

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, May 9, 2016

A regular meeting of the City Council of Gering, Nebraska was held in open session on May 9, 2016 at 6:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Allred. 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

The Mayor called the meeting to order at 6:00 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
2. Roll Call
3. Excuse councilmember absence

Motion by Councilmember Smith to excuse the absence of Councilmember Morrison from the April 25, 2016 Regular meeting. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

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. 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 April 18, 2016 Special City Council meeting and the April 25, 2016 Regular City Council Meeting
2. Approve Claims

Claims:

4-16-16 to 4-29-16

2477 FITNESS \$77.50 WELLNESS, ACUSHNET CO \$659.72 (20 DZ) GOLF BALLS, (1) CLUB RPR, (12) HATS, ADVANCED UNDERGROUND EQUIP \$6,669.00 (1) LCTR/BTTRY KIT/DIR SONDE, AHLERS BAKING INC \$8.99 LB840 MTG BRKFST, ALAMAR UNIFORMS \$101.98 (2) UNIFORM TROUSERS, AL-JON MANUFACTURING LLC \$568,600.00 PURCHASED NEW 16 ADVTG COMPACTR, AMAZON \$473.51 SCHROEDER (4) PR WORKPANTS, (1 PKG) BOOKMARKS, (25) DVD TITLES, (5) SONGS, FUEL FLT WRENCH FOR STERLING, (1) HYD CONTROL VLV FOR WASTE WATER JET RPR, AMERICAN LEGION EMBLEM \$430.70 (12) US FLAGS/(2) NE FLAGS, B & C STEEL \$293.66 (4) ANCHOR BOLTS, (14') HEADER FOR SHOP, BAYMONT OF LINCOLN \$138.00 ABEL TRV EXP LGSLTV HRNG, BKD RENTALS LLC \$2,154.20 MAY RENT SUBSIDY, BLACK CLOVER ENTERPRISES \$808.01 (52) HATS, BLOOMBERG BUSINESSWEEK \$85.60 (50) MAGAZINE SUBSCRIPTIONS, BLUFFS SANITARY SUPPLY \$78.59 (1 BX) NITRILE GLVS, (1 BX) TRSH LINERS, BOMGAARS \$71.96 (1) GAS CAN/ANTIFREEZE, BROADWAY OFFICE CENTRE \$96.29 (4) LETTER OPNRS, (1) TYPWRTR RIBBON, (3 DZ) BINDER CLIPS, (1 PK) DIVIDERS, (1) 2" BINDER, (1) PKB (12) YELLOW HIGHLIGHTERS, (1 PK) ERASER REFILLS, (1) SIGNATURE STAMP - WELFL, (2) 3" RING BINDERS, BURTON MATT \$20.00 WITNESS FEES BLANCO DOG TRIAL, BYRD PATRICIA \$218.54 OVRPD UTL BILL REFUND OVERPYMT, CALLAWAY GOLF CO \$647.67 (3) HATS, (5) GOLF CLUBS, CASEYS GENERAL STORE #27 \$69.16 SHRDR/MCBRID TRVL EXP NLETC, HEATH NRWA CONF TRVL EXP, CENEX B S INC \$19.07 ROGERS TRVL EXP STAT BRD MTG, CENTER POINT LARGE PRINT \$44.34 (2) BOOKS, CITY INS FUND 125 \$148,831.58 HEALTH PREM 125, CITY OF GERING \$292.73 WELLNESS GOLF, KAUFMAN BUS CLUB LUNCH, (62) COPIES, CITY OF GERING - GENERAL AC \$65,000.00 ACH PAYROLL TRANSFER, CITY PAYROLL TRUST \$3,518.36 FSA MEDICAL 125, CLARKE CHRISTIE \$11.00 TRVL EXP FOR PLTS CONF, CNA SURETY \$375.00 MEJIA ANNL BOND RNWL 70310492, COLLOPY PERFORMANCE & MACH \$60.00 SURFACE (2) BRAKE ROTORS, TURNED (2) ROTORS FOR DODGE, COMFORT INN \$168.72 HEATH NRWA CONF TRVL EXP, CONNECTING POINT \$62.00 APRIL COPIER SRV, CONSOLIDATED MANAGEMENT \$365.75 MEALS FOR MCBRIDE/SCHROEDER, COOLEY TAMMY \$123.00 TRVL EXP ADA SYMPSM CONF, CREDIT MANAGEMENT SRV \$330.50 GARNISHMENT, CRESCENT ELECTRIC SUPPLY \$626.08 (5) RISERS/MOLDS/(2) U GUARDS/(1) KNIFE/BOX/CONNECTOR & COVER/(25) SPLS WIRE, CRICKET \$21.95 (1) YR MAGAZINE SUBSCRIPTION, CULLIGAN WATER CONDITIONING \$128.50 SALT (16) BAGS, DAHLGRIN CASEY \$123.00 ADA CONF TRVL EXP, DALES TIRE & RETREADING \$282.50 (1) TIRE RPR, DENNY'S RESTAURANT \$29.37 HEATH NRWA CONF TRVL EXP, DIAMOND VOGEL PAINT CENTE \$59.81 (1) GL PAINT/SUPPLY FOR HYDRANTS, DIANE DOWNER \$186.00 TRVL EXP PLA CONF IN DENVER,

