

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,  
December 12, 2016**

A regular meeting of the City Council of Gering, Nebraska was held in open session on December 12, 2016 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. 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 6:00 p.m. The Mayor stated that there was a quorum of the Council and City business could be conducted.

1. Recital of the Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse councilmember absence

**Motion by Councilmember O'Neal to excuse the absence of Councilmember Allred from the December 7, 2016 Joint Special Council meeting with the City of Scottsbluff. Second by Councilmember Gibbs. There was no discussion. The Mayor called the vote: "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

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

Mayor Kaufman stated: 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. As required by State Law, additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and Council determines that the matter requires emergency action.

**CONSENT AGENDA:**

1. Approve minutes of the November 28, 2016 Regular City Council meeting and the December 7, 2016 Special Joint Council meeting with the City of Scottsbluff
2. Approve Claims
3. Approve Certificates of Vote for election held on November 8, 2016
4. File for record LB840 Citizens Advisory Update
5. File for record NetDMR Subscriber Agreement
6. File for record Second Addendum to Real Estate Exchange Agreement with Kelley Bean Co., Inc.

**Claims:**

**11-19-16 to 12-2-16**

24/7 FITNESS \$125.00 WELLNESS, AASHTO \$498.00 ENGINEERING CODE BOOK, AC ELECTRIC MOTOR SRV \$729.28 MOTOR RPR/GRINDER RPR, AHLERS BAKING INC \$17.15 MAYOR TO MAYOR, ALTEC INDUSTRIES INC \$2,077.37 HYDRAULIC TAMPER, ALVAREZ CHRISTINA \$75.00 RV ROOM DEPOSIT REFUND, AMAZON \$353.52 UNIFORM MASSIE/INSPECTION CODES/18 BOOKS/4 DIGITAL SONGS, AMERICAN LEGAL PUBLISHING \$2,911.00 SUPPLEMENT - CODIFICATION, ARBY'S #6131 \$27.95 FOOD - TRANSPORT NORTH PLATTE, ARMADA MEDIA CORP \$600.00 RADIO ADVERTISING, BENZEL PEST CONTROL \$223.85 PEST CONTROL, BETTER HOMES & GARDENS \$11.98 (1) YR SUBSCRIPTION, BLACK HILLS ENERGY \$360.65 NATURAL GAS/1035 M ST/900 OVERLAND TR/1255 11<sup>TH</sup> ST/225 EAST D STREET, BLANKENAU WILMOTH LLP \$861.00 TRANSFER PERMIT/LB840 IND PARK, BLUFFS SANITARY SUPPLY \$239.93 AIR FRSHNER/PPR TWLS/BOWL CLNR/RR SUPPLIES, BOOKS GALORE INC \$398.48 (20) CHILDRENS BOOKS, BROADWAY OFFICE CENTRE \$213.75 PLASTIC DIVIDERS --STK, DESIGN DISPLAY BOARD, BUSHNELL \$214.94 (2) GPS RANGEFINDER WATCHES, BW PLUS GRAND ISLAND INN \$712.00 ENLOW HOTEL FTO TRAINING/BRUNZ HOTEL SUPERVISOR TRAINING, CASEY'S GENERAL STORE #27 \$38.00 GAS - ENLOW FTO TRAINING, CEMENTERS MOBILE MIX \$4,242.50 (9) YDS CONCRETE, CENTER POINT LARGE PRINT \$45.54 (2) LARGE PRINT BOOKS, CHARTER COMM \$99.98 TV/INTERNET CHRG - CLUBHOUSE, CITY INSURANCE FUND \$138,145.36 HEALTH PREM 125, CITY OF CHADRON \$50.00 PCAN MEMBERSHIP DUES, CITY OF GERING \$176.50 REIMB SAFE TRAVEL EXP MASSIE/2 SHIRTS - JOHN MEJIA, INCORRECT JE TO FIX RM ENTRY, CITY OF GERING - GENERAL AC \$65,000.00 ACH PAYROLL TRANSFER FUNDS, CITY PAYROLL TRUST \$3,329.60 FSA MEDICAL 125, COMFORT INN \$1,035.46 ROOM J WILSON SIGNAL CONF/ROOM R STERKEL IMSA CERT, CONTRACTORS MATERIALS \$1,488.03 TOOLS/14" QUICKE SAW, COOKS COUNTRY \$19.95 (1) YR SUBSCRIPTION,

