

# **City of Scottsbluff, Nebraska**

**Monday, October 19, 2020**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the October 5, 2020 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on October 5, 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 October 2, 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 October 2, 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, 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.

Council Member Shaver asked that items 7c; Council to approve 23 Club funding of \$200,000 from the discretionary money due to not receiving the Nebraska Game and Parks Grant and 7e; Council to approve the bid specifications for the installation of a fabric building over the concrete pad located at the Compost facility at the old landfill for the City of Scottsbluff be removed from the consent calendar and restored on the regular agenda for discussion.

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

- a) The minutes of the September 21, 2020 Regular Meeting be approved.
- b) The minutes of the September 28, 2020 Special Meeting be approved.
- d) A public hearing be set for October 19, 2020 at 6:00 p.m. to receive a report from the LB840 Citizen Review Committee, "YEAS," McKerrigan, Green, Schaub, and Gonzales. "NAYS," Shaver. Absent: None.

Regarding item 7c, approving 23 Club funding of \$200,000 from the discretionary money due to not receiving the Nebraska Game and Parks Grant, Council Member Shaver stated he was kind of wondering why this was trying to be slipped in under the consent calendar when we specifically said we did not want to do this when the 23 Club asked. He added we started early so that we could keep the bids that were there and they said that they were fine if we lost the bid they would just make adjustments or do fund raising. Now all of a sudden it is coming out of our money and he is trying to figure out why it snuck in here under the consent calendar instead of a regular item.

Mayor Gonzales answered, stating, at the special meeting a week ago there was a lengthy discussion from Council about shoring that up so we can get that going. Council Member Shaver replied that was not on the agenda for the meeting. Mayor Gonzales stated it was to be discussed, the approval of that. It was not so much approving the \$200,000, as discussion through the Council that they were agreeable to doing that, if that is what it came to.

Council Member Green said the minutes do not state that, they state Council talked about it, but added it was discussed putting the “cart before the horse” and what projects were going to be termed and what projects they were going to proceed with.

Council Member Schaub added, saying, he thinks there was also discussion about this back in the budget sessions as well.

Council Member Shaver then commented, when we had the \$200,000 from the grant; we didn’t have to worry about that.

Mayor Gonzales replied, stating, part of that grant, at the meeting we discussed that the State came back and said the grant is not going to happen this year. The earliest would be January 2021 and if you start construction before then you would forgo the grant.

Council Member Shaver replied that is new news, they were told they were waiting to hear back, now all of a sudden we heard?

Mayor Gonzales explained City Manager Kuckkahn sent an email out stating that very thing. Council Member Shaver stated he did not see anything and there was nothing ever mentioned in here.

Mayor Gonzales then added, in an effort to keep moving this project forward, it is just taking the \$200,000 and putting it there. Council Member Shaver replied, when Geoff Nemnich was here we specifically talked about it. He said we (23 Club) can cut back, we can do extra fundraising; the City won’t be responsible for that and we approved it based on that and now all of a sudden there is \$200,000 coming out for no reason honestly, because they chose to start early.

Council Member Schaub commented we all chose to start early. Council Member Shaver replied, they said they would be fine if they lost the \$200,000 to start early. Council Member Schaub then added that \$12,655 they (23 Club) stated they are going to raise. Council Member Shaver commented that is not the \$200,000 we lost on the thing. Council Member Schaub added that \$200,000, we talked about that quite some time ago because of this \$500,000. He then asked Council if he was mistaken.

Council Member Green added, at the last meeting, it was even stated it was news to Geoff Nemnich and it was news to him too. Council Member Shaver agreed it was news to him too and at the last regular meeting he was at, they discussed it quite clearly, it was not part of the deal.

Council Member Schaub replied no, they talked about it at budget session as well, funding them another \$250,000 for the second phase, but if we lost the grant for phase 1 then we would have to roll it over into phase 1, that was discussed in budget sessions as well.

Council Member Shaver stated he remembered that we talked about phase 2 and it was, how about we get phase 1 done first, but there was nothing about rolling it back into phase 1.

