

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
August 12, 2024**

A regular meeting of the City Council of Gering, Nebraska was held in open session on August 12, 2024 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. 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

Motion by Councilmember O'Neal to approve the absence of Councilmembers Shields and Bohl from the July 22, 2024 regular City Council meeting. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

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

Mayor Ewing stated: As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Mayor. As required by State Law, additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Council determines that the matter requires emergency action.

CONSENT AGENDA:

(Items under the Consent Agenda are proposed for adoption by one action for all items unless any member of Council requests that an item be considered separately.)

1. Approve minutes of the July 22, 2024 Regular City Council Meeting
2. Approve Claims
3. Approve the May, 2024 Financial Statement

Claims 7/23/24 thru 8/12/24

24/7 FITNESS \$256.00, ACE HARDWARE \$2,351.54, ACTION COMMUNICATIONS, INC. \$1,989.61, ACUSHNET COMPANY \$712.28, ALLO COMMUNICATIONS \$3,268.15, AL'S TOWING, INC \$150.00, AMAZON CAPITAL SERVICES \$2,554.56, AMERITAS LIFE INSURANCE COPR. \$1,228.74, AT&T MOBILITY \$1,134.55, AULICK INDUSTRIES \$23.23, B & C STEEL \$336.64, B & S RASK GRILL \$676.58, BAIRD HOLM LLP \$1,173.00, BENEFIT PLANS, INC \$524.00, BENZEL PEST CONTROL \$306.71, BIG MACK HEATING & COOLING \$652.66, BLACK HILLS ENERGY \$1,857.81, BLUFFS FACILITY SOLUTIONS \$1,438.41, BMI LICENSING DEPARTMENT \$435.00, BORDER STATES INDUSTRIES, INC \$298.29, BRIAN HESSLER \$75.00, BUSHNELL OUTDOOR PRODUCTS \$1,681.00, CALLAWAY GOLF COMPANY \$708.92, CAMPSPOT \$1,252.46, CENGAGE LEARNING/GAGE \$290.30, CITY OF GERING \$29,515.10, CNA SURETY DIRECT BILL \$40.00, COLE SHULTZ \$2,200.00, COLUMN SOFTWARE, PBC \$681.13, CONNECTING POINT \$27.43, CONSOLIDATED MANAGEMENT COMPAN \$299.85, CONTRACTORS MATERIALS, INC. \$254.00, COZAD SIGNS, LLC \$850.00, CUMMINS CENTRAL POWER \$4,113.15, DAVID BROWN \$80.00, DEANA SPREIER \$75.00, DEARBORN LIFE INSURANCE COMPAN \$258.00, DIETRICH DISTRIBUTING CO. \$222.50, DON SCHMIDT CARPET, INC. \$643.63, EAKES INC \$130.94, EAST PENN MANUFACTURING CO. \$122.28, ECOLAB \$401.23, EJS SUPPLY, LLC \$26,030.00, ELITE TOTAL FITNESS \$196.00, ENERGY LABORATORIES INC. \$700.00, FASTENAL COMPANY \$722.27, FAT BOYS TIRE & AUTO \$1,619.28, FEDEX \$103.66, FIRST NATIONAL BANK OF OMAHA \$19,936.42, FIRST NATIONAL BANK OMAHA - POLICE \$1,236.00, FLOYD'S TRUCK CENTER, INC. \$102,476.72, FRANK PARTS COMPANY \$1,922.90, FRASER STRYKER PC LLO \$2,475.00, FRESH FOODS INC. \$679.56, FYR-TEK, INC. \$330.00, GALLS, AN ARAMARK COMPANY \$74.99, GENERAL TRAFFIC CONTROLS, INC. \$964.25, GERING COURIER \$29.00, GERING U-SAVE PHARMACY \$303.76, GERING VALLEY PLUMBING & HTG., INC. \$75,937.50, GOLF AND SPORT SOLUTIONS,LLC \$2,901.39, GREATAMERICA FINANCIAL SERVICE \$100.00, GROUND UP CONSTRUCTION & CLEAN \$5,057.50, HACH COMPANY \$1,055.87, HAWKINS, INC. \$2,897.02, HEALTHBREAK, INC. \$595.00, IACP \$525.00, IDEAL LAUNDRY AND CLEANERS, INC. \$1,351.92, INDEPENDENT PLUMBING & HEATING \$1,101.98, INDOFF INCORPORATED \$1,844.11, INGRAM LIBRARY SERVICES \$797.53, INLAND TRUCK PARTS CO. \$875.92, INTERNAL REVENUE SERVICE \$116,975.73, INTRALINKS, INC. \$5,452.43, IRBY TOOL & SAFETY \$3,087.94, J & A TRAFFIC PRODUCTS \$3,407.50, J RODZ \$235.00, JARED HINEBAUCH \$2,200.00, JC GOLF ACCESSORIES \$1,122.82, JEFFREY VANCE \$2,200.00, JIRDON AGRI CHEMICALS, INC \$6,420.60, JOHN HANCOCK USA \$36,884.94, JOHN HANCOCK USA FIRE \$1,599.66, JOHN HANCOCK USA POLICE \$18,082.68, JOHNSON CASHWAY CO. \$92.72, JUSTIN BERNHARDT \$150.00, LEAGUE ASSOC./RISK MANAGEMENT \$1,711.92, LEAGUE OF NE. MUNICIPALITIES \$27,972.00, LEE ENTERPRISES \$195.00, LEGACY COOPERATIVE \$6,136.87, LIBRARY JOURNAL \$99.00, LOGOZ LLC \$419.00, LONDON FLATS, LLC \$853.06, MACQUEEN EQUIPMENT, LLC \$565.19, MARIGOLD FARM, LLC \$1,000.00, MASEK DISTRIBUTING INC \$3,560.00, MATHESON TRI-GAS INC

