

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
February 24, 2020**

A regular meeting of the City Council of Gering, Nebraska was held in open session on February 24, 2020 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Councilmembers Smith, Gillen, Backus, Abel, Wiedeman, O'Neal and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Matt Turman. Absent was Mayor Kaufman and Councilmember Morrison. 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

Councilmember Gillen called the meeting to order at 6:00 p.m. and stated that there was a quorum of the Council present and City business could be conducted.

1. Recital of the Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse councilmember absence

Motion by Councilmember Cowan to excuse the absence of Councilmembers Smith and Morrison from the February 10, 2020 regular meeting. Second by Councilmember Weideman. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman and Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal and Morrison. Motion Carried.

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

Councilmember 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 Councilmember Gillen. 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 Council determines that the matter requires emergency action.

Councilmember Gillen also stated, regarding manner of addressing the council, time limit: In order to conduct an orderly meeting, the Mayor (or Councilmember chairing the meeting) is allowed to limit the amount of time a speaker may address the Council. The time limit shall be five minutes per person unless further time is granted by the Council. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No questions shall be asked a Councilmember except through the presiding officer. (Ord. 1872)

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 February 10, 2020 regular City Council meeting
2. Approve Claims and Financials

Claims:

2-12-2020 to 2-21-2020

21ST CENTURY EQUIPMENT \$49.18, 360 RAIL SERVICES, LLC \$734.00, A & A PORTA POTTIES \$135.00, AC ELECTRIC MOTOR SERVICE \$2,001.89, ACCELERATED RECEIVABLES SOLUTIONS \$39.82, ACTION COMMUNICATIONS, INC. \$3,435.89, ALEXANDER BAILLIE \$257.30, ALTEC INDUSTRIES, INC. \$322.50, AMANDA DIEDRICH \$75.00, AMAZON CAPITAL SERVICES, INC \$156.11, ASHLEY LEUPOLD \$75.00, B & C STEEL \$88.07, B & H INVESTMENTS, INC \$136.00, BENZEL PEST CONTROL \$206.71, BH MEDIA GROUP HOLDING, INC. \$2,993.95, BLUFFS FACILITY SOLUTIONS \$411.57, BORDER STATES INDUSTRIES, INC \$2,981.39, BRANCO, INC. \$744.00, C & C MANUFACTURING LLC \$489.46, CHARTER COMMUNICATIONS \$718.36, CHRISTIAN MEDIA, INC. \$270.00, CITY PAYROLL TRUST \$2,689.64, CNA SURETY DIRECT BILL \$40.00, CORE & MAIN LP \$757.57, COZAD SIGNS, LLC \$22.50, CREDIT MANAGEMENT SERVICES \$369.00, CURTIS HOWARD \$2,635.00, D & H ELECTRONIC SUPPLY, INC. \$137.74, DALE'S TIRE \$2,377.77, DUTTON-LAINSON COMPANY \$599.52, ECOLAB \$64.57, ELLISON, KOVARIK & TURMAN LAW \$11,151.25, FAIRFIELD BY MARRIOTT NORTH P \$288.00, FASTENAL COMPANY \$347.92, FAT BOYS TIRE & AUTO \$310.96, FELSBURG HOLT & ULLEVIG INC \$10,112.87, FIRST STATE BANK \$341.71, FLOYD'S TRUCK CENTER, INC. \$7,272.48, FRANK PARTS COMPANY \$1,692.86, FREMONT MOTOR SCOTTSBLUFF, LLC \$1,694.39, GALL'S INC. \$1,026.13, GERING COURIER \$20.00, GROUND UP CONSTRUCTION \$1,180.00, HACH COMPANY \$640.63, HARBOR FREIGHT TOOLS \$18.99, HENNINGS CONSTRUCTION \$210.00, ICMA ELECTRONIC RETIREMENT \$709.74, IDEAL LAUNDRY AND CLEANERS, IN \$731.31, INDOFF INCORPORATED \$535.10, INTERNAL REVENUE SERVICE \$39,183.47, INTRALINKS, INC. \$595.00, JOHN HANCOCK USA \$13,697.46, JOHN HANCOCK USA POLICE \$6,149.96,

