

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,  
September 28, 2015**

A regular meeting of the City Council of Gering, Nebraska was held in open session on September 28, 2015 at 6:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Kaufman, and Councilmembers Christensen, Gibbs, Holliday, O'Neal, Morrison, and Cowan. Also present were City Clerk Kathy Weifl and City Attorney Jim Ellison. Absent were Councilmembers Smith and Allred and Administrator Danielzuk. 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 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 Gibbs to approve the absences of Councilmembers Christensen and Cowan from the September 22, 2015 Special City Council meeting, second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. 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 September 14, 2015 Regular City Council Meeting and the September 22, 2015 Special Council meeting
2. Approve Claims
3. Approve Financials

**9-9-15 to 9-21-15**

ACCELERATED RECEIVABLES 2 \$157.77 GARNISHMENT 2, ADVANCED WEIGHING SYSTEMS \$5,060.00 SOFTWARE UPDATE FOR SANITATION, ALAMAR UNIFORMS \$424.25 4 HANDCUFFS, 4 POUCHES, 1 BADGE, ALLO COMMUNICATIONS \$1,241.53 TELEPHONE/INTERNET CHRG, ATLAS LAWN EQUIPMENT CO \$267.57 1 RADIATOR, BENZEL PEST CONTROL \$132.90 PEST CONTROL, BLUFFS SANITARY SUPPLY \$236.55 RR SUPPLIES, 2 CASES PAPER TOWELS, 1 MOP HEAD, SPOT CLEAN CARPET AT CIVIC CENTER, BOHLMANN INC \$764.80 2 DRINKING FOUNTAINS, BROWN TRANSFER CO \$239.76 3 CARTS, BUDGET TIRE & SRV \$66.97 1 FLAT RPR, 3 TUBES, CADDIES \$1,708.80 REIMBURSEMENT FOR GERING OPEN MEALS & LABOR DAY TOURN MEALS, CENTER POINT LARGE PRINT \$44.34 2 BOOKS, CITY INSURANCE FUND \$144,993.84 HEALTH PREM 125, CITY PAYROLL TRUST \$3,617.92 FSA MEDICAL 125, CNA SURETY \$100.00 BOND FOR PHIL HOLLIDAY, CONNECTING POINT \$62.00 COPIERS SRV, CONTRACTORS MATERIALS \$166.67 3 EPOXY GLUES & 1 WATER COOLER, CREDIT MGMT SRV 2 \$308.80 GARNISHMENT 2, CRESCENT ELECTRIC SUPPLY \$553.77 150 CONDUITS & 104 TAPE ROLLS, CULLIGAN WATER CONDITIONING \$242.00 32 LBS OF SALT, CUMMINS CENTRAL POWER \$2,267.61 CENTRAL PLANT GENERATOR MAINT & WWTP GENERATOR MAINT, D & H ELECTRONIC SUPPLY \$14.78 SUPPLIES, DALES TIRE & RETREADING \$33.50 1 FLAT TIRE, DOCU - SHRED LLC \$22.00 DUMPED DOCUMENT SHRED BOX, DOOLEY OIL INC \$5,250.00 1,000 GALLONS OF OIL, DUTTON - LAINSON CO \$1,381.59 30 BRACKETS, 10 STANDOFFS, 6 GRIPS, ECOLAB \$165.08 RODENT CONTROL, ENCYLOPAEDIA BRITANNICA \$375.00 ENCYCLOPEDIA ONLINE, ESC ENGINEERING \$4,237.21 PLANNING & PROTECTION STUDY & SCADA RPR, FASTENAL CO \$1,502.12 CENTRAL PLANT RPR, 22 BOLTS, 27 BATTERIES, 19 GLOVES, 1 MARKER, RPR TO BALER, FIRST STATE BANK \$364.00 IBEW UNION DUES, FLOYD'S SALES & SRV \$515.24 PARTS FOR G5 & G9, 1 GRILL FOR TRUCK, 5 FILTERS, FORT DEARBORN LIFE INS CO \$113.52 FIREFIGHTER LIFE INS, FRASER STRYKER PC LLO \$7,145.90 PERSONNEL MATTER LEGAL FEES, FREMONT MOTOR SCOTTSBLUFF \$12.32 WINDSHIELD WASHER SPRAY NOZZLE, GALE \$191.32 8 BOOKS, GERING CITIZEN \$605.58 ORDINANCE 2005, 2006 PUBLICATIONS, CONDENSED MINUTES & ADVERTISING FOR GOLF COURSE, GERING COURIER \$80.00 ARTS FESTIVAL ADVERTISING, GERING VALLEY PLUMBING \$355.00 RPR TO FREEZER AT RESTAURANT, GERING VOLUNTEER FIRE DEPT \$207.00 2 BOOKS FOR EMT CLASS - BORGMAN, HARRINGTON INDUSTRIAL PLA \$367.24 CENTRAL PLANT RPR, HD SUPPLY WATERWORKS LTD \$3,838.35 WWTP RPR, HEIDI JACKSON \$75.00 RV ROOM DEPOSIT REFUND, HEILBRUN'S INC \$422.05 PARTS FOR G6, 17 FILTERS, 29 BOLTS, SHOP SUPPLIES, 2 CLAMPS, 1 CLEVIS PIN, 1 HOSE ADAPTER, 20 TIRE PATCHES, 1 INNER LINER SEAL, 1 TIRE VALVE, 1 THERMOMETER, 5 TURN SIGNAL BULBS, 1 BATTERY, HENNING'S CONSTRUCTION \$62,642.94 P ST MAIN RPLCMNT PYMT #3, HENSLEY BATTERY & ELEC \$578.40 6 GOLF CAR BATTERIES, HOME DEPOT \$104.12 CPS RPR,

ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN, IDEAL LINEN SUPPLY INC \$421.71 MAINT SUPPLIES, MAT CLEANING, COVERALL CLEANING, 50 SHOP TOWELS, 3 MOPS, TABLE COVER & TABLESKIRT COVER CLEANING, INGRAM LIBRARY SRV \$827.06 22 BOOKS, INTERNAL REVENUE SRV \$41,043.69 FED/FICA TAX, INTERSTATE BATTERIE/RAPID \$223.90 PARTS FOR EL DEPT EQUIPMENT, INTRALINKS \$560.47 COMPUTER SUPPORT, IRBY TOOL & SAFETY \$1,850.03 20 CUTOUTS, JACK'S UNIFORMS & EQUIPMENT \$193.69 6 PR OF UNIFORM PANTS, JASON ROGERS \$82.00 MEAL EXP: BJA & SLATT TRAINING, JC GOLF ACCESSORIES \$474.86 24 TEES, 15 HAT CLIPS, 7 BAGS, 18 BALL MARK RPR TOOLS, JIRDON \$235.62 12 L OF INSECTICIDE, JOHN HANCOCK USA \$13,607.03 JH RETIRE 6%, JOHNSON CASHWAY CO \$1,953.53 PLASTIC FOR PUBLIC NOTICE SIGN, 1 TAPE MEASURE, 5 MARKERS, 1 HOSE, 4 UNITS OF CONCRETE MIX SUPPLIES, 1 PAINT MIXER, 1 CYCLE TIE DOWN, 2 TIE DOWN RATCHETS, 1 BATTERY FOR TOOL, 1 CAN OF SUPERDECK STAIN, 1 HACK BLADE, 2 EXPANSION JOINTS, 3 CEILING TILES, 3 CANS OF SPRAY PAINT, 1 DRILL BIT, 72 OUNCES OF BUG SPRAY, 30 SHOP TOWELS, 1 EPOXY GLUE, .85 OZ OF GLUE, 1 ROLL OF TAPE, 1 2X8 BOARD, RPR, 1 FAUCET KIT FOR QUILT SHOP RPR, 1 VALVE FOR QUILT SHOP RPR, 8 CANS OF WASP SPRAY, COUNTRY CLUB ROAD PROJECT SUPPLIES, 2 GALLONS OF PAINT, 1 NAIL GUN, NAILS, KARENS CLEANING \$425.00 MONTHLY CLEANING SRV, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KAWASAKI KORNER \$118.67 RPR, KEMBEL SAND & GRAVEL CO \$534.90 26 TONS OF SAND, KOVARIK ELLISON MATHIS \$2,888.75 RETAINAGE - SEPTEMBER, KRIZ - DAVIS CO \$799.77 100 BOLTS, 50 CONNECTORS, 6 PVC BOOTS, 1 TUBE OF CLEAR GLIDE, 20 MINI BAY BASES, LL JOHNSON DISTRIBUTING \$568.00 SPRINKLER RPR, 24 TINES, 1 GASKET, LEADERSHIP SCOTTS BLUFF \$500.00 CLASS TUITION: RUTERBORIES, MAILFINANCE \$864.95 POSTAGE MACHINE LEASE PYMT, MASEK GOLF CAR CO \$16.92 GOLF CART RPR, MATHESON TRI - GAS INC \$91.98 SHOP SUPPLIES, MEAT SHOPPE \$9,673.62 MANAGEMENT CONTRACT & CATERING COSTS, MERCEDES