

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JULY 27, 2026

A regular meeting of the City Council of Gering, Nebraska was held in open session on July 27, 2026 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Cecil, Wiedeman, O'Neal, Morrison, Jackson. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorney Jim Ellison. Absent was Councilmember Kinsey. Notice of the meeting was given in advance by publication in the Star-Herald, the designated method of giving notice, on June 27, 2026. 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 Council Member absence

Motion by Councilmember Gillen to approve the absence of Councilmember Shields from the July 13, 2026 regular City Council meeting. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Cecil, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Kinsey. 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 copies of the current Open Meetings Act in the meeting room. Printed versions of the Open Meetings Act are available on the counter by the press corp. 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 July 13, 2026 regular City Council Meeting
2. Approve Claims

Claims 7-15-26 to 7-28-26

24/7 FITNESS \$250.00, AC ELECTRIC MOTOR SERVICE \$1,994.55, ACE HARDWARE \$1,267.04, ACUSHNET COMPANY \$0.75, AFLAC \$957.18, ALARM SECURITY TECHNICIANS \$63.95, ALLO COMMUNICATIONS \$7,512.90, ALTEC INDUSTRIES, INC. \$328,598.43, AMAZON CAPITAL SERVICES \$1,551.21, AMERITAS LIFE INSURANCE CORP. \$618.86, AT&T MOBILITY \$179.59, B & S RASK GRILL \$1,258.79, BENZEL PEST CONTROL \$181.50, BLACK HILLS ENERGY \$8,635.01, BLUFFS FACILITY SOLUTIONS \$1,507.57, BORDER STATES INDUSTRIES, INC \$4,123.17, CATTLE BANK & TRUST \$44,232.22, CITY OF GERING \$20,471.70, COLUMN SOFTWARE, PBC \$294.20, CONTRACTORS MATERIALS, INC. \$934.30, CROELL, INC \$381.00, DAVE BRUNZ \$310.00, DOOLEY OIL \$182.36, DUNLOP \$184.80, DUTTON-LAINSON COMPANY \$6,843.11, EAKES INC \$720.85, ECOLAB \$280.66, ELITE TOTAL FITNESS \$166.00, ELVIA ALVAREZ-ROSAS \$1.44, FABIOLA HERNANDEZ \$14.05, FASTENAL COMPANY \$483.56, FAT BOYS TIRE & AUTO \$98.84, FIRST NATIONAL BANK OF OMAHA \$10,044.00, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$2,209.47, FORT COLLINS WHOLESALE NURSERY \$667.50, FRANK PARTS COMPANY \$277.38, FRANK POWERSPORTS \$450.00, FRASER STRYKER PC LLO \$6,086.00, FRIENDS OF ROBIDOUX RENDEZVOUS \$12,380.53, FYR-TEK, INC. \$3,629.00, GALLS, AN ARAMARK COMPANY \$1,128.21, GERING VALLEY PLUMBING & HTG., INC. \$174.00, GERING VOLUNTEER FIRE DEPT. \$6,133.32, GORSUCH & SONS \$3,880.32, GRAINGER \$43.17, GREATAMERICA FINANCIAL SERVICE \$130.83, HACH COMPANY \$801.60, HAWKINS, INC. \$3,151.44, HDR ENGINEERING, INC. \$10,237.03, HEALTHBREAK, INC. \$625.00, HOMETOWN LEASING \$164.55, IDEAL LAUNDRY AND CLEANERS, INC. \$581.18, INDOFF INCORPORATED \$163.64, INNOVATIVE CONCEPTS \$6,600.00, INTERNAL REVENUE SERVICE \$68,792.88, INTRALINKS, INC. \$213.16, IRBY TOOL & SAFETY \$188.13, J.J. KELLER & ASSOCIATES \$639.83, JAMES & REBECCA MCALLISTER \$23,297.83, JEO CONSULTING GROUP \$9,717.50, JEREMIAH CLOSSON \$70.00, JOHN HANCOCK USA \$21,570.76, JOHN HANCOCK USA FIRE \$1,075.74, JOHN HANCOCK USA POLICE \$13,019.46, JOHNSON CASHWAY CO. \$78.37, L.L. JOHNSON DISTRIBUTING \$188.29, LEGACY COOPERATIVE \$11,898.31, LIGHTHOUSE ELECTRICAL \$327.58, LOGOZ LLC \$300.00, MACQUEEN EQUIPMENT, LLC \$261.19, MANUEL BARRAZA \$14,600.00, MATT MARIGONI \$45.00, MATTY B'S HVAC \$169.55, MENARDS \$1,543.66, MIDTOWN ANIMAL HOSPITAL, P.C. \$325.00, MILES PARTNERSHIP LLLP \$350.00, MUNICIPAL SUPPLY, INC. OF NE. \$87.37, NC CHILD SUPPORT CENTRALIZED COLLECTIONS \$337.84, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$556.00, NEBRASKA PUBLIC POWER DISTRICT \$12,524.36, NEBRASKA STATE FIRE MARSHAL \$81.00, NIPPON SANSO MATHESON TRI-GAS INC \$390.20, NKC TIRE \$2,213.30, NORTHWEST PIPE FITTINGS, INC \$298.14, NPW & PRINT EXPRESS \$500.33, OMAHA SLINGS INC. \$430.48, O'REILLY AUTOMOTIVE STORE \$116.60, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$1,535.00, PANHANDLE POWER SYSTEMS LLC \$295.00, PAUL REED \$3,497.72, PAUL REED CONSTRUCTION & SUPP \$24.12, PETE'S QUICK LUBE \$152.22, PIPE WORKS PLUMBING LLC \$9,700.00, PRAISE WINDOWS \$350.00, PRECISION AIR \$1,097.98, PT HOSE AND BEARING \$394.98, PVB VISA \$10,502.22, RAPID FIRE PROTECTION \$447.95, REGIONAL WEST MEDICAL CENTER \$30.00, RESCO

