

## **THE OFFICIAL PROCEEDINGS OF THE SPECIAL MEETING OF THE GERING CITY COUNCIL, DECEMBER 21, 2020**

A special meeting of the City Council of Gering, Nebraska was held on December 21, 2020 at 4:30 p.m. Pursuant to a Limited Waiver Executive Order by Governor Ricketts, in addition to holding this meeting at Gering City Hall, 1025 P Street, it was also available by video/teleconference. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Abel (by video/teleconference until roughly 4:50 p.m.), Wiedeman, O'Neal, Morrison (by video teleconference) and Cowan. Also present were City Administrator, Lane Danielzuk, City Clerk Kathy Welfl, and City Attorney Matt Turman. 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 4:30 p.m. He stated that there was a quorum of the Council present and City business could be conducted.

1. Pledge of Allegiance
2. Roll Call

### **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.

### **CURRENT BUSINESS:**

#### **1. Council to consider approving and authorizing the Mayor to sign a Contract for Public Improvements between the City of Gering, Nebraska and Paul and Adam LLC**

Annie Folck, City Engineer, stated that an application was submitted to the City for a final plat; it was considered at the December 1, 2020 Planning Commission meeting. It's for Lot 1, Swift Subdivision. It's just under an acre and is located at the corner of Country Club Road and 10<sup>th</sup> Street. This property has never been platted before, but it has been developed before – it used to be the site of the former Swift Packing Plant. Ms. Folck said that the City did not require a preliminary plat because most of the utilities are there; also, the developer is not sure how they want to develop the rest of the property yet. Prior to approving the final plat, there is a development agreement to be considered. The lot being platted is in the corner; it currently has access to stormwater, sewer and street access. The remainder of the lot has good access to all of those utilities. The only concern the City has, as far as infrastructure for splitting off this lot, is the waterline. The waterline is stubbed out on Country Club Road and there's a dead end on 10<sup>th</sup> Street. In order to get water to that property, the waterline will need to be extended to the north. The development agreement states that the developer will be responsible for those costs to extend that waterline to the north in order for this development to move forward. In addition, best practice for water mains is to have them looped. Dead ends are not desirable; they have poor water quality and it's a maintenance issue for our staff. There was a compromise made with the developer that they will extend the waterline to this lot, for this lot, but no further subdivision will occur until that waterline is looped; that is specified in the development agreement. The Planning Commission's recommendation is that the final plat be approved conditional upon the development agreement being approved first; that is staff's recommendation as well.

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Contract for Public Improvements between the City of Gering, Nebraska and Paul and Adam LLC. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

#### **2. Council to consider approving a Final Plat for Lot 1, Swift Subdivision**

Ms. Folck stated, for clarification, that this lot has nothing to do with the landfill project. She had some calls regarding that and wanted to make that clarification.

**Motion by Councilmember Wiedeman to approve a Final Plat for Lot 1, Swift Subdivision. Second by Councilmember Gillen. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**3. Council to consider and authorize the Mayor to sign Interlocal Cooperative Agreement for the Expenditure of Reserve Account Funds between the City of Gering and the City of Scottsbluff pertaining to the siting, construction, and operation of a new joint solid waste disposal facility**

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign an Interlocal Cooperative Agreement for the Expenditure of Reserve Account Funds between the City of Gering and the City of Scottsbluff pertaining to the siting, construction, and operation of a new joint solid waste disposal facility. Second by Councilmember Wiedeman.**

**Discussion:** Ms. Folck stated that as Council is aware, the 2007 agreement set up a reserve account for the purpose of siting and developing a new landfill. That includes property purchase, the option fee Council is about to consider, engineering costs, groundwater monitoring and costs necessary for obtaining a permit. Our existing facility is projected to have about five years left; we're looking at 2026, possibly 2027, based on our last survey. It takes a couple years to do all the monitoring required to obtain a permit. We'll know before a couple of years whether or not it's a viable site. It's a minimum of two years that we have to have recorded data. If the permit is approved, it will be close to another year before all the improvements are made; so, probably about a three-year timeline.

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

**4. Discuss and consider approval of the Solid Waste Disposal Site Exploration Agreement and Option to Purchase, to determine the suitability of an identified site for solid waste disposal purposes**

**Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign a Solid Waste Disposal Site Exploration Agreement and Option to Purchase, to determine the suitability of an identified site for solid waste disposal purposes. Second by Councilmember O'Neal.**

**Discussion:** Annie Folck noted that the legal description was incorrect in the initial agreement that was sent to Council; it should be Range 54W, not 56W.

Travis Evans, with Trihydro, stated that they have been working with the City of Gering and the City of Scottsbluff to identify a suitable site for the new Western Nebraska Regional Landfill. This has been an on-going effort for several years. Planning efforts started in early 2019; a planning area was identified to try to determine areas where there might be suitable property for a landfill site and also protective of human health and the environment. Mr. Evans presented a Power Point presentation via Zoom to the Council and showed numerous maps that described various factors. He stated that Tri-Hydro identified sites and reached out to landowners.



