

# **City of Scottsbluff, Nebraska**

**Monday, November 16, 2020**

**Regular Meeting**

## **Item Consent1**

**Council to approve the minutes of the November 2, 2020 Regular Meeting.**

**Staff Contact: City Council**

The Scottsbluff City Council met in a regular meeting on November 2, 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 30, 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 30, 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. Terry Schaub participated via teleconference. Council Member Schaub was able to participate via teleconference due to Executive Order No. 20-34 Coronavirus-Public Meetings Requirement Limited Waiver Order for Alternative Participation for Elected Officials issued by Governor Ricketts; answering yes to City Clerk Wright's question if he had been ordered to quarantine and isolate by the local public health agency due to exposure of COVID-19. Also present were City Attorney Kent Hadenfeldt and 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 8b; Council to approve the appointments of Stephanie Gochoel and Josie Olenick to the Library Board for five year terms and 8c; Council to approve the appointments of Michele Denton and Priscilla Bailey to the Business Improvement District Board for three year terms be removed from the consent calendar and restored on the regular agenda for discussion.

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

- a) The minutes of the October 19, 2020 Regular Meeting be approved.
- d) A public hearing be set for November 16, 2020 at 6:00 p.m. for the purpose of reviewing and obtaining comment on Redevelopment Plan for the City of Scottsbluff Façade Improvement Grant Program.
- e) A public hearing be set for November 16, 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, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Regarding item 8b, Council to approve the appointment of Stephanie Gochoel and Josie Olenick to the Library Board for five year terms, Council Member Shaver asked what the reason to appointing them to the board would be. Ms. Deb Carlson, Interim Director of the Library, approached Council and explained they had a member resign and the other member, whose term was up, chose not to continue on the board. She added both Ms. Gochoel and Ms. Olenick expressed interest in the position and wrote

letters that were included in the Council packet for review. Council Member Green moved, seconded by Council Member Shaver, to approve the appointments of Stephanie Gochoel and Josie Olenick to the Library Board for five year terms, "YEAS," Green, Schaub, Shaver, Gonzales, and McKerrigan. "NAYS," None. Absent: None.

Council Member Shaver asked, regarding item 8c, approving the appointments of Michele Denton and Priscilla Bailey to the Business Improvement District Board for three year terms, what the qualifications were to be on the Business Improvement District Board. Mr. Neal Blomenkamp, Chairman of the Business Improvement District Board, came forward and explained they have had one empty seat for some time and another member has resigned. He added both ladies come from Scottsbluff businesses in the district, (West Nebraska Arts Center and B1 Studio) and are very involved in the community. He added to be on the board, a member must either own a business or be a tenant of one of the buildings from Broadway a block and a half each way from 20<sup>th</sup> Street down to Beltline.

Council Member Green made a motion, seconded by Council Member McKerrigan to approve the appointments of Michele Denton and Priscilla Bailey to the Business Improvement District Board for three year terms, "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. 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 November 2, 2020, as on file with the City Clerk and submitted to the City Council, "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

