

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, AUGUST 23, 2021

A regular meeting of the City Council of Gering, Nebraska was held in an open session on August 23, 2021, at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, and Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Smith. 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 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 O'Neal to approve the absence of Councilmembers Bohl and Cowan from the August 9, 2021 regular City Council meeting. Second by Councilmember Gillen. There was no discussion. Mayor Kaufman called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. 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 August 9, 2021 regular City Council meeting
2. Approve minutes of the July 27, 2021 Budget Work Session
3. Approve Claims

### Claims 8-10-21 to 8-20-21

AC ELECTRIC MOTOR SERVICE \$163.87; ACE HARDWARE \$926.03; ACUSHNET COMPANY \$2,144.09; ALLEN, RONALD K \$450.00; AMAZON CAPITAL SERVICES \$829.16; AMBER REECE \$75.00; AMERICAN WATER WORKS ASSOC. \$210.00; ANNESSA OZUNA \$75.00; ASHLEY LINDHORST \$136.00; AUTO ZONE 1657 \$22.53; B & C STEEL \$1,038.82; B & H INVESTMENTS, INC \$136.50; B & S RASK GRILL \$540.00; BACKFLOW APPARATUS & VALVLE CO \$292.00; BEHAVIORIAL MEDICINE ASSOC \$254.00; BEST WESTERN \$759.88; BH MEDIA GROUP HOLDING, INC. \$1,841.10; BLACK HILLS ENERGY \$951.60; BLUFFS FACILITY SOLUTIONS \$184.99; BORDER STATES INDUSTRIES, INC \$5,542.17; BRETT WALTER \$2,000.00; BRIGGS & STRATTON \$51.25; CALLAWAY GOLF COMPANY \$155.70; CALVARY MEMORIAL CHURCH \$300.00; CENTRAL IRRIGATION DISTRICT \$560.67; CENTURYLINK \$225.00; CITY OF SCOTTSBLUFF \$360.00; CITY PAYROLL TRUST \$2,210.81; CLARK PRINTING LLC \$988.95; CLIA LABORATORY PROGRAM \$180.00; COMPRESSOR PARTS.COM \$257.92; CONNECTING POINT \$24.59; CONSTANT CONTACT \$45.00; CONTRACTORS MATERIALS, INC. \$529.50; CORE & MAIN LP \$2,731.14; DANA F. COLE & COMPANY \$775.00; DANKO EMERGENCY EQUIPMENT CO \$6,576.25; DARRELL VANCE \$2,000.00; DAS STATE ACCOUNTING-CENTRAL \$239.75; DHHS DIVISION OF PUBLIC HEALTH \$200.00; DIA \$111.00; DIAMOND VOGEL PAINT CENTER \$34.10; DICKIE K COCHRANE \$2,000.00; DOMINO'S PIZZA \$84.46; DOOLEY OIL \$12.01; DUTTON-LAINSON COMPANY \$2,003.13; DYKES OIL INC. \$64.24; ECOLAB \$159.88; ELLISON, KOVARIK & TURMAN LAW \$9,699.50; FASTENAL COMPANY \$1,858.25; FEDEX \$448.56; FIRST STATE BANK \$364.82; FLOYD'S TRUCK CENTER, INC. \$320.16; FRANK PARTS COMPANY \$434.46; FREE CONFERENCE CALL.COM \$4.00; FREMONT MOTOR SCOTTSBLUFF, LLC \$161.16; FRESH FOODS INC. \$92.32; FYR-TEK, INC. \$106.12; GERING VALLEY PLUMBING & HTG. \$521.64; GFOA \$500.00; GRANT SEVERSON \$2,000.00; GREAT WESTERN TIRE \$5,166.27; HACH COMPANY \$1,144.07; HAWKINS, INC. \$2,403.30; HIGH PLAINS AUTO CLUB \$3,500.00; HOME DEPOT CREDIT SERVICES \$61.34; HOTELS.COM \$153.37; HULLINGER GLASS & LOCKS \$30.00; IDEAL LAUNDRY AND CLEANERS, IN \$531.13; IMPERIAL PUMP SOLUTIONS \$1,383.60; INDEPENDENT PLUMBING & HEATING \$60.00; INDOFF INCORPORATED \$1,107.85; INGRAM LIBRARY SERVICES \$604.33; INTERNAL REVENUE SERVICE \$45,688.89; INTERSTATE BATTERIE/RAPID CITY \$499.79; JACOB PITTMAN \$2,000.00; JEFFREY & MARIA HAMERNIK \$3,000.00; JEFFREY VANCE \$2,000.00; JEREMY CRIPPS \$2,000.00; JL BECKER INC \$594.60; JOHN HANCOCK USA \$13,418.02; JOHN HANCOCK USA FIRE \$868.09; JOHN HANCOCK USA POLICE \$6,337.48; JOHNSON CASHWAY CO. \$260.77; JOSE RODRIGUEZ \$190.00; KEEP SCOTTSBLUFF-GERING BEAUTI \$580.00; KELLER AMERICA \$18.00; KRISTEN VOGEL \$13.50; LACI MOORE \$175.00; LEAGUE ASSOC./RISK MANAGEMENT \$392.78; LEAGUE OF NE. MUNICIPALITIES \$210.00; LOAF & JUG \$27.28; LOGOZ LLC \$1,480.35; LOST RIVER SAND & GRAVEL, INC \$1,041.75; MATHESON TRI-GAS INC \$273.52; MATT MEHLINA \$120.00; MEAT SHOPPE \$32,299.95; MENARDS \$396.79; MICHAEL TODD & COMPANY, INC. \$4,527.77; MIZUNO USA, INC. \$496.07; MOBIUS COMMUNICATIONS COMPANY \$30.00; MONEY WISE OFFICE SUPPLY \$175.80; MOTOR CONTOLS INC \$650.00; MSC #10526/DOLLAR GENERAL CORP \$50.00; MUNICIPAL

