

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JUNE 8, 2026

A regular meeting of the City Council of Gering, Nebraska was held in open session on June 8, 2026 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Cecil, Kinsey, Wiedeman, Morrison, Jackson. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorney Jim Ellison. Absent was Councilmember O'Neal. 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 Morrison to approve the absence of Councilmembers Kinsey and Jackson from the May 26, 2026 regular City Council meeting. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Cecil, Kinsey, Wiedeman, Morrison. "NAYS": None. Abstaining: Jackson. Absent: O'Neal. 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 May 26, 2026 regular City Council Meeting
2. Approve Claims

### CLAIMS:

24/7 FITNESS \$250.00, 911 CUSTOM \$3,197.14, AC ELECTRIC MOTOR SERVICE \$1,062.38, ACE HARDWARE \$388.20, ACUSHNET COMPANY \$3,110.76, AL'S TOWING, INC \$150.00, AMAZON CAPITAL SERVICES \$3,218.18, AMERITAS LIFE INSURANCE CORP. \$622.84, AT&T MOBILITY \$384.21, BENCHMARK GOVERNMENT SOLUTIONS, LLC \$55.80, BENZEL PEST CONTROL \$341.56, BLACK HILLS ENERGY \$2,035.96, BLUE RIBBON SOD \$4,510.00, BLUFFS FACILITY SOLUTIONS \$731.83, BORDER STATES INDUSTRIES, INC \$12,941.23, BRANDED BILLS \$2,639.82, BROAD REACH BOOKS \$288.64, CALLAWAY GOLF COMPANY \$6,190.20, CAMSPOT \$698.42, CENTURY BUSINESS PRODUCTS, INC \$130.60, CHEYENNE COUNTY EXTENSION \$313.17, COLUMBIA INSURANCE GROUP \$689.00, COLUMN SOFTWARE, PBC \$482.17, CONTRACTORS MATERIALS, INC. \$254.00, CREATIVE PRODUCT SOURCE \$109.49, CROELL, INC \$18,165.00, CUMMINS CENTRAL POWER \$4,764.34, DEARBORN LIFE INSURANCE COMPAN \$120.40, DLT SOLUTIONS, INC. \$1,345.75, DOCU-SHRED LLC \$35.00, DOOLEY OIL \$340.59, DOUG LEAFGREEN \$231.50, DUTTON-LAINSON COMPANY \$4,903.79, EAKES INC \$461.31, ELITE TOTAL FITNESS \$151.50, ENVIRONMENTAL ANALYSIS SOUTH, INC. \$658.78, FASTENAL COMPANY \$651.05, FAT BOYS TIRE & AUTO \$71.80, FIRST NATIONAL BANK OF OMAHA \$11,041.53, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$4,339.26, FRANK PARTS COMPANY \$235.73, FRONTIER OVERHEAD DOOR \$918.01, FYR-TEK, INC. \$101.11, GEORGE HOLTHUS \$392.64, GERING VALLEY PLUMBING & HTG., INC. \$804.00, GRAINGER \$660.68, GREGG YOUNG AUTOMOTIVE OF ATLANTIC \$89,250.00, GROUND UP CONSTRUCTION & CLEAN \$3,952.13, HAWKINS & COMPANY \$3,006.50, HEALTHBREAK, INC. \$625.00, HEARTLAND BANK \$67,508.75, IDEAL LAUNDRY AND CLEANERS, INC. \$564.73, INDOFF INCORPORATED \$163.64, INFINITY CONSTRUCTION INC. \$32,720.00, INGRAM LIBRARY SERVICES \$1,517.04, INTERNAL REVENUE SERVICE \$59,200.13, INTRALINKS, INC. \$7,623.70, IRBY TOOL & SAFETY \$111.26, JEO CONSULTING GROUP \$14,596.00, JOHN HANCOCK USA \$21,335.10, JOHN HANCOCK USA FIRE \$1,075.74, JOHN HANCOCK USA POLICE \$11,594.64, LAWSON PRODUCTS \$379.58, LEGACY COOPERATIVE \$7,897.18, LISA BETZ-MARQUEZ \$250.00, LOGOZ LLC \$18.00, LONG DRAW PRODUCTIONS \$1,300.00, LSC ENVIRONMENTAL PRODUCTS \$21,160.00, MASEK DISTRIBUTING INC \$12,200.03, MATHESON TRI-GAS INC \$254.90, MATTY B'S HVAC \$2,333.54, MENARDS \$753.71, MIDWEST CONNECT \$3,037.56, MIDWEST FARM SERVICE CO. \$1,713.86, MIDWEST THEATER \$100.00, MUNICIPAL ENERGY AGENCY OF NE \$604.00, NC CHILD SUPPORT CENTRALIZED COLLECTIONS \$337.84, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA FIRE CHIEFS ASSOCIATION \$125.00, NEBRASKA GENERATOR SERVICE LLC \$357.50, NEBRASKA LAW ENFORCEMENT \$525.00, NEBRASKA LIBRARY ASSOCIATION \$300.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$724.00, NEBRASKA STATE VOLUNTEER FIREFIGHTER \$1,110.00, NORTHWEST PIPE FITTINGS, INC \$112.02, NSPIRE TODAY! \$125.00, ONE CALL CONCEPTS, INC \$93.82, O'REILLY AUTOMOTIVE STORE \$147.81, PANHANDLE CONCRETE PROD. INC. \$2,424.00, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$1,782.00, PAUL REED CONSTRUCTION & SUPP \$2,752.89, PETE'S QUICK LUBE \$118.24, PLATTE RIVER GLASS \$60.00, POWERPLAN OIB \$971.44, PRAISE WINDOWS \$800.00, PRESTIGE FLAG \$696.76, PT HOSE AND BEARING \$247.48, RAMADA MIDTOWN CONFERENCE CENT \$2,028.00, RIVERSIDE DISCOVERY CENTER