\$967.84, MAX POWELL \$720.00, MENARDS \$2,772.51, MIDWEST CONNECT \$3,249.32, MOBIUS COMMUNICATIONS COMPANY \$30.00, MOTOR FUELS DIVISION \$2,367.00, MUNICIPAL SUPPLY, INC. OF NE. \$670.31, MUTUAL OF OMAHA \$4,796.89, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$1,429.86, NEBRASKA DEPARTMENT OF REV (PR) \$18,637.18, NEBRASKA DEPARTMENT OF REVENUE \$300.00, NEBRASKA DEPT OF REVENUE \$864.93, NEBRASKA DEPT OF REVENUE \$7,940.00, NEBRASKA DEPT. OF REVENUE \$63,380.07, NEBRASKA GOLF ASSOCIATION \$739.45, NEBRASKA LAW ENFORCEMENT \$80.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$214.00, NEBRASKA SAFETY AND FIRE EQUIPMENT, INC \$259.00, NKC TIRE \$19.00, NORTHWEST PIPE FITTINGS, INC \$346.47, ONE CALL CONCEPTS, INC \$74.62, OPEN A NINE, LLC \$3,073.05, OREGON TRAIL DAYS ASSOC. \$4,090.15, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$3,404.00, PATTLEN ENTERPRISES, INC \$3,035.79, PETE'S QUICK LUBE \$401.01, PIPE WORKS PLUMBING LLC \$7,175.00, PLATTE VALLEY BANK \$762.00, PLATTE VALLEY VAC & SEW \$39.95, POWERPLAN OIB \$266.00, PRESTIGE FLAG \$518.78, PRINT BROKER \$524.45, PT HOSE AND BEARING \$1,093.97, QUADIENT POSTAGE FUNDING \$1,658.75, RECOVERY SYSTEMS COMPANY, INC \$14,457.76, RED BARN SHOP, LLC \$146.47, REGIONAL CARE INC. \$114,927.08, RIVERSTONE BANK \$1,217.54, SANDBERG IMPLEMENT, INC. \$7,885.08, SAPP BROS \$11,350.25, SCB. COUNTY SHERIFF OFFICE \$23.60, SCHANK ROOFING SERVICE \$115,746.57, SCI SALES, LLC \$36.27, SCOTTS BLUFF COUNTY \$78,433.48, SCOTTSBLUFF POLICE DEPARTMENT \$380.00, SCOTTSBLUFF-GERING UNITED WAY \$461.34, SESAC \$581.00, SHERMAN & REILLY, INC \$10,791.40, SIMON CONTRACTORS \$465.97, SIRCHIE ACQUISITION COMPANY, LLC \$615.05, SPEAK WRITE \$9.71, STATE FIRE MARSHAL TRAINING DI \$450.00, SUNBELT SOLOMON \$64,430.15, TEAM CHEVROLET \$425.00, TERESA TOSH \$12,827.93, TERRY TODD \$150.00, THE RADAR SHOP \$797.50, THE TORO COMPANY \$175.00, THE YOGA COLLECTIVE \$65.00, TIFOSI OPTICS INC \$201.66, TRANSUNION RISK AND ALTERNATIV \$75.00, TRANSWEST FORD \$30.00, TWIN CITY AUTO, INC \$5,485.12, TYNDALE \$172.00, UNANIMOUS, INC. \$4,220.00, UNITED INDUSTRIES \$398.38, USA BLUE BOOK \$234.86, UTILITIES SECTION \$5,360.00, UTILITY BILL REFUNDS \$175.71, VALLEY AUTO LOCATORS LLC \$651.56, VAN PELT FENCING CO., INC. \$3,197.09, VERIZON CONNECT \$25.90, VERIZON WIRELESS SERVICES, LLC \$778.24, WESTERN COOPERATIVE COMPANY \$12,652.62, WESTERN PATHOLOGY CONSULTANTS \$150.00, YANDA'S MUSIC INC \$12,327.62, YMCA OF SCOTTSBLUFF \$994.00, ZM LUMBER CO. DISTRIBUTING \$38.22, TOTAL \$1,180,472.77

