

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

A regular meeting of the City Council of Gering, Nebraska was held on August 24, 2020 at 6:00 p.m. at the Gering City Hall Council Chambers, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Abel, Wiedeman, O'Neal Morrison and Cowan. Also present were City Administrator Lane Danielzuk, 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 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. Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse councilmember absence

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

(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 10, 2020 regular City Council meeting
2. Approve Claims and Financials
3. File for record Utility Easement pertaining to Crossroads Cooperative

Claims 8.6.2020 to 8.19.2020

A & A PORTA POTTIES \$270.00; ACTION COMM, INC. \$382.26; ARAPAHOE PUMPING SYSTEMS INC \$352.50; BEACON ATHLETICS, LLC \$5,224.82; BENZEL PEST CONTROL \$217.21; BKD RENTALS LLC \$2,154.20; BLUFFS FACILITY SOLUTIONS \$22.74; BORDER STATES IND INC \$805.99; BRYCE LEAVITT \$33.00; BUDGE-IT DRAIN SRV \$570.00; CAROLE KISSLER \$20.00; CENCON LLC \$12,500.00; CENTURYLINK \$2,923.91; CITY PAYROLL TRUST \$4,834.38; CLINE WILLIAMS WRIGHT JOHNSON \$942.00; CLINTON RATLIFF \$33.00; CONSOLIDATED MANAGEMENT CO \$194.72; CONSUMER REPORTS \$27.82; CONTRACTORS MATERIALS, INC. \$398.00; CORE & MAIN LP \$11,645.33; CRESCENT ELECTRIC SUPPLY CO. \$14.25; CROELL, INC \$1,526.25; DEINES IRRIGATION \$180.00; DIAMOND VOGEL PAINT CENTER \$66.21; DOOLEY OIL \$472.82; DREAMSHARE PRODUCTIONS LLC \$1,251.78; DUTTON-LAINSON CO \$1,537.44; ECOLAB \$231.83; ELLISON, KOVARIK & TURMAN LAW \$6,448.75; ENERGY LABORATORIES INC. \$444.00; EXPRESS TOLL \$4.65; FASTENAL CO \$1,092.60; FAT BOYS TIRE & AUTO \$1,111.02; FIRST STATE BANK \$337.53; FLOYD'S TRUCK CENTER, INC. \$2,503.90; FOOD NETWORK MAGAZINE \$19.97; FRANK PARTS CO \$465.28; FRESH FOODS INC. \$20.09; GROUND UP CONSTRUCTION \$590.00; HACH CO \$766.91; HARBOR FREIGHT TOOLS \$106.99; HENNING BROTHERS \$83.00; HEYING CO \$43.50; ICMA ELECTRONIC RETIREMENT \$709.74; IDEAL LAUNDRY & CLEANERS, INC \$144.91; INDOFF INC \$226.60; INFINITY CONSTRUCTION INC. \$1,620.00; INGRAM LIBRARY SRVS \$70.53; INTERNAL REVENUE SRV \$45,231.07; INTERSTATE BATTERIE/RAPID CITY \$121.95; INTRALINKS, INC. \$2,015.36; JOHN HANCOCK USA \$15,091.10; JOHN HANCOCK USA POLICE \$6,096.98; JOHNSON CASHWAY CO. \$533.40; KATHY EHLE \$75.00; KEMBEL SAND & GRAVEL CO. \$620.60; KRISTEN MASSIE \$173.00; LOGOZ LLC \$272.00; MAKE THIS SOCIAL LLC \$1,151.60; MARSHA HOISINGTON \$25.00; MASEK DIST INC \$219.17; MATRIX TRUST CO \$556.20; MEAT SHOPPE \$16,588.55; MENARDS \$62.95; MOBIUS COMM CO \$60.00; MONEY WISE OFFICE SUPPLY \$55.92; MUNICIPAL ENERGY AGENCY OF NE \$329,770.41; MUSCO CORP \$425,000.00; NE CHILD SUPPORT PYMT CENTE \$462.93; NE PUBLIC HEALTH ENVIRO LAB \$426.00; NE STATE FIRE MARSHAL \$75.00; NE GOLF ASSOC \$332.00; NE POWER REVIEW BOARD \$1,246.85; NE RURAL RADIO ASSOC. \$576.00; NMC EXCHANGE LLC \$3,723.17; NORTHWEST PIPE FITTINGS, INC \$117.51; PANHANDLE COOP ASSOC \$858.95; PANHANDLE ENVIRONMENTAL SRV \$1,292.00; PAUL REED CONSTRUCTION & SUPP \$4,949.00; PAYROLL \$147,847.68; PEACEFUL PRAIRIE NURSERY, INC. \$4,916.11; POWERPLAN OIB \$88.40; RECORDED BOOKS, INC. \$27.00; RUSCH'S GENERAL CONTRACTING \$1,851.50; SARGENT DRILLING CO. \$2,550.00; SCB. CO SHERIFF OFFICE \$91.92; SCB CO COURT \$17.00; SCOTTSBLUFF-GERING UNITED WAY \$121.25; SHAWNA WINCHELL \$910.00; SIMMONS OLSEN LAW FIRM, P.C. \$1,500.00; SIMON CONTRACTORS \$399.00; SOLOMON TRANSFORMERS, LLC \$4,424.45; SOUTHWESTERN EQUIPMENT CO \$2,841.42; SPECTRUM \$688.86;