\$5,000.00, RIVERSTONE BANK \$653.76, RPM FITNESS \$110.00, SANDBERG IMPLEMENT, INC. \$7,667.72, SAPP BROS \$3,030.66, SCOTTS BLUFF COUNTY COURT \$331.06, SCOTTSBLUFF-GERING UNITED WAY \$216.34, SIMON CONTRACTORS \$3,222.60, STAND UP AND PLAY FOUNDATION \$12,450.00, TEAM CHEVROLET \$600.00, TERESA TOSH \$9,421.60, THE MIXING BOWL \$32.00, TRANSWEST \$153.99, TYLER TECHNOLOGIES \$51,885.06, TYNDALE \$114.97, UTILITY BILL REFUNDS \$550.44, VALLEY AUTO LOCATORS LLC \$26.76, VERIZON WIRELESS SERVICES, LLC \$552.68, WESCO RECEIVABLES CORP. \$2,478.95, WESTERN COOPERATIVE COMPANY \$9,399.59, WESTERN PATHOLOGY CONSULTANTS \$182.00, WESTERN UNITED ELECTRIC \$2,498.44, WHITING SIGNS, LLC \$25,500.00, YMCA OF SCOTTSBLUFF \$1,017.00.  
Total \$616,269.44

**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, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.**

## **PUBLIC HEARINGS:**

### **1. Public Hearing to consider a Redevelopment Plan submitted by Oikos Development Corporation for the Hobbs Horizon Housing Development**

Mayor Ewing opened a public hearing to consider a Redevelopment Plan submitted by Oikos Development Corporation for the Hobbs Horizon Housing Development at 6:03 p.m.

City Engineer, Annie Folck, stated that the City received a TIF application submitted by Oikos Development Corporation after which a Redevelopment Plan was drafted for the construction of a multi-family housing development that will include fourplexes and duplexes. The project is located on I Street between Pappas Boulevard and 5<sup>th</sup> Street. The property is currently valued at \$10,500. After completion of the project, the property is estimated to be valued at \$1,977,000, which means there is an estimated \$620,563.98 of TIF funds available. There are far more TIF eligible expenses than there is available TIF funds, with eligible expenses totaling an estimated \$2,250,455. The property owner has requested the full amount of available TIF to go towards TIF eligible expenses. She noted that the total amount of expenses may seem low, but the developer has received several grants and other funding for the project.

