

City of Scottsbluff, Nebraska

Monday, December 7, 2020

Regular Meeting

Item Minutes1

Council to approve the minutes of the November 16, 2020 Regular Meeting.

Staff Contact: Kim Wright, City Clerk

The Scottsbluff City Council met in a regular meeting on November 16, 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 November 13, 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 November 13, 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 Terry Schaub. Nathan Green participated via teleconference. Council Member Green 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 Deputy City Attorney John Selzer and Interim City Manager Rick Kuckkahn. Absent: None. Mayor Gonzales asked if there were any changes to the agenda. After asking, Mayor Gonzales stated he wanted to move item 16a; Council to discuss and receive an update on COVID-19, up to item 10c on the agenda due to medical personnel speaking on the item needing to go to another meeting. Mayor Gonzales then 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 November 2, 2020 Regular Meeting be approved.
- d) The bid specifications for the purchase of Two, New, One-Ton Trucks with Platform Bodies and Hoists for the Public Works Department be approved and authorize the city clerk to advertise for bids to be received by December 10, 2020 at 10:00 a.m.
- e) A public hearing be set for December 7, 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, Green, Schaub, and Gonzales. "NAYS," Shaver. Absent: None.

Moved by Council Member McKerrigan, seconded by Council Member Schaub, 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 16, 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

ACTIONCOMMUNICATIONSINC.,CIP-PO-PATROLCARS,4462.99;ADVANCE AUTO PARTS,DEF FOR SHOP,437.73; ALLO COMMUNICATIONS,LLC,LOCAL TELEPHONE CHARGES,4020.68; AMERICAN WATER WORKS ASSOCIATION,MEMBERSHIPS,210;ASSURITY LIFE INSURANCE CO,LIFE INS,32.95; AUTOZONE STORES, INC,VEH MAINT PARK,139.66;B & H INVESTMENTS, INC,WATER DELIVERY X 5 BOTTLES & SALT UNIT RENTAL,294;B&C STEEL CORPORATION,DEPT SUPP PARK,13;BACKDRAFT OPCO, LLC,EMERGENCY REPORTING VISION PLUS,1145.4; BAKER & ASSOCIATES INC,23 CLUB IMPROV.,4750;BARCO MUNICIPAL PRODUCTS INC,SIGNING SUPP - POST CAPS,447.87; BLUFFS FACILITY SOLUTIONS,DEPT/JANIT SUPPL-PD,1210.2;BNSF RAILWAY COMPANY,EXPENSE - PATHWAY - RR CROSSING,15021.31; BROWN CO,PARKS #310- QUICK COUPLER,268.8; BSN SPORTS, INC,GROUND MAINT PARK,230.18;CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,260.12;CARR- TRUMBULL LUMBER CO, INC.,XXL TYVEK COVERALLS AND N95 MASKS,535.03; CELLCO PARTNERSHIP,CELL PHONES, IPADS, TABLETS,836.3; CITIBANK, N.A.,DEPT SUPP CEM,210.76; COLORADO ASPHALT SERVICES, INC,1 LOAD COLD ASPHALT,4156.86; COMPUTER CONNECTION INC,CONTRACTUAL-PD,44; CONTRACTORS MATERIALS INC.,DEPT SUP,4380.56; CREDIT BUREAU OF COUNCIL BLUFFS,OCT 2020 FEE & EMPL. SCREENS,72; CRESCENT ELECT. SUPPLY COMP INC,SUPP - BALLASTS,403.65; CROELL INC,DEPT SUP,176.55; CYNTHIA GREEN,DEPT SUPPL-PD,295.25; DELL MARKETING LP,EQUIP MAINT-PD,605.42; DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,800; ELLIOTT EQUIPMENT COMPANY INC.,LIDS FOR REARLOADER CANS,2235; FAIRBANKS SCALES INC,DEPT SUP,342.44; FASTENAL COMPANY,EQUIP MAINT PARK,7; FEDERAL EXPRESS CORPORATION,POSTAGE,446.3;FLOYD'S TRUCK CENTER SCOTTSBLUFF,REPAIRS TO UNIT #812,1497.43; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1485; FREMONT MOTOR SCOTTSBLUFF, LLC,TRANS #462- REMAN MODULE,536.5; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,1660; GREENING ENTERPRISES INC.,FIRE HOSE REPLACEMENT - ENGINE 1,19247.44; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,3223.71;HOLTZ INDUSTRIES, INC,LIDS FOR EMCO CANS,1969.96; HULLINGER GLASS & LOCKS INC.,BLDG MAINT PARK,270.75; HYDROTEX PARTNERS, LTD,CENTRAL GARAGE- OIL,2125.16; IDEAL LAUNDRY AND CLEANERS, INC.,UNIFORMS-PD,574.45; INDEPENDENT PLUMBING AND HEATING, INC,GROUND MAINT PARK,5.81; INGRAM LIBRARY SERVICES INC,BKS.,2362.05;INTERNAL REVENUE SERVICE,WITHHOLDINGS,61657.04;INTRALINKS, INC,CONTRACT SERVICES - OCT. 2020,8157.61; INVENTIVE WIRELESS OF NE, LLC,INTERNET CAMPGROUND,35.9; J & A TRAFFIC PRODUCTS, LLC,SIGN SUPP - POSTS & ANCHORS,4146.9; J G ELLIOTT CO.INC.,NOTARY BOND-PD,70;KNOW HOW LLC,CENTRAL GARAGE- HYD HOSE FITTINGS,1092.36; KRIZ DAVIS,TRAFFIC SIGNAL POLE - 27TH & I,15174.52;LAWSON PRODUCTS, INC,CENTRAL GARAGE- MISC SHOP SUPPLIES,631.6;LEE BHM CORP,LEGAL PUBLISHING,2819.22; LEXISNEXIS RISK DATA MANAGEMENT,CONTRACTUAL-PD,100; LOGAN CONTRACTORS SUPPLY INC,STREET REP. SUPP - DETACK,212.98; M.C. SCHAFF & ASSOCIATES, INC,ENG. SERV. FOR AVE. B OVERLAY PROJECT,5795; MACQUEEN EQUIPMENT INC,EQUIPMENT,448626.67; MADISON NATIONAL LIFE,INSURANCE,2498.16; MATHESON TRI-GAS INC,DEPT SUPP PARK,265.82; MENARDS, INC,DEPT SUP,1257.6; MIDWEST CONNECT, LLC,OCT 2020 STATEMENT PROCESSING,2441.14; MIDWEST FARM

