

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JUNE 9, 2025.

A regular meeting of the City Council of Gering, Nebraska was held in open session on June 9, 2025 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorney Matt Turman. Absent was Councilmember Gillen. 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 (None)

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 27, 2025 regular City Council Meeting and the June 4, 2025 special City Council meeting
2. Approve Claims
3. Approve the April, 2025 Financial Statement
4. File for record Full Fixed Property Damage Release of All Claims With Indemnity

Claims 5/28/25 – 6/9/25

21ST CENTURY EQUIPMENT \$95.64, 24/7 FITNESS \$259.50, ACE HARDWARE \$206.56, ACUSHNET COMPANY \$3,714.65, ADVANCED SERVICES, INC. \$770.02, AFLAC \$1,391.56, ALLO COMMUNICATIONS \$3,507.17, ALTEC INDUSTRIES, INC. \$5,617.67, AMAZON CAPITAL SERVICES \$1,005.37, AMERITAS LIFE INSURANCE CORP. \$611.64, ASSOCIATION FOR RURAL & SMALL LIBRARIES \$900.00, AT&T MOBILITY \$293.06, BENZEL PEST CONTROL \$56.71, BERGANKDV \$50,394.00, BIG MACK HEATING & COOLING \$393.34, BLUE TO GOLD LAW ENFORCEMENT \$495.00, BLUFFS FACILITY SOLUTIONS \$1,185.50, BORDER STATES INDUSTRIES, INC. \$13,269.28, BRETHOURS HONEYWAGON EXPRESS \$400.00, CALLAWAY GOLF COMPANY \$7,054.02, CITY OF GERING \$1,625.00, COLUMBIA INSURANCE GROUP \$588.00, COLUMN SOFTWARE, PBC \$579.55, CONTRACTORS MATERIALS, INC. \$41.00, CRESCENT ELECTRIC SUPPLY CO. \$44.06, CROELL, INC. \$472.50, CUMMINS CENTRAL POWER \$3,825.88, DEARBORN LIFE INSURANCE COMPANY \$113.52, DEINES IRRIGATION \$19.12, DUTTON-LAINSON COMPANY \$4,112.20, EAKES INC. \$211.62, ELITE TOTAL FITNESS \$165.00, ERIC REICHERT CONSTRUCTION \$116,353.99, FASTENAL COMPANY \$678.49, FIRST NATIONAL BANK OF OMAHA \$10,864.93, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$101.06, FRANK PARTS COMPANY \$776.03, FRASER STRYKER PC LLO \$94.00, FRONTIER OVERHEAD DOOR \$150.00, FYR-TEK, INC. \$268.00, GALLS, AN ARAMARK COMPANY \$122.93, GENERAL TRAFFIC CONTROLS, INC. \$748.00, GERING PUBLIC SCHOOLS \$50.00, GERING VOLUNTEER FIRE DEPT. \$1,198.13, GOLF & SPORT SOLUTIONS \$1,813.00, GORSUCH & SONS \$243.80, GREGORY'S LOCK SHOP LLC \$260.00, HENNING BROTHERS \$249.00, HOME DEPOT CREDIT SERVICES \$648.00, IDEAL LAUNDRY AND CLEANERS, INC. \$468.63, INGRAM LIBRARY SERVICES \$2,233.38, INTERNAL REVENUE SERVICE \$57,666.58, INTRALINKS, INC. \$8,696.13, J RODZ \$85.00, JEO CONSULTING GROUP \$39,577.50, JIRDON AGRI CHEMICALS, INC. \$1,525.70, JOHN HANCOCK USA \$17,454.04, JOHN HANCOCK USA FIRE \$873.56, JOHN HANCOCK USA POLICE \$9,759.88, KC PHOTOGRAPHY \$4,332.20, LEE ENTERPRISES \$442.00, LEGACY COOPERATIVE \$9,820.64, LONDON FLATS, LLC \$5,504.20, MANUEL BARRAZA \$9,800.00, MATHESON TRI-GAS INC. \$160.72, MATTY B'S HVAC \$3,775.82, MB KEM ENTERPRISE \$642.66, MELLEN & ASSOCIATES, INC. \$5,754.66, MENARDS \$492.58, MIKE'S HUSKER STUFF \$20.00, MOBIUS COMMUNICATIONS COMPANY \$30.00, MUNICIPAL ENERGY AGENCY OF NE \$672.00, MUNICIPAL SUPPLY, INC. OF NE. \$2,741.17, MUTUAL OF OMAHA \$5,288.82, NAPE \$25.00, NEBRASKA CHILD SUPPORT PAYMENT CENTER \$784.16, NEBRASKA DEPARTMENT OF LABOR \$1,392.27, NEBRASKA DEPARTMENT OF REV (PR) \$26,160.82, NEBRASKA GOLF ASSOCIATION \$5,834.45, NEBRASKA LIBRARY ASSOCIATION \$200.00, NORTHWEST PIPE FITTINGS, INC. \$301.75, O'REILLY AUTOMOTIVE STORE \$261.63, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$722.00, PATTLEN ENTERPRISES, INC. \$2,838.72, PEACEFUL PRAIRIE NURSERY, INC. \$2,451.36, PETE'S QUICK LUBE \$251.74, PIPE WORKS PLUMBING LLC \$650.00, PT HOSE AND BEARING \$182.44, QUADIENT POSTAGE FUNDING \$869.20, RAMADA MIDTOWN CONFERENCE CENT \$1,466.55, REGION 22 EMERGENCY MANAGER \$2,812.27, REGIONAL CARE INC. \$7,368.66, RESCO \$73,299.96, RIVERSTONE BANK \$573.61, RPM FITNESS \$70.00, SABRENA TAYLOR \$300.00, SANDBERG IMPLEMENT, INC. \$221.05, SCOTTSBLUFF-GERING UNITED WAY \$273.02, SIMMONS OLSEN LAW FIRM, P.C. \$100.00, SIMON CONTRACTORS \$2,879.24, SPEAK WRITE \$4.47, TAYLOR MADE GOLF COMPANY \$725.75, TEAM CHEVROLET \$600.00, TERESA TOSH \$14,509.70, THE YOGA COLLECTIVE \$65.00, TICO CUSTOMS, LLC \$562.50, TRANSWEST \$1,274.33, TYLER TECHNOLOGIES