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

BIDS/PROPOSALS:

1. Approve Emergency Street Repair on Pacific Boulevard

Administrator Heath stated that over the last couple of weeks, the City has had a couple of leaks on Pacific Boulevard, just north of U Street. Both had been leaking for quite a while and surfaced. The Water Department fixed the leaks, but the street has settled and there was already some of it that had settled from a previous leak. Staff had to issue an emergency order to remove and replace the street and took bids. The City received two bids; one from Infinity Construction and one from Paul Reed Construction. Infinity Construction was the low bid of \$113,962.50. 425 feet of concrete street had to be removed from U Street north (on Pacific), just north of the driveway going into the high school. Last week he authorized the purchase for Infinity Construction. It's staff recommendation that Council approve the emergency purchase to Infinity Construction for the amount of \$113,962.50.

Councilmember Morrison asked if the pipes were repaired. Administrator Heath replied that they were just service lines, the water main is in good condition. There have been three failures out of five on that street. While the street was out, the Water Department went ahead and replaced the other two service lines because they were old copper lines also. Staff should not have to remove that street for any more service lines. Another reason for the emergency purchase was because school starts on the 19th; the plan is to have the road open on the 18th. Weather permitting, the City is just squeaking by to get it open before school starts.

Councilmember O'Neal asked when exactly was the date this started. Administrator Heath said the first leak was at the end of July. The second was about two to four days later. Councilmember O'Neal stated that they had a session on August 5. Administrator Heath replied yes, but staff didn't know the extent of the damage to the street until after the leak was repaired. They don't settle right away, once they get that muddy, it takes time for them to settle. Staff didn't know if it settled or not, but it did settle.

Motion by Councilmember Wiedeman to approve the emergency expenditure of \$113,962.50 to Infinity Construction for the replacement of a 425-foot section of Pacific Boulevard. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, Morrison, Cowan. "NAYS": O'Neal. Abstaining: None. Absent: None. Motion Carried.

CURRENT BUSINESS:

1. Consider approval of Keno Fund Requests:

- **Panhandle Quilts of Valor, \$6000**
- **Aging Office of Western Nebraska, \$5000**
- **Friends of the Midwest Theater, \$5000**
- **City of Gering Parks/Ever Green House, \$15,600**

Keno Committee Chairman, Darrell Bentley, was present to answer questions. Mr. Bentley stated that the Keno revenues for this quarter were the lowest it has been in several years.