Council Member Schaub replied in order to get phase 1 done now, that we have made the decision to authorize bids and break ground. We are going to lose this \$200,000 from the Game and Parks and with losing that \$200,000 this is where we need to bring in that \$250,000, so we can get phase 1 going.

Council Member Shaver explained the discussion we had at the last meeting, when Geoff was here, we talked about it and we said okay, but we will lose that \$200,000 if we start. He said, I understand that, but the reason we started was because we were going to lose the bid. It turns out we didn’t get to keep the bids anyway, we still have a change order in there and that is what the special meeting was about, the change order. It wasn’t about this \$200,000 or anything else and this \$200,000 Geoff said, if we do lose that we can always scale back this part, and stay in that same area. We do not need that money, we need to get going. So that is why we did it.

Council Member Schaub replied that was for the \$12,655. Mayor Gonzales said they did scale back some of their items on the initial bid. Council Member Shaver stated the initial bid that included that \$200,000; when we approved it at the last meeting, not the special meeting, but the regular meeting, we stated we were going to lose that \$200,000 if we did it. They (23 Club) said we need to get going or we are going to lose the bids and we said okay fine we’ll do that, but not the \$200,000 and Geoff said he understood that, they could scale back so they would not need the \$200,000. That is what happened at the

meeting, stating he was there and he has the audio if they would like to hear it. He added at the special meeting was to do the change orders that were brought forward, that is all that meeting was about, was the change orders which were not discussed at the meeting before because we were assured by Jack Baker that the bids would stay where they were and we would be okay if they went ahead now. That is why we rushed it, because then the bids would stay intact. The bids didn't stay intact and now they want another \$200,000.

Mayor Gonzales asked what was the original start date had the grant come through. Public Works Director Mark Bohl came forward and answered mid-July.

Council Member Shaver commented the grant is what was holding us up. Mayor Gonzales added in that time frame the price of materials has inched up a bit. Council Member Shaver stated he gets it. That is what the special meeting was about. In any case we have been going to discuss what we are going to do with the money this whole time and we have never had that discussion and now all of a sudden, let's just throw \$200,000 at this out of the blue. There are a lot of other projects that need done worse than everything that is on this wish list. Council Member Schaub asked Council Member Shaver if he just wants to shut down 23 Club. Council Member Shaver replied no, he is willing to do the project without this \$200,000 like Geoff agreed to when they approved it. That is what they agreed to do at the last meeting. Council Member Schaub replied this \$200,000 will shut down the project. Council Member Shaver stated no it won't. According to Geoff and Jack Baker it wouldn't; there were scalable things in there that they could drop. Council Member Green added that is included in the minutes of the special meeting.

Mayor Gonzales explained the \$200,000 does not have to be provided at this particular time, they can launch the project; we have signed the agreements to move it forward, but we have stood ready to help if needed. In the second phase we talked about the \$250,000 might be needed to do the second phase that we would be discussing that, there was some favorable response from the Council to provide phase 2. When the grant fell through the money became available and his opinion is if you need funds from what you could have provided for phase 2 we can use those for phase 1 if you need them. He added he had a conversation with Mr. Nemnich and told him if we do this, there will be no funds available for phase 2. You will be using them all on phase 1.

Council Member Shaver commented at the meeting, we had the discussion if you do this and you lose the grant, there will be no \$200,000. He said he understood that, which was two weeks ago. Now all of a sudden the \$200,000 is necessary, no. Mayor Gonzales informed Council Member Shaver his comments are noted.

Council Member Green then added, on 13b we are talking about what to do with other projects; this seems more appropriate to put in the agenda under 13b or 13c rather than having it snuck in on consent calendar hoping it just goes through. He does not know if it was from staff trying to sneak it by; he does not know how this got put in that section.

Council Member Schaub moved to approve 7c for \$200,000 for 23 Club. This was seconded by Mayor Gonzales. During discussion Council Members Green and Shaver stated they wished this could have been talked about when they talked about all the funding for the discretionary money. "YEAS," Gonzales, Schaub, and McKerrigan. "NAYS," Shaver and Green. Absent: None.