Engineer Folck explained that in determining whether or not to approve the Redevelopment Plan, Council should consider several items. The first is whether or not the plan conforms to the City's Comprehensive Plan. Staff recommends that the plan does conform to the Comprehensive Plan as the proposed project fits within the future desired characteristics described for the East Gering Neighborhood District. The Planning Commission considered this issue at their May 19 meeting and recommended that the project does conform to the City's Comprehensive Plan.

She went on to say that the next item is determining if the plan conforms with Community Development Law in the State of Nebraska. Because the project is located in an area that has been declared to be blighted and substandard, staff recommends that the plan does conform to Nebraska Community Development Law.

Another item for review is the Cost-Benefit Analysis that was conducted by the CDA prior to this Council meeting; the CDA recommended approval of the Redevelopment Plan to the City Council.

The final item for consideration is the "But-For" test, whereby Council must determine that the plan would not be economically feasible or would not occur in the blighted and substandard area without the use of TIF.

Mayor Ewing entertained public comment. Hearing none, he entertained questions or comments from the City Council. With no further comments, the administrative record was closed and the public hearing closed at 6:07 p.m.

### **1a. Review and take action on Resolution 6-26-1 to approve a Redevelopment Plan submitted by Oikos Development Corporation for the Hobbs Horizon Housing Development**

#### **RESOLUTION NO. 6-26-1**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA:**

**Recitals:**

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a Redevelopment Plan for the *Hobbs Horizon Housing Development Project* by Oikos Development Corporation (the "Redevelopment Plan") has been submitted to the Gering Community Development Agency (the "Authority"). The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Redevelopment Plan includes the use of tax increment financing.

b. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the City's Comprehensive Plan (the "Comprehensive Plan"). The Planning Commission recommended approval of the Redevelopment Plan to the Authority and City Council.

c. The Redevelopment Plan has been reviewed by the Authority, which found that the Redevelopment Plan conforms to the Comprehensive Plan, that the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the Authority, are in the long term best interests of the community.

d. The Authority recommended approval of the Redevelopment Plan to the City Council.

e. On June 8, 2026, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.

f. The City Council has reviewed and conducted a cost-benefit analysis of the Redevelopment Plan and makes the findings and recommendations as documented in writing in this Resolution.

**Resolved:**

1. The Redevelopment Plan is determined to be feasible and in conformity with the Comprehensive Plan and with the legislative declarations and determinations set forth in the Act.

2. The project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without the use of tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long-term best interests of the community impacted by the project.

3. The City Council approves the Redevelopment Plan.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Redevelopment Plan, the City Council provides that any ad valorem tax on the Project Site, or any portion thereof, as set forth in the Redevelopment Plan, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in § 18-2147, which effective dates shall be determined in a Redevelopment Contract entered into between the Redeveloper and the Authority. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies;

(b) That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the Authority for financing or refinancing, in whole or in part, the project set forth in the Redevelopment Plan. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in the redevelopment project shall be paid into the funds of the respective public bodies; and

(c) Any interest and penalties due for delinquent taxes shall be paid in the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

6. This Resolution shall become effective immediately upon its adoption.

**PASSED and APPROVED** on June 8, 2026

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk (Seal)

**Motion by Councilmember Shields to approve Resolution 6-26-1 to approve a Redevelopment Plan submitted by Oikos Development Corporation for the Hobbs Horizon Housing Development. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Cecil, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.**

#### **CURRENT BUSINESS:**

##### **1. Consider recommendation by the Public Safety Committee regarding duration of fireworks discharge prior to and on July 4, 2026**

Administrator Heath stated that before Council discusses the possibility of amending Ordinance 2047, pertaining to fireworks, he wanted to reiterate to the Council and Gering citizens that the Gering Volunteer Fire Department volunteers also serve the Gering Rural Fire Department. Gering's Fire Department and the Gering Rural Fire District's jurisdiction encompasses 128 square miles of the southern half of Scotts Bluff County. He added "You must remember, each time our dedicated firefighters respond to a call, they are taking time away from their family and family events."

He stated that "It is our understanding that other communities in our area have had discussions on firework discharges. Some have or are considering a ban, or shortening the days citizens can discharge fireworks. One community is adding additional staff during the discharge period in preparation of additional fire calls."