Motion by Councilmember Morrison to approve Keno Fund requests as presented which is \$6000 for Panhandle Quilts of Valor, \$5000 for the Aging Office of Western Nebraska, \$5000 for Friends of the Midwest Theater and \$15,600 for the City of Gering Parks and Ever Green House. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

2. Approve and authorize the Mayor to sign Exhibits A, B, E, and Scheduling and Billing related to Contract Number 14-RMR-2553. These exhibits to Contract 14-RMR-2553 allow WAPA (Western Area Power Administration) to continue to serve and deliver Gering's firm electric service needs beginning October 1, 2024 for a significant term of years

City Attorney, Jim Ellison provided the following Summary:

Agreeing to Exhibits "A", "B" allows WAPA (Western Area Power Administration) to continue serving and delivering Gering's electric needs. Exhibit "E" is optional but allows Gering to participate in renewable energy through Renewable Energy Credits (hydroelectric, etc.). Older agreements expire September 30, 2024. Exhibits "A", "B", and "E" begin October 1, 2024. In addition, the Scheduling, Accounting, and Billing Procedure between Gering and WAPA is part of 14-RMR-2553. It details the procedures for Gering and WAPA to follow into the future.

Details:

Western Area Power Administration (WAPA) has requested that the City of Gering review and adopt the revised Exhibit A, Revision No. 1, Exhibit B, Revision No. 1 and, if applicable Exhibit E, to the City's firm electric service (FES) Contract No. 14-RMR-2553. Exhibit E is included as the City is currently not a participant in the Loveland Area Projects' (LAP) Renewable Energy Credit (REC) program. Accepting LAP RECs is optional. Also included: WAPA's Scheduling, Accounting, and Billing Procedure. Gering does not currently participate in an REC program. The REC program relates primarily to hydroelectric power.

1. Gering currently receives FES under Contract No. 87-LAO-114, executed on October 2, 1987. This contract expires September 30, 2024. This contract's Exhibits A and B have been revised over the term pursuant to the provisions of the contract. Amendment No. 1 to this contract was executed September 29, 1989, and through this amendment, Gering assigned its FES allocation to MEAN, to administer on behalf of Gering. Amendment No. 1 expires coincident with Contract No. 87-LAO-114 on September 30, 2024.

2. Exhibits "A", "B", and "E" allow WAPA to continue serving Gering's firm electric service needs beginning October 1, 2024. Again, Contract No. 87-LAO-114 terminates September 30, 2024.

3. Because MEAN and WAPA were concerned about Congress changing the law a number of years ago, WAPA and its members decided to execute a new contract which would run concurrently with Contract No. 87-LAO-114. Even though Contract No. 2553 was executed August 29, 2016, it would not take effect until October 1, 2024.

4. These contracts all deal with member pools. Gering is a member. Contract No. 14-RMR-2553 provides for three resource pools which are effective October 1, 2024, October 1, 2034, and October 1, 2044. The current firm electrical service provided to Gering which is currently in effect under previous contracts will enter a new phase with a pool commencing October 1, 2024. Gering and other pool member allocations will be somewhat modified to allow for additional members to join the pool and take advantage

of better firm electrical service rates. These rates will be in effect for 10-year increments as previously discussed.

Motion by Councilmember Gillen to approve and authorize the Mayor to sign Exhibits A, B, E and the Scheduling, Accounting and Billing Procedure between the City of Gering and the United States Department of Energy Western Area Power Administration, Rocky Mountain Region, Loveland Area Projects. Second by Councilmember Cowan. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

3. Approve and authorize the Mayor to sign Contract Number 24-RMR-3501. This is an agreement between the City of Gering, WAPA, and MEAN. It allows MEAN to be an agent for the City of Gering to purchase and schedule Gering's power needs. It authorizes WAPA to invoice MEAN for electricity purchased. The contract begins October 1, 2024, which allows WAPA and MEAN to continue serving Gering's firm electric service needs for a significant term of years

Per City Attorney, Jim Ellison, regarding CONTRACT NO. 24-RMR-3501 PURCHASING AND SERVICES SCHEDULING AGREEMENT (MEAN/WAPA/GERING), Gering needs an entity to purchase and schedule electricity to meet its energy needs. Contract No. 24-RMR-3501 allows MEAN to be responsible for scheduling and purchasing electrical energy and to follow and comply with Contract No. 14-RMR-2553. WAPA will invoice MEAN for the electricity purchased. The City of Gering will pay MEAN once Gering receives the statement/bill.

