

City of Scottsbluff, Nebraska

Monday, March 7, 2022

Regular Meeting

Item Consent1

Council to approve the minutes of the February 22, 2022 Regular Meeting.

Staff Contact: City Council

The Scottsbluff City Council met in a regular meeting on February 22, 2022 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. Since the regular meeting would fall on a City recognized holiday the meeting was moved to the following day, according 6-1-12. A notice of the meeting had been published on February 18, 2022, 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, together with a copy of the agenda, also 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 February 18, 2022.

Mayor McKerrigan presided and City Clerk Wright recorded the proceedings. The Pledge of Allegiance was recited. Mayor McKerrigan welcomed everyone in attendance and encouraged all citizens to participate in the Council meeting asking those wishing to speak to come to the microphone and state their name and who they are representing for the record. Mayor McKerrigan 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, Jordan Colwell, Nathan Green, Angela Scanlan, and Selina Lerma. Also present were City Manager Dustin Rief and City Attorney Kent Hadenfeldt. Absent: None.

Mayor McKerrigan asked if there were any changes to the agenda. There were 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 were none.

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

- a) The minutes of the February 7, 2022 Regular Meeting be approved,
- b) A public hearing be set for March 7, 2022 at 6:00 p.m. to consider making a recommendation to the Nebraska Liquor Control Commission regarding a Class C Liquor License for X-Treme Fun, LLC d/b/a X-Treme Fun, 1702 17th Avenue, Scottsbluff, NE,
- c) A public hearing be set for March 7, 2022 at 6:00 p.m. to consider making a recommendation to the Nebraska Liquor Control Commission regarding a Class D Liquor License for Grass Retail, LLC d/b/a Shortstop, 2002 Avenue I, Scottsbluff, NE,
- d) A public hearing be set for March 7, 2022 at 6:00 p.m. to consider a Rezone of Block 7 of the Five Oaks Subdivision from Agricultural to R-4 Heavy Density Multiple Family,
- e) A public hearing be set for March 7, 2022 at 6:00 p.m. to consider a proposed Ordinance Text Change to Chapter 25 Article 22 regarding Landscaping,
- f) A public hearing be set for March 7, 2022 at 6:00 p.m. to consider a proposed Ordinance Text Change to Chapter 25 Article 3 regarding the Gateway Green Overlay Zone,
- g) The bid specifications for the repair of hail damage at the Water/Wastewater Facilities located throughout the City and authorizing the City Clerk to advertise for bids to be received by March 14, 2022 at 2:00 p.m. be approved, "YEAS," Colwell, Scanlan, Green, Lerma, and McKerrigan. "NAYS," None. Absent: None.

Moved by Council Member Scanlan, seconded by Council Member Lerma, that the following claims be approved and paid as provided by law out of the respective funds designated in the list of

claims dated February 22, 2022 as on file with the City Clerk and submitted to the City Council, "YEAS", Green, Lerma, Scanlan, McKerrigan, and Colwell. "NAYS", None. Absent: None.