COUNTRY WOMAN \$15.00 (1) YR SUBSCRIPTION, CREDIT MANAGEMENT \$216.33 GARNISHMENT 2, CRESCENT ELECTRIC SUPPLY \$71.44 LIGHTS, DALES TIRE & RETREADING \$3,228.64 (2) NEW TIRES G10, DANKO EMERGENCY EQUIPMENT \$317.00 HURST - 3 PIGTAILS/4 DUST CAPS, DAVID HUSTED \$31.00 RENEW LICENSE, DHHS DIVISION/PUBLIC HEALTH \$273.00 WATER LAB, DOLLAR GENERAL STORE #077 \$29.75 BREAKROOM FRIG BULB/BAIT FOR CAT TRAPS/BOWLS & SPOONS FOR TEEN, DOWNER STEPHANIE \$75.00 RV ROOM DEPOSIT, DUTTON LAINSON CO \$2,121.21 ELBOWS/PINS/CAPS, EMBASSY SUITES \$1,294.92 PRESTON, CLARKE, PETERSON TRAVEL EXP - HOTEL, ENVIRO SRV INC \$391.00 WATER/WW LAB, ESC ENGINEERING \$12,713.10 NPPD TRANSMISSION LINE, EXPRESS COLLECTIONS INC \$195.74 GARNISHMENT 2, FASTENAL CO \$945.60 BATTERIES/GLOVES/RECIP BLADES, FAT BOYS TIRE/AUTO \$392.36 BALANCE GLEIMS CAR/4 NEW TIRES, FEDEX \$171.20 WATER LAB, FIRST STATE BANK \$356.98 IBEW UNION DUES, FLOYDS SALES & SRV \$662.17 G6 RPR'S, FORT DEARBORN LIFE INS \$113.52 FIREFIGHTER LIFE INS, FRESH FOODS \$7.38 COOKIES - HELP LANDFILL, GALE \$195.07 (6) LARGE PRINT BOOKS, GAME & FISH \$18.00 (1) YR SUBSCRIPTION, GERING CITIZEN \$432.50 CONDENSED MINUTES/ELEC SUBSTATION BID AD, GERING USAVE PHARMACY \$83.09 GLUCOSE TEST STRIPS, GERING FORT LARAMIE IRRIGATION \$6,636.86 IRRIGATION TAX 2017, GIBBS LAWRENCE \$24.30 WNED MEETING, GPM - PARTS \$475.47 SEWER JET PUMP RPR, GT DISTRIBUTORS INC \$891.00 FIREARM SUPPLIES, HAMPTON INN \$159.88 MEAN MEETING COOLEY - HOTEL, HAWKINS INC \$3,700.50 CIRCUIT BREAKER #30/BLASTER PENETRANT - BALER, HD SUPPLY WATERWORKS LTD \$256.55 (4) WELL RPR, HEILBRUN \$39.55 BLASTER PENETRANT - BALER, HOBART SALES & SRV \$120.60 DISHWASHER PARTS, HOBBY LOBBY \$31.24 SUPPLIES FOR STORYTIME, HOME DEPOT \$408.58 HAMMER DRILL/IMPACT DRIVER, HOT ROD MAGAZINE \$14.97 (1) YR SUBSCRIPTION, ICMA ELECTRONIC RETIREMENT \$552.14 ICMA CITY ADMIM, IDEAL LINEN SUPPLY INC \$937.51 VACUUM/EXCHANGED MATS/MOPS & RUGS, INGRAM LIBRARY SRV \$505.37 (14) BOOKS, INTERNAL REVENUE SRV \$45,819.73 FED/FICA TAX, INTERSTATE BATTERIE/RAPID \$225.90 (1) BATTERY, IRBY TOOL & SAFETY \$182,017.28 NPPD PROJECT, JOHN HANCOCK USA \$13,539.02 JH RETIRE 6%, JOHNSON CASHWAY CO \$96.91 LOCKER ROOM KEYS/PADLOCK KEY/CHLORINE GENERATOR MAINTENANCE/SANDPAPER/NUTS & BOLTS, KEEP SCOTTSBLUFF GERING \$9,000.00 ALLOCATED FUNDS 2016 - 2017, KIMBALL CO VISITORS \$10,000.00 KIMBALL VISITOR CENTER, KOVARIK ELLISON MATHIS \$7,821.33 CUL-DE-SAC/PARKING SPEC PROJ, LAUNDROMAT/SIMMONS TIF LEGAL/LB840 HOTEL, KRIZ DAVIS CO \$2,446.88 (175) COMPRESSION CONNECTORS/RATCHETING WRENCH SET, LL JOHNSON DISTRIBUTING \$4,214.94 HOLE PATTERN TEMPLATE, 4500' WIRE & CONNECTORS, LEAGUE ASSOC/RISK MANAGEMENT \$59.11 INS 2016 BIG TEX UTILITY TRLR, LOAF N JUG \$6.14 TRAVEL EXP TO BRIDGEPORT, LOGOZ LLC \$156.00 UNIFORM PIECES ENLOW/2 YRS OF SRV PLAQUES, MADISON NATIONAL LIFE \$3,130.43 DISABILITY INS, MASSIE KRISTEN \$724.00 MEAL ALLOWANCE - NLETC, MATHESON TRI-GAS INC \$51.50 OXYGEN CYLINDER LANDFILL, MEAT SHOPPE \$13,047.86 CATERING COSTS, MENARDS \$469.21 HEATERS FOR LIFT STATION/2 COAT HOOKS/BALL VALVES, WRENCH ROLLS/CONDUIT & ADAPTERS, MG TRUST CO LLC \$8,082.69 MG T - POLICE, MIDWAY USA \$44.97 SAFETY SELECTOR, MONEY WISE OFFICE SUPPLY \$401.30 POCKET FILES - STK/2 PRINT CARTRIDGES/OFFICE SUPPLIES, MURDOCH'S RANCH & HOME \$59.96 (4) RATCHET STRAPS, NATIONAL GEOGRAPHIC SOC \$39.00 (1) YR SUBSCRIPTION, NATIONAL INS SRV \$1,029.64 VISION INS, NE CHILD SUPPORT PYMT \$627.56 CHILD SUPPORT 1, NE DEPT OF REV (PR) \$12,632.99 STATE TAX, NE DEPT OF REVENUE COMPL \$360.00 GARNISHMENT, NE PUBLIC POWER DIST \$1,732.36 UTILITIES - PHEASANT DR, NE SAFETY/FIRE EQUIPMENT \$125.00 FIRE ALARM INSPECTION, NEBRASKA LAW ENFORCEMENT \$95.00 MASSIE BASIC TRAINING SESSION, NORTHWEST PIPE FITTINGS \$702.48 SRV LINE RPR, 2" BALL VALVE, 300' POLYPIPE, NOVELTY LIGHTS \$235.52 CHRISTMAS BULBS, NWEA \$540.00 CONF REGISTRATION - G PETERSON/P CLOSSON/P HEATH, OMAHA SLINGS INC \$279.94 SLING, ORIENTAL TRADING CO \$166.72 SAND ART FOR CRAFT CLUB/ 20 TEMP TATTOOS/10 RLS HALLOWEEN STCKRS BAG TREATS, PANHANDLE CONCRETE PROD \$403.00 T-2 VALVE RPR, PANHANDLE COOP ASSOC \$115.25 TIRE RPR GRINDER, PANHANDLE GEOTECHNICAL \$264.50 SOIL TEST D STREET SUBSTATION, PAYROLL CHECKS \$118,354.16 PAYROLL CHECKS ON 11-25-16, PEOPLE \$51.48 (1) YR SUBSCRIPTION, PERMA BOUND \$253.34 (19) CHILDRENS BOOKS, PHYSIO - CONTROL INC \$606.00 MAINTENANCE ON AED'S, PLATTE VALLEY VAC & SEW \$29.00 VACUUM RPR, POWERPLAN OIB \$48.04 FILTER - LOADER, PREVENTION \$48.00(1) YR SUBSCRIPTION, PSI - DIGITAL IMAGING SOLU \$179.60 (8) 36 X 150 BOND PAPER, PT HOSE & BEARING \$239.21 FITTING/PARTS TRUCK, PUMP & PANTRY \$24.75 GAS SUPERVISOR TRNG BRUNZ, QUE PLACE PARKING GARAGE \$36.00 PARKING - CLASS G PETERSON, QUILTMAKER \$22.97 (1) YR SUBSCRIPTION, RDJ SPECIALTIES INC \$559.42 (3000) BADGE STICKERS, READERS DIGEST \$15.00 (1) YR SUBSCRIPTION, RECORDED BOOKS LLC \$140.39 (3) AUDIOBOOKS, REICHERT JEWELERS \$15.00 WELD FIXED ON MORENO'S BADGE, REMINISCE \$15.00 (1) YR SUBSCRIPTION, RESIDENCE \$218.60 ROOM CHRG - MEJIA, RODALES ORGANIC LIFE \$15.00 (1) YR SUBSCRIPTION, ROYS PLUMBING & HEATING \$1,451.15 SEWER LINE RPR, RUSSELL INDUSTRIES \$70.80 CRESCENT LIFT STATION RPR, RUSSELL'S EXCAVATION & CO \$2,320.00 (4) LOADS 3/4 ROCK, SAFE SHOP TOOLS LLC \$413.87 SLING FOR TRUCKS, SANDBERG IMPLEMENT INC \$71.16 SMALL ENGINE TUNEUP, SAPP BROTHERS \$35.97 GAS - TRANSPORT NORTH PLATTE, SARCHET ENTERPRISES \$100.00 OCT BRWNSFLD GRANT CONSULTING, SCB CO REGISTER OF DEEDS \$42.00 DEED OF EASEMENT - NRD, SCB CO SHERIFF OFFICE \$29.28 SHERIFF'S OFFICE FEES, SCOTTS BLUFF CO TREAS \$556.00 LICENSE TRAILER FOR ELEC DEPT, SCOTTSBLUFF - GERING UNITED \$71.54 UNITED WAY CTRB, SCS ENGINEERS \$8,562.46 ENVIRONMENTAL MONITORING, SEACREST & KALKOWSKI PC \$1,295.00 GENERAL DWNTWN REDEV, SIMON CONTRACTORS \$11,696.98 (2 YDS) CONCRETE/111 TONS ASPHALT - CART PATHS, SIMONSEN ANGELA \$75.00 RV ROOM DEPOSIT REFUND, SPECTRUM ETECH PRIVATE \$99.00 WEBINAR, SPORTS ILLUSTRATED \$35.96 (1) YR SUBSCRIPTION, STAGECOACH STOP \$5.65 SHOP SUPPLIES, STAPLES CREDIT PLAN \$194.04 SHIPPING - RETURN 2 BOXES GOLF SHOES/XACTO KNF, FOAM BRDS, ADHESIVE, STAR HERALD \$514.74 ACCT CLERK AD/DETENTION POND NOTICE (BID)/SUBSCRIPTION, STATE FARM \$100.00 COUNCIL BOND RENEWAL - DAN SMITH, STATE OF NE DEPT OF HHS \$1,384.52 FINAL BILLS OVERPAID BY STATE, SUGAR VALLEY FEDERAL CREDIT \$1,078.37 CREDIT UNION, SUN MOUNTAIN SPORTS \$272.00 (2) PUSH CARTS, SWANA \$212.00 SOLID WASTE DUES, SYSCO DENVER INC \$107.36 MOP BUCKET - BATHROOM/KITCHEN, TARGET \$5.98 (2) BOTTLES - LIQUID GLUE, TASTE OF HOME BOOKS \$15.00 (1) YR SUBSCRIPTION, TEAM CHEVROLET \$375.00 WING VEHICLE LEASE, TERRACON \$4,800.00 PHASE 1 EPA PROP FIELD WORK, THE VILLAGE @ GERING LP \$352.13 OVERPAID FINALS, THE WEEK \$65.79 (1) YR SUBSCRIPTION, TIME SAVER \$16.62 GAS - SUPERVISOR TRNG BRUNZ, UNITED STATES POSTAL SRV \$47.90 WATER LAB, U - STOP \$62.64 FUEL CLASS G PETERSON, WALMART \$168.38 (1) TONER CARTRIDGE/WIPES/CANDY, WELLS FARGO FINANCIAL LEA \$100.90 COPIER LEASE PYMT, WESTCO