Regarding item 7e, Council to approve the bid specifications for the installation of a fabric building over the concrete pad located at the Compost facility, Council Member Shaver asked why the bid specs were not included in the packet. City Clerk Wright answered because they are too big, causing the software to slow down and not be opened. Council Member Schaub made a motion, seconded by Council Member McKerrigan to approve the bid specification for the installation of a fabric building over the concrete pad located at the Compost Facility at the old landfill for the City of Scottsbluff and authorize the city clerk to advertise for bids to be received until 2:00 p.m. on October 28<sup>th</sup>, "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

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 October 5, 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

26 GROUP, LLC,TIF 9-30-20,5647.95; ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,96.64; ADVANCE AUTO PARTS,SEAT COVERS FOR UNIT #801,126.05; AGUALLO, PAUL,UNIFORMS & CLOTHING,100.58; AIR EVAC EMS, INC,FY2021 ANNUAL MEMBERHSIP,9120; AIRPORT DEVELOPMENT,LLC,9-30-20 TIF,8381.31; AMAZON.COM HEADQUARTERS,Misc.,2679.53; ANTHONY HARRIS,CLOTHING & UNIFORMS,438.72; ARROWHEAD SCIENTIFIC,INVEST SUPPL-PD,70.69; ASSURITY LIFE INSURANCE CO,LIFE INS,32.95; B & H INVESTMENTS, INC,DEP. SUP. - LIBRARY,225.5; BARCO MUNICIPAL PRODUCTS INC,TRAFFIC CONTROL SUPP - TYPE III BARRICADES,11278.28; BEEHIVE INDUSTRIES,LLC,CONTRACTUAL,25300; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,768.86; BLR,FY20-21 FAIR LABOR STANDARDS HANDBOOK,536.99; BLUFFS FACILITY SOLUTIONS,JAN. SUP,291.11; BRODERICK, MATTHEW,SCHOOLS & CONF-PD,255; CAMPBELL STEWART,BKS.,39.79; CAPITAL BUSINESS SYSTEMS INC.,SERVICE CONTRACT ON PRINTER,22.8; CARR- TRUMBULL LUMBER CO, INC.,XXL TYVEK COVERALLS,285.69; CELLCO PARTNERSHIP,CELL PHONES-PD,1562.79; CHRIS BRANNAN,CLOTHING & UNIFORMS,275.05; CITIBANK N.A.,DEPT SUPP GIS,1832.92; CITIBANK, N.A.,FIREARMS RANGE-PD,149.08; CITY OF SCB,PETTY CASH ADM,5.52; CONTRACTORS MATERIALS INC.,DELINEATORS, CONES, SIGN STANDS,1822.18; CORE & MAIN LP,METERS,227.46; CREATIVE SITES LLC,KENO STRUCTURE,7615; CROELL INC,DEPT SUP,362.96; CYNTHIA GREEN,DEPT SUPP ED,260.9; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,169.47; DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,800; DYNA-TECH ELECTRIC INC,BLDG MAINT-PD,445; ELLIOTT EQUIPMENT COMPANY INC.,NEW CANS BLUE X150, GREEN X90,25585; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135;ENFORCEMENTVIDEO,LLC,CIPPOPATROLCARSPD,5870;ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC,ENTERPRISE AGREEMENT FEE,15000; FARMERS STATE BANK,TIF 9-30-20,94653.99; FASTENAL COMPANY,BLDG MAINT REC,16.68; FEDERAL EXPRESS CORPORATION,POSTAGE,751.26; FLOYD'S TRUCK CENTER SCOTTSBLUFF,FREIGHTLINER 2020 RAPID RAIL TRUCK,180547.01; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,830; FRANK IMPLEMENT CO,PARKS 548- CARB KIT,29.51;FYRTEKINC,ANNUALPUMPTESTING,1118.75;GAMETIME,KENOSTRUCTURE,25751.18; GATCH RICK,UNIFORMS & CLOTHING,400; GENERAL ELECTRIC CAPITAL CORPORATION,VACUUM FOR OFFICE,228.98; GRAINGER,DEPT SUPPL-PD,31.75; HAWKINS, INC.,CHEMICALS,3523; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,811.01; HONEYWAGONEXPRESS,CONTRACTUALPARK,450;HYDRONICWATERMANAGEMENT,BLD G. MAIN.,425; HYDROTEX PARTNERS, LTD,ES STOCK- POWER KLEEN,741.3; IDEAL LAUNDRY AND CLEANERS, INC.,SHOP TOWELS, RUGS & MOPS,513.03; INDEPENDENT PLUMBING AND HEATING, INC,REPAIR OFFICE AIR CONDITIONER,256.71; INGRAM