CLAIMS

AC ELECTRIC MOTOR SERVICE,EQUIP MAINT,663.07;ACCELERATED RECEIVABLES SOLUTIONS,WAGEATTACHMENT,277.71;ACTIONCOMMUNICATIONSINC.,CIPPATROLCARS ,5627.05; ADVANCE AUTO PARTS,SUPP - FOAMING SPRAY GUN & WAX,57.02; AMAZON.COM HEADQUARTERS,MISC.,213.09; AUTOZONE STORES, INC,VEH MAINT-PD,61.24;B & H INVESTMENTS, INC,CONTRACTUAL SVC,274.05;B&C STEEL CORPORATION,DEPT SUPPLIES,8777.91; BLEISCH ELAINE,REIMB.,18.93; BLUFFS FACILITY SOLUTIONS,DISINFECTANT FOR MEDICAL SUPPLIES,25; CAPITAL BUSINESS SYSTEMS INC.,COPIER MAINT ADM,28.02; CELLCO PARTNERSHIP,TABLETS, IPADS, CELL PHONE, GRIDSMART FOR TRANS.,1092.56;CITY OF GERING,DISPOSAL FEES,42013.55; COLLABORATIVE SUMMER LIBRARY PROGRAM,PRGRMG.,2129.12; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTAL LIFE INS,22.75;COMPUTER CONNECTIONINC,CONTRACTUALPD,44;CONTRACTORSMATERIALSINC.,ADAPANELS,711.7 2; CORE & MAIN LP,METERS,385.1; CREDIT BUREAU OF COUNCIL BLUFFS,FEES - JAN. 2022,50; CRESCENT ELECT. SUPPLY COMP INC,ELECT. SUPP - SPLICING TAPE,11.3; DALE'S TIRE & RETREADING, INC.,VEHICLE MAINT,25.5; DUANE E. WOHLERS,DISPOSAL FEES,800; EAKES INC,FIRST AID KIT SUPPLIES,85.79; ELBIT SYSTEMS OF AMERICA-NIGHT VISION LLC,EQUIP MAINT-PD,400.53; FAIRBANKS SCALES INC,DEPT SUP,84.9; FAT BOYS TIRE AND AUTO,TIRE REPAIR ON BACKHOE,50.42; FEDERAL EXPRESS CORPORATION,POSTAGE,503.3;FLOYD'STRUCKCENTERSCOTTSBLUFF,EQUIPMENT,114262. 51; FORTNA EQUIPMENT COMPANY, INC,DEPT SUP,63;FRANCISCO'S BUMPER TO BUMPER INC,TOW SERVICE-PD,1660;FREMONT MOTOR SCOTTSBLUFF, LLC,VEH MAINT PARK,450.42;FYR-TEK INC,BREATHING AIR COMPRESSOR ANNUAL MAINTENANCE,577.17; GENERAL TRAFFIC CONTROLS, INC,PATHWAY PED. LIGHTS,13412; GRAY TELEVISION GROUP INC,CONTRACTUAL SVC,2095;GREENING ENTERPRISES INC.,EXTRICATION GLOVES2L,3XL,1XXL,265.7;HAACKADAM,LEGALFEESPD,23.51;HAWKINS,INC.,CHEMICALS, 1068.7; HAZLITT ELSA,LEGAL FEES-PD,23.51; HD SUPPLY FACILITIES MAINTENANCE LTD,DEPT SUP,1643.04; HOA SOLUTIONS, INC,EQUIP MAINT,3241; HOLTZ INDUSTRIES, INC,DEPT SUPPLIES,4006.8; HULLINGER GLASS & LOCKS INC.,BLDG. MAIN.,252.5; HYDROTEX PARTNERS, LTD,DEPT SUPP PARK,303.23; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPPLIES,672.27;INDEPENDENT PLUMBING AND HEATING, INC,BLDG MTNC,91.47;INGRAM LIBRARY SERVICES INC,COLL.,357.54; INTERNAL REVENUE SERVICE,WITHHOLDINGS,70305.06; INTRALINKS, INC,DATTO ALTO - FEB 2022,2417; J & A TRAFFIC PRODUCTS, LLC,POSTS AND ANCHORS,2061;KNOW HOW LLC,EQUIP MAINT,3863.42; KRIZ DAVIS,BREAKER FOR S. BDWY CHRISTMAS LIGHTS,919.31; LEE BHM CORP,PUBLISHING,3384.37; LEXISNEXIS RISK DATA MANAGEMENT,CONSULTING-PD,100; M.C. SCHAFF & ASSOCIATES, INC,PROF SERVICES - JAN 2022,380; MATHESON TRI-GAS INC,DEPT SUPP PARK,90; MENARDS, INC,DEPT SUPP CEM,1289.55; MUNIMETRIX SYSTEMS CORP,IMAGESILO - JAN 2022,39.99; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1820.1;NE DEPT OF ENVIRONMENTAL QUALITY,LICENSE &