\$5,968.99 DIESEL/UNLEADED FUEL, ELBOWS, TUBING, ADAPTOR, MESH SCREEN, WESTERN NE COMM COLLEGE \$90.00 FACEBOOK CLASS – L HACKET, L IMUS, S PRESTON, WESTERN PATHOLOGY CONSULTANTS \$400.50 RANDOM DRUG SCREENINGS, WESTERN STATES BANK \$5,308.32 HSA CTRB 125, WESTERN STATES BANK – POL \$320.00 PO UNION DUES, WINCHELL CLEANING SRV \$250.00 CLEAN HALLS & BATHS, WM RECYCLE AMERICA \$2,591.19 RECYCLE FEE, YMCA OF SCOTTSBLUFF \$599.60 WELLNESS YMCA, YOUNG MENS CHRISTIAN \$10.00 YOUNG MENS CHR

**Motion by Councilmember Christensen to pull consent agenda item six. Second by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, O'Neal, Morrison and Cowan. "NAYS": Holliday. Abstaining: None. Absent: None. Motion Carried.**

Councilmember Christensen asked for an update on the Kelley Bean Property Exchange agreement. Administrator Danielzuk stated like a lot of things that happen in the City they don't always go as quickly as we'd like to see it. The second addendum is just an item of business, administrative in nature, that has to take place so that we can move the Kelley Bean/Gering project forward.

**Motion by Councilmember Christensen to approve consent agenda item six. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**Motion by Councilmember Gibbs to approve the balance of the consent agenda. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**BIDS: None**

**PUBLIC HEARINGS:**

**1. Public Hearing for the purpose of hearing support, opposition, criticism, suggestions and observations regarding the purchase of real estate generally located in Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, identified as follows: Section 36: East ½ South East ¼.**

Mayor Kaufman opened the Public Hearing for the purpose of hearing support, opposition, criticism, suggestions and observations regarding the purchase of real estate generally located in Section 36, Township 22 North, Range 55 West of the 6th Principle Meridian, Scotts Bluff County, Nebraska at 6:04 p.m.

The Mayor asked if there was anything for the Administrative record. Administrator Danielzuk stated that he would like to introduce a document dated 11-3-15 called the easement payment calculation sheet; it was done for Leo Hoehn by the Nebraska Public Power District and Nebraska Real Estate Agent. He also introduced for the administrative record the appraisal report for the northwest corner of U Street/21<sup>st</sup> Street in Gering prepared by Gary Brandt for the City of Gering. He stated that is the appraisal for the 83 acres, more or less, that constitutes the purchase agreement for the Leo Hoehn property. He asked that the Administrative Record be kept open until everyone has had an opportunity to voice their opinions at the public hearing.

Mayor Kaufman asked if anyone wished to speak in favor of the public hearing. Seeing none he asked if anyone wished to speak in opposition. Mayor Kaufman added that anyone who would like to address the Council may do so and comments should be kept to about three minutes.

Dave Lashley, 2220 West Ridge Dr., stated that he is to understand, first of all, that Leo Hoehn is involved; is that the investor in this property? Mayor Kaufman replied that he is the property owner. Mr. Lashley asked if Mr. Hoehn bought property assuming they would bring over a packing plant. Mayor Kaufman stated that we're not here to speculate; Mr. Lashley would have to ask Mr. Hoehn that question. Mr. Lashley stated it was an investment, now Mr. Hoehn wants to sell it to the City. Administrator

Danielzuk replied that the City is interested in purchasing the property. Mr. Lashley asked for what purpose. Administrator Danielzuk replied a Certified Industrial Park. Mr. Lashley asked if a purchaser has been found; do we know who's going to buy it? Are we going to divide it up into lots? Administrator Danielzuk stated that right now we have a business entity that is interested in that site, correct. Mr. Lashley asked if they're interested in the entire site. Administrator Danielzuk replied that he doesn't know if that will be the outcome or not. Mr. Lashley asked if the City is going to plot it out to create industrial lots. Administrator Danielzuk stated that we'll figure out what the interested party wants to do. Mr. Lashley asked what's to be gained by the City purchasing this property versus a private individual owning it. Mayor Kaufman stated that maybe there's a lot of uncertainty tonight and he thinks it would be best, if everyone has a lot of questions, the answer is probably the same for everyone. We can get into that at the end; we could be here a long time for a Q & A session. He said if the public has specific questions they want to ask we can notate them and address them as he saw numerous hands raised that also want some time.

Mr. Lashley was agreeable. He stated that right now it sounds like you're going to purchase this and give the investor a profit, correct? Mayor Kaufman replied "potentially". Mr. Lashley stated that he's not necessarily in favor of that concept. Mayor Kaufman replied that he can address what Mr. Lashley is saying in a couple minutes.

Mary Bowman, 2610 Prairie Street, stated she is speaking in opposition. Regarding impact to tax payers she stated that Council recently approved an increase in the cost of Electricity for citizens of this town – this has hit some folks pretty hard. Adding to that, this land purchase seems to follow a pattern of some recent expenditures approved by City Council that have been, in her opinion, either unnecessary or excessive. For example:

- The \$55,000 feasibility study for the Library – reading about it after the fact is what has motivated her to start attending the Council meetings and what motivates her to speak up tonight.
- Example #2: At the last meeting Council approved \$17,000 for a Salary Survey for only 10 Department Head jobs. Her HR management experience tells her that this is an unusually high price for such a limited survey.

Ms. Bowman added that the proposed sales tax to pay for Infrastructure repairs and improvements was defeated. We know there are real issues with our infrastructure that need to be resolved and that will cost money. If we don't have money to pay for that, where will the money come from for this land purchase? Regarding costs associated with the land, she feels that a \$96,000 profit for the seller is extreme. She understands that improvements to put power on the land have already been completed – that is enough of a benefit to the land owner and an investment on the City's part. Ms. Bowman went on to say that we all know that it is typical that the City will provide some kind of incentives for businesses to locate here – those would be additional costs to the tax payers until they can be recouped.