LIBRARYSERVICESINC,BKS,2232.13;INTERNALREVENUESERVICE,WITHHOLDINGS,59163.09; INTRALINKS, INC,DATTO SIRIS - SEPT 2020 ADMIN & PD & WATER,2656.59; JOHN DEERE FINANCIAL,FUEL TANK & PUMP HANDLE FOR UNIT #801,1758.67; JOHN DEERE FINANCIAL,UNIFORMS&CLOTHING,158.98;JOHNDEEREFINANCIAL,EQUIPMAINTPARK,2401.26; KELI BREHM,REFUND CONSTRUCTION DUMPSTER RENTAL X2,121.8; KIESLER POLICE SUPPLY INC,FIREARMS SUPPL-PD,2024; KNOW HOW LLC,DEF FOR FLEET,379.65; KRIZ DAVIS,ELECTRICAL MAINT,465.72; LAWSON PRODUCTS, INC,CENTRAL GARAGE-MISC PARTS,111.28; M.C. SCHAFF & ASSOCIATES, INC,CONTRACTUAL SERVICE,4712.5; MACQUEENEQUIPMENTINC,EQUIPMAINT,59.59;MADISONNATIONALLIFE,INSURANCE,2434.46; MATHESON TRI-GAS INC,DEPT SUPP PARK,140.13; MENARDS, INC,DEPT SUP CEM,547.28; MODEC MIKE,SCHOOLS & CONF-PD,255; NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS, INC,SCHOOLS & CONF-PD,890; NAT'L LEAGUE OF CITIES,FY20-21 DUES,1563; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,972.1; NEBRASKA MACHINERY CO,BLDG MAINT-PD,1202; NEBRASKA MUNICIPAL CLERKS' ASSOCIATION,FY20-21 MEMBERSHIP DUES - CHRIS BURBACH,90; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,26558.31; NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,EQUIP MAIN,568; NETWORKFLEET, INC,GPS SERVICE,305.23; NORTHWEST PIPE FITTINGS,INC.OFSCOTTSBLUFF,GROUNDMAINTPARK,40.71;NSAPOANCONFERENCE,SCHOOLS & CONF-PD,190; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT SRVCS.,378.16; OREGON TRAIL COMMUNITY FOUNDATION, INC,2020 OLD WEST BALLON FEST SUPPORT,9676.48; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT PARK,190; ORIGINAL EQUIPMENT CORPORATION,ECON DEV AGMT,750000; PANHANDLE AREA DEVELOPMENT DISTRICT,2020/2021 PADD MEMBERSHIP,11656.6; PANHANDLE CONCRETE PRODUCTS, INC,DEPT SUP,754; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,253; PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5278.08; PEACEFUL PRAIRIE NURSERY, INC,KENO DEPT SUPP,4907.76; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,17876.11; PRAIRIE PINE QUILT SHOP,DEP SUP.,11.78; PRO OVERHEAD DOOR,BUILDING MAINT,1075.69; QUADIENT INC,POSTAGE,1000; QUILL CORPORATION,INVEST SUPPL-PD,218.77; RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,776.85; REGANIS AUTO CENTER, INC,EAST OVERLAND GRANT PROGRAM,4250; REGIONAL CARE INC,HEALTH INS. PREMIUM - OCTOBER 2020,91762.24; REGIONAL WEST PHYSICIANS CLINIC,CONSULTING-PD,93.75; REVERANCE FUNERAL PARLOR, LLC,ED AGMT,50000; RICHARD CELLI,BLADE/ENCLOSURE FOR UTV,4971.44; RIGHT BRAIN UNLIMITED,DEPTSUPPPARK,489.7;RIVERSIDEZOOLOGICALFOUNDATION,CONTRACTUAL,75000; ROBERTA J BOYD,REIMB.,105; RODNEY HORST,CLOTHING & UNIFORMS,294.74; ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER,2965.34; ROSE DREW, INC,DEP. SUP.,883.61; RURAL HEALTH DEVELOPMENT, INC.,ECON DEV,6383.33; S M E C,EMPLOYEE DEDUCTION,129.5; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,479.99; SCHANK HOLDINGS INC,ROOF,3924; SCOTTS BLUFF COUNTY,2020-2021 COMMUNICATIONS INTER-LOCAL AGREEMENT,82418; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1053;SHERWIN WILLIAMS,YELLOW,WHITELATEXPAIN,PAINTBEADS,2921.03;SIMONCONTRACTORS,CONCRETE FOR STREET REPAIR,5267.69; STANARD & ASSOCIATES INC.,PD TESTING,575;