TRVL EXP FOR PLTS CONF, DIRECTPARTS \$83.13 (1) THROUOUT BEARING FOR CUSHMAN, DISCOVER \$1,593.87 MEJIA GFOA HOTEL CHGS, DITCH WITCH OF NEBRASKA \$6,420.00 (1) LOCATOR, DOOLEY OIL INC \$207.43 (2) CASES BRAKE CLEANER, (1) CASE SHELL OIL, (2) PAIL GREASE FOR AL-JON, (2) CASE WINDOW WASHER FLUID, DOOR CLOSER SRV \$291.52 (2) DEADBOLT LOCKS INSTALLED GRDNR, DUTTON - LAINSON CO \$2,774.52 (25) PINS, (4) TERMINATORS, (16) METERS, ELECTRONIC CONTRACTING CO \$761.75 TECH SUPPORT CNCL CHMBRS BOX, RPLCD MIC IN CNCL CHMBRS, ENERGY LABORATORIES INC \$421.00 WATER LABS, ENTERPRISE RENT A CAR \$407.80 SNARR TRVL EXP ASCE TRNG, ENVIRO SRV INC \$900.00 WATER LAB, WASTE WATER LABS, EVENTBRITE \$200.00 HOLTHUS BASIC CRIME PREV TRNG, EXPRESS COLLECTIONS INC \$195.74 GARNISHMENT 2, FAMILY DOLLAR \$6.94 (2) QTS OIL, FASTENAL CO \$953.09 (27) PR GLOVES, (17) GLASSES, BATTERIES, 5 ¼ " CPLRS FOR 11-14 WELL RPR, (1) TUBE SILICONE, (6) FLAP DISCS, FIREGUARD \$106.64 (2) 32OZ MSA CLEANER, FIRST STATE BANK \$350.90 IBEW UNION DUES, FLOYDS SALES & SRV \$2,478.93 (1) OIL FLTR CAP FIRE TRK #40, (2) FUEL TANK STRAPS FOR STERLING, SRV WRK ON 11 FREIGHTLINER & 99 FREIGHTLINER, G5 RPR, G9 1 OIL/FUEL/AIR FLTR & DIAGNOSTIC WRK ON G10, FRESH FOODS \$60.53 (10) CS BTTLD WTR, (2) LYSOL CLEANING DISCS/ OT DAYS MTG NAPKINS/CUPS, GALE \$185.93 (7) LARGE PRINT BOOKS, GALLEGOS PAUL \$23.24 WITNESS FEES BLANCO DOG TRIAL, GALLEGOS RICHARD \$75.00 RV ROOM DEPOSIT REFUND, GERING CITIZEN \$500.94 CONDENSED MINUTES, PARK CARETAKER, LIBRARY ASST AD, APRIL MTG NOTICE, BOA MTG NOTICE, PC MTG NOTICE, OVERLAY PRJCT BID NOTICE, GERING VALLEY PLUMBING \$727.50 INSP WTR FURNACE, RPR BLOWER MOTOR UNIT #8, CLEAN & ADJUST ALL A/C UNITS, GILMORE & BELL PC \$2,500.00 FY 14-15 DISCLURE ANNL RPRT, GREGS AUTO BODY & PAINT \$1,896.60 CHIEF HOLTHUS CAR MAINT RPRS, HACH CO \$622.67 (1) PH PROBE FOR LAB, HD SUPPLY WATERWORKS LTD \$156.19 (1) TEE FOR MAIN RPR, (20) GSKTS FOR 11-14 WELL RPR, HEILBRUN \$1,534.06 (2) DRILL BITS, (78) BOLTS, PINS, (12) BRKLEEN, (20) BOLTS, (2) LIGHTS FOR MOWERS, (1) SWITCH 97 FORD TRUCK, (2) SLD TERMINALS, (12) CANS BRKLEEN, (3) AIR, (1) OIL, (4) FUEL FLTS, 300 BLTS FOR WELLS 11-14, (2) PLUGS, (2) HYD HOSE FITTINGS, (14) WELL RPRS, (1) MRKR LMP, (2) STOP LMPs, (1) CBC-30HB CIR BRKR, (5) SWITCHES, (14) SPK PLUGS, (1) AIR SNSR, A/C TEMP FOR FREIGHTLINER (2) BTLS TIRE SLNT, (8) OIL FLTRS, (2) QTS 30W OIL, (2) QUICK STRUTS, BTRY CHGR CABLE CLAMPS, (1) LYNN MTR, (2) ADPTS, (1) TAPE MEASURER, HENNING'S CONSTRUCTION \$10,440.00 REPLACED SWR LINE ORGN TRL PRK, HOBBY LOBBY \$10.46 STRYTIME SUPPLIES, (1) SHEET CRAFT PAPER, HOLIDAY INN KEARNEY \$859.44 MARTIN TRVL EXP CLERK SCHOOL, HEATH & DAVIS LODGING CONF, HONEY WAGON EXPRESS \$140.00 CLEAN GREASE TRAPS, HORIZON WEST INC \$393.50 (2) OIL/FUEL FLTRS, (4) AIR FILTERS, HYATT REGENCY HOTEL \$321.54 BRUNTZ TRVL EXP ICC CONF, ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN, IDEAL LINEN SUPPLY INC \$588.16 (43) MATS CHANGED OUT, (6) MOPS, (100) SHOP TOWELS, (2) CASES TOILET PAPER, (2) CS PAPER TOWELS, (8) TRASH CAN COVERS & MP, IDEXX DISTRIBUTION INC \$169.21 WATER LAB, INGRAM LIBRARY SRV \$1,022.85 (61) BOOKS, INTER CODE COUNCIL INC (\$152.50) STRKL INSPECTION CERT, BOOKS RETURNED, INTERNAL REVENUE SRV \$42,795.91 FED/FICA TAX, INTERNATIONAL INST OF MUN \$95.00 COOLEY ANNL MBRSHIP DUES, INTERSTATE BATTERIE/RAPID \$110.95 (1) BATTERY FOR TRUCK, INTRALINKS TECHNICAL SOLUTIONS \$25,237.18 NEW SERVER FOR CITY COMPUTERS, UPGRADE WIRELESS INTERNET, APRIL COMPUTER SUPPORT, NEW PRINTER SNARR, POWER CONNECT PORTSWITCH FOR SRVR, (2) NEW COMPUTERS - UTL OFFICE AND WALL PLATE, JACKSON EMILY \$75.00 RV ROOM DEPOSIT REFUND, JACOBS