SERVICE-ALLIANCE,EQUIP MAINT PARK,166.35; MUNIMETRIX SYSTEMS CORP,IMAGESILO - OCT. 2020,39.99; NATIONAL TELEPHONE MESSAGE CORP,DEPT SUPPL-PD,480.22; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,972.1; NE DEPT OF REVENUE,WITHHOLDINGS,34289.86; NE DEPT OF TRANSPORTATION,MONUMENT VALLEY PATHWAY NORTH,539662.99; NEBRASKA CLERK INSTITUTE,VIRTUAL WORKSHOP - OPEN MEETINGS ACT,50; NEBRASKA INTERACTIVE, LLC,DRIVERS LIC. REQ. - OCT 2020,15; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,39413.35; NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL SVC,355; NEBRASKA SALT AND GRAIN CO,1 LOAD ICE SLICER,4308.58; NEBRASKALAND TIRE, INC,POLICE #2- TIRES,599.96; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,DEPT SUPP PARK,180.43; OCLC ONLINE COMPUTER LIBRARYCENTER,INC,CONT.SRVCS.,378.16;ONECALLCONCEPTS, C,CONTRACTUAL,196.52; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT-PD,566.65; PANHANDLECOOPERATIVEASSOCIATION,FLEETFUEL,18255.68;PANHANDLEENVIRONMET ALSERVICESINC,SAMPLES,228;PLATTEVALLEYBANK,HEALTHSAVINGSACCOUNT,10306.5; POWERPLAN,REPAIRS TO UNIT #866,6684.24; PRAISE WINDOWS INC,BLDG MAIN.,690; PROTEX CENTRAL, INC.,EQUIP MAINT-PD,27.07; QUADIENT LEASING USA INC,CONT. SRVCS.,569.82; QUILL CORPORATION,DEPT SUPPL-PD,800.79; RAILROAD MANAGEMENT CO III, LLC,RENT LAND,569.7; REGIONAL CARE INC,CLAIMS,12730.89; RODRIGUEZ JOSE R,TOW SERVICE-PD,125; RR DONNELLEY,DEPT SUPPL-PD,308.58; S M E C,EMPLOYEE DEDUCTION,123.5; SANDBERG IMPLEMENT, INC,PARKS #324- CONTROLLER,392.41; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,479.99; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1053; SCOTTSBLUFF WINSUPPLY COMPANY,DEPT SUPP CEM,62.31; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,STATE OF THE VALLEY - LUNCHEON,180; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,12975.79; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,927.64; SNELL SERVICES INC.,BLDG. MAIN.,536; TOYOTA MOTOR CREDIT CORPORATION,HIDTA-CAR LEASE,343.53; TWIN CITY AUTO, INC,EQUIP MAINT PARK,23.07; TWIN CITY ROOFING & SHEETMETAL, INC,HAIL DAMAGE REPAIR - SANITATION & COMPOST,142244.21; UNION BANK & TRUST,RETIREMENT,39843.43; VAN PELT FENCING CO, INC,GROUND MAINT PARK,15.5; VOGEL WEST, INC,SUPP - ARMOUR,18.99; WAKEFIELD & ASSOCIATES INC,WAGE ATTACHMENT,241.6; WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,47; WESTERN PATHOLOGY CONSULTANTS, INC,ANNUAL FEE - RANDOM POOL MGMT,518.75; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,376; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08;YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,765;

