

City of Scottsbluff, Nebraska

Monday, January 4, 2021

Regular Meeting

Item Consent1

Council to approve the minutes of the December 21, 2020 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on December 21, 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 December 18, 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 December 18, 2020. Mayor McKerrigan presided and City Clerk Wright recorded the proceedings. The meeting was called to order and the Pledge of Allegiance was recited. Mayor McKerrigan 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: Jeanne McKerrigan, Nathan Green, Jordan Colwell, Angela Scanlan, and Terry Schaub. Also present were City Attorney Kent Hadenfeldt and Interim City Manager Rick Kuckkahn. Absent: None. Mayor McKerrigan asked if there were any changes to the agenda. There were none. Mayor McKerrigan 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 Scanlan, seconded by Council Member Schaub that,

- a) The minutes of the December 7, 2020 Regular Meeting be approved,
- b) A liability claim be acknowledged at 1517 W. Overland, Scottsbluff. Council will not take action on the claim, "YEAS," Colwell, Scanlan, Green, Schaub, and McKerrigan. "NAYS," None. Absent: None.

Moved by Council Member Schaub, seconded by Council Member Scanlan, that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated December 21, 2020, as on file with the City Clerk and submitted to the City Council, "YEAS," Green, Schaub, Scanlan, McKerrigan, and Colwell "NAYS," None. Absent: None.

CLAIMS

ACTION COMMUNICATIONS INC.,2-WAY RADIO FOR UNIT #826,1834.44; ADVANCE AUTO PARTS,WATER #38- ROTORS & BRAKE PADS,662.53; ASSURITY LIFE INSURANCE CO,LIFE INSURANCE,32.95; BERT GURNEY & ASSOCIATES INC,EQUIP MAINT,1920.91; BLUFFS FACILITY SOLUTIONS,JAN. SUP.,198.96;BNSF RAILWAY COMPANY,CONCRETE - RR PATHWAY,2033.33; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS.,178.24; CELLCO PARTNERSHIP,CELLPHONES,IPADS,TABLETS,836.45; CITY OF GERING,TRASH/RECYCLING DISPOSALFEES,40324.3;COMPUTERCONNECTIONINC,CONTRACTUAL-PD,44;ONTRACTORS MATERIALS INC.,DEPT SUP,3177.73;CREDIT BUREAU OF COUNCIL BLUFFS,FEE & EMPL.SCREENING - NOV 2020,61; CROELL INC,DEPT SUP,372.9; CYNTHIA GREEN,DEPT