\$3,212.10, RIVERSTONE BANK \$629.74, RON'S TOWING & RECOVERY, LLC \$250.00, RPM FITNESS \$70.00, RVW INC \$20,905.00, SANDBERG IMPLEMENT, INC. \$19.93, SCB COUNTY REGISTER OF DEEDS \$70.00, SCOTTSBLUFF KIWANIS CLUB \$814.21, SCOTTSBLUFF-GERING UNITED WAY \$216.34, SCS ENGINEERS \$2,625.00, SHERWIN WILLIAMS \$338.80, SIMMONS OLSEN LAW FIRM, P.C. \$3,200.00, SIMON CONTRACTORS \$356.97, SKIP KELLEY \$130.00, SNELL SERVICES, INC \$81.40, SOUTHWESTERN EQUIPMENT COMPANY \$294.32, T & N ACQUISITION COMPANY \$1,163.75, TAMMY JIMENEZ \$2,000.00, TERESA TOSH \$14,181.88, THOMPSON GLASS, INC. \$200.00, TREE MONKEYS LLC \$500.00, VALLEY AUTO LOCATORS LLC \$154.27, VALLEY AUTO TRUCK SHOW \$2,000.00, VETS & MILITARY FAMILIES \$1,840.26, WESCO RECEIVABLES CORP. \$3,934.50, WESTERN COOPERATIVE COMPANY \$15,281.71, WESTERN NEBRASKA TOURISM COAL \$250.00, WESTERN PANHANDLE REGIONAL LAND BANK \$100,000.00, YANDA'S MUSIC INC \$4,078.21, YMCA OF SCOTTSBLUFF \$966.00
TOTAL \$899,156.13

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

CURRENT BUSINESS:

1. Consider approving and authorizing the Mayor to sign a Termination Agreement of the Agreement for Service and Construction of New Landfill Agreement along with its Addendum and Termination of the Reserve Account Agreement

Administrator Heath explained that in 2007, Scottsbluff and Gering entered into a joint agreement for service and construction of a New Landfill. The purpose of that agreement was to allow Scottsbluff to dispose of their waste at the Gering Landfill and to set aside money for the construction of a new landfill after the existing Gering Landfill reached capacity and closed. According to the agreement, each community agreed to jointly contribute \$7.50 per ton for every ton of municipal solid waste disposed of in the Gering Landfill.

The Gering Landfill is now nearing capacity. The exact date of closure is impossible to predict as it can vary based on the amount of waste received, compactions, and settling. At this point, there is not time for a new landfill to be sited, permitted, and built before the Gering Landfill reaches capacity. Both communities will be moving forward with plans to transfer waste to an alternate facility and jointly agree that termination of the Landfill Agreement is appropriate. The proposed Termination Agreement will allow both communities to move forward with planning and agreements with other entities for waste disposal without being in breach of the original contract. It provides a date of September 30, 2026 as the effective end date of the original agreement. This aligns with the new budget year, allowing predictability for budgeting as well. While Scottsbluff will cease disposing of their waste in the Gering Landfill as of the end of the agreement, Gering may continue to utilize the landfill until it reaches its full capacity. If the Council wishes to approve this agreement, it should do so subject to Scottsbluff also approving the agreement. He added that it's staff's recommendation that Council approve and authorize the Mayor to sign the agreement.

Councilmember Wiedeman inquired about Scottsbluff's reaction upon receiving this notification. Administrator Heath replied that they are in favor of the separation; they plan to put it on their regular meeting agenda on August 3. He added that Gering's priority will be to move forward and negotiate with entities to haul and transfer waste to another facility for now, and then in a few months, Gering will determine if it proceeds with a new landfill or not. Councilmember Shields asked about equipment owned by both parties. Administrator Heath replied that there were a few pieces of equipment that were purchased with joint funds; that will be part of the final payment of what they receive and what Gering keeps (based on the current value of the equipment). These particular pieces of equipment are older and one is getting close to end of life.