City Manager Kuckkahn presented the September and October 2020 Financial Reports explaining the revenues and expenses remain in line with our estimates and projections, adding both Financial Reports show the City in good shape. Mr. Kuckkahn informed Council that the latest sales tax projections are running about 3.8% year to year; we are seeing a slight decline, but it is still within our estimated numbers.

Regarding the agenda item of receiving an update on COVID-19, Mr. John Mentgen, President and CEO of Regional Health Services, approached Council explaining on November 12th a letter was sent to Scottsbluff and the surrounding communities to request the highest consideration for requiring and enforcing the CDC guidelines for everyone to include a masking as the best approach to impact the surge of positive COVID-19 in our area. He added the recent uptick has greatly impacted staff, not only at the healthcare system, but through area businesses throughout Western Nebraska, stating they are very concerned for the community if the current surge continues at the rate it has now, as they may have many more health care staff ill, exposed, and unable to provide services.

He added Regional West is requesting the Scottsbluff City Council to consider the mandate of masking for persons in the City due to this recent surge of COVID-19 as masking is a critical component to help slow the spread of the virus. He went on to state, Regional West Health Services believes a pathway exists for cities of the first class in Nebraska to legally implement the mandate and they are requesting they consult the city attorney for this action as other Nebraska cities are engaged in similar activities at this very time.

Dr. Matthew Brunner, Chief Medical Officer of Regional West then approached Council and commented over the last few weeks we have become overrun with COVID in our area. He explained we know that protection in layers is what will keep us most protected; a mask by itself is not going to do its job, but a mask in conjunction with other layers such as social distancing, washing our hands, and cough hygiene will help; the point is to knock down the droplets that carry the virus. The trouble with COVID is it does not act like a normal virus. A normal virus becomes infectious just before and during those first few days of illness. COVID doesn't do that, it is most infectious two days before a person get symptoms.

Dr. Jeffrey Holloway, President of Regional West Physicians Clinic and Chief of Surgery at Regional West came forward and stated he wears a mask all day at the hospital and up until about four weeks ago he was not a big believer in wearing a mask, but things have changed. He now wears a mask outside the hospital all the time because of how the virus is transmitted. He asks that we mandate masks, not indefinitely, just to get through the surge, stating it will help flatten the curve and spread it out down the road so it doesn't overwhelm the health care system in the next month or so.

