

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,  
January 26, 2015**

A regular meeting of the City Council of Gering, Nebraska was held in open session on January 26, 2015 at 7:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Shields. Notice of the meeting was given in advance by publication in the Gering Citizen, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public except as otherwise indicated.

**CALL TO ORDER**

Mayor Kaufman called the meeting to order at 7:00 p.m. The Mayor noted that there was a quorum of the Council and City business could be conducted.

1. Recital of the Pledge of Allegiance and prayer by Pastor Meade
2. Roll Call
3. Excuse Council Member absences (None)

**OPEN MEETINGS ACT - NEB.REV.STAT. CHAPTER 84, ARTICLE 14**

(As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room). Agenda items may be moved up or down on the agenda at the discretion of the Mayor.

**CONSENT AGENDA:**

(Items under the Consent Agenda are proposed for adoption by one action for all items unless any member of Council requests that an item be considered separately.)

1. Approve minutes of the January 12, 2015 Regular City Council Meeting
2. Approve Claims & Financials

**Claims:**

1-9-15 to 1-22-15

7-ELEVEN \$35.37 FUEL, ACTION COMMUNICATIONS INC. \$802.59 RADIO, ADVANCE AUTO PARTS \$31.01 REAR DEFOGGER - PERALIS CAR, ADVANCED WEIGHING SYSTEMS \$140.00 INSTALLED INTERACT ON NEW PC, AHLER'S BAKING INC. \$10.99 SUPPLIES FOR STAFF MEETING, ALAMAR UNIFORMS \$44.49 BELT - DUTY GEAR, ALLIANCE TIMES HERALD \$100.50 HOLIDAY CRAFT FAIR AD, ALLO COMMUNICATIONS \$1,239.69 TELEPHONE/INTERNET CHRGS., ALTEC INDUSTRIES INC. \$278.82 TOOLS, AMAZON \$223.97 DVD'S, AMERICAN FLOOR MATS \$207.96 SHOP SUPPLIES, ANDERSON FORD \$28,218.00 FORD 2015 INTERCEPTOR UTILITY, ARMADA MEDIA CORP. \$300.00 RADIO ADVERTISING, ATLANTIC \$29.95 MAGAZINE SUB. 10 ISSUES, ATV WORKS \$103.79 RPR'S., B & C STEEL \$775.51 METAL FOR TRAILER, BLUFFS SANITARY SUPPLY \$858.34 JANUARY CLEANING, BOMGAARS \$185.56 GLOVES, BROADWAY OFFICE CENTRE \$1,243.08 COPY COUNT CHARGES, BROWNS SHOE FIT CO. \$232.00 LEATHER FF BOOTS, BUDGET TIRE & SRV. \$185.00 CHEVY IMPALA NEW BATTERY, BURGER KING \$10.68 MEAL FOR TRAINING, C & M AIR COOLED ENGINE \$489.31 TIRES, CHARTER COMMUNICATIONS \$90.44 TV/INTERNET CHRGS., CHRISTIAN MEDIA INC. \$382.50 ADVERTISING, CITY DIRECTORIES \$249.69 YELLOW PAGES SUBSCRIPTION, CITY OF GERING \$2.25 COPIES, CITY OF GERING - GENERAL AC \$130,000.00 TRANSFER ACH PAYROLL, CITY PAYROLL TRUST \$3,729.67 FSA MEDICAL 125, CONNECTING POINT \$82.00 COPIER SRV. CONTRACT, CONTRACTORS MATERIALS \$286.20 INSPECTION MEASURING WHEEL EGN, COUNTRY WOMAN \$11.98 MAGAZINE SUB. RENEWAL, CRESCENT ELECTRIC SUPPLY \$107.49 WELL RPR., CULLIGAN WATER CONDITIONING \$103.80 SALT, DALE'S TIRE & RETREADING \$2,472.73 NEW TIRE FOR G8, DEMCO \$76.23 CATALOGING SUPPLIES, DHHS DIVISION/PUBLIC HEALTH \$179.00 HHS BLOOD ALCOHOL TEST, DOLLAR GENERAL STORE #077 \$8.56 SUPPLIES FOR STORYTIME, DOOLEY OIL INC. \$1,276.00 OIL BALER, ECOLAB \$71.42 WWTP RODENT CONTROL, EMBASSY SUITES \$284.69 MOTEL STAY FOR CO SPRING TRNG., ENLOW TRAVIS \$100.00 NYPD FUNERAL MEALS, ENVIRO SRV. INC. \$1,266.00 WASTE WATER LAB, ESRI \$32.00 ONLINE EDITING PARCELS CLASS, EXXON \$20.51 FUEL, FAIRFIELD INN \$129.95 HOTEL STAY, FASTENAL CO. \$334.51 BATTERY & GLOVES, FIRST STATE BANK \$350.37 IBEW UNION DUES, FLOYD'S SALES & SRV. \$1,013.04 FUEL PUMP, FRANK IMPLEMENT CO. \$724.95 MOWER RPR., FRESH FOODS \$7.47 SUPPLIES FOR LB840 MTG., GALE \$32.38 LARGE PRINT BOOKS, GERING CITIZEN \$80.41 P C PUBLIC HEARING NOTICE, GERING COURIER \$239.00 TALK OF THE TOWN NEWSLETTER, GERING VALLEY PLUMBING/HEATING \$3,072.20 HOBART DISHWASHER PARTS, GLEIM ROBERT \$92.00 MEAL ALLOWANCE FOR NLETG - 2, GREASE N GO \$77.78 OIL CHANGE CHEVY SILVER 24238, GREATAMERICA LEASING CORP. \$178.49 COPIER LEASE, HEILBRUN \$507.66 NEW BATTERY CHEVY SILVERADO 10, HOME DEPOT \$38.98 PAINT, HONEY - WAGON EXPRESS \$140.00 CLEAN GREASE TRAPS, HORIZON WEST INC. \$53.00 FILTERS, ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN., IDEAL LINEN SUPPLY INC. \$519.39 MAINTENANCE SUPPLIES, INGRAM LIBRARY SRV. \$364.07 BOOKS/PERIODICALS, INTERNAL REVENUE SRV. \$41,366.35 FED/FICA TAX, INTRALINKS TECHNICAL SOLUTION \$8,237.83 WORKSTATION FOR DARRELL, JACKSON JAMES \$100.00 NYPD FUNERAL MEALS, JO - ANN FABRICS & CRAFTS \$26.15 SUPPLIES FOR STORYTIME, JOHN HANCOCK USA \$13,453.02 JH RETIRE 6%, JOHNSON CASHWAY CO. \$9,189.21 SIDING, MOLDING, CAULK, NAILS, KAPCO \$204.70 CATALOGING SUPPLIES, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KOVARIK, ELLISON, MATHIS \$2,888.75 RETAINAGE FEE - JANUARY, KRIZ - DAVIS CO. \$1,222.48 STIRRUP, LANE DANIELZUK \$107.00 MID WINTER CONF. FEBRUARY TRAVEL, LEAGUE ASSOC/RISK MANAGEMENT \$618.82 GENERAL PROPERTY ENDORSEMENT, LEAGUE OF NE. MUNICIPALITY \$348.00 MID WINTER CONFERENCE 2015 FEBRUARY, LEWANDOWSKI RENEE \$75.00 RV ROOM DEPOSIT REFUND, LOAF N JUG \$6.59 PANHANDLE LIB. MTG. IN BRIDGEPORT, LOGOZ LLC \$1,139.44 CITY SHIRTS, MATHESON