PANTOJA \$75.00 RV ROOM DEPOSIT REFUND, MG TRUST CO LLC \$5,974.26 MG T-POLICE, MIKE DAVIES \$82.00 MEAL EXPENSE: STREET PAVER TRAVEL, MIZUNO USA INC \$500.00 GOLF CLUB FITTING CART UPGRADE, MONEY WISE OFFICE SUPPLY \$269.59 1 RECEIPT BOOK, 1 PACK OF LEDGER PAPER, 1 PACK OF LABELS, 1 PACK OF BUSINESS CARDS, 1 PACK OF REINFORCEMENTS, 1 PACK OF BATTERIES, 1 BINDER, 5 PRINTER CARTRIDGES, MORTON SALT \$4,284.13 WATER CHEMICALS & 20 UNITS OF SALT, MUNICIPAL SUPPLY INC OF \$126.42 4 WRAP CLAMPS, NATIONAL INSURANCE SRV \$1,058.98 VISION INSURANCE, NDEQ - FISCAL SRV \$7,600.00 ANNUAL OPERATING FEE, NDOR - WASTE REDUCTION/RECY \$25.00 WASTE REDUCTION & RECYCLING FEE, NE CHILD SUPPORT PYMT \$827.56 CHILD SUPPORT 1, NE DEPT OF REV (PR) \$11,311.22 STATE TAX, NE DEPT OF REVENUE \$80,645.25 AUGUST SALES & USE TAX, NE PUBLIC POWER DISTRICT \$201.73 UTILITIES - 240066 HWY 92, NEBRASKA DEPT OF REVENUE \$1,100.82 LODGING TAX: AUGUST, NEBRASKA ENVIRONMENTAL PR \$645.01 2 CYL AY - HYD 1.50 X 3.50, NEBRASKA GOLF ASSOCIATION \$887.71 MEMBERSHIP DUES FOR 34 PPL, NEBRASKA MACHINERY CO \$1,934.16 RPR TO 750J, NEBRASKALAND TIRE \$14.50 1 FLAT RPR, NIKE USA INC \$310.18 21 HATS & 24 WOMENS SHIRTS, NORTHWEST PIPE FITTINGS \$20.54 SPRINKLER RPR; OFF BROADWAY BUSINESS PRODUCTS \$337.31 OFFICE SUPPLIES, 4 BATTERIES, 1 MARKER, 50 TAPE ROLLS, SUPPLIES FOR STORYTIME, 2 CASES OF PAPER, OLD WEST BALLOON FEST \$5,000.00 KENO FUNDS: BALLOON FESTIVAL, ONE CALL CONCEPTS INC \$109.75 LOCATE FEES, PANHANDLE CONCRETE PROD \$605.00 SEWERLINE RPR, PANHANDLE ENVIRONMENTAL SRV \$984.00 2 WASTEWATER LABS & 2 WATER LABS, PANHANDLE GEOTECHNICAL \$277.50 MEAL EXP: ADA TRAINING CONF, PANHANDLE RESOURCE CONSERVATION \$300.00 MEMBERSHIP DUES, PAUL SNARR \$112.00 MEAL EXP: ADA TRAINING CONF, PAYROLL CHECKS \$112,669.61 PAYROLL CHECKS ON 9-18-15, POSTMASTER \$1,200.00 MAILING PERMITS, PRINT BROKER \$618.89 5,350 LASER CHECKS, QUALITY INN & SUITES \$274.18 LODGING: DOGGETT - MONTHLY MEAN