He went on to say at the June 1 Public Safety Committee meeting, Chief Flowers indicated his preference would be a full ban on fireworks discharge. But in light of the impact that could have on citizens and retailers, he presented a compromise of a five-day discharge period. He also reported that he will have volunteers staged at the fire hall on the evenings of July 1 through July 4, (four days). "This will increase our response time to all calls. City Staff and Chief Flowers are still recommending a five-day discharge period."

He noted that some will argue that the current conditions are no different than what was experienced in past droughts to which he stated "We must remember that Nebraska just experienced its largest wildfire in history in March, along with several other large fires occurring at the same time in the state. The current drought monitor shows we remain in exceptional drought conditions. It will only take one spark or dry lightning to start a fire. If a fire would develop in our rural district, there is the possibility that our department may have delayed response to a fire call in city limits. We may see delayed responses to medical calls, auto accidents and other emergency assistance calls. It is also possible that our mutual aid partners may send fewer apparatuses or may elect to stay in their district due to their increased threat of fires."

He added that staff is presenting an amended ordinance to Council with the Public Safety Committee's recommendation. However, if there are not enough affirmative votes (six votes) to waive the three readings, a Council Member may make a motion to reconsider and suggest an alternative timeframe for discharge, after which Council can vote on the amended ordinance again. This process can occur until/if the ordinance passes. He noted that it is imperative that whatever Council decides, it needs to be decided at this meeting. This ordinance will not have subsequent readings, it needs to be passed and approved by a super majority of the Council Members at this meeting so distributors know how to proceed and so staff can begin a public education process. Additionally, an ordinance must be published before it becomes law. Delaying action may not allow enough time for that.

He concluded by saying in the event Council does not pass an amended ordinance with an abbreviated timeframe for discharging fireworks, Ordinance No. 2047 will stand as it was passed in 2017 and there will be a 10-day discharge period. He reiterated "Again, City Staff and Chief Flowers are still recommending a five-day discharge period as a compromise to a full ban or a 10-day discharge period."

Fire Chief, Nathan Flowers, stated that since he last spoke to the Council, the conditions are still the same. He's trending the EOC and fuel moistures daily and things haven't changed. Long-term and 18-day outlook still suggests that the current conditions will persist. Citing back to previous drought information, in July there has only been one other year since 2000 that this area has been in this extreme of a drought, and that was in 2004. All other years in July in the 10-day period of discharge "We were at two steps less than where we are today." He stated that he has shared information with Council through two meetings, "We are just as concerned (now) as what we have been sharing within the last several months." He took note that "We know in celebrating the Fourth of July, our community has traditionally done that, and has done a very good job of celebrating. I've shared with you our statistics and

concerns, our retailers and other citizens have shared with you their concerns and statistics on how they will be impacted; but ultimately, we don't know. You can rely on tradition and history and the data provided from me and others, but ultimately, we've allowed it for 10 days. We have never changed that, so we don't truly have hard evidence or facts to state one way or the other that if we 'did this this way', it's going to have implications because we don't know; we've never done it." He continued by saying "We've compromised. We would love to reduce risk, but we know risk is inherently going to exist. And we're asking retailers, citizens, and the Council to compromise – that's where we're at because we don't know statistics until we make a decision. We have eight people here to make a decision and I would highly recommend that we compromise in light of public safety, in light of concerns of our retailers, and concerns from our citizens that we look at some type of compromise this year."

Councilmember Jackson stated that the Public Safety Committee compromised from Chief Flowers' recommendation of five days to seven days. He asked if the plan is to still provide coverage for four days. Chief Flowers replied that the initial plan to bring on temporary employees is unattainable, so he has volunteers signing up right now and he's trying to fill from June 30 to July 4. They'll try the best they can, based off of what Council decides at this meeting, to be able to fill as many spots as they can. He has 34 volunteers – in looking at the time frames and needing four, multiple people might have to do shifts. He reminded Council that when volunteers sign up for shifts and go on fires, they lose revenue and have an economic impact as well in order to be able to support what Council wants to do. He holds their time valuable because that's all he has; he reiterated that he's trying to focus on June 30 to July 4 at this point. He's still working on getting additional days covered.