STAPLES CREDIT PLAN \$23.97; STATE OF NEBRASKA \$1,475.27; SUGAR VALLEY FEDERAL CREDIT \$528.37; SUNSET LAW ENFORCEMENT \$359.25; THE ROCK PILE \$571.77; TITAN INDUSTRIES, INC. \$344.50; TRIHYDRO CORP \$3,710.50; TWIN CITY DEVELOPMENT \$12,500.00; TWIN CITY ROOFING/SHEET METAL \$6,227.00; U.S. VENTURE, INC. \$72.04; UNANIMOUS, INC. \$115.00; US WEEKLY \$21.26; VALLEY AUTO LOCATORS LLC \$812.65; VAN PELT FENCING CO., INC. \$7.05; W & R INC. \$1,774.80; WALMART \$24.53; WESTERN COOPERATIVE CO \$1,634.63; WESTERN STATES BANK \$6,759.42; WESTERN STATES BANK - POLICE \$550.00; WYOMING BEARING & SUPPLY \$1,384.55; ZM LUMBER CO. DISTRIBUTING \$286.89

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

BIDS: None

CURRENT BUSINESS:

Mayor Kaufman moved Current Business agenda item #2 up on the agenda.

2. Approve and authorize the Mayor to sign LB840 Economic Development Assistance Agreement pertaining to Monument Inn & Suites

Motion by Councilmember O'Neal to approve and authorize the Mayor to sign an LB840 Economic Development Assistance Agreement pertaining to Monument Inn & Suites. Second by Councilmember Wiedeman.

Discussion: Councilmember Gillen clarified that the amount is \$10,000, not \$10,140. Mayor Kaufman replied that the amount to be funded is \$10,000.

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

PUBLIC HEARINGS:

1. Public Hearing regarding a modification to the Crossroads Cooperative Redevelopment Plan

Mayor Kaufman opened a public hearing regarding a modification to the Crossroads Cooperative Redevelopment Plan at 6:05 p.m. City Engineer, Annie Folck, presented the administrative record.

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

To:	City Council	Date:	August 24, 2020
From:	Planning & Community Development	Zoning:	MH
Subject:	Recommendation & Report – Modification on Redevelopment Plan, Crossroads Cooperative Association	Property Size:	Approximately 75 Acres
Location:	220435 E U Street and Block 6, Pioneer Trails Industrial Park (see map)	#Lots/Parcels:	1
Owner:	Crossroads Cooperative Association, City of Gering	City Council Public Hearing:	August 24, 2020

Public Notice: Notice of this public hearing was publicized meeting City Zoning and Subdivision Regulations and according to Nebraska State Statutes.

Public Hearing

Mr. Mayor and Council Members,

This is a recommendation and report for the purpose of reviewing and obtaining comment on modification to the Redevelopment Plan for the Crossroads Cooperative Association Expansion Project.

The redevelopment plan was approved earlier this year, and now the applicants have come back to request additional TIF funds for their project. They have not changed the estimated project valuation, but

because they did not utilize all available TIF funds in their original Redevelopment Plan, they are now requesting that the City allow them to utilize some of the funds that were available but not previously requested.