Regarding the role of city government, Ms. Bowman stated that fundamentally city government should not be in the real estate speculation business. It is a fact that the land is already there and can be sold to anyone who wants to put a business on it – it is not going anywhere. It is ridiculous to say that this land purchase by the Cities of Gering and Scottsbluff will make the land more readily available and make the twin cities more attractive for potential businesses. She recognizes that the City Council wants to encourage and create opportunities for growth and future revenues. However, we already have a mechanism for that through Twin Cities Development; wouldn't they be the ones who could be the conduit between the current land owner and a potential buyer? She stated she is strongly opposed to this land purchase by the City of Gering. However she knows that most, if not all, Council Members have already made up their minds to go forward with it. She hopes that the opposition Council hears tonight will make them think twice about proposing similar ventures in the future. She thanked Council for the opportunity to speak.

Jim Cauble, 1650 Virginia, Gering, stated that he's in opposition of this purchase by the City of Gering and the City of Scottsbluff primarily because of the process. Mr. Hoehn, the current owner, is quite

capable of selling his own property to anyone who would want to develop it with the assistance of the various agencies that we have within our community; Twin Cities Development and others. The City of Gering does not need to be in the land ownership business and he has a couple questions. Is the current industrial park all completely used up? Was there any negotiation or was it just a full price offer and acceptance? This property is potentially in the flood plain, if the potential purchaser (for development purposes) wants the property improved to the point that it doesn't further qualify for flood plain insurance requirement, is the City prepared and is the City going to expend the funds to accomplish that? He added that the negotiation process, if there was one, needs to be improved.

Linda Mai, 1615 17th Street, Gering, stated that she agrees with what has been previously stated. She has a concern that we are in the business of land ownership. We promote independent business and yet we provide TIF, we're buying land, we're not putting any money into the infrastructure. She stated that infrastructure in Gering is behind the ball. We should be investing in infrastructure; it is obvious the citizens of both Scottsbluff and Gering are looking at how much they can really come up with as far as taxes. Both cities had their sales tax for infrastructure defeated. We're going to have to find that someplace else; this is the beginning of that someplace else. What is the number of tax dollars that we're going to lose while we wait for somebody to build on that land for a ten or twenty year period? This is nothing but speculation which involves a large possibility of loss. Why would we want to be doing new infrastructure on an already outdated infrastructure system? What family or business wants to come in when they already know that what they're coming into is outdated? She has issues with the reality that we're not listening to the voters of Gering; they have no vote on this. She said a recent nationwide study on tax increment and making special moneys available to communities for businesses to come into Nebraska ranked in the high end of the most money spent to the least value.

Steve Eich, 1315 P Street, Gering, stated that as a business owner who was denied TIF funding by the City, and who just made major improvements, he feels taken aside by this. You're doing all this so another business can come in and purchase it, it's all for their benefit. There was no reason for the small amount that he was requesting to be denied. He was told that TIF funding was not available in his area when 200 feet away a business was given TIF money. His major question with this, he's not necessarily for or against it, is if there was an appraisal, when will we hear it and what was the price per acre on the appraisal versus what you're agreeing to pay for this property. He said he has a feeling it doesn't match up very well. Why would you want to put this type of property on a flood plain; just doesn't seem to make much sense.

Dave Schuitz, 710 18th Street, Gering, stated everyone that spoke before him has given his same thoughts. He reiterated that in recent elections the majority of voters should have sent a message to Council that spending like this is not needed. He doesn't think the City should be in the real estate business or speculating. We have other things we can spend our money on and this is *our* money, not your money. He stated do what your constituents wish and don't speculate.

Terry Rajewich, 810 18<sup>th</sup> Street, Gering, stated that she's actually neutral on this subject. While it's a joint venture, on who's dime will the infrastructure be going in? Will it be passed along to the rate payers in the City of Gering? For example electric, water and sewer costs continuing to rise. Does that cost go out to the developer or is the City putting that in at our cost? If someone is interested in the site why wouldn't they be the ones to purchase it? Is there an ability by the City to maybe get a first right of refusal and still be able to control the site for future investments rather than purchasing? If you are planning to purchase it will the plan be looked at from a virtual standpoint or physical installation of utilities? If you have it available for AGG as it continues to be setting idle, and you have virtual prospect out there then you're not putting out the cash outlay for that infrastructure. She said she heard one other individual say that utilities are already to the site; she'd like to know if that is confirmed. Administrator Danielzuk replied "not everything." Ms. Rajewich asked what does that mean. Administrator Danielzuk replied that the site is adjacent to the sewer lagoons so you can imagine that wastewater is there; not everything is out there. She asked if the property would continue to be utilized for ag until a prospect is determined so that you'd still be able to collect taxes off of it? Will the property stay on the tax rolls until a prospect is found and if not how does the City plan to make up for those tax losses? How will the existing businesses and residents be ensured costs to install utilities to the site aren't being passed along to them in their utility

rates and taxes? Can the City ensure transparency on that? If installation of utilities is taken to the site to ready the site for development will this be completed via bonds? Will it be taken out of current year revenues or how else? Will the City of Scottsbluff incur any expenses to build the site or are they participating only on the purchase of the property? She'd like to have that clarified. With the continually rising utility rates, we need to know as constituents how the City is looking at controlling these costs. Have either of the Cities looked at how to protect the general public from any stranded investments in infrastructure, which would have to be socialized across other rate payers, if the expected load does not materialize to the site? In other words "Build it and they will come"; she stated she understands it takes time, she works in economic development. Infrastructure costs are paid up front, revenue is never realized and rate payers are stuck holding the bag; that's real big concern of constituents. Will the funds to purchase the land come out of LB840 funds or elsewhere? Mayor Kaufman replied that he made a list of her questions and will reply. Ms. Rajewich also handed a copy of her questions to the Mayor and Council.

Mayor Kaufman thanked everyone and commented that this is a great turn out for this meeting. It takes a lot of will power and interest to come up and get in front of the Council and voice your point of view. There are some great questions; he's very pleased and impressed with the level of interest from our community. He wished more of our City Council meetings were this interactive. It's good healthy debate and this is part of the transparency process in government.

**Mayor Kaufman then addressed the questions asked by the public:**

Mayor Kaufman stated we're going to stick to what's on the agenda. Library studies and TIF won't be addressed. This property won't qualify for TIF right now; TIF is off the table. Utility rates, specific to our budget process, have no relation or tie to this agenda item.

**Purpose:** Scottsbluff spent some money with Thomas P. Miller and Associates and came up with a regional economic development plan. They talked to community leaders. One result from that study, which we all adopted, was the need for a business industrial park. As you go around the state and other communities in our region this is not a phenomenon that's unique to what we're trying to do. Communities try to create a business industrial park, and in our case we're trying to create a certified park. Cities or partnership cities, which is very unique that cities are coming together on a collaborative project like this; we're very thankful for Scottsbluff and their visionary process to recognize that a partnership like this has value as well. As we want to get a certified park in place, the City or Cities have to control a certain amount of acres or size to qualify for a certified industrial park. There aren't very many cities across our state or region that have certified industrial parks. Many businesses reach out directly to our state agencies who are interested in development in our state and ask to be directed to communities that are certified. This would put us in those competitive realms for opportunities. To buy and hold property with no purpose is not productive; he agrees with that. The Mayor added there is a lot of value in public/private partnerships; when you have purpose behind the purchases there is value to the community. He thinks that answers the purpose question.