AUTOGLASS \$120.00 RPR WRK ON 08 DODGE RAM, JANIS SALLIE \$20.00 WITNESS FEES BLANCO DOG TRIAL, JOHN HANCOCK USA \$14,355.92 JH RETIRE 6% & 1-10%, JOHN MEJIA \$624.44 TRVL EXP GPGFOA CONF, JOHNSON CASHWAY CO \$394.29 (2) CUTOFF BLADES, (1) GRDN SPRAYER, (1) CN RED PORIMER 11-14 WELL RPR'S, (22) NUTS/BOLTS, (8) CNS SPRAY PAINT, (1) CAN SPRAY INSULATION, (4) CAPS RPR'S WELL #14, (4) CLAMPS, (1) TRASH CAN, (1) PLUNGER, JIGSAW BLADE, (80) PCS LATTICE FOR SHOP SHELVES, (1) FORM BOARD, SANDPAPER, (3) ROLLERS, (2) PAINT TRAYS, (1) CN SPRAY INSULATION, (1) LEVEL, (2) SHOVELS, (1) 500' REEL, HMR, 30' TAPE MSR, (1) BRUSH, (1) KEY COPY, 2 X 12 X 16 BOARD FOR DUMP TRUCK, (4) TUBES CONCRETE SEALER, RV FLAG POLE RPR'S ROPE PULL, KAPCO \$343.56 (13) PKGS BOOK COVERS, KARENS CLEANING \$425.00 MARCH CLEANING, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KATHY WASSERBURGER \$11.00 TRVL EXP FOR PLTS CONF, KNEB \$365.50 MARCH RADIO ADVERTISING, KOIS BROTHERS EQUIPMENT \$1,353.62 FREIGHT CHGS FOR LIDS ORDERED, (8) PINS, (16) BUSHINGS FOR G6, KOVARIK ELLISON MATHIS \$2,888.75 APRIL GENERAL RETAINAGE, KRIZ - DAVIS CO \$3,038.76 (314 FT) WIRE, (1) OUTLET, (75) CONNECTORS, (1) SWITCH, (2) DEAN DEN ARMS AND ADJ BRACKET KITS, KUM & GO \$30.01 VANCE TRVL EXP NEW CMPCTR, LL JOHNSON DISTRIBUTING \$2,076.88 BELT PIN, BRCKT FOR SWEEPER, (100) SIRE SPLICERS, (2) SWING JOINTS, (10) NOZZLES, (12) O RINGS FOR SWING JOINT, (12) BUCKET RAKES, (6) TRSH/CUPSVLS, (1) ARMATURE GM 3050, (7) SPRINKLERS, LEAGUE ASSOC/RISK MANAGEMENT \$2,034.74 INSURANCE ALJON COMPACTOR, LEAGUE OF NE MUNICIPALITIES \$90.00 SOLID WSTE SCRNG PTRSN/ANDERSON, LIU EDMOND \$20.00 WITNESS FEES BLANCO DOG TRIAL, LOGOZ LLC \$764.77 (17) ADMIN, (7) ENG DEPT SHIRTS, SCHROEDER (10) SHIRTS/SHRTS NLET, (2) TREE PLAQUES, LUCKE STAN \$23.24 WITNESS FEES BLANCO DOG TRIAL, MARATHON SYSTEMS \$988.35 (4) BGS FLR SWP, (2) CS BUG SPRAY, MASEK GOLF CAR CO \$370.00 (10) GOLF CAR SEAT COVERS, MATHESON TRI-GAS INC \$.31 (1) CUTNG WHLS, (12) PR GLOVES, MEAT SHOPPE \$16,841.80 CATERING COSTS, MENARDS \$1,838.94 (25) CANS SPRAY PAINT, (3) SOCKET SETS, (3) TAPES, WASHERS, (15) FITTINGS, (44) COMBO DRAWER CABINET, (6) GRNDGNG DISCS, MOUNTING PLATE, (1) MTN SENSOR, (14) WELL RPR'S, (9) WINDOW SHADES FOR CLUBHOUSE RST, MG TRUST CO LLC \$5,918.07 MG T-POLICE, MICHAEL TODD & CO \$1,756.98 DEAD END BARRICADES ORGN TRL BLVD, (12) SHOVELS, (500) BLUE FLAGS, MICROSURVEY SOFTWARE INC \$395.00 AUTOCAD MAINT SFTWRE UPDATES, MISSION BELT CO \$664.82 (32) BUCKLES, (30) BELTS, MONEY WISE OFFICE SUPPLY \$980.37 (1) INK CRTDG - UTILITY OFFICE, (3) PKGS KEY TAGS, (1) PK CARDSTOCK, (4) BINDERS, (1) LATERAL FILING CABINET, ELEC STAPLER, (2) PKGS BUSINESS CARDS, MONUMENT GRILL \$1,100.00 RMBRSMT FOR LEAGUE MEALS, MOUNT STEVE \$123.00 ADA CONF TRVL EXP, MUNICIPAL ENERGY AGENCY \$383,925.54 MARCH POWER BILL, APRIL RITA DUES, MURDOCHS RANCH & HOME \$72.98 (1) BOOT SCRUSHER, TOOL BOX MOUNT KIT, NATIONAL INSURANCE SRV \$1,111.00 VISION INSURNACE, NATIONAL REGISTRY EMT \$70.00 BORGMAN EMT TESTING FEES, NDEQ - FISCAL SRV \$9,369.96 RNW PETERSON WW LICENSE, QTRLY SOLID WASTE PYMT, NDOR LODGING \$87.65 MARCH CNTY LODGING TAXES, NE CHILD SUPPORT PYMT \$827.56 CHILD SUPPORT 1, NE DEPT OF REV (PR) \$18,642.05 STATE TAXES, NE DOR GAMING DIVISION \$7,878.42 QTRLY LOTTERY TAXES, NE MUNICIPAL FIRE CHIEFS \$475.00 NATIONAL FIRE CODE SUBSCRIPTION, NEBRASKA ENVIRONMENTAL PR \$329.99 (1) BELT SCRPR, (2) DFLCTRS, BEARING & CENTER BOARD FOR SWEEPER, NEBRASKA LIBRARY ASSOC \$155.00 DOWNER NLA ADVCY TRVL EXP, (4) REG FEES FOR NLA SPRING MTG, NEBRASKA MUNICIPAL POWER \$3,742.50 YRLY MEMBERSHIP DUES, NEBRASKALAND TIRE \$14.50 (1) TIRE RPR, NELSON JIM