JOHNSON CASHWAY CO. \$536.08, LAKREASHA CHITWOOD \$123.00, LOGOZ LLC \$48.00, MATRIX TRUST COMPANY \$534.68, MEAT SHOPPE \$26,889.90, MENARDS \$210.23, MONEY WISE OFFICE SUPPLY \$79.85, MUNICIPAL ENERGY AGENCY OF NE \$321,430.77, MUNICIPAL SUPPLY, INC. OF NE. \$1,264.91, NE CHILD SUPPORT PAYMENT CENTE \$647.09, NE DEPT OF REVENUE \$74,292.13, NEBRASKA MUNICIPAL POWER POOL \$500.00, NEBRASKA RURAL RADIO ASSOC. \$576.00, NEBRASKA SALT AND GRAIN CO. \$12,987.44, NEBRASKA SECRETARY OF STATE \$30.00, NKC TIRE \$494.68, NMC EXCHANGE LLC \$186.13, ONE CALL CONCEPTS, INC \$36.10, PACIFIC RIM VENTURES \$1,328.00, PANHANDLE COOP ASSOCIATION \$3,258.00, PANHANDLE ENVIRONMENTAL SERVIC \$1,078.00, PAYROLL CHECKS \$120,290.45, PETTY CASH \$26.98, PONY EXPRESS STATION \$333.00, POSTMASTER \$514.00, POWERPLAN OIB \$561.74, REGIONAL WEST PHYSICANS CLINIC \$180.37, ROCKY MOUNTAIN INSTRUMENTAL \$50.00, SANDBERG IMPLEMENT, INC. \$208.97, SANDRY FIRE SUPPLY \$45.00, SANDY GOMEZ \$0.54, SCB. COUNTY REGISTER OF DEEDS \$50.00, SCB. COUNTY SHERIFF OFFICE \$21.66, SCOTTS BLUFF COUNTY COURT \$51.00, SCOTTSBLUFF-GERING UNITED WAY \$127.50, SHAWNA WINCHELL \$860.00, SIMMONS OLSEN LAW FIRM, P.C. \$1,500.00, SIMON CONTRACTORS \$313.75, SUGAR VALLEY FEDERAL CREDIT \$678.37, THE COPIER NINJA, LLC \$252.00, TRIHYDRO CORPORATION \$44,881.50, TURNING WRENCHES LLC \$287.61, UNANIMOUS, INC. \$60.00, VALLEY AUTO LOCATORS LLC \$30.00, VARIDSK \$345.00, VERIZON CONNECT \$40.00, VERIZON WIRELESS SERVICES, LLC \$837.79, VOICE NEWS \$22.50, WESCO RECEIVABLES CORP. \$240.75, WESTERN COOPERATIVE COMPANY \$7,103.23, WESTERN STATES BANK \$36,042.36 WESTERN STATES BANK – POLICE \$516.00, WYOMING BEARING & SUPPLY \$169.12

Motion by Councilmember Wiedeman to approve the consent agenda. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. “AYES”: Smith, Gillen, Abel, Backus, Wiedeman, O’Neal, and Cowan. “NAYS”: None. Abstaining: None. Absent: Morrison. Motion Carried.

PUBLIC HEARINGS:

1. Public Hearing regarding the One and Six Year Street Plan – Transportation Superintendent, Casey Dahlgrin

Councilmember Gillen opened a public hearing regarding the One and Six Year Street Plan at 6:04 p.m.

Casey Dahlgrin, Street Superintendent, stated that Council was provided with a list of the street projects that were completed in 2019:

13 th Street from U Street north to dead end 2” asphalt mill and overlay	
9 th Street from R Street to S Street 2”asphalt mill and overlay	
N Street from 10 th to 11 th Street 2” asphalt mill and overlay	
Sage Street from M Street south to alley 2” asphalt mill and overlay	
Total	\$237,166

Mr. Dahlgrin then gave an overview of the One Year Plan:

One Year Plan:

Project/Priority #	Street/Description	Est. Cost
GER (1-2020)	U Street from 21 st Ave. to 200’ East of 3 rd Street 4” Asphalt Overlay including woven pavement overlay fabric	\$400,000
GER (1-2019)	Lockwood Road & Highway 92 Intersection 2” Asphalt Mill and Overlay including installation of drainage pipe	\$40,000
GER (2-2020)	Oregon Trail Boulevard and 20 th Street Intersection Construct new intersection in Westwood Estates Addition with 6” concrete pavement including installation of new curb/gutter and 4 ADA handicap ramps	<u>\$27,112</u>
	Total	\$467,112