MTG, RALLY FOR A CURE \$620.00 REIMBURSE FEES BREAST CANCER AWARENESS, RECORDED BOOKS LLC \$134.98 5 AUDIOBOOKS, RESPOND FIRST AID SYSTEMS \$99.29 FIRST AID SUPPLIES, ROOSEVELT PUBLIC POWER DIST \$31.41 UTILITIES: SIGN, SCB CO DISTRICT COURT \$75.00 ALIMONY, SCB COUNTY AMBULANCE SRV \$316.23 AMBULANCE CONTRACT, SCB/GERING UNITED CHAMBER \$300.00 COMMUNITY DIRECTORY AD 1/8 PG, SCOTTSBLUFF TOWING SRV \$65.00 PD TOWING FEE WHITE HONDA, SCOTTSBLUFF - GERING UNITED \$10.00 UNITED WAY CTRB, SENIOR CITIZENS CENTER \$525.00 FINANCIAL SUPPORT: SEPTEMBER, SENTIMENTAL PRODUCTIONS \$175.00 7 DVDS, SIMMONS OLSEN LAW FIRM \$412.50 CIVIL SRV LEGAL FEES, SOURCE GAS \$1,009.90 UTILITIES:905 13<sup>TH</sup> ST POOL, STAPLES CREDIT PLAN \$162.19 1 PRINTER FOR PROSHOP & 11 NOTEBOOKS, STATE OF NE/DAS COMMUNICATIONS \$281.54 LONG DISTANCE PHONE CHR, STEVE MOUNT \$113.00 MEAL EXP: STREET PAVER TRAVEL, SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, SYSCO DENVER INC \$132.97 MAINT SUPPLIES, TAMMY COOLEY \$630.95 FUEL & MEAL EXP: ADA TRAINING CONF, TAYLOR MADE GOLF CO \$1,785.36 1 PR OF SHOES, 31 POLOS, 11 PULLOVERS, 6 ZIP UPS, TERRY CARPENTER \$650.00 WATER WELL LAND RENT, THE ROCK PILE \$419.60 COUNTRY CLUB ROAD PROJECT: CONCRETE, TUMBLEWEED PRESS INC \$599.00 SBSCRPTN TO ONLINE RESOURCE, UNITED CHAMBER OF COMMERCE \$1,670.00 EMP APPR DINNER/AWARDS/PRIZES, VALLEY BANK: POLICE \$260.00 PO UNION DUES, VALLEY BANK & TRUST CO \$23,915.15 LANDFILL SINKING FUND: AUGUST, VERDIN CO \$74.42 12 VOLT POWER SUPPLY, VERIZON WIRELESS \$672.46 IPAD FEES, 3 AIR CARDS FOR PORT CAMERA, ON CALL CELL/LAPTOP FEES, WAREHOUSE FITNESS CENTER \$14.00 WELLNESS, WELLS FARGO FINANCIAL LEA \$112.11 COPYSTAR COPIER LEASE PYMT, WESTCO \$12.18 SHOP SUPPLIES, WESTERN NE COMMUNITY COLLEGE \$500.00 EMT CLASS REG FEE: BORGMAN, WINCHELL CLEANING SRV \$500.00 CLEANING SRV, WM RECYCLE AMERICA \$425.96 RECYCLING DUES, YMCA \$618.84 WELLNESS, YOUNG MENS CHRISTIAN \$10.00 YOUNG MEN'S CHR

