

City of Scottsbluff, Nebraska

Monday, October 4, 2021

Regular Meeting

Item Consent1

Council to approve the minutes of the September 20, 2021 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on September 20, 2021 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 September 17, 2021, 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, 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 September 17, 2021. 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 Selina Lerma. Also present were City Attorney Kent Hadenfeldt and City Manager Dustin Rief. Absent: None. Mayor McKerrigan asked if there were any changes to the agenda. City Clerk Wright asked that item 14a) Council to receive the Economic Development Certified Community Presentation, be moved to item 7b) on the agenda. Council Member Colwell moved, seconded by Council Member Scanlan to move item 14a) to 7b) on the agenda, "YEAS," Colwell, Scanlan, Green, Lerma, and McKerrigan. "NAYS," None. Absent: None. Mayor McKerrigan 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 was none.

Ms. Brittany Hardin, Department of Economic Development Representative, approached Council to present the Economic Development Certified Community Certificate. Ms. Hardin explained the Nebraska Economic Development Certified Communities are community leaders, helping expanding businesses grow and also helping with business retention projects. She mentioned the Prime Metal \$2.8 million dollar expansion in which the City of Scottsbluff partnered with the City of Gering and the State of Nebraska. She also thanked the City for their notable contribution to the housing community through the Owner Occupied Rehabilitation Program and Rural Workforce Housing Development Fund. She applauded the City for the Downtown and East Overland Projects, citing community development, which is important to attracting new people and young families. She concluded by thanking the City for their partnership by utilizing the Community Civic Center and Financing Fund to help with the Downtown Plaza project. She then presented Council with the Economic Development Certified Community Certificate acknowledging their achievements over the past five years.

Council Member Green asked that item 8e) Council to approve the appointment of Dr. Thomas Perkins to the Civil Service Commission for a six year term be removed and added to 14d) of the agenda for discussion. Mayor McKerrigan moved, seconded by Council Member Green to remove item 8e) off the consent calendar to item 14d) on the agenda for more discussion, "YEAS," Green, Lerma, Scanlan, McKerrigan. "NAYS," Colwell. Absent: None.

Moved by Council Member Scanlan, seconded by Council Member Green,

- a) The minutes of the September 7, 2021 Regular Meeting be approved.

- b) The minutes of the September 13, 2021 Special Meeting be approved.
- c) A public hearing be set for October 4, 2021 at 6:00 p.m. for the One and Six Year Street Improvement Plan.
- d) A public hearing be set for October 4, 2021 at 6:00 p.m. to receive a report from the LB840 Citizen Review Committee, "YEAS," Scanlan, McKerrigan, Lerma, Colwell, and Green, "NAYS," None. Absent: None.

Moved by Council Member Green, seconded by Council Member Colwell, that the following claims, be approved and paid as provided by law out of the respective funds designated in the list of claims dated September 20, 2021, as on file with the City Clerk and submitted to the City Council, "YEAS," Lerma, Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: None.

