

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, MARCH 9, 2020

A regular meeting of the City Council of Gering, Nebraska was held in open session on March 9, 2020 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Abel, Wiedeman. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Councilmembers O'Neal, Cowan and 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

Mayor Kaufman called the meeting to order at 6:00 p.m. 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

Motion by Councilmember Wiedeman to excuse the absence of Mayor Kaufman and Councilmember Morrison from the February 24, 2020 regular meeting. Second by Councilmember Gillen. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman. "NAYS": None. Abstaining: None. Absent: O'Neal, Cowan and Morrison. Motion Carried.

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

Mayor Kaufman 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 Council determines that the matter requires emergency action.

CONSENT AGENDA:

1. Approve minutes of the February 24, 2020 regular City Council meeting
2. Approve Claims
3. Approve TCD Quarterly Report: October – December 2019
4. File for record the February 25, 2020 combined Public Works and Public Safety Committee meeting minutes

Claims:

2-26-2020 to 3-5-2020

21ST CENTURY EQUIPMENT \$471.32, 24/7 FITNESS \$430.00, ACCELERATED RECEIVABLES SOLUTI \$284.65, ALLO COMMUNICATIONS \$1,888.87, AL'S TOWING, INC \$95.00, AMAZON \$9.98, AMAZON CAPITAL SERVICES, INC \$1,029.56, AMERITAS LIFE INSURANCE COPR. \$1,106.28, ARIAT INTERNATIONAL \$288.74, ASCAP \$364.83, ATLAS \$412.00, ATV WORKS \$85.74, AXON ENTERPRISE, INC \$495.00, BAKER & ASSOCIATES, INC, \$9,015.00, BENZEL PEST CONTROL \$56.71, BEST BOOKS, INC, \$14.75, BH MEDIA GROUP HOLDING, INC. \$30.00, BKD RENTALS LLC \$2,154.20, BLACK HILLS ENERGY \$1,887.94, BLUFFS FACILITY SOLUTIONS \$405.25, BORDER STATES INDUSTRIES, INC \$94.67, BRETHOURS HONEYWAGON EXPRESS \$180.00, CAMRYN SALAS \$75.00, CARHARTT \$139.09, CASEY'S GENERAL STORE \$16.85, CENCON LLC \$750.00, CENTURYLINK \$2,822.47, CITY INSURANCE FUND \$182,460.64, CITY OF GERING \$267.52, CITY PAYROLL TRUST \$4,950.79, CLARK PRINTING LLC \$805.45, CONNECTING POINT \$165.08, CORE & MAIN LP \$168.51, COUNTRY \$7.50, COVERTTRACK GROUP, INC. \$910.00, D & H ELECTRONIC SUPPLY, INC \$63.12, DALE'S TIRE \$100.00, DANA SAFETY SUPPLY \$3,104.19, DANKO EMERGENCY EQUIPMENT CO \$1,107.78, DAS STATE ACCOUNTING-CENTRAL \$135.55, DAVIS & STANTON, INC \$75.00, DEARBORN LIFE INSURANCE COMPAN \$116.96, DEB BAUER \$150.00, DELANA LEGLER \$75.00, DEMCO, INC \$309.16, DHHS, DRINKING WATER & \$40.00, DOCU-SHRED LLC \$52.00, DOOLEY OIL \$202.15, DUTTON-LAINSON COMPANY \$28.08, DYKES OIL INC. \$56.60, ECOLAB \$200.78, ELITE TOTAL FITNESS \$228.00, ELLISON, KOVARIK & TURMAN LAW \$2,888.75, ENERGY LABORATORIES INC. \$464.00, FAIRFIELD BY MARRIOTT NORTH P \$536.00, FBI NATIONAL ACADEMY ASSOC., I \$125.00, FEDEX \$118.21, FELSBURG HOLT & ULLEVIG INC \$3,995.00, FIRST STATE BANK \$341.71, FLOYD'S TRUCK CENTER, INC. \$3,731.56, FRANK PARTS COMPANY \$807.91, FRESH FOODS INC. \$5.80, GALL'S INC. \$1,197.50, GENERAL TRAFFIC CONTROLS, INC. \$205.00, GEOTECH ENVIRONMENTAL EQUIP. \$81.26, GERING VALLEY PLUMBING & HTG. \$127.50, GFOA \$965.00, GOLFNOW G1 LLC \$2,530.55, GREATAMERICA FINANCIAL SERVICE \$141.23, HARBOR FREIGHT TOOLS \$269.95, HF BASEBALL LLC \$467.53, HOLIDAY INN EXPRESS \$395.88, HOME DEPOT CREDIT SERVICES \$110.00, HORIZON WEST, INC. \$136.75, ICMA ELECTRONIC RETIREMENT \$709.74, IDEAL LAUNDRY AND CLEANERS, IN \$423.15, INDOFF INCORPORATED \$88.56, INGRAM LIBRARY SERVICES \$877.25, INTER. CODE COUNCIL INC. \$315.40, INTERNAL REVENUE SERVICE \$39,668.01, INTERSTATE BATTERIE/RAPID CITY \$80.00, INTRALINKS, INC \$1,439.92, IRBY TOOL & SAFETY \$3,256.92, JOHN HANCOCK USA \$13,807.46, JOHN HANCOCK USA POLICE \$6,296.18, JOHNSON CASHWAY CO \$241.70, KAREN SUE BRUNTZ \$425.00, KWIK STOP \$31.70, LA QUINTA INNS & SUITES \$84.00, LOGOZ LLC \$107.00, MAGNOLIA JOURNAL \$20.00, MATHESON TRIGAS INC \$760.01, MATRIX TRUST COMPANY \$534.68, MEAT SHOPPE \$12,630.53, MENARDS \$398.04, MIDWEST MEETINGS/GUIDE \$1,200.00, MILCO ENVIRONMENTAL SERVICES, I \$9,752.11, MONEY WISE OFFICE SUPPLY \$69.81, MOTOROLA SOLUTIONS, INC \$30,143.40, MSC 410526/DOLLAR GENERAL CORP \$2.75, MUNICIPAL SUPPLY, INC. OF NE \$4,439.82, MURDOCH'S RANCH & HOME \$19.99, NATIONAL GEOGRAPHIC KIDS \$30.00, NE CHILD SUPPORT PAYMENT CENTE \$647.09, NE DEPARTMENT OF REV (PR) \$12,581.04, NE PUBLIC HEALTH ENVIRO LAB \$360.00, NEBRASKA PGA \$100.00, NEBRASKA PUBLIC POWER DISTRICT \$1,766.72,

