

**THE OFFICIAL PROCEEDINGS OF THE SPECIAL MEETING OF THE GERING CITY COUNCIL,  
September 22, 2015**

A regular meeting of the City Council of Gering, Nebraska was held in open session on September 22, 2015 at 12:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Kaufman, and Councilmembers Smith, Gibbs, Holliday, Allred, O'Neal and Morrison. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Councilmembers Christensen and Cowan. 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 12:00 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
2. Roll Call

**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.

**CURRENT BUSINESS:**

1. Remove from table - Consideration to approve and authorize the Mayor to sign Real Estate Exchange Agreement between the City of Gering and Kelley Bean Co.

**Motion by Councilmember Gibbs to Remove from table - Consideration to approve and authorize the Mayor to sign Real Estate Exchange Agreement between the City of Gering and Kelley Bean Co., second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Gibbs, Holliday, Allred, O'Neal and Morrison. "NAYS": None. Abstaining: None. Absent: Christensen and Cowan. Motion carried.**

2. Consider approving and authorizing the Mayor to sign Real Estate Exchange Agreement between the City of Gering and Kelley Bean Co.

**Motion by Councilmember Gibbs to approve and authorize the Mayor to sign Real Estate Exchange Agreement between the City of Gering and Kelley Bean Co., second by Councilmember Morrison.**

**Discussion:** Councilmember Smith declared what may be perceived as a potential conflict of interest.

**Councilmember Gibbs moved to recognize the conflict of interest by Councilmember Smith. Seconded by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Gibbs, Holliday, Allred, O'Neal and Morrison. "NAYS": None. Abstaining: None. Absent: Christensen and Cowan. Motion carried.**

**Returning to the motion: Motion by Councilmember Gibbs to approve and authorize the Mayor to sign Real Estate Exchange Agreement between the City of Gering and Kelley Bean Co., second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Holliday, Allred, O'Neal and Morrison. "NAYS": None. Abstaining: Smith. Absent: Christensen and Cowan. Motion carried.**

3. Approve Ordinance 2009 - AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF PROPERTY FROM THE CITY OF GERING, A MUNICIPAL CORPORATION; PROVIDING FOR THE TERMS OF SAID CONVEYANCE AND FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF. (1460 6<sup>th</sup> Street).

Councilmember Morrison made a motion to introduce Ordinance No. 2009 - AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF PROPERTY FROM THE CITY OF GERING, A MUNICIPAL CORPORATION; PROVIDING FOR THE TERMS OF SAID CONVEYANCE AND FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF. Seconded by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Gibbs, Holliday, Allred, O'Neal and Morrison. "NAYS": None. Abstaining: None. Absent: Christensen and Cowan. Motion carried.

Councilmember Smith moved that the Ordinance be designated as Ordinance No. 2009 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Gibbs. There was no discussion. The Clerk called the roll: "AYES": Smith, Gibbs, Holliday, Allred, O'Neal and Morrison. "NAYS": None. Abstaining: None. Absent: Christensen and Cowan. Motion carried.

The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried. Whereupon Ordinance No. 2009 was read by title only, Councilmember Holliday moved that the Ordinance be passed as read, which motion was seconded by Councilmember Allred. "The question is shall Ordinance No. 2009 be passed?" The Mayor called the vote. "AYES": Smith, Gibbs, Holliday, Allred, O'Neal and Morrison. "NAYS": None. Abstaining: None. Absent: Christensen and Cowan. Motion carried.

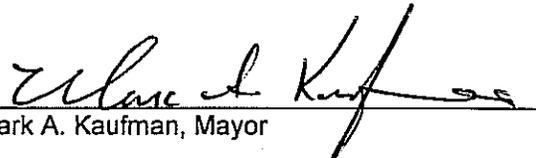
The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was by the Mayor declared passed.

#### ADJOURN

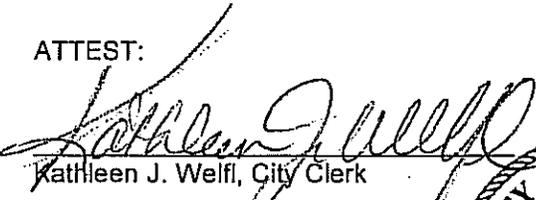
Prior to adjournment Tom Holyoke thanked the City of Gering for their cooperation and assistance with the Monument Marathon; he added that City staff's help is wonderful and appreciated.

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

Meeting adjourned at 12:07 p.m.

  
Mark A. Kaufman, Mayor

ATTEST:

  
Kathleen J. Welfl, City Clerk