CLAIMS

AC ELECTRIC MOTOR SERVICE,EQUIP MAINT,267.62;ACTION COMMUNICATIONS INC.,EQUIP MAINT-PD,319.98;AGUALLO PAUL SR,WELDED TRASH CAN BOTTOMS X 10 CANS,1000;AKAJRV 314, LLC,TIF - AULICK REDEV 9/30/21,7628.53;B & H INVESTMENTS, INC,DEP. SUP. -LIBRARY,101.5; B&C STEEL CORPORATION,DUMPSTER BOTTOMS X8,5967; BACH STACY,CONTRACTUAL-PD,941.04;BLUFFS FACILITY SOLUTIONS,JANITORIAL SUPP PARK,683.88; BUDGET DRAIN SERVICES LLC,AUGERED BATHROOM, SINK DRAIN,190; CAPITAL BUSINESS SYSTEMS INC.,EQUIP MAINT,129.55;CARR- TRUMBULL LUMBER CO, INC.,DEPT SUPP CEM,6.22;CELLCO PARTNERSHIP,IPADS, CELL PHONES, TABLETS FOR TRANS.,1418.29;CITY OF GERING,DISPOSAL OF TRASH & RECYCLING,47034.55;CITY OF SCB,PETTY CASH,27; CLARK PRINTING LLC,DEP. SUP.,40.95;CLEARSPAN FABRIC STRUCTURES INTERNATIONAL INC,COMPOST FACILITY PAD STRUCTURE,386915.62; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTAL LIFE INS,22.75; CONTRACTORS MATERIALS INC.,EQUIP MAINT PARK,38.22; CREDIT BUREAU OF COUNCIL BLUFFS, CONSULTING, 50; DANKO EMERGENCY EQUIPMENT COMPANY, ANGLE FLASHLIGHTS,106.89; DEMCO, INC,DEP. SUP.,152.65;DUANE E. WOHLERS,HAULING RECYCLING TO DENVER, CO,1090; EAKES INC,DEPT SUPP ADM,532.61;ELLIOTT EQUIPMENT COMPANY INC.,WEAR PADS FOR UNIT #824,213.99;ENFORCEMENT VIDEO, LLC,CIP-BODY CAMS,930; FASTENAL COMPANY,GROUND MAINT PARK,114.74;FAT BOYS TIRE AND AUTO,EQUIP MAINT PARK,273.98;FEDERAL EXPRESS CORPORATION,DEPT SUPP REC,226.41;FLOYD'S TRUCK CENTERS SCOTTS BLUFF,REPAIRS TO UNIT #812,5219.9;FRANCISCO 'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1510; GALLS INC,EQUIP MAINT-PD,101.45; GRAINGER,EQUIP MAINT-PD,54;GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,2095; HAWKINS, INC.,CHEMICALS,9377.23;HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,277.31;HONEY WAGON EXPRESS,CONTRACTUAL PARK,900;IDEAL LAUNDRY AND CLEANERS, INC.,SHOP TOWELS, RUGS, MOPS,398.22;INDEPENDENT PLUMBING AND HEATING,INC,BLDG MAINT PARK,78.15;INGRAM LIBRARY SERVICES INC,COLL.,241.12;INLAND TRUCK PARTS & SERVICE,REPLACE TRANSMISSION COOLER AND SERVICE - TOWER 1,5392.9;INTERNAL REVENUE SERVICE,WITHHOLDINGS,67281.54;INTRALINKS,INC,CONTRACT SERVICES - AUG. 2021,2236.58; INVENTIVE MEDIA LLC,FACADE IMPROVEMENT GRANT,2259.5;INVENTIVE WIRELESS OF NE, LLC,INTERNET WESTMOOR POOL,35.9; JWC ENVIRONMENTAL INC,EQUIPMENT,22534.43;KNOW HOW LLC,EQUIP MAINT PARK,1720.15; LEAL NOHEMI,CONSULTING-PD,70;LEE BHM CORP,PUBLISHING,2722.63;LEXISNEXIS RISK