ENERGY AGENCY OF NE \$337,784.32; MUNICIPAL SUPPLY, INC. OF NE. \$(344.59); MURDOCH'S RANCH & HOME \$302.96; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE FLOODPLAIN & STORMATER \$400.00; NE PUBLIC HEALTH ENVIRO LAB \$623.00; NE STATE PATROL CRIMINAL ID \$92.76; NEBRASKA DEPT OF AGRI \$127.69; NEBRASKA MUNICIPAL CLERK ASSOC \$90.00; NEBRASKA PUBLIC POWER DIS \$5,185.61; NEBRASKA RURAL RADIO ASSOC. \$583.18; NKC TIRE \$57.00; NORTH AMERICA RESCUE \$312.90; NORTHWEST PIPE FITTINGS, INC \$271.11; NPZA \$570.00; OFFICE WORLD \$218.02; ONE CALL CONCEPTS, INC \$85.31; OREGON TRAIL PLBG. & HEATING \$220.00; ORIGINAL EQUIPMENT CO. \$23.79; OSCAR WILSDON ENGINES \$(130.62); PANHANDLE COOP ASSOCIATION \$7,528.73; PANHANDLE ENVIRONMENTAL SERVIC \$1,357.00; PANHANDLE HUMANE SOCIETY \$3,168.50; PATTLEN ENTERPRISES, INC \$(100.00); PATTY MORRISON \$175.00; PAYROLL \$152,544.91; PEOPLE \$126.54; PING INC \$212.25; PLATTE VALLEY BANK \$103.00; POPULAR MECHANICS \$12.00; POWERPLAN OIB \$1,134.45; PUMP & PANTRY \$32.20; SANDBERG IMPLEMENT, INC. \$2,392.14; SCB COUNTY REGISTER OF DEEDS \$10.00; SCB. COUNTY AMBULANCE SERVICE \$316.23; SCB. COUNTY REGISTER OF DEEDS \$60.00; SCB. COUNTY SHERIFF OFFICE \$31.72; SCOTTS BLUFF COUNTY COURT \$50.75; SCOTTSBLUFF-GERING UNITED WAY \$128.75; SENIOR CITIZENS CENTER \$525.00; SERGIO RODRIGUEZ \$136.00; SHAWNA WINCHELL \$780.00; SIMMONS OLSEN LAW FIRM, P.C. \$2,462.50; SIMON CONTRACTORS \$185,767.70; SOLOMON TRANSFORMERS, LLC \$(5,008.65); SPECTRUM \$785.43; SPEEDEE MART \$49.35; STAGECOACH STOP \$37.54; STAPLES CREDIT PLAN \$110.96; STATE FIRE MARSHAL TRAINING DI \$450.00; SUGAR VALLEY FEDERAL CREDIT \$528.37; SWANA \$268.00; TARGET \$88.37; TEAM CHEVROLET \$375.00; TERRY CARPENTER, INC. \$650.00; TERRY TODD \$150.00; THE BOARD OF REGENT OF THE UNI \$1,410.00; THE TORO COMPANY \$155.00; THOMPSON GLASS, INC. \$178.10; TIMOTHY LYNN MILTON \$2,000.00; TRANSAMERICAN POWER PRODUCTS, \$59,959.00; TWIN CITY DEVELOPMENT ASSOC \$25,000.00; UNANIMOUS, INC. \$30.00; UNITED AIRLINES \$601.27; UNITED STATES POSTAL SERVICE \$93.60; US WEEKLY \$21.26; USA BLUE BOOK \$110.35; VALLEY AUTO LOCATORS LLC \$30.00; VAN PELT FENCING CO., INC. \$331.02; VERIZON CONNECT \$38.38; VERIZON WIRELESS SERVICES, LLC \$40.01; VISTA PRINT \$17.99; W & R INC. \$2,582.47; WALMART COMMUNITY/SYNCB \$73.50; WESTERN COOPERATIVE COMPANY \$14,407.15; WESTERN STATES BANK \$7,209.24; WESTERN STATES BANK - POLICE \$550.00; WESTERN TRAVEL TERMINAL \$175.35; WHITING SIGNS, LLC \$187.50; WYOMING BEARING & SUPPLY \$47.29; ZOOM VIDEO COMMUNICATIONS \$14.99