Motion by Councilmember Gillen to approve authorize the Mayor to sign a Termination Agreement of the Agreement for Service and Construction of New Landfill Agreement along with its Addendum and Termination of the Reserve Account Agreement conditional upon Scottsbluff approving the agreement. Second by Councilmember Cecil. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Cecil, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Kinsey. Motion carried.

ORDINANCES:

1. Consider approving Ordinance No. 2188 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND TITLE III "ADMINISTRATION" OF THE CITY OF GERING CODE OF ORDINANCES BY AMENDING CHAPTER 33 "GENERAL MUNICIPAL POLICIES" SPECIFICALLY §33.30 "BONDS"; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION AS PROVIDED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Administrator Heath stated that as Council is aware, staff has been going through the Code of Ordinances and recently found what is believed to be the oldest version of an ordinance pertaining to bonds for elected and appointed officials; it was from 1934, Ordinance 200. Some elected and appointed officials are required to be bonded per state statute. Though it appeared most of the right officials were bonded, one wasn't the correct amount.

Staff recommend that Council approve an amended/updated ordinance pertaining to bond amounts for elected and appointed officials. It provides for a \$2000 bond for the Mayor and Council Members, and a \$25,000 bond for the Treasurer (per statute). The Mayor and Council may also "require a bond from any other officer or employee" which may be designated by resolution. Due to the fact that numerous City employees (utility office, golf course, pool, etc.) handle money on a daily basis, staff believe they should also be bonded. Staff will draft a resolution to establish bond amounts for those positions. It's based on how much cash they handle on a daily basis - that amount is doubled for the bond. Staff will also add an *additional* \$225,000 bond amount (\$250,000 total) for the Treasurer (allowed by statute) in that resolution. He added that the Senior Account Clerk will also be bonded in the amount of \$250,000 for the amount of cash that employee handles. Staff recommend Council approve the ordinance as presented; the ordinance has been reviewed by legal counsel.

Councilmember Wiedeman made a motion to introduce Ordinance No. 2188 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND TITLE III "ADMINISTRATION" OF THE CITY OF GERING CODE OF ORDINANCES BY AMENDING CHAPTER 33 "GENERAL MUNICIPAL POLICIES" SPECIFICALLY §33.30 "BONDS"; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION AS PROVIDED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Cecil, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Kinsey. Motion carried.

Councilmember Morrison moved that the ordinance be designated as Ordinance No. 2188 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 Jackson. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Cecil, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Kinsey. Motion carried.

2. Consider approving Ordinance No. 2189 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 92: FIRE REGULATIONS; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

Administrator Heath stated that on June 8, 2026, Council passed an amended ordinance changing the allowable number of days for discharging fireworks (for the 2026 summer season) from ten (10) days to six (6) days due to exceptional drought. With the 4th of July fireworks season now complete, staff recommend passing an ordinance to revert back to ten (10) days. In addition, staff recommend some verbiage changes that make the ordinance easier to understand and to provide consistency.

The previous ordinance allowed fireworks to be discharged from December 29 through December 31. While sales are allowed during that timeframe, it's staff recommendation that lighting, igniting, and discharging fireworks be limited to December 31, 8:00 a.m. to midnight. Retailers are allowed to sell from December 29 - 31. In talking to some of the retailers, they expressed they don't have an issue with that.

He added that most of the complaints received every year are related to fireworks being discharged until 10:30 p.m. (except on July 4th, which is midnight). Staff recommend amending the cut off time to 10:00 p.m. (instead of 10:30) June 25 through July 3, to match Scottsbluff and Terrytown. Fireworks can still be discharged until midnight on July 4th. Staff recommend Council approve the ordinance as presented.

Councilmember O'Neal asked if the change on December 31st would match other cities; does it make Gering unique? Administrator Heath replied that he didn't check into that because he believes a lot of cities don't allow it on New Year's Eve. He added that "You don't hear fireworks going off other than on New Year's Eve from six o'clock until close to midnight."

Councilmember Wiedeman asked if it matched the state. Administrator Heath replied no, the state does not dictate when they can be discharged; they only regulate sales. By state law, sales are allowed December 29 – 31. It can

be reverted back if Council wants to allow them to be discharged for three days. He has only ever heard them go off on New Year's Eve.

Councilmember Gillen echoed Councilmember O'Neal's concern that "If we're not consistent, especially with the communities being so close – Scottsbluff and Terrytown – and we're trying to get all of our ordinances similarly matched, I would have some concerns." He stated he would want to take into consideration Scottsbluff and Terrytown's rules of discharge during the December timeframe. Administrator Heath replied that since it's not an active fireworks period, staff felt that one night was plenty of time to celebrate New Year's. If Council feels different and if Council chooses different, they can ask staff to change the ordinance.

