

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, DECEMBER 12, 2022

A regular meeting of the City Council of Gering, Nebraska was held in open session on December 12, 2022 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Wiedeman, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Councilmembers Bohl and O'Neal. 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 Morrison to approve the absence of Councilmembers Smith and Gillen from the November 28, 2022 regular City Council meeting. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl, O'Neal. 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:

1. Approve minutes of the November 28, 2022 regular City Council meeting
2. Approve Claims
3. Approve the November, 2022 Financial Report
4. Approve Certificate of Vote for General Election held on November 8, 2022
5. Approve TCD Quarterly Report

CLAIMS 11/29/22 - 12/12/22

21ST CENTURY EQUIPMENT \$310.60, A & A PORTA POTTIES \$300.00, AC ELECTRIC MOTOR SERVICE \$460.40, ACE HARDWARE \$1,053.15, ACUSHNET COMPANY \$275.65, AMAZON CAPITAL SERVICES \$119.95, AMERITAS LIFE INSURANCE COPR. \$597.94, AT&T MOBILITY \$11.32, ATCO INTERNATIONAL \$356.35, B & C STEEL \$469.64, B & H INVESTMENTS, INC \$77.50, BAIRD HOLM LLP \$715.00, BENZEL PEST CONTROL \$56.71, BLACKSTONE AUDIO, INC \$403.29, BLUFFS FACILITY SOLUTIONS \$400.23, BORDER STATES INDUSTRIES, INC \$9,841.06, BOX BUTTE COUNTY COURT \$325.52, CALEB PIANO TUNING \$110.00, CAPITAL CITY CONCEPTS LLC \$1,600.00, CATTLE BANK & TRUST \$55,786.38, CITY OF GERING \$34,474.15, CLARK PRINTING LLC \$1,016.38, CNA SURETY DIRECT BILL \$40.00, CONNECTING POINT \$53.00, CORE & MAIN LP \$5,404.03, DANKO EMERGENCY EQUIPMENT CO \$2,538.71, DEARBORN LIFE INSURANCE COMPAN \$130.72, DON HATTAN CHEVROLET \$46,533.00, DOOLEY OIL \$345.46, DUTTON-LAINSON COMPANY \$6,524.92, EAKES INC \$82.30, EJS SUPPLY, LLC \$85,326.00, ENERGY LABORATORIES INC. \$404.00, FASTENAL COMPANY \$229.55, FIELDTURF USA, INC. \$22,002.83, FIRST NATIONAL BANK OMAHA - POLICE \$550.00, FLOYD'S TRUCK CENTER, INC. \$1,864.38, FMG ENGINEERING \$5,965.00, FRANK PARTS COMPANY \$1,042.81, GEORGE MIRAMONTES \$181.85, GERING VOLUNTEER FIRE DEPT. \$1,200.00, GREATAMERICA FINANCIAL SERVICE \$48.00, GROUND UP CONSTRUCTION & CLEAN \$678.50, HACH COMPANY \$1,666.71, HARBOR FREIGHT TOOLS \$119.99, HARRINGTON INDUSTRIAL PLASTICS \$244.21, HEARTLAND BANK \$1,993.75, HENNING'S CONSTRUCTION \$600.00, HOME DEPOT CREDIT SERVICES \$341.27, IDEAL LAUNDRY AND CLEANERS, IN \$258.09, INDOFF INCORPORATED \$613.50, INGRAM LIBRARY SERVICES \$405.45, INTERNAL REVENUE SERVICE \$44,712.35, INTRALINKS, INC. \$3,575.87, J.J. KELLER & ASSOCIATES \$745.37, JEROLD E HIGEL \$3,055.09, JOHN HANCOCK USA \$14,070.12, JOHN HANCOCK USA FIRE \$690.93, JOHN HANCOCK USA POLICE \$7,867.09, JOHNSEN CORROSION ENGINEERING \$846.00, JOHNSON CASHWAY CO. \$170.83, KANSAS GOLF & TURF INC \$1,567.70, KAPCO \$176.70, LEAGUE ASSOC./RISK MANAGEMENT \$1,357.96, LEE ENTERPRISES \$1,570.70, LOGOZ LLC \$150.00, LOST RIVER SAND & GRAVEL, INC \$3,102.48, MALY MARKETING \$640.00, MANUEL BARRAZA \$5,500.00, MARSH FAMILY PAINTING \$4,348.62, MATHESON TRI-GAS INC \$91.70, MEAT SHOPPE \$33,882.25, MENARDS \$1,410.30, MIDWEST CONNECT \$3,526.25, MILCO ENVIRONMENTAL SERVICES, I \$11,140.19, MISTY'S CONCRETE FLOORING \$13,825.00, MIZUNO USA, INC. \$112.35, MOBIUS COMMUNICATIONS COMPANY \$30.00, MUTUAL OF OMAHA \$4,464.30, NE CHILD SUPPORT PAYMENT CENTE \$640.18, NE

