

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
DECEMBER 14, 2020**

A regular meeting of the City Council of Gering, Nebraska was held in open session on December 14, 2020 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. Councilmember Smith was present by video/teleconference per an Executive Order by Governor Ricketts. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Morrison. 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 excuse the absence of Councilmember Smith from the November 23, 2020 regular meeting. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. 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 November 23, 2020 regular City Council meeting
2. Approve Claims
3. Approve Certificate of Vote for election held on November 3, 2020

Claims 11-1-24-2020 to 12-9-2020

A & A PORTA POTTIES \$135.00; ACUSHNET CO \$71.56; ACUSHNET CO \$275.57; ACUSHNET CO \$92.57; ACUSHNET CO \$149.96; ACUSHNET CO \$459.87; ADAM SCANLAN \$46.00; AL'S TOWING, INC \$150.00; AMAZON CAPITAL SRV, INC \$929.65; BAKER & ASSOC, INC. \$6,629.50; BH MEDIA GROUP HOLDING, INC. \$382.91; BLACK HILLS ENERGY \$908.22; BLUFFS FACILITY SOLUTIONS \$1,040.97; BORDER STATES INDUSTRIES, INC \$582.07; BOUND TREE MEDICAL \$159.95; BSN SPORTS \$30,241.52; CALLAWAY GOLF CO \$720.63; CAPTUS PRESS INC \$250.00; CARHARTT \$379.80; CASEY'S GENERAL STORE \$33.34; CASEY'S GENERAL STORE \$56.61; CENEX I-80 \$32.02; CENTURY BUSINESS PRODUCTS, INC \$27.97; CENTURLINK \$5,617.78; CITY OF GERING \$660.00; CITY PAYROLL TRUST \$2,289.00; CLARK PRINTING LLC \$247.25; CONNECTING POINT \$53.00; CONSTANT CONTACT \$10.00; CONTRACTORS MATERIALS, INC. \$308.75; CORE & MAIN LP \$9,147.09; CORNHUSKER PRESS \$27.00; COURTYARD BY MARRIOTT \$432.25; CROELL, INC \$721.50; CUMMINS CENTRAL POWER \$1,319.53; D & H ELECTRONIC SUPPLY, INC. \$72.65; DANKO EMERGENCY EQUIPMENT CO \$1,473.32; DAS STATE ACCOUNTING-CENTRAL \$148.79; DAVID S. LEIS \$105.00; DEARBORN LIFE INSURANCE CO \$127.28; DEMCO, INC \$455.53; DHHS DIVISION OF PUBLIC HEALTH \$600.00; DOOLEY OIL \$33.60; DOTCOM COMPUTERS \$79.22; DRAEGER MEDICAL INC \$2,175.00; DUTTON-LAINSON CO \$1,363.48; ECOLAB \$110.99; ELLISON, KOVARIK & TURMAN LAW \$3,273.75; ERIC REICHERT CONSTRUCTION \$272,584.89; FAIR LABOR STANDARDS ACT \$395.00; FASTENAL CO \$667.65; FEDERAL AVIATION ADMIN \$10.00; FEDEX \$300.70; FIRST STATE BANK \$339.33; FLOYD'S TRUCK CENTER, INC. \$1,182.06; FRANCISCOS BUMPER IN \$170.00; FRANK PARTS CO \$807.05; FRASER STRYKER PC LLO \$423.50; FREE CONFERENCE CALL.COM \$4.00; FREMONT MOTOR SCOTTSBLUFF, LLC \$490.19; FYR-TEK, INC. \$551.14; GALL'S INC. \$1,202.00; GELLCO CLOTHING \$99.99; GREGORY'S LOCK SHOP LLC \$117.89; GROUND UP CONSTRUCTION \$1,940.00; GWORKS \$18,169.55; HARBOR FREIGHT TOOLS \$110.18; HEARTLAND EXPRESSWAY \$3,015.72; HENNING'S CONSTRUCTION \$1,700.00; HOME DEPOT CREDIT SRV \$277.61; HYDRO OPTIMIZATION & AUTOMATIO \$3,181.75; ICMA ELECTRONIC RETIREMENT \$709.74; IDEAL LAUNDRY AND CLEANERS, IN \$106.70; INDOFF INCORPORATED \$334.01; INFINITY CONSTRUCTION INC. \$17,400.20; INGRAM LIBRARY SRV \$546.83; INTERNAL REVENUE SERVICE \$42,296.28; INTERSTATE BATTERIE/RAPID CITY \$126.95; INTRALINKS, INC. \$425.00; INTRALINKS, INC. \$119.00; IRBY TOOL & SAFETY \$1,206.96; JAMES FARRO \$150.00; JENNIFER TROX \$500.00; JOHN D. ADAMS \$180.00; JOHN HANCOCK USA \$13,672.17; JOHN HANCOCK USA POLICE \$6,803.24; JOHNSON CASHWAY CO. \$634.39; K L WOOD & CO., LLC \$83,961.13; KALEB