DATA MANAGEMENT,CONSULTING-PD,100;LOMBARD MATTHEW,EQUIP MAINT-PD,47; M.C. SCHAFF & ASSOCIATES, INC,DEPT CNTRCL SRVCS,190;MACQUEEN EQUIPMENT INC,HYD. FILTERS FOR SWEEPER,130.98; MANLEY TRREL,EQUIP MAINT,800; MATHESON TRI-GAS INC,RENT - MACHINES,66.18;MENARDS, INC,DEPT SUPP PARK,379.97;NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1553.1;NE DEPT OF ENVIRONMENTAL QUALITY,SOLID WASTE COMPOST SITE PERMIT,2100;NE DEPT OF REVENUE,LODGING TAX,399.16;NEBRASKA INTERACTIVE, LLC,CONSULTING,122.5; NEBRASKA MACHINERY CO,REPAIR CENTERSHIFT LOCK ON GRADER,2256.7;NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,43070.34;NEBRASKA STATE HISTORICAL SOCIETY,SBSCR.,35;NEBRASKALAND TIRE, INC,VEH MAINT-PD,1004.35;NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND MAINT PARK,697.32;OCLC ONLINE COMPUTER LIBRARY CENTER, INC,SBSCR.,385.72;OREGON TRAIL PLUMBING, HEATING & COOLING INC,EQUIP MAINT ADM,141; PAGE MY CELL LLC,CELLULAR PHONE PAGING APP,600; PANHANDLE COOPERATIVE ASSOCIATION,PROPANE/DIESEL,3555.27;PLATTE VALLEY BANK,TIF - FAIRFIELD INN 9/30/21,81164.44; POWERPLAN,EQUIP MAINT PARK,89.26; PT HOSE AND BEARING,PARTS FOR SWEEPER - COVER, ETC.,134.83;QUICK CARE MEDICAL SERVICES,SARS-COV-2 COVID-19 TESTS X4,790;QUILL CORPORATION,DEPT SUPPL-PD,187.99; R & K LAND CO LLC,FACADE IMPROVEMENT GRANT,10000;REFUSE TRUCK SALES,NUTS, ELBOW, FREIGHT CHARGES,127.28; REGIONAL CARE INC,CLAIMS,145847.6; REZPLOT SYSTEM LLC,COMTRACTUAL PARK,314; RON'S TOWING,TOW SERVICE-PD,250; S M E C,EMPLOYEE DEDUCTION,150.27;SANDBERG IMPLEMENT, INC,REPAIR START CORD ON TS420 SAW,130.65;SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,458.18;SCOTT WALTON,BAILER CYLINDER REPAIR,408.13;SCOTTS BLUFF COUNTY COURT,LEGAL FEES-PD,423.75;SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,936;SHERIFF'S OFFICE,REIMBURSE DOJ GRANT,2568.81; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,8018.61;SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,8789.44;SNELL SERVICES INC.,EQUIP. MAIN.,929; SOUNDSLEEPER SECURITY INC.,MAINTENANCE ON HI DEF CAMERAS,400; STATE OF NEBRASKA DEPT OF HEALTH,SCHOOLS & CONF,260;TERRY D SCOTT,VEHICLE MAINT PARK,702.56; THE PEAVEY CORP,INVEST SUPPL-PD,75;UNION BANK & TRUST,RETIREMENT,41714.15;WEST NEBRASKA ARTS CENTER,FACADE IMPROVEMENT GRANT,5000;WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,6867.68; WESTERN COOPERATIVE COMPANY,GROUND MAINT PARK,310;WESTERN PATHOLOGY CONSULTANTS, INC,CONTRACTUAL,316.25;WESTERN STATES BANK,TIF REGANIS REDEV 9/30/21,20695.65;WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,713;WEX BANK,FLEET FUEL,22774.31;WYOMINGCHILDSUPPORTENFORCEMENT,CHILDSUPPORT,738.08;REFUNDS; SOKO COMBAT ACADEMY, 277.91; PHOENIX RED FEATHER, 49.65; NORMA DEL CEID, 100.; RON SCHREINER, 9.74; MARJORIE SIPP, 13.47.

City Manager Rief presented the August 2021 Financial Report. He explained the general fund is down \$867,000. Some of the planned expenditures are related to the 23 Club, Pathway Project, Avenue B Mill/Overlay and equipment replacement and fencing at the Cemetery. He also mentioned our health insurance is up \$693,000, stating overall we are up over \$89,000 total amongst all funds. Council

Member Scanlan moved, seconded by Council Member Green to approve the August 2021 Financial Report, “YEAS,” McKerrigan, Green, Colwell, Scanlan and Lerma. “NAYS,” None. Absent: None.

Regarding making a recommendation to the Nebraska Liquor Control Commission regarding an application to add a Catering Endorsement to a Class I Liquor License held by P.R.E.S. Inc., d/b/a Rosita’s, Council Member Lerma declared a conflict of interest, stating it is a family business and because of that she is abstaining from discussion or voting on the matter. Council Member Green moved, seconded by Council Member Colwell to excuse Council Member Lerma from discussion or voting on the agenda item pertaining to the Catering Endorsement for P.R.E.S. Inc. d/b/a Rosita’s, “YEAS,” Colwell, Scanlan, Green, Lerma, and McKerrigan. “NAYS,” None. Absent: None.