PERMITS,150; NE DEPT OF REVENUE,WITHHOLDINGS,24100.22; NEBRASKA MACHINERY CO,EQUIP MAINT,237.58;NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,41795.5; NEBRASKA RURAL RADIO ASSOCIATION,CONTRACTUAL SVC,657.5; NEBRASKALAND TIRE, INC,EQUIP MAINT PARK,29;NETWORKFLEET, INC,GPS SERVICE,273.42; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,EQUIP MAINT PARK,9.76; OCLC ONLINE COMPUTER LIBRARYCENTER,INC,CONT.SRVCS.,385.72; ONE CALL CONCEPTS, INC,CONTRACTUAL,65; PANHANDLE COOPERATIVE ASSOCIATION,FUEL,4518.84; PANHANDLE ENVIRONMENTAL SERVICES INC,CONTRACTUAL SVC,312;PANHANDLE REGIONAL DEVELOPMENT, INC.,REGIONAL HOUSING STUDY,4078.21; PLAKA & ASSOCIATES INC,ECON.DEV. STRATEGIC PLAN,14975; PLATTE VALLEY BANK,HEALTH SAVINGS ACCOUNT,10088.99; PROTEX CENTRAL, INC.,EQUIP MAINT ADM,159; PT HOSE AND BEARING,PARTS FOR BACKHOE,222.62; QUADIENT INC,POSTAGE,1000; QUADIENT LEASING USA INC,RENT-MACH-PD,423.38; QUILL CORPORATION,DEPT SUPPL-PD,239.43; REGION 22 EMERGENCY MGMT,EMERGENCY MANAGEMENT FEE,5638.12; REGIONAL CARE INC,CLAIMS,18930.35; RHODE ISLAND NOVELTY, INC,PRGRMG.,1709.45;RICHARD CELL,EQUIP MAINT PARK,386.83;RIGHTBRAINUNLIMITED,DEPT SUPP PARK,692.2;RUSSEL'S AUTOMOTIVE,VEH MAINT-PD,739.11; S M E C,EMPLOYEE DEDCTIONS,165.77; SALES MIDWEST, INC,EQUIP MAINT PARK,649.98; SANDBERG IMPLEMENT, INC,EQUIP MAINT PARK,7849.11; SATUR, JACK,SCHOOLS & CONF,100; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,300; SCB IBEW 1597 UNION DUES,SCB IBEW 1597 UNION DUES,443.61; SCOTT WALTON,EQUIP MAINT PARK,815; SCOTTIES POTTIES INC,CONTRACTUAL PARK,475; SCOTTS BLUFF COUNTYCOURT,LEGALFEES-PD,318;SCOTTSBLUFFPOLICEOFFICERSASSOCIATION,POLICE EE DUES,975; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY, LLC,EMBROIDERY FOR UNIFORMS,131; SHERIFF'S OFFICE,LEGAL FEES-PD,163.8; SHERWIN WILLIAMS,GROUND MAINT PARK,341.03; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL,15480.74; SIMON CONTRACTORS,DEPTSUP,415.96;SNELLSERVICESTINC.,BLDG. MAIN.,1830; SOUNDSLEEPER SECURITY INC.,CONTRACTUAL-PD,14.95; SYMBOLARTS, LLC,UNIFORM NAME PLATES,50; TERRYDSCOTT,VEHIMAINTPARK,1168.55;THEWESTERNSSUGARCOOPERATIVE,FLATBEDS, 675;THOMPSONGLASS,INC,BLDGMAINGADM,190;UNIONBANK&TRUST,RETIREMENT,43079 .82; UNITED STATES WELDING,DEPT SUPPLIES,215.59; VAN PELT FENCING CO, INC,STRUCTURE,6764.5; W & R INC,EQUIP MAINT,417.5; WESTERN PATHOLOGY CONSULTANTS, INC,DOT TESTING - JAN. 2022,56.25; WESTERN TRAVEL TERMINAL, LLC,VEH MAINT-PD,267; WEX BANK,GASOLINE & OTHER FUELS,19415.54; WYOMING CHILD SUPPORT ENFORCEMENT,CHILD SUPPORT,738.08; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEPT SUPPLIES,153.84;REFUNDS; WESTERN SLEEP MEDICAL, 1018.42; CATHY CARDONA, 38.83; BUYER'S REALTY, 16.90

Ms. Jada Thompson with Contryman & Associates presented the 2021 Annual Audit Report via Zoom. She complimented Finance Director Loutzenhiser for preparing an excellent set of financial statements and the work that she and staff have done to assure that the day to day process is running smooth. Ms. Thompson also reported the City received an unmodified opinion which is the best opinion possible. In addition, she went over GASB 84 for reporting entities and a year end investment footnote during her discussion.