SHAW \$150.00; KAREN SUE BRUNTZ \$425.00; KEVIN LEHR \$250.00; KWIK STOP \$31.00; LIBERTY ART WORKS \$335.00; MAIL AND SHIPPING PROS \$202.35; MASEK DISTRIBUTING INC \$76.00; MATHESON TRI-GAS INC \$197.41; MATRIX TRUST CO \$556.20; MAVERIK \$106.25; MB KEM ENTERPRISE \$9,206.30; MEAT SHOPPE \$7,072.62; MENARDS \$776.88; MES-MIDAM \$2,173.00; MID-AMERICA GOLF & LANDSCAPE I \$98,355.27; MIDTOWN HOLIDAY INN \$288.00; MIZUNO USA, INC. \$494.12; MOBIUS COMMUNICATIONS CO \$30.00; MONEY WISE OFFICE SUPPLY \$276.94; MONUMENT MARATHON \$3,000.00; MUNICIPAL SUPPLY, INC. OF NE. \$2,006.13; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE STATE PATROL CRIMINAL ID \$46.38; NEBRASKA LIFE MAGAZINE \$24.00; NEBRASKA MUNICIPAL POWER POOL \$537.00; NEBRASKA PUBLIC POWER DIS \$33.19; NEBRASKA RURAL RADIO ASSOC. \$583.18; NEBRASKA WATER ENVIRONMENT \$225.00; NEOFUNDS BY NEOPOST \$900.44; NKC TIRE \$666.93; NORTHWEST PIPE FITTINGS, INC \$7.00; OCLC, INC. \$160.66; ONE CALL CONCEPTS, INC \$54.20; PANHANDLE COOP ASSOCIATION \$3,744.28; PANHANDLE ENVIRONMENTAL SERVIC \$1,718.00; PANHANDLE HUMANE SOCIETY \$3,168.50; PATTLEN ENTERPRISES, INC \$602.27; PAYROLL \$132,131.90; PING INC \$217.98; PIPE WORKS PLUMBING LLC \$626.18; PLATTE VALLEY BANK \$593.00; POSTMASTER \$1,199.57; POWERPLAN OIB \$364.56; PRAETORIAN DIGITAL \$1,672.00; PUMP & PANTRY \$21.00; R & C WELDING & FABRICATION \$110.00; S & H UNIFORMS \$2,390.55; SANDBERG IMPLEMENT, INC. \$7,650.19; SANDRY FIRE SUPPLY \$21.54; SCB. COUNTY AMBULANCE SERVICE \$316.23; SCB COUNTY REGISTER OF DEEDS \$236.00; SCOTT M. BOSSE' \$950.00; SCOTTS BLUFF COUNTRY CLUB \$204.40; SCOTTS BLUFF COUNTY TREASURER \$4,504.22; SCOTTSBLUFF-GERING UNITED WAY \$118.75; SENIOR CITIZENS CENTER \$525.00; SHAWNA WINCHELL \$260.00; SIMON CONTRACTORS \$2,899.26; SIRCHIE ACQUISITION CO., LLC \$182.69; SOLUTIONS EAP \$244.55; SOUTHWESTERN EQUIPMENT CO \$19,976.94; SPEAK WRITE \$786.41; STAPLES CREDIT PLAN \$38.55; STATE OF NEBRASKA \$53.00; SUGAR VALLEY FEDERAL CREDIT \$528.37; SUREFIRE, L.L.C. \$179.68; TAGMYDRONE \$18.97; TARGET \$392.67; TAYLOR MADE GOLF CO \$224.34; TEK SUPPLY \$1,128.00; TERRY CARPENTER, INC. \$650.00; THE ABY MANUFACTURING GROUP \$248.50; THE HOTEL BY GOLD DUST \$273.33; THE ROCK PILE \$914.60; THOMPSON GLASS, INC. \$131.00; U.S. VENTURE, INC. \$221.76; UNITED STATES POSTAL SERVICE \$155.50; US WEEKLY \$21.23; VALLEY AUTO LOCATORS LLC \$98.49; VERIZON WIRELESS SRV, LLC \$164.85; VINCE'S CORNER \$23.66; W & R INC. \$8,770.12; WATERWAY GAS & WASH \$45.79; WESTERN COOPERATIVE CO \$1,110.81; WESTERN PATHOLOGY CONSULTANTS \$200.00; WESTERN PLAINS INC \$240.01; WESTERN STATES BANK \$22,957.47; WESTERN STATES BANK - POLICE \$550.00; WM RECYCLE AMERICA \$2,778.41; WYOMING BEARING & SUPPLY \$10.05; WYOMING BEARING & SUPPLY \$109.23; ZAC BIBB \$150.00; ZOOM VIDEO COMMUNICATIONS \$14.99

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

BIDS: None

PUBLIC HEARING:

1. Public Hearing for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by CS Precision Manufacturing, Inc.

Mayor Kaufman opened a public hearing for the purpose of reviewing and obtaining comment on a redevelopment plan submitted by CS Precision Manufacturing, Inc. at 6:05 p.m.

