

THE PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, APRIL 25, 2022

A regular meeting of the City Council of Gering, Nebraska was held in open session on April 25, 2022, at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Matt Turman. Absent was Councilmember Backus. 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. 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

Motion by Councilmember O'Neal to approve the absence of Mayor Kaufman and Councilmember Smith from the April 11, 2022 regular City Council meeting. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. 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 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 April 11, 2022 regular City Council meeting
2. Approve Claims
3. Approve March, 2022 Financial Report

Claims 4-12-22 to 4-25-22

21ST CENTURY EQUIPMENT \$1,425.31; 24/7 FITNESS \$131.50; A & A PORTA POTTIES \$135.00; AC ELECTRIC MOTOR SERVICE \$145.32; ACCENT WIRE PRODUCTS \$744.43; ACE HARDWARE \$51.31; ACUSHNET COMPANY \$2,569.02; ADIDAS AMERICA, INC \$217.00; AFL, LLC \$69,792.00; AIRGAS INTERMOUNTAIN INC \$70.82; ALTEC INDUSTRIES, INC. \$726.03; AMAZON CAPITAL SERVICES \$708.81; AMERICAN STORMWATER INSTITUTE \$375.00; AMERITAS LIFE INSURANCE COPR. \$566.84; B & C STEEL \$435.46; B & S RASK GRILL \$1,232.00; BENZEL PEST CONTROL \$147.66; BEST WESTERN INN-NORTH PLATTE \$480.00; BH MEDIA GROUP HOLDING, INC. \$1,120.93; BLUFFS FACILITY SOLUTIONS \$638.92; BORDER STATES INDUSTRIES, INC \$4,587.33; BRETHOURS HONEYWAGON EXPRESS \$200.00; CALLAWAY GOLF COMPANY \$5,389.62; CANVAS PEOPLE \$23.49; CENTURYLINK \$731.34; CITY INSURANCE FUND \$84,299.86; CITY OF GERING \$2,094.05; CITY OF LINCOLN \$22.50; CITY PAYROLL TRUST \$2,528.08; CLARK PRINTING LLC \$484.50; CONTRACTORS MATERIALS, INC. \$141.50; COVERTTRACK GROUP, INC. \$600.00; CROELL, INC \$685.00; CROSSROADS COOPERATIVE ASSOC. \$600.06; DLT SOLUTIONS, INC. \$1,407.55; DOLAN CONSULTING GROUP \$95.00; DOOLEY OIL \$2,053.37; DUTTON-LAINSON COMPANY \$419.55; EAKES INC \$55.99; ECOLAB \$148.71; ELITE TOTAL FITNESS \$65.50; ELLISON, KOVARIK & TURMAN LAW \$15,015.20; ESC ENGINEERING \$16,733.53; FASTENAL COMPANY \$328.55; FEDEX \$36.44; FIRST STATE BANK \$509.84; FLYING J TRAVEL PLAZA \$106.59; FRANK PARTS COMPANY \$533.52; FREE CONFERENCE CALL.COM \$4.00; FYR-TEK, INC. \$595.00; GERING PUBLIC SCHOOLS \$3,340.00; GRAINGER \$284.12; GWORKS \$1,550.00; HACH COMPANY \$744.42; HENSLEY BATTERY, LLC \$101.18; HILTON FORT COLLINS \$912.96; IDEAL LAUNDRY AND CLEANERS, IN \$107.29; INDOFF INCORPORATED \$227.04; INFINITY CONSTRUCTION INC. \$10,000.00; INGRAM LIBRARY SERVICES \$664.47; INTERNAL REVENUE SERVICE \$37,168.58; INTRALINKS, INC. \$357.22; IRBY TOOL & SAFETY \$12,640.28; JB BOHNSACK \$230.00; JC GOLF ACCESSORIES \$958.17; JOHN HANCOCK USA \$12,792.55; JOHN HANCOCK USA FIRE \$597.33; JOHN HANCOCK USA POLICE \$6,308.76; KAPCO \$88.80; KENNETH LEROY DODGE \$1,267.20; KRISTEN MASSIE \$100.00; LITTLE AMERICA HOTEL & RESORT \$348.51; LOAF & JUG \$78.99; LOGOZ LLC \$10.00; MARRIOTT CORNHUSKER HOTEL \$324.54; MAVERIK \$40.07; MEAT SHOPPE \$16,480.17; MENARDS \$1,913.22; MESA HOTLINE SCHOOL \$350.00; MIDTOWN ANIMAL HOSPITAL, P.C. \$30.00; MIDWEST CONNECT \$95.95; MIXER AND PLANT PARTS \$72.05; MONUMENT SHADOWS MENS GOLF \$2,128.00; MOTOR FUELS DIVISION \$1,480.00; MUNICIPAL ENERGY AGENCY OF NE \$302,391.71; NATIONAL TACTICAL OFFICER ASSO \$35.00; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE DEPARTMENT OF REV (PR) \$5,897.35; NE DEPT OF REVENUE \$1,053.81; NE DEPT. OF REVENUE \$61,695.14; NE PUBLIC HEALTH ENVIRO LAB \$457.00; NE STATE PATROL CRIMINAL ID \$92.76; NEBRASKA GOLF ASSOCIATION \$598.00; NEBRASKA MUNICIPAL