#### CLAIMS

ACCELERATED RECEIVABLES SOLUTIONS,WAGE ATTACHMENT,104.09; ADVANCE AUTO PARTS,TRANS#436-OILANDAIR FILTER,31.44; AMAZON.COM HEADQUARTERS,SAMSUNG CASES & HOLDERS,1670.37; BLACK HILLS GAS DISTRIBUTION LLC,MONTHLY ENERGY BILL,930.88; BLUFFS FACILITY SOLUTIONS,CENTRAL GARAGE- HAND CLEANER,139.29; CAPITAL BUSINESS SYSTEMS INC.,PRINTER/COPIER CHARGES,22.8; CARR- TRUMBULL LUMBER CO, INC.,N95 RESPIRATOR MASKS, HOSE CONNECTOR,293.78;CELLCO PARTNERSHIP,CELL PHONES-PD,1501.86;CENTER FOR EDUCATION & EMPLOYMENT LAW,SCHOOLS & CONF-PD,254.95; CITIBANK N.A.,DEPT SUPP REC,982.29; CITIBANK, N.A.,SUPP - FILTERS,39.49; CLARK PRINTING LLC,DEPT SUPPLIES,92.16;COLE TOOL DISTRIBUTORSLLC,CENTRAL GARAGE- PARTS TRAY,59.98; CONTRACTORS MATERIALS INC.,GROUND MAINT PARK,250.68; CROELL INC,DEPT SUP,178.16; CYNTHIA GREEN,DEP. SUP.,205.45;DALE'STIRE&RETREADING, INC.,VEHICLE MAINT,20;DASSTATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,130.77; DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,800; ENERGY LABORATORIES, INC DEPT 6250,SAMPLES,135; ENVIRONMENTALRESOURCEASSOCIATES,CONTRACTUALSVC,161.95;FASTENALCOMPANY,SUPP-CONCRETEFASTENERS,132.69;FEDERAL EXPRESS CORPORATION,POSTAGE,204.35; FLOYD'S TRUCK CENTER SCOTTSBLUFF,ES #820- VALVE DASH,222.33;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1100;GENERAL ELECTRIC CAPITAL CORPORATION,MISC.,821.12; HAWKINS, INC.,CHEMICALS,5525; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,380.09;HULLINGER GLASS & LOCKS INC.,DEPT SUPP PARK,28.5; HYDRONIC WATER MANAGEMENT,EQUIP MAIN,425; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE- OIL AND HYD FLUID,3257.1; IDEAL LAUNDRY AND CLEANERS, INC.,UNIFORMS-PD,1784.85; IDEXX LABORATORIES, INC,DEPT SUP,167.9; INDEPENDENT

PLUMBING AND HEATING, INC,GROUND MAINT PARK,285.01;INGRAM LIBRARY SERVICES INC,Bks.,2623.32; INTERNAL REVENUE SERVICE,WITHHOLDINGS,64705.64; INTRALINKS, INC,COMPUTER,MONITORS, DOCK - PROJ.COORD,6866.39; JOHN DEERE FINANCIAL,DEPT SUPP STREET,285.94; JOHN DEERE FINANCIAL,CENTRAL GARAGE- WAYNE BOOTS,297.62; JOHN DEERE FINANCIAL,EQUIP MAINT CEM,49.85;KELLY KAVA,UNIFORMS-PD,192; KIRCHNER WILMA,TREE REBATE,101;KNOW HOW LLC,EQUIP MAINT PARK,345.04; LEAGUE ASSOCIATION OF RISK MANAGEMENT,EQUIPMENT INS. - SEWER CLEANING MACHINE,2879.29;MACQUEEN EQUIPMENT INC,EQUIP MAINT,386.04; MENARDS, INC,DEPT SUP,1013.63;NEBRASKA MACHINERY CO,CUTTING EDGES FOR MOTOR GRADER PW,1782.24; NEBRASKA PUBLIC POWER DISTRICT,ELECTRICITY,23148.25; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,1183.86;PAIGE'S POSIES,CONTRACTUAL,2700;PANHANDLEENVIRONMENTALSERVICESINC,CONTRACTUAL SVC,253;PANHANDLE HUMANE SOCIETY,CONTRACTUAL,5383.65;PATTLEN ENTERPRISE, INC,EQUIP MAINT PARK,561.85;PEDICORD SHIRLEY,TREE REBATE,146;PHILIPSEN KEN,#154 TREE REBATE,56; PLATTE VALLEY BANK,HEALTH SAVINGS ACCT,10676.5; POWERPLAN,WW #987- GASKET & MANIFOLD,923.55; PRAIRIE PINE QUILT SHOP,DEP. SUP.,81.11; QUILL CORPORATION,DEPT SUPPL-PD,294.62;REAMS SPRINKLER SUPPLY CO.,GROUND MAINT PARK,1007.93; REGIONAL CARE INC,CLAIMS,124246.58; ROCKSTEP SCOTTSBLUFF LLC,MAY - SEPT 2020 RBOT,43152.83;ROOSEVELT PUBLIC POWER DISTRICT,ELECTRIC POWER FOR WELL #11,2622.91; RURAL HEALTH DEVELOPMENT, INC.,ECON DEV,6383.33;RUSCH'S GENERAL CONTRACTING, LLC,REPLACE - WATER DAMAGED TILES - CITY HALL,1514; S M E C,SMEC,123.5; SCOTTSBLUFF MOTOR CO, INC,TRANS #436- CONTROL,209.05; SCOTTSBLUFF SENIOR CENTER,QUARTERLY PAYMENT10/1/20,5750;SHERIFF'SOFFICE,LEGALFEESPD,241.6;SIMONCONTRACTORS,CONC RETE FOR STREET REPAIR,1841.26; SNELL SERVICES INC.,GROUND MAINT PARK,3615.51; STAMPER SIDING & CONSTRUCTION,REPLACED BOTTOMS ON 13 CANS,2925; STANARD & ASSOCIATES INC.,POLICE OFFICER EXAMS,160;STATE HEALTH LAB,SAMPLES,727; STATE OF NE.,CONTRACTUAL-PD,1050; SUHOR INDUSTRIES, INC.,DEPT SUPP CEM,110; THE ABY MANUFACTURING GROUP, INC,UNIFORMS-PD,107.5;TORRINGTON SOD FARMS,GROUND MAINT PARK,1683; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,343.53;TRI-TECH FORENSICS INC.,INVEST SUPPL-PD,64;TWINCITYAUTO, INC,TRANS #430- REPLACED PCM,1272.9; TWIN CITY ROOFING & SHEETMETAL, INC,2019 HAIL DAMAGE REPAIR - PS BLDG,22328.89; TYLER TECHNOLOGIES, INC,UB FEE 11/1/20 - 11/30/20,348; UNION BANK & TRUST,RETIREMENT,36767.89; US BANK,PAYOFF LEASING CORP BONDS,742017.29; US BANK,EQUIP MAINT,3775.04; WAKEFIELD & ASSOCIATES INC,WAGE ATTACHMENT,144.96;WESTERN SURETY COMPANY,BOND - NATHAN GREEN,300; ZM LUMBER INC,GROUND MAINT PARK,41.53; REFUNDS; DIANA FLORES, 144.09; TERRY OWEN DAVIS, 12.05; CORENA JENSEN, 14.89; RUEBEN SCHAAF, 11.24.