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

#### **BIDS:**

##### **1. Oregon Trail Park Dugout remodel**

Mayor Kaufman stated that the Parks & Recreation Director has requested that Council reject the bids that were submitted by Paul Reed Construction and Rusch's Construction for \$51,463 and \$67,683 respectively. This RFP was for a G.O. Baseball project that is to be funded by Keno Funds; the bids exceeded their budget considerably. Mr. Ernst has indicated that staff will complete the project in-house to stay within the \$25,000 budget.

Councilmember Morison asked if it *can* be done in-house. Mayor Kaufman stated that Mr. Ernst believes we have the resources to do it in-house. The Clerk added that Paul has been assisting with the engineering side of it and Ron Ernst said that anything we need to outsource we will contract for that and everything else we can do internally.

**Motion by Councilmember Morrison to reject the bids that were submitted by Paul Reed Construction and Rusch's Construction for \$51,463 and \$67,683 respectively. Second by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.**

**CURRENT BUSINESS:**

**1. Approve Ordinance 2010 - AN ORDINANCE TO AMEND THE FEES CHARGED FOR THE USE OF THE CITY LANDFILL; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.**

**2. Approve Ordinance 2011 - AN ORDINANCE TO AUTHORIZE AMENDING FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SEWER SERVICE CHARGES, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.**

**3. Approve Ordinance 2012 - AN ORDINANCE TO ADJUST EXISTING ELECTRICAL RATES; REPEALING ORDINANCE NO. 1984; PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

Mayor Kaufman combined items 1, 2 and 3 and entertained a motion to introduce ordinances 2010, 2011 and 2012.

**Councilmember Morrison made a motion to introduce Ordinance No. 2010, 2011 and 2012; 2010 being AN ORDINANCE TO AMEND THE FEES CHARGED FOR THE USE OF THE CITY LANDFILL; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF. 2011 being AN ORDINANCE TO AUTHORIZE AMENDING FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SEWER SERVICE CHARGES, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF. And 2012 being AN ORDINANCE TO ADJUST EXISTING ELECTRICAL RATES; REPEALING ORDINANCE NO. 1984; PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. Seconded by Councilmember - Cowan. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.**

**Councilmember Christensen moved that the Ordinances be designated as Ordinance No. 2010, 2011 and 2012 and the titles 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": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. 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. 2010, 2011 and 2012 were read by title only, Councilmember Holliday moved that the Ordinances be passed as read, which motion was seconded by Councilmember O'Neal. "The question is shall Ordinance No. 2010, 2011 and 2012 be passed?" There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.**

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

4. Remove from table – Consider approving and authorizing the Mayor to sign Assignment and Assumption of Promissory Note by and between G-Town, LLC, a Nebraska limited liability company and BKD Rentals, LLC, a Nebraska limited liability company and the City of Gering Leasing Corporation, a non-profit corporation and City of Gering, a municipal corporation.

Motion by Councilmember Gibbs to remove from table – Consider approving and authorizing the Mayor to sign Assignment and Assumption of Promissory Note by and between G-Town, LLC, a Nebraska limited liability company and BKD Rentals, LLC, a Nebraska limited liability company and the City of Gering Leasing Corporation, a non-profit corporation and City of Gering, a municipal corporation. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. “AYES”: Christensen, Gibbs, Holliday, O’Neal, Morrison and Cowan. “NAYS”: None. Abstaining: None. Absent: Smith and Allred. Motion carried.

5. Consider approving and authorizing the Mayor to sign Assignment and Assumption of Promissory Note by and between G-Town, LLC, a Nebraska limited liability company and BKD Rentals, LLC, a Nebraska limited liability company and the City of Gering Leasing Corporation, a non-profit corporation and City of Gering, a municipal corporation.

Motion by Councilmember Morrison to approve and authorize the Mayor to sign Assignment and Assumption of Promissory Note by and between G-Town, LLC, a Nebraska limited liability company and BKD Rentals, LLC, a Nebraska limited liability company and the City of Gering Leasing Corporation, a non-profit corporation and City of Gering, a municipal corporation. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. “AYES”: Christensen, Gibbs, Holliday, O’Neal, Morrison and Cowan. “NAYS”: None. Abstaining: None. Absent: Smith and Allred. Motion carried.

6. Remove from table approving and authorizing the Mayor to sign Subordination Agreement between NEDCO/SBA and the City of Gering Leasing Corporation.

Motion by Councilmember O’Neal to remove from table approving and authorizing the Mayor to sign Subordination Agreement between NEDCO/SBA and the City of Gering Leasing Corporation . Second by Councilmember Gibbs. There was no discussion. The Mayor called the vote. “AYES”: Christensen, Gibbs, Holliday, O’Neal, Morrison and Cowan. “NAYS”: None. Abstaining: None. Absent: Smith and Allred. Motion carried.