TRI - GAS INC. \$6.70 RPR'S., MEAT SHOPPE \$12,167.68 CATERING COSTS, MENARDS \$136.36 CHANDELIER FOR MCKINLEY HOME, MG TRUST CO. LLC \$6,119.94 MG - T POLICE, MIZUNO USA INC. \$103.70 SHIRTS, MONEY WISE OFFICE SUPPLY \$298.00 INK CARTRIDGES, MOTOR TREND \$10.00 MAGAZINE SUB. 12 ISSUES, MURDOCH'S RANCH & HOME \$933.22 WINTER JACKETS & OVERALLS, NATIONAL GEOGRAPHIC SOC. \$39.00 MAGAZINE SUB. 12 ISSUES, NDEQ - FISCAL SRV'S. \$7,973.35 SOLID WASTE DISP. FEE OCTOBER - DECEMBER, NDOR - LODGING \$308.10 DECEMBER LODGING TAX, NE CHILD SUPPORT PYMT. \$722.79 CHILD SUPPORT 1, NE. SAFETY/FIRE EQUIPMENT \$321.00 HOOD INSPECTION, NEBRASKA MACHINERY CO. \$41.18 STARTING FLUID, NEBRASKA SALT & GRAIN \$8,230.60 ICE SLICER, NORTHWEST PIPE FITTINGS \$469.69 NEW SHOP PLUMBING, ONE CALL CONCEPTS INC. \$27.45 LOCATE FEES, ORIENTAL TRADING CO. \$39.06 SUPPLIES FOR STORYTIME, PANHANDLE COOP ASSOCIATION \$569.60 DYED DIESEL, PANHANDLE HUMANE SOCIETY \$3,170.34 ANIMAL CONTROL & FEES, PAYROLL CHECKS \$111,585.72 PAYROLL CHECKS ON 1-9-15, PEOPLE \$51.48 MAGAZINE SUB. 52 ISSUES, PIPE WORKS PLUMBING LLC \$7,046.22 PLUMBING WORK FOR 1440 6<sup>TH</sup> STREET, PONY EXPRESS STATION \$37.01 GAS FOR TRAVEL, POSTMASTER \$1,209.17 MAILING PERMITS, POWERPLAN OIB \$19,106.69 WORK ON SCRAPER, PRINT EXPRESS \$165.65 TIME SHEETS, PT HOSE & BEARING \$613.35 HYDRAULIC HOSE, QUALITY BOOKS INC. \$14.04 SLOW COOKER RECIPE BOOK, RANDALL LORETTA \$75.00 RV ROOM DEPOSIT REFUND, RESOURCE MANAGEMENT CO. \$274.05 TIRES, ROBINSON ELECTRIC \$7,304.12 WWTP RPR'S., ROOSEVELT PUBLIC POWER DI. \$28.60 UTILITIES, RUSSELL'S EXCAVATION & CO. \$59,292.76 FINAL BALANCE FOR BALER WORK, SANTIAGO'S MEXICAN \$20.87 MEALS WHILE AT TRAINING, SCB. CO DISTRICT COURT \$75.00 ALIMONY, SCB. COUNTY AMBULANCE SRV. \$316.23 AMBULANCE CONTRACT, SCOTTSBLUFF TOWING SRV. \$155.00 CHEVY AVALANCHE TOX, SCOTTSBLUFF - GERING UNITED \$10.00 UNITED WAY CTR., SENIOR CITIZENS CENTER \$525.00 FINANCIAL SUPPORT, SEVERSON COMMUNICATIONS \$125.00 PHONE RPR'S., SHAW DIANA \$75.00 RV ROOM DEPOSIT REFUND, SHELL \$107.91 GAS - CITY PUMP NOT WORKING, SIMMONS OLSEN LAW FIRM \$1,500.00 CITY PROSECUTOR BILL, SLAFTER OIL CO. \$854.61 GEAR OIL, SLEUTH SOFTWARE \$3,598.24 YEARLY BILL, SOLOMON CORP. \$28,055.40 TRANSFORMER, SOURCE GAS \$53.94 UTILITIES - 525 O STREET, SOUTHWEST PUBLIC SAFETY \$282.46 SAFETY LIGHTS, STAGECOACH STOP \$56.01 GAS - CITY GAS PUMP NOT WORKING, STAPLES CREDIT PLAN \$333.01 TELEPHONES FOR NEW BUILDING, STAR HERALD \$277.94 CRAFT FAIR ADVERTISING, STATE OF NE/DAS COMM. \$275.23 LONG DISTANCE PHONE CHRGS., STERKEL ROD \$62.95 ENGINEERING SUPPLIES, STOTZ EQUIPMENT \$833.19 MOWER RPR., STRAUCH LINDA \$75.00 RV ROOM DEPOSIT REFUND, SUGAR VALLEY FEDERAL CR. \$1,268.08 CREDIT UNION, TERRY CARPENTER INC. \$650.00 WATER WELL LAND RENT - JANUARY, TEST AMERICA \$65.00 WATER SAMPLE, THE LIBRARY STORE INC. \$147.84 CATALOGING SUPPLIES, THE WEEK \$40.80 RENEWAL OF 51 PRINT ISSUES, THOMPSON GLASS INC. \$140.00 DOOR RPR., TOMMY'S JOHNNY'S INC. \$135.00 PORTABLE TOILET - JAN. BILL, TOPTOYSNET \$8.74 STOLEN CARD PURCHASE, UNITED STATES POSTAL SRV. \$19.99 OVERNIGHTED DOCUMENT, US AUTO FORCE \$472.36 TIRES. VALLEY BANK - POLICE \$320.00 PO UNION DUES, VALLEY BANK & TRUST CO. \$31,783.27 SINKING FUND - DEC., VERIZON WIRELESS \$377.06 AIR CARDS FOR PORTABLE CAMERAS, WALMART COMM. \$156.88 HEADLIGHTS FOR TARUS, WELLS FARGO FINANCIAL LEA. \$124.57 LEASE PYMT., WESTCO \$6,588.23 DYED #1 DIESEL, WESTERN PATHOLOGY CONSULTANTS \$467.20 DRUG SCREENING, WESTERN PLAINS BUSINESS \$80.93 COPIER MAINTENANCE, WINCHELL CLEANING SRV. \$390.00 CLEANING SRV., WYOMING BEARING & SUPPLY \$373.97 WORK ON CENTRAL BOX, YOUNG MENS CHRSTIAN \$5.00 YOUNG MEN'S CHR.