Ms. Angela Scanlan, of the Downtown Scottsbluff Association and owner of Cappuccino and Company, approached Council regarding a Community Festival Permit for the Holiday Parade on Broadway, sponsored by the Downtown Scottsbluff Association, on November 29, 2020 from 5:00 to 8:00 p.m. Ms. Scanlan explained everything will be pretty much the same as last year, but this year because of COVID-19 they will be adhering to health district guidelines to keep everyone safe. In

addition they will look into offering a live stream of the parade via Facebook or by using other avenues. Council Member McKerrigan moved, seconded by Council Member Shaver to approve the Community Festival Permit for the Holiday Parade on Broadway sponsored by the Downtown Scottsbluff Association on November 29, 2020 from 5:00 to 8:00 p.m. including street closure, vendors and noise permit, “YEAS,” Gonzales, Green, McKerrigan, Shaver, and Schaub. “NAYS,” None. Absent: None.

Regarding the Community Festival Permit for the Robidoux Quick & Dirty Packet Pickup at the 18<sup>th</sup> Street Plaza, sponsored by the Nebraska Bicycling Club & the Oregon Trail Community Foundation on June 19, 2021 from 4:00 to 9:00 p.m. there was not a member present from either organization to answer questions from Council. After a brief discussion concerning the permit and vendors, Council Member McKerrigan made a motion, seconded by Mayor Gonzales. During Council discussion, Council Member Shaver explained he has a problem with not knowing specific details regarding the permit. Because of this, Council Member McKerrigan withdrew her motion and Mayor Gonzales withdrew his second. There being no objections to the withdrawal of the motion and second, Council Member Shaver then made a motion to table the Community Festival Permit for the Robidoux Quick & Dirty Packet Pickup at the 18<sup>th</sup> Street Plaza, sponsored by the Nebraska Bicycling Club & the Oregon Trail Community Foundation on June 19, 2021 until someone from one of the organizations could be present to answer Council questions. This was seconded by Council Member Green, “YEAS,” McKerrigan, Shaver, Green, Schaub, and Gonzales. “NAYS,” None. Absent: None.