One Year Plan – Private Developer:

Project/Priority #	Street/Description	Est. Cost
Phase I	Westwood Estates Addition Construct new street with 6” concrete pavement Including installation of 30” curb and gutter	\$19,200

Councilmember Smith asked about the fabric that would be applied on the U Street project. Mr. Dahlgrin replied that it’s a tensile fabric; it’s a fabric with cross sections. It will be used where the street is really broken

up out there and has heavier traffic. He further explained the webbing cross-section process. He then reviewed the six year plan.

Six Year Plan:

Project/Priority #	Street/Description	Est. Cost
GER (3-2020)	Holly Drive - 2" Asphalt mill and overlay of existing asphalt street	\$76,855
GER (4-2020)	A Street from Kimball Avenue to 18 th Street - 2" asphalt mill & overlay of existing asphalt street Including installation of 2 ADA handicap ramps	\$135,356
GER (5-2020)	Twin City Drive (North side) - Remove existing deteriorated asphalt pavement Install 8" concrete pavement on new 6" subbase	\$107,668
GER (6-2020)	Flaten Avenue 2" mill and overlay of existing deteriorated asphalt pavement Including installation of 8 ADA handicap ramps	\$175,469
GER (7-2020)	6 th Street from H Street to I Street - 2" mill and overlay of existing deteriorated asphalt pavement Including installation of 4 ADA handicap ramps	\$58,268
GER (8-2020)	Arroyo Road - 2" mill and overlay of existing deteriorated asphalt pavement Including installation of 5 ADA handicap ramps	\$190,812
GER (9-2020)	Hackberry Drive from Old Oregon Trail Road north to cross pan 2" mill and overlay of existing deteriorated asphalt pavement	\$28,301
GER (10-2020)	17 th Street from 955 17 th Street to D Street - 2" mill and overlay of existing deteriorated asphalt pavement Including installation of ADA handicap ramps	\$152,849
GER (11-2020)	10 th Street from Union Pacific Railroad tracks to Stable Club Road - 2" mill and overlay of existing deteriorated asphalt pavement Including installation of new curb/gutter and sidewalk	\$1,872,521
GER (12-2020)	Oregon Trail Boulevard and Five Rocks Road Construct new intersection in Westwood Estates Addition With 8" concrete pavement including installation of new curb/gutter and 2 ADA handicap ramps	<u>\$18,875</u>
	Total:	\$2,816,974

Annie folck, City Engineer, noted that some of the projects depend on funding and LB357. Casey noted that all these projects will be ADA compliant when we're done.

Councilmember Gillen asked if anyone in Council Chambers wished to speak in favor of the One and Six Year Plan. Seeing none he asked if anyone wished to speak in opposition of the One and Six Year Plan. With no further comments the administrative record was closed and the public hearing closed at 6:16 p.m.

Motion by Councilmember Wiedeman to enter the administrative record for this public hearing into the public record. Second by Councilmember O'Neal. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

1a. Adopt Resolution 2-20-1 approving the One and Six Year Street Plan

RESOLUTION 2-20-1

WHEREAS, at the regular meeting of the City Council of the City of Gering, Nebraska, held in the Gering City Council Chambers, 1025 "P" Street, Gering, Nebraska on February 24, 2020 at 6:00 p.m., a public hearing was held on the One and Six Year Street Improvement Program, as advertised and posted.

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

The One and Six Year Street Program for 2020 is hereby approved.

A motion was made by Councilmember _____ and seconded by Councilmember _____ to adopt the One and Six Year Street Improvement Program for fiscal year 2020. On roll call vote, the following voted "AYE": _____, "NAY" _____, Absent: _____.

Whereupon the Mayor declared said Motion carried and Resolution passed.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affix the seal of said City this 24th day of February 2020.

