

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, APRIL 14, 2025

A regular meeting of the City Council of Gering, Nebraska was held in open session on April 14, 2025 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorney Jim Ellison. Notice of the meeting was given in advance by publication in the Star-Herald, 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 Ewing called the meeting to order at 6:00 p.m. and stated that a quorum of the Council was present 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 Wiedeman to approve the absence of Councilmembers Shields and Seay from the March 24, 2025 regular City Council meeting. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

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

Mayor Ewing 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 the Council determines that the matter requires emergency action.

CONSENT AGENDA:

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

1. Approve minutes of the March 24, 2025 regular City Council meeting and the April 10, 2025 special City Council meeting
2. Approve Claims
3. File for record TCD Quarterly Report
4. File for record Gering and Terrytown NPDES (National Pollutant Discharge Elimination System) Annual Report

Claims 3/25/25 – 4/14/25

21ST CENTURY EQUIPMENT \$27.64, 308 PLUMBING SOLUTIONS \$2,025.00, 911 CUSTOM \$158.20, A & A PORTA POTTIES \$150.00, ACE HARDWARE \$497.63, ACTION COMMUNICATIONS, INC. \$345.20, ACUSHNET COMPANY \$7,660.10, AGING OFFICE OF WESTERN NEBRASKA \$5,000.00, ALLO COMMUNICATIONS \$3,447.36, ALTEC INDUSTRIES, INC. \$192,646.82, AMAZON CAPITAL SERVICES \$1,805.85, AMERITAS LIFE INSURANCE CORP. \$570.08, AMGL \$1,250.00, ANDRES TORRES \$825.00, AT&T MOBILITY \$293.06, B & C STEEL \$41,448.00, BAD BIRDIE GOLF \$1,171.60, BEACON ATHLETICS, LLC \$544.00, BENZEL PEST CONTROL \$165.00, BERGANKDV \$40,000.00, BIG MACK HEATING & COOLING \$105.00, BLACK HILLS ENERGY \$4,839.89, BLUFFS FACILITY SOLUTIONS \$966.47, BORDER STATES INDUSTRIES, INC \$190,435.74, BRENNEN MARTINEZ \$343.00, BROWN'S SHOE FIT COMPANY \$437.80, CALLAWAY GOLF COMPANY \$4,163.43, CAMPSHOT \$635.67, CENTRAL IRRIGATION DISTRICT \$3,312.00, CITY OF GERING \$22,489.13, CLARK PRINTING LLC \$185.50, COLUMN SOFTWARE, PBC \$884.57, COMMERCIAL LIGHTING \$297.23, CONNECTING POINT \$36.59, CONTRACTORS MATERIALS, INC. \$3,891.50, CORE & MAIN LP \$270.07, CROSSCOUNTRY COURIER INC \$494.97, DANKO EMERGENCY EQUIPMENT CO \$416.87, DEARBORN LIFE INSURANCE COMPANY \$116.96, DEMCO, INC \$143.37, DESERT FOX GOLF \$415.00, DLT SOLUTIONS, INC. \$1,281.90, DOCU-SHRED LLC \$60.00, DOOLEY OIL \$81.79, DUTTON-LAINSON COMPANY \$2,397.24, EAKES INC \$215.21, ELLISON, KOVARIK & TURMAN LAW \$10,004.20, ENTERPRISE IRRIGATION DISTRICT \$2,054.72, ERIC REICHERT CONSTRUCTION \$372,606.44, EUROFINS ENVIRONMENTAL TESTING NORTH CENTRAL, LLC \$1,686.00, FASTENAL COMPANY \$936.63, FAT BOYS TIRE & AUTO \$30.00, FIRST NATIONAL BANK OF OMAHA \$13,023.18, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$1,095.64, FRANK PARTS COMPANY \$8,558.69, FRANK POWERSPORTS \$243.00, FYR-TEK, INC. \$15,119.29, GEORGE HOLTHUS \$72.66, GERING FT-LARAMIE IRRIGATION \$10,696.90, GERING IRRIGATION DISTRICT \$1,247.50, GERING PUBLIC SCHOOL \$3,984.95, GERING VALLEY PLUMBING & HTG., INC. \$13,300.00, GOLDSTAR PRODUCTS INC \$1,763.23, GORILLA WASTE SOLUTIONS \$2,400.00, GRAINGER \$370.65, GREATAMERICA FINANCIAL SERVICE \$100.00, GROUND UP CONSTRUCTION & CLEAN \$7,652.13, HARBOR FREIGHT TOOLS \$295.97, HEALTHBREAK, INC. \$625.00, HOME DEPOT CREDIT SERVICES \$33.94, HOWDEN USA COMPANY \$2,883.52, HULLINGER GLASS & LOCKS, INC. \$103.50, HVS \$1,632.92, IDEAL LAUNDRY