\$100.00 BOOT REIMBURSEMENT, NIKE USA INC \$334.93 (16) TEE SHIRTS, (2) MENS PULLOVERS, NORTHWEST PIPE FITTINGS \$51.03 (1) SPRINKLER HEAD, (40) PVC BOE PIPE YARDAGE MARKERS, OCLC INC \$138.65 APR SUBSCRIPTN CTLG/ILL SRVC, OFFICER SURVIVAL SOLUTION \$200.70 (4) TRAUMA 1ST AID KITS, ONE CALL CONCEPTS INC \$141.27 MARCH LOCATE FEES, ORIENTAL TRADING CO \$23.49 (2) PKGS BOOKMARKERS FOR SMILE EV, PANHANDLE GEOTECHNICAL \$5,998.13 ASBESTOS INSP/LABS, PANHANDLE HUMANE SOCIETY \$3,134.00 APRIL ASSISTANCE, PARTS GEEK LLC \$55.93 (10) CHVY SILV TAIL LIGHT ASSEMBLY, PETERSON GENE \$18.00 TRVL EXP SUPERVISR CONF, PETRO OF YORK \$32.00 VANCE TRVL EXP NEW COMPCTR, PETTY CASH \$38.93 PETTY CASH REIMBRSD, PIONEER TINT & CLEARBRA \$199.00 WINDOW TINTING 15 CHEVY IMP, PLATTE VALLEY BANK \$3,364,598.19 RENEW CD THAT MATURED, PONY EXPRESS STATION \$34.32 MARTIN TRVL EXP CLERK SCHOOL, POPULAR SCIENCE \$14.97 (6) MAGAZINE SUBSCRIPTIONS, POSTMASTER \$626.80 POSTAGE MAILING PERMITS, SHPNG COST FOR DGLT SGNL RPR, POWERPLAN OIB \$666.61 WINDOW ON WTR DEPT BACKHOE, (1) NUT, (1) SWITCH AND BACKHOE RPR, PRESTON SHERRY \$11.00 TRVL EXP FOR PLTS CONF, PRINT EXPRESS \$642.55 (2,500) LOGO ENVELOPES, PSI-DIGITAL IMAGING SOLUTION \$676.40 (8) RLS PAPER,(7) INK CRTDGS, PT HOSE & BEARING \$122.16 (2) PISTON SEALS FOR BALER, PUMP & PANTRY \$31.60 VANCE TRVL EXP NEW CMPCTR, RANDALL LORETA \$75.00 RV ROOM DEPOSIT REFUND, RANDOM HOUSE INC \$33.75 (1) AUDIOBOOK, RED BARN SHOP LLC \$155.00 DRILL/TAP FLANGS 13-14 WELLS, RED LION HOTELS \$301.76 SNARR TRVL EXP ASCE TRNG, REGIONAL CARE INC \$150.00 COOLEY ANNUAL FORUM, REPCO MARKETING INC \$43.25 (4) BREATH SIMULATOR SOLUTIONS, RESOURCE MANAGEMENT CO \$225.45 TIRES RECYCLED FROM LANDFILL, RESPOND FIRST AID SYSTEMS \$136.25 FIRST AID RESTOCK, RIVERSIDE DISCOVERY CENTE \$4,175.00 DONATED UTILITIES, ROBINSON ELECTRIC \$230.00 CHLORINE GENERATOR RPR'S & BLOWER #3 RPR'S, RODRIQUEZ SERGIO \$75.00 CAD CONF TRVL EXP, SAFE KIDS WORLDWIDE \$85.00 GLEIM CHLD SFTY SEAT TRAINING, SANDY'S BURRITOS \$117.78 MEALS FOR OT DAYS CNCRT MTG, SCB COUNTY AMBULANCE SRV \$316.23 APRIL AMBULANCE CONTRACT, SCB COUNTY REGISTER OF \$80.00 WEST LWN CEM CERT: ARINGDALE, STARKE, MORALES, PETTIS, BARRETT, BROUSSARD, DEED OF EASEMENT FOR SIMMONS/MICHAELSON, SCB/GERING UNITED CHAMBER \$1,630.00 APPREC DINNER AWARDS/PRIZES, SCOTTSBLUFF TOWING SRV \$165.00 2006 JEEP LIBERTY, 200 FORD EXPLORER TOWING FEES, SCOTTSBLUFF - GERFING UNITED \$71.54 UNITED WAY CTRB, SCS ENGINEERS \$567.36 LABS FOR WATER WELL, SEACREAST & KALKOWSKI PC \$7,367.50 FEBRUARY LB840 LEGAL FEES, SELF \$23.53 (1 YR) MAGAZINE SUBSCRIPTION, SENIOR CITIZENS CENTER \$525.00 APRIL FINANCIAL SUPPORT, SHAREFILE \$367.50 (1) QTR DUES FILE SHARING CNCL, SHELL \$146.59 FUEL TRVL EXP BURN TRNG, SIMMONS OLSEN LAW FIRM \$1,500.00 MARCH PROSECUTION FEES, SIMON CONTRACTORS \$4,571.08 GRAVEL FOR HOTEL LOT, 72.82 TONS OF CRUSHED CONCRETE, 5.5 YDS CONCRETE FOR MAIN RPR'S, 8.61 TONS ALLEY GRAVEL. 4.5 YDS CONCRETE EAGLE-POINT, SKILLPATH SEMINARS \$537.00 COOLEY, VANCE, PETERSON SUPVSR SEMINAR REG, SLAFTER OIL CO \$159.15 (1) 5 GL/55 GL WSHR FLUID VEHICLE, SMITHSONIAN BUSINESS VENT \$34.00 (1) YR MAGAZINE SUBSCRIPTION, PAUL SNARR \$45.50 TRVL EXP ASCE TRAINING, SPEEDEE MART \$33.08 MARTIN TRVL EXP CLERK SCHOOL, SPEEDWAY \$9.64 SNARR TRVL EXP ASCE TRNG, STAR HERALD \$891.00 LIBRARY ASST 1 AD, STATE OF NE/DAS COMMUNICA \$301.83 LONG DISTANCE PHONE CHR, STERKEL ROD \$123.00 ADA CONF TRVL EXP, SUGAR VALLEY FEDERAL CRED \$1,268.08 CREDIT UNION, TASER INTERNATIONAL \$1,718.78 (5) TSR BTRY, 50SIM, 10 HYB CRTDGE, TEAM CHEVROLET \$383.20 MAY VEHICLE LEASE PYMT, (2) CLIPS FOR VEHICLE RPR, TERRY CARPENTER INC \$650.00 APRIL WATER WELL LAND RENT, TEST AMERICA \$2,500.00 TESTING LNDFLW WTR LABS, THE ROCK PILE \$1,408.80 (88.05) TNS CRSHD CONCRT ALLEY, THOMPSON GLASS INC \$370.00 RPR TO FRONT WNDWS LEAKING, UNANIMOUS \$780.00 MARCH WEBSITE SUPPORT, UNITED CHAMBER OF COMM \$400.00 ANNUAL MBRSHP DUES, VALLEY BANK - POLICE \$300.00 PO UNION DUES, VALLEY BANK & TRUST CO \$7,752.02 HSA CTRB 125, VALLEY BANK & TRUST GERING \$9,833.59 SET A SIDE SINKING FUND APRIL, VERIZON WIRELESS - LERT B \$120.03 (2) AIR CRDS, USB CHGS, 3-16 - 4-15, WALMART \$381.08 (1) CD PLAYER, (1) PKG CORRECTION TAPE, (1) BX CARDS, (28) DVD'S, RPLCMNT OF AUX CABLE, (1) BX STRG BAGS, DOGGETT TRVL EXP, SNARR TRVL EXP ASCE TRNG, 60 MIN STERKEL TRACK PHONE, MCBRIDE TRNG SUPPLY FOR NLETC, (2) INK CRTDGE, (1) DVD, PKGS CANDY FOR STORYTIME, STORYTIME SUPPLIES, WARD LABORATORIES INC \$48.00 SOIL TESTING, WELFL KATHY \$123.00 TRVL EXP ADA SYMPSM CONF, WESCO DISTRIBUTION INC \$1,527.96 (21) CARH FIRE RESISTANT CLTHNG, WESTCO \$9,690.87 (1) 5 GL, 55GL WSHR FLUID VEHICLE, (5) GL HYD OIL, (3,000) GLS UNLEADED GAS, (3132) FAL DIESEL, (3) REDUCERS, NIPPLES, WESTERN PATHOLOGY CONSULT \$119.20 DRUG TESTING ELEC, ST DEPTS, WESTERN PLAINS BUSINESS \$118.59 MARCH COPIER SRV AGMT, WINCHELL CLEANING SRV \$830.00 CLEANING LOBBY, BTHROMS, OFFICE, WYNDHAM HOTEL \$921.90 SNARR TRVL EXP ASCE TRNG, YMCA \$679.36 WELLNESS, YOUNG MENS CHRISTIAN \$10.00 YOUNG MEN'S CHR, PAYROLL CHECKS \$115,183.41 PAYROLL CHECKS ON 4-29-16