**Motion by Councilmember Morrison to approve the Consent Agenda. Second by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.**

**PUBLIC HEARINGS:**

**1. One and Six Year Plan, Street Program**

Mayor Kaufman opened the Public Hearing at 7:05 p.m. Casey Dahlgren, Street Superintendent, addressed the Council regarding the One and Six Year Plan.

**Summary of City of Gering 1 & 6 Year Plan, 2015**

**1-Year Projects**

Country Club Road from 7<sup>th</sup> street to 10<sup>th</sup> street  
 Mark Drive  
 7<sup>th</sup> street from U street to Union Pacific Street  
 17<sup>th</sup> street from Yucca Drive South, 405'  
 Country Club Road from Five Rock Road West, 362'  
 3<sup>rd</sup> street from U street South to dead end 1-Year Plan Total \$843,423

**6-Year Plan**

Rundell Road from D Street to Hwy 71  
 7<sup>th</sup> Street from D Street to Hwy 71  
 2<sup>nd</sup> Street & Hwy 92 Intersection  
 Five Rocks Road & Oregon Trail Blvd. 6-Year Plan Total \$1,220,000

Councilmember Morrison asked with all the ice and weather will any of these get bumped out of the way due to the weather. Mr. Dahlgren replied that we have to do these. Councilmember Morrison asked if those will have to wait; he replied yes. She asked if we've seen much damage. Mr. Dahlgren said yes in one area; it will be more of an emergency repair because it's not budgeted.

Mayor Kaufman asked if anyone wished to speak in favor or opposition of the One & Six Year Street Plan. Seeing none the Public Hearing was closed at 7:08 p.m.

**Motion by Councilmember Morrison to accept the One & Six Year Plan into the Public Record. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.**

**1a. Approve Resolution 1-15-2 for the One and Six Year Plan**

**RESOLUTION 1-15-2**

WHEREAS, at the regular meeting of the City Council of the City of Gering, Nebraska, held in the Gering City Council Chambers, 1025 "P" Street, Gering, Nebraska on January 26, 2015 at 7:00 p.m., a public hearing was held on the One and Six Year Street Improvement Program, as advertised and posted.

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

The One and Six Year Street Program for 2015 is hereby approved.