Council Member Green moved, seconded by Council Member Scanlan to accept the 2021 Annual

Audit Report from Contryman & Associates, “YEAS,” Scanlan, McKerrigan, Lerma, Colwell, and Green. “NAYS,” None. Absent: None.

City Manager Rief approached Council to give the January 2022 Financial Report. He informed those attending the report shows bond payments, LB840 loans, and transfers for the closing of the fund for central garage. He added we have increased our cash on hand a little over a half a million in January; we are in good shape for the year.

Council Member Colwell made a motion, seconded by Council Member Lerma to accept the January 2022 Financial Report, “YEAS,” Lerma, Colwell, McKerrigan, Green, and Scanlan. “NAYS,” None. Absent: None.

Mayor McKerrigan opened the public hearing at 6:14 p.m. for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by Javier and Martha Parra for the El Torito Restaurant Project.

Mr. Javier Parra approached Council and explained he will be moving his restaurant that is located on 27th Street to Avenue I next to Viaero; he anticipates the project being complete by the end of August.

Legal Counsel Hadenfeldt then added the record needs to reflect that Council has received the memo of the cost benefit analysis along with the resolutions by the CRA and the Planning Commission before the closing of the public hearing.

There were no other comments from the public. At 6:16 p.m. Mayor McKerrigan closed the public hearing.

Regarding the Resolution to approve the Redevelopment Plan submitted by Javier and Martha Parra for the El Torito Restaurant Project, Legal Counsel Hadenfeldt reminded Council of the three pronged review. The first part of the review is whether the project conforms to the City’s Comprehensive Plan in the Community Development Law, in which Mr. Hadenfeldt stated, it does match all of our development laws. The second is the “But For” test. In this particular case the “But For” test certifies in the application by the applicant if not “But For” TIF financing the project could not be completed. The third review is the Cost-Benefit Analysis. In order to approve the Plan, there must be a finding 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 City Council, are in the long-term best interests of the community.

Council Member Scanlan moved, seconded by Council Member Green to approve Resolution No. 22-02-03 authorizing the Redevelopment Plan submitted by Javier and Martha Parra for the El Torito Restaurant Project, “YEAS,” Green, Lerma, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

RESOLUTION NO. 22-02-03

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 *El Torito Restaurant* project submitted by Javier and Martha Parra (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 February 22, 2022, 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 February 22, 2022

Mayor

ATTEST:

City Clerk (Seal)

Mr. Rief approached Council regarding appointing representatives to the Nebraska Municipal Power Pool Members' Council. He explained due to a resignation and a qualification that the members need to live in Scottsbluff, there needs to be a replacement for both representatives. In addition, he recommends adding by position, therefore naming the Mayor and Vice-Mayor as Representative and Alternate.

Council Member Green made a motion, seconded by Council Member Colwell to appoint the Mayor as Representative and the Vice-Mayor as Alternate to the Nebraska Municipal Power Pool Members' Council, "YEAS," McKerrigan, Green, Colwell, Scanlan, and Lerma. "NAYS," None. Absent: None.

Council introduced the Ordinance relating to the Franchise Ordinance granted to Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy to amend the franchise fee in paragraph 8 of Ordinance 3937 and was read by title on second reading: **AN ORDINANCE OF THE CITY OF**