SAFETY/FIRE EQUIPMENT, INC \$135.00, NKC TIRE \$1,452.45, NMC INCORPORATED \$147.30, NORTHWEST PIPE FITTINGS, INC \$59.08, OCLC, INC. \$171.34, ONE CALL CONCEPTS, INC \$67.34, PANHANDLE COOP ASSOCIATION \$3,021.64, PANHANDLE ENVIRONMENTAL SERVIC \$3,200.00, PAT HEATH \$123.00, PATTLEN ENTERPRISES, INC \$892.24, PING INC \$730.61, POLICE CHIEFS ASSOC. OF NEBR. \$100.00, POWERPLAN OIB \$59.58, PRO OVERHEAD DOOR \$155.00, PT HOSE AND BEARING \$19.04, REGIONAL CARE INC. \$140,827.19, RESCO \$48,261.28, RIVERSIDE TECHNOLOGIES, INC. \$6,918.00, RIVERSTONE BANK \$622.14, ROBERT GOSS \$975.00, SANDBERG IMPLEMENT, INC. \$5,563.75, SARAH WYNN \$425.00, SCOTTSBLUFF-GERING UNITED WAY \$141.75, SE INC \$390.56, SHAWNA WINCHELL \$820.00, SHRM \$229.00, SOUTHWESTERN EQUIPMENT COMPANY \$2,317.19, SPEAK WRITE \$30.83, SUGAR VALLEY FEDERAL CREDIT \$528.37, TAYLOR MADE GOLF COMPANY \$898.76, TEAM CHEVROLET \$419.59, TWIN CITY AUTO, INC \$10,890.00, TYNDALE \$861.95, ULINE, INC \$337.54, USA BLUE BOOK \$1,016.31, VALLEY AUTO LOCATORS LLC \$676.48, VERIZON WIRELESS SERVICES, LLC \$3,809.47, WESCO RECEIVABLES CORP. \$53,615.63, WESTERN COOPERATIVE COMPANY \$2,982.30, WESTERN NE. COMMUNITY COLLEGE \$2,400.00, WESTERN PATHOLOGY CONSULTANTS \$200.00, WESTERN STATES BANK \$7,627.33, WESTERN UNITED ELECTRIC \$24,627.77, WINSUPPLY SCOTTSBLUFF NE CO. \$1,399.31, Total \$789,565.70

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, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl, O'Neal. Motion carried.

CURRENT BUSINESS:

Mayor Kaufman moved Current Business Agenda item #1 up on the agenda.

1. Economic Development Citizens Advisory Committee Annual Report – Galen Larson, Committee Chairman

Economic Development Citizens Advisory Chairman, Galen Larson, reported the following:

The City of Gering LB840 Citizens Advisory Committee met on November 30, 2022. The Committee was updated by City Legal Counsel and staff regarding LB840 grants and loans.