POWER POOL \$500.00; NEBRASKA PUBLIC POWER DIS \$1,597.11; NEBRASKA RURAL RADIO ASSOC. \$583.18; NEBRASKA WATER ENVIRONMENT \$320.00; NKC TIRE \$574.08; NORTH PLATTE NRD \$190.00; NORTHERN TOOL \$197.94; NORTHWEST PIPE FITTINGS, INC \$37.20; NPZA \$20.00; PANHANDLE COOP ASSOCIATION \$9,718.39; PANHANDLE ENVIRONMENTAL SERVIC \$1,595.00; PANHANDLE HUMANE SOCIETY \$3,168.50; PATTLEN ENTERPRISES, INC \$372.73; PAUL REED CONSTRUCTION & SUPP \$213.49; PAYROLL 4/22/22 \$119,700.24; PIPE WORKS PLUMBING LLC \$207.69; POSTMASTER \$1,504.80; POWERPLAN OIB \$5,352.62; PUMP & PANTRY \$33.92; QUARK SOFTWARE \$598.00; REIMAN MEDIA GROUP, LLC \$26.73; SANDBERG IMPLEMENT, INC. \$159.00; SCB CO. VEHICLE REGISTRATION \$21.00; SCB. COUNTY AMBULANCE SERVICE \$316.23; SCB. COUNTY REGISTER OF DEEDS \$46.00; SCOTTS BLUFF CO. CONSOLIDATED \$85.00; SCOTTS BLUFF COUNTY COURT \$51.00; SCOTTSBLUFF-GERING UNITED WAY \$141.75; SENIOR CITIZENS CENTER \$525.00; SETH DEBOER \$31.00; SHAWNA WINCHELL \$820.00; SIMMONS OLSEN LAW FIRM, P.C. \$2,095.00; SIMON CONTRACTORS \$884.34; SOUTHWESTERN SALES CO. \$2,701.00; SPEEDEE MART \$147.25; SPORTSMAN'S GUIDE \$230.98; STAGECOACH STOP \$70.45; STAPLES CREDIT PLAN \$453.89; SUGAR VALLEY FEDERAL CREDIT \$528.37; SUN MOUNTAIN SPORTS \$174.00; SWANA \$268.00; TAYLOR MADE GOLF COMPANY \$219.71; TEAM CHEVROLET \$380.82; TERRY CARPENTER, INC. \$650.00; TERRY YEAGER \$300.00; THE TORO COMPANY \$155.00; TIM PILKINGTON \$176.00; TYLER TECHNOLOGIES \$8,600.00; ULINE, INC \$3,087.63; UNITED STATES POSTAL SERVICE \$64.75; UNIVERSITY OF NEBRASKA \$160.00; UTILITY REFUND CHECKS \$254.89; VALLEY AUTO LOCATORS LLC \$391.74; VERIZON CONNECT \$38.38; W & R INC. \$527.50; WALMART COMMUNITY/SYNCRB \$66.32; WAREHOUSE FITNESS CENTER \$48.00; WEBSTRAUNT \$115.01; WESTERN COOPERATIVE COMPANY \$6,644.64; WESTERN NE HUMAN RESOURCE \$90.00; WESTERN PATHOLOGY CONSULTANTS \$259.00; WESTERN STATES BANK \$10,040.03; WESTERN STATES BANK - POLICE \$516.00; WYOMING BEARING & SUPPLY \$359.62; WYOMING FIRST AID & SAFETY \$97.18; YMCA OF SCOTTSBLUFF \$335.00; ZOOM VIDEO COMMUNICATIONS \$175.38