Mark A. Kaufman, Mayor

ATTEST:

Kathy J. Welfl, City Clerk

Motion by Councilmember Wiedeman to adopt Resolution 2-20-1 regarding the 2020 One and Six Year Street Plan. Second by Councilmember Smith. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

BIDS:

1. Oregon Trail Park Quad Fields Finish Work Bid– Parks & Recreation Department

City Engineer, Annie Folck, reminded Council that staff broke out this section of the project separately because it's a very specialized part of construction - building the actual fields. It includes laying the sod, the placement of the infield mix, the compaction of the infield mix, building the pitchers mounds and batters boxes; there's a special type of clay they use for that. Staff wanted to make sure we have that as a separate bid so we can make sure that we have somebody with experience doing the work. When the bids were opened staff first tallied the bids; Council has in front of them a bid comparison showing all the different costs. Once staff does that and considers the specs and procedures, it says that *in evaluating whether a bidder is responsible the owner will consider the qualifications of the bidder and may consider the qualifications and experience of subcontractors and suppliers proposed for those portions of the work*, which the identity of the subcontractors must be submitted. As the City, we are to go with the lowest responsible bid; not necessarily the lowest bid we get, but the lowest bid that we are confident that the contractor has the experience they need to do a good job for us. Staff did a lot of research on this and talked to a lot of different people and over and over again we kept hearing the same thing, that it's much more complicated than a lot of people realize and that it is imperative, especially in a project like this, with our scope and tight timeline, that we get somebody who has previous experience in this. She stated that when staff received the low bid we had them submit their resume; our low bid was from Scottsbluff Landscaping and they have never built a softball or baseball field before. They've never done the infield mix; they did not have experience in that. Staff then looked at the next lowest bid which was Wynne Contracting; they do have a project in progress currently in Alliance but it's not complete and staff didn't feel that we could look at that as a successfully completed project because there's no track record there. We can't reference how it has performed over time because no one has ever played on it. That brought staff to the third lowest bid from Mid America Golf and Landscape. When they submitted their resume, which Council has a copy of, they have over 30 very similar projects they've done over the last 15 years. We're very confident they have the experience to do this project correctly (and in the timeframe given) because we are on a very tight timeframe. The reason we're on a tight timeframe is because we're dealing with existing fields, that we have to wait until they're done being played on, before we can start and have it completed for the next season so they can play again next year.

Ms. Folck stated that there was an alternate on the bid; there was a little confusion on how the bidders interpreted it, but staff was on the fence with the alternate anyway because we are trying to watch the bottom line very carefully and make sure we have the money to complete this project and complete it right. Staff is recommending awarding just the base bid and not awarding the alternate. With that, staff recommends awarding the bid for the Field Finish Work for the Oregon Trail Baseball/Softball Complex to

Mid America Golf and Landscape in the amount of \$299,999.99. This is just under the Engineer's estimate.

Motion by Councilmember Smith to enter the bid comparison information for this bid (Oregon Trail Park Quad Fields Finish Work Bid) and supporting documents, including the contractor's resumes that were provided to Council, into the public record. Second by Councilmember Wiedeman. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

Motion by Councilmember Smith to approve staff's recommendation regarding the Oregon Trail Park Quad Fields Finish Work bid and award the bid to Mid America Golf and Landscape in the amount of \$299,999.00. Second by Councilmember Wiedeman.

Discussion: With Councilmember Gillen's permission, Dick Meyer, owner of Scottsbluff Landscaping, addressed the Council. Mr. Meyer stated his address as 2311 3rd Avenue in Scottsbluff. He stated that they looked at this project and inquired as to why the requirement for previous field experience was being applied to this project. They were given no real answer except that City staff had done a previous field and there continues to be problems with the condition of the field after a rain storm. When he decided to submit a bid (for the second round) he talked to contractors he knows on the Front Range who've done a lot of field work. To be clear, the real work here is spreading out this infield and warning track mix to a two-inch level, which is something they do all the time; then packing it and doing a finish grade on it. He said he indicated to Annie that they grade on every project they do landscaping on; every project they've done for the last 40 years. This level of work is well within their capacity. He would have a hundred percent confidence that if the City has them do the work, when the project is done, you would not be able to tell the difference between what they had done and what the higher bid contractor from Missouri is going to do for you. He said he'd like to point out that the real risk on this project is not with this field finish work, the real risk is with the project you've already let to do the initial grading. This project calls for that grade to be plus or minus a tenth of an inch. The City let that to a contractor who really has very little experience in grading. This contractor is going to have to check to make sure that work is done properly. If you're all that concerned about the quality of the field work that you're going to have done, that would have been the contract to look at to make sure you had experienced contractors doing that grading. The main difference between Scottsbluff Landscaping's bid and the bid Council is going to vote on in a minute, is that Scottsbluff Landscaping's bid would give the City \$46,000 to put into the One-Year Street Plan. He stated that his bid would make sure that the checks that would pay for this project would go into local banks; the paychecks of the employees that would do the work would go in local banks and be spent in local stores as opposed to sending one big check to Missouri.