Mayor McKerrigan opened the public hearing at 6:15 p.m. Mr. Evan Lerma, family member, came forward and explained they are looking to add a Catering Endorsement to their Class I Liquor License. He explained they hit the limit of six Special Designated Liquor Licensees relatively quick and would like to have the capability to do more events during the year; the Catering Endorsement will allow them to do so. Police Chief Kevin Spencer came forward and explained they have held a liquor license since 1993 and have had no issues. There were no comments from the public. Mayor McKerrigan closed the public hearing at 6:16 p.m.

Council Member Green made a motion to send a positive recommendation to the Nebraska Liquor Control Commission regarding adding a Catering Endorsement to a Class I Liquor License held by P.R.E.S. Inc. d/b/a Rosita’s. This was seconded by Council Member Scanlan. “YEAS,” Green, Scanlan, McKerrigan, and Colwell. “NAYS,” None. “Abstain” Lerma, “Absent” None.

Mayor McKerrigan opened the public hearing at 6:17 p.m. for the purpose of reviewing and obtaining comment on a redevelopment plan submitted by Kersch, LLC for the Kersch Powerhouse Renovation Project.

Ms. Starr Lehl, Economic Development Director, came forward and explained to Council their packets contain an application for a Redevelopment Plan for 1721 Broadway aka “The Powerhouse”. She added the anticipated plan is for the developer to purchase the building and renovate it into a restaurant, office space and extended stay apartments’, citing it fits into the Comprehensive Plan. In addition, the Community Redevelopment Authority (CRA) and Planning Commission have approved the plan.

Mr. Dave Schaff, representing Kersch, LLC, came forward and explained he has grown up here; the building has been a mainstay of the downtown area and has always been an interest of him and his wife.

Legal Counsel Hadenfeldt then commented for the public record there are three elements to be reviewed by Council. The first element is if it fits into the Comprehensive Plan. The Project Site does fit as it is in the Downtown District and in the Central Business District Neighborhood. The second “But For” Test has been determined that it would not be economically feasible or occur in the blighted and substandard area without the use of Tax Increment Financing. The third Cost-Benefit Analysis looks at the impact on the community; we notify the other tax authorities and there has been no negative comments regarding the plan.

There were no other comments from the public. Mayor McKerrigan closed the public hearing at 6:20 p.m.

Council Member Scanlan moved, seconded by Council Member Colwell to approve Resolution No. 21-09-03 authorizing the Redevelopment Plan submitted by Kersch, LLC for the Kersch Powerhouse Renovation Project, “YEAS,” Scanlan, McKerrigan, Lerma, Colwell, and Green. “NAYS,” None. Absent: None.

RESOLUTION NO. 21-09-03

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 *Kersch Powerhouse Renovation* project submitted by Kersch, LLC (the “Redevelopment Plan”) has been submitted to the Scottsbluff Community Redevelopment Authority (“CRA”). The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Redevelopment Plan includes the use of tax increment financing.

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, that the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the CRA, are in the long term best interests of the community.

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

e. On September 20, 2021, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.

f. The City Council has reviewed and conducted a cost-benefit analysis of 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.

2. The project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long-term best interests of the community impacted by the project.

3. The City Council approves the Redevelopment Plan.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Redevelopment Plan, the City Council provides that any ad valorem tax on the Project Site as set forth in the Redevelopment Plan, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in § 18-2147, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the CRA. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies;

(b) That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the CRA to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the CRA for financing or refinancing, in whole or in part, the project set forth in the Redevelopment Plan. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due have been paid, the CRA shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in the redevelopment project shall be paid into the funds of the respective public bodies; and

(c) Any interest and penalties due for delinquent taxes shall be paid in the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

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

PASSED and APPROVED on September 20, 2021

Mayor

ATTEST:

City Clerk (Seal)

Mr. Zachary Glaubius, Planning Administrator, came forward and presented the Outdoor Design Standards Manual. He explained with the completion of the Pathway there has been an interest in the community regarding the Parks system and they are using this as an opportunity to build off of that. They are looking for uniformity throughout the parks system to give identity and help cut down on maintenance. The Outdoor Design Standards Manual covers all park amenities as well as color schemes.