\$49,379.10, VALLEY AUTO LOCATORS LLC \$102.13, VERIZON WIRELESS SERVICES, LLC \$556.33, WESCO RECEIVABLES CORP. \$6,021.61, WESTERN COOPERATIVE COMPANY \$4,699.38, WYOMING FIRST AID & SAFETY \$50.45, YMCA OF SCOTTSBLUFF \$762.00, TOTAL \$638,042.02

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

CURRENT BUSINESS:

1. Approve appointment of Ward III City Council Member

Mayor Ewing thanked the candidates that submitted letters of interest for the Ward III City Council vacancy. He then entertained a motion to approve the appointment of Tamera Frye as the new Ward III City Council Member.

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

2. Approve appointment of Administrator Heath as an alternate to the WNED (Western Nebraska Economic Development)

Motion by Councilmember O'Neal to approve the appointment of Administrator Heath as an alternate to the WNED (Western Nebraska Economic Development). Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

PUBLIC HEARINGS

1. Public Hearing to consider a Zone Change from C-2 Central Business District to RM Residential Medium Density for the following properties: Lots A and C, Dutton Tracts, A Replat of Lot 3 and the West Half of Tract 4, Dutton Tracts, City of Gering, Scotts Bluff County, Nebraska, and the East Half of Tract 4, Dutton Tracts, City of Gering, Scotts Bluff County Nebraska, generally located at the northwest corner of 10th Street and D Street

Mayor Ewing opened a public hearing to consider a Zone Change from C-2 Central Business District to RM Residential Medium Density for the following properties: Lots A and C, Dutton Tracts, A Replat of Lot 3 and the West Half of Tract 4, Dutton Tracts, City of Gering, Scotts Bluff County, Nebraska, and the East Half of Tract 4, Dutton Tracts, City of Gering, Scotts Bluff County Nebraska, generally located at the northwest corner of 10th Street and D Street at 6:06 p.m.

City Engineer, Annie Folck, presented the staff report. She stated the City received an application for a rezone. She showed on the overhead screens the general location and noted that it's located on the northwest corner of 10th Street and D Street. There are actually three separate parcels there. She explained that the two parcels that front onto 10th Street are already a residential use. They are pre-existing, non-conforming. They are rather large lots, but they are just being used as homes. A lot to the west is vacant; the property owner recently built a 2800 square-foot metal building there which they plan on using just for personal use. It will be a garage or shop; they do not plan on using that as a commercial property any longer, and they are hoping to build a home there - that is the reason for the request for a rezone.

