

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JULY 28, 2025.

A regular meeting of the City Council of Gering, Nebraska was held in open session on July 28, 2025 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Council President Gillen and Councilmembers Shields, Frye, Kinsey, Wiedeman, Morrison, Jackson. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorney Jim Ellison. Absent were Mayor Ewing and Councilmember O'Neal. 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

Council President Gillen 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 (None)

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

Council President Gillen 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 Council President. 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 14, 2025 regular City Council meeting
2. Approve Claims

Claims 7/15/25 – 7/28/25

24/7 FITNESS \$233.00, 911 CUSTOM \$2,816.72, A & A PORTA POTTIES \$900.00, ABBY SINER \$75.00, AC ELECTRIC MOTOR SERVICE \$245.75, ACE HARDWARE \$535.56, ACUSHNET COMPANY \$272.51, AFLAC \$1,391.56, AMAZON CAPITAL SERVICES \$1,974.06, AMERITAS LIFE INSURANCE CORP. \$600.44, ARIZONA MACHINERY LLC \$117.03, ARNOLD POOL COMPANY \$494.65, AT&T MOBILITY \$1,678.37, B & H INVESTMENTS, INC \$53.00, B & S RASK GRILL \$1,612.80, BENZEL PEST CONTROL \$315.05, BLACK HILLS ENERGY \$3,087.33, BLICK ART MATERIALS \$321.76, BLUFFS FACILITY SOLUTIONS \$1,445.34, BONN ALVARADO \$20.00, BORDER STATES INDUSTRIES, INC \$10,530.11, C & C MANUFACTURING LLC \$590.14, CITY OF GERING \$712.43, COLUMN SOFTWARE, PBC \$248.39, CONTRACTORS MATERIALS, INC. \$319.00, DANI BROWN \$175.00, DAVE BRUNZ \$285.00, DEARBORN LIFE INSURANCE COMPAN \$113.52, DOOLEY OIL \$330.34, DUTTON-LAINSON COMPANY \$10,680.97, EAKES INC \$143.79, ECOLAB \$411.01, ELITE TOTAL FITNESS \$165.00, ELLISON, KOVARIK & TURMAN LAW \$10,000.00, ERIC REICHERT CONSTRUCTION \$177,533.35, FASTENAL COMPANY \$740.66, FAT BOYS TIRE & AUTO \$42.00, FIRST NATIONAL BANK OF OMAHA \$9,489.93, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$3,040.92, FORT COLLINS WHOLESALE NURSERY \$229.25, FRANK PARTS COMPANY \$308.53, FRESH FOODS INC. \$198.00, GERING VALLEY PLUMBING & HTG., INC. \$602.00, GORSUCH & SONS \$17,957.10, GREG BYRD \$300.00, GREG GION \$90.00, GREY HOUSE PUBLISHING \$278.00, GT DISTRIBUTORS, INC. \$3,179.82, GUNTHER KOOB \$20.00, HAWKINS, INC. \$7,845.02, HDR ENGINEERING, INC. \$4,871.51, HEALTHBREAK, INC. \$625.00, HENNINGS CONSTRUCTION, INC. \$224,513.30, HIGH PLAINS SCUBA CENTER \$5,537.50, HOME DEPOT CREDIT SERVICES \$49.97, HOMETOWN LEASING \$157.23, HULLINGER GLASS & LOCKS, INC. \$100.00, HUMANITIES NEBRASKA \$500.00, IACP \$525.00, IDEAL LAUNDRY AND CLEANERS, INC. \$905.39, INDEPENDENT PLUMBING & HEATING \$30.89, INDOFF INCORPORATED \$293.01, INGRAM LIBRARY SERVICES \$61.46, INTERNAL REVENUE SERVICE \$64,019.51, INTERSTATE BATTERY \$403.85, IRBY TOOL & SAFETY \$986.04, J RODZ \$185.00, JASON HENTON \$100.00, JEO CONSULTING GROUP \$12,930.00, JIRDON AGRI CHEMICALS, INC \$1,072.75, JOHN HANCOCK USA \$18,007.10, JOHN HANCOCK USA FIRE \$873.56, JOHN HANCOCK USA POLICE \$10,245.15, LARRY MC CASLIN \$1,200.00, LAWSON PRODUCTS \$221.11, MACKENZIE WESTPHAL PHOTOGRAPHY \$350.00, MAIN STREET APPLIANCE \$25,219.52, MANUEL BARRAZA \$3,906.00, MASEK DISTRIBUTING INC \$2,979.19, MENARDS \$874.04, MOTOR FUELS DIVISION \$2,408.00, MUNICIPAL ENERGY AGENCY OF NE \$309,040.10, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA DEPARTMENT OF REV (PR) \$18,552.86, NEBRASKA DEPT OF ENVIRONMENT AND EN \$11,051.29, NEBRASKA DEPT OF REVENUE \$898.38, NEBRASKA DEPT. OF REVENUE \$61,627.85, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$420.00, NEBRASKA PUBLIC POWER DISTRICT \$4,644.03, NKC TIRE \$192.00, NORTHWEST PIPE FITTINGS, INC \$545.98, OMAHA MAGAZINE, LTD