Mr. Dan Marshall, Chairman of the Parks Board, came forward and explained this is a great idea, an opportunity to move forward, adding the uniformity will give everything a class act.

Council Member Lerma moved, seconded by Council Member Scanlan to approve Resolution No. 21-09-04 adopting the Outdoor Design Standards Manual and authorized the Mayor to sign the Resolution, "YEAS," Lerma, Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: None.

RESOLUTION NO. 21-09-04

WHEREAS, the City of Scottsbluff ("City") has created a Park, Cemetery and Tree Board ("Board") in the Scottsbluff Municipal Code.

WHEREAS, the Board, among other things, has the duty to make recommendations and advise the City Manager in regard to the development, improvement and management of the parks and cemeteries of the City.

WHEREAS the Board met on August 11, 2021 and as part of the meeting passed a motion to make a positive recommendation to have the City Council adopt the Outdoor Design Standards Manual.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Scottsbluff, Nebraska:

Upon the positive recommendation of the Board, the City Council now adopts the Outdoor Design Standards Manual, and future amendments thereto, to identify standards and implement practices to be used for construction and design elements in the City's parks.

Passed and approved on this 20th day of September, 2021.

Jeanne McKerrigan, Mayor

ATTEST:

Kimberley Wright, City Clerk

Public Works Director, Mark Bohl approached Council regarding the final Pay App from Paul Reed Construction to discuss and consider three change orders for the 23 Club ball field improvements. Mr. Bohl explained the City is close to closing out the project and then went over the proposed change

orders. The first, he explained, is a \$7,000 deduct for handrails. The second is \$2525 for fire extinguishers, a knox box and red painted along the bleachers coming into the seating areas. The third is \$20,838.86 for modifications to the foundation designs. The total is \$123,904.98 for the change orders and closeout; he is recommending approval of the payout to Paul Reed. Council Member Scanlan moved, seconded by Council Member Colwell to approve the final Pay App from Paul Reed Construction including three change orders for the 23 Club ball field improvements totaling \$123,904.98, "YEAS," McKerrigan, Green, Colwell, Scanlan, and Lerma. "NAYS," None. Absent: None.

Regarding Council's discussion and ratification of the Mayor's action in signing letter of support for the Western Nebraska Economic Development's effort to apply for a housing study grant, City Manager Rief explained this is a grant submitted by WNED to help with the cost to do the housing study. The amount for the cost is estimated around \$30,000 with Scottsbluff's share being \$10,000. If the grant is approved it will lower the cost for the municipalities participating. Council Member Green made the motion, seconded by Council Member Lerma to ratify the Mayor's action in signing a letter of support for the Western Nebraska Economic Development's effort to apply for a housing study grant, "YEAS," Colwell, Scanlan, Green, Lerma, and McKerrigan. "NAYS," None. Absent: None.

Mr. Rief approached Council and explained with the appointment of newly seated Council Member Lerma and the resignation of Council Member Schaub there are open Council Board appointments that will need to be filled. He opened discussion on the item. Council Member Lerma stated she would be happy to fill the vacant positions that are open due to the resignation of Mr. Schaub, with the exception of the 911 Steering Committee in which she will become the alternate with Council Member Colwell becoming the primary.

CITY COUNCIL BOARD APPOINTMENTS AS OF September 20, 2021

- a) Panhandle Area Development District – City Manager or designee (primary) and Scanlan (alternate)
- b) Scottsbluff Drain Operating Committee – Lerma and Green (alternate)
- c) Panhandle Humane Society – Animal Control Officer Brunz
- d) Technical Advisory Committee – City Manager, (staff) Scanlan and McKerrigan (alternate)
- e) NPPD Retail Community Customer Committee – City Manager or designee (primary)
- f) Public Alliance for Community Energy (PACE) – City Manager or designee (primary)
- g) Youth Council - McKerrigan
- h) Resource, Conservation & Development Board (RC&D)- McKerrigan (primary)
- i) Riverside Discovery Center Board – Green
- j) 911 Steering Committee – Colwell and Lerma (alternate)
- k) Western Nebraska Economic Development Committee – Lerma and Scanlan (alternate)