AND CLEANERS, INC. \$499.51, INDEPENDENT PLUMBING & HEATING \$121.53, INGRAM LIBRARY SERVICES \$1,746.27, INTERNAL REVENUE SERVICE \$50,997.27, INTERSTATE BATTERY \$279.90, INTRALINKS, INC. \$8,714.47, IRBY TOOL & SAFETY \$2,728.95, J & A TRAFFIC PRODUCTS \$4,805.40, JARED SHEPARD \$38.00, JAY KEOGH \$75.00, JIRDON AGRI CHEMICALS, INC \$1,503.75, JOHN E. FADEN II ESTATE \$2,990.00, JOHN HANCOCK USA \$17,552.39, JOHN HANCOCK USA FIRE \$873.56, JOHN HANCOCK USA POLICE \$9,256.83, JOHNSON CASHWAY CO. \$559.41, JOHNSON SERVICES \$18,850.00, LEGACY COOPERATIVE \$7,151.37, LOGOZ LLC \$321.00, MARYSSA RAMIREZ \$75.00, MATHESON TRI-GAS INC \$516.30, MENARDS \$547.42, MIDWEST CONNECT \$372.38, MJBC \$123.90, MOBIUS COMMUNICATIONS COMPANY \$30.00, MONUMENT INN & SUITES \$990.00, MUNICIPAL SUPPLY, INC. OF NE. \$9,357.60, MUTUAL OF OMAHA \$9,996.89, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$784.16, NEBRASKA GOLF ASSOCIATION \$25.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$323.00, NEBRASKA STATE FIRE SCHOOL \$300.00, NKC TIRE \$189.08, NMC INCORPORATED \$3,506.34, NORTHWEST PIPE FITTINGS, INC \$432.47, ONE CALL CONCEPTS, INC \$96.48, OPEN A NINE, LLC \$3,108.65, O'REILLY AUTOMOTIVE STORE \$43.71, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$2,613.00, PETE'S QUICK LUBE \$125.40, PIPE WORKS PLUMBING LLC \$2,000.00, PLATTE RIVER GLASS \$850.00, PLATTE VALLEY VAC & SEW \$74.50, POWERPLAN OIB \$107.87, PRECISION AIR \$125.00, PROTEX CENTRAL, INC. \$110.00, PT HOSE AND BEARING \$467.99, QUADIENT LEASING USA \$840.00, QUADIENT POSTAGE FUNDING \$1,800.00, QUINTON ENLOW \$38.00, RAKA \$379.62, REGIONAL CARE INC. \$90,622.04, REGIONAL WEST MEDICAL CENTER \$720.60, RIVERSTONE BANK \$554.48, SAMANTHA MCCLOUD \$75.00, SANDBERG IMPLEMENT, INC. \$2,492.38, SCOTTS BLUFF COUNTY \$180.00, SCOTTS BLUFF COUNTY COURT \$17.00, SCOTTS BLUFF COUNTY TREASURER \$11,508.87, SCOTTSBLUFF-GERING UNITED WAY \$273.02, SHAWN FULK \$54.00, SIMON CONTRACTORS \$3,357.04, SOUTHWESTERN EQUIPMENT COMPANY \$3,840.31, SPEAK WRITE \$150.25, STOPSTICK, LTD \$6,926.00, SUNBELT SOLOMON \$30,761.13, TAYLOR MADE GOLF COMPANY \$2,329.52, TEAM CHEVROLET \$600.00, TERESA TOSH \$17,925.10, THE TORO COMPANY \$175.00, THOMPSON GLASS, INC. \$3,100.00, TICO CUSTOMS, LLC \$4,750.42, TITAN MACHINERY INC. \$11,157.05, TRANSUNION RISK AND ALTERNATIVE \$75.00, TWIN CITY DEVELOPMENT ASSOC \$12,500.00, TYLER TECHNOLOGIES \$11,617.00, UNANIMOUS, INC. \$230.00, VALLEY AUTO LOCATORS LLC \$2,355.31, VALSTONE CORPORATION, INC. \$5,246.25, VANESSA ARRIAGA \$75.00, VERIZON CONNECT \$25.90, VERIZON WIRELESS SERVICES, LLC \$566.42, WESTERN COOPERATIVE COMPANY \$8,344.01, WESTERN PATHOLOGY CONSULTANTS \$248.00, WINSUPPLY SCOTTSBLUFF NE CO. \$48.05, WYOMING FIRST AID & SAFETY \$104.95, TOTAL \$1,414,471.57