Looking at the request, staff felt it would make more sense if this is going to be rezoned, to rezone the other two properties into conformance as residential properties. It is C-2 to the north and west; the south is zoned C-3, the east is zoned RM. She noted that letters were sent out to everybody within 300 feet. A property owner, Eric Kautz at the Garden Center, came to the City and expressed some concerns about the zoning map. He feels there was a rezone approved (prior to the staff that are with the City now) that is not reflected accurately; staff are working to

determine the correct designation for the zoning. She added that that's further north, it's not adjacent to the properties that are being considered at this meeting. Regardless of what zoning is there, the recommendation doesn't change. Before presenting the findings of fact in favor of the zone change, she noted that there are also reasons to deny it, which does not mean that's what's being recommended. It's just being presented to Council for consideration to present a complete picture.

Findings of fact in favor:

- Two of these three properties are already residential land use; the rezone is going to bring those into conformance. They will no longer be non-conforming, meaning that if the property owners wanted to add onto their house or build a garage (and things that would be allowed in a residential zone but not in a commercial zone), they could now do that.
- Additionally, the Comprehensive Plan shows the future land use area for that part of town is shown as being primarily residential in nature. The proposed zoning would be consistent with the zoning to the east of these properties.

Findings of fact to deny:

- The one finding of fact in favor of denying this zone change is that the property to the south is zoned C-3 which is General Business District which is not really intended to be compatible with residential zoning. It's not ideal, but there is C-3 bordered by RM to the south, adjacent to that zone. There are a lot of areas around town that are that way already.

She added that Planning Commission recommended approval of this zone change at their meeting on May 6. A representative for the applicant was present. She concluded by saying there are three separate property owners and all three of them signed off on the application for the zone change, as well.

Mayor Ewing asked if anyone in the Chambers wished to speak regarding this public hearing. Patrick Schutte, 1930 Aspen Street, Gering, addressed Council and stated this is his father's lot and they plan to build a house for their family on that lot.

Mayor Ewing asked again if anyone wished to speak regarding the proposed zone change. With no further comments, the public hearing closed at 6:12 p.m.

ORDINANCES

1. Approve Ordinance No. 2160 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA; AMENDING THE ZONING DISTRICT OF CERTAIN LAND WITHIN THE CITY OF GERING, NEBRASKA; AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF GERING, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM

Councilmember O'Neal made a motion to introduce Ordinance No. 2160 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA; AMENDING THE ZONING DISTRICT OF CERTAIN LAND WITHIN THE CITY OF GERING, NEBRASKA; AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF GERING, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Seconded by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

Councilmember Jackson moved that the Ordinance be designated as Ordinance No. 2160 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 Shields. There was no discussion. The Clerk called the roll. "AYES": Shields, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

2. Approve Ordinance No. 2161 - AN ORDINANCE TO AMEND THE WATER SERVICE CONNECTION FEES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Administrator Heath explained that staff are bringing this back to Council; the last one was adopted in 2023. There were three categories where the City charged for service line installation. One was the service line fee, one was the water system investment fee and the third item was a meter fee. There were set meter fees that were adopted and changed every so often. What happened is (since Covid), metal prices have been pretty volatile. Additionally, with current tariffs, metal prices have become very volatile. The brass used to make water meters is extremely expensive - prices are up and down quite a bit. Over the last few months, there have been \$500 increases for the inch and a half meter size, and about \$100 increases in the last year in the smaller meter size (residential size). Staff have removed the column with the water meter fees from the ordinance and replaced that with "they are based on current pricing with freight." Staff also changed the horizontal bore fees, where they bore underneath the road to get a service line across – that was changed from \$1000 to \$1300. This ordinance updates those prices and keeps the City from losing money on meters when they're purchased. Staff recommend Council approves the ordinance. Councilmember Morrison asked what makes the boring fee go up. Administrator Heath replied labor and equipment costs. Councilmember Kinsey added, mostly labor costs.

Councilmember Morrison made a motion to introduce Ordinance No. 2161 – AN ORDINANCE TO AMEND THE WATER SERVICE CONNECTION FEES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Jackson. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

Councilmember Shields moved that the Ordinance be designated as Ordinance No. 2161 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 Kinsey. There was no discussion. The Clerk called the roll. "AYES": Shields, Kinsey, Wiedeman, O'Neal, Morrison, Jackson. "NAYS": None. Abstaining: None. Absent: Gillen. 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. None.

ADJOURN:

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

Meeting adjourned at 6:18 p.m.


Kent E. Ewing, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

