

City of Scottsbluff, Nebraska
Monday, September 21, 2020
Regular Meeting

Item Consent1

Approve the minutes of the September 8, 2020 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on September 8, 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 September 4, 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 September 4, 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. 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.

Due to being absent, Council Member Shaver asked that item 7a, approving the minutes of the August 26, 2020 special meeting be removed from the consent calendar and added to the regular agenda so he could abstain from voting.

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

- b) The minutes of the August 31, 2020 Regular Meeting be approved.
- c) A public hearing be set for September 21, 2020 at 6:00 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by MTL Commodity Corporation for the MTL Commodity Laundromat Project.
- d) A public hearing be set for September 21, 2020 at 6:00 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by YOLO Properties, LLC for the YOLO Properties Carwash Project.
- e) A public hearing be set for September 21, 2020 at 6:00 p.m. to consider a Resolution and Application to the Nebraska Economic Development for a Community Development Block Grant in the amount of \$732,500 for Owner Occupied Housing Rehabilitation.
- f) The amendments for the Economic Development Agreements for COVID accommodations be approved, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Council Member Green moved, seconded by Council Member Schaub to approve the minutes of the August 26, 2020 special meeting, "YEAS," Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. "Abstain," Shaver, "Absent," None.

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 September 8, 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

3M COMPANY,24" WHITE PAVEMENT MARKING TAPE,6897.55;ADVANCE AUTO PARTS,DEF FOR FLEET,404.4; AIRGAS USA, LLC,HEATING NOZZLE FOR WELDER,120.74; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4055.16; AMERICAN LEGAL PUBLISHING CORPORATION,CODIFICATION OF ORDINANCES,5978; ASCHENBRENNER ERIN,DEP. SUP.,29.74; ASSURITY LIFE INSURANCE CO,LIFE INS,32.95; AUTOZONE STORES, INC,VEH MAINT,12.02;B & H INVESTMENTS, INC,SALT DELIVERY X 5 BAGS, UNIT RENTAL,330; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,765.61; BLUE CLYDE,TREE REBATE,129.98;BLUFFS FACILITY SOLUTIONS,JAN. SUP.,1504.83; BLUFFS PHYSICAL THERAPY, LLC,EDA AGREEMENT,57000; BROWN'S SHOE FIT, CO.,UNIFORMS & CLOTHING,140; CAPITAL BUSINESS SYSTEMS INC.,CONTRACTUAL-PD,51; CELLCO PARTNERSHIP,CELL PHONES-PD,1564.77; CHRIS BRANNAN,UNIFORMS & CLOTHING,124.95; CISM MEMORIAL FOUNDATION,SCHOOLS & CONF-PD,300; CITIBANK N.A.,PRINTER & INK (GIS),1047.31; CITIBANK, N.A.,DEPT SUPP CEM,15.12; COLONIAL LIFE & ACCIDENT INSURANCECOMPANY,INSURANCE,48.7;CONSOLIDATEDMANAGEMENTCOMPANY,SCHOOLS & CONF-PD,8.74; CONTRACTORS MATERIALS INC.,DEPT SUPP PARK,971.04; COPSEY MONTY,#153 TREE REBATE,259.95; CROELL INC,DEPT SUP,607.49; CYNTHIA GREEN,DEPT SUPP HR/ADM,68.94; D & H ELECTRONICS INC.,SUPP - TERMINALS,97.76; DALE'S TIRE & RETREADING, INC.,EQUIP MAINT PARK,118.02; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,146.28; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135; FASTENAL COMPANY,GROUND MAINT PARK,52.33; FAT BOYS TIRE ANDAUTO,DUMPTRUCKFLATREPAIR,27.5;FEDERALEXPRESSCORPORATION,POSTAGE,247.91; FELSBURG HOLT & ULLEVIG, INC,CONTRACTUAL SVC,3651; FLAGSHIP PUBLISHING INC,SBSCR.,42; FLOYD'S TRUCK CENTER SCOTTSBLUFF,ES #820- ACTUATOR ASSY,523.61; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,220; GENERAL ELECTRIC CAPITAL CORPORATION,UNIFORMS & CLOTHING,277.41; GSM FILTRATION INC,EQUIP MAINT,1893.59;HAWKINS,INC.,CHEMICALS,7412.25;HD SUPPLY FACILITIES MAINTENANCE LTD,EQUIP MAINT,3276.42; HEARTLAND EXPRESSWAY ASSOCIATION,ANNUAL MTG LUNCHEON - S.LEHL,20; HICKOX KEVIN,UNIFORMS & CLOTHING,69.99; HOA SOLUTIONS, INC,EQUIP MAINT,266.13; HULLINGER GLASS & LOCKS INC.,SUPP - PADLOCKS & KEYS CUT,623; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE- OIL,3257.1; HYDROZEN, LLC,EDA AGREEMENT,30000;IDEAL LAUNDRY AND CLEANERS, INC.,SHOP TOWELS, RUGS, MOPS,566.46; INDEPENDENT PLUMBING AND HEATING, INC,EQUIP MAINT PARK,1440.96; INGRAM LIBRARY SERVICES INC,BKS.,1478.99; INTERNAL REVENUE SERVICE,WITHHOLDINGS,120062.49; INTERNATIONAL ASSOCIATION OF PLUMBING & MECHANICAL OFFICIALS,DEPT MMBRSHR RENEWAL,200; INTRALINKS, INC,DATTO SIRIS - AUGUST 2020,2635; INVENTIVE WIRELESS OF NEBRASKA L.L.C.,ECONOMIC DEV GRANT,150000; JOHN DEERE FINANCIAL,UNIFORMS & CLOTHING,2313.18; JOHN DEERE