Motion by Councilmember Gillen to approve the Consent Agenda. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

CURRENT BUSINESS:

1. Appointment of Ward IV City Council Member

Motion by Councilmember O'Neal to approve the appointment of James Jackson as the new City Council Member to fill the unexpired term in Ward IV. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

2. Presentation by Raphael Martinez, Director of Business Relations with Sandhills Energy, regarding an update on the Solar Project

Mr. Martinez, 4927 N. 208th Street, Elk Horn, Nebraska, addressed Council and stated Sandhills is nearing the end of the solar project. He thanked the Council and staff for their patience. It has been a process and has taken longer than they expected with amendments and changes being made. They are now at 90% completion of the project. There will be a Nebraska State inspection of the project this week. They are working through some engineering details. Once it's energized, it will go through a testing phase from the Sandhills side and through their EPC Contractor ISI. He further explained the testing process to make sure it's operating as it should. They will share that information with the City of Gering to confirm that it meets the criteria. They will obtain a Permission to Operate Letter which means the system is operating as it should and that the site meets City standards. They are waiting on a few more materials right now and working to get them here as quickly as possible so the system can be energized. Their Operations and Maintenance Department conducted a safety training at the solar site with the Fire Department in March. He has been working with Pat on finalizing details regarding the Soil and Weed Control Maintenance Plan. Following a question by Councilmember Morrison, Mr. Martinez explained that they have locations in Sidney and Omaha and have personnel (nearby) that can assist if needed, once it's energized.

A member of the audience, Dale Hauck, asked how the panels react in a hail storm. Mr. Martinez replied there is a tracking system in the panel that allows the panel to go parallel that can minimize the damage. All the materials they use on all the sites in Nebraska are American-made products that are the best quality. Testing has shown that they handle hail well. The tracking system in the panels allows them to adjust accordingly in the event of a storm.

Councilmember Wiedeman asked if they only tilt east to west; Mr. Martinez replied he's pretty sure they only tilt east to west.

3. Approve appointment of Matt Beebe, Master Mechanical Contractor, to the City of Gering Plumbing Board
Mayor Ewing moved Current Business Agenda Item #3 after Ordinances as it requires that the ordinances be approved first.