- l) Revenue Committee – McKerrigan and Colwell
- m) East Overland Steering Committee – Lerma and Green (alternate)
- n) Tri-City Active Living Advisory Council – McKerrigan
- o) Platte Alliance Water Supply – Green and Colwell (alternate)
- p) Region 22 Emergency Management Advisory Board – Lerma and Schingle (proxy)
- q) Heartland Expressway – Green and McKerrigan (alternate)

Council Member Green moved, seconded by Council Member Colwell to approve the new list of Council Board Appointments dated September 20, 2021, “YEAS,” Green, Lerma, Scanlan, McKerrigan, and Colwell, “NAYS,” None. Absent: None.

Regarding the agenda item of approving Dr. Thomas Perkins to the Civil Service Commission for a six year term, Council Member Green stated in light of the expressed interest in the City Council vacancy he was wondering if there were any other applications received for the position. City Manager Rief explained there were no other applications received, however he would like to change the procedure on how to fill the positions; regarding the six year term for the Civil Service Commission that is guided by State Statute and cannot be changed. Council Member Scanlan moved, seconded by Council Member Colwell to approve the appointment of Dr. Thomas Perkins to the Civil Service Commission for a six year term, “YEAS,” Lerma, Colwell, McKerrigan, and Scanlan. “NAYS,” Green. Absent: None.

Council Member Scanlan made a motion to remove from the table the final plat of Lots 7A & 7B, Block 1, Quindt Commercial Tracts, a subdivision of Lot 7 Block 1, Quindt Commercial Tracts, to the City of Scottsbluff. This was seconded by Council Member Colwell. “YEAS,” McKerrigan, Green, Colwell, Scanlan, and Lerma. “NAYS,” None. Absent: None.

Planning Administrator Glaubius approached Council regarding the final plat of Lots 7A & 7B, Block 1, Quindt Commercial Tracts, a subdivision of Lot 7 Block 1, Quindt Commercial Tracts, to the City of Scottsbluff. Mr. Glaubius explained following the previous Council meeting he and City Manager Rief have met with Mr. Jack Baker to address the concerns of parking access. Mr. Baker has since submitted a revised final plat with a larger access easement that will be sufficient in providing access to both the rear of the larger and smaller lot. Currently it has enough space to meet the parking requirements set for a convenience warehouse facility; however the City has concerns if it were to change uses in the future, if it would have enough parking spaces. He added if this is to be approved; the City is suggesting a deed restriction that would limit the use to convenience warehouse facility to address any future concerns. Council Member Colwell moved, seconded by Council Member Scanlan to approve the final plat of Lots 7A & 7B, Block 1, Quindt Commercial Tracts, a subdivision of Lot 7 Block 1, Quindt Commercial Tracts to the City of Scottsbluff with the requirement that future use be limited to permitted use under the municipal code as applied for and authorize the Mayor to sign Resolution No. 21-09-05, “YEAS,” Lerma, Scanlan, McKerrigan, and Colwell. “NAYS,” Green. Absent: None.

RESOLUTION NO. 21-09-05

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

WHEREAS, BE IT RESOLVED, the final plat of Lots 7A and 7B, Block 1, Quindt Commercial Tracts, a subdivision of Lot 7 Block 1, Quindt Commercial Tracts, to the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in the SE¼ of the NE ¼ of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, dated August 4, 2021, 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.

Pursuant to the Municipal Code at §21-1-41, the approval of the subdivision, is subject to an additional requirement the property continues to comply with all use regulations in Chapter 25 of the Municipal Code including the use for the purpose proposed in the Application which is a convenience warehouse facility. Such Final Plat is ordered to be filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 20th day of September, 2021.