FINANCIAL,DEPT SUPP PARK,49.15;JOHN DEERE FINANCIAL,PARKS #399 & #397-BEARINGS, SEAL, GASKETS,498.23; KANZLER MIKE,UNIFORMS & CLOTHING,91.36; KNOW HOW LLC,POLICE #18- BRAKE PADS, ROTORS, DISC,1036.89; LEAGUE OF NEBRASKA MUNICIPALITIES,MEMBERSHIPS,3052; MACQUEEN EQUIPMENT INC,EQUIP MAINT,2589.5; MADISON NATIONAL LIFE,INSURANCE,2481.05;MATHESON TRI-GAS INC,RENT - MACHINES,66.18; MENARDS, INC,DEPT SUP,884.8; MIDWEST AUTO SUPPLY INC,ES #899-ABS BRAKE PUMP,90; MIDWEST CONNECT, LLC,CONTRACTUAL,1380.74; MIDWEST MOTOR SUPPLY CO INC,CENTRAL GARAGE- MISC PARTS,231.95; MONUMENT CAR WASH INC,VEH MAINT,33.17; MUNIMETRIX SYSTEMS CORP,IMAGESILO - AUGUST 2020,39.99; NATIONAL ARBOR DAY FOUNDATION,MEMBERSHIP PARK,10; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1833.2; NE DEPT OF ENVIRONMENTAL CONTR,LICENSES & PERMITS,450; NE DEPT OF REVENUE,TAX,29783.77; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,27886.48;NEBRASKA SALT AND GRAIN CO,2 LOADS ICE SLICER,7728.42; NETWORKFLEET, INC,GPS SERVICE,305.23;NORTHERN SAFETY COMPANY, INC.,DEPT SUP,416.25; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,468.28;OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT SRVCS.,378.16; ONE CALL CONCEPTS, INC,CONTRACTUAL,197.39; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT-PD,697; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,443;PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5278.08; PAUL D LEE,UNIFORMS & CLOTHING,300; PLATTE VALLEY BANK,HEALTH SAVINGS ACCT,20866; POLYDYNE INC,CHEMICALS,5379.93; POWERPLAN,PARKS- BATTERY,301.64; PT HOSE AND BEARING,DEPT SUP,7.05; QUADIANT LEASING USA INC,RENT-MACH-PD,219.56; QUILL CORPORATION,DEPT SUPPL-PD,679.23; REAMS SPRINKLER SUPPLY CO.,DEPT SUPP CEM,997.28; REGIONAL CARE INC,CLAIMS,339339.96; REGIONAL WEST PHYSICIANS CLINIC,CONSULTING-PD,93.75; RODRIGUEZ JOSE R,TOW SERVICE-PD,190;ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,3001.23; ROTHERHAM, DAVID,UNIFORMS & CLOTHING,149.99; RURAL HEALTH DEVELOPMENT, INC.,ECON DEV,6383.33; S M E C,DEDUCTION,259; SAFELITE FULFILLMENT, INC,VEH MAINT-PD,409.98; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,600; SCOTT MURDOCK,UNIFORMS & CLOTHING,299.91; SCOTTS BLUFF COUNTY PUBLIC TRANSIT,ANNUAL CONTRIBUTION - TRI-CITY ROADRUNNER,3736; SCOTTSBLUFF MOTOR CO, INC,NEW CHEVY SILVERADO PICKUP TRUCK,29727; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,2106; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,UNIFORMS & CLOTHING,651.96;SCOTTSBLUFF SENIOR CENTER,FY19-20 4TH QTR PAYMENT,5750; SELZER JOHN,#152 TREE REBATE,147.5; SHERIFF'S OFFICE,LEGAL FEES-PD,180.29; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,13053.71; SNELL SERVICES INC.,BLDG MAIN.,10495.82; STATE HEALTH LAB,SAMPLES,377; STATE OF NE.,CONTRACTUAL-PD,840; STATE OF NEBRASKA DEPT OF HEALTH,LICENSE & PERMITS,115; SUTTON COREY,REFUND FOR OVERPYMT,25; TEXAS PNEUDRAULIC INC,ES #812 & 815- ARMS & BUSHINGS,2060.93; THE PEAVEY CORP,INVEST SUPPL-PD,323; TORRINGTON SOD FARMS,GROUND MAINT PARK,470.65; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,343.53; TRANS IOWA EQUIPMENT LLC,TRANS STOCK- ANGLE PRESS SLOT,292.67; TYLER TECHNOLOGIES, INC,FEE - ONLINE UB (9/1/20 -