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

BIDS:

1. Digger Truck bid - Electric Department

Electric Superintendent, Ron Doggett, addressed Council and stated that the current digger truck is well past its ten years. Staff recommendation is to award the bid to Altec through the National Joint Powers Alliance for a 2016 digger truck in the amount of \$232,239; he budgeted \$250,000. Mr. Doggett said there is an Altec service person locally. We'll keep the old truck and use it as a backup when needed.

Motion by Councilmember Morrison, second by Councilmember Cowan to approve the bid for a 2016 Altec digger truck through the National Joint Powers Alliance for \$232,239. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs,

Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred.
Motion Carried.

PUBLIC HEARINGS: None.

CURRENT BUSINESS:

1. Update on Free Disposal Day at the Landfill, new compactor and garbage truck - Environmental Services Director, Darrell Vance

Darrell Vance, Environmental Services Director, stated that they held the annual spring cleanup between Scottsbluff, Gering and Mitchell over two Saturdays in April. They ended up with 275 loads, 220 gallons of oil and 135 tires. He thought it was a good cleanup and thanked everyone who helped. Mr. Vance also reported on the new compactor with a GPS system; the company is telling him that we'll gain 7-14% more compaction rate with this equipment. He and City Engineer, Paul Snarr, are writing specs to get the shredder so we can go out for bids. They've talked to a few different companies; we could possibly have it by the end of July. He invited Council to come out to the landfill and look at the compactor. Mr. Vance added that he brought the new garbage truck so Council can see it after the meeting.

Councilmember Morrison asked what we do with the tires. Mr. Vance replied that right now he sends them to a company out of Kansas that comes and gets them. If we get the shredder we can possibly shred the tires and use them for ultimate daily cover. We could also take shingles again if we get the shredder and gain revenue back by doing that.

2. Selection of Developer of Record for Downtown Gering, Block 7, Original Town Addition - Redevelopment Area

Mayor Kaufman stated that following approval by Council on March 28 to advertise for Requests for Proposals for a new Developer of Record for Downtown Gering, Block 7, Original Addition, an RFP was prepared and advertised. Proposals were due on May 4; one proposal was submitted. City staff have reviewed this proposal from a qualified redeveloper for land use(s), which may include retail office, commercial services, entertainment, motel/hotel, and/or residential in all or portions of Block 7, Original Town Addition - Redevelopment Area.

Staff's recommendation is to select BriMark Builders, LLC as the Developer of Record and to begin good faith negotiations on a specific written Redevelopment Agreement. The selected proposal is selected in concept only.

The Mayor entertained a motion to select BriMark Builders, LLC as the Developer of Record and to begin good faith negotiations on a specific written Redevelopment Agreement. The selected proposal is selected in concept only.

Motion by Councilmember Gibbs, second by Councilmember Christensen to select BriMark Builders, LLC as the Developer of Record and to begin good faith negotiations on a specific written Redevelopment Agreement. The selected proposal is selected in concept only. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

3. Adopt Resolution 5-16-2; Selection of Developer of Record for Downtown Gering, Block 7, Original Town Addition - Redevelopment Area

In conjunction with agenda item 2, Mayor Kaufman entertained a motion to approve Resolution 5-16-2 pertaining to the Selection of a Developer of Record for Downtown Gering, Block 7, Original Town Addition - Redevelopment Area.

RESOLUTION 5-16-2

Selection of Developer of Record for Downtown Gering, Block 7 Original Town Addition - Redevelopment Area

WHEREAS, The City of Gering, Nebraska, recognizes that blight, deterioration and obsolescence is a threat to the continued stability and vitality of Downtown Gering as a focal point for business, finance, and government activity of the region, and a focus of community pride and achievement; and,

WHEREAS, Maintaining Downtown Gering as a multi-use center will require that the downtown be strengthened by capturing a share of anticipated private-market activity within the region. Capturing a share of this activity will require the combined efforts of the public and private sectors; and,

WHEREAS, To promote the health, safety, and general welfare of the City of Gering and further the goals and objectives of the Downtown Gering Redevelopment Plan and Strategy, the City Council of the City of Gering, Nebraska has invited proposals from redevelopers interested in undertaking the redevelopment of an area, or within a portion of Block 7, Original Town Addition, Gering Nebraska and identified in the approved Downtown Gering Redevelopment Plan and Strategy; and,

WHEREAS, Upon careful review of the redeveloper(s) responses to the request for proposals, the City is in a position to select a redeveloper of record and to begin good faith negotiations on a specific written redevelopment plan and agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE GERING CITY COUNCIL TO:

Select BriMark Builders, LLC as the Developer of record for Downtown Gering, Block 7, Original Town Addition – Redevelopment Area and begin good faith negotiations on a specific written Redevelopment plan and agreement. Adopted this ____ day of May, 2016.

Mark A. Kaufman, Mayor

Attest:

Kathleen J. Welfl, City Clerk

Motion by Councilmember Morrison, second by Councilmember Holliday to approve Resolution 5-16-2 pertaining to the Selection of a Developer of Record for Downtown Gering, Block 7, Original Town Addition - Redevelopment Area. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

4. Adopt Resolution 5-16-3; Approving the issuance by the City of Gering Leasing Corporation of its Lease Rental Revenue Bonds, Series 2016, in a principal amount not to exceed \$ \$1,120,000

Mayor Kaufman stated that on March 14, the Gering Leasing Corp. approved moving forward with Ameritas Investment Corp. for the refunding of the Lease Rental Revenue Bond Series 2009 due to a possible savings of \$145,000 because of the low interest rates. This evening, prior to the Council meeting, the Gering Leasing Corp. met again to approve a resolution authorizing the issuance by the Corporation of its Lease Rental Revenue Bonds, Series 2016, in a principal amount not to exceed \$1,120,000.