7. Consider approving and authorizing the Mayor to sign Subordination Agreement between NEDCO/SBA and the City of Gering Leasing Corporation.

Motion by Councilmember Morrison to approve and authorize the Mayor to sign Subordination Agreement between NEDCO/SBA and the City of Gering Leasing Corporation . Second by Councilmember Holliday. There was no discussion. The Mayor called the vote. “AYES”: Christensen, Gibbs, Holliday, O’Neal, Morrison and Cowan. “NAYS”: None. Abstaining: None. Absent: Smith and Allred. Motion carried.

8. Remove from table approving and authorizing the Mayor to sign Subordination Agreement between the City of Gering Leasing Corporation and Valley Bank & Trust Co.

Motion by Councilmember Gibbs to remove from table approving and authorizing the Mayor to sign Subordination Agreement between the City of Gering Leasing Corporation and Valley Bank & Trust Co. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. “AYES”: Christensen, Gibbs, Holliday, O’Neal, Morrison and Cowan. “NAYS”: None. Abstaining: None. Absent: Smith and Allred. Motion carried.

**9. Consider approving and authorizing the Mayor to sign Subordination Agreement between the City of Gering Leasing Corporation and Valley Bank & Trust Co.**

**Motion by Councilmember Christensen to approve and authorize the Mayor to sign Subordination Agreement between the City of Gering Leasing Corporation and Valley Bank & Trust Co. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.**

**10. Consider approving and authorizing the Mayor to sign Deed of Reconveyance – G-Town, LLC (Trustor) for the benefit of the City of Gering, a municipal corporation.**

**Motion by Councilmember Holliday to approve and authorize the Mayor to sign Deed of Reconveyance – G-Town, LLC (Trustor) for the benefit of the City of Gering, a municipal corporation. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.**

**11. Remove from table approval of Charter Resolution.**

**Motion by Councilmember Gibbs to remove from table Charter Resolution. Second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.**

**12. Approve Charter Resolution 9-15-3.**

**Resolution 9-15-3**

WHEREAS, Charter Communications VI, LLC ("Franchise") is the duly authorized holder of a franchise, as amended to date ("the Franchise"), authorizing Franchisee to operate and maintain a cable system to serve City of Gering, NE (the "Franchise Authority"); and

WHEREAS, on May 23, 2015, Charter Communications, Inc. ("Charter Communications"), the ultimate parent company of Franchise, with its subsidiary CCH I, LLC ("New Charter"), entered into agreements with Advance/Newhouse Partnership ("A/N"), the ultimate parent company of Bright House Networks, LLC ("BHN"), Time Warner Cable Inc. ("TWC"), and Liberty Broadband Corporation ("Liberty") (collectively "the agreements"), the purpose of which are to effectuate the acquisition of BHN and merger with TWC ("Transaction"); and

WHEREAS, Charter Communications will merge with a subsidiary of New Charter, and all shares of Charter Communication will be converted into shares of New Charter, and New Charter will assume the name Charter Communications, Inc. ("Charter"); and

WHEREAS, pursuant to the Agreements, A/N, TWC shareholders, and Liberty will acquire minority ownership interests in Charter, and

WHEREAS, the majority of Charter's Board of Directors will remain the same and its senior management will not change as a result of the Transaction, and

WHEREAS, the actual working control of Franchise will not change as a result of the Transaction, and will remain with Charter, and

WHEREAS, Charter has filed an FCC Form 394 with the Franchise Authority (the "Application"); and

WHEREAS, the Franchise Authority has considered the Application and consents to the Transaction.

**NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:**

The foregoing recitals are approved and incorporated herein by reference.