\$4,950.00, O'REILLY AUTOMOTIVE STORE \$1,036.38, PANHANDLE DIESEL SERVICE/TWIN CITY AUTO \$1,218.88, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$666.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PATTLEN ENTERPRISES, INC \$3,523.97, PAUL REED CONSTRUCTION & SUPP \$222.26, PEACEFUL PRAIRIE NURSERY, INC. \$565.95, PETE'S QUICK LUBE \$65.38, PIPE WORKS PLUMBING LLC \$2,832.86, PRAISE WINDOWS \$350.00, PT HOSE AND BEARING \$708.07, PVB VISA \$16,263.19, QUADIENT POSTAGE FUNDING \$792.14, REGIONAL CARE INC. \$27,107.60, RESCO \$40,991.90, RIVERSIDE DISCOVERY CENTER \$4,166.67, RIVERSTONE BANK \$577.46, ROBERT GLEIM \$154.00, RON STODDARD \$75.00, RPM FITNESS \$70.00, RVW INC \$570.00, SANDBERG IMPLEMENT, INC. \$797.54, SCB COUNTY REGISTER OF DEEDS \$10.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCB. COUNTY SHERIFF OFFICE \$29.92, SCOTTS BLUFF COUNTY COURT \$34.00, SCOTTSBLUFF KIWANIS CLUB \$612.20, SCOTTSBLUFF-GERING UNITED WAY \$273.02, SCS ENGINEERS \$2,505.00, SENIOR CITIZENS CENTER \$1,000.00, SHERWIN WILLIAMS \$889.62, SIMMONS OLSEN LAW FIRM, P.C. \$1,540.00, TERESA TOSH \$31,957.99, TERRY CARPENTER, INC. \$650.00, THE PRESTWICK GROUP, INC \$7,040.27, THE YOGA COLLECTIVE \$65.00, THOMAS W. MODENA \$150.00, TICO CUSTOMS, LLC \$600.00, TITAN MACHINERY INC. \$682.88, TRANSWEST \$406.89, UNION PACIFIC RAILROAD \$3,689.62, UTILITY BILL REFUNDS \$1,702.43, VALLEY AUTO LOCATORS LLC \$20.00, VERIZON CONNECT \$45.76, VERIZON WIRELESS SERVICES, LLC \$223.14, WJ R INC. \$5,857.55, WARRIOR RUN \$870.35, WESCO RECEIVABLES CORP. \$3,310.74, WESTERN COOPERATIVE COMPANY \$3,832.53, YMCA OF SCOTTSBLUFF \$829.00, TOTAL \$1,247,189.60

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

CURRENT BUSINESS:

4. Approve and authorize the Mayor to sign a Non-Disturbance Agreement by and among the City of Gering and SE Municipal Solar, LLC