Motion by Councilmember Wiedeman to approve the Consent Agenda. Second by Councilmember Gillen. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion carried.

BIDS:

1. Light Duty Rescue Truck Bid – Fire Department

Fire Chief Flowers stated that Gering Fire Department requested bids to replace the 2008 Rescue Unit. This apparatus is on a 10-year replacement schedule and is now currently 14 years old. Bids were opened on April 12, 2022 and three bids were received. In July of 2021, staff reached out to various manufactures requesting projected costs for this apparatus. \$210,000 was budgeted, based on the overall estimates. Chief Flowers stated we were on track for costs to be equivalent to the budgeted amount, but have seen a drastic increase in equipment, wages and vehicles in the past three months. The lowest bid received was higher than the budgeted amount. Additionally, chassis and vehicle availability has also caused some concern. Due to vehicle manufacturer shutdowns and other delays in parts, a longer build time is now estimated. It used to take 180 days to receive a light duty rescue apparatus; now we are seeing a 435-day timeframe. It was budgeted to replace this apparatus in this fiscal year. Conditions beyond staff's control now force us to move this purchase into the next fiscal year, or possibly in two years. This will allow staff to make up the increased cost in the bids received. Funds from the Fire Department Sinking Fund and the Public Safety Fund will be used to purchase this apparatus. Even though bids were higher than estimated, the funds are in place to cover these increases.

Staff reviewed the three bids that were received and found two bidders that took exceptions to the specifications. Staff recommends awarding the bid to Danko. They were able to meet the specifications provided. The current rescue truck was built by Danko in 2008 and there have been no issues. Even though they were not the lowest bid, they did not take exceptions to any specification. Finally, after clarification from each manufacturer, Danko was the only bid that included a 435-day delivery. All other bids submitted did not include a delivery date. After clarification, they were estimating two years due to chassis availability. Chief Flowers thanked the Council for the opportunity to replace this aging apparatus.

Councilmember O'Neal made a motion to approve staff's recommendation and award the Light Duty Rescue Truck bid to Danko in the amount of \$267,705. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion carried.

2. Ballpark Substation Transformer Equipment and Materials Bid – Electric Department

Annie Folck, City Engineer, stated that this bid is for the ballpark substation. The Electric Department is in the process of converting over to 7200 voltage. As part of that process, and the way we did the last couple of substations, and the way staff plans on doing this, is there are some owner-provided equipment and materials. Due to the long lead time, we don't expect this project to start until October 1, 2022, or

shortly thereafter. However, due to the long lead times, staff wanted to get this ordered, and on its way, and make sure it doesn't delay the project. Another reason to order it this early is because prices continue to increase; staff are trying to lock in the prices now so we'll know for sure what those costs are going to be for budgeting. We do not have money in this fiscal year, because again, this project isn't supposed to start until the next fiscal year. We have this scheduled to be delivered between October 1 and October 15; that will ensure the costs will hit on next year's budget. If this bid is approved, it will lock it in. Councilmember Bohl asked if they will require funds up front. Ms. Folck replied, the City will pay upon delivery.