STATE HEALTH LAB,SAMPLES,1214; STATE OF NE.,CONTRACTUAL-PD,1050; STERKEL GARRETT,CLOTHING & UNIFORMS,451.5; SUBWAY 6906,RECRUITMENT,35.7; THE PEAVEY CORP,INVEST SUPPL-PD,476.5; UNION BANK & TRUST,RETIREMENT,36789.99; UNITED STATES WELDING,CO2 TANK RENTALS,44.41; US BANK,CREATIVE CLOUD APP - J.DIEDRICH,4005.16; WAKEFIELD & ASSOCIATES INC,WAGE ATTACHMENT,144.96; WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,7550.7;WESTERN COOPERATIVE COMPANY,EQUIP MAINT PARK,71.12; WHITING SIGNS,CIP-PO-PATROL CARS-PD,1400; WINTER EQUIPMENT COMPANY, INC,TRANS STOCK- PLOW PARTS,3122.93; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; WYOMING FIRST AID & SAFETY SUPPLY, LLC,FIRST AID KIT SUPPLIES,180.73; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,765; ZAMARRIPA, TOM,UNIFORMS & CLOTHING,400; ZM LUMBER INC,BUILD MAINT PARK,341.21; REFUNDS; JAMES MOORE, 1347.78, FRANK ENTERPRISES INC., 29.32.

Mayor Gonzales opened the public hearing at 6:15 p.m. to consider the One and Six Year Street Improvement Plan. Mr. Mark Bohl, Public Works Director approached Council and explained there is one project in the one year plan and that is Avenue B from West Overland to Highway 26. The funding for this comes from the \$2,000,000 that Council allowed the Street Department to complete the project, which will consist of mill and overlay. The rest of the projects are in the six year plan; quite a few are private developers who build the infrastructure and then turn it over to the City.

Council Member Schaub asked if there was any room for stormwater or water/sewer lines in this project. Mr. Bohl stated not with the mill and overlay. They are only going to go down two or three inches, but they will take out bad sections of curb, gutter and drainage.

There were no comments from the public. Mayor Gonzales closed the public hearing at 6:19 p.m.

Mayor Gonzales and City Council recognized Ms. Jana Kehn for her retirement from the Lied Scottsbluff Public Library. Mayor Gonzales along with Council thanked Ms. Kehn for her over 17 years of serving the patrons at the Library, emphasizing she has had a huge impact in this community. Her involvement with the reading programs and helping people in and out daily speaks volumes for her service and commitment. Ms. Kehn was given a Certificate of Retirement from the City Council thanking her for her service to the City of Scottsbluff.

Ms. Susan Wiedeman with Panhandle Cooperative Association approached Council for a Special Designated Liquor License for the West Nebraska Arts Center for their Boos and Brews event on October 30<sup>th</sup> from 4:00 to 10:00 p.m. Ms. Wiedeman explained they have catered this event in the past serving beer; this year will also include margaritas. Council Member Shaver stated in the past the Arts Center has received the Special Designated Liquor License, what makes this one different? Ms. Wiedeman explained, as a nonprofit, the Arts Center is only allowed so many licenses per year; once they surpass the number they come to them because they have a caterer's license.