SCOTTSBLUFF, NEBRASKA RELATING TO THE FRANCHISE ORDINANCE GRANTED TO BLACK HILLS NEBRASKA GAS, LLC D/B/A BLACK HILLS ENERGY, A DELAWARE LIMITED LIABILITY COMPANY AND IN PARTICULAR AMENDING PARAGRAPH 8 OF ORDINANCE 3937 DEALING WITH A FRANCHISE FEE, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Council introduced the Ordinance establishing a franchise fee on all energy providers operating within the corporate limits of the City and was read by title on second reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, ESTABLISHING A FRANCHISE FEE ON ALL ENERGY PROVIDERS OPERATING WITHIN THE CORPORATE LIMITS OF THE CITY, AMENDING THE MUNICIPAL CODE BY ADDING SECTION 11-4-11 SETTING FORTH THE ESTABLISHMENT OF A FRANCHISE FEE FOR ENERGY PROVIDERS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Mr. Dave Schaff, representing Kersch, LLC approached Council regarding a License Agreement at 1721 Broadway. Mr. Schaff explained they have purchased the powerhouse building on Broadway and they anticipate putting a restaurant on the first floor. With the restaurant they would like to add an outdoor patio that would encroach on the 18th Street Plaza. He added their intention is to enhance and facilitate the Plaza by having a café setting. He included the restaurant will be selling alcohol and they will meet all the intentions of what that will involve including fencing, which will match the architectural space of the Plaza.

Council Member Colwell moved, seconded by Council Member Scanlan to approve the License Agreement with Kersch, LLC at 1721 Broadway and authorize the Mayor to sign the Agreement, “YEAS,” Colwell, Scanlan, Green, Lerma, and McKerrigan. “NAYS,” None. Absent: None.

Mr. Rief presented the revision to the lease with Inventive Wireless, LLC d/b/a Vistabeam for their wireless antenna system on the Cemetery Water Tower. He explained we just approved a similar revision of the lease for the Coke Plant Water Tower. The revision is due to the acquisition of Action Communications and will double the revenue to \$300.00 per month. In addition, if any maintenance needs to be done to the water tower it is Vistabeams responsibility to remove their equipment.

Council Member Colwell made a motion, seconded by Council Member Lerma to approve the revision of the lease with Inventive Wireless, LLC d/b/a Vistabeam for their wireless antenna system on the Cemetery Water Tower, “YEAS,” Scanlan, McKerrigan, Lerma, Colwell, and Green. “NAYS,” None. Absent: None.

Mr. Rief approached Council regarding the Professional Service Agreement between Panhandle Area Development District (PADD) and the City of Scottsbluff for Housing Management for the Owner Occupied Rehabilitation Grant. He explained the Agreement is for the managing and administration of our CDBG Grant. The amount reimbursed to PADD is for allowable expenses agreed upon and shall not exceed \$50,000. Mayor McKerrigan asked if the amount had been budgeted with Council Member Green asking if we could do this internally. Mr. Rief answered the expense is included as part of the grant and the process of the administration is burdensome and not consistent, adding we do not have the administrative capacity to do this.

Council Member Colwell moved, seconded by Council Member Lerma to approve the Professional Service Agreement between Panhandle Area Development District (PADD) and the City of Scottsbluff for Housing Management for the Owner Occupied Rehabilitation Grant and authorize the

Mayor to sign the Agreement, “YEAS,” Lerma, Colwell, McKerrigan, Green, and Scanlan. “NAYS,” None. Absent: None.

Regarding the letter of Sole Source Procurement for the lead testing contractor for the Owner Occupied Rehabilitation Grant, Mr. Rief explained after advertising, the City received one bid package for the lead testing. Because of receiving only one bid it is a requirement of the grant to submit a letter of sole source procurement to the Nebraska Department of Economic Development requesting their permission to accept the contractor.

Council Member Green made a motion, seconded by Council Member Scanlan to authorize the Mayor to sign the letter of Sole Source Procurement for the lead testing contractor for the Owner Occupied Rehabilitation Grant, “YEAS,” McKerrigan, Green, Colwell, Scanlan, and Lerma. “NAYS,” None. Absent: None.

Mr. Zach Glaubius, Planning Administrator, came forward to present the City of Scottsbluff Façade Improvement Grants. Mr. Glaubius explained at the February 16th Community Redevelopment Authority Meeting the committee approved the funding of six grants, however, because of the limited amount of funds remaining each applicant was given a percentage of their request. The six applicants who submitted requests are; Gary Schaub Testimonial Trust at 1125 ½ 3rd Avenue; Maren Chaloupka, 1906 Broadway; Kersch, 1721 Broadway; Champion Realty, 1904 1st Ave; Brian Hafeman, 30 E. 16th Street; and Sterling Huff, 20 E. 16th Street.

