor, LLC, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Ms. Lehl presented the amendment to the Economic Development Agreement for McKinney Manufacturing for COVID Accommodations to Council. She explained the amendment includes waiving the interest from April 1st through June 30th and offering a payment furlough for March 1st through September 30th. The applicant will also be required to sign an amended and restated note as well as receiving a modification of hours for their FTE credits from January 1st through December 31st. Ms. Lehl also stated the furloughed payments will be added on to the end of the applicant's loan. She explained this is an example of just one of the amendments; there will be an additional twenty to review at the next meeting.

Mr. Kuckkahn reiterated that he did give the businesses a 90 day grace period, but they will be required to pay the furloughed payments back at the end of their loan. Council Member McKerrigan moved, seconded by Council Member Schaub to approve amending the Economic Development Agreement for McKinney Manufacturing for COVID Accommodations, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Mr. Kuckkahn then asked if it would be acceptable to put the remaining amendments on the consent calendar for review. It was the consensus of Council to add the amendments to the consent calendar on the agenda when presented.

Mr. Kuckkahn approached Council regarding the Downtown Gardens Maintenance Agreement with Paige's Posies. He explained this item was discussed in the budget work session and it was agreed money could be saved by hiring an outside agency. He is recommending a motion to approve. After discussion on certain parking lots listed in the Agreement, Council Member McKerrigan moved, seconded by Council Member Schaub to approve the Downtown Gardens Maintenance Agreement with Paige's Posies and authorize the Mayor to sign the Agreement, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Regarding an update and decisions regarding the City's response to COVID-19, Mr. Kuckkahn asked for guidance concerning a mask requirement in public buildings. He was especially concerned with the Library. He commented on the school district's policy on masks, adding many people who utilize the library are school aged. The question is, do we want to relax the standard on masks by saying it is voluntary or conform to the school district's guidance and maintain their standard on masks and continue what we are doing.

Council Member Shaver was the first to comment, stating masks should be requested and not required in all City buildings, period.

Council Member Green agreed with Council Member Shaver adding just because a person has a mask on does not mean they are putting the mask down, picking it up, touching their face, etc. He sees people wearing the same dirty old mask they have been wearing for three months. He says the mask was never meant to save us. It was meant to flatten the curve, in which he thinks we have done a good job.

Council Member Schaub commented he has no interest whatsoever in mandating masks. He will never vote for it.

Police Chief Kevin Spencer was asked if someone wanted to enter the police station last year and was wearing a mask would they still be allowed to enter. Chief Spencer answered, yes, and commented the one thing he learned after the Police Department was exposed with positive COVID cases was that if both people are not wearing masks you will have to quarantine and that proved to be devastating to the Police Department.

Council Member McKerrigan says she does not see a problem with recommending masks and asking people to wear them to flatten the curve.

Mr. Oscar Gonzales, an employee at the school, was asked his prospective. He stated the Library is a voluntary place that people go to. If you mandate masks you will push people away. At school, students are mandated to be there and because of that are forced to wear a mask.

Mayor Gonzales asked Legal Counsel Hadenfeldt if the City would have any liability if someone contracted COVID at the Library. Mr. Hadenfeldt stated we do not require people to go to the Library, we can encourage certain behavior, but it is strictly voluntary. He sees no basis for a claim.

After discussion, Council Member Shaver moved that masks be recommended, but not required in all City facilities. This was seconded by Council Member Schaub. "YEAS," Shaver, Schaub, and Green. "NAYS," Gonzales and McKerrigan. Absent: None.

Concerning the Interlocal Cooperative Agreement for the Expenditure of Reserve Account Funds with the City of Gering, Council Member Schaub moved to go into closed session for the reason that it is clearly necessary for the protection of the public interest as it will involve a strategy session regarding contract negotiations and real estate purchase. He also asked that Interim City Manager Kuckkahn and City Attorney Hadenfeldt be present. This was seconded by Council Member Green.

Mayor Gonzales stated the motion has been made to go into closed session as it is necessary to protect the public interest as it will involve a strategy session regarding contract negotiations and real estate purchase. He then asked for discussion, there was none. He asked to call the roll, "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None. The motion was adopted; Council went into closed session at 6:42 p.m.

Council reconvened out of Closed Session at 7:53 p.m. as stated on the record. The following Council Members were present: Raymond Gonzales, Jeanne McKerrigan, Scott Shaver, Nathan Green, and Terry Schaub. Also present were City Manager Kuckkahn and City Attorney Hadenfeldt. Council Member Schaub made the motion, seconded by Council Member Green to come out of closed session, "YEAS," Gonzales, Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: None.

Council Member Shaver made a motion to direct the City Manager to continue negotiations based on the previous contract sent out and continue to negotiate the contract that they sent us. This was seconded by Council Member McKerrigan, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None

Council Member Shaver moved to table the Contract with Waste Connections to provide disposal services to the City. This was seconded by Council Member Schaub, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Under Council Reports, Police Chief Spencer gave an update on the 911 Steering Committee stating they are going to change the platform of the radios; it will be a two to three year project causing everyone to change their radios. The cost will be substantial, around \$400,000 for each department. Mayor Gonzales asked to put this on a future agenda to discuss further. Mr. Kuckkahn also stated that Tim Newman Emergency Management Director, sent over

information concerning one of the sirens at the soccer complex that will need to be replaced. He explained Mr. Newman is trying to get a grant to cover the cost of siren amounting to approximately \$29,000.

Council Member Schaub moved, seconded by Council Member Green to adjourn the meeting at 7:59 p.m., “YEAS,” Gonzales, Schaub, McKerrigan, and Green. “NAYS,” Shaver. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”