9/30/20),348; UNION BANK & TRUST,RETIREMENT,75013.45; UNITED STATES WELDING,HP & CO2 TANK RENTALS,44.41; US BANK,EQUIP MAINT,3220.34; US COMPOSTING COUNCIL,MEMBERSHIPS,415; WEATHERCRAFT COMPANY OF SCOTTSBLUFF-GERING,WW - ROOF REPAIR,724; WESTERN HOSPITALITY, LLC,LB840 EDA AGREEMENT,11868; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,1476.16; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEPT SUPP PARK,106.44; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,765; ZM LUMBER INC,DEPT SUPP PARK,40.66;REFUNDS; PAMELA CARPENTER, 300.77; LAURA HILBERT, 6.24; R & K LAND CO LLC, 12.50; RAND K LLC, 15.83.

City Manager Kuckkahn presented the bid for the repair of hail damage to the Public Safety Building located at 1801 Avenue B. Twin City Roofing & Sheet Metal, Inc. submitted the low bid in the amount of \$131,614.90; staff is recommending approval. Council Member Schaub made a motion, seconded by Council Member Green to approve awarding the bid for the repair of hail damage to the Public Safety Building located at 1801 Avenue B to Twin City Roofing & Sheet Metal, Inc. in the amount of \$131,614.90, "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

Regarding the Fiscal Year 2020-2021 Budget, Council introduced Ordinance No. 4253 which was read by title on third 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.** Moved by Council Member Schaub, seconded by Council Member McKerrigan, to adopt Ordinance No. 4253, FY 2020-2021 Budget, "YEAS," Schaub, McKerrigan, Gonzales, and Green. "NAYS," Shaver. Absent: None.