Mr. Jim Trumball, Regional West Medical Center Board Member, came forward and emphasized we have the opportunity to try and lead the public to the better option, rather than letting Lincoln dictate the decisions. He asked to try these things out and take the medical advisors advice to knock this thing out a little bit. We need a unified front from the medical providers, educators, and city leaders, adding this is an issue that is a community issue.

Mayor Gonzales then commented we all know that COVID is here and has taken its toll on our community, medically and economically. The question that comes before the Council is should we implement a mask mandate. He added the first question is legally can we do it; secondly how would we enforce it if we choose to implement it, and thirdly we will need to get buy in from the surrounding communities. He also asked the medical professionals to be patient in order for us to get that unified approach and asked how to mobilize quickly to do it.

Legal Counsel Selzer explained for the City to do this they would need to create a board of health consisting of five members: the mayor, who shall be chairperson, a physician, who shall be medical advisor, the chief of police, who shall be secretary and quarantine officer, and two other members.

Mr. Paul Hofmeister, Legal Counsel for Regional Health Services added there is a memorandum out from the League of Municipalities that does create a pathway for cities of the first class on how to get

to mandates; State Statute 16-238. Spread of disease; regulation; board of health; creation; powers; duties. He added, another theory is a nuisance could be declared, reiterating there are pathways to do this.

Legal Counsel Selzer then stated to create the Board of Health it would require the passing of an Ordinance by the Council. The committee could convene immediately after the Ordinance was passed.

Mayor Gonzales asked Council if they were in support of drafting the Ordinance. Council Members Shaver and Schaub answered, no, they were not in support of it. Council Member Green commented he would have concerns with implementing an Ordinance.

Mayor Gonzales then explained the way the item is worded on the agenda; no action can be taken this evening, but he may call a special meeting to address this issue. He concluded by thanking the medical staff for their comments.

Council took a five minute break, reconvening at 7:10 p.m.

Mayor Gonzales opened the public hearing at 7:10 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan for the City of Scottsbluff Façade Improvement Grant Program. Ms. Starr Lehl, Economic Development Director approached Council and explained they did a Redevelopment Plan and came up with an application for the funds to be spent in the redevelopment area; there is a map included in their packet of the area. She added the CRA did pass this unanimously.

Ms. Angela Scanlan, business owner, came forward and commented she would be in support of this being open for the community, so that businesses can take advantage if they are able. Mayor Gonzales then closed the public hearing at 7:12 p.m.

Council Member Shaver asked about Tax Increment Financing (TIF) and how this ties to that. Ms. Lehl answered the business has to be in the TIF District or Redevelopment area to qualify. She added not every business will qualify. Council Member Shaver commented it is not city wide then. Ms. Lehl stated that is the only way they could do it under the Community Redevelopment Authority (CRA).

Mr. Don Lease approached Council with a presentation regarding the Nebraska Strong Recovery Project. He stated people who have a need of coping during stressful times can access resources by calling the toll free numbers on pamphlets he hands out. He added this project is a mental health outreach program working with Nebraska communities and individuals. He commented with COVID and quarantining there will be a great need and they are available to help people find out how the system works, adding their particular agency contracts through Region One. Council thanked Mr. Lease for his time and for the information regarding the Project.

Mr. Kuckkahn presented the bid for the Fence Replacement, South Border to Fairview Cemetery. He explained this was part of the budget in the area of capital improvements for the Cemetery. He is recommending a motion for approval. Council Member Green made a motion, seconded by Council Member McKerrigan to approve the bid for the Fence Replacement, South Border to Fairview Cemetery, 4109 5th Avenue, Scottsbluff to Van Pelt Fencing Company, Inc. in the amount of \$39,500, "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

Mr. Kuckkahn came forward and explained the Contract for public Improvements between the City of Scottsbluff and Smith Land Company, LLC stating it is a typical contract for creating a subdivision where an owner of the property or sub dividers are required to put in public improvements. It requires the installation of roads and other improvements and is something that occurs before the final plat.