4. Request for Administrative Committee meeting with agenda item: 1. Consider revisions to the Gering Civic Plaza Rental Agreement

Motion by Councilmember O'Neal to approve a request for an Administrative Committee meeting with agenda item: Consider revisions to the Gering Civic Plaza Rental Agreement. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

5. Approve and authorize the Mayor to sign a Memorandum of Agreement between the Scotts Bluff County Sheriff's Office and the Gering Police Department

Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Memorandum of Agreement between the Scotts Bluff County Sheriff's Office and the Gering Police Department. Second by Councilmember Kinsey. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

RESOLUTIONS:

1. Approve Resolution 4-25-1 regarding amendments to Five Rocks Amphitheater Contract fees pertaining to vendors

RESOLUTION 4-25-1

WHEREAS, The Gering City Council, Gering, Nebraska shall amend fees pertaining to Food/Beverage Vendor, Novelty Vendor and Alcohol Vendor Spaces associated with the Commercial Use, Non-Profit and Pavillion Agreements for use of Five Rocks Amphitheater.

WHEREAS, Five Rocks Amphitheater Commercial Use, Non-Profit and Pavilion Agreement Fees pertaining to Food/Beverage Vendors, Alcohol Vendors and Novelty Vendors shall be amended as follows:

FOOD/BEVERAGE VENDORS AND ALCOHOL VENDORS

There shall be no fee, charged by the City of Gering, for Food/Beverage Vendor spaces or Alcohol Vendor Spaces at events held at Five Rocks Amphitheater. Notwithstanding, all *Mobile* Food and Beverage Vendors shall hold or obtain an Annual or Weekly Mobile Food/Beverage Permit with the City of Gering prior to occupying a vendor space at Five Rocks Amphitheater.

NOVELTY VENDORS

There shall be no fee, charged by the City of Gering, for Novelty Vendor Spaces at events held at Five Rocks Amphitheater *if* the Novelty/Merchandise Vendor has obtained a Permit to Sell from the City of Gering. In the event of a one-time occurrence, where said vendor has not obtained a Permit to Sell from the City of Gering, the Novelty/Merchandise Vendor shall pay a \$50 fee to the City of Gering to occupy a Novelty Vendor Space only at Five Rocks Amphitheater for a single event.

NOW THEREFORE BE IT RESOLVED that effective immediately, the City of Gering shall amend agreement fees previously assessed to Food/Beverage Vendors, Alcohol Vendors and Novelty Vendors at events held at Five Rocks Amphitheater.

Adopted this 14th day of April 2025.

Kent. E. Ewing, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Motion by Councilmember Seay to approve Resolution 4-25-1 regarding amendments to the Five Rocks Amphitheater Contract fees pertaining to vendors. Second by Councilmember Kinsey. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

ORDINANCES:

1. Approve Ordinance No. 2156 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO AMEND TITLE XI "BUSINESS REGULATIONS", CHAPTER 116 "PLUMBERS" OF THE CITY OF GERING CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Morrison made a motion to introduce Ordinance No. 2156 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO AMEND TITLE XI "BUSINESS REGULATIONS", CHAPTER 116 "PLUMBERS" OF THE CITY OF GERING CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Shields.

Discussion: Trenton Nelson, 1910 Dodge Street, Sidney, Nebraska, addressed Council and stated that he has been a plumber since 1990. He has concerns regarding the ratio of master plumbers to other plumbers and what it would do to the economy. He further explained his concerns about the ratio and that some people may start doing their own plumbing. He thinks this ordinance will backfire.

Administrator Heath explained that staff and legal looked at this code because it's out of line with state statute. Secondly, staff wanted to clarify a few things and get the regulatory side cleaned up. The current code is very similar regarding having a master plumber on staff. The current code is that one master or journeyman can supervise one apprentice; this ordinance changes that to one master/journeyman can supervise two apprentices. Staff check with other cities and one (Grand Island) was 3:1; he didn't believe there were any cities that had seven or eight under a master or journeyman. Discussion followed by Mr. Nelson about the 2018 IPC regulations regarding the ratio, which is higher. He doesn't think 2:1 is very realistic; it may not be profitable to be in business – sending two guys to every job when you only have two plumbers. Engineer Folck noted that one difference between Gering and Grand Island is they require the master or journeyman be on site with the apprentice at all times; that makes sense where they have a lot of large-scale projects. Around here, there aren't a lot of projects that size. Gering's compromise is two instead of three but the licensed journeyman or master only has to be there during the inspection (after they've come back and reviewed all the work prior to the inspection). That way, if there is an issue, our building inspector is only explaining it one time to both the apprentice and the journeyman or master. The idea is that the journeyman or master can get the apprentice started and then go to another site and come back for the inspection. Mr. Nelson continued to elaborate on some of his other concerns including over-regulation and keeping people from being productive and raising the prices to where people can't afford it, don't build or don't use professionals. He thanked the Council for hearing him out.