SUPPLIES,69.98; DALE'S TIRE & RETREADING, INC.,NEW TIRES UNIT #801,3059.06; DELL MARKETING LP,TABLET REPLACEMENT FOR UNIT 2,2321.9; DOOLEY OIL INC,CENTRAL GARAGE- OIL,72.57;DUANE E. WOHLERS,HAULING E-WASTE TO COMMERCE CITY, CO,1600; DUSTIN RIEF,EXPENSE,1423.46; FARMERS IRRIGATION DISTRICT,2021 O & M ASSESSMENT,2262; FAT BOYS TIRE AND AUTO,NEW TIRES FOR BUCKET TRUCK,856.84; FEDERAL EXPRESS CORPORATION,POSTAGE,306.25;FLOYD'S TRUCK CENTER SCOTTSBLUFF,FIRE #E1- CRANKCASE VENTILATION KIT,196.33; FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,830; FRANK IMPLEMENT CO,EQUIP MAINT,59.17; FREMONT MOTOR SCOTTSBLUFF, LLC,POLICE #5- WIRE ASSY,94.06; GALLS INC,CIP-PO-PATROL CARS,2925; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,1595;HOA SOLUTIONS, INC,EQUIP MAINT,340.42;IDEAL LAUNDRY AND CLEANERS, INC.,RUGS, SHOPTOWELS, MOPS,501.6; INGRAM LIBRARY SERVICES INC,Bks.,358.73;INTERNAL REVENUE SERVICE,WITHHOLDINGS,69214.83; INTRALINKS, INC,CONTRACT SERVICES - NOV.2020,2233.63; KNOW HOW LLC,OIL DRY,1220.63; LEE BHM CORP,SUBSCRIPTION,180.75; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; MACQUEEN EQUIPMENT INC,EQUIP MAINT,322.19; MADISON NATIONAL LIFE,LIFE INSURANCE EE,2445.19; MENARDS, INC,DEPT SUP,817.89; MES TEAM INC,OXYGEN CYLINDER REGULATORS,120; MIDWEST CONNECT, LLC,UTIL BILLING - NOVEMBER 2020,1618.8;MUNICIPAL EMERGENCY SERVICES INC,HYDROSTATIC TESTING OF SCBA CYLINDERS,735; MUNIMETRIX SYSTEMS CORP,IMAGESILO - NOV 2020,39.99; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1415.1; NE DEPT OF REVENUE,SALES TAX,28718.95; NE LAW ENFORCEMENT TRAINING CENTER,HARGES, SPENCER NLTEC,270; NEBRASKA RURAL WATER ASSOCIATION,SCHOOLS & CONF,450; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,39201.35;NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,EQUIP MAINT-PD,30; NEBRASKALAND TIRE INC,EQUIP MAINT,50.5;NEDA,ANNUAL MEMBERSHIP - STARR LEHL,150; NETWORKFLEET, INC,FLEET GPS SERVICES,305.23; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT,244.7;OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS.,378.16; OREGON TRAIL PLUMBING, HEATING & COOLING INC,BLDG MAINT-PD,95; PANHANDLE COOPERATIVE ASSOCIATION,GROUND MAINT PARKS,19297.35; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,153; PAUL REED CONSTRUCTION & SUPPLY, INC,23 CLUB IMPROVEMENTS,107748.58; PLATTEVALLEYBANK,HEALTHSAVINGSACCOUNT,11172.13;POLYDYNEINC,CHEMICALS,5 379.93; QUILL CORPORATION,DEPT SUPPL-PD,103.97;RAILROAD MANAGEMENT CO III, LLC,RENT - LAND,956.8; REGIONAL CARE INC,CLAIMS,44169.25; RON'S TOWING,TOW DUMP TRUCK,475;S M E C,EMPLOYEE DEDUCTION,117.5;SANDBERG IMPLEMENT, INC,PARTS,300.07; SCB COUNTY,DEPT CNTRCL SRVCS,145; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300;SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,479.99; SCOTT MCCLURE,EXPENSE,1073.35; SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,187; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,1053; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,PLAQUES & NAMEPLATES - COUNCIL,98;SCOTTSBLUFF/GERINGCHAMBEROFCommerce,MEMBERSHIPINVESTMENT, 6526; SHAFFER PUBLICATONS,SBSCR.,2055.77; SHERWIN WILLIAMS,GROUND MAINT PARK,43.82; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES,13455.79;

SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95;SOUTHERN UNIFORM EQUIPMENT,UNIFORM SHIRTS (2 WHITE, 1 BLUE),164.98; THE PEAVEY CORP,INVEST SUPPL-PD,698.5; UNION BANK & TRUST,RETIREMENT,41401.95;UNITED STATES WELDING,C02 TANK RENTAL,43.3;WAKEFIELD & ASSOCIATES INC,WAGE ATTACHMENT,241.6; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM DOT TESTS - NOV 2020,273.75; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,393; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,765; ZM LUMBER INC,HAIL REPAIR - SOCCER BLDG,473.53;

Mr. Anthony Mason, Executive Director and Katy Gompert, President of Riverside Discovery Center were present to give a presentation on the zoo. Mr. Mason explained they were closed for two months due to COVID and had to cancel several events, including school field trips. He did mention, all things considered, they still had a decent year. He explained with attendance, they are down about 10,000 compared to the previous year, but numbers from areas outside the county remained steady to what they were last year. Mr. Mason also commented attendance is getting better this fiscal year, as November and December have shown to be good months so far. He has taken pride, despite being down in numbers; that they are actually ahead of onsite attendance from 2015-2016.

Ms. Gompert came forward to explain parts of the budget. Regarding income, she first thanked the City for their generous contract and also thanked the community for their support. She added merchandise sales are up 28.9%, which is very significant since they have had fewer visitors. Also, memberships have grown, but they have had to cancel or modify special events to accommodate for COVID-19. With expenses, which was anticipated, but not budgeted correctly for, was a big increase in animal diet. That expense has gone up almost 28%, a major factor being the large mammals. She went on to mention they did receive additional funding that was not anticipated; \$50,000 in Cares funding and an additional \$20,000 in direct support. Mr. Mason also commented they received grants from the State of Nebraska and Scotts Bluff County Tourism. This money will be used to advertise the zoo in the Cheyenne area to bring more people to the state.