A motion was made by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to adopt the One and Six Year Street Improvement Program for 2015. On roll call vote, the following voted "AYES": \_\_\_\_\_ "NAYS" \_\_\_\_\_ . Abstaining: \_\_\_\_\_ Absent: \_\_\_\_\_ . Motion carried.

Whereupon the Mayor declared said Motion carried and Resolution passed.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affix the seal of said City this 26<sup>th</sup> day of January 2015.

\_\_\_\_\_  
Mark A. Kaufman, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Weiff, City Clerk

**Motion by Councilmember Gibbs to approve Resolution 1-15-2 regarding the One & Six Year Plan. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.**

**CURRENT BUSINESS:**

**1. Consider approving Keno application requests**

- Oregon Trail Days Committee/City of Gering
- City of Gering ADA access at Oregon Trail Park ball fields
- Monument Prevention Coalition
- Gering Legion Baseball

Darrell Bentley, Keno Committee Chairman, stated that from here on out we're going to have it on the application that applications have to be in two weeks prior to the meeting, otherwise they'll go to the next quarter.

Councilmember Holliday asked in regards to the fence at Five Rocks, if it goes around the playground. Mr. Bentley said it goes around the Buffalo grass and explained how it will run. The fence will have some drive gates and walk gates. The campground visitors will still have access to the playground equipment. Councilmember Christensen asked if they asked for bids on that project. Mr. Bentley said they asked for three and got one back.

**Motion by Councilmember Smith to approve the Keno requests as presented. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.**

**2. Consider approving appointment of Kevin Sandberg to the Planning Commission**

**Motion by Councilmember Gibbs to approve the appointment of Kevin Sandberg to the Planning Commission. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.**

**3. Approve and authorize the Mayor to sign Federal Lands Access Program Memorandum of Agreement**

**Motion by Councilmember Holliday to approve and authorize the Mayor to sign Federal Lands Access Program Memorandum of Agreement. Second by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.**

**4. Consider approving Administrative Committee Recommendation for Standing Committee agenda item procedure**

Councilmember and Chairman of the Administrative Committee, Dan Smith, said this is just a way to make it more organized. If someone brings something to the City, the Administrator he will assign which committee will address it if any. He said we can try it for six months, if we don't like it we can review it; we're not locked into anything.

**Motion by Councilmember Morrison to approve the Administrative Committee Recommendation for Standing Committee agenda item procedure. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.**

**5. Consider approving Administrative Committee Recommendation for Citizen Agenda items**

Councilmember Smith said we're trying to structure this a little better so we have some control as to what comes to the Council meetings. If it should be run through a committee first we can do that before bringing it to a Council meeting. It could go to a committee or it could go straight to staff; sometimes these things don't even have to go to Council. Council is supposed to do the policy, we're not supposed to run the day to day operations of the City. Again, it's something we can look at again in six months if we don't like the way it's working.

Maunette Loeks with the Star-Herald addressed Council. She asked with the Open Meetings Act how do you ensure that a citizen item doesn't just get stuck in an agenda. Under the Open Meeting Act you can set up processes but you can't keep people from not speaking at an open meeting. She said she wanted to see how Council is making sure that's not happening. Councilmember Smith said this meeting is open to the public but it's actually a meeting to run the business. Citizens can come to a committee and speak to the Council at the committee. The Committees are all advertised so the entire Council can come to the Committee meetings so it (the citizen item) wouldn't have to necessarily come to this meeting. Ms. Loeks replied that not all of your committees are easy to attend, for example one of your meetings was held in the back room which is not easy to get to and she has come to a meeting and been locked out. Mayor Kaufman replied we'll address that going forward. He said these items are meant for an internal process to make our meetings more efficient. Ms. Loeks said she can understand that the Council wants to be more prepared but their job is to make sure the citizens get a voice; and if it's not working of course it will be reviewed in six months.

Ben Backus, 440 O Street, addressed Council. He said looking at the form we're missing out on an opportunity to give customer service back to the citizen by doing some sort of follow up. The form takes their email address but there isn't a slot for follow up with the citizen and what action was taken.