It is now necessary for the City Council to approve, in the form of a resolution, the issuance by the City of Gering Leasing Corporation of its Lease Rental Revenue Bonds, Series 2016, in a principal amount not to exceed \$1,120,000

RESOLUTION 5-16-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA (THE "CITY") APPROVING THE ISSUANCE, SALE AND DELIVERY BY THE CITY OF GERING LEASING CORPORATION (THE "CORPORATION") OF ITS LEASE RENTAL REVENUE REFUNDING BONDS, SERIES 2016, IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED TWENTY THOUSAND DOLLARS (\$1,120,000); APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A LEASE AGREEMENT, A CONTINUING DISCLOSURE

AGREEMENT, A BOND PURCHASE AGREEMENT, A SITE LEASE AND SUCH OTHER RELATED DOCUMENTS AS MAY BE NECESSARY; APPROVING THE EXECUTION AND/OR DELIVERY OF A TRUST INDENTURE AND AN OFFICIAL STATEMENT BY THE CORPORATION; AGREEING TO ACCEPT TITLE TO THE PROJECT FOLLOWING THE TERM OF THE LEASE AGREEMENT; ESTABLISHING AN EFFECTIVE DATE; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER THEREOF; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS; ADOPTING CERTAIN POST-ISSUANCE COMPLIANCE AND DISCLOSURE PROCEDURES WITH RESPECT TO THE BONDS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Gering, Nebraska (the "City"), is a duly organized city of the first class and political subdivision under Chapter 16, Reissue Revised Statutes of Nebraska, as amended; and

WHEREAS, the City is authorized pursuant to Section 19-2421, Reissue Revised Statutes of Nebraska, as amended (the "Leasing Act"), to enter into contracts of one or more years for the lease or the lease-purchase of real or personal property for any purpose for which the City is authorized by law to purchase property or construct improvements; and

WHEREAS, the City has previously organized the City of Gering Leasing Corporation (the "Corporation"), a nonprofit corporation duly organized and existing under the Nebraska Nonprofit Corporation Act, Chapter 21, Article 19, Reissue Revised Statutes of Nebraska, as amended (the "Nonprofit Act"), for the purpose of acquiring property of any kind and nature, usable for useful to the City in performing its governmental functions and leasing the same to the City; and

WHEREAS, the Corporation previously issued its bonds for the purpose of acquiring, constructing, improving, equipping and furnishing of certain municipal offices, a city hall/police facility, a civic center, a municipal golf course, and other related municipal facilities and improvements operated by the City (the "Project"), which the Corporation leased to the City pursuant to the Leasing Act in exchange for lease payments sufficient to pay the principal of and the interest on such bonds; and

WHEREAS, it has been proposed and deemed desirable that the Corporation enter into a lease arrangement with the City pursuant to the Leasing Act for the purpose of refinancing the costs of the Project and refunding the Corporation's outstanding Series 2009 Bonds (as more fully described herein); and

WHEREAS, the City desires that the Corporation (a) issue its Lease Rental Revenue Refunding Bonds, Series 2016 (the "Bonds"), (b) amend the hereinafter-defined Site Lease with the City, pursuant to which the City leases to the Corporation certain real property presently owned by the City (the "Project Site"), and (c) enter into the Lease Agreement with the City to provide, among other things, the lease of the Project and the Project Site to the City in exchange for the City's promise to make rental payments (the "Rental Payments") sufficient in amount to pay the principal of, the premium, if any, and the interest on the Bonds, when due; and

WHEREAS, under applicable Internal Revenue Code of 1986, as amended (the "Code"), and related regulations and rulings thereunder, approval by the City's City Council (the "Council") and its Mayor of issuance of the Bonds is required in order that the interest thereon be exempt from federal income taxes, which exemption will reduce the Corporation's interest costs and thereby reduce the Rental Payments to be made by the City pursuant to the Lease Agreement; and

WHEREAS, the Code further provides that in order for the interest on the Bonds to be exempt from federal income taxes, the Council must agree that the City will accept delivery of full legal and unencumbered title to the Project upon the final maturity of the Bonds (or sooner, upon the exercise of the purchase option set forth in the Lease Agreement and the redemption of the Bonds); and

WHEREAS, it is proposed that the Corporation authorize the issuance of the Bonds in an aggregate principal amount not to exceed \$1,120,000 with a final maturity no later than December 31, 2024 and bearing interest at the average rates per annum of not exceeding 3.50% per annum, in substantially the form and content set forth in the hereinafter-authorized Indenture, and the execution and/or delivery of (a) a Lease Agreement, dated as of June 1, 2016 (the "Lease Agreement"), between the Corporation and the City, (b) a Bond Purchase Agreement, dated the delivery thereof (the "Purchase Agreement"), among the Corporation, the City and Ameritas Investment Corp. (the "Underwriter"), (c) a Trust Indenture, dated as of June 1, 2016 (the "Indenture"), between the Corporation and Valley Bank and Trust Company, Gering, Nebraska (the "Trustee"), (d) the Preliminary Official Statement and the final Official Statement (collectively, the "Official Statement"), (e) a Fourth Amendment to Site Lease, dated the delivery thereof, amending and supplementing the Site Lease dated as of March 1, 1999, as amended (collectively, the "Site Lease"), between the City and the Corporation and (f) such other documents and agreements as may be necessary in connection with refinancing the costs of the Project (such documents, in the forms to be approved by a hereinafter-described Authorized Officer, are collectively referred to herein as the "Corporation Documents"); and

WHEREAS, the Council desires to approve the issuance of the Bonds, to authorize the execution and delivery by the City of the Lease Agreement, the Site Lease, the Purchase Agreement, the Continuing Disclosure Certificate, dated as of June 1, 2016 (the "**Disclosure Certificate**") and such documents and agreements as may be necessary in connection with refinancing the costs of the Project and refunding the Series 2009 Bonds (such documents, in the forms to be approved by any Authorized Officer, are collectively referred to herein as the "**City Documents**"), to approve the forms of the Indenture and the Bonds, and to approve forms, content and distribution of the Preliminary Official Statement and the Final Official Statement; and

WHEREAS, the Council desires to delegate to certain City officials the responsibility of approving certain details of the Bonds prior to their issuance and desires further that the officers and employees of the City shall have the authority and be directed to do such things and sign such documents as shall be necessary to accomplish the issuance, sale and delivery of said Bonds and all matters relating to refinancing the costs of the Project by the Corporation on behalf of the City;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, AS FOLLOWS:

The City Council (the "**Council**") of the City of Gering, Nebraska (the "**City**") hereby find and determine that:

The City has previously entered into a Lease-Purchase Agreement with the Corporation, dated as of March 1, 1999 (as amended, the "**Original Lease Agreement**"), for the purpose of financing and refinancing the acquisition, construction equipping and furnishing of the Project pursuant to the provisions of the Leasing Act.