Mr. Kuckkahn presented the bid for the Two, New One-Ton Trucks to Team Chevrolet (truck) for \$28,488 per truck and Aulicks (flatbed) for \$10, 573 per flatbed, for a total of \$78,122. Mr. Kuckkahn explained the trucks are for the Public Works Department, they are in budget and staff is recommending approval. Council Member Colwell moved, seconded by Council Member Schaub, to approve the Two, New One-Ton Trucks for the Public Works Department totaling \$78,122, "YEAS," Scanlan, McKerrigan, Schaub, Colwell, and Green. "NAYS," None. Absent: None.

Regarding discussion and considering action on a preliminary and final plat of Lots 1 & 2 Imperial Acres Addition and approving the Resolution, Mr. Kuckkahn stated the subdivision is part of the packet, these are both for preliminary and final platting and the Planning Commission gave a positive recommendation. Council Member Scanlan made a motion, seconded by Council Member Schaub to approve the preliminary and final plat of Lots 1 & 2 Imperial Acres Addition and approve Resolution No. 20-12-05, "YEAS," Schaub, Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: None.

RESOLUTION NO. 20-12-05

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF

SCOTTSBLUFF, NEBRASKA:

WHEREAS, BE IT RESOLVED, the final plat of Lots 1 and 2, Imperial Acres Addition, a Replat of the West 140 feet of the North 210 feet of Tract 11, Imperial Acres Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, dated November 20, 2020, duly made, acknowledged and certified, is approved and the Mayor is authorized to sign the Final Plat on behalf of the City of Scottsbluff, Nebraska. Such Final Plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 21st day of December, 2020.

Mayor

ATTEST:

City Clerk

Mr. Kuckkahn approached Council regarding the Resolution updating the bank signature card authorization, stating this is pro forma; we do this every time there is a reorganization of the Council or have a name change. Council Member Schaub moved, seconded by Council Member Scanlan to approve Resolution No. 20-12-06 updating the bank signature authorization and authorize the Mayor to sign the Resolution, "YEAS," McKerrigan, Green, Colwell, Scanlan, and Schaub. "NAYS," None. Absent: None.

RESOLUTION NO. 20- 12 - 06

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

1. US Bank NA, First National Bank, First State Bank, Platte Valley Bank, Western States Bank and Pinnacle Bank, all with local branches in Scotts Bluff County, Nebraska and the Nebraska Public Agency Investment Trust (NPAIT) as well as Moreton Capital Markets, LLC are designated as depositories and/or financial investment institutions for funds of the City of Scottsbluff, Nebraska ("City").

a. Depository funds of the City deposited in each bank shall be subject to withdrawal upon checks, notes, drafts, or other orders for the payment of money when signed on the City's behalf by any two of the following City officials:

Jeanne McKerrigan OR
Jordan Colwell AND

Kimberley Wright OR Christine Burbach

b. All investment funds of the City held as Government Money Market Funds, Certificates of Deposit, Treasury Notes, and other authorized securities purchased by the City shall be signed by the Finance Director for the City, Elizabeth Loutzenhiser and one of the following City officials per the City's Investment Policy:

Rick Kuckkhan OR Kimberley Wright

2. Provided, the Finance Director for the City, Elizabeth Loutzenhiser, is authorized to make ACH drafts and withdrawals for payroll, electronic claims, utility payment drafts and debt payments on behalf of the City from any of the financial institutions named in paragraph 1. of this Resolution.

3. The banks are authorized to pay all orders and receive them for the credit of or in payment from the payee or any other holder without inquiring into the circumstances of the issue or the disposition of the proceeds.

4. US Bank is authorized to issue Visa credit cards to City personnel. The personnel to receive the cards and the credit limit on said cards shall be as approved by the City Manager or his/her designee.

5. This Resolution will revoke Resolution 20-09-04 and all prior banking resolutions and shall be delivered to all banks named in this Resolution. This Resolution will remain in effect until notice of revocation is delivered to any of these banks.

Passed, approved and effective this 21st day of December, 2020.