Mayor

ATTEST:

City Clerk

Regarding the City of Scottsbluff Façade Improvement Grants, Mr. Glaubius presented the three applications that were brought forward for approval. The applications totaling \$30,000 are for Clemens Carpet, Flyover Brewing Company, and David M. Martin. Mr. Glaubius informed Council that the CRA approved all the applications at their meeting and there is roughly \$96,000 remaining to be carried over to the next fiscal year. Council Member Colwell moved, seconded by Council Member Scanlan to approve the City of Scottsbluff Façade Improvement Grants to Clemens Carpet, Flyover Brewing Company, and David M. Martin, "YEAS," Lerma, Colwell, McKerrigan, Green, and Scanlan. "NAYS," None. Absent: None.

Council took a ten minute recess at reconvening at 6:58 p.m.

Mayor McKerrigan started discussion regarding the bi-annual evaluation of City Manager Rief. She explained that she was involved in the hiring process and appreciates all he has done. She realizes there have been struggles, but they can be worked through, she appreciates everything he has done during his first six months.

Council Member Green stated he has done a fine job during the transition, citing the new Council Member vacancy as an example.

Mr. Rief stated he wanted to keep his evaluation in open session because he did not want accusations of not being transparent enough or not having enough communication. He reviewed his role as the City Manager and what he is bound by as far as ethics is concerned. He gave Council a copy of the ICMA Code of Ethics with Guidelines and gave a brief overview of the document, explaining in his contract it is written that he upholds these guidelines during his employment. He went over different tenets included in the Code explaining his position and why he feels they are important, adding his goal is to be the trusted servant that people can call on.

He then handed out a document of City Manager's Expectations that he had given and went over with staff, explaining the expectations. Included in that document was a section on the handling of elected officials in which Mr. Rief overviewed giving a summary of what is required of staff.

Mr. Rief then asked Council if they wanted to go over his performance review that was conducted by each of the Council Members. Council Member Colwell started, stating he feels there is nothing in his review that can't be fixed, an example being communication. He also added he would like to see a list of action items that Mr. Rief would like to achieve in the next six months. Mr. Rief commented he would like to hold a strategy session the last Monday of November to go over items that are of interest to himself and Council.

Mayor McKerrigan added ethics is probably one of the hardest things for any person in business and she commends Mr. Rief on being as ethical and professional as he can be. She added getting to know management styles and communication to be the key, but it can be hard. It is important not only for Mr. Rief to communicate, but for his department heads to communicate as well.

Council Member Green stated he is happy with his choice to hire Mr. Rief. He added the job is difficult because Council sets the policy and is fluid with the changing goals, especially when the Council did not have five members at all of the meetings for the first six months of his tenure. He commented there are five Council Members and one Council; Council is Mr. Rief's boss. He added one thing Council needs to take away is they need to listen to their manager, the staff and to the employees because they owe it not only to them but to the City.

Council Member Scanlan commended City Manager Rief for being self-reflective. She thanked him for being transparent, having open doors and always reaching higher. She added Council wants the very best for Mr. Rief and are rooting for him in the ultimate sense. She concluded by commenting he is the best person for the job.

After Council discussion, Mrs. Jacqueline Rief, wife of Dustin Rief, approached Council. She thanked them for the opportunity to speak and gave her comments on what she has seen in the community, role of Council and actions of a Council Member.

Mayor McKerrigan then asked if there were any other comments. City Manager Rief asked that in his contract there is eligibility for a five percent pay increase after each of his performance reviews. Legal Counsel Hadenfeldt was asked about the increase and answered he would need to review the contract. Council Member Colwell made a motion to table the increase until Legal Counsel reviews the contract. Council Member Green seconded the motion with the addendum that the increase is retroactive if that is what is required by the Agreement, "YEAS," McKerrigan, Green, Colwell, Scanlan, and Lerma. "NAYS," None. Absent: None.

Under Council Reports, Council Member Colwell stated a 911 Committee Meeting is tomorrow (September 21st).

Council Member Colwell moved, seconded by Council Member Green to adjourn the meeting at 7:46 p.m., "YEAS," Colwell, Scanlan, Green, Lerma, and McKerrigan. "NAYS," None. Absent: None.

Mayor

Attest:

City Clerk