To refinance the costs of the Project, the Corporation issued \$1,650,000 principal amount of its Lease Rental Revenue Refunding Bonds (City Facilities Project), Series 2009, dated July 15, 2009 (the "**Series 2009 Bonds**"), pursuant to a Trust Indenture, dated as of March 1, 1999 (as amended, the "**Original Indenture**"), between the Corporation and the Trustee.

Since the issuance of the Series 2009 Bonds interest rates have declined in the bond markets such that a savings in debt service can be achieved by refinancing the costs of the Project through the lawful issuance and sale of refunding bonds of the Corporation.

It is desirable, advisable and in the best interest of the City that refunding bonds of the Corporation be issued in the aggregate principal amount of \$1,120,000 to pay and redeem all of the outstanding Series 2009 Bonds on June 16, 2016 (the "**Redemption Date**").

The City has carefully considered the options available to it with respect to refinancing the Project and the proposal to finance the Project by a lease-purchase agreement with the Corporation pursuant to the provisions of the Leasing Act through the issuance by the Corporation of the Bonds in the aggregate principal amount of \$1,120,000 is necessary, desirable, advisable and in the best interests of the City and is hereby accepted and approved by the City.

In connection with the issuance, sale and delivery of the Bonds of the Corporation, and in pursuance of the Leasing Act, it is necessary to approve certain documents, and take certain actions, as provided for herein.

The City Documents are hereby authorized and approved. Each of the President of the Council, the City Mayor, the City Treasurer and the City Clerk (each, including any person authorized to act on his or her behalf, an "**Authorized Officer**") is hereby authorized and directed to execute and deliver the City Documents for and on behalf of the City, including necessary counterparts, in the forms to be approved by the Council, but with such changes, modifications, additions or deletions therein as shall seem to any such officer necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of such officer's approval of any and all changes, modifications, additions or deletions therein. From and after the execution and delivery of the City Documents, each Authorized Officer is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents, certificates and opinions as may be necessary to carry out and comply with the provisions of the City Documents or the Corporation Documents.

The Council has reviewed the terms of the Indenture as presented hereto; and the Indenture, in substantially the form presented to the Council, is hereby authorized and approved.

Payment by the City to the Corporation (or to the Trustee pursuant to assignment by the Corporation) of the Rental Payments due from time to time pursuant to the Lease Agreement, as shall be set forth in Exhibit A thereof, is hereby authorized and directed.

The form and content of the Preliminary Official Statement relating to the Bonds are in all respects authorized and approved; the distribution by the Underwriter of the Preliminary Official Statement is hereby ratified, approved and confirmed; and the Underwriter is hereby authorized to use and distribute the final Official Statement in substantially the form and content of

the Preliminary Official Statement with such changes, modifications, additions or deletions therein as shall be consequent to the establishment of the final terms of the Bonds and as shall seem to any Authorized Officer necessary, desirable or appropriate. Furthermore, the Underwriter is hereby authorized to use and distribute all other documents, certificates and statements furnished by the City or by the Corporation to the Underwriter in connection with the transactions contemplated by the Lease Agreement, the Indenture and the Official Statement. The Preliminary Official Statement is hereby deemed final as of its date for the purposes of and with omissions permitted by Section (b)(1) of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

The City hereby elects to prepay, on the Redemption Date, all of the basic rent provided for under the Original Lease Agreement with the proceeds of the Bonds and certain debt service funds held by the City for the Series 2009 Bonds and directs the Corporation to call the Series 2009 Bonds for redemption on the Redemption Date in accordance with the terms of the Original Indenture.

For the purpose of providing funds to prepay a portion of the basic rent provided for under the Original Lease Agreement, the City hereby approves the issuance by the Corporation of its Bonds in an aggregate principal amount not to exceed \$1,120,000 with a final maturity no later than December 31, 2024 and bearing interest at the average rates per annum of not exceeding 3.5% per annum. Any Authorized Officer is hereby authorized to approve the aggregate principal amount, the maturities, the redemption dates, the interest rates and such other necessary terms relating to the Bonds, in consultation with the Underwriter and to approve the final forms of the Purchase Agreement and the final Official Statement; provided that no Bond may have such terms and conditions that conflict with or exceed the parameters set forth in this Resolution.

All actions heretofore taken by the officers and officials of the City in connection with the issuance and sale of the Bonds, including, without limitation, the deeming final of the Preliminary Official Statement as of its date, within the meaning of Rule 15c2-12, and the preparation and distribution of documents relating to such issuance and sale, together with all other actions taken in connection with any of the foregoing, be and the same are hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

The Council hereby agrees that the City will accept delivery of full legal and unencumbered title to the Project upon the payment in full or earlier redemption of the Bonds.

Pursuant to the terms of the Lease Agreement, the City shall budget, appropriate and set aside a portion of its general revenues sufficient in amount to make the Rental Payments coming due during each fiscal year that the Lease Agreement is outstanding. Prior to each Interest Payment Date or Bond Payment Date, the City shall pay to the Trustee Rental Payments sufficient in amount to enable the Corporation to pay the principal of, premium, if any, and interest on the Bonds when due. So long as any Bonds are outstanding, the City may not terminate its obligations under the Lease.

Without in any way limiting the power, authority, or discretion elsewhere herein granted or delegated, the Council hereby (a) authorizes and directs each of the officers, employees, and agents of the City to carry out, or cause to be carried out, and to perform such obligations of the City and such other actions as they, or any one of them shall consider necessary, advisable, desirable, or appropriate in connection with this Resolution, the execution and delivery of the City Documents, and the issuance, sale, and delivery of the Bonds, including, without limitation and whenever appropriate, the execution and delivery thereof and of all other related documents, instruments, certifications, and opinions; and (b) delegates, authorizes, and directs each Authorized Officer the right, power, and authority to exercise their own independent judgment and absolute discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by any Authorized Officer, or by any such other officer(s), employee(s) or agent(s) of the City of any such documents, instruments, certifications, and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Resolution, shall constitute conclusive evidence of both the City's and their approval of all changes, modifications, amendments, revisions, and alterations made therein, and shall conclusively establish their absolute, unconditional, and irrevocable authority with respect thereto from the City and the authorization, approval, and ratification by the City of the documents, instruments, certifications, and opinions so executed and the action so taken.