Motion by Councilmember Gillen to approve staff's recommendation and award the Ballpark Substation Transformer Equipment and Materials bid to Border States Electric in the amount of \$247,153.83. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion carried.

3. Consider proposal for Summer Collegiate Wood-bat Baseball Team to play at Oregon Trail Park Stadium

Motion by Councilmember Bohl to approve staff's recommendation and accept the proposal from HF Baseball d/b/a Western Nebraska Pioneers for a Summer Collegiate Wood-bat Baseball Team to play at Oregon Trail Park Stadium. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": Gillen. Abstaining: None. Absent: Backus. Motion carried.

PUBLIC HEARINGS: None.

CURRENT BUSINESS:

1. Approve and authorize the Mayor to sign Lease Agreement by and between the City of Gering, Nebraska and HF Baseball, LLC d/b/a Western Nebraska Pioneers regarding lease of premises situated at 800 13th Street, Gering, NE, more commonly known as Oregon Trail Park Stadium

Motion by Councilmember Morrison to approve and authorize the Mayor to sign Lease Agreement by and between the City of Gering, Nebraska and HF Baseball, LLC d/b/a Western Nebraska Pioneers regarding lease of premises situated at 800 13th Street, Gering, NE, more commonly known as Oregon Trail Park Stadium. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": Gillen. Abstaining: None. Absent: Backus. Motion carried.

2. Consider approval of Keno Fund Requests

- Allred Brothers Fireworks Show
- Gering Merchants Association
- Community Ever Green House

Keno Committee Chairman, Darrell Bentley, addressed the Council and entertained questions from the Council. Councilmember Morrison apologized that she wasn't present at the Keno Committee meeting and asked, regarding the Ever Green House, is that \$25,000 going to take care of that whole new little building. Mr. Bentley replied, yes. He was quite concerned because the proposal did not have footings. He checked with the City Engineer and that size building, and the way it's laid out, does not have to have footings. The bid they've requested has a cement slab foundation and the building. B & C was the winning proposal; they had two bids.

Mr. Bentley stated the Gering Merchants, a real asset to our community, are getting some new, young blood in with them, which is exciting for a group like that to get young people involved. What they're asking for this time, they want to start something new in the summer in the plaza. The plaza is a real asset to our community. According to Renae Garton, they will be blocking off 11th Street by the plaza, they'll have bounce houses and entertainment. It should be a real splendid day for the City of Gering with

what they're going to do. Councilmember Wiedeman clarified that it will take place on June 11. Mayor Kaufman thanked Mr. Bentley and his Committee for their stewardship and foresight over the years.

Motion by Councilmember Morrison to approve the Keno Fund requests as presented which is \$5000 for the Allred Brothers Fireworks Show, \$5000 for the Gering Merchants and \$25,000 for the Community Ever Green House. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion carried.

3. Fire Department Annual Report

Chief Flowers presented the Fire Department Annual Report. He thanked the Mayor and Council for the opportunity to report on Fire Department activities this past year.

Chief Flowers stated: 2021 was another record-breaking year supporting the needs of the community. Last year we had a few more calls for service than the previous year. However, we had many large, extended operations that increased our total man hours on scene. The first pages in the report provides various data on incident statistics for 2021. Fire calls were in line with the 10-year average and EMS account for 67% of calls for service. EMS again has seen an increase in service. We averaged 13 firefighters per fire call and spent a total of 12,817 man-hours on calls for service. In total, we documented 23,188 man-hours on all fire department activities. This was a large increase from the previous year.