Councilmember Christensen said he has a concern because it will make it more difficult for a citizen to bring a concern to a City Council meeting. The citizen has to get a form and fill out the form. We're working for the people of Gering, not just to make things easier for ourselves. He said he doesn't think we need to do more paperwork for people who want to bring a concern to this City Council. They can come to the meeting, they can call the City Clerk before the deadline, and they don't have to come in and fill out a form. He said this form is clear out of line.

Mayor Kaufman said he appreciated the comments and to make sure we're fully understanding the intent of the form, there have historically been a lot of issues that have come before the City Council that really should have been handled by staff directly or a standing committee. In this case they would actually get resolved and actually get better service or experience from the City because they'd be handled more timely; not every instance needs to come before the full Council. This is an attempt to streamline certain requests by the citizens and get it handled more timely and at the same time if a certain issue needs to come before the full Council and needs to be reviewed for policy or procedure reasons then we can address it at that time. He said he appreciates the comments; this was talked about heavily at the committee and the committee felt we could give this a try for six months and go from there. Councilmember Christensen said if a citizen has a concern he would prefer it be brought to the City Council, not ironed out at a committee meeting.

Councilmember Smith asked the clerk if a pdf of the form would be available on the website so citizens wouldn't have to come in. City Clerk Welfl replied that we plan to have forms available on the website that citizens can complete and return electronically.

Councilmember Allred said to echo what Mayor Kaufman said if he has a concern as a citizen he can possibly get it resolved sooner because a City staff member, or whoever Lane Danielzuk would refer that to, can get it completed sooner and not have to wait for a two-week period before they bring it to City Council for us to discuss it as a whole. He thinks that's more of the purpose of it than to keep citizen concerns out of our meetings. We don't want their concerns out of meetings, but if it can get handled internally sooner, then that is the purpose is it not? Mayor Kaufman replied correct.

Kevin Mooney, News Director for KNEB, addressed the Council and said with all due respect he thinks this makes it more difficult for citizens to address the Council. He understands we want to make it more efficient but the other boards that he covers, especially the City of Scottsbluff, has a public comment period and that's the way Gering had it before. If someone wants to comment they're told that no action will be taken at this meeting about their concern because it has to go on the next agenda. All they have to do is say what they want to comment on and have Council consider it at the next meeting and that's about all that's done in that public comment period. He doesn't think there needs to be a lot of discussion, the person just brings their concern to Council and then you put it on the agenda and that person can then work with staff from there.

Councilmember Allred said but if that person was able to fill that form out and actually get it on the agenda instead of coming to a meeting and speaking their mind and then we see them again in two weeks, they could get it resolved at that meeting if they had filled out the form previous. It could happen sooner in a lot of cases; that's the goal. Mr. Mooney said he understands and maybe that could be an option but he still thinks you have to have a public comment period available to people on the agenda so they can comment about something they want the staff or Council to consider at the next meeting so at least everybody knows this is an immediate concern that needs taken care of if that's what the person thinks. Mr. Mooney said he thinks that's an option they can have, is to take it to one of the committees, but he thinks you still need to have the public comment period on the agenda; he thinks it's necessary.

Mayor Kaufman said that discussion was held at the committee level. At the same time to get it on the agenda or the public comment period all they have to do is fill out the form, it goes right to committee so

those same individuals have the same opportunity except it gets right to the decision-making committee. It does streamline it, it might not be at this meeting per say, but it speeds it up one meeting; it's perception. He said change is always difficult and we talked about that and that's why we decided to give it a try for six months and if it's not working we can change it up again. Mr. Mooney said he understands and if people can come to a committee meeting that's great, but sometimes it's hard for people to come to committee meetings at 4:00 or 5:00.

City Attorney Ellison stated that we've also struggled as a Council to try to comply with the Open Meetings Laws and if a citizen brings something to the Council and we really don't know what's coming, particularly if it's on very short notice, then the Council is foreclosed from asking questions or getting into a discussion or taking a vote or taking action. One of the purposes of what is being proposed here is to at least get that agenda item ahead of time. It may or may not come before Council, but he doesn't think there is intent to keep people from bringing items to the Council, they can always do that. The question is whether or not it's better to have it handled at a staff level. Maybe that could be done prior to the meeting, maybe a committee could handle it, and that would be up to the City Administrator and/or Mayor. One of the things again we've been struggling with is when people just show up at meetings in a public comment. Some cities have public comment sections that they follow, others do not; it's not a requirement of Nebraska law. The City is allowed to do that. He doesn't think there is an intent here is to prevent anybody from coming before a meeting; he thinks what we're trying to look at is identifying the issue ahead of time so we're prepared when it does come as an agenda item before the Council.

