

THE OFFICIAL PROCEEDINGS OF THE SPECIAL MEETING OF THE GERING CITY COUNCIL, DECEMBER 23, 2019

A special meeting of the City Council of Gering, Nebraska was held in open session on December 23, 2019 at 12:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Wiedeman, O'Neal and Cowan. Also present were, City Clerk Kathy Welfl and City Attorney Matt Turman. Absent was Councilmember Morrison and City Administrator Lane Danielzuk. 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 12:03 p.m. The Mayor stated that there was a quorum of the Council present and City business could be conducted.

1. Recital of the 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.

CONSENT AGENDA:

1. Approve minutes of the December 9, 2019 regular Council meeting
2. Approve Claims and Financials

Claims:

11-30-19 to 12-13-19

360 RAIL SRV LLC \$4,354.00 DITCH CROSSING INVESTIGATION, ACCELERATED RECEIVABLES \$810.90 RECOVERY OF BAD DEBTS, ACCENT PACKAGING INC \$38.98 PART FOR BALER, ACUSHNET CO \$90.35 RAIN PANTS, ALTEC IND INC \$5,536.07 TRUCK INSPECTION - TEST, AL'S TOWING INC \$100.00 TOW SRV, AMAZON CAPITAL SRV \$133.11 NEW HEADLIGHT BULBS EXPLORERS/1 NEW SET OF RIFLE SITES, B & C STEEL \$129.26 STEEL, BAKER & ASSOC INC \$4,970.00 ENGINEERING, BENZEL PEST CONTROL \$85.49 PEST CONTROL 200531 WEST U, BKD RENTALS LLC \$2,154.20 DEC 19 PRAIRIE PINE SUBSIDY, BORDER STATES IND \$750.64 LIGHTS FOR SHOP/PROBES/KNIFE/NUTS/RECEPTACLE/HUB, BRIDGESTONE GOLF INC \$57.48 72 GOLF BALLS, CITY PAYROLL TRUST \$4,896.37 DISABILITY INS/FSA MEDICAL 125/VOL LIFE INS, CLINE WILLIAMS WRIGHT \$2,960.00 ADMIN LEGAL FEES, COMFORT INN - KEARNEY \$329.85 ATTEND THE AWWA/WEA CONF HEATH, CONNECTING POINT \$105.34 DEC COPIER SRV CONTRACT, CONTRACTORS MATERIALS \$14.25 MARKING PAINT, COZAD SIGNS LLC \$200.00 CHRISTMAS PLAZA FLYER DESIGN, CRESCENT ELECTRIC SUPPLY \$14.78 LIGHT RPR AT STATION, DALES TIRE & RETREADING \$679.53 TIRE RPR ON G-12/TIRE RPR ON G-1/TIRE RPR ON G-6, DARRELL VANCE \$206.00 NEW BOOTS/RECOVERY DISASTER TRNG/DEBRIS MGMT TRNG, DHHS DIVISION PUBLIC HEALTH \$615.44 LAB FEES/BLOOD ALCOHOL TESTS/WATER LAB, DOCU - SHRED LLC \$26.00 64 GALLON CONTAINER, DOOLEY OIL INC \$207.45 WINDSHIELD WASHER/DEF FOR TRUCKS, DUTTON - LAINSON CO \$3,644.36 TRANSFORMERS, ENVIRO SRV INC \$1,204.00 WATER LAB/WW LAB, FASTENAL CO \$458.91 GLOVES/BATTERIES/ETC/NUTS & BOLTS FOR TARP, FIRST STATE BANK \$340.63 IBEW UNION DUES, FLOYD'S SALES & SRV \$3,240.98 BODY WORK ON G-12/RPR'S ON G-8/RPR'S ON G-6/FUSES FOR 31 & 32, FORT DEARBORN LIFE INS CO \$130.72 FIREFIGHTER LIFE INS, FRANK PARTS CO \$1,932.20 SHOP SUPPLIES/OIL CHANGE/AIR COMPRESSOR PARTS/SRV TRUCK MAINT SNOW PLOW/ PARTS FOR TARP/PARTS FOR G-6/BRAKE CLEANER/GLOVES/TAR REMOVER/TAIL LIGHT/BULBS/WIPER BLADES/AIR FILTER/U BOLT/NUT/SCREW/PARTS/LUBE/AIR FILTER/TRANS OIL/BATTERY/BATTERY CLEANER/FUNNEL/BATTERY FOR 13 CHEVY/ OIL & FILTER FOR VEHICLE MAINT/NEW ACUTATOR/TAIL LIGHT/IMPACT GUN AIR TOOL, FRASER STRYKER PC LLO \$1,200.00 LEGAL FEES FOR ADMIN, GERING IRRIGATION DISTRICT \$1,401.75 IRRIGATION TAXES 2019, GERING VALLEY PLUMBING & HEATING \$2,598.00 RPR TO DISHWASHER BOOSTER/ANNUAL SRV AGREEMENT/RPR HOT WATER HEATER, GIS WORKSHOP LLC \$12,355.92 LICENSE & SUPPORT FEE, GPAC \$30.00 DOUBLE PYMT ON ACCT 317, GRAHAM DANIEL & ANDREA \$300.68 OVERPAID FINAL 28-1090-04, GREASE N GO \$44.95 CAR MAINT, GREAT AMERICA LEASING CORP \$100.00 COPIER LEASE, GREG NORMAN \$85.97 GOLF PANTS, GROUND UP CONSTRUCTION \$590.00 NOV 19 JANITORIAL SRV, HEART LAND TRUST CO \$900,945.00 GLC BOND SERIES 2016/GLC BOND SERIES 2018 COMBINED UTILITIES SERIES 2016/SOLID WASTE BOND SERIES 2012/AGENT FEES, ICMA ELECTRONIC RETIREMENT \$709.74 ICMA CITY ADMIN, IDEAL LINEN SUPPLY INC \$468.57 MATS/TOWELS/RAGS, INDOFF INC \$205.20 PAYROLL ENVELOPES/TONER/OFFICE SUPPLIES, INGRAM LIBRARY SRV \$1,041.61 44 BOOKS/ 32 CHILDRENS BOOKS, INTERNAL REVENUE SRV \$44,735.37 FED/FICA TAX, INTRA LINKS TECHNICAL SOLUTIONS \$903.99 WIRELESS PORT/COMPUTER/DEC IT CONTRACT, JOHN HANCOCK USA \$13,848.54 JH RETIRE 6%, JOHN HANCOCK USA POLICE \$6,831.82 MG T - POLICE, JOHNSON CASHWAY CO \$469.44 SCREWS FOR CONCRETE/CLEVIS HOOK /PIN / HARDWARE/ TOOLS/ PAINT/ SVR TRK SUPPLIES TUBING CUTTER/KEY FOR SHOP/RPR'S ON AIRLINE/RPR SWAMP COOLER/4 X 4 POST/EXPANDER FORM/QUICKCRETE/PLYWOOD FOR FORMS/RAKES, KARENS CLEANING \$425.00 NOV CLEANING SRV, KOVARIK ELLISON MATHIS \$2,888.75 DEC 19