**The tax impact:** When you're taking about economic development, it will not go off the tax rolls; this will not hurt our schools. Nothing we want to do would be further from the truth. We're hoping to have enhancement. What qualifies to roll off the tax rolls? If we bought the space and turned it into a public space, like a park, it would be totally public use and it would go off the tax roll. Even though the cities will purchase the property it would be on the tax roll and there would be no impact or loss of revenue from that standpoint.

**Use of funds:** This is where government has a challenge to show the public how the process works; when you have business or your own personal budgets to prepare for, you may be saving up for a car or car repairs and you have a hail storm and it knocks all your windows out. Wisdom would say we'll have to tap out of that fund and repair the windows. In our world it doesn't work like that. We have different pools of money that have specific uses; we can't cross those even though some pools of money have accrued millions and millions of dollars over the last 15 to 20 years. Between Scottsbluff and Gering we have a considerable amount of assets specific for economic development purposes. We're trying to leverage

those funds to create economic development opportunities for our community; unfortunately spending it on streets and infrastructure doesn't qualify. That is the state statute we have to live with for those funds.

The Mayor went on to say the sales tax that we tried to pass absolutely was tied to infrastructure. We were votes short on that initiative. The state gave the communities in our state the opportunity to go after that tax which allows communities to go after an extra half cent sales tax specifically for infrastructure. If you look at over the last decade federal funds that were allocated for infrastructure specific projects have dried up. The federal government has pushed that burden to the state which has left our state and neighboring states in the same predicament which is aging infrastructure with no source of revenue to do the repairs. Our state was proactive and created LB357 as a lifeline to go after that tax. We had about 10 million dollars in projects that would have caught us up significantly which would have been repaid in revenue generated by that extra half cent sales tax which is different from what we have budgeted. We have infrastructure projects budgeted each year but unfortunately we cannot keep up.

**Cost for this project:** Mayor Kaufman stated anytime you go through a project like this you have to go through the processes and procedures. He can assure the public that staff did do their due diligence and spent some time negotiating before any agreements were put into this final form. Mr. Hoehn's name was brought up quite a few times; as a City we're not making emotional decisions. We try to make decisions that are for the betterment of our community. Between the two communities of Scottsbluff and Gering we have both recognized an area of interest that we feel, through the development of a business industrial park, will bring value-added back to our communities. It's really irrelevant to us who the owners of that property are. Whether you have personal preferences or not, that's not coming to play in our decision-making. We try to let the facts and the process go through.

**Current Industrial Park Usage:** Mayor Kaufman stated yes we do have some sites that are available but as we were going through the economic development plan and the regional plan that TPM & Associates put together for us, we have a checker board of sites. As you look at some of the public/private partnerships that we visited with businesses that look at our area, because of the different scope and scale of the projects, they're really just sites. And no disrespect to Scottsbluff but they had a park in their side of town and it was about 46 acres; unfortunately in today's world those are sites and so we had to think much bigger and broader and try to be visionaries to where we can create something for the next 20 years for opportunity. Getting into the role of city government, he understands some peoples' perspective on that, however he does think as City government it is our job to create opportunities and through that this is one way we can create an economic opportunity. If we're successful recruiting businesses to our community of any size and scale it should be bring jobs and added revenue-generating opportunities to both Scottsbluff and Gering in the form of sales tax and hopefully they'll purchase a house or do other things in our communities. We do think there is added value from that standpoint. The funds would be taken out of LB840. As far as development costs, there is a significant cost there, however at this point in time typically stuff like that can be negotiated as the sites are planned. If we do a planned unit development project we would do that in increments and tie it back into City infrastructure with the intent that hopefully the developers would bear some of that cost and we wouldn't have to bear that cost as a city.

**Partnerships:** This is a beginning process as we look at a partnership with Scottsbluff, which again is very unique. But we're also looking for partners on the private side and as we recruit and hopefully entice people to look at our community; that's exactly what we're trying to do is entice and create opportunities for future public/private partnership use for our community's benefit. As far as a field of dreams, we're not trying to do that. We've had plenty of discussions about that and it would not be a good use of funds to lay all the infrastructure in and let it sit idle as it would age, so again the infrastructure would be developed as the properties were developed.

Councilmember Gibbs made a point a clarification; the Mayor stated that this would be paid for out of LB840 funds. The voters passed the LB840 sales tax a few years ago. One of the items included in that economic development sales tax is the acquisition of land for economic development. That's what it's being used for here.

Mayor Kaufman added that the other thought process we had was the ability to leverage our LB840 funds. Of course we don't want to just tap the funds and put it into real estate. The reality is we'd keep it as an agricultural-producing site until it was developed. The beauty of that is we should be able to leverage the LB840 funds, make the purchases with the help of the City of Scottsbluff, and through the leverage of that we could get a conventional lending activity and have the cash rent of the properties generate the repayment so we could regenerate some of the LB840 funds and then let the property pay for itself, or a portion of it, over the course of time. Again we don't just want to sink it into it, we want to use the minimum amount of LB840 funds that we need to leverage the property. And since it is an income-producing property, keep it as such; we felt that that is actually a pretty good use of the funds and since we can partner on that we can get more of a bang for your dollar.

Mayor Kaufman stated again that he appreciates all the comments; those were great questions. Sometimes initiatives and winds of change are difficult and to get all the information that everybody wants in a timely manner. That's the purpose of hearings like this is to hear from the people and hopefully we can get positive feedback and get you some of the answers back to you. Will all of you agree with us and the Council? That's hard to say, for every person he has had speak to him who has been disappointed or not, he's had probably three times that be positive and see this as a great opportunity for both communities to benefit for years to come. He respects everyone's points of view and level of interest from the community.

Councilmember Christensen stated he read through the resolution in the packet and he did not see one word that this is a joint project of the City of Gering and Scottsbluff so what happens if one of these communities would default on this project, is the other community going to take over all the expense or what? He thinks this should have been spelled out. Mayor Kaufman replied that was actually spelled out in our interlocal agreement that we signed last month. Councilmember Christensen said he did not see it in our resolution; Mayor Kaufman stated possibly not but the interlocal agreement was specific to the business industrial park and is pretty iron clad. There was a lot of discussion in the entire community before this endeavor was taken upon for those of you who haven't seen the interlocal, the interlocal is a public document, basically both communities would have to agree to get out so when we're partnering on this the intention is not to leave the other high or dry on either side. He thinks both communities are all in and see the shared vision and the benefit for a business industrial park. Councilmember Christensen said he's not an expert on prices by any means but if you mention to the farming community that we're buying acres for over \$8000 an acre he can imagine what their thoughts are and the fact that Mr. Hoehn purchased this property as speculation and he's going to be making a profit at \$96,000 in two years, that's a pretty good deal for him. He stated he would like to leave the Council with a few parting words; he really thinks we need to think this over really good before we make any decisions. He thinks both Gering and Scottsbluff Councils should really look at this price; he thinks there's room for negotiation.

Mayor Kaufman then addressed the issue of the flood plain. He said part of the property is absolutely in the flood plain; that's just the way it is. Potentially if they would need a loan on the property flood insurance would be a mandatory activity but that would be up to the developer and what their capacity for that need would be. It is possible as well, as many properties that have had proximity to flood plains – you can elevate and get a flood certificate and get it out of the flood plain if need be. It would be a considerable amount of fill but there are a lot of other sources and uses for the property in its current condition.

Dave Schuitz addressed Council again and stated as Councilmember Christensen mentioned regarding pricing, even though he's adamantly opposed to government getting into land purchasing he'd be willing to throw his land out there for a thousand dollars an acres less; he has 90 acres and he'd give the City five acres and that land's in Scottsbluff surrounded by City limits so it'd be beneficial to you here in Gering too.