Mayor

ATTEST:

City Clerk

Fire Chief Tom Schingle and Fire Prevention Office Anthony Murphy approached Council regarding approving the Ordinance to adopt the International Fire Code 2018 Edition. Mr. Schingle

explained last year the State requested we update our fire codes to a more current edition. Because the building code was updated to the 2018 International Building Code last year, it was decided we need to follow suit with the International Fire Code 2018 Edition to stay consistent. In addition, with this Ordinance, it will not only create harmony with the City codes, but the fire codes and state codes as well. Mr. Schingle explained the Planning Commission gave a positive recommendation to approve last year with the exception to residential fire sprinklers.

Mr. Murphy came forward and explained this update allows for newer technologies, clarifying part of the simplification leads to reduced requirements than what our existing code does.

Council then introduced the Ordinance to adopt the International Fire Code, 2018 Edition and was read by title on first reading: **AN ORDINANCE DEALING WITH THE SCOTTSBLUFF FIRE CODE, ADOPTING PROVISIONS OF THE INTERNATIONAL FIRE CODE 2018 EDITION, WITH EXCLUDED PORTIONS; AMENDING CURRENT CHAPTERS, ARTICLES AND SECTIONS OF THE SCOTTSBLUFF MUNICIPAL CODE BY REPEALING OR REVISING CHAPTER 8, ARTICLES 1, 2 AND 3; CHAPTER 4, ARTICLE 1 AND CHAPTER 23, ARTICLES 2 AND 3; REPEALING PRIOR PROVISIONS OF THE SCOTTSBLUFF MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Kuckkahn presented the Addendum for Contribution Under the Joint Funding Agreement for Water Resource Investigation explaining this Agreement is between the cities of Scottsbluff, Gering, Terrytown, and the County. Its main purpose is to monitor the river level for the flood plain. Council Member Scanlan moved, seconded by Council Member Colwell to approve the Addendum for Contribution Under the Joint Funding Agreement for Water Resource Investigation and authorize the Mayor to sign the Agreement, "YEAS," Colwell, Scanlan, Green, Schaub, and McKerrigan. "NAYS," None. Absent: None.

Regarding approving the renewal of the Agreement with Johnson Corrosion Engineering, Inc. for continuing the existing Water Tower Corrosion Control Service Program, Mr. Kuckkahn explained this Agreement has an annual charge of \$12,160 and it includes cathodic protection and washout/drain inspection service of water storage tanks owned and maintained by the City. Council Member Schaub moved, seconded by Council Member Scanlan to approve the Agreement with Johnson Corrosion Engineering Inc. for continuing the existing Water Tower Corrosion Control Service Program and authorize the Mayor to sign the Agreement, "YEAS," Green, Schaub, Scanlan, McKerrigan, and Colwell. "NAYS," None. Absent: None.

Mr. Kuckkahn approached Council regarding the Agreement with Vidal Salazar d/b/a Scotties Potties of Scottsbluff to provide, maintain and service portable toilets within the City, explaining we have portable toilets within a number of locations throughout the City. We put out a bid for this service and Mr. Salazar was the low bidder; this is a two year contract at \$475 per month and staff is recommending approval of the bid. Council Member Colwell made a motion, seconded by Council Member Scanlan to approve the Agreement with Vidal Salazar d/b/a Scotties Potties of Scottsbluff to provide, maintain and service portable toilets within the City and authorize the Mayor to sign the Agreement, "YEAS," Scanlan, McKerrigan, Schaub, Colwell, and Green. "NAYS," None. Absent: None.

Concerning the Agreement between the City of Scottsbluff and Panhandle Area Development District (PADD) for scope of work administration regarding the Community Development Block Grant awarded to the City for Owner Occupied Housing Rehabilitation, Mr. Kuckkahn explained this Agreement is for PADD to administer the scope of work and fees as outlined in the CDBG contract. The City was awarded the grant of \$732,500 last month. Council Member Schaub moved, seconded by

Council Member Scanlan to approve the Agreement between the City of Scottsbluff and Panhandle Area Development District for scope of work administration regarding the Community Development Block Grant awarded to the City for Owner Occupied Housing Rehabilitation and authorize the Mayor to sign the Agreement, “YEAS,” Schaub, Colwell, McKerrigan, Green, and Scanlan. “NAYS,” None. Absent: None.