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

**BIDS:**

**1. Award Contract for Asphalt Shingle Replacement Bid**

City Engineer, Annie Folck, stated this is for some roofs that were damaged in a hail storm a couple years ago. In order to get full insurance coverage again, they need to be repaired. There will be another bid coming forward for all the metal roofs. Staff wants to get the asphalt ones done this year before the weather breaks. There were two bids; the low bid was Schank Roofing in the amount of \$35,581.06. Staff is recommending that Council award the bid to Schank Roofing. Councilmember Morrison asked how many buildings are being done. Ms. Folck replied, several - some of them are small structures like park shelters and a well house.

**Motion by Councilmember Gillen to approve staff's recommendation and award the Asphalt Shingle Replacement Bid to Schank Roofing in the amount of \$35,581.06. Second by Councilmember Morrison. The Mayor called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.**

**PUBLIC HEARINGS:**

**1. Public Hearing to consider a change in zone application for Lots 23 & 24, Block 4, Thorntons First Addition, 1750 6th St Gering NE 69341**

Mayor Kaufman opened a public hearing to consider a change in zone application for Lots 23 & 24, Block 4, Thorntons First Addition, 1750 6th St Gering, NE at 6:05 p.m. City Engineer, Annie Folck, presented the administrative record.

**CITY OF GERING  
CITY COUNCIL RECOMMENDATION AND REPORT**

<b>To:</b>	City Council	<b>Date:</b>	8/23/21
<b>From:</b>	Planning & Community Development	<b>Current Zoning:</b>	RM
<b>Subject:</b>	Recommendation & Report – Rezone	<b>Proposed Zoning:</b>	C-3
<b>Location:</b>	1750 6 <sup>th</sup> Street	<b>Property Size</b>	7,000 ft <sup>2</sup>

<b>Owner:</b>	Duncan Baker	<b>City Council Public Hearing:</b>	8/23/21
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**Public Notice:** Notice of this Public Hearing was properly posted, advertised and mailed, meeting City Zoning and Subdivision Regulations.

**Public Hearing:**

This is a recommendation and report to consider an application for the rezone of Lots 23 and 24, Block 4, Thorntons First Addition from RM, Medium Density Residential to C-3, General Commercial District. The property to the east, south, and west is all zoned RM. The property across the street to the north is zoned ML (a map was provided).