Councilmember Morrison asked if it should be tabled until staff talk to Scottsbluff and Terrytown. Clerk Welfl replied that this has been in place for quite some time. She believed when it was approved many years ago, it was carefully vetted by the Council at that time. It would take some research to find out if Scottsbluff and Terrytown allowed it at that time or not. She believed there must have been a reason why Council chose to allow it. What staff are trying to do for now is "fix" the one portion of the ordinance that Council amended recently in order to "cure" that amendment, so to speak. Council can always consider having a Public Safety meeting about the December/New Year's Eve timeframe. Councilmember Gillen noted that the ordinance at this meeting is to amend the December timeframe as well. Clerk Welfl replied, that's correct. However, when she and Administrator Heath were reviewing the existing ordinance, they discovered that it actually allowed for a three-day discharge period in December, but nobody ever did that. She and the Administrator questioned if that was the actual intent of the ordinance. She thinks what Council did at the time the original ordinance was approved was to mirror state statute on the sale period, perhaps not realizing that the verbiage also allowed for discharge during the same timeframe. Without going back and researching the intention of a previous Council, staff changed it to allow discharge of fireworks on New Year's Eve only, as that's all it has ever been in reality.

City Engineer, Annie Folck, (after checking online), announced that Scottsbluff's Code provides for discharge of fireworks between 4:30 p.m. on December 31 to 12:30 a.m. on January 1. Councilmember Gillen commented that their timeframe is shorter; there will still be a difference. Mayor Ewing noted, however, that it's now limited to just one day. Administrator Heath added that staff set it at 8 a.m. to midnight (on New Year's Eve) as that's in line with what is allowed on July 4.

Councilmember Morrison made a motion to introduce Ordinance No. 2189 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 92: FIRE REGULATIONS; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. Seconded by Councilmember Jackson. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Cecil, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Kinsey. Motion carried.

Councilmember Shields moved that the ordinance be designated as Ordinance No. 2189 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 Gillen. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Cecil, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Kinsey. Motion carried.

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

REPORTS:

1. Liaison Report, Gering Merchants Association – Councilmember Shields

- Councilmember Shields reported that the Gering Merchants Association used to meet on a Friday morning but have changed to Tuesday nights.
- They had a membership drive to try to get more people on the Gering Merchants Board.
- The Summer Bash at the Gering Civic Plaza used to be held from 11 a.m. to 2 p.m. on a Saturday in June, but they've changed that to 4 to 8 p.m. due to how hot it is earlier in the day. She thinks the time change worked well.
- The next events they will be working on are the Oktoberfest and Santa's Village.

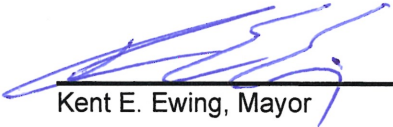
OPEN COMMENT: Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

Greg Trautman, 955 17th Street, Gering, addressed Council and stated that he went to a "Movie in the Park" that the school hosted at the pavilion, and the pavilion is amazing. It's well kept, has great bathrooms, and holds a lot of people. The way it's set up (stepped towards the stage) nobody has a bad view. He thanked the City for that. He also thanked Council for returning the fireworks ordinance back to 10 days. He went on to say that they had a devastating year. He doesn't need sympathy, he just wants Council to know when this comes up again, at least it will be in the minutes. Their sales fell 43% across all stores, so it's not related just to losing four days. It's more about the publicity. It was framed, he believes, by the Volunteer Fire Department in part, "as not caring about our community if we do fireworks." He thinks they proved as a fireworks community that they're able to be safe with it; he wanted to be on record for that. He doesn't need Council to fix it; he does appreciate Council going back to 10 days because it is a big deal. He added that he received a lot of comments from people walking by when his daughter was doing smoke balls and firecrackers that "it's the smell of summer." He stated that even though constituents don't show up to the meeting to support fireworks, they actually have positive ties to them and the celebration that they bring. He reiterated that he does notice some of the good things the City does as well.

ADJOURN:

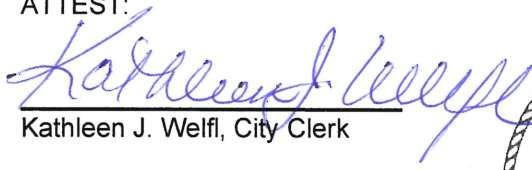
Motion by Councilmember Gillen to adjourn. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Cecil, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Kinsey. Motion carried.

Meeting adjourned at 6:27 p.m.



Kent E. Ewing, Mayor

ATTEST:



Kathleen J. Welfl, City Clerk