RETAINAGE – CITY ATTORNEY, LL JOHNSON DIST \$90.22 CAPACITOR FOR REEL GRINDER, MATHESON TRI – GAS INC \$87.21 ACETYLENE, MATRIX TRUST CO \$534.68 MG T – FIRE, MEAT SHOPPE \$23,113.33 MNGMNT CONTRACT/CATERING COSTS, MENARDS \$113.72 T8 LIGHT BULBS @ FIRE STATION/CASE OF FURNACE FILTERS/WELDING SUPP, MONEY WISE OFFICE SUPPLY \$135.53 TONER CART FOR PRINTER/OFFICE SUPPLIES/PAPER TOWELS, NE CHILD SUPPORT PYMT \$794.64 CHILD SUPPORT 1, NE PUBLIC POWER DIST \$34.56 UTILITIES 240066 HWY 92, NE SAFETY FIRE EQUIPMENT \$1,325.00 HYDRO TEST @ CITY HALL/ANNUAL FIRE EXT INSPECTION/FIRE SPRINKLER INSPECTION/INSPECT FIRE DETECTORS/FIRE & HOOD INSPECTION, NEBRASKA LAW ENFORCEMENT \$40.00 LODGING TRAINING, NEBRASKA MUNICIPAL POWER \$537.00 DUES INVENTORY SOFTWARE, NORTHWEST PIPE FITTINGS \$48.84 PVC COMPRESSION COUPLING/QUICK CAP FOR OIL SEPERATOR, ONE CALL CONCEPTS INC \$42.25 LOCATE FEES, PANHANDLE CONCRETE PROD \$792.00 NORTHFIELD STORM SEWER PROJECT, PANHANDLE HUMANE SOCIETY \$3,168.50 DEC 19 FINANCIAL SUPPORT, PAYROLL CHECKS \$134,785.89 PAYROLL CHECKS ON 12-6-19, POPULAR SCIENCE \$17.97 1 YR SUBS, POSTMASTER \$800.00 MAILING PERMITS, POWERPLAN OIB \$5,575.81 RENTAL OF TRACK HOE STORM PROJECT, PRO OVERHEAD DOOR \$60.00 MAINT WEST SHOP GARAGE DOOR, RECORDED BOOKS LLC \$222.26 6 AUDIO BOOKS, SANDBERG IMPLEMENT INC \$16.48 GAS LINE, SANDRY FIRE SUPPLY \$754.95 JOB UNIFORMS, SCB CO AMBULANCE SRV \$316.23 DEC 2019 AMBULANCE CONTRACT, SCOTTS BLUFF CO COURT \$267.02 GARNISHMENT 2/CO COURT FEES, SCOTTSBLUFF GERING UNITED \$70.75 UNITED WAY CTRB, SENIOR CITIZENS CENTER \$525.00 DEC 2019 FINANCIAL SUPPORT, SIMON CONTRACTORS \$1,745.50 NORTHFIELD STRM PRJT CONCRETE, SMITHSONIAN BUSINESS VENT \$34.00 1 YR SUBS, SOLOMON CORP \$1,271.30 TRANSFORMER, SOUTHWESTERN EQUIPMENT CO \$695.68 LIGHTS FOR G-13/RPR PARTS FOR TOOLS, STAPLES CREDIT PLAN \$176.27 TONER/STAPLES/POST IT NOTES, STATE OF NEBRASKA \$760.00 SAN MIGUEL OVERPAID FINAL BILL, SUGAR VALLEY FEDERAL CREDIT \$678.37 CREDIT UNION, TAYLOR MADE GOLF CO \$253.81 GOLF CLUB PUTTER, TEAM CHEVROLET \$485.00 WING LEASE/AC RPR ON TAHOE, TERRY CARPENTER INC \$650.00 DEC 19 WATER WELL LAND RENT, THE RIGHT IMPRESSION \$76.00 RECOGNITION PLAQUES BRENT & PHIL, THE ROCK PILE \$589.12 NORTHFIELD STORM PROJECT, TIME \$34.95 1 YR SUBS, TRIHYDRO CORP \$3,999.45 NEW LANDFILL, TWIN CITY AUTO \$37.12 PICKUP PLOW PARTS, UNITED CHAMBER OF COMMERCE \$30.00 PRELEGISLATIVE BREAKFAST LANE, VALLEY AUTO LOCATORS LLC \$15.00 FLAT RPR, VERIZON WIRELESS \$1,421.15 WIRELESS CONNECTIVITY FOR MTD'S/M2M BILL/IPAD CHRGS/ON CALL CELL/LAPTOP FEES, VOICE NEWS \$22.50 ADS, WESCO DIST INC \$802.50 CT'S, WESTCO \$16,158.15 GAS/ DIESEL FUEL/FUEL FOR PIT, WESTERN PATHOLOGY CONSULTANTS \$75.00 POLICY ASSURANCE UPDATED, WESTERN STATES BANK \$22,106.72 HSA CTRB 125/RED BARN TIF II, WESTERN STATES BANK POL \$516.00 PO UNION DUES, WINCHELL CLEANING SRV \$860.00 CLEAN HALLS/BATHS, WINTER EQUIPMENT CO INC \$4,595.39 BLADES FOR SNOW PLOW, WM RECYCLE AMERICA \$2,764.66 RECYCLING, WYOMING BEARING & SUPPLY \$16.80 RPR ON G-6