Motion by Councilmember Gillen to approve and authorize the Mayor to sign Contract No. 24-RMR-3501 among the Municipal Energy Agency of Nebraska and United States Department of Energy Western Area Power Administration, Rocky Mountain Region, Loveland Area Projects and the City of Gering, Nebraska. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

4. Approve and authorize the Mayor to sign Agreement by and between the City of Gering and BerganKDV for Audit Services

Motion by Councilmember Gillen to approve and authorize the Mayor to sign an Agreement by and between the City of Gering and BerganKDV for Audit Services. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

5. Approve Resolution 8-24-1 regarding the Annual LARM Renewal

**League Association of Risk Management 2024-25 Renewal Resolution
RESOLUTION NO. 8-24-1**

WHEREAS, The City of Gering is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of Gering, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

XX Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2027. (180 day and 3 year commitment; 5% discount)

Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2026. (180 day and 2 year commitment; 4% discount)

Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2025. (180 day notice only; 2% discount)

Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2027. (90 day notice and 3 year commitment only; 2% discount)

Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2026. (2 year commitment only; 1%)

Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2025. (90 day Notice only)

Adopted this 12 day of August, 2024.

Signature: _____

Title: _____

Mayor

Administrator Heath stated the City's LARM renewal is up; rates will increase 16.7% this year. The major contributors were Worker's Comp and auto physical/liability damage. There were smaller increases in auto liability and general liability. The City's MOD increased from .97 to 1.09, that changes up or down based on the number of Work Comp claims. There was just under a \$2 million increase in building valuations. Property in the open insurance increased from \$3 million to \$3.75 million. Vehicles increased \$1.4 million, part of that was a sewer jet that was purchased last year which was over \$500,000. There was also a sanitation truck purchase. Reinsurance was up about 5%. Staff have watched what other cities are doing. They have either stayed with LARM or came back to LARM. It's staff's recommendation that Council approved Resolution 8-24-1 and renew the City's membership with LARM.

Motion by Councilmember Morrison to approve Resolution 8-24-1 regarding the Annual LARM Renewal. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

6. Approve Resolution 8-24-2 regarding the establishment of an Advisory Committee for Occupation Tax Grant Fund Applications

RESOLUTION 8-24-2

A RESOLUTION OF THE CITY OF GERING, NEBRASKA, ESTABLISHING A CITY OF GERING OCCUPATION TAX GRANT FUND APPLICATION ADVISORY COMMITTEE.

WHEREAS, pursuant to City Ordinance No. 2078, whereby the City Council finds, determines and declares that it is appropriate that a tax be imposed on all hotels as herein defined for the purpose of raising revenues.

WHEREAS, pursuant to Section 6 of Ordinance No. 2078, Use of Revenue: The four (4%) occupation tax imposed by this article shall be used to pay for the following including but not limited to these activities: historic restoration; education interpretive sites/facilities, such as museums; participatory sports facilities; facilities for pedestrians and bicycles that provide transportation; convention centers; community centers; cultural and heritage recreational sites and facilities; debt service with respect to activities outlined in this ordinance; all related supporting activities including ongoing operational and maintenance necessary to staff and run the facilities/projects at the discretion of the City Council.

WHEREAS, The Gering Occupation Tax Grant Fund has been established with the aforementioned tax funds. An Occupation Tax Grant Fund Advisory Committee needs to be established to receive, review and make recommendations to City Council regarding Occupation Tax Grant Fund Applications. The Occupation Tax Grant Fund Advisory Committee shall be appointed by the Mayor and approved by the Gering City Council and shall serve under the direction of the Gering Visitors Bureau Board of Directors.

WHEREAS, such advisory committee shall be comprised of no less than five and no more than seven members. Committee members shall be citizens of Gering and consist of professionals and residents with experience in tourism, lodging, government, business and/or any other occupation or expertise that is conducive to economic impact and promotion of tourism for Gering. Advisory committee members shall serve on staggered two and three year terms as established by the Gering Visitors Bureau Board of Directors.