Ms. Loeks stated that the statute on the wall says "No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda". Ms. Loeks said requiring somebody to identify themselves and the reasons they want to be placed on your agenda, it says right there on the Open Meetings Act that you can't do that.

Councilmember Gibbs asked Ms. Loeks to back up and read the very last part of that from "the agenda". Ms. Loeks then read aloud the sentence following the section she previously read: "The body may require any member of the public desiring to address the body to identify himself or herself." She said but you can't require them to identify themselves to be placed on the agenda the way she's reading it. Councilmember Smith replied we're not doing that. She said you're not asking for a name and what they want to talk about, because the form she looked at does. Councilmember Smith said we're talking about people just coming in and speaking to Council without being on the agenda. He said once the agenda is set this paper doesn't have anything to do with it. Once the agenda is set, anybody can speak about something that's on the agenda. Councilmember Allred said the way he interprets what Ms. Loeks read, the citizen does not have to tell us who they are and what they want to talk about if they want to talk to Council about what's already on the agenda.

Councilmember Gibbs stated that's what he was trying to clarify too; that we can't require them to identify themselves to address an item that is already on the agenda. He said what this is referring to is placing an item on the agenda. Ms. Loeks said she has had this discussion with the Nebraska Press Association many times but she just asks the Council to take a look at those Open Meetings Acts, take a look at the opinions that have been held in the past on requiring people to have to submit an agenda item. She knows there are specific opinions that say you can't prevent people from bringing items before the Council and it was stated that's not the intent. Councilmember Smith added that they currently have to fill out a form to put something on the agenda. He said we're just saying that just because you fill out the form doesn't mean it's going to go to the Council right away.

Ms. Loeks asked if there will be announced deadlines as to when that form has to be submitted. Councilmember Allred said there's already a deadline as to when an agenda item has to be given to the City Clerk; this is a completely separate thing. Ms. Loeks said she knows that deadlines can kind of be flowing because there are times they've gotten agendas. She said it gives them (the media) a little bit of time to do research too when they get to see those agendas but sometimes those things are just last minute. Councilmember Allred said again that open time isn't something on the agenda that's announced; it was just a free time on the agenda for someone to come up and make a comment. He

noted an example of sidewalks that are broken up; they need addressed. He said if I have a concern as a neighbor or someone in the neighborhood, he doesn't need to come to Council necessarily, he came come fill out this form, our City Administrator can refer him to our Street Department or whomever it needs to be and we can see what needs to be addressed. It never even has to come to the Council because we as a Council, at that point, can't make a determination or vote on something based on somebody's comment about tripping over sidewalks.

Brad Staman with the Gering Courier stated all of that makes lots of sense and it might streamline it and get him to where he needs to go a lot faster and solve his problems before he brings it here, however as Mayor Kaufman said "It's a matter of perception." He said one of the biggest issues that the Gering City Council has had over the last four years has been transparency. The public has told him he doesn't know how many times of things happening behind closed doors and then bringing them here. He said the perception of this is you're making it harder for citizens to get to you. You're closing that door again and that perception is going to be that you're hiding and you're trying to put hurdles in front of the citizens. You've got issues with the Open Meeting Law and you've got another form that somebody has to fill out. You're asking people to go to a committee meeting, sometimes the times of those are difficult to get to. And then there's that big issue of perception of what this move will do, how will the public see you and what you're trying to do. Will they see you as trying to streamline it or trying to hide? His fear is the perceived lack of transparency; the public is going to see the Council as trying to hide and making it difficult for them to bring issues to this Council. He said he would ask that they just not do this.