Regarding Noah's Burritos – The City settled litigation last year with Noah Villafranca, following the recovery of the trailer and a partial collection of what was owed. However, there is still a judgment on record against his ex-wife. Per City legal counsel, there have been attempts to try to locate her. After discussion with legal counsel and staff, the committee made a motion to no longer pursue collection from Ms. Villafranca. This particular file will be closed. However, in the event the City becomes aware of new information related to Ms. Villafranca, the file could be reopened for consideration of further collection efforts.

Staff reported at the meeting that all other Economic Development applicants are currently in compliance both for repayment of loans and job creation/retention reporting.

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

BIDS/PROPOSALS:

1. Approve Truck, Cab, Chassis and Packer Body Bid – Sanitation Department

Environmental Services Director, Steve Mount, stated that this bid is to replace a 2008 Freightliner with approximately 150,000 miles. One bid was received from Floyd's Truck Center. The packer body is from Southwestern Equipment in Texas. Staff recommends accepting the bid for \$253,085 for the Freightliner and packer body. \$275,000 was budgeted.

Motion by Councilmember Gillen to approve a 2023 Freightliner 114SD with a 5-year extended engine warranty from Floyd's Truck Center, Inc. as well as a packer body and compactor provided by Southwestern Equipment Co. for a total amount of \$253,085. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl, O'Neal. Motion carried.

2. Approve purchase of Ventrac tractor-wide area mower with cab, ballfield groomer, v-plow, stump grinder and broom - Parks Department

Parks and Recreation Director, Amy Seiler, stated that staff did some research and determined one piece of equipment could be purchased instead of two. Staff recommends the purchase of a Ventrac tractor with ball field groomer, stump grinder and broom attachments in the amount of \$69,304.40. \$87,000 was budgeted for two pieces of equipment.

Motion by Councilmember Morrison to approve the purchase of a Ventrac tractor-wide area mower with cab, ballfield groomer, v-plow, stump grinder and broom through Sourcewell in the amount of \$69,304.40. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl, O'Neal. Motion carried.

REPORTS:

1. Software Conversion Update, Administrator Heath

Administrator Heath stated that staff wanted to report to Council that the Finance and Utility Billing Software conversion is complete. The last step was utility billing. The new software replaces antiquated software the City has used for approximately 15 years. Council has undoubtedly noticed how much better the budget worksheets and financial reports are now; they are much easier to read. The new software has streamlined and improved information available to our Department Heads and has brought efficiencies to our finance and utility office. Utility bills are now mailed in an envelope rather than a postcard which helps preserve customer privacy. He thanked Liz Loutzenhiser and Cheri Hutchison who did the majority of the conversion. They put in countless early mornings, late evenings and weekends; their dedication is greatly appreciated. Administrator Heath also thanked Raquel Rodriguez and Bonnie Sorrell, Utility Office Clerks, for their hard work learning the new software. He thanked the Department Heads for their patience and work on this as well. Councilmember Wiedeman stated that it was nice to see the Talk of the Town Newsletter in the utility bill. This will be another vehicle to communicate with the citizens of Gering on a monthly basis; she thinks this is a great idea. Administrator Heath added that there are other reporting requirements where City officials have to mail information out to all customers; this will be very efficient for doing that.

2. Oregon Trail Days Board Liaison Report, Councilmember O'Neal

Mayor Kaufman stated that Councilmember O'Neal could not be present; the Oregon Trail Days Report will be given at the next meeting.

CURRENT BUSINESS:

2. Consider approval of Manager Application – American Legion Post #36

Motion by Councilmember Morrison to approve a Manager Application for Kenneth Fitzgerald for the American Legion Post #36. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl, O'Neal. Motion carried.