NEOFUNDS BY NEOPOST \$1,778.03, NORTHERN TOOL \$528.00, NORTHWEST PIPE FITTINGS, INC \$73.24, OCLC, INC. \$160.66, OREGON TRAIL PLBG. & HEATING \$220.00, OSS OFFICER SURVIVAL SOLUTIONS \$116.95, PANHANDLE COOP ASSOCIATION \$5,921.34, PANHANDLE DIESEL SERVICES \$2,979.98, PANHANDLE ENVIRONMENTAL SERVIC \$1,136.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PANHANDLE REGIONAL DEVELOPMENT \$25.00, PATTLEN ENTERPRISES, INC \$116.70, PAYPAL \$210.00, PAYROLL CHECKS \$122,286.27, PIPE WORKS PLUMBING LLC \$154.26, POSTMASTER \$1,057.59, POWER SCREENING, LLC \$71.07, POWERPLAN OIB \$3,265.65, PRAETORIAN GROUP INC \$1,238.00, PUMP & PANTRY \$38.86, RECORDED BOOKS, INC. \$112.49, RED BARN SHOP, LLC \$90.00, RR DONNELLEY RECEIVABLES, INC. \$120.19, SANDBERG IMPLEMENT, INC. \$268.81, SCB CO. VEHICLE REGISTRATION \$43.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCOTTSBLUFF-GERING UNITED WAY \$127.50, SENIOR CITIZENS CENTER \$525.00, SHAWNA WINCHELL \$730.00, SOLUTIONS EAP \$244.55, SONNY'S TOWING \$75.00, SPEEDEE MART \$45.24, STAPLES CREDIT PLAN \$222.96, STEEL GRILL \$217.60, SUGAR VALLEY FEDERAL CREDIT \$678.37, SUREFIRE, L.L.C. \$179.68, TALLMAN EQUIPMENT CO, INC \$73.83, TAYLOR MADE GOLF COMPANY \$163.75, TEAM CHEVROLET \$392.52, TERRY CARPENTER, INC. \$650.00, THE PEAVY CORP. \$160.50, THE TORO COMPANY \$155.00, UNANIMOUS, INC. \$1,250.00, UNITECH \$219.00, UNITED AIRLINES \$1,365.72, UNIVERSITY OF NEBRASKA-LINCOLN \$560.00, UNL MARKETPLACE \$65.66, USA BLUE BOOK \$532.71, VARIDESH \$455.00, VERITEQUE USA, INC \$370.00, VERIZON WIRELESS SERVICES, LLC \$779.44, VISTA PRINT \$59.99, WALMART \$43.90, WAREHOUSE FITNESS CENTER \$252.00, WESTERN COOPERATIVE COMPANY \$2,259.96, WESTERN LIBRARY SYSTEM \$12.00, WESTERN PATHOLOGY CONSULTANTS \$252.00, WESTERN STATES BANK \$17,674.96, WESTERN STATES BANK - POLICE \$16.00, WESTERN TRAVEL TERMINAL \$57.81, WINSUPPLY SCOTTSBLUFF NE CO. \$3.29, WM RECYCLE AMERICA \$2,889.50, WNCC \$100.00, WYOMING BEARING & SUPPLY \$168.86, YMCA OF SCOTTSBLUFF \$629.00