Mr. Raul Aguallo, Past President of the Scottsbluff Kiwanis Club, approached Council regarding the Trails of Fun Playground located behind the Riverside Discovery Center. Mr. Aguallo expressed concern that the park, which was built in 2009 at the expense of \$250,000, is not getting the care it deserves. He added when the park was given to the City the understanding was that it would be landscaped with grass and sprinkler systems put in. He asked that Council use some of their discretionary money to help maintain the playground. He explained the Kiwanis organization does help three times a year with maintenance of park and also purchases the playground equipment. He feels the park deserves the same recognition as the other parks in the City. At the end of discussion, Mayor Gonzales asked City Manager Kuckkahn to set up a meeting with the Kiwanis organization to address the issue.

Council took a three minute break at 6:22 p.m. to address technical issues. Council reconvened at 6:25 p.m.

Council Member Schaub made a motion to remove from the table the bid specifications for one, new One-Ton Dump Truck Regular Cab 4X4, Duel Rear Wheels for Fairview Cemetery. This was seconded by Council Member McKerrigan, “YEAS,” Green, Schaub, Shaver, Gonzales, and McKerrigan. “NAYS,” None. Absent: None.

Mr. Kuckkahn explained there was a question about a CD player in the specifications of the Dump Truck for the Cemetery. He stated the CD player was a mistake in the specifications as there will be no CD player added. Mr. Kuckkahn further explained the current truck is twenty years old and wore out; this is just the bid specs, part of the bid will be the trade in value. Council Member Shaver made a motion to approve, with the removal of item #6 AM-FM radio/CD, from the bid specifications. This was seconded by Council Member McKerrigan, “YEAS,” Shaver, Gonzales, Schaub, McKerrigan, Green. “NAYS,” None. Absent: None.

Council Member Green made a motion to put the new, One-Ton Dump Truck Regular Cab 4X4, Duel Rear Wheels for Fairview Cemetery out for bid. This was seconded by Council Member Shaver, "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

Mr. Kuckkahn presented the bid for the fabric building over the concrete pad located at the compost facility, stating we received one bid from ClearSpan Fabric Structures International, Inc. for \$1,116,000. He explained this is a structure that we have been working on implementing for some time and it is a requirement that the area be covered. The fabric structure is an effort to save money, as a steel structure would cost more; the bid came in a little over the engineers estimate, but staff is recommending approval. Council Member Shaver asked how big the structure is. Mr. Dave Schaff with M.C. Schaff and Associates came forward and stated the structure is 155 X 400, commenting it is a huge structure, as it is the size of the entire concrete pad. He added the structure itself does have a 30 year warranty and he was assured by fabric manufacturers that hail or wind would not be a problem. The main reason for the cover is to keep stormwater off the concrete pad.

Council Member Green moved, seconded by Council Member McKerrigan to award the bid for the fabric building over the concrete pad located at the compost facility at the old landfill to ClearSpan Fabric Structures International, Inc. for \$1,116,000, "YEAS," Gonzales, Green, McKerrigan, Shaver, and Schaub. "NAYS," None. Absent: None.

Regarding implementing an Ordinance to erect roadside memorial signs, Mr. Kuckkahn explained the City has an Ordinance in place that allows signs in the right of way; an application would have to be completed with Council approval. Mr. Frank Wimberley approached Council and explained due to his father being struck by a car last year on May 4<sup>th</sup>, he would like to keep the public aware of distracted driving. He explained the State has a program where the family of a loved one who was killed on a State highway be able to apply for a roadside memorial sign, adding the sign represents a public program to let people know choices have consequences.

Council Member Shaver, after discussion, asked how the Ordinance is currently set up, does a person apply for the sign and then come to Council for approval? Mr. Kuckkahn answered yes, that is how it works.

Council thanked Mr. Wimberley for coming and bringing attention to the matter.

Mr. Kuckkahn presented the Continuum Employee Assistance Agreement explaining this Agreement is presented every three years. It involves the mental health of the employees when there is a problem, emotionally or otherwise, where they can go to an employee assistance program confidentially; it is a very successful program and staff is recommending approval.

During discussion, Legal Counsel Hadenfeldt explained the Agreement lists the City's old address and he would recommend the motion to approve updating the City's address to 2525 Circle Drive.

Council Member Green asked if there was anything in the Agreement that would be considered a bargaining or a benefit for future contracts or negotiations with Unions. Mr. Kuckkahn stated it is a benefit and is something that could be bargained for in the future. The use of this as a bargainable benefit is just like health insurance or anything else, the City historically has viewed it as a good thing to have to keep the emotional welfare of the workforce in good standing.