3. Approve Resolution 12-22-1 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent

Resolution No. 12-22-1

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment;

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form;

Whereas: The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if

7. First reading of Ordinance No. 2120 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO DETACH FROM THE CORPORATE LIMITS OF THE CITY OF GERING CERTAIN LANDS DESCRIBED HEREIN WHICH ARE LOCATED WITHIN SCOTTS BLUFF COUNTY, NEBRASKA; REPEALING ALL PORTIONS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE PUBLISHED IN THE LEGAL NEWSPAPER IN OR OF GENERAL CIRCULATION IN THE CITY OF GERING; AND PROVIDING AN EFFECTIVE DATE HEREOF

Councilmember Gillen made a motion to introduce Ordinance No. 2120 as the first reading – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO DETACH FROM THE CORPORATE LIMITS OF THE CITY OF GERING CERTAIN LANDS DESCRIBED HEREIN WHICH ARE LOCATED WITHIN SCOTTS BLUFF COUNTY, NEBRASKA; REPEALING ALL PORTIONS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE PUBLISHED IN THE LEGAL NEWSPAPER IN OR OF GENERAL CIRCULATION IN THE CITY OF GERING; AND PROVIDING AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Backus. There was no discussion. Mayor Kaufman called the vote. “AYES”: Smith, Gillen, Backus, Wiedeman, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: Bohl, O’Neal. Motion carried.

8. First reading of Ordinance No. 2121- AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, AMENDING TITLE VII, CHAPTER 71, SECTION 71.13 AND TITLE VII, CHAPTER 74, SECTION III, SCHEDULE III OF THE CITY CODE OF GERING, NEBRASKA, PROVIDING FOR AND ESTABLISHING TRUCK ROUTES ON CERTAIN STREETS WITHIN THE CITY OF GERING, NEBRASKA, PROVIDING FOR PUBLICATION IN PAMPHLET FORM, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

City Engineer, Annie Folck, stated that the Council was provided with maps that show all the routes as recommended in the staff report.

Councilmember Wiedeman made a motion to introduce Ordinance No. 2121 as the first reading – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, AMENDING TITLE VII, CHAPTER 71, SECTION 71.13 AND TITLE VII, CHAPTER 74, SECTION III, SCHEDULE III OF THE CITY CODE OF GERING, NEBRASKA, PROVIDING FOR AND ESTABLISHING TRUCK ROUTES ON CERTAIN STREETS WITHIN THE CITY OF GERING, NEBRASKA, PROVIDING FOR PUBLICATION IN PAMPHLET FORM, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. “AYES”: Smith, Gillen, Backus, Wiedeman, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: Bohl, O’Neal. Motion carried.

9. Approve Administrator Heath as a member of the League Association of Risk Management (LARM) Board of Directors for a three-year term of office effective January 1, 2023

Motion by Councilmember Morrison to approve Administrator Heath as a member of the League Association of Risk Management (LARM) Board of Directors for a three-year term of office effective January 1, 2023. Second by Councilmember Gillen. There was no discussion. Mayor Kaufman called the vote. “AYES”: Smith, Gillen, Backus, Wiedeman, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: Bohl, O’Neal. Motion carried.

10. Recognition of Councilmember Smith



Mayor Kaufman presented a plaque to Councilmember Smith for 14 years of dedicated service as a City Council Member.

11. Recognition of Mayor Kaufman

Council President Gillen presented a plaque to Mayor Kaufman for eight years of dedication and commitment as Mayor.



12. Administer Oath of Office for newly elected and re-elected Council Members

City Clerk Welfl administered the Oath of Office to newly elected Councilmember Shields and re-elected Councilmember Morrison.

13. Administer Oath of Office for Mayor-Elect Ewing

Clerk Welfl administered the Oath of Office to Mayor-elect Ewing after which Mayor Ewing took the Mayor's seat with the Council and continued the meeting.


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

PUBLIC HEARINGS: None


ADJOURN SINE DIE:

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

Meeting adjourned Sine Die at 6:27 p.m. Mayor Ewing stated that Council would take a five-minute recess so the nameplates could be updated.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