Mary Bowman addressed Council again and stated that the issue with the appraisal compared to the price we're going to be paying wasn't addressed. Administrator Danielzuk read the first page of the appraisal. The property as is, as of December 6, 2016, was appraised at \$681,000. That was for 83.08 acres more or less that is zoned in a combination of AGG and MH. The highest and best use is industrial,



agricultural and recreational use. The cost approach was \$685,400, the sales comparison approach was \$676,000. Final opinion of value: \$681,000.

Councilmember Christensen stated that he did take the opportunity to talk to some land folks; they told him the purchase price was a little bit on the high side for whatever that's worth. Mayor Kaufman replied relative to the price of corn he can hear what Councilmember Christensen is saying, proximity to town and industrial use that's a little bit different. There has been comparable sales in the last 60 days that fit or are conforming with the price that's on the table tonight.

John Maser, 2365 Shadow Ridge Drive, addressed Council. He asked who's going to want to come in and build downwind of the sewage lagoons. If he's bringing a business to town that's not what he wants to look at or smell every day. He noted a farm across the river next to the four-lane with City sewer that just sold for \$4000 per acre. This one is landlocked, there's no way to get to it; we have a by-pass and there's farm ground south of West Plain that has been for sale; that would be more eye-appealing. This... who would build there? If he were a business owner there's no way; it's two-lane and a pain to get on the four-lane. People driving by don't see it; it's kind of a bad property. At this price, at the price that's being paid for it, you won't even get 1% of your return; you're losing money every day you own this.

Jim Cauble addressed Council again and said he'd like clarification, in the statutes of the LB840, are they allowed to expend more than the appraised value of a property? Mr. Ellison replied the appraised value is a guideline that the City Councils need to follow; there is nothing in the law that requires that you buy at appraised value or right at that amount. Cities or municipalities are allowed to purchase property and sometimes pay more than the appraised value, they just need to justify it to the taxpayers. Mr. Cauble replied good luck on justification because that doesn't make sense to pay more than the appraised value for the property. Appraisals usually come in at whatever the purchase price or the sales price is normally, you've done it ahead of time, you've now got a better feel for the figure, and you're offering more than the appraised value. He stated he thinks Council should take a few moments and think about that.

Steve Eich asked if this project is specific to these 83 acres or is there more to come. Mayor Kaufman stated that is an area of interest as we look to create a business industrial park. As we look for additional public/private partnerships to say specifically yes or no on that, if the opportunity was there, absolutely.

Administrator Danielzuk added to the administrative record and referenced, in part, Section 77-201 of the Nebraska State Statute referring to Taxable Property; valuation; classification: "(1) Except as provided in subsection (2) through (4) of this section, all real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value." He added, under Annotations 1. Taxable Value: "Actual value, market value and fair market value mean exactly the same thing for purposes of taxation."

Terry Rajewich addressed Council and said we're going to pay \$720,000 and then we're going to pay taxes on \$685,000? Administrator Danielzuk went on to say that we talked about real property and it's subject to be valued at actual value. "Actual value of real property for purposes of taxation means the market value of real property in the ordinary course of trade." He stated "Again, actual value, market value and fair market value mean exactly the same thing for purposes of taxation."

Not in the presentation but in the documentation: *Richman Gordman v. Board of Equalization*, 214 Neb. 470, 334 N. W. 2d 447 (1983); *Hastings Building Co. v. Board of Equalization*, 212 Neb. 847, 326 N. W. 2d 670 (1982); *Riha Farms Inc. v. County of Sarpy*, 212 Neb. 385, 322 N. W. 2d 797 (1982).

Mr. Danielzuk then read: 77-112 – Actual value defined: "Actual value is the most probable price expressed in terms of money that a property will bring if exposed for sale in the open market, or in an arm's length transaction, between a willing buyer and willing seller, both of whom are knowledgeable concerning all the uses to which the real property is adapted and for which the real property is capable of being used."

Source: Laws 1903, c. 73, § 12, p. 390; R.S.1913, § 6300; Laws 1921, c. 133, art. II, § 1, p. 546; C.S.1922, § 5820; C.S.1929, § 77-201; Laws 1939, c. 102, § 1, p. 461; C.S.Supp.,1941, § 77-201; R.S.1943, § 77-112; Laws 1955, c. 289,

§ 1, p. 918; Laws 1957, c. 320, § 1, p. 1138; Laws 1967, c. 493, § 1, p. 1684; Laws 1971, LB 945, § 1; Laws 1985, LB 30, § 1; Laws 1985, LB 271, § 1; Laws 1989, LB 361, § 3; Laws 1991, LB 404, § 1; Laws 1991, LB 320, § 1; Laws 1992, LB 1063, § 46; Laws 1992, Second Spec. Sess., LB 1, § 45; Laws 1996, LB 934, § 1; Laws 1997, LB 270, § 4; Laws 1997, LB 342, § 1; Laws 2000, LB 968, § 23; Laws 2003, LB 292, § 4; Laws 2003, LB 295, § 1.

Ms. Rajewich stated that she's understanding between the Cities you negotiated this price and Mr. Hoehn was requesting a higher value than you agreed upon, is that correct? Mayor Kaufman replied, yes, he thinks that would be correct.

Mr. Danielzuk continued with additions to the Administrative Record. In part Annotations 1. Actual value: *"Although differing factors may cause the appraisal value of property to be less than its actual value, some relationship exists between appraised and actual value such that the appraised value is relevant evidence of at least the minimum value of the land."*

Not in the presentation but in the documentation: *First Nat. Bank of York v. Citel, 251 Neb. 128, 555 N. W. 2d 773 (1996).*

Mr. Danielzuk added: *"The purchase price of property, standing alone, is not conclusive of the actual value of the property for assessment purposes; it is only one factor to be considered in determining actual value."*

*Reynolds v. Keith Bd. Of Equal., 18 Neb. App. 616, 790 N. W. 2d 455 (2010).* He stated that there is a lot to be considered.

Linda Mai addressed Council and asked if she's understanding it correctly this is going to be bought with 840 funds. Mayor Kaufman replied in the affirmative. She asked who then owns it, the City? Mayor Kaufman replied the City of Scottsbluff and the City of Gering will jointly own it. She asked if they will also use 840 funds to pay for the property tax or is that the citizens. Mayor Kaufman replied that nothing on this purchase will affect our existing budget. The City will pay the property tax either out of the LB840 funds or from income generated from the property.

Councilmember Allred said he wanted to applaud everyone who showed up for the meeting and his constituents who contacted him with the same questions and concerns. He noted a headline that implied this project had something to do with the meat packing plant; he said that has **nothing** to do with this discussion. There has been discussion about the value and whether the City should own property or if it should be left to the private investors. But in the same breath this private individual or entity who speculated several years ago is suddenly the bad guy because he made a profit from this. There are no bad dealings between the City, the citizens and Mr. Hoehn. The appraised value has nothing to do with what Mr. Hoehn paid for it two years ago. Going forward if we want our infrastructure improved, one of the individuals who stood up said we need to find other ways, is this not another way for us to create more tax dollars for our City to help pay for those needs and to help our school districts and entire base grow? If we don't get on board with these types of projects the next city down the road will and they'll be on the dockets for interested cities to come into. No one knows where Scottsbluff and Gering is in that realm.

An unidentified member of the audience stated that her point is how long are we going to have to wait and what kind of jobs are we looking at. Are we looking at anything over a \$12 an hour job? We need something that is viable for people.

