

# **City of Scottsbluff, Nebraska**

**Monday, December 7, 2020**

**Regular Meeting**

## **Item Minutes5**

**Council to approve the minutes of the November 30, 2020 Regular Meeting.**

Staff Contact: Kim Wright, City Clerk

The Scottsbluff City Council met in a regular meeting on November 30, 2020 at 6:07 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on November 20, 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 20, 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 and Interim City Manager Rick Kuckkahn. Absent: None. Mayor Gonzales asked if there were any changes to the agenda. There were none. 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 Shaver that,

- a) The minutes of the November 13, 2020 Special Meeting be approved, "YEAS," McKerrigan, Shaver, Green, Schaub, and Gonzales. "NAYS," None. Absent: None.

City Manager Kuckkahn approached Council and explained there are about twenty eight projects included in the packet that Council had discussed earlier regarding various projects and programs. He went on to mention that we have limited support in Council chambers, as far as a camera and Zoom ability, stating we have purchased a camera and are waiting to get it installed, adding this will make virtual meetings better, as far as room projection and sound capabilities go.

Public Works Director Mark Bohl came forward and gave updates on 23 Club and the Pathway. Mr. Bohl explained the building at 23 Club has been removed and about 1800 cubic yards of dirt has been hauled in. Currently they are digging footings to get concrete started. The building will be put up shortly.

He added with the Pathway, mainline paving from the zoo to the college is complete. They are tying in parts of the road at West Overland and Avenue B. They are adding dirt to both sides of where the structure will go, with steel being put in place for the structure to sit on and also for the bridge that connects 23 Club and the walk behind the high school.

Regarding the item to discuss and consider action to amend the municipal code to provide for a Board of Health with statutory duties, Mayor Gonzales explained to Council the hospital was at a prior meeting to try to get a buy in on the use of masks. He then asked City Attorney Hadenfeldt to go over the steps of starting a Health Board. Mr. Hadenfeldt cited State Statute 16-238 which says a City of the first class can form a Board of Health with five members; The Mayor, Chief of Police, doctor, and two citizens

at large. The statutory duties of the Board of Health enable them to have the authority to put in mandates needed for health, adding some communities have not given their Boards the full statutory duties, but go by a recommendation. The City would need to amend their Code in Chapter 6, which sets forth the Boards that are appointed and Chapter 9 which is our Health Chapter. He went on to state we have bought in on an Interlocal Agreement with Emergency Management, adding we rely on Panhandle Public Health District to make health measures because their orders come from the State. We would need to revise all those provisions, in order to get something to code and then appoint a Board.

Council Member Shaver commented people are already taking precautions; if you treat them like adults they will do what they think is correct. He added he is totally against this.

Mayor Gonzales explained when the medical profession comes and asks for our help, they come and make a plea to this Council in the interest of saving lives, we need to take some action.

Council Member Green commented he has seen commercials on television where community's partner with the hospitals and they educate people on what to do; there is a way to this and encourage the community to be safe and inviting.

After discussion, Council took no action on the item.

Concerning the Resolution related to COVID-19 and urging the use of community prevention strategies to slow the spread of COVID-19 and preserve hospital capacity, Mayor Gonzales moved that Council adopt the Resolution related to COVID-19. This was seconded by Council Member McKerrigan.

Council Member Green stated he is worried by the Resolution of it, but he agrees with the idea and responsibility to safety of our community. He does not agree with the way it is presented in passing it because there will be another surge in another few weeks. He added we need to have a respect for the community, they know COVID is out there and what precautions to take.

Council Member Shaver agreed with Council Member Green, stating this does have good ideas; he just doesn't think it should be a Resolution voted on by the Council. We need to encourage people to continue doing what they are doing, we don't want to overstep where we need to be.

Council Member McKerrigan commented this Resolution is showing support for our hospital, the staff, and people who do not have the immune system to fight this.

Mayor Gonzales added this is more about people's lives, rather than people's freedoms. He stated this is the forum for leadership and that is why he supports it. He then asked to call the roll. "YEAS," Gonzales and McKerrigan. "NAYS," Green, Schaub, and Shaver. Absent: None. Due to majority vote the Resolution related to COVID-19 and urging the use of community prevention strategies to slow the spread of COVID-19 and preserve hospital capacity did not pass.

Under Council Reports, Council Member Shaver informed Council he is trying to get a meeting together for PAWS and is contacting members.

Council Member Schaub moved, seconded by Council Member Green to adjourn the meeting at 6:37 p.m., "YEAS," Shaver, Gonzales, Schaub, McKerrigan, and Green. "NAYS," None. Absent: None.

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Mayor

Attest:

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City Clerk