**Planning Efforts:**

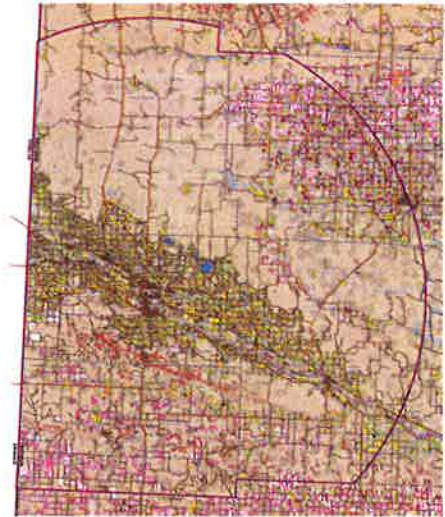
- Planning Area
- Applied Location Standards
- Identified Suitable Sites
- Conducted Landowner Outreach
- Reviewed Sites Brought Forth by Interested Landowners

Mr. Evens talked about location standards for the site which include: Water resources, highway setbacks, airports, surficial geology, zoning, dwellings, soil and wetlands, unstable areas, fault areas, land use, threatened and endangered species and cultural resources.



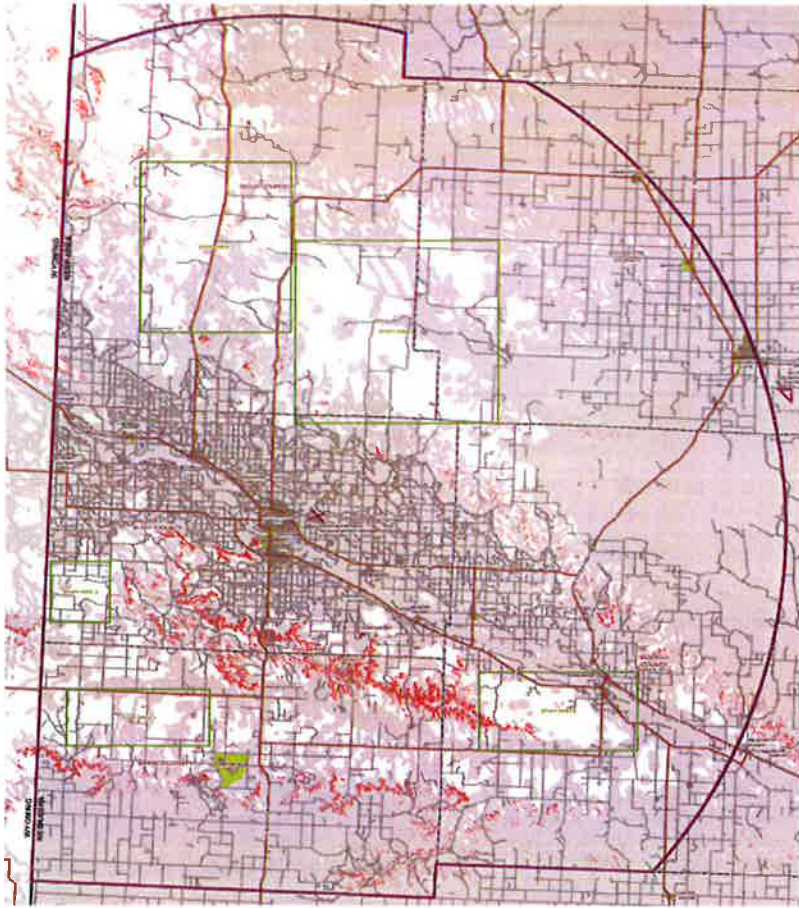
**Water Resources – Surface Water**

**Water Resources – Ground Water**



**Highway setbacks**





**Combined Location Standards  
Proposed Site Location**



Sioux County  
T25N, R54W, Sections 19 & 30  
18 Miles from Scottsbluff  
21 Miles from Gering



Looking east



Looking northwest

### Future Activities

- Complete Step 1
  - Land Surveys
  - Conduct Geotechnical & Groundwater Investigations
  - Drainage Analysis
  - Conduct Cultural Resource Inventories
  - Conduct Wildlife and Wetlands Studies
  - Preliminary Design & Cost Estimate
- Anticipated Schedule
  - February 2021 – August 2021

### Future Activities – Steps 2 & 3

- Step 2 –Permit Application Development & Permit Review
  - September 2021 – February 2023 (Est.)
- Step 3 –Final Design and Construction
  - March 2023 – December 2023 (Est.)

Mr. Evans discussed the potential site life of the proposed option. They will look into potentially purchasing less property if possible. There is a lot of work yet to do to confirm the site suitability (outlined in Step 1 above). Early wildlife and wetlands analysis noted that there was really no endangered species threat on this site; additional data is needed to confirm that. A cost estimate will be further refined for a new landfill as well. A permit application Development and permit review to NDEE will probably take place between September of 2021 and February of 2023. Construction could be completed within about eight to nine months once it's started.

Councilmember Morrison asked, with the groundwater at such a depth in this area, would the cells still have to be lined? Mr. Evans replied that at this time, they are planning on that, but that is something they will certainly consider as they're going through the design process. It depends on what the underlying geology is like. He thinks it's highly likely that it will still need to be lined based on some of the preliminary geology they have reviewed. Mayor Kaufman thanked Mr. Evans and Trihydro for their work on this.

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

### ADJOURN:

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

Meeting adjourned at 4:59 p.m.

  
Mark A. Kaufman, Mayor

ATTEST:

  
Kathleen J. Welfl, City Clerk