Bill Trumball, Chairman of the CRA approached Council and thanked them for funding the façade projects, both East Overland and general and commented when all is said and done the amount funded will be \$250,000. In addition, he stated, the intent is to give an accumulated slide presentation of the improvements that have been made, when everything is complete, to show how successful the project was. He also thanked Zach Glaubius, Starr Lehl and Liz Loutzenhiser for their hard work and dedication with administering the program.

Council Member Scanlan moved, seconded by Council Member Lerma to approve the six City of Scottsbluff Façade Grants to Gary Schaub Testimonial Trust, Maren Chaloupka, Kersch, Champion Realty, Brian Hafeman, and Sterling Huff, “YEAS,” Green, Lerma, Scanlan, McKerrigan, and Colwell. “NAYS,” None. Absent: None.

Mr. Rief approached Council regarding the City of Scottsbluff Strategic Plan 2022 draft. Mr. Rief explained on November 29, 2021 City Council held a strategy planning session to discuss the future direction of the City related to the following areas: Business Development; Housing and Educational Development; Infrastructure Development; and Recreational Development. He went over priorities for each area, developing long and short term goals, as well as identifying some revisions during his presentation.

Regarding conducting the evaluation of City Manager’s job performance in first year of employment and taking any appropriate action resulting from the evaluation, Mayor McKerrigan moved to go into closed session for the reason that it is clearly necessary for the protection of the public interest and for the prevention of needless injury to the reputation of the City Manager for the purpose of evaluating the City Manager’s job performance during the first year of employment. The motion was seconded by Council Member Colwell. Mayor McKerrigan then stated the motion has been made to go into closed session as it is necessary to protect the public interest and for the prevention of needless injury

to the reputation of the City Manager to evaluate the City Manager's job performance during the first year of employment. She then asked for discussion. Council Member Colwell stated he would like Legal Counsel Hadenfeldt to be involved in the closed session.

Ms. Maunette Loeks representing the Star Herald then approached Council. Ms. Loeks asked that Council consider if there are portions of the evaluation that could be held in open session and then adjourn for reasons to go into executive session. She went on to state the Attorney General has issued opinions that unless it is necessary to prevent needless injury that portions of the evaluation be held in open session. Mr. Rief requested the evaluation be conducted in closed session.

After discussion, Mayor McKerrigan stated the pending motion is to go into closed session as it is clearly necessary to protect the public interest and for the prevention of needless injury to the reputation of the City Manager to evaluate the City Manager's job performance during the first year of employment. She then asked to call the roll, "YEAS," McKerrigan, Green, Colwell, Scanlan, and Lerma. "NAYS," None. Absent: None. City Clerk Wright announced the motion was adopted. Council went into closed session at 7:00 p.m.

Council reconvened at 8:10 p.m. The following members were present, Jeanne McKerrigan, Jordan Colwell, Nathan Green, Angela Scanlan, and Selina Lerma.

Mayor McKerrigan made a motion to give Mr. Rief an unfavorable performance evaluation and after discussing with him the deficiency in his administrative qualifications, stated it does not appear that they can be improved upon, so she moved to terminate his employment agreement with the City of Scottsbluff and approve any severance agreement. She further moved that the Finance Director and Chief of Police be designated to fill the position of the City Manager until a permanent replacement is found. Council Member Scanlan seconded the motion. There was no discussion from Council. "YEAS," Colwell, Scanlan, Lerma, Green, and McKerrigan. "NAYS," None. Absent: None.

There were no meetings attended by Council to be updated in Council Reports.

Council Member Colwell moved, seconded by Council Member Scanlan to adjourn the meeting at 8:18 p.m., "YEAS," McKerrigan, Green, Colwell, Scanlan, and Lerma. "NAYS," None. Absent: None.

Mayor

Attest:

City Clerk
"SEAL"