Councilmember Allred continued and said it was stated earlier that the LB840 funds have been sitting in a pot for 15 years or more. Our staff is trying to come up with ways to invite companies and businesses to our community. How long has the Lockwood building sat empty? If we don't invite them in an attractive manner they're not going to come. We have to be creative and this can be a creative way if we put all of our heads together. We are fortunate to have a neighboring community who is separate from who we are. How many communities get an opportunity to work together to try to bring businesses to benefit both of us.

Ms. Mai stated she thinks there is a lot of opportunity in our communities. She commends the Councils for working together; she thinks it is something that needs to continue. Her concern is the location; you do have the Lockwood group, what would it take to put something together that would be more inviting? She encouraged Council to bring in businesses that are going to support the citizens of our community; we don't need more minimum wage jobs. She doesn't see it happening in an area where we're dealing with the lagoon and a flood plain.

With no further comments Mayor Kaufman closed the Administrative Record and the Public hearing closed at 7:10 p.m.

**Motion by Councilmember Smith to enter the administrative record for this public hearing into the public record. Second by Councilmember Allred. There was no discussion. The Mayor called the vote. "AYES": Smith, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": Christensen. Abstaining: None. Absent: None. Motion Carried.**

**1a. Approve and authorize the Mayor to sign Purchase Agreement for real estate located in Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, identified as follows: Section 36: East ½ South East ¼.**

Mayor Kaufman entertained a motion to approve and authorize the Mayor to sign a Purchase Agreement for real estate located in Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, identified as follows: Section 36: East half South East quarter and government lot 5 as specified in the contract for sale of real estate with a land area of plus or minus 83.08 acres for \$726,000 out of the LB840 Economic Development Fund.

**Motion by Councilmember Smith to approve and authorize the Mayor to sign a Purchase Agreement for real estate located in Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, identified as follows: Section 36: East half South East quarter and government lot 5 as specified in the contract for sale of real estate with a land area of plus or minus 83.08 acres for \$726,000 out of the LB840 Economic Development Fund. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Gibbs, Holliday, Allred, O'Neal, Morrison. "NAYS": Christensen, Cowan. Abstaining: None. Absent: None. Motion Carried.**

#### **CURRENT BUSINESS:**

**1. Approve Ordinance 2041 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA AMENDING ORDINANCE NO. 1851, AS PART OF THE GERING CODE OF ORDINANCES TITLE VII, TRAFFIC CODE, CHAPTER 72: PARKING REGULATIONS, SUBSECTION 72.01 AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**Motion by Councilmember Holliday to table agenda item #1 under Current Business until the first regularly scheduled meeting in January, 2017. Second by councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**2. Recognition of Councilmembers Gibbs, Christensen and Allred**

Administrator Danielzuk congratulated the outgoing Council Members for a tremendous job; he then read the following quote by Theodore Roosevelt: *"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."*

Mayor Kaufman recognized Councilmembers Allred and Christensen with plaques and words of appreciation for their service to the community. He presented a plaque and a Key to the City to Councilmember Gibbs for 34 years of service on the Gering City Council.

**CLOSED SESSION:**

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

**REPORTS:** (Information only) None.

**OPEN COMMENT SECTION:**

Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

Mary Bowman stated that one thing that would have helped with the discussion earlier is more transparency and more information given to the public so that those who don't know anything about LB840 or certified business industrial parks would have had that information. She said all they got was what was in the newspaper and a hastily called joint City Council meeting with Scottsbluff and that appears to be fraught with difficulties. In the future when Council is contemplating these kinds of important decisions try to have more public information.

Kevin Mooney stated that he has been covering this for at least a month with stories about interlocal agreements, what was planned... he thinks citizens need to be aware of what the newspaper, radio and television do in regards to these things so they're aware of what's going on prior to the vote, because when it gets to the public hearing stage sometimes minds are made up. If you want to reach Councilmembers you've got to reach them *before* decisions are made. He stated he just wanted to stand up for the media and say that he thought they've let people know what was going on prior to (the public hearing) if they understood interlocal agreements.

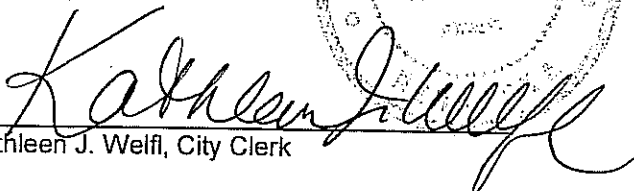
Mayor Randy Meininger addressed Council and thanked Councilmembers Gibbs, Christensen and Allred for being his mentors during his tenure and thanked them for what they've done. He said in listening to the public hearing tonight we've been working on this for years and years to get it to this point for betterment of our community and the three of them have been a part of that and he just wanted to thank them for the opportunity to be able to work with them.

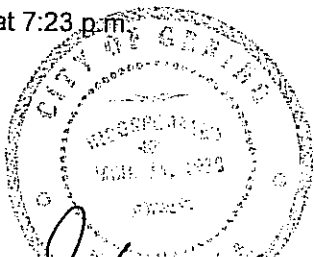
**ADJOURN SINE DIE**

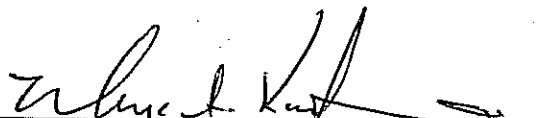
Joint Motion by Councilmember Gibbs and Christensen to adjourn Sine Die. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

Meeting adjourned Sine Die at 7:23 p.m.

ATTEST:

  
Kathleen J. Welfl, City Clerk



  
Mark A. Kaufman, Mayor

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,  
December 12, 2016 (after adjourning Sine Die)**

A regular meeting of the City Council of Gering, Nebraska was held in open session on December 12, 2016 at 7:36 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. 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.**

1. **Recital of the Pledge of Allegiance**
2. **Administer Oath of Office for newly elected/re-elected Council Members**

The City Clerk administered the Oath of Office to newly elected/re-elected Councilmembers Gillen, Backus, Wiedeman and Cowan

3. **Roll Call**
4. **Excuse Councilmember Absence**

Mayor Kaufman noted there is a quorum of the Council present and City business can be conducted. He noted there were no absences to excuse from the last meeting.

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

Mayor Kaufman stated: 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. As required by State Law, additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and Council determines that the matter requires emergency action.

**CONSENT AGENDA:** None

**PUBLIC HEARINGS:** None

**BIDS:** None

**CURRENT BUSINESS:**

**1. Elect a Council President**

Mayor Kaufman entertained nominations for Council President.

Councilmember Holliday nominated Councilmember Morrison as Council President. Councilmember Wiedeman seconded the nomination. Councilmember Smith stated he'd like to cease nominations.

The Council voted by ballot. The Clerk recorded the votes. With a unanimous vote in favor, Councilmember Morrison was announced as the new Council President by Mayor Kaufman.