According to the Comprehensive Plan, this property is located in the East Gering Neighborhood District. This district consists primarily of single family residential uses on small to medium lots. The future desired characteristics of the neighborhood are residential in nature. The recommended primary zoning for the district is low density residential, medium density residential, and high density residential. Higher density housing is recommended to be considered along major roads such as M Street and 10<sup>th</sup> Street.

By approving this rezone, the City would be allowing a single lot on a block to go from residential to commercial, while the remainder of the block stayed residential. There are several uses in the C-3 district that would be incompatible adjacent to residential properties (see attached use table). While the property across the street is light industrial, the street serves as a buffer between the more intensive industrial district and the less intensive residential district. Some of the concerns of rezoning the property to commercial are increases in traffic, evening and nighttime activity, parking, noise, and lighting. Staff recommends denial of the request for rezone.

**Recommendation: Approve, Deny, Table.**

Ms. Folck pointed out that with a Heavy Industrial zone, many other uses could be applied, not just storage units. Staff and the Planning Commission do not recommend approval of this application. This could be considered to be somewhat of a spot zone and there's a concern about commercial encroaching in residential areas. Councilmember Morrison asked about spot zoning. Ms. Folck replied that technically spot zoning isn't illegal necessarily. It's not always a bad thing depending on the circumstances. Anytime there is just one lot, the City needs to carefully consider if it makes sense in the overall context of the area.

Mayor Kaufman asked if there was anyone in the Council Chambers wishing to speak in favor of this application. Duncan Baker, Cornett Heights in Scottsbluff, addressed Council. He owns the lot and is proposing the zone change. The lot was six apartments and brought in good tax money for the City of Gering; now it's sitting empty. Across the street is Waste Management and Cozad's garage and signs. He (Cozad) bought the lot across the street and got one of those Morton buildings the landlord uses for storage; he thinks a realtor owns the part on the end at an angle. On the east side of his property is an alley. He put it in the Star-Herald that the lot was for sale. Most people who inquired asked if it was commercial or residential; after that he completed the application process with the City. He thought it would work to have a Morton-type building with a residence inside so a person could have some kind of business in there and also be residential. Storage units wouldn't create that much traffic compared to a mechanic or something like that. A storage lot for RVs is possible too, that way the City can get something out of it. The lot is currently valued at \$14,000, but he's not going to get \$14,000 out of it if it's residential; it's just going to sit empty. No one else spoke in favor of the application.

Mayor Kaufman asked if anyone wished to speak in opposition of this application. Lester Dewitt, 1720 6<sup>th</sup> Street, addressed the Council and stated that one block away there's a well-maintained and well-used park. One block the other direction there's the Junior High School. There are a lot of children that come and go, a lot of kids walk to school. This neighborhood has started to clean up the last few years; there are younger people moving in. He has lived there for 17 years; they have finally started to see some better growth on their block. He would really recommend that this not go commercial. The last thing they need is more traffic for the kids walking to and from school, and to and from the park. Yes, Cozad's is commercial and they do have a little bit of parking across the street where he parks vehicles being wrapped or worked on. Waste Management is right across the street; he pointed out they start working at 4:30 or 5:00 in the morning. They've got enough commercial businesses in their neighborhood to deal with, they don't need any more. No one else spoke in opposition of the application.

Mr. Baker added that he and his realtor noticed on 6<sup>th</sup> Street that one of the houses was a construction company, about three houses down from the empty lot. Maybe it's commercial, maybe it's not. Ms. Folck

replied that it's not unusual for construction companies to purchase residential homes to fix them up for resale or rent them out; it could still be considered residential use. As far as she knows, there are no construction companies actually operating out of any of those properties.

Councilmember Morrison asked if a modular would work on that lot. Ms. Folck replied that a modular could work and she explained the requirements. Mr. Baker asked about RV storage; Ms. Folck replied that would still be commercial use. Councilmember Wiedeman clarified that if there were apartments there, that's not commercial, just medium density housing. Ms. Folck replied, that is correct.

With no further comments the administrative record was closed and the public hearing closed at 6:19 p.m.

**1a. Consider approval of Ordinance 2102 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA; AMENDING THE ZONING DISTRICT OF CERTAIN LAND WITHIN THE CITY OF GERING, NEBRASKA; AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF GERING, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM**

Mayor Kaufman entertained a motion in favor of the application as presented. He again entertained a motion to approve the application as presented. Hearing none, the motion died for lack of a motion.