The Planning Commission determined that the project, as proposed, is in conformance with the Comprehensive Plan. There are no changes to the project itself. It will still consist of the expansion of a grain handling facility which is located in an MH-Heavy Industrial and Manufacturing District. The Comprehensive Plan recommends that properties such as this be reserved for industrial development. It also states that new development that is higher in intensity should be concentrated away from residential areas. This project meets both of those criteria by locating a heavy industrial use in this area, while moving the bulk of the Crossroads operations further away from the residential neighborhood to the west. Additionally, the Comprehensive Plan speaks to promoting available sites in industrial parks. This project is the first project in the Pioneer Trails Industrial Park and will help with the development of the industrial park by providing funds for the extension of water and sewer to the park.

Staff recommends approval of the resolution.

Recommendation

Approve: Approve Resolution stating that the Redevelopment Plan for the Crossroads Cooperative Association Expansion Project conforms to the City's General Plans and recommending approval to the Gering Community Development Agency and City Council.

Deny: Approve Resolution stating that the Redevelopment Plan for the Crossroads Cooperative Association Expansion Project does not conform to the City's General Plans and recommending the denial of approval to the Gering Community Development Agency and City Council.

Table: Table voting on the Resolution stating that the Redevelopment Plan for the Crossroads Cooperative Association Expansion Project conforms to the City's General Plans and recommending approval to the Gering Community Development Agency and City Council.

City Engineer, Annie Folck, stated that the Planning Commission reviewed a TIF Redevelopment Plan for the Crossroads Cooperative project a few months ago and recommended approval to City Council; Council also approved it. The project was started, however, some issues occurred with the foundation and soil that required over excavation and compaction. The original request for TIF was not for all of the TIF funds that were available. There was originally estimated to be \$2,417,040.00 of TIF available; that number remains the same. Crossroads has increased the amount for site preparation to \$875,000, and for the site engineering to \$425,000; those are TIF eligible expenses. Crossroads Cooperative's original TIF request, that was approved in May, was for \$1,635,344.00; with these changes, their new request is \$2,342,344.00. They are now just requesting more of what was available to cover those unexpected costs. This is the same project as before; the only change is the amount of TIF funds that Crossroads Cooperative is requesting; they have more eligible expenses than anticipated. This project still meets all of the requirements in the Comp Plan. Staff is recommending approval and the Planning Commission has given a positive recommendation.

Mayor Kaufman asked if anyone wished to speak in favor of the modification to the Crossroads Cooperative Redevelopment Plan. Seeing none, he asked if anyone wished to speak in opposition. With no further comments, Mayor Kaufman closed the administrative record and the public hearing closed at 6:09 p.m.

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

1a. Approve Resolution 8-20-4 pertaining to a modification to the Crossroads Cooperative Redevelopment Plan

RESOLUTION NO. 8-20-4

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

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* the "Act"), a "Redevelopment Plan" for the *Crossroads Cooperative Expansion Project* submitted by Crossroads Cooperative Association (the "Redeveloper") has been approved by the Gering Community Development Agency ("CDA") and Gering City Council.

b. The Redeveloper has submitted to the CDA a "Modification" to the Redevelopment Plan. The Redevelopment Plan, as modified by the Modification (together, the "Modified Plan") proposes to redevelop an area of the City

which the City Council has declared to be blighted and substandard and in need of redevelopment. The Modified Plan includes the use of tax increment financing.

c. The Modified Plan has been reviewed by the Planning Commission, which found that the Modified Plan conforms to the City's Comprehensive Plan (the "Comprehensive Plan"). The Planning Commission recommended approval of the Modified Plan to the CDA and City Council.

d. The Modified Plan has been reviewed by the CDA, which found that the Modified Plan conforms to the Comprehensive Plan, that the project as proposed in the Modified Plan would not be economically feasible or occur in the project area without tax increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the CDA, are in the long term best interests of the community.

e. The CDA recommended approval of the Modified Plan to the City Council.

f. On August 24, 2020, the City Council held a public hearing on the proposal to approve the Modified Plan.

g. The City Council has reviewed and conducted a cost-benefit analysis of the Modified Plan and makes the findings and recommendations as documented in writing in this Resolution.