Annie Folck, City Engineer, stated that as Council is aware, CS Precision Manufacturing has applied for Tax Increment Financing. They are planning an expansion at their current Gering location, which would include about a 20,000 square-foot building and several multi-spindle screw machines. They are looking at increasing their employment from their current staff of 66, to 98. They are looking at a total estimated project of about \$4.7 million; that is probably a low estimate. Of that, they are estimating there will be \$367,950 of TIF funds available. A lot of the expense is actually more for the machines; the machines going in to the building or far more expensive than the building itself. Obviously, the machines are not going to affect the property taxes that create the available TIF, that is where their estimated TIF comes in. Of the estimated \$367,950 of TIF, they are estimating they will have about \$293,265 that would go towards eligible expenses for the project. That includes site preparation, the purchase of property adjacent to them (that they will be using for part of their expansion), as well as landscaping and site work with some culverts and things that will be in the right-of-way.

As Council considers this redevelopment plan, they need to consider first whether or not the plan conforms to the City's Comprehensive Plan. This redevelopment plan was taken to the Planning Commission; they determined that it does conform to the City's Comprehensive Plan; staff recommends that it does as well. CS Precision is a manufacturing business located in a heavy manufacturing zone. Some of the goals for this area of town, in our comprehensive plan, is specifically to try to reserve that area for manufacturing businesses and employment centers; this definitely meets all those requirements.

After determining whether or not it meets the goals of the Comp Plan, then Council has to consider whether or not the plan conforms with Community Development Law. Because the project is located in

an area that has already been designated as blighted and substandard, indicates that it does conform to Community Development Law.

Another item for Council to review is the Cost-Benefit Analysis, which was just approved by the Community Development Agency. The final item for Council to determine is the "but for" test, where Council determines whether the project would still be economically feasible if the City did not approve TIF funds for the project. By state statute, if the project is going to go forward with or without the funds, then it probably shouldn't be approved. Having had several conversations with the redeveloper, staff's recommendation is that it certainly meets the "but for" test; if TIF isn't approved they will not be able to move on with the project. Ms. Folck added that the applicants were present if the Council had questions for them.

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

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

1a. Review and take action on Resolution 12-20-4 to approve a Redevelopment Plan for CS Precision Manufacturing, Inc.

Motion by Councilmember Gillen to adopt Resolution 12-20-4 to approve a Redevelopment Plan for CS Precision Manufacturing, Inc. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

2. Public hearing to consider the issuance or denial of a Class I Liquor License for Chino's Mexican Restaurant, 1675 10th Street, Gering, NE

Mayor Kaufman opened a public hearing to consider recommending the issuance or denial of a Class "I" Liquor License for Chino's Mexican Restaurant, 1675 10th Street, Gering, NE at 6:12 p.m.

Ed Bartella, 1601 4th Ave., Scottsbluff, NE, Co-owner of Chino's Mexican Restaurant, addressed the Council and stated that this is not intended to be a full-fledged bar atmosphere. There will be half a dozen domestic beers, one or two types of tequila for margaritas, and soft wines to match their food - that is the extent of it. It will be family friendly.

Mayor Kaufman asked if anyone in the Council Chambers wished to speak in favor of this application. Seeing none, he asked if anyone wished to speak in opposition. With no further comments the administrative record was closed and the public hearing closed at 6:15 p.m.

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

2a. Recommend approving or denying a Class I Liquor License for Chino's Mexican Restaurant, 1675 10th Street, Gering, NE

Motion by Councilmember Wiedeman to recommend approving the issuance of a Class I Liquor License for Chino's Mexican Restaurant, 1675 10th Street, Gering, NE. Second by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

CURRENT BUSINESS:

1. Approve and authorize the Mayor to sign Economic Development Assistance Agreement for Twin Cities Development pertaining to Workforce Housing

Motion by Councilmember O'Neal to approve and authorize the Mayor to sign an Economic Development Assistance Agreement for Twin Cities Development pertaining to Workforce Housing. Second by Councilmember Gillen.