Councilmember Backus asked if what Mr. Meyer is telling them is that he's been asked to make a pie and he knows how to slice apples, run an oven and make a pie crust, but he's never made a pie. Mr. Meyer replied no, that's not it at all. The work here is running a skid loader or some piece of equipment to bring material into a field that has a subgrade down, laying down a two or three inch layer of that; they do that all the time. They make this pie; they've made this pie for 40 years. He understands the staff's interest in making sure the field works, he understands the problems the City has had with the other fields. But because the other fields were done improperly by City staff, does not mean that other people here locally can't do this work. This is standard grading work. If you asked somebody with an athletic field building company if this is specialized work, of course they're going to tell you it is. But this is very basic grading work and there are a number of companies in town that could do this.

Councilmember Gillen stated that there is a motion and a second to accept the bid of Mid America Golf and Landscape.

Councilmember Gillen called the vote. "AYES": Smith, Wiedeman, "NAYS": Gillen, Backus, Abel, O'Neal, Cowan. Abstaining: None. Absent: Morrison. Motion failed.

Councilmember Gillen entertained another motion if Council had one.

Councilmember Cowan made a motion to accept the Scottsbluff Landscaping bid. Second by Councilmember Abel.

Discussion: City Engineer, Annie Folck, asked Councilmember Gillen if it would be appropriate for staff to weigh in on this. Councilmember Gillen stated that it's open for discussion. Ms. Folck stated that she would like City legal counsel to comment on this as some of the things that were stated as reasons to potentially go with Scottsbluff Landscaping she thinks could get the City in trouble legally. City Attorney, Matt Turman, stated that the information that Council should be taking into consideration when making their decision tonight is the information that was provided in the original bid and nothing that was actually stated here at the meeting. Not all the bidders were around to be able to make those comments. The information that was submitted was what was submitted; that's what staff based their recommendation on. In our bid specs it does state that each bidder must demonstrate their qualifications to perform the work, this specific work, and that includes submitting written evidence of their financial data, previous experience, present commitments and those sorts of things. That was the basis for staff's recommendation. Just to be clear, the local preferences and things like that that were discussed would not factor into your decision one way or the other today. He thinks that Annie may have some additional feedback as far as staff recommendation in the event that Council did want to go with Mid America's bid.

Ms. Folck stated that staff does have some major concerns about getting this project done on time. This is going to be a very complex, difficult project. If we do choose to go with a contractor who has no experience in building softball and baseball fields, she just wants Council to be aware that she thinks we run the risk of a lot of change orders, we run the risk of going over on time. Staff have talked to a lot of different people, and not other contractors necessarily, they've mainly been talking to people who supply materials for this and they have no connection to any of the contractors. It really makes no difference to them, they're going to be selling the material anyway. They have told City staff, several different ones, that it is absolutely imperative that we get someone with experience. They have had several projects in the past fail because of lack of experience with the contractors. From staff's perspective, if Council doesn't want to approve the Mid America bid tonight, that's just fine, but she would request that they give staff time to sort through all this and maybe even consider re-bidding rather than awarding it to Scottsbluff Landscaping at this time.

Amy Seiler, Parks and Recreation Director, addressed Council and stated that this was not an easy decision for staff; it was not taken lightly. They did a lot of research. She spoke with Scott Hayden, the Director of Parks in Kearney. Kearney just installed an eight-million-dollar baseball field. Mr. Hayden has an extensive amount of knowledge on the construction of ball fields and his flat-out recommendation was that he would not have anybody do this type of field who did not have experience. He has done field work for years. He said if this was a small rec field, that might be where we could try this with someone who didn't have experience. But for the fields we're looking at, and the fields that we expect, he highly recommends that we go with somebody that has experience. She noted that our City staff does have experience doing ball field work, they have been doing ball field work for years. They installed the field at the stadium, and it was a tremendous challenge for them. They don't do it every day or all the time at the level that we are asking them to do that. She wants Council to consider the recommendation from our City staff as well as from the Parks, that Council wants to go with somebody that has experience installing these types of fields.