**2. Approve Appointments to Council Standing Committees**

- o Public Works Committee
- o Public Safety Committee
- o Administrative Committee
- o Recreation Committee
- o Personnel Committee

**Public Works Committee**

Chair: Phil Holliday

Vice Chair: Susan Wiedeman

Member: Ben Backus

Member: Michael Gillen

Alternate: Dan Smith, Alternate: Troy Cowan

**Public Safety Committee**

Chair: Dan Smith  
Vice Chair: Ben Backus  
Member: Michael Gillen  
Member: Troy Cowan  
Alternate: Julie Morrison, Alternate: Pam O'Neal

**Administrative Committee**

Chair: Julie Morrison  
Vice Chair: Pam O'Neal  
Member: Phil Holliday  
Member: Dan Smith  
Alternate: Susan Wiedeman, Alternate: Troy Cowan

**Recreation Committee**

Chair: Troy Cowan  
Vice Chair: Dan Smith  
Member: Susan Wiedeman  
Member: Pam O'Neal  
Alternate: Ben Backus, Alternate: Michael Gillen

**Personnel Committee**

Chair: Pam O'Neal  
Vice Chair: Julie Morrison  
Member: Ben Backus  
Member: Phil Holliday  
Alternate: Susan Wiedeman, Alternate: Michael Gillen

**Motion by Councilmember Smith to approve the Standing Committee Appointments as presented in the packet. Seconded by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**3. Approve Appointments to Boards and Commissions**

- o Planning Commission
- o Board of Adjustment
- o Park, Cemetery & Tree Board
- o Library Board
- o Board of Health
- o Police Retirement Committee
- o Twin Cities Development Liaison
- o Panhandle Human Society Board Liaison
- o Gering Merchants Liaison
- o Oregon Trail Days Committee liaison
- o CVB Liaison
- o Airport Authority Liaison
- o Panhandle RC&D Liaison
- o PADD Liaison
- o Scotts Bluff County Communications Center Advisory Board Liaison
- o Economic Development Application Review Committee
- o Economic Development Citizens Advisory Committee
- o Lottery/Keno Committee
- o Gering Safety Committee

## Boards, Commissions, Committees & Liaisons

### Planning Commission

Kirk Arnold  
 Paul Marietta  
 Jason Parks  
 Jeff Allen\*  
 Cathy Kaufman\*  
 Jeremy Rechsteiner\*  
 Dale Hauck  
 Craig Erdman (added in the minutes)

### Library Board

Tracy Henderson  
 Suzanne Myers  
 Kerri-Schnase Berge  
 Hugh Dunne  
 Alan Johnson

### LB840 Application Review Committee

Brent Holliday  
 Craig Landers  
 Dennis Wiedeman  
 Dawne Wolfe  
 Ben Dishman  
 Ladd Harrison  
 Larry Gibbs\*

### Board of Adjustment

Dave Schleve  
 Kevin Mooney  
 Brad Staman  
 Jason Parks  
 Josh Schlaepfer  
 Brian Judy (alt)

### Board of Health

Mayor Kaufman  
 Chief Holthus  
 Dan Smith\*  
 Dr. Darcy Schlothauer

### Liaisons:

Gering Merchants – Troy Cowan\*  
 Gering CVB – Michael Gillen\*  
 Airport Authority – Phil Holliday  
 Panhandle RC & D – Ben Backus\*  
 PADD – Lane Danielzuk, Pat Heath  
 TCD – Mayor Kaufman, Lane Danielzuk & Julie Morrison\*  
 Pan. Humane Society – Officer S. Schneider  
 Oregon Trail Days Committee – Pam O’Neal  
 Regional Governance – Mayor Kaufman & Lane Danielzuk  
 WNED – Pam O’Neal\*  
 Valley Visions – Susan Wiedeman\*  
 Com. Center Advisory Board - Ben Backus

### Plumbing Board

George Herman\*\*  
 Jeff Vance\*  
 Paulette Schnell\*  
 Pat Heath  
 Paul Snarr  
 Rod Sterkel

### Keno Committee

Darrell Bentley  
 Donna Engleman  
 Matt Janecek  
 Don Kugler  
 Julie Morrison  
 Helen McDonald

### Park, Cemetery & Tree Board

Mike Donovan  
 Tim Maxcy  
 Amy Seiler  
 Don Gentry  
 Eric Kautz\*\*  
 Jim Schild\*\*

### Police Dept. Retirement Committee

Det. James Jackson  
 Cpt. Jason Rogers  
 Officer Travis Enlow\*  
 Officer Jordan McBride\*  
 Pam O’Neal\*  
 Mayor Kaufman

### Joint Cable Committee

Dan Smith\*  
 Monnette Ross  
 Lane Danielzuk

### Civil Service Commission

Ric Johns\*\*  
 Galen Larson  
 Etta Taylor

### LB840 Citizens Advisory Committee

Galen Larson  
 Carla Swanson  
 Rhonda Schledewitz  
 Monnette Ross  
 Darrell Eskam  
 Dawn Thompson  
 Tom Goodman

### Gering Safety Committee (Internal Committee)

Rod Sterkel  
 Lekreasha Imus  
 Jay Templar  
 Mike McKee  
 Erin Hinze  
 Kathy Welfl  
 Tom Welsh  
 Nancy Rasnic  
 Clinton Ratliff  
 Chris Kling  
 Greg Suhr  
 Diane Downer  
 Tammy Cooley  
 Paul Snarr

\*new appointment

\*\*serving another term

Motion by Councilmember Morrison to approve the Appointments to Boards, Commissions, Committees and Liaisons *as presented in the packet* (not as presented on the agenda). Seconded by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

#### 4. Appointment of Official Newspaper

Mayor Kaufman announced the Star-Herald as his appointment for the Official Newspaper.

Motion by Councilmember Morrison to approve the Star-Herald as the Official Newspaper. Second by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

#### 5. Approve Appointment of Depositors

Councilmember Gillen declared a conflict of interest based on his employment at one of the depositors.

Motion by Councilmember Morrison to acknowledge the conflict of interested as declared by Councilmember Gillen. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

##### Local Depositors

US Bank  
First State Bank  
First State Bank  
Western States Bank  
Platte Valley Bank

##### Outside Depositors

US Bank Repurchase Sweep Account  
St. Paul, MN  
NE Public Agency  
Investment Trust  
(NPAIT) Lincoln, NE

Motion by Councilmember Morrison to approve the appointment of depositors as presented in the packet. Second by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Backus, Holliday, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: Gillen. Absent: None. Motion carried.

#### CLOSED SESSION:

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

REPORTS OF STAFF, BOARDS AND COMMISSIONS AND STANDING COMMITTEES: None

OPEN COMMENT SECTION: Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

Councilmember Backus addressed the Council at the podium and stated that he thinks it's a good idea for the incoming organization to acknowledge the outgoing organization. He then read a Proclamation to outgoing Councilmembers Gibbs, Christensen and Allred:

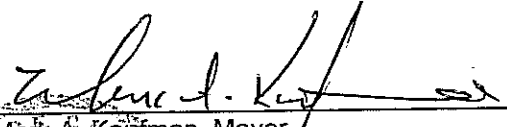
WHEREAS Larry Gibbs served on Gering city council for 34 years  
WHEREAS Don Christensen served on Gering city council for 12 years, AND  
WHEREAS Justin Allred served on Gering city council for four years  
NOW, THEREFORE, BE IT PROCLAIMED the newly formed Gering City Council formally recognizes the aforementioned citizens for diligently and dutifully helping to guide the city of Gering. We express our appreciation for their leadership in all areas of community improvement. May they find success in their future endeavors. Proclaimed this day of 12<sup>th</sup> day of December 2016.



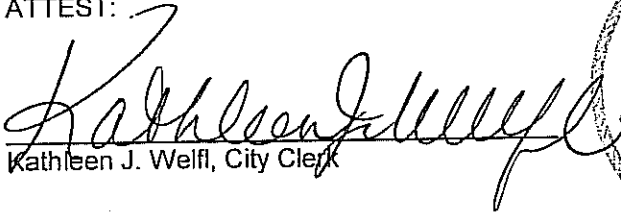
**ADJOURN**

Motion by Councilmember Morrison to adjourn. Second by Councilmember Backus. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Meeting adjourned at 7:46 p.m.

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

ATTEST:

  
\_\_\_\_\_  
Kathleen J. Welf, City Clerk