Mr. Brian Wasson, Captain with the Police Department, came forward commenting he has no concerns with this event.

Council Member Shaver moved, seconded by Council Member Schaub to approve the Special Designated Liquor License for Panhandle Cooperative Association to serve beer, wine & distilled spirits at the West Nebraska Arts Center for a tasting/fundraiser on October 30, 2020 from 4:00-10:00 p.m., "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Mayor Gonzales read the Proclamation recognizing September 24, 2020 as Arbor Day in the City of Scottsbluff.

Before reading the Proclamation recognizing October 4-10 as Fire Prevention Week in the City of Scottsbluff, Mr. Anthony Murphy, Fire Prevention Officer came forward commenting this has definitely been a different year and when they can, they are doing different events to promote fire safety, such as providing handouts to area grocers and raising awareness via social media. Fire Chief Tom Schingle also commented they have scheduled trips to different schools to provide education, in addition to doing safety surveys.

Mayor Gonzales then read the Proclamation recognizing October 4-10 as Fire Prevention Week in the City of Scottsbluff.

Ms. Roberta Boyd, Co-Interim Director of the Library, approached Council regarding the bids from Morford's Decorating Center, Inc. and Burke Moving & Storage for carpet replacement and book/shelf moving at the Library. Ms. Boyd explained to move and pack the books will amount to 48-52 tons; shelving to around 19.5 tons. She added these are the only bids they have received and both companies are willing to work together to get this done.

Council Member Shaver asked when the carpet was last done. Ms. Boyd answered the carpet was replaced in the remodel. The remodel was dedicated in June and by April of 2016 large numbers of squares were coming up and curling on the edges, creating tripping hazards. She added the Milliken carpet tech concurred with local opinion that the installation was not done correctly and the concrete was not sealed prior to the remodel; eventually they would have to do something to fix it.

Council Member Schaub asked if they were approving option 1 or 2. City Manager Kuckkahn stated option 2, the higher grade carpet. Council Member McKerrigan moved, seconded by Council Member Schaub to approve the bids (option 2-\$79,235) from Morford's Decorating Center and Burke Moving & Storage (est. \$51,910) for carpet replacement and book/shelf moving at the Library, "YEAS," McKerrigan, Green, Schaub, and Gonzales. "NAYS," Shaver. Absent: None

Regarding the Resolution authorizing the signing of the Annual Certification of Program compliance to Nebraska Board of Public Roads Classifications and Standards 2020, Mr. Bohl explained this formalizes the One & Six year Street Plan, plus the State reports, plus all the reporting that we do.

Council Member Shaver made a motion, seconded by Council Member Schaub to approve Resolution 20-10-01 approving the signing of the Annual Certification of Program Compliance to Nebraska Board of Public Roads Classifications and Standards 2020, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.



Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted.  
Failure to return both pages of the original document by the filing deadline (October 31) may result in the suspension of  
Highway Allocation funds until the documents are filed.

## RESOLUTION

### SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2020

Resolution No. 20-10-01

**Whereas:** State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2),  
requires an annual certification of program compliance to the Nebraska Board of Public Roads  
Classifications and Standards; and

**Whereas:** State of Nebraska Statute, section 39-2120 also requires that the annual certification of program  
compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall  
include a copy of a resolution of the governing body of the municipality authorizing the signing of the  
certification form.

**Be it resolved** that the Mayor ☒ Village Board Chairperson ☐ of Scottsbluff  
(Check one box) (Print name of municipality)  
is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

Adopted this 5th day of October, 2020 at Scottsbluff Nebraska.  
(Month)

City Council/Village Board Members

<u>Raymond Gonzales</u>	<u>Jeanne McKerrigan</u>
<u>Scott Shaver</u>	<u>Nathan Green</u>
<u>Terry Schaub</u>	

City Council/Village Board Member Shaver  
Moved the adoption of said resolution  
Member Schaub Seconded the Motion  
Roll Call: 5 Yes 0 No 0 Abstained 0 Absent  
Resolution adopted, signed and billed as adopted.