WHEREAS, the Gering Occupation Tax Grant Fund Advisory Committee shall meet to review and consider recommendations pertaining to Occupation Tax Grant Fund Applications in May and November (for Minor Grants of \$10,000 or less) and in February and August (for Major Grants of \$10,001 or more). The committee may also meet as otherwise deemed necessary or appropriate.

WHEREAS, Gering Occupation Tax Grant Fund Guidelines have been established, attached as Exhibit A, and shall be used by the Advisory Committee for the purpose of making recommendations to the City Council regarding Occupation Tax Grant Fund Applications.

WHEREAS, pursuant to Nebraska Revised State Statutes 84-1407 – 84-8414, also known as the Open Meetings Act, the Gering Occupation Tax Grant Fund Advisory Committee will comply with all laws related to meetings of public bodies.

BE IT RESOLVED by the City Council of the City of Gering, Nebraska that the Gering Occupation Tax Grant Fund Advisory Committee is hereby established effective immediately.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GERING THIS ____ DAY OF AUGUST, 2024.

Kent E. Ewing, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Motion by Councilmember O’Neal to approve Resolution 8-24-2 regarding the establishment of an Advisory Committee for Occupation Tax Grant Fund Applications. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. Motion Carried.

PUBLIC HEARING:

1. Public Hearing to consider changes to the Zoning Code to add a definition for Veterinary Clinic-Limited, and to amend the Land Use Table to add the uses of Veterinary Clinic-Limited

Mayor Ewing opened a public hearing to consider changes to the Zoning Code to add a definition for Veterinary Clinic-Limited, and to amend the Land Use Table to add the uses of Veterinary Clinic-Limited at 6:25 p.m. City Engineer, Annie Folck, stated that the City has received requests from a couple different individuals that are interested in doing vet clinics in the City’s C-2 Zone. Currently, Gering allows vet clinics in the ML and C-3 zone. There are a lot of areas where the City allows vet clinics, but does not currently allow them in C-2, which is the downtown zone. The main reason is that vet clinics are a fairly intensive use; there’s typically a lot of noise, and usually barking. Additionally, they may do boardings and some of the hours of that noise can be through the night. There’s also a lot of traffic, and if someone has large animals, there are pickups and trailers which are typically not compatible for the downtown; that’s why the City has not allowed vet clinics in the past.

The City was approached and asked if the interested parties did more of a walk-in clinic for small animals only, was that something the City could consider. After figuring out more of what they were asking for, staff is proposing that the City add a definition for Veterinary Clinic-limited; the ordinance spells out different stipulations that would be put on that. She thinks it should take care of most of the conflicts the City would have from having a use like that downtown. It would be made clear that it’s only for small animals (no large animals including hoof stock, etc.). If the veterinarian wants to drive to someone’s farm or ranch to treat large animals, that’s fine, but they can’t bring them back to the downtown site. No boarding will be allowed, there has to be waste management (particularly manure) and no outdoor activity. Regarding distance from residential, the building has to be 100 feet away from a residential zone. There has to be off-street parking as well.

This was a pretty big discussion for the Planning Commission. Even if large animals weren't being treated, there may still be pickups with horse trailers that stop by to pick up medications or supplies. The C-2 Zone is a little unique in that it goes all the way from the railroad tracks on north 10th Street down to D Street. It's a big area; there's a difference between our core downtown with the attached buildings and some of those other areas where the buildings are farther apart and have more space. There were concerns about someone stopping with a horse trailer and parking in the alley or blocking the parking on 10th Street to run in and get something. The compromise is that the clinic has to provide off-street parking (in accordance with table 5.6.1). No public parking or on-street parking can count towards their parking requirements. In order for them to be able to do this, they truly have to have off-street parking; their own parking. This should preclude almost all of the attached buildings in the main downtown from being able to be used.

In addition, it's recommended that this only be allowed through a Conditional Use Permit which will give the City a little more oversight. They'll be reviewed on a case-by-case basis and will give the City an opportunity to make sure everything is appropriate and that the neighbors have been notified and have a chance to weigh in and make sure the City is doing everything it can to mitigate any issues there would be with conflicts. Planning Commission recommended the ordinance as presented as well as the additional ordinance that would allow it as a Conditional Use Permit in the C-2 Zone.