Council introduced Ordinance No. 4254 amending and changing the solid waste collection fees which was read by title on third 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.** Moved by Council Member Schaub, seconded by Council Member McKerrigan, to adopt Ordinance No. 4254, amending and changing the solid waste collection fees. During discussion Council Member Shaver commented as stated before, if the taxpayers were given a raise, he would not vote for it. Council Member Green then questioned if there was no other way to avoid raising the solid waste rates this year. Mr. Kuckkahn stated by increasing the rate 3% it gives options in terms of where the waste is taken, adding sewer and water did not receive any increase in rate; we are trying to minimize the impact on citizens. Roll was called after discussion, "YEAS," McKerrigan, Schaub, and Gonzales. "NAYS," Shaver and Green. Absent: None.

Mayor Gonzales gave accolades to Finance Director Hilyard, City Manager Kuckkahn and staff for their hard work with the budget this year because of the implications resulting from COVID-19.

Mr. Todd Lewis, President of Twin Cities Development approached Council and gave a brief presentation on the organization. Mr. Lewis explained TCD was established in 1985 as an Economic Development firm. As a group they have decided they need to take a fresh look to promote Economic Development in the area for the future by focusing on excellence in Regional Economic Development. The strategy is to create a highly effective group that is the center of Economic Development,

incorporating all contributors and providing efficient deployment of expertise and resources.

Mr. Lewis commented the partnership with the City of Scottsbluff needs to be reestablished. He commented the City of Scottsbluff is doing an awesome job in Economic Development with Ms. Starr Lehl at the helm and they would like to help the effort along. The goal is to bring the two organizations together to be one voice and be a center of economic excellence by bringing in new businesses, expanding current businesses and growing the economy in the valley.

Mr. Lewis explained the Memorandum of Understanding is the basis for beginning the strategic partnership with a trial period of 90 days. At the end of 90 days, or however long it would take, a formal agreement would be developed to see the partnership grow. He then asked for questions or comments from Council.

Mayor Gonzales commented TCD is very committed to working with the City of Scottsbluff in the future. He added when the private sector reaches out to the public sector stating they want to work with you, they understand fully a partnership will go much further.

Council Member Schaub asked by providing approximately \$100,000 to TCD, does the City of Scottsbluff get any voting rights. Mr. Lewis explained the cities used to have voting rights in Twin Cities Development, but there was a group of people in the valley who got together and decided that having government involved in the Economic Development business was not a good idea because of conflicts of interest. They in turn went to the private sector and businesses to have a say in the future of Economic Development. Twin Cities Development restructured their board to only have the private sector citizens and businesses become voting members; the Cities do have ex-officio status on the board however, just not voting rights. TCD is also a nonprofit 501(c)(4), which gives them the capability to lobby government, which would be a direct conflict of interest if the City was a voting member.

Council Member Green was concerned the City was losing an employee to Twin Cities Development. Mr. Lewis explained they are trying to bring resources that they, (TCD) have available, such as marketing, to help Ms. Lehl out in her position so we can work together and grow as a region.

Council Member McKerrigan asked Ms. Lehl what her thoughts were. Ms. Lehl commented it makes sense; we do not want to lose opportunities because we are not communicating with one another.

Council Member Shaver added this is the first he has heard about it and it seems backwards to him. He feels if Ms. Lehl is such a good fit she should work for TCD and we should pay like other communities do to have TCD do our stuff. In his opinion Ms. Lehl, being a City employee, should not be farmed out to somebody else.

Mayor Gonzales explained this is the first step in what could be a really good partnership. He encouraged Council if they want to see changes in the MOU, to transmit them to Mr. Kuckkahn and Ms. Lehl who will then take to Twin Cities Development to be brought forward at a future meeting.