Resolved:

1. The Modified Plan is determined to be feasible and in conformity with the Comprehensive Plan and with the legislative declarations and determinations set forth in the Act.

2. The project as proposed in the Modified Plan would not be economically feasible or occur in the project area without the use of tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long-term best interests of the community impacted by the project.

3. The City Council approves the Modified Plan.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Modified Plan, the City Council provides that any ad valorem tax on the Project Site as set forth in the Modified Plan, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in § 18-2147, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the CDA. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies;

(b) That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the CDA to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the CDA for financing or refinancing, in whole or in part, the project set forth in the Modified Plan. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due have been paid, the CDA shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in the redevelopment project shall be paid into the funds of the respective public bodies; and

(c) Any interest and penalties due for delinquent taxes shall be paid in the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Modified Plan.

6. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on August 24, 2020

Mayor

ATTEST:

City Clerk (Seal)

Motion by Councilmember Wiedeman to approve Resolution 8-20-4 pertaining to a modification to the Crossroads Cooperative Redevelopment Plan. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

2. Public hearing regarding the issuance or denial of a Class C Liquor License for Hotel 21, LLC located at 2605 N. 10th Street, Gering, NE

Mayor Kaufman opened a public hearing regarding the issuance or denial of a Class C Liquor License for Hotel 21, LLC located at 2605 N. 10th Street, Gering, NE at 6:10 p.m. Mayor Kaufman asked if anyone

wished to speak in favor of the application. Seeing none, he asked if anyone wished to speak in opposition. With no further comments, Mayor Kaufman closed the administrative record and the public hearing closed at 6:11 p.m.

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

2a. Approve or deny Class C Liquor License for Hotel 21, LLC located at 2605 N. 10th Street, Gering, NE

Motion by Councilmember Wiedeman to approve a Class C Liquor License for Hotel 21, LLC located at 2605 N. 10th Street, Gering, NE. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

CURRENT BUSINESS:

1. Consider a motion to: 1) approve amendments to the "Articles of Incorporation" and "Bylaws" of the League of Nebraska Municipalities by voting "for" Proposed Actions 1, 2 and 3 on the attached "Regular Member Ballot"; 2) authorize the Mayor to sign the "Regular Member Ballot".

Motion by Councilmember Wiedeman to: 1) approve amendments to the "Articles of Incorporation" and "Bylaws" of the League of Nebraska Municipalities by voting "for" Proposed Actions 1, 2 and 3 on the attached "Regular Member Ballot"; 2) authorize the Mayor to sign the "Regular Member Ballot". Second by Councilmember Gillen. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Abel, 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.

REPORTS: (Information only)

1. Liaison report, Scotts Bluff County Communications Center – Councilmember Backus

Councilmember Backus reported:

- The tower behind the court house was completed at the end of last summer. There were some changes in the landscaping, but it was worked out and brought up to standards.
- They selected an Emergency Medical Dispatch System. It's a flow chart or algorithm for dispatchers to go through to more effectively dispatch for emergencies. It will be implemented as soon as they have a doctor sign off on the system.
- They're upgrading the 911 System, back-end interface to connect with the State network, so if we go down, we can seamlessly roll over to other counties, and vice versa. This gets us off the analogue system we were on. Most of this was paid for by 911 service fees.
- The big project on the horizon is the radio system that everybody uses – it's at end of life. They've started working with Motorola to design the system. They're currently working out the details for cost. It's a huge project; probably in the area of half a million dollars. They'll probably be able to use 911 service fee for a lot of it; the State will also help. There will be no additional costs to the cities.

OPEN COMMENT SECTION: None

Mayor Kaufman stated that an open comment period will be held. Discussion or action by Council regarding unscheduled business will not take place.

ADJOURN:

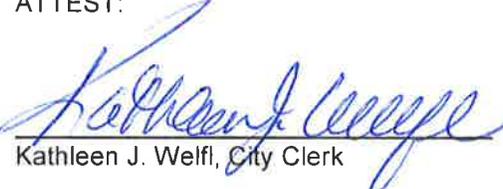
Motion by Councilmember Gillen to adjourn. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

Meeting adjourned at 6:17 p.m.



Mark A. Kaufman, Mayor

ATTEST:



Kathleen J. Welf, City Clerk