Councilmember Morrison clarified that the City doesn't need to come up with extra money in order to cover shifts. Chief Flowers confirmed, that is correct.

Mayor Ewing then allowed public comment with a five minute time limit per person. He requested that issues and information that has already been discussed not be "rehashed".

Greg Trautman, 955 17<sup>th</sup> Street, Gering, stated that he appreciated the time Council has put into considering this matter. After reviewing the data that has been presented, he thinks that Chief Flowers is right that "We don't know. We don't know that it's going to be a worse year and we can't assume there are going to be fires." The Morrill County and Carter Canyon fires have been talked about; those fires were not caused by fireworks. He thinks "we" have a bigger issue than the fireworks issue. He commented that Chief Flowers is right, volunteerism as a whole, not just with the Fire Department, is down; it's down in most areas. However, he thinks that's a different conversation than how dangerous and how big of a problem there is with fireworks. He said he thinks "We have the exact same risk inside city limits, which is all you can really restrict in your jurisdiction - it's roughly the same if not the same because a lot of the readings are coming from outside city limits, which we don't have jurisdiction over." He noted that he agrees with Chief Flowers that it's a volunteerism problem, and not a fireworks problem. That's where he would ask Council to consider keeping what works for Gering "Just like we did with the sales tax, we didn't ask to do 70% of one cent, we asked for one cent because that's what works for Gering, right?" He explained that he thinks fireworks season actually works for Gering. It's not 365 days. He's not asking for Council to allow it for birthdays outside of those days, he's just saying that inside city limits "We can control. It's more of a response problem and that's a bigger conversation. Maybe the City has come to a point where we can't rely just on volunteers." He agrees that most volunteers put their lives on the line and they do it willingly, and he appreciates that. But he doesn't think that fire should be drug into that conversation or be the only problem in that conversation. This has worked for Gering and he strongly believes that "It will work for us again this year." His feeling is that "We do have a volunteerism problem and maybe it's a bigger conversation than we've had." But he doesn't think the fireworks industry or people that celebrate with fireworks need to be pulled into that conversation. He thanked Council for their time and added that he appreciated Mayor Ewing allowing the public to speak.

Erik Wilcox, 2445 Country Club Road, Gering, stated that he sent packets of information to the Council. He's a member of Twin Cities Development and they have an app, "an AI ideal" that tracks people that come to the area that aren't residents of Gering and aren't commuters or workers of Gering. He stated "Over the last year, if you look at the packet I sent out, it shows you that those 10 days of sales of discharge are the second largest visited time in the whole year." He noted that this is their 50th year, it has been a tradition for 50 years that they've sold and they have not had issues, the data is there. They'll have an occasional grass fire within the city limits, but haven't seen huge fires. He has told most of the County Commissioners "If you live out in rural, you're going to use your head, you're not going to burn down your pasture next to your house." He added that there aren't a lot of subdivisions out there. In the Wildcat Hills, they've never lit fireworks up there. They don't do fireworks because they know they

have grass and trees. "We've got to realize that our constituents, your constituents, your voters, have common sense." He stated that the City of Scottsbluff called Greg and him in and they sat down with their departments that would be involved, as well as the Scotts Bluff County Emergency Manager. Through public education and them doing more on their side, more handouts and signage, they feel that Scottsbluff is at no greater risk so they're going to do 10 days. His issue is if Gering does a ban or it's reduced down to a low amount, and Gering residents see that Scottsbluff and Terrytown residents are going to be lighting, Gering residents - who were law-abiding citizens - are just going to do it. He added "You've got the idiots that are going to do it whether it's legal or not", even throughout the year. However, this is a long-standing tradition. Based on the data he sent to Council, there are a lot of families that on the Friday and Saturday of last year, the number of visits weren't just to Fresh Foods (where Greg has his stand) - it was to grocery stores, to Dollar General and other places. He added that "Our community is financially impacted by this drought. The ag community - I don't know if some of them are going to come back. Why go after other businesses? And we just continued a sales tax, and passed a half cent sales tax; we're going to lose all those sales tax dollars that could go to development within Gering, get more retailers open, help pave the streets and help do the water and sewer program. It's not just going to impact the few that sell, it's going to impact the whole community." He thanked Mayor Ewing for allowing them to speak.