Council Member Schaub left the meeting at 7:24 p.m.

Council Member McKerrigan moved, seconded by Mayor Gonzales to approve the Contract for Public Improvements between the City of Scottsbluff and Smith Land Company, LLC and authorize the

Mayor to execute the Contract. “YEAS,” McKerrigan, Gonzales, Green, and Shaver. “NAYS,” None. Absent: Schaub.

Regarding the Resolution to approve the Redevelopment Plan for the City of Scottsbluff Façade Improvement Grant Program, Council Member McKerrigan made a motion, seconded by Council Member Green to approve Resolution No. 20-11-01 approving the Redevelopment Plan for the City of Scottsbluff Façade Improvement Grant Program, “YEAS,” Gonzales, Green, and McKerrigan. “NAYS,” Shaver. Absent: Schaub.

RESOLUTION NO. 20-11-01

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the “Act”), a redevelopment plan for the *Façade Improvement Grant Program* (the “Redevelopment Plan”) has been created by the Scottsbluff Community Redevelopment Authority (“CRA”). The Redevelopment Plan proposes to encourage redevelopment in areas of the City which the City Council has declared to be blighted and substandard and in need of redevelopment.

b. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the 2016 Scottsbluff Comprehensive Plan (the “Comprehensive Plan”). The Planning Commission recommended approval of the Redevelopment Plan to the CRA and City Council.

c. The Redevelopment Plan has been reviewed by the CRA, which found that the Redevelopment Plan conforms to the Comprehensive Plan.

d. The CRA recommended approval of the Redevelopment Plan to the City Council.

e. On November 16, 2020, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.

f. The City Council has reviewed the Redevelopment Plan and makes the findings and recommendations as documented in writing in this Resolution.

Resolved:

1. The Redevelopment Plan is determined to be feasible and in conformity with the Comprehensive Plan and with the legislative declarations and determinations set forth in the Act by addressing substandard and blighted conditions.

2. The City Council approves the Redevelopment Plan.

3. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on November 16, 2020

Mayor

ATTEST:

City Clerk (Seal)

Mr. Kuckkahn approached Council regarding the Scottsbluff Senior Center explaining the State has discontinued its meals out of the Senior Center, but they are providing vouchers that can be used at the COOP deli, explaining the program will continue, but look very different than it does today. He has had conversation with the Senior Center and their intent is to abandon the building they are located in. He is asking Council how they want to treat the building, adding one of the options is to sell and he has had contact with a person who is interested in purchasing it. The area is zoned C-3, which is a commercial location, it is marketable property and the building is in good condition. If Council elects to sell, the property will be appraised using a competitive bid process.

Council Member Shaver asked why we do not reutilize the property, instead of paying somebody rent for the fire fighters to have a second location.

Council Member Green added he does not see a problem with getting an appraisal to weigh rental fees against having a second precinct. He stated we need to utilize it the best we can especially during COVID times.

Mr. Kuckkahn stated he will get an appraisal in addition to reaching out to senior staff to explore the alternative for a second location for the fire department. He will bring a report back at a future meeting.

Regarding discussion and consideration on new member orientation and the roles and responsibilities under the City Manager form of government, Mr. Kuckkahn stated this is an open invitation given by legal counsel to new and current Council members who would like to participate. This orientation will include LB840, the City Manager form of government and powers of Council. He encouraged all to participate.

Under Council Reports, Council Member Shaver informed everyone the 911 meeting was cancelled this month. Mayor Gonzales stated they will be having Zoom interviews this week with potential City Manager Candidates who are not finalists. Council Member Green wanted to make sure the minutes reflected we will have the meetings on Wednesday, November 18th and Thursday, November 19th. Clerk Wright stated the agendas will be going out the morning of November 17th.

Council Member McKerrigan moved, seconded by Mayor Gonzales to adjourn the meeting at 7:33 p.m., "YEAS," McKerrigan, Shaver, Green, and Gonzales. "NAYS," None. Absent: Schaub.

Mayor

Attest:

City Clerk
"SEAL"