After discussion Council Member McKerrigan made a motion to approve the Continuum Employee Assistance Agreement and update the address of the City offices to 2525 Circle Drive in the Agreement. This was seconded by Council Member Green, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

Mr. Kuckkhan presented the East Overland Façade Improvement Program Applications, explaining the four applications received were vetted through the Community Redevelopment Authority (CRA) with the final total being \$15,629.50. He then added the new Facade Program will come before Council in the form of a public hearing at the next meeting and will encompass blighted and substandard areas City wide. Council Member Schaub moved, seconded by Council Member Green to approve the East Overland Façade Improvement Program Applications, “YEAS,” Green, Schaub, Shaver, Gonzales, and McKerrigan. “NAYS,” None. Absent: None.

Concerning the Platte Alliance Water Supply (PAWS) Project, Council Member Green came forward and explained to Council there was a meeting where area communities came together to express their participation in the project. During the meeting they laid out what was expected, making sure everyone was still on board to have a Regional Water Alliance. He went on to add they talked about a cost per person for each community in order to keep the project moving forward, since the grant that was applied for was not received.

Council Member Shaver then commented they need to move forward to get the water rights acquired and to not have to wait for another year and a half. He stated it could cost around \$10.00-\$15.00 per person for the different cities to buy into the project. He would like to set up an account and have money there so they can actually pay for things out of PAWS, so there is a distinction between PAWS and the City, so that we’re not covering everything; to actually move forward to get water rights and cover the cost of doing that.

Mayor Gonzales questioned what the cost would be that they were looking at from the grant. Council Member Shaver answered \$200,000. Mayor Gonzales then asked where the source of the funding would come from. City Manager Kuckkahn answered the water utility; there is money available in contingency to do that today. Mayor Gonzales stated, that is Scottsbluff’s share, we will wait around for the other communities to come up with their share then? Council Member Shaver commented, when asked about it, the other communities stated they would go back to their City Councils’ and ask about it; they seemed pretty confident it would not be a huge deal, adding they have seven communities who have committed to doing this.

Mr. Dave Schaff then addressed Council and explained this is the last step of acquiring the water rights to get the project going to apply for the big funding for the construction phase of the project.

Council Member Green made a motion to use the water utility contingency fund of \$200,000 for continued financial support of the PAWS Project. This was seconded by Council Member McKerrigan. During discussion, Council Member Green commented there is ability for the additional investments to be potentially recouped by the cities. He explained the main reason he was looking for the funding source is because of the losing of the grant. Council Member Shaver added the idea is, we don’t want to stop; we want to keep going while there is momentum and everyone is on board. Mayor Gonzales asked to call the roll, “YEAS,” Shaver, Gonzales, Schaub, McKerrigan, and Green. “NAYS,” None. Absent: None.

Regarding the City Manager hiring schedule, Mr. Kuckkahn explained Council will be receiving semifinalist Council packets by the end of this week. He added Friday, November 13<sup>th</sup> will be the date Ms. Heminover from Baker Tilly will come out to discuss the candidates with Council; there will be a special meeting called at 11:00 a.m.

Under Council Reports, Council Member McKerrigan stated she made contact with the Senior Center and of December 1st there will no longer be a Senior Center in Scottsbluff, as the Office of Aging has decided to close it. Meals will be delivered out of Gering and vouchers utilized from the deli at COOP for those who do not want to have meals delivered. Mayor Gonzales asked that this item be put on the next agenda for discussion. Council Member Schaub had Chief Spencer give an update on the 911 Committee meeting. Chief Spencer stated they discussed funding and the VIPER system. Fire Chief

Schingle then gave an update on the Emergency Management meeting, per Council Member Schaub's request. He added some of the items discussed were the Monument Marathon, Hubbard's Gap Fire and a Safety Officer course. Council Member Schaub then thanked both men for working through the trying times and giving great communication.

Council Member Schaub moved to adjourn at 7:10 p.m., seconded by Council Member McKerrigan, "YEAS," Schaub, McKerrigan, Gonzales, Green, and Shaver. "NAYS," None. Absent: None.

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Mayor

Attest:

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City Clerk  
"SEAL"