Councilmember Gillen asked, if they have to have the off-street parking, where in the C-2 Zone are they actually going to be able to do something? Engineer Folck replied pretty much everything except for between M and P; basically, everything from M Street south as well. There's quite a bit there that is detached as well, and typically larger lots. She pointed out some areas that are suitable on the overhead map. Councilmember Gillen asked how much off-street parking is required. Engineer Folck replied it's 1.5 spots per thousand square feet of the building size. Depending on the size, they may only need three or four spaces.

Councilmember Backus asked if there was anything in our ordinances that would prevent them from providing cremation services. Engineer Folck replied there is not, the City currently doesn't address that through zoning. They would have to have a license through the State Department of Health and Human Services to do those activities.

Councilmember Bohl asked if the couple of individuals have potential sites selected already. Engineer Folck replied that she believes there's a few they've looked at, but she doesn't think they're ready to make that public yet.

Councilmember Morrison asked, if they have their own off-street parking, and they (the client) come into town and have a livestock trailer, can they can pull into that parking lot to get supplies or do whatever they need to do? Engineer Folck replied yes, and that would be the intent of the CUP process is looking at how the parking is laid out and if the applicant thinks that's going to happen, to make sure that's addressed.

Councilmember Gillen asked, regarding the two that are wanting to look at locating a business in the community, has the City accommodated to where we've made it acceptable for them to find a place within the community. He wants to make sure we're continuing to strive towards business-friendly, encouraging business growth in our community and not putting unnecessary restrictions to prevent businesses from coming into our community. Engineer Folck stated she thinks this should take care of that; that's the goal of what is being recommended. This should allow some of those spaces that they've looked at (that are currently prohibited) to be available under this change. Mayor Ewing asked if they've been part of this conversation through the process; Engineer Folck replied, yes.

Councilmember O'Neal clarified that if there's Conditional Permitting, they're going to have to go back to the Planning Commission again. Engineer Folck replied yes, there'll be one additional meeting. Councilmember Gillen clarified that Conditional Use Permits are approved through Planning Commission; they don't come back through Council (so there won't be another month of meetings to get approved). Engineer Folck replied, that is correct.

Mayor Ewing asked twice if there was anyone in the Council Chambers wishing to speak regarding this public hearing. Hearing none and with no further comments, the public hearing was closed at 6:36 p.m.

1a. Approve Ordinance No. 2144 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND THE ZONING ORDINANCE, ARTICLE 1, SECTION 1.6 TO DEFINE VETERINARY CLINIC LIMITED, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

Councilmember Gillen made a motion to introduce Ordinance No. 2144 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND THE ZONING ORDINANCE, ARTICLE 1, SECTION 1.6 TO DEFINE VETERINARY CLINIC LIMITED, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. Seconded by Councilmember Backus. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. Motion Carried.

Councilmember Bohl moved that the Ordinance be designated as Ordinance No. 2144 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 Wiedeman. There was no discussion. The Clerk called the roll. “AYES”: Shields, Gillen, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. Motion Carried.

1b. Approve Ordinance No. 2145 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND THE ZONING ORDINANCE, ARTICLE 3, SECTION 3.11 TO INCLUDE USES OF VETERINARY CLINIC, LIMITED, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

Councilmember Gillen made a motion to introduce Ordinance No. 2145 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND THE ZONING ORDINANCE, ARTICLE 3, SECTION 3.11 TO INCLUDE USES OF VETERINARY CLINIC, LIMITED, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. Seconded by Councilmember Backus. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. Motion Carried.

Councilmember Wiedeman moved that the Ordinance be designated as Ordinance No. 2145 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 O’Neal. There was no discussion. The Clerk called the roll. “AYES”: Shields, Gillen, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. 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. Dale Hauck, 2355 Country Club Road, addressed Council and asked why Keno funds were approved for Friends of the Midwest Theater as they are in Scottsbluff. Mayor Ewing stated that it’s community-wide and something that’s advantageous for the community; he acknowledged that he and Council cannot comment at this point. Mr. Hauck thanked the Council.

ADJOURN:

Motion by Councilmember Gillen to adjourn. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. Motion Carried.

Meeting adjourned at 6:41 p.m.

ATTEST:

Kathleen J. Welfl, City Clerk



Kent E. Ewing, Mayor