Council President Gillen moved Current Business Agenda item #4 up on the agenda. Brian Boerner, Senior Vice-President of Development for Sandhills Energy, was virtually present to explain this agenda item and answer questions. Mr. Boerner explained that this agreement is related to the permanent loan Sandhills Energy is taking on the solar project which is a part of the U.S. Department of Agriculture; that is the reason they can make the power rate so low. That loan is part of a broader program called Powering Affordable Clean Energy (PACE). The USDA is underwriting a number of projects because of that - the eight in their portfolio as well as almost a hundred other projects. The USDA put this Non-Disturbance Agreement forward to protect themselves and to have standard language across all of their projects in the event of a default on the project itself so the USDA could then come in and assume the lease. This agreement protects the USDA but also shows the City that the USDA would come in to assume the conditions of the lease in the event of a default. This agreement is the last thing they need in order to close out on the loan; he added that they appreciate the City's prompt turn around. Seven other communities have signed this agreement.

City Attorney, Jim Ellison, noted that legal had some questions initially, but they have been addressed in the last couple of weeks. The cure provisions are the only thing that changed. In the event of default, it allows the USDA some addition time to come in and manage the cure; if there's a way to manage the default, they're given a certain period of time to do that. The time is extended from about 90 days to 120 days. Having the USDA involved is not a bad thing. He does not have a problem with the agreement. He clarified that the term "cure" refers to a way to remedy the default.

Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign a Non-Disturbance Agreement by and among the City of Gering and SE Municipal Solar, LLC. Second by Councilmember Jackson. There was no discussion. Council President Gillen called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

1. Consider approval of a Preliminary Plat for Block 2A, Prairie View Addition, a Replat of Block 2, Prairie View Addition, and Unplatted Lands in the N ½ of the NW ¼ of Section 12, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska

City Engineer, Annie Folck, explained that this proposed plat is on the corner of D Street and 7th Street. She showed an ariel view on the overhead screen. It looks like one lot, but it's actually three. The preliminary plat shows where the existing lots are. The applicant would like to make it one lot. The applicants noticed when they received their new tax assessments, the County was looking at each lot as a billable lot and assessing them accordingly. They discussed it with the County Assessor and found that if they combined it into one lot, it should help them on their taxes. She noted that there were some easements for future utilities that will not be needed once the lot lines go away; consequently, they are removing those. Engineer Folck stated that the City is retaining a utility easement along the south side of the property as the City has a sewer line that runs right along the property line; the City needs to have the ability to maintain that if needed. There were some adjustments made to the right of way to keep utility lines within the right of way. She added that usually with preliminary plats, they're looking at future development surrounding it, it's actually already developed on every side except the west. There isn't a concern about future development on this particular preliminary plat, it's just making sure that everything is in place as far as easements and everything else goes. Engineer Folck stated that staff is recommending approval of the preliminary plat and the Planning Commission recommended approval at their meeting on July 14 as well.

Councilmember Jackson asked if the applicants realized it was three lots when they bought it - is the reason it was so much because they knew it could be developed into two additional residences? The applicant, Curt Weber, 665 D Street, Gering, NE addressed Council and replied that it was suggested they do it this way when they divided it 25 years ago when he took over what was left of his father's farm. It was suggested they put it into three spots, so that's what they did.

Councilmember Morrison asked if the lots would be large enough to develop or is that not the intent. Engineer Folck replied the lots are being combined, they're taking three lots and combining them into one lot. Each of them would be large enough to build on; they would actually be fairly large lots that could be built on right now. But they're not creating new lots to develop, they're going the other direction and combining three into one.