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, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

CURRENT BUSINESS:

1. Consider appointment for Ward IV vacancy

Mayor Kaufman noted that these are tough decisions. We have been fortunate to have multiple qualified candidates who are willing to serve the community in this capacity. It's not an easy job to sit on any governing board. It's rewarding at times but it's also very difficult at times. He wanted to stress how difficult these decisions are because it's not personal. We've got to have the seat filled and carry on with a full Council. He explained that he will make a recommendation; it will be up for Council approval or not approval. We have three very qualified individuals; we appreciate their time coming through the interview process.

Mayor Kaufman entertained a motion to approve the appointment of Craig Erdman to fill the City Council vacancy in Ward IV.

Motion by Councilmember Wiedeman to approve the appointment of Craig Erdman to fill the City Council vacancy in Ward IV. Second by Councilmember Smith. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Wiedeman, O'Neal. "NAYS": Gillen, Backus and Cowan. Abstaining: None. Absent: Morrison. Motion failed.

Mayor Kaufman then entertained a motion to approve the appointment of Parrish Abel to fill the City Council vacancy in Ward IV.

Motion by Councilmember Cowan to approve the appointment of Parrish Abel to fill the City Council vacancy in Ward IV. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, O'Neal and Cowan. "NAYS": Wiedeman. Abstaining: None. Absent: Morrison. Motion carried.

2. LB840 Citizens Advisory Committee Annual Update – Galen Larson, Committee Chairman

Galen Larson presented the 2019 LB840 Citizens Advisory Committee Annual Update:

The City of Gering LB840 Citizens Advisory Committee met last Thursday to discuss LB840 grants and loans that are not in compliance.

Regarding Noel/Noah Villafranca d/b/a Noah's Burritos, as reported by City Attorney, Jim Ellison, the City has obtained a judgement against Noel Villafranca and Shellie Villafranca for default in payment to the City's LB840 funds. The judgement is in the amount of \$16,828.51 with interest, payable at