Administrator Danielzuk stated that General Bidding Provisions of Cities of the First Class, Chapter 16-321, have been met by the City and the City staff. In addition to that we follow the state statutes on competitive bids, 81-1108.55 says "*All political subdivisions may follow the procurement principles set forth in this section if they are deemed applicable by the official authorized to make purchases for such political subdivision*". He stated "That's me Council"; what you hear tonight from City staff in addition meets the competitive bid requirements found in that section of the state statutes. This is staff's way of offering you constructive notice that it's a very serious consideration and decision that you're going to make and you're outside of the bounds of what the statutory requirements are that have been met tonight for this process; be careful with what you wish for.

Councilmember Cowan replied that according to the state statutes on what Mr. Danielzuk just said, the vote that was made tonight, we have to either table it and it goes back through you guys, is that what you're trying to say? If it's below Council on whatever he commented, isn't that our job to vote the way we

feel fit as an official? Administrator Danielzuk replied that he's not the one that sits in the chair, he's the one that facilitates and helps advise Council; in his best guess estimate experience is suggesting that they look very seriously at the decision that they made and anything they have going forward with respect to this project. He stated that he has outlined for them that staff has met the bidding provisions found in chapter 16-321 for first class cities and also meets the state statutory requirements which we follow. Councilmember Cowan replied that he's sure there is no doubt that that is true, so we should table this. He asked Administrator Danielzuk if that's what he's saying? Councilmember Cowan stated that the business that's in question here, his thought is that he might not have the capabilities or the knowledge of this yet or the experience, but who knows what he has planned in his bid. We don't know if he has got someone else going in that's involved with this. Ms. Folck replied that he doesn't, staff checked on that. Mr. Meyer stated from the audience "no you haven't." Ms. Folck replied that she asked if there were any subcontractors, other than the ones he had listed, and Mr. Meyer told her no.

Administrator Danielzuk stated that he would answer Councilmember Cowan's question that he can answer, which is a process question. He said you can certainly entertain a motion this evening to rescind the motion that you just passed and go back and look at another motion. Councilmember Gillen replied that there is a motion on the table; Councilmember Cowan could rescind his motion but that's his choice. Right now we have a motion and a second.

Councilmember Smith stated \$46,000 is a lot of money, but this is over a two-million-dollar project. We're looking at two percent of the project. You're going to put the whole project at risk of having a very nice facility, you're going to put that whole thing at risk for two percent of the project. Councilmember Cowan replied that he agrees with Councilmember Smith, he's just asking questions. When we get down to the end of this thing, and we're going to be over, could be not, what are we going to do with that? We know that this project is really tight now. Councilmember Smith replied that he has no doubt it will be over, but we have almost a forty-million-dollar budget. To say that there won't be enough money, to find enough money to finish it, is ridiculous.

Councilmember Abel suggested that Council rescind the motion and the second and let staff take another look at this and that it comes up at another meeting. Councilmember Cowan then rescinded his motion to approve the bid submitted by Scottsbluff Landscaping. Councilmember Abel rescinded his second to that motion.

Councilmember Gillen entertained a motion to table this and allow staff to look at the bids again and present at a future Council meeting after they've made a determination.

Motion by Councilmember Abel to table this (bid) and allow staff to look at the bids again and present at a future Council meeting after they've made a determination. Second by Councilmember O'Neal. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

2. Conveyor Bid – Sanitation Department

Administrator Danielzuk stated that in January of 2020 the conveyor at the Landfill broke down. It was 12 years old; the normal life of a conveyor is approximately seven years. Without the conveyor landfill personnel have to direct fill. If garbage can't be baled on windy days, it blows all over which is a violation of our permit with NDEQ. At the present time we're operating under a letter of warning for exactly that. Seven companies that manufacture conveyors were contacted regarding availability and pricing of a new conveyor. Two companies responded with price quotes; Lovegreen and Recovery Systems. They are trusted names in the industry. Recovery Systems quoted \$104,690 for a conveyor with a 20' working deck and a 30' pitch. Lovegreen quoted \$195,580. Staff recommend accepting the lower bid of \$104,690 with Recovery Systems.