Surprisingly, our busiest months were January and April, where we saw an increase in COVID calls. August through October brought large wildfires that the department spent three to five days continuous on each fire. We had four large fires within our district or through mutual aid. Those fires burned approximately 26,000 acres and Gering Fire spent a total of 16 days battling those blazes.

Within the municipal limits of Gering, we had \$1.4 million dollars of property valuation affected by fire. Total estimated loss was around \$391,000. We had several vehicle fires and two residential structure fires. We also responded to several commercial properties. We provided mutual or automatic aid on structure fires to many area fire departments.

We logged 5,100 hours of training and 1,700 hours of public education and fire prevention. We hosted our Junior Fire Patrol Program for Gering 5th grade students after cancelling the year prior.

We migrated our equipment maintenance to our online records system. Now firefighters can log vehicle inspections through our system. This helps us track monthly maintenance and total expenditures related to each vehicle. We have also begun tracking all inventory and protective clothing through this system, allowing proper maintenance of our protective clothing.

This is now the 21st year of the Mutual Finance Assistance Fund from the State of Nebraska. The City received \$45,421 and the rural board received \$22,264. The Fire Department also received two additional grants for PPE, training and fire prevention equipment. We continue to work through our county-wide radio upgrade project and expect to go live this year. We are actively searching for grant opportunities to assist with costs of equipment and training.

On behalf of the Gering Fire Department, I would like to thank Mayor Kaufman and the City Council for their commitment to public safety and continued support of the fire department.

Notation: The Fire Department Annual Report is on file at the Office of the City Clerk.

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

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

OPEN COMMENT: Mayor Kaufman stated that discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

A member of the audience asked for clarification from the City Attorney about the time limit (for public comment) by what's in City ordinance. He stated according to 33.15 in addressing the Council, the Mayor may limit but that limit is five minutes according to our ordinance (referring to posted signs in the Council Chambers that stated public comment is limited to three minutes). City Attorney, Matt Turman, said he'd have to pull that up; it could be, he'd have to look. He said certainly the Mayor might be willing to give him five minutes if he wants two extra minutes. Mayor Kaufman agreed.

A.J. Moore, 1900 Birch Street, Gering, addressed the Council and read a news article posted September 5, 2019 by the Hub City Radio. *"The Hub City Hot Shots will suspend operations for the 2020 season. The move was announced by Expedition League Commissioner and Hot Shots Acting Owner, Steve Wagner, on Wednesday. In addition, the Aberdeen Parks and Recreation Board has announced that it will terminate the contract with the Hot Shots for the use of Folsom Field and its concessions. The Hotshots have been in existence since 2018, they ran into financial trouble this past season and Wagner took over as owner, citing neglect from the original owners, Chuck and Mayra Heeman. The Aberdeen Hardball Association is still owed approximately \$13,000 in rental fees."*

Mr. Moore thanked Councilmember Gillen for his "no" vote. He stated that the City has failed to uphold its fiduciary responsibility to the tax payers - Mr. Heeman's late payments on, he believes, every payment that he has paid for his lease of the Pioneers' field. Mr. Moore stated that although he has enjoyed going to Pioneers' games, he feels that this decision was made before this bidding process even started. Having the contract in place for the City to sign, with HF Baseball, is somewhat a slap in the face to the tax payers. His past record has shown late payments, failed ventures with other teams and we continue to do business with him.

Charles Heeman, 1765 21st Street, Gering, addressed Council and stated he just wanted to thank the Mayor and members of the Council for passing the lease so they are allowed to play this year. He stated he needed to thank the people behind him because they couldn't do this without them, and without their cooperation - it means a lot. They are hopefully on to bigger and better things; this last six months or so has been kind of an interesting time for them. This is a step towards them getting on to the next level of what they hope to do. He stated he just wanted to thank the Council for passing the lease.