Administrator Heath added that relaxing the supervision requirements was a benefit to all the plumbing firms. He noted that the City of Gering doesn't use the International Code, but the Uniform Code which he doesn't believe states anything about the supervision. Discussion followed regarding various aspects of the ordinance including 116.05 and a section pertaining to Water Fitters. Administrator Heath reiterated, for the record, that the main reason for doing this was to get Gering in line with state statute. Some of the other changes include:

- Proof of Liability insurance in the amount of \$2,000,000 (recommended by LARM and per state statute)
- A surety bond in the amount of \$5000 (previously \$2000). There is no difference in premium between the two. The surety bond is in place to help protect the customer.
- Reciprocity for licensure with other communities has been added.
- There will be a separate license for Gas Fitters and Water Fitters.
- For many contractors, the changes won't affect current licenses with the City. Some may be affected on the Mechanical side as there was very little in the code for Mechanical in the past. Some licensed Mechanical Contractors may need to apply for an exemption.

Councilmember Gillen asked how this ordinance compares to Scottsbluff's. Administrator Heath replied this ordinance doesn't match Scottsbluff's exactly but it's not very far off. It's similar to other cities as well. Scottsbluff is using IPC where Gering is using the Uniform Plumbing Code. Staff recommend approval of the ordinances.

Mayor Ewing called for the vote. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Councilmember Gillen moved that the Ordinance be designated as Ordinance No. 2156 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, and that the ordinance be passed as read, which motion was seconded by Councilmember Seay. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

2. Approve Ordinance No. 2157 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO AMEND TITLE XI "BUSINESS REGULATIONS" OF THE CITY OF GERING CODE OF ORDINANCES BY ADDING CHAPTER 119 "MECHANICAL CONTRACTOR'S LICENSE"; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Gillen made a motion to introduce Ordinance No. 2157 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO AMEND TITLE XI "BUSINESS REGULATIONS" OF THE CITY OF GERING CODE OF ORDINANCES BY ADDING CHAPTER 119 "MECHANICAL CONTRACTOR'S LICENSE"; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Seay. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Councilmember Kinsey moved that the Ordinance be designated as Ordinance No. 2157 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, and that the ordinance be passed as read, which motion was seconded by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

CURRENT BUSINESS:

Mayor Ewing went back to Current Business item #3.

3. Approve appointment of Matt Beebe, Master Mechanical Contractor, to the City of Gering Plumbing Board

Motion by Councilmember Gillen to approve the appointment of Matt Beebe, Master Mechanical Contractor, to the City of Gering Plumbing Board. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

BIDS/PROPOSALS:

PUBLIC HEARINGS:

CLOSED SESSION: (Council reserves the right to enter into closed session if deemed necessary.) None.

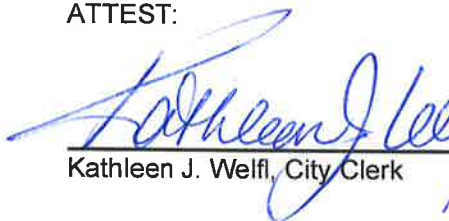
OPEN COMMENT: Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. None.

ADJOURN:

Motion by Councilmember Seay to adjourn. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. AYES": Shields, Gillen, Seay, Kinsey, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Meeting adjourned at 6:43 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Kent E. Ewing, Mayor