1. The Franchise Authority consents to the Transaction
2. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, any action necessary with respect to the Transaction and the Franchise has been duly and validly taken.
3. Charter or the Franchise may (a) assign, or transfer control if its assets, including the Franchise, provided that such assignment, transfer, or transfer of control is to an entity directly or indirectly controlling, controlled by or under common control with Charter; (b) restructure debt or change the ownership interests among existing equity participants in Charter; (c) pledge or grant a security interest to any lender(s) of Charter's assets, including, but not limited to, the Franchise, or of interest in Charter, for purposes of securing any indebtedness; and (d) sell equity interests in Charter or any of Charter's affiliates.
4. Upon closing of the Transaction, the Franchise shall remain bound by the lawful terms and conditions of the Franchise.
5. This Resolution shall be deemed effective upon adoption.
6. This Resolution shall have the force of a continuing agreement with Franchise, and the Franchise Authority shall not amend or otherwise alter the Resolution without the consent of Franchise and Charter.

PASSED, ADOPTED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk

**Motion by Councilmember O'Neal to approve Charter Resolution 9-15-3. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.**

**13. Consider approval of Tentative Agreement between the Gering Police Officer's Association and The City of Gering for the contract year of October 1, 2015 - September 30, 2018.**

Councilmember Gibbs commented that it was a production negotiation. Both sides worked hard to reach an agreement and he believes we have one.

**Motion by Councilmember Gibbs to approve Tentative Agreement between the Gering Police Officer's Association and The City of Gering for the contract year of October 1, 2015 - September 30, 2018. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.**

**14. Approve Ordinance 2013 – AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND CHANGE ZONING FROM RESIDENTIAL MEDIUM DENSITY DISTRICT (RM) TO MULTI-FAMILY RESIDENTIAL LOW DENSITY DISTRICT (RML) FOR THE FINAL PLAT OF LOTS 1 THRU 12, BLOCK 1, THORNTON'S SECOND ADDITION, SAID PLAT HAS SINCE BEEN RE-PLATED AND SHALL BE REFERRED TO AS THE FINAL PLAT OF LOTS 1A THRU 10A, BLOCK 1, A REPLAT OF LOTS 1 THRU 12, BLOCK 1, THORNTON'S SECOND ADDITION TO THE CITY OF GERING, NEBRASKA**

RECORDED UNDER INSTRUMENT NO. 2013-2712, SCOTTS BLUFF COUNTY, NEBRASKA AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Mayor Kaufman entertained a motion to introduce ordinance 2013.

Councilmember Morrison made a motion to introduce Ordinance No. 2013 - AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND CHANGE ZONING FROM RESIDENTIAL MEDIUM DENSITY DISTRICT (RM) TO MULTI-FAMILY RESIDENTIAL LOW DENSITY DISTRICT (RML) FOR THE FINAL PLAT OF LOTS 1 THRU 12, BLOCK 1, THORNTON'S SECOND ADDITION, SAID PLAT HAS SINCE BEEN RE-PLATED AND SHALL BE REFERRED TO AS THE FINAL PLAT OF LOTS 1A THRU 10A, BLOCK 1, A REPLAT OF LOTS 1 THRU 12, BLOCK 1, THORNTON'S SECOND ADDITION TO THE CITY OF GERING, NEBRASKA RECORDED UNDER INSTRUMENT NO. 2013-2712, SCOTTS BLUFF COUNTY, NEBRASKA AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.

Councilmember Christensen moved that the Ordinances be designated as Ordinance No. 2013 and the titles 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": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. 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. 2013 was read by title only, Councilmember Holliday moved that the Ordinance be passed as read, which motion was seconded by Councilmember O'Neal. "The question is shall Ordinance No. 2013 be passed?" There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.

The Clerk stated that 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.

REPORTS: None

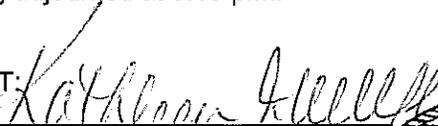
OPEN COMMENT SECTION: None

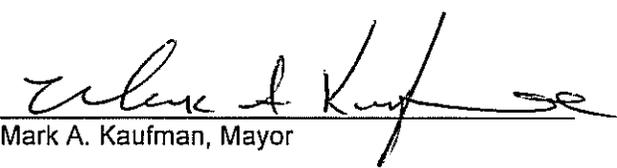
#### ADJOURN

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

Meeting adjourned at 6:16 p.m.

ATTEST:

  
Kathleen J. Welfl, City Clerk

  
Mark A. Kaufman, Mayor