Attest:

\_\_\_\_\_  
(Signature of Clerk)

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City Manager Kuckkahn presented the settlement Agreement between Scotts Bluff County, Allo Communications, and the Cities of Scottsbluff and Gering for wrongfully remitted franchise fee payments to Council. Mr. Kuckkahn explained this has been going on for quite a long time and he would like to thank Charlie Knapper, Scotts Bluff County Commissioner for bringing everyone together to work on the problem. The agreement is for five years and Scottsbluff will be repaid the entire amount of approximately \$318,000. Allo, in addition is contributing \$25,000 towards the settlement. Staff is recommending approval.

County Commissioner Knapper approached Council and commented the City should receive a payment the first part of November. He added the main point is when Allo provided the detailed account of what happened, explaining a mistake was made when Scottsbluff was made as two words instead of one word with the fees going to the wrong entity.

Council Member Schaub made a motion to approve the Agreement between Scotts Bluff County, Allo Communications, and the Cities of Scottsbluff and Gering for wrongfully remitted franchise fee payments and authorize the Mayor to sign the Agreement. This was seconded by Council Member Green, "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

Mr. Kuckkahn started discussion concerning items of a splash pad, dog park, and bicycle rodeo that were included on the Council project list. Mr. Kuckkahn stated Council is going to be looking at a number of different projects for the \$300,000 that is left. Regarding the items, the splash pad cost is approximately \$80,000-\$100,000; Dog Park, approximately \$39,000; and bicycle rodeo, located at Veteran's Park, approximately \$94,000.

Council Member McKerrigan asked if a location of the dog park had been finalized. Mr. Kuckkahn stated that is up to Council to where they feel the best location would be.

Council Member Shaver asked if Mr. Kuckkahn looked into signs and what it would cost to do advertising with what is going on in the community. Mr. Kuckkahn stated he has not. Council Member Shaver then asked about sidewalks connecting the Pathway to Terry Carpenter Park and WalMart. Mr. Kuckkahn stated he does have an estimated sidewalk installation cost he can provide. Mr. Shaver added that would be a bigger all around community benefit by finishing off things, so that you can actually tie in to other things.

Council Member Green asked if there were other places besides recreation that the money could be spent to do our community better. Council Member Shaver replied they could put some towards the

Platte Alliance Water Supply (PAWS). He further explained PAWS did not get the grant they had applied for, amounting to approximately \$140,000.

With the different requests brought forward, Mr. Kuckkahn asked Council to forward any ideas to him, stating the earlier it is decided the better chance it is to get done this budget year.

Council Member Schaub then added he would like to start working on these particular items now; commenting there will be new Council Members seated in December and they may have totally different directives.

Mayor Gonzales stated for him, the priority project would be a dog park; His comment brought favorable responses from Council. Council Member Shaver added, for him, putting in another splash pad would not be a good thing anyway; we already have two now.

Council Member McKerrigan asked, regarding the Pathway project, if they were going to do any signage or green space. Mr. Kuckkahn stated there had been talk about having a refresher station, but signage has not been brought up as of yet.

After discussion, City Manager Kuckkahn stated he will get a list put together for discussion, which will give Council a more complete idea of what options are to be considered at the next meeting.

Under Council Reports, Council Member Shaver explained PAWS did not get the grant for acquiring the water rights, he added they need to have a meeting with the other PAWS cities to discuss how they are going to fund it. Mr. Kuckkahn stated he will look into this to see if he can use some of the money and will bring a report back to the next meeting. Council Member Schaub added he attended a Region 22 Emergency Management meeting. At the meeting they went over progress a report with COVID and discussed the West Nebraska Engine Academy Training. He also wanted to acknowledge D.J. Glenn with the Fire Department. Mr. Glenn taught classes at the EMS conventions and he represented the City of Scottsbluff very well.

Council Member Schaub moved, seconded by Council Member McKerrigan to adjourn the meeting at 7:02 p.m., “YEAS,” Schaub, McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: None.

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Mayor

Attest:

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City Clerk  
“SEAL”