**CURRENT BUSINESS:**

**1. Consider approval of a Final Plat on lots 1, 2, and 3, Block 1, Brickfield Acres, an addition to the City of Gering, Nebraska**

The final plat was provided in the packet, Ms. Folck stated. She showed the plat and location on the overhead.

**Agenda Item Summary:**

The City has received application for a Final Plat on Lots 1-3, Block 1, Brickfield Acres, City of Gering, Scotts Bluff County, Nebraska situated in the Southwest Quarter of the Southwest Quarter of Section 35, Township 22 North, Range 55 West, of the 6<sup>th</sup> P.M. Scotts Bluff County, Nebraska.

All lots meet City standards for minimum street frontage and lot size. Water, sewer, electrical, and telephone are all located in the 17<sup>th</sup> Street Right of Way and so are available to all properties. Natural gas is available in the alleyway south of the property and is available to Lots 2 and 3. Lot 1 could access gas from the alleyway on the other side of 17<sup>th</sup> Street.

This is a relatively unique property because it is an infill property with unique topographic characteristics. Typically, it is not best practice to have flag-shaped lots that wrap around the lots in front of them, as it can render the rear portions of those lots undevelopable. It is also typical to require a street system that extends access to the rear portions of a subdivision. However, because this is an infill property adjacent to Northfield Park, through streets will never be developed. The rear portion of Lot 2, which wraps around Lots 1 and 3, has a lot of grade changes that make it less likely to ever be developed. Due to these characteristics, staff has determined that this layout in this location is acceptable.

The final plat conforms to all City codes; Planning Commission and staff recommend approval.

Ms. Folck noted that trash pick-up will be handled with roll-out carts due to lack of an alley. Councilmember Backus clarified that there would be no build out required by the City. Ms. Folck replied not as presented by the property owner, who is also present tonight. The way they are dividing this, most likely it will never be able to be subdivided again because they are using up all the available street frontage. If this were not an in-fill property, we would want to look at extending utilities and streets, but where there's nothing beyond this to develop, staff is recommending approval.

**Motion by Councilmember Gillen to approve a Final Plat on lots 1, 2, and 3, Block 1, Brickfield Acres, an addition to the City of Gering, Nebraska. Second by Councilmember Cowan. The Mayor called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.**

**2. Approve Resolution 8-21-2 regarding implementation of an Investment Policy and appointment of an Investment Committee**

RESOLUTION 8-21-2

City of Gering, Nebraska Investment Policy and Investment Committee

**WHEREAS**, the Gering City Council has determined it is essential to the City's financial security and future growth of investments, to create an investment portfolio designed to conform with all applicable federal, state and city legal requirements, and

**WHEREAS**, safety of principal is the foremost objective of an investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio with the objective of mitigating credit and interest rate risk, and

**WHEREAS**, the investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated, and

**WHEREAS**, the investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs.

**THEREFORE, BE IT RESOLVED BY THE GERING CITY COUNCIL THAT:**

1. The City of Gering adopts an Investment Policy by resolution (Exhibit A).
2. An Investment Committee shall be established and will be comprised of the City Administrator, City Finance Director, the Mayor and two sitting Councilmembers appointed by the Mayor.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mark A. Kaufman, Mayor

Attest:

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

**Motion by Councilmember Gillen to approve Resolution 8-21-2 regarding implementation of an Investment Policy and appointment of an Investment Committee. Second by Councilmember Wiedeman. The Mayor called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.**

**3. Approve appointment of Councilmember Gillen to the Investment Committee**

**Motion by Councilmember Morrison to approve the appointment of Councilmember Gillen to the Investment Committee. Second by Councilmember Wiedeman. The Mayor called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.**

**4. Approve appointment of Councilmember Bohl to the Investment Committee**

**Motion by Councilmember Morrison to approve the appointment of Councilmember Bohl to the Investment Committee. Second by Councilmember Cowan. The Mayor called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.**

**REPORTS: (Information only) None.**

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

**OPEN COMMENT SECTION:** Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. None.

**ADJOURN:**

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

Meeting adjourned at 6:26 p.m.

ATTEST

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk



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Mark A. Kaufman, Mayor