Mike Brunner, 1785 21<sup>st</sup> Street, Gering, stated that Council has heard a lot about the financial impact of their decision. Being a small businessperson is a gamble; that's one of the perks. "You constantly gamble with inventory, staffing, weather, insurance, the list is endless. The two major players in the fireworks game in this valley have had success for decades. I can remember buying from Gerald Wilcox 40 years ago, so I don't think it would be a catastrophic event for them to have a lesser year. They have collectively beat the odds for many years. A good business plan would see you through the lean times if and when you have any."

He went on to say that farmers and ranchers are all small business people, too. How many fields are left unplanted as of this date? It might be the cost of fuel or fertilizer, but most likely it's the lack of water. He asked "Any farmer you know that's gone decades without a lean year?" He added that the question is rhetorical, but if fireworks are such a good thing, why are they not allowed in city parks?

Mr. Brunner stated the holiday is the Fourth of July. Independence Day is just that - Independence Day. "I know some folks who celebrate their birthday week, but Independence Day week or independence weekday - what's up with that? I'd be in favor of discharging fireworks on the Fourth of July, as our forefathers intended." He asked "A hundred years ago, two hundred years ago, did they need a week to celebrate Independence Day?"

The Scotts Bluff County Commissioners have led the way or intend to lead the way by adopting a resolution at their next meeting banning the discharge of fireworks this year in unincorporated Scotts Bluff County. The City Council has heard from a number of paid professionals on their staff about the high risk this year poses. He asked "Are you in a position or does your life experience put you in a better position to make a decision of this magnitude over the people that you hire with that specific knowledge?"

He commented that if the general public could police themselves, "we wouldn't need law enforcement." Imagine the budgetary impact of being able to reduce the Police budget by 50-80%. People will always push the limit. Draw a line in the sand and someone will step over it. People will discharge fireworks up to the time limit and then do "just one more" because the rules are for the neighbors and the Police can't catch everyone. And no one has mentioned the clean up afterwards. "Drive through almost any residential Gering neighborhood July 5<sup>th</sup> and note the litter left behind." He asked "Who cleans up ten days of explosive litter? You do, or specifically City employees - street sweepers or storm drain maintenance. How much Independence Day litter is washed down the North Platte River? But I digress from the specific hazard posed this drought-stricken year."

This year, there are at least three firework shows permitted as special events; with the help of our dedicated volunteer firefighters, they will be controlled, monitored and supervised by people specifically trained in fire suppression if the need arises. "Not by someone handing their child a lit punk and a bag of fireworks at the end of the driveway being told to be careful before returning to the patio to socialize with friends and family." He added "Encourage your constituents to support the special events and it'll be a bigger draw anyhow."

Mr. Brunner closed by saying "God forbid we have a fire this year with property damage. Do you want to be the one who says that could've been prevented if only someone would've told me the risks? You're in a pivotable, not enviable, position right now and I urge you to err on the side of caution." He thanked the Mayor and Council.

Councilmember Wiedeman asked Captain Rogers, who was present in the audience, how he would foresee enforcement – if Scottsbluff allows fireworks and Gering cuts back the days or whatever, how will the Police Department enforce that? Captain Rogers replied that he didn't think it would be very different than any other year. There are people that light them off after hours every year. They try to catch as many as they can, but he doesn't think it would be a whole lot different. He added that as long as there's public education, that will certainly help.

Councilmember Jackson asked Captain Rogers if the Police Department will have additional staffing. Captain Rogers replied that most years, they staff a little heavier on the 4<sup>th</sup>. They usually don't staff heavier leading up to the 4<sup>th</sup>.

Mayor Ewing then entertained comments and questions from Council.

Councilmember Jackson stated "We don't know, we've never tried it before, and these are different situations we've never had to deal with, or at least I've never had to deal with, and it just seems like doing nothing or doing just a short ban is not going to be helpful." He said he went through the Public Safety Committee meeting (minutes) and it seemed everybody wanted five days, five days - and then at the end, they settled on seven. He thinks if it can be staffed for four days, that way Chief Flowers has staffing, he thinks that's appropriate. But having them stay any longer than that is just asking too much of these guys; they do so much for our community as it is. He added that he doesn't feel comfortable with permitting fireworks for seven days. He would like a ban or three days, but he thinks four or five days is probably the best compromise.