Mr. Kuckkahn presented the Employment Agreement with Dustin Rief as City Manager, with Ms. Patricia Heminover with Baker Tilley participating by teleconference, via Zoom. Mr. Kuckkahn gave a brief overview of the contract, including salary and benefits, also mentioning that Mr. Rief would like to purchase a home in our extraterritorial jurisdiction, since he could not find real estate to fit his family’s needs within the City. After discussion, Council Member Schaub moved to approve the Employment Agreement with Dustin Rief as City Manager and authorize the Mayor to sign the Agreement. This was seconded by Council Member Scanlan, “YEAS,” Schaub, Colwell, McKerrigan, and Scanlan. “NAYS,” Green. Absent: None.

Regarding giving direction to staff involving language to amend the Scottsbluff Municipal Code with regards to the City Manager residence requirement, Legal Counsel Hadenfeldt suggested to Council they could change the City Code to read that the City Manager live within two miles of our extraterritorial jurisdiction rather than living in city limits. After discussion, Council Member Schaub moved, seconded by Council Member Colwell to amend the Scottsbluff Municipal Code with regards to the City Manager residence requirement to state the City Manager may reside within two miles of the extraterritorial jurisdiction of the City of Scottsbluff, “YEAS,” McKerrigan, Colwell, Scanlan, and Schaub. “NAYS,” Green. Absent: None.

Mr. Kuckkahn presented the Reserve Account Agreement with the City of Gering, explaining this Agreement controls how money in the Reserve Account is spent. He then introduced Ms. Annie Folck, Engineer with the City of Gering to give a brief overview and answer any questions. Ms. Folck approached Council and explained both communities, back in 2007, committed to put \$7.50 per ton into a fund which was earmarked to site and build a new landfill. The fund currently has approximately \$1.8 million in it and the Agreement simply states both communities must agree before any money is spent out of the fund. She further explained the administrators of the fund would be Gering’s City Administrator and Scottsbluff’s City Manager. Also, language in the Agreement states if one community decides to not go forward with the landfill, the other community keeps the funds to move forward on their own.

She added this Agreement is coming forward due to a possible land purchase in the future, which the next agenda item will go into more detail. Mayor McKerrigan asked if Council approved this if it would bind us to participating in the landfill. Mr. Kuckkahn stated no, this is just giving an opportunity to purchase property for a landfill. Council Member Green moved, seconded by Council Member Scanlan to approve the Reserve Account Agreement with the City of Gering and authorize the Mayor to sign the Agreement, “YEAS,” Colwell, Scanlan, Green, Schaub, and McKerrigan. “NAYS,” None. Absent: None.

Ms. Annie Folck, then gave an update concerning a new solid waste disposal site. She also presented the Solid Waste Disposal Site Exploration Agreement and Option to Purchase. Ms. Folck stated a site has been found in Sioux County that has potential, explaining when siting a new landfill there are many details to consider, such as being away from surface water, high ground water levels and airports. The potential site is about 16 miles north of Scottsbluff; it has access off Highway 71; it is far enough out that it is out of the high river valley; and away from populated areas. Ms. Folck explained they are now ready to start drilling ground water monitoring wells, do soil borings and cultural resource surveys. She added this can get expensive, costing around \$150,000 to do the investigations and they

would like to have an Option to Purchase in place for protection. The Agreement states there will be a non-refundable sum of \$25,000 to enter the property to conduct and complete the evaluations and a down payment and earnest money deposit of \$20,000. The Agreement is good for five years and if everything works out they will purchase the property for \$2,355 per acre.

After discussion Council Member Green made a motion to move forward with the Solid Waste Disposal Site Exploration Agreement and Option to Purchase and authorize the Mayor to sign the Agreement. This was seconded by Council Member Scanlan, "YEAS," Green, Scanlan, and McKerrigan. "NAYS," Schaub and Colwell. Absent: None.

Under Council Reports, Council Member Green stated he went to a meeting regarding the landfill. Council Member Schaub commented the 911 Committee Meeting was cancelled. The Region 22 Board meeting was attended by Fire Chief Schingle who gave a brief update.

Council Member Scanlan moved, seconded by Council Member Colwell to adjourn the meeting at 7:24 p.m., "YEAS," Schaub, Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: None.

Mayor

Attest:

City Clerk