Motion by Councilmember Morrison to approve a Preliminary Plat for Block 2A, Prairie View Addition, a Replat of Block 2, Prairie View Addition, and Unplatted Lands in the N ½ of the NW ¼ of Section 12, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember Frye. There was no discussion. Council President Gillen called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

2. Consider approval of a Final Plat for Block 2A, Prairie View Addition, a Replat of Block 2, Prairie View Addition, and Unplatted Lands in the N ½ of the NW ¼ of Section 12, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska

Engineer Folck stated the final plat shows all of the easements that are needing a little change, adjusting the property lines (showing those property lines as being removed). With this not being a full-on subdivision, there isn't a lot of difference between the final plat and the preliminary. The Planning Commission recommended approval of the final plat; staff does as well.

Motion by Councilmember Morrison to approve a Final Plat for Block 2A, Prairie View Addition, a Replat of Block 2, Prairie View Addition, and Unplatted Lands in the N ½ of the NW ¼ of Section 12, Township 21 N, Range 55 W of the 6th P.M., City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember Kinsey. There was no discussion. Council President Gillen called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

3. Approve and authorize the Mayor to sign a Service Agreement between NPPD (Nebraska Public Power District) and the City of Gering

Motion by Councilmember Kinsey to approve and authorize the Mayor to sign a Service Agreement between NPPD (Nebraska Public Power District) and the City of Gering. Second by Councilmember

Wiedeman. There was no discussion. Council President Gillen called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

4. Approve and authorize the Mayor to sign a Non-Disturbance Agreement by and among the City of Gering and SE Municipal Solar, LLC

This item was moved up on the agenda prior to Current Business Agenda item #1.

5. Approve request for a Public Safety Committee meeting – Agenda item: 1. Discussion of revisions and updates to the snow removal ordinance

Motion by Councilmember Morrison to approve a request for a Public Safety Committee meeting – Agenda item: 1. Discussion of revisions and updates to the snow removal ordinance. Second by Councilmember Kinsey. There was no discussion. Council President Gillen called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

6. Approve appointment of Stan Waterman to the Planning Commission

Motion by Councilmember Wiedeman to approve the appointment of Stan Waterman to the Planning Commission. Second by Councilmember Morrison. There was no discussion. Council President Gillen called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

7. Approve appointment of the following representatives to the Western Nebraska Regional Land Bank Board

- Tony Kaufman
- John Stinner
- Brady Shaul
- Amy Newman
- Kelsey Molina

Motion by Councilmember Wiedeman to approve the appointment of Tony Kaufman, John Stinner, Brady Shaul, Amy Newman and Kelsey Molina as representatives on the Western Nebraska Regional Land Bank Board. Second by Councilmember Morrison. There was no discussion. Council President Gillen called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

RESOLUTIONS:

1. Approve Resolution 7-25-1 regarding the Annual LARM (League Association of Risk Management) Renewal

League Association of Risk Management 2025-26 Renewal Resolution

RESOLUTION NO. 7-25-1

WHEREAS, The City of Gering is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of ____Gering_____, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- ☒ Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2028. (180 day and 3 year commitment; 5% discount)
- ☐ Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2027. (180 day and 2 year commitment; 4% discount)
- ☐ Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2026. (180 day notice only; 2% discount)
- ☐ Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2028. (90 day notice and 3 year commitment only; 2% discount)
- ☐ Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2027. (2 year commitment only; 1%)
- ☐ Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2026. (90 day Notice only)

Adopted this _28_ day of ____July_____, 2025 ____.

Signature: _____

Title: _____

ATTEST: _____

Title: _____

Motion by Councilmember Kinsey to approve Resolution 7-25-1 regarding the Annual LARM (League Association of Risk Management) Renewal. Second by Councilmember Jackson. There was no discussion. Council President Gillen called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

BIDS AND PROPOSALS: None.

ORDINANCES: None.

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:

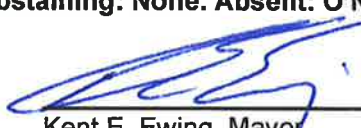
Motion by Councilmember Morrison to adjourn. Second by Councilmember Wiedeman. There was no discussion. Council President Gillen called for the vote. "AYES": Shields, Gillen, Frye, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

Meeting adjourned at 6:19 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Kent E. Ewing, Mayor