Mr. Rick Deeds, Park Supervisor came forward to proudly inform Council of the City being the recipient of its 32nd Tree City USA Award. Mr. Deeds thanked Council for their support and concern regarding community forestry. He explained the four standards needed to get the Tree City USA Designation and informed Council that staff spent 12,368 hours on tree forestry and maintenance detail. Last year they also picked up 197 trees during the Christmas Tree Recycling program and the City has continued the tree rebate program.

Mr. Dan Marshall, Parks Advisory Board member, came forward and thanked the parks staff for the hard work they do to keep the tree canopy in the City. He added the tree rebate is a great program that helps the residents of the City.

Ms. Starr Lehl, Economic Development Director, approached Council regarding the East Overland Façade Improvement Program Applications. Ms. Lehl explained they received nine

applications for a total of \$108,810. She added there are other applications, amounting to approximately \$15,000, that need to be submitted and because of this the Community Redevelopment Authority has extended the deadline to October 2nd for those property owners to turn in bids.

Council Member Shaver was concerned a couple applications were supplements for hail damage, asking how the City fits in when insurance is paying for part of it; shouldn't that be their deductible and not the City's. Ms. Lehl answered there were a couple of roof replacements included in the applications for older roofs that were not covered by insurance. Council Member Schaub made a motion, seconded by Council Member McKerrigan to approve the East Overland Façade Improvement Program Applications, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Regarding the item to discuss and consider action on 23 Club funding, City Manager Kuckkahn explained the City has been waiting for a response on the \$200,000 State Grant Tribal approval. However, the contractor, Paul Reed, has stated they need to get started, as it is getting late in the season and because of this, has given the City three weeks to get the project under construction. Mr. Kuckkahn then asked Council if they want to use part of their discretionary funding of \$500,000 to put toward the grant amount of \$200,000 to get the project started, reminding them that we would probably sacrifice the grant in its entirety by starting the construction.

Council Member Schaub commented his concern is rebidding the project if they wait too long; also being able to get 23 Club operational by May for next year's season. His recommendation is to have the Mayor sign off on the current contracts, provide the additional \$200,000 and get the project started.

Mr. Geoff Nemnich, 23 Club President, explained certain parts of the bid can be taken out. Paul Reed can be awarded the first initial part of the bid for roughly \$400,000 which includes demo and concrete work. His assumption is if you don't award the entire bid, what is left would be eligible for the grant; whatever you award is not reimbursable.

Council Member Green asked if 23 Club used their own money for the demo part of the grant, would we still be eligible to qualify for the grant. Mr. Kuckkahn reiterated the way the grant is structured; he does not want Council to think the grant will be awarded if we start construction now. He is not sure how the grantor would view 23 Club using their own money to start the project.

Council Member Shaver stated his biggest problem is we are spending all this money on it and we can spend another \$200,000 on it, but we couldn't spend any money from keeping the bills from going up for the citizens. It sets a bad message for him. He is okay with moving forward, but he is not okay with using the \$200,000.

Mr. Nemnich added he feels it could be a situation where he could raise enough money to offset the grant and does not think it is completely off the table. If it is however, he can work toward solidifying more donations to get phase 2 going. He also commented he will receive the checks from the donors to be put in the 501(c)(3) account at Oregon Trail Community Foundation and if they come up short they will not award some of the alternates and just do the base bid of around one million dollars.

Mr. Jack Baker, with Baker and Associates, came forward and explained by signing the contract the City is just authorizing the base bid; the contractor knows this and will not do the alternates until the additional funding is there and has the authority to do so.

Council Member Schaub made a motion, seconded by Council Member Green to authorize the Mayor to sign the 23 Club contract to get the project started, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

There were no Council Reports brought forward for discussion. Council Member Schaub made

the motion, seconded by Council Member Green to adjourn the meeting at 7:21 p.m., “YEAS,” Shaver, Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”