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

BIDS/RFQ:

1. Remove from table: Oregon Trail Park Quad Fields Finish Work Bid- Parks & Recreation Department

Motion by Councilmember Gillen to remove from table the Oregon Trail Park Quad Fields Finish Work Bid- Parks & Recreation Department. Second by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman. "NAYS": None. Abstaining: None. Absent: O'Neal, Cowan and Morrison. Motion Carried.

2. Oregon Trail Park Quad Fields Finish Work Bid - Parks & Recreation Department

Motion by Councilmember Smith to approve the consent agenda. Second by Councilmember Wiedeman.

Discussion: Councilmember Wiedeman stated that staff did a lot of research on this project; she thinks Council needs to go with their recommendation because they spent a lot of time and put in a lot of effort and talked to a lot of people, many of which recommended going with people that had experience. This is a big and expensive project for the City of Gering and we don't want to have to redo something because we can't afford it and we want to do it right the first time.

Councilmember Backus stated that seeing how this project was bid out differently, we would have only had one person qualified to do the work. He can agree with staff that we do need a qualified person to do the work but he would still like to have it re-bid to have more than one qualified bidder.

The Mayor called the vote. "AYES": Smith, Gillen, Abel, Wiedeman. "NAYS": Backus. Abstaining: None. Absent: O'Neal, Cowan and Morrison. Mayor Kaufman voted "AYE" making a majority vote. Motion Carried.

3. Fuel Bids

Motion by Councilmember Backus to reject all bids and re-bid the project in light of unprecedented market changes with the oil market right now; also there could be some rather large, potential savings to the City. Second by Councilmember Abel. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman. "NAYS": None. Abstaining: None. Absent: O'Neal, Cowan and Morrison. Motion Carried.

CURRENT BUSINESS:

1. Adopt Resolution 3-20-1 regarding the City of Gering Right of Way Clearing Project

City Engineer, Annie Folck, stated that this is something that has been talked about for quite some time; we've had some issues with our alleys. Currently several of them are overgrown, there's a lot of junk in the alleys and it's making it very difficult for City employees to do their jobs. We've had damage to City equipment trying to get down the alleys; we need to get them cleaned up. First and foremost, alleys should be for serviceability and to provide services, not for other uses. This will be a two-pronged effort.

One will be education, trying to let everyone know what the function of the alley is and what they can and can't do with that alley. The second part will be going through with City equipment and personnel and alley by alley starting to clean those and making sure to remove everything that shouldn't be there. We'd much rather be doing that now when City personnel have time to work on that rather than waiting until we're in the middle of a blizzard and we've got power lines coming down, etc. She stated that Chief Holthus has put together materials for this project. With the resolution, basically what staff is proposing is nothing new; it's already in the code. It hasn't been enforced for years so we want to bring it to everyone's attention that these are the requirements of the City of Gering. We plan on enforcing, from here on out, that there should not be anything in the alleys that is there permanently (such as landscape timbers, block, etc.). The City needs to have all of those cleaned up. Staff will notify people of the alleys we're going to be working on with two notices; one 30 days in advance and one five days in advance letting them know when their alley is targeted next. That gives them an opportunity that if they have anything back there that they want to salvage, they can clean it out. If they don't, when the City comes through staff will be clearing that out. We are going to be allowing some vegetation mainly because we'd rather have beneficial vegetation there rather than weeds. But we cannot allow any shrubs or trees; no woody material at all. If people want to have perennials or grasses back there, even vegetable gardens, they are allowed to do that but it needs to be with the understanding that if our Electric, Sewer or any department needs to get back there and if they damage any of that material, they will not be putting it back. First and foremost we need to be able to supply services to the community.