Motion by Councilmember Wiedeman to approve staff's recommendation regarding the Sanitation Department conveyor bid and award the bid to Recovery Systems in the amount of \$104,690. Second by Councilmember O'Neal.

Discussion: Councilmember Smith asked if on a windy day, after it's baled up, do we just let those bales sit there until there's a day it's not too windy to grind? We need the conveyor to bale. Annie Folck, City Engineer, replied that typically they don't grind the bales after they've been baled; they just place those in the pit. Councilmember Smith stated that he thought that was why we're losing so much space in our landfill. Ms. Folck replied that it is and we don't normally do that, but when it's only about five days in a year, and they close the landfill to everything except for municipal waste, it's a pretty limited amount of waste that comes in for maybe five or ten days out of the year. In the course of a year it's a very small percentage of the waste that is baled rather than shredded. Councilmember Smith said the biggest need for this (conveyor) is for recycling, is that right? Ms. Folck replied that she thinks that's correct. He said because all the recycling needs to be baled? She replied yes, it does. He said for five days out of the year we could just pile the trash inside the building until we have a day that isn't windy. When we get our new landfill, the study has already said that we're not going to need to bale. Public Works Director, Pat Heath, stated that stock-piling the trash in the building is probably not a safe idea. Everybody throws away some sort of chemical, if at least two chemicals combine you can have spontaneous combustion and start a fire. That did happen; the City of Sidney lost their building ten or fifteen years ago because they stock-piled their trash in the building and it started a fire. Before anybody knew it, they pretty much lost the building before the fire was even discovered. He highly recommends not storing the trash in the building.

Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

CURRENT BUSINESS:

1. Fire Department Annual Report

Fire Chief, Nathan Flowers, addressed Council and presented the Fire Department Annual Report.

Highlights included:

- 2019 was one of the department's busier years; there was a 19% increase from 2018
- There were two large residential fire that saw heavy loss
- There were four large storms to contend with which brought an uptake in community needs
- Average number of personnel responding to calls were 12
- The busiest month was July, the busiest day was Thursday and the busiest hour was between five and six o'clock.
- The value of property affected by fire was estimated at \$1,386,000. In terms of loss from fire there was an estimated \$308,000 leaving the property value saved from fire at \$1,000,000
- 65% of calls are EMS related
- The average response time to a call was just over seven minutes with a three and a half minute turn out time.
- This is our 19th year of the Mutual Finance Assistance Fund with the State. The City received \$45,421 in mutual aid funds and Rural received \$22,264.
- The Fire Department also received three additional grants in 2019. One grant was \$2,500 for training, one was \$1,800 for protective equipment and one was \$3,079 for fire prevention. In total, the fire department received \$75,064 in grant funding in 2019. This does not include local donations.
- Gering and Scottsbluff participate in a National Fire Safety Council Fire Prevention Program where donations are sought to assist with funding fire prevention. Last year the program received just over \$8,300 from local businesses and citizens. All of our fire prevention material comes from this great program.
- A new fire truck was purchased in 2019 and should take delivery in March of this year.
- This past year the fire department migrated to a new reporting system that compliments the county wide CAD system.
- 5,561 man-hours of training were documented, including several of our personnel obtaining national certifications for firefighting and EMS. In-house training focuses on company drills every week. Our department also hosted a heavy extrication course, NIMS classes and certification in EMS and NWCG. Our fire department hosts an annual Engine Academy training. This live fire exercise spans across 3 days and brings approximately 100-125 people from our region to Gering. Firefighters stay at local hotels and eat at local restaurants and participate in the exercise that is held at Five Rocks Amphitheater. This exercise is in cooperation with Gering and many regional, state and federal agencies. Because of the Engine Academy we have credentialed over five people to serve in management roles during emergencies.
- Three firefighters were dispatched to Santa Rosa California to assist with fire suppression on the Kincadee Fire for a total of 10 days. Our agency is the only fire department in Nebraska that has a contract with the Forest Service to be available to respond to national fires.
- Gering Fire Department also supported the community with various projects and events in 2019. Every month personnel visit the Gering Senior Center and provide blood pressure screening; the citizens really

enjoy it. Other events include assisting with OT Days (particularly creating a Public Safety Plan at the Food Fair to reduce potential hazards), Santa's Village and Junior Fire Patrol. The department also assisted city staff to deliver Meals on Wheels and Commodities and have spent 1,582 man-hours on fire prevention and public relations.