(a) The City covenants and agrees that (i) it will comply, or will cause the Corporation to comply, with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds and (ii) it will not use or permit the use of any proceeds of Bonds or any other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds. In addition, the City will adopt, or will cause the Corporation to adopt, such other resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants and agrees that (i) it will comply, or will cause the Corporation to comply, with all requirements of Section 148 of the Code to the extent applicable to the Bonds, (ii) it will use, or will cause the Corporation to use, the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are issued and (iii) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(c) The City covenants and agrees that it will pay or provide for the payment from time to time of all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and any Treasury Regulations applicable to the Bonds from time to time. This covenant shall survive payment in full or defeasance of the Bonds. The City specifically covenants to pay or cause to be paid to the United States the required amounts of rebatable arbitrage at the times and in the amounts as determined by the Arbitrage Instructions, if any. Notwithstanding anything to the contrary contained herein, the Arbitrage Instructions may be amended or replaced if, in the opinion of counsel nationally recognized on the subject of municipal finance, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

(d) The City covenants and agrees that (to the extent within its power or direction) it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a "private activity bond."

(e) The City makes the following representations in connection with the exception for small governmental units from the arbitrage rebate requirements under Section 148(f)(4)(D) of the Code:

the Corporation is issuing the Bonds on behalf of the City pursuant to Revenue Ruling 63-20 and Revenue Procedure 82-26;

the City is a governmental unit under Nebraska law with general taxing powers;

none of the Bonds is a private activity bond as defined in Section 141 of the Code;

ninety-five percent or more of the net proceeds of the Bonds are to be used for local governmental activities of the City; and

the aggregate face amount of all tax-exempt obligations (other than private activity bonds and certain refunding bonds) to be issued by the City during the current calendar year is not reasonably expected to exceed \$5,000,000. The City understands that for this purpose (A) the City and all entities which issue bonds on behalf of the City, including the Corporation, are treated as one issuer; and (B) all bonds issued by an entity subordinate to the City are treated as issued by the City.

(f) The Corporation has designated the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code. In connection therewith, the City hereby represents that:

(i) the aggregate face amount of all tax-exempt obligations (other than private activity bonds that are not "qualified 501(c)(3) bonds" and certain refunding bonds) which will be issued by the City, including the Corporation and all other subordinate entities thereof, during current calendar year is not reasonably expected to exceed \$10,000,000; and

(ii) the City, including the Corporation and all other subordinate entities thereof, will not issue an aggregate principal amount of tax-exempt obligations (other than private activity bonds that are not "qualified 501(c)(3) bonds" and certain refunding bonds) during current calendar year, including the Bonds, in excess of \$10,000,000, without first obtaining an opinion of nationally recognized counsel in the area of municipal finance that the designation of the Bonds as "qualified tax-exempt obligations" will not be adversely affected.

Any Authorized Officer is hereby authorized to take such other action as may be necessary to make effective the designation in this subsection (f).

The City hereby adopts the Post-Issuance Tax Compliance Procedures attached to this Resolution as Exhibit A to ensure that all applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt status of the Bonds which are intended to be tax-exempt are met. The City reserves the right to use its discretion as necessary and appropriate

to make exceptions or request additional provisions as it may determine. The City also reserves the right to change these policies and procedures from time to time, without notice.

The City hereby (a) authorizes and directs an Authorized Officer to execute and deliver, on the date of issue of the Bonds, an undertaking (the "Undertaking") pursuant to Rule 15c2-12 in such form as shall be satisfactory to Bond Counsel and the Underwriter, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Undertaking. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Undertaking) or any Beneficial Owner or any Registered Owner of a Bond may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Section 14.

The City hereby adopts the Disclosure Policies and Procedures attached to this Resolution as Exhibit B to ensure that the City satisfies the requirements of Rule 15c2-12 and the Undertaking. The City reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as it may determine. The City also reserves the right to change such policies and procedures from time to time, without notice.

If any section, paragraph, clause or provision of this Resolution or the documents hereby authorized and/or approved (other than provisions as to the payments of Rental Payments by the City during the term of the Lease Agreement), shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

All resolutions, orders and other instruments, or parts thereof, in conflict with this Resolution are hereby repealed only to the extent of such conflict.

This Resolution shall be in force and take effect from and after its passage as provided by law.

ADOPTED this 9th day of May, 2016.

THE CITY OF GERING, NEBRASKA

ATTEST:

By _____
City Clerk

By _____
Chairperson, City Council

Motion by Councilmember Cowan, second by Councilmember Smith to approve Resolution 5-16-3; Approving the issuance by the City of Gering Leasing Corporation of its Lease Rental Revenue Bonds, Series 2016, in a principal amount not to exceed \$1,120,000. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

5. Potential Sale of 1605 11th Street, Gering, NE - Commonly known as the Lane Property

CLOSED SESSION:

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

Councilmember Gibbs moved according to Nebraska State statute 84-1410 that the Gering City Council enter into closed session for the purpose of: Discussion of strategy, negotiation, protection of the public interest and guidance from City legal counsel regarding a sale price and process for selling City owned property at 1605 11th Street, commonly known as the Lane Property.

Mayor Kaufman stated that he has a motion by Councilmember Gibbs that the Gering City Council enter into closed session pursuant to Nebraska Revised Statute 84-1410, also known as Nebraska's Public Meetings Law, for the purpose of: Discussion of strategy, negotiation, protection of the public interest and guidance from City legal counsel

regarding a sale price and process for selling City owned property at 1605 11th Street, commonly known as the Lane Property.

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

Council entered into closed session at 6:13 p.m. Mayor Kaufman invited Administrator Danielzuk and City Attorney Ellison into the closed session.

Councilmember Gibbs made a motion to come out of closed session at 6:47 p.m. The motion was seconded by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

Councilmember Gibbs moved that the City advertise for sealed bids for the property known as the Lane Property and that the City will retain the right to reject any and all bids and the sale is subject to remonstrance. The starting bid will be \$75,000. Terms on the sale would be that development on the site needs to begin within 24 months of closing. The City will maintain the first right of refusal at the original sale price if the buyer should decide not to pursue the project. Seconded by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Allred. Motion Carried.

REPORTS: None

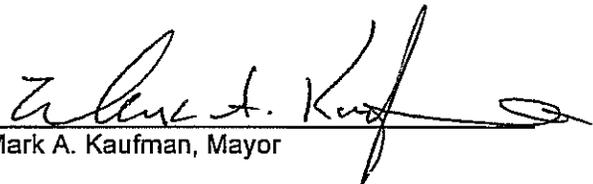
OPEN COMMENT SECTION: None

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

ADJOURN

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

Meeting adjourned at 6:49 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