Councilmember Wiedeman added that this also includes around fire hydrants. Ms. Folck stated an eight-foot radius needs to be kept clear around fire hydrants. Councilmember Gillen thanked staff for their efforts on keeping Council informed on this whole process; he thinks there is a good process in place. Councilmember Wiedeman agreed but added that she'd like to see the City find a way to keep the landfill or tree dump open because some people cannot make it out there between 6:30 a.m. and 2:30 p.m. Monday through Friday. Annie said the plan is to have roll-offs available for those purposes as well (tree waste and solid waste).

RESOLUTION 3-20-1
City of Gering Right-of-Way Clearing Project

WHEREAS, Overgrowth of trees, bushes and shrubs in alleys has caused obstruction or damage to City equipment and/or interference with power lines. The overgrowth poses a potential safety risk to the public as well as to City employees as they provide essential or emergency services to the community.

WHEREAS, Consequently the City has determined it is necessary to focus on alley and right-of-way clearing and debris removal. Per City code § 95.04: *It shall be the duty of the property owner adjacent to the alley to keep the alley clear of weeds, and to prevent obstruction of the alley by overhanging shrubs and trees.*

WHEREAS, City code § 53.45 states: *Alleys are public thoroughfares and are to be kept clear of obstructions at all times.*

WHEREAS, The City is asking for cooperation by all residents and will be assessing the public right-of-way adjacent to all properties in Gering and, if necessary, remove overgrowth and debris to include the following: landscape timbers/blocks/pavers, fencing, bushes, shrubs, trees, debris of any type, wood/building materials, household goods (including but not limited to furniture, mattresses, TVs, appliances, etc.). In addition, an eight-foot radius around fire hydrants must be kept clear for easy access during emergencies.

WHEREAS, The "Right-of-Way Clearing Project" is slated to begin in the spring of 2020. Following proper notice City staff will assess alleys and clearly mark right-of-way boundaries including areas around fire hydrants. Any items as listed above within that designated area will be subject to removal by City personnel. Future maintenance of public right-of-way is the responsibility of all property-owners.

NOW, THEREFORE BE IT RESOLVED THAT:

THE GERING CITY COUNCIL hereby adopts, by resolution, the Right-of-Way Clearing Project.

PASSED AND APPROVED THIS _____ DAY OF _____, 2020.

Mark A. Kaufman, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Motion by Councilmember Wiedeman to adopt Resolution 3-20-1 regarding the City of Gering Right of Way Clearing Project. Second by Councilmember Gillen. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Abel, Wiedeman. "NAYS": Backus. Abstaining: None. Absent: O'Neal, Cowan and Morrison. Mayor Kaufman voted "AYE" making a majority vote. Motion Carried.

2. Approve and authorize the Mayor to sign a letter of support for LB424

Motion by Councilmember Gillen to approve and authorize the Mayor to sign a letter of support for LB424. Second by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman. "NAYS": None. Abstaining: None. Absent: O'Neal, Cowan and Morrison. Motion Carried.

3. Third reading and adoption 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 Gillen made a motion to move the third 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. Seconded by Councilmember Backus. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman. "NAYS": None. Abstaining: None. Absent: O'Neal, Cowan and Morrison. Motion Carried.

Whereupon Ordinance No. 2086 was read by title only. Councilmember Abel moved that the Ordinance be designated as Ordinance No. 2086 and the title thereof approved and that the Ordinance be passed as read, which motion was seconded by Councilmember Wiedeman. The question is shall Ordinance No. 2086 be passed? There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman. "NAYS": None. Abstaining: None. Absent: O'Neal, Cowan and Morrison. Motion Carried.

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was by the Mayor declared passed.

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

ADJOURN:

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

Meeting adjourned at 6:15 p.m.

ATTEST:

Kathleen J. Welfl, City Clerk



Mark A. Kaufman, Mayor