- Moving forward, the Gering FD should have an intensive revision of Standard Operating Procedures completed by first quarter of this year. After updating SOPs, the department will work on the creation of the Fire Department 1-6 year Strategic Plan. This will assist with the formation of our Community Risk Reduction Plan. We intend to involve partners creating this document including citizens and support from Council.
- The Cadet Program is going well. Exposing our youth to the fire service in Gering has been a success so far. Since the creation of our Cadet Program, we have seen 15 high school students participate and have retained four as current members of our department. Because of great leadership from Council and our department we have been able to push aside the nationwide trend in loss of volunteer firefighters. Keeping programs like Recruitment and Retention, the Cadet Program and formulating new ways to attract new firefighters has been pivotal in our area; there has been much success in every category.
- The Department has submitted for a \$25,000 95/5 grant for a wellness and preventative program. We have also reached out to Keno and was awarded funds to upgrade and purchase new radio equipment. We intend to look at the VFA, RFA and new Rural EMS grants to assist with training and equipment needs.

On behalf of the Gering Fire Department, Chief Flowers thanked Mayor Kaufman and the City Council for their commitment to public safety and continued support of the Fire Department.

Motion by Councilmember Cowan to enter the Fire Department Annual Report into the public record. Second by Councilmember O'Neal. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

2. Approve appointment of Charlie Wright to the LB840 Application Review Committee

Motion by Councilmember Cowan to approve the appointment of Charlie Wright to the LB840 Application Review Committee. Second by Councilmember Wiedeman. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

3. Second reading of Ordinance 2086 - AN ORDINANCE DEALING WITH THE BUILDING CODE, ADOPTING THE INTERNATIONAL BUILDING CODE 2018 EDITION, WITH APPENDIX F AND THE INTERNATIONAL RESIDENTIAL CODE 2018 EDITION WITH EXCLUDED PORTIONS: AMENDING CURRENT SECTIONS OF THE GERING MUNICIPAL CODE; REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember Cowan made a motion to move the second reading of Ordinance No. 2086 - AN ORDINANCE DEALING WITH THE BUILDING CODE, ADOPTING THE INTERNATIONAL BUILDING CODE 2018 EDITION, WITH APPENDIX F AND THE INTERNATIONAL RESIDENTIAL CODE 2018 EDITION WITH EXCLUDED PORTIONS: AMENDING CURRENT SECTIONS OF THE GERING MUNICIPAL CODE; REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE. Seconded by Councilmember Smith. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

4. Request for a meeting of the Committee of the Whole with agenda items: 1.) Review information on Fire Department incentive options; 2.) Review 10-year Fire and EMS statistics

Motion by Councilmember Cowan to approve a request for a meeting of the Committee of the Whole with agenda items: 1.) Review information on Fire Department incentive options; and 2.) Review 10-year Fire and EMS statistics. Second by Councilmember O'Neal. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith,

Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

CLOSED SESSION: (Council reserves the right to enter into closed session if deemed necessary.)

REPORTS: (Information only)

1. Liaison report – PADD (Panhandle Area Development District) Lane Danielzuk, City

Administrator Danielzuk stated:

- PADD recently finished out the final reporting required by the DED for the Downtown Redevelopment Grant; it was sent on Thursday of last week
- PADD's Economic Development Loan Fund is currently servicing 14 outstanding loans with an outstanding balance of just over \$560,000
- PADD currently has two active loans that were made to businesses in Gering; the original loans were for a total of \$130,000 used to create six new full-time positions with a minimum wage of at least \$13 per hour
- PADD currently has a little over \$400,000 to lend for business start-ups, expansions or transitions focusing on job creation and retention
- Recently PADD has done two (Environmental) Phase II's in Gering; one site will require clean-up which PADD will assist with writing that grant
- Jeff Kelley, PADD Director, announced in January that he will be retiring on June 30, 2020. He has done a very fine job of leading PADD as an organization

OPEN COMMENT SECTION: None

Councilmember Gillen stated discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

ADJOURN:

Motion by Councilmember Wiedeman to adjourn. Second by Councilmember O'Neal. There was no discussion. Councilmember Gillen called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

Meeting adjourned at 7:03 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