Councilmember Gillen clarified that Chief Flowers wasn't looking for staffing for four, he's looking for staffing for five days - June 30 through July 4. The other two would be two additional days that would not be specifically staffed at the fire hall but would be like any other regular night if a fire call were to come in.

Councilmember Shields explained that she was for a ban at first, she wanted to support Nathan with what he wanted because it's not that often that he comes to Council to ask for something, and when he says it's very important... but if he's fine with the compromise, she would support the June 30 through the July 4. Councilmember Jackson clarified that she's okay with the five days, she replied, yes.

Councilmember Kinsey asked, when Council amends this ordinance, will it be just for this year and then it has to be re-amended if Council wants to go back to 10-day next year or two years, or whatever?" Attorney Ellison replied he thinks the purpose of the ordinance is to take care of this year through the Fourth of July and then it goes back to the 10 days - unless further action is taken.

Councilmember Morrison asked, if Council is going to go to a five-day limit because there would be coverage, would that in any way affect the special events that are coming up - the one at the ballpark, golf course, and amphitheater – the firework shows? Chief Flowers explained that Council approved special event permits for those depending upon conditions. He spoke with his leadership and his officers that help manage the fire department, and they will look at it specifically day by day. Right now, based off of conditions, he would say it's not happening tonight. If they see conditions drastically improve, it'll be case by case. Councilmember Morrison asked if what Council does at this meeting would have bearing on those shows. Administrator Heath explained that what Council is considering to adopt won't, but he's not sure what Mr. Allred's insurance would require. They may say if he's not shooting within the approved city's discharge timeframe, then they're not going to insure or wouldn't allow him to do it. If the weather is good, and there has been rain, and if Nathan feels there are adequate conditions that they could be discharged, then he doesn't think there would be an issue why they (City staff) wouldn't allow Mr. Allred to discharge. Administrator Heath stated that he is going to rely on the experts because he is not an expert on fire behavior. It will ultimately come down to his decision on that day, but he will rely on Chief Flower's expertise.

#### **ORDINANCES:**

**1. Consider approving Amended Ordinance No. 2047 - 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**

Mayor Ewing clarified key points prior to the amended ordinance being introduced:

1. Whatever decision is determined by Council at this meeting regarding the fireworks discharge period for the 2026 season, needs to be approved at this meeting so staff can begin a public education process and businesses and distributors know how to proceed.
2. The version of the ordinance that Council will consider allows for a seven day discharge period, which is June 28 through July 4; as recommended by the Public Safety Committee.

Mayor Ewing clarified with Attorney Ellison that Council could make a motion to amend to five days if someone chose to. Mr. Ellison confirmed that they could.

3. Mayor Ewing continued that if there are not enough affirmative votes (six votes) to waive the three readings, a Council Member may make a motion to reconsider and suggest an alternative timeframe for discharge, after which Council will vote on the amended ordinance again. That process can occur until/if the ordinance passes.
4. In the event Council does not pass an amended ordinance with an abbreviated timeframe for discharging fireworks, Ordinance No. 2047 will stand as it was passed in 2017 and there will be a 10-day discharge period.

He asked if there were any questions from the Council before proceeding. Hearing none, Mayor Ewing entertained a motion to introduce Amended Ordinance No. 2047 as presented in the Council packet with a seven-day discharged period.

**Councilmember Gillen made a motion to introduce Amended Ordinance No. 2047 - 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 Cecil.**

**Discussion:** Councilmember Shields clarified that this is for seven days. Councilmember Gillen confirmed it was for seven days.

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

MOTION TO RECONSIDER:

**Councilmember Jackson made a motion to reconsider Amended Ordinance No. 2047 with an alternative time period for fireworks discharge of June 30 through July 4, 2026 or five days. Seconded by Councilmember Morrison.**

**Discussion:** Councilmember Shields clarified that this was for sale and discharge. Administrator Heath replied that this was only for discharge. The sale would remain from June 25 through July 4. Attorney Ellison confirmed that this was just a motion to reconsider. Mayor Ewing replied, yes. It was clarified that this was just a motion to reconsider and the ordinance reading to consider approving five days would follow.