Councilmember Allred said he would like to invite any citizen to please join any of us up here in the amount of meetings we attend on a monthly basis. In two more years put your name on a ballot and join us. You don't know how many times we're in these meetings with items that are really something that City staff could have handled a week prior; we're taking care of petty stuff sometimes. He doesn't have the perception and certainly doesn't want to give it that we're trying to hide from the public. He said that's not our goal here. He didn't volunteer his time for a four year period to hide from the public; he's right here, you can call him. He said the Clerk is easy to get a hold of so if you can't find a meeting please call and ask for Kathy, she'll tell you right where it's at. He said let's move forward with this, look at it in six months or three months and see how it's working or not working. He's not opposed to changing it back to the way it is, but if this helps everybody then what's it going to hurt to try it. If it helps us comply with the Open Meetings Act like our advisor has said then why not try it; why the opposition to try something that might be better for us.

City Attorney Ellison stated under 84-1412 subsection 3, it says "No public body shall require members of the public to identify themselves as a condition for *admission* to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda." Mr. Ellison said anybody can come to a meeting and talk about anything they want to; they don't have to be put on a list and say this is what I want to do and address. Further it says "The body may require any member of the public desiring to address the body to identify himself or herself." He said he thinks what the City is attempting to do is here is in compliance with Open Meetings Laws.

Mayor Kaufman said this debate has helped us prove the point. No one has been stopped, you didn't have to fill out a form to get up and address any of the agenda items that have been put on the agenda. However, if you did have a special issue that you felt needed to be on the agenda, all we're asking is the form to be filled out because it may not actually need to get on the agenda. He thinks everyone can appreciate that; we're not stopping public comment on individual agenda items. Actually we're welcoming it and that's why we have these meetings but at the same time we are trying to improve our customer service level to the public and try to respond to them more timely verses having it come to Council and then go back to committee or staff or where ever it might need to go. Our hope is to better serve the community with this change and again we're going to try it for six months and see how it works out.

**Motion by Councilmember Smith to approve the Administrative Committee Recommendation for Citizen Agenda items. Second by Councilmember Allred. There was no further discussion. The Mayor called the vote. "AYES": Smith, Allred, Morrison and**

Cowan. "NAYS": Christensen, Gibbs, Holliday. Abstaining: None. Absent: Shields.  
Motion failed.

6. Consider approving and authorizing the Mayor to sign Agreement for the Sale of Real Estate between Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska and the City of Gering, Nebraska, a municipal corporation and political subdivision of the State of Nebraska

Motion by Councilmember Gibbs to approve and authorize the Mayor to sign Agreement for the Sale of Real Estate between Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska and the City of Gering, Nebraska, a municipal corporation and political subdivision of the State of Nebraska. Second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.

7. Consider cancelling second meeting in February due to League of Municipalities Conference

Mayor Kaufman stated that because of a number of public hearings coming up, there will be a Regular City Council meeting on February 23, 2015.

8. Clerk's Annual Report

The Clerk briefly reviewed the Clerk's report provided in the Council packets.

**CLOSED SESSION:**

(Council reserves the right to enter into closed session if deemed necessary.)

**REPORTS OF STAFF, BOARDS AND COMMISSIONS AND STANDING COMMITTEES:**

1. Mayor's Report

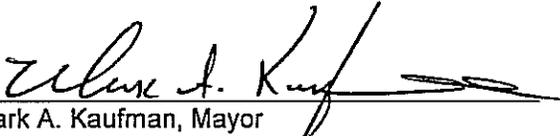
- League of Municipalities Mid-Winter Conference

Mayor Kaufman encouraged the Council to attend the Mid-Winter Conference.

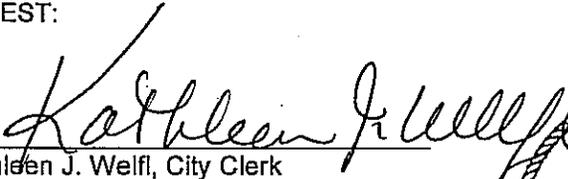
**ADJOURN**

Motion to adjourn by Councilmember Christensen, second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.

Meeting adjourned at 7:46 p.m.

  
Mark A. Kaufman, Mayor

ATTEST:

  
Kathleen J. Welfl, City Clerk