Charlie Knapper, 1405 5th Street, Gering, addressed the Council and stated his comments are neutral. Scotts Bluff County has engaged in a contract with the Pioneers to provide marketing at their Casper Field and the North Platte field; it's a three-year contract. What they plan to do with that contract is they're going to advertise in those locations and they're going to purchase tickets here to the Pioneers games to give those tickets to visiting team fans, parents, host families and that sort of stuff, to try to get those folks to Gering. His concern is that they've engaged in a three-year contract; they just want to make sure that the City of Gering is doing their due diligence with a contract and with their RFP process, because that is where they get their confidence from. They get their confidence to engage in business, and he's not really speaking on behalf of Scotts Bluff County, he's speaking on behalf of all business entities that advertise with the Pioneers, that help make this thing go. Going forward he would encourage the City Council to remain transparent because the rest of us look at your engagement as a sign of confidence.

Wade Brashear, 140386 S. 14th Street, Gering, addressed Council and apologized for being so heated last time for not having public comment. He'd never been to an open meeting where at least we didn't address or ask for public comment; the meeting lasted five minutes. He went on to say he has no personal agenda in what he's talking about, he just does this for what he feels is right for the people and citizens of Gering. This is not about baseball, he loves baseball. His grandpa coached baseball in Gering, his dad coached and played baseball in Gering, as did he. He played club baseball at the University of Wyoming, he coached Legion Baseball in Kimball for several years. This is also not about denying the citizens the chance of entertainment or fun at our facility, or denying young players the opportunity to play. He stated that his comments are specifically to address the transparency or lack of ethics that he believes has been going on with the Council, specifically Mr. Kaufman. This whole process at Oregon Trail Field was contracted and Mr. Heeman has been in pursuit to the end through any means. He believes that Mr. Kaufman has done the same. Through a request for public records, after the lawsuit was filed in Pennington County, Mr. Brashear was interested in seeing what obligations they had to the City of Gering. He found through those public records that the payments that were due to the City had

been in breach for several years. It says specifically in the contract statement that that contract therefore should have been null and void. It also had stipulations that Mr. Heeman, HF baseball, were to require Workmen's Compensation, and after a request for public records it was proven that there was no ever Workmen's Compensation proof provided to the City of Gering. Again, according to the contract statements, it said that that contract should've been null and void. He understands that contracts have remedies, but why were we not informed as citizens about these breaches of contract? Why weren't these remedy situations not publicized, talked about? Why were we not talking about this issue before we approved it? Transparency is the only thing he's asking for; he's asking for leadership. He has heard from several different people in the Parks Department and the City governments about these. He stated that he did his own research, so you all know. He pulled the contract, he pulled the public records, he put two and two together. He stated you might be under the assumption that somebody was trying to underhand or undermine the City's business. Mr. Brashear called a representative of the City and he truthfully answered what he knew. He (Mr. Brashear) did the research.