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

Mayor Ewing then entertained a motion to introduce Amended Ordinance No. 2047 with an alternative abbreviated time period for fireworks discharge of June 30 through July 4.

**Councilmember Morrison made a motion to introduce Amended Ordinance No. 2047 - with a change to Section C regarding that "It shall be unlawful to light, ignite or discharge any fireworks within the city limits of the City of Gering, Nebraska except during the allowable days of June 30 at 12:01 a.m. and July 4 at 11:59 p.m. (or five days) - 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, Cecil, Morrison, Jackson. "NAYS": Gillen, Kinsey Wiedeman. Abstaining: None. Absent: O'Neal. Motion failed.**

Mayor Ewing entertained a motion to reconsider a different timeframe. He noted that "Someone has to make a move or it will be left at 10 days." Councilmember Gillen stated he would make a motion that Council consider a compromise; it seems that Council is deadlocked between five and seven. He thinks they all understand that there are extreme drought conditions. He noted that he was struggling himself, "While I understand where the public is coming from (that were present and speaking to Council), and having lit fireworks for pretty much my entire life, they do cause fires." He said he understands that there are a lot of safety features, but they do cause fires. He explained that he has put out many fires around his house from fireworks going off. He added that fortunately, they are responsible and have buckets of water ready and added "We hope everyone is responsible, but that isn't always the case." He suggested that Council consider a compromise and consider a six-day time period - maybe that would be amenable to the Council.

**MOTION TO RECONSIDER:**

**Councilmember Gillen made a motion to reconsider Amended Ordinance No. 2047 with an alternative time period for fireworks discharge of June 29 through July 4, 2026, or six days.**

**Discussion:** Councilmember Gillen clarified that this motion is just to reconsider, Council would still have to vote on it again.

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

Following the motion, Councilmember Morrison stated "I'm really disappointed in our Council people sitting here for the reason being we've got an expert sitting right there who has told us time and time again what should be done and what needs to be done, what the ramifications are... I think it's up to us as the caretakers of the city to listen to who we have hired to tell us and to guide us with what we need to do, and nobody seems to want to pay attention. That upsets me, I'm sorry."

Mayor Ewing then entertained a motion to introduce Amended Ordinance No. 2047 with an alternative abbreviated timeframe for fireworks discharge of June 29 through July 4, 2026.

**Councilmember Gillen made a motion to introduce Amended Ordinance No. 2047 - with a change to Section C regarding that "It shall be unlawful to light, ignite or discharge any fireworks within the city limits of the City of Gering, Nebraska except during the allowable days of June 29 at 12:01 a.m. and July 4 at 11:59 p.m. (or six days) - 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 Cecil. There was no discussion. Mayor Ewing called for the vote. "AYES": Gillen, Cecil, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": Shields. Abstaining: None. Absent: O'Neal. Motion carried.**

**Councilmember Wiedeman moved that the Ordinance be designated as Amended Ordinance No. 2047 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 Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Gillen, Cecil, Kinsey, Wiedeman, Morrison, Jackson. "NAYS": Shields. Abstaining: None. Absent: O'Neal. Motion carried.**

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

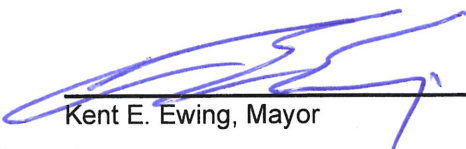
**OPEN COMMENT:** Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

Greg Trautman, 955 17<sup>th</sup> Street, Gering, stated when the ordinance was read, it said it repeals all that are in conflict with it. It was his understanding this would have a sunset clause in it and that wasn't mentioned. He asked that that's put in so then it reverts back to 10 days after this year. He believes that was the intention of all the discussion by the Public Safety Committee. He added that the way it was read, he heard it would repeal what exists, and that was a concern for him – that it's just going to go forward with six days unless something is done and he doesn't think that's the intent of this if "we're truly addressing the drought".

**ADJOURN:**

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

Meeting adjourned at 6:54 p.m.

  
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Kent E. Ewing, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