Discussion: Rawnda Pierce, Director of Twin City Development, stated that this is a fund that was made available to the State of Nebraska in 2017. There was an application for our area, but it was not successful. TCD has since decided to take over the application process. There were 14 communities awarded in 2017 – seven million dollars and 14 awards to different communities. That has created a \$100,000,000 investment in 577 homes; it has been very successful. TCD didn't know if it would ever be brought forward again; if it doesn't get to the western part of the state, she doesn't know if it will ever happen again. Senator Stinner wants it to go statewide.

TCD is applying as a three-county region – Scotts Bluff County, Morrill County and Kimball County. Those three counties were included in the housing study done by the WNED in 2016. It's a one for one match, but NIFO, which is the Nebraska Investment Finance Authority, counts it as a match. For every community that gets awarded, they're going to contribute \$250,000; it's a leveraging thing. TCD has \$350,000 approved from Scottsbluff, hopefully \$150,000 from Gering, and they have \$25,000 from Bayard - if they get no other money, they're at a \$1.5 million fund already. It's an opportunity of a lifetime.

There are three requirements; it can be used for new construction, but it can't be for a house over \$275,000; it can be rental units but those can't be over \$200,000 per unit; or it can be used for rehab for at least 50% of the current assessed value. The \$150,000 from the Gering LB840 Fund will leverage about five times the amount Gering is putting in. The fund is perpetual; TCD will be the loan fund operator. Until it revolves, they won't be charging an administrative fee. After the fund recycles, they can start charging a small administrative fee, and they can charge interest; but it's always a grant, it's never a loan. This will help contractors.

Councilmember Backus asked how this would match with the Landbank Legislation. Ms. Pierce replied that it's going to kind of work hand in hand. The first initial funds probably won't have anything to do with landbank because they have to get that money out in the hands of contractors and get it spent; they have two years to get it spent. She's hoping to raise \$900,000 so they have \$1.9 million to start out with. The landbank will help clear up properties that have title issues and may be vacant with out-of-state owners. If those can be cleared, they could be sold to developers and they could be part of this fund. They'll work hand in hand, rather than compete against each other. Mayor Kaufman added that the landbank will help clean up nuisance properties, clean up titles, and in some cases tear down properties. This fund will be complimentary with the landbank. The landbank isn't looking so much at re-construction, it's looking at properties in some sort of distress and get them functional again for the taxpayers. We desperately need some housing for workforce, he added. Ms. Pierce added that this is a great windfall for our community; it's a great way to leverage this money five times over.

The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

2. Approve Ordinance No. 2095 – Electrical Rates

Councilmember Wiedeman made a motion to introduce Ordinance No. 2095 – AN ORDINANCE TO ADJUST EXISTING ELECTRICAL RATES; REPEALING ORDINANCE NO. 2092; PROVIDING FOR AN EFFECTIVE DATE THEREOF. Seconded by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

Councilmember Gillen moved that the Ordinance be designated as Ordinance No. 2095 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, which motion was seconded by Councilmember Backus. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion carried.

The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried. Whereupon Ordinance No. 2095 was read by title only, Councilmember Abel moved that the Ordinance be passed as read, which motion was seconded by Councilmember Cowan. "The question is shall Ordinance No. 2095 be passed?" There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion carried.

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was by the Mayor declared passed.

3. Approve Referring a Blight and Substandard Survey for the Agromac Subdivision to Planning Commission for consideration

Annie Folck, City Engineer, stated that as Council knows, in order to have an area be eligible for Tax Increment Financing, it has to first be designated as blighted and substandard. There are two different ways we can go about this; we can have the City pay for a study to be done in a certain area, or the other policy is that we accept studies that have been done by the developer, or property owners. If they want to have their own study prepared and submitted to the City, we will consider it just the same as we would if we were the ones who had it prepared.

We have had a developer submit a blight study to the City. It's for the Agromac Subdivision; the area where the old Lockwood building is, and the property all around that - the entire subdivision. It's west of Lockwood Road between D Street and M Street. Preliminarily, staff thinks that it does meet the requirements to be blighted and substandard, but that's why we go through our process and do the complete review. This agenda item is for going through the formality of having City Council refer the plan to the Planning Commission, at which point they will make a recommendation and send it back to City Council for final approval.

Motion by Councilmember O'Neal to approve referring a Blight and Substandard Survey for the Agromac Subdivision to the Planning Commission for consideration. Second by Councilmember Gillen. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

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

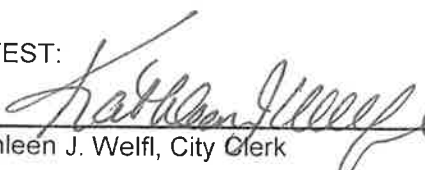
REPORTS: (Information only) None

ADJOURN:

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

Meeting adjourned Sine Die at 6:29 p.m.

ATTEST:


Kathleen J. Welf, City Clerk




Mark A. Kaufman, Mayor