Mr. Brashear went on to say that at the beginning of this venture in 2017, Mr. Heeman was, by definition, a solicitor in our City ordinances. According to City ordinances, when you are going to go, or say that you're going to provide services in the future, the City is required by fiduciary responsibility to the citizens, to look at the track record of the person. That includes their obligations, or their past performances in contracts. We just now approved a contract that had past performances that were blatantly breached. There are other examples from other teams including a lawsuit for hundreds of thousands of dollars that is not resolved. Where are we holding to the character? Do we do business with people that have obligations in contracts that are not fulfilled? Do we not have a duty to the citizens? Mr. Brashear stated it should have been dissolved to begin with. If we look at the procurement process that happened after we decided to get out of the previous contract and start a new one, he would ask them all if they felt that was fair to any other available business. To run for three consecutive days in the newspaper, to provide the stipulations that we did, to allow time, reasonable advertisement and bidding of this, to find anyone else who's interested. Mr. Heeman may very well be the best one, or the only one, but the fact that we didn't do our due diligence to actually go through and try to find the quality of the character of the bid, require other bids, to him is against our ordinances and against the best practices of the State of Nebraska. He stated he would ask again if before you've done a procurement process if you have read the procurement standards in the manual for the State of Nebraska. Because he has, they match almost word for word what our solicitor is, what it says, previous contracts, procurement - it also asks for the governance to look at it, to create a committee, discuss it, open it up to the people, be transparent, publicize it, let the people talk before decisions are made, inform people. Let the people decide. If the people were aware of these breaches of contract, do you think there would be a lot more people here? He does. Do we allow anything else... we're going to have a road contract that doesn't get paid? Are we going to do it for any other contract that we have? We're going to allow people to not pay? He stated he would ask Mr. Kaufman the same. Mr. Brashear stated you (referring to Mayor Kaufman) are the head of commercial lending for a reputable bank in the area. Would you be allowed to have a customer, or somebody you're doing business with, that is in blatant breach of contract? Mr. Brashear stated this is not an attack on Mayor Kaufman, he's just asking about his business and what would be required for practices. Would you allow them to be defaulted for three years? Not provide the obligations in the contract? Would you have your job if you did that? You owe it to the stakeholders of the bank. The stakeholders here are the people of Gering. That should be treated no different, that should be held to a higher standard. He thinks it's just disrespectful that we don't look at the needs and the money of the citizens, because he loves baseball, he likes going to the games too, but not everybody in the community necessarily does. But it's their money, it's a four million dollar facility.

Mr. Brashear concluded by saying he was not so heated about this subject, Mr. Kaufman, because he is here for the people. When he looked at the new facilities, and walked by with his wife, and the two marble plaques that are on both facilities have engraved on the top "Mayor Tony Kaufman" in larger font than anything else. Where if he were in that position, that plaque would say paid for by the City of Gering. Or put the players that were on the first Pioneer team on that plaque at the other stadium, or any other, GO Baseball or the history of baseball in Gering. Again, this is not about baseball, this is about what's fair and right and obligated to the people. And he thinks it's your right if you voted yes that you entered in to a contract - you know, fool me once, shame on you; fool me twice shame on me (us, the people).

Mayra Heeman, 1765 21st Street, Gering, addressed the Council and stated we are residents of Gering. They were so happy when they first purchased a home because when they moved here in 2017, that was their goal - to live here. There are going to be people that are not happy no matter what. They can turn

themselves inside out for them, and it will never be enough. They do what they can. They struggled their first year. Like anyone, any ma and pop type business, they're not a conglomerate, they're not millionaires, but they pulled every fricking penny they have saved their entire life, including 401Ks, credit cards maxed out, to make their dream come true. They've always been very transparent. She turned to the audience and said "If you sir, have a question, feel free to come to our office." Their doors are always open. They have documentation about what happened in Aberdeen. She believes that words mean crap when you are talking in a public forum. If you don't have full documentation and proof, she would suggest that you comment because you are entitled to it, or thank God for America and those who served to give us free speech. However, when you make a statement, make sure that you have all your proof before you make a statement, such as the statements this gentleman just made. Again, they have documentation, they have proof and answers to your questions. You know where their offices are, they are never hiding, they live here, work here, they're at the ballpark every game, and they're in their office Monday through sometimes Sunday. Any questions, please feel free to stop in and ask, and they'll be more than happy to answer your questions with proof.

Mayor Kaufman stated they appreciate all the comments. He stated Council's not going to address any of the comments because they can't, but they do appreciate the public coming out and paying attention. This is what this is about, we're at a public meeting and a public forum and they do appreciate the publics' interaction.

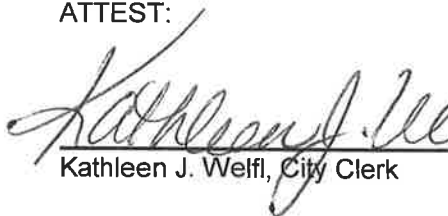
ADJOURN:

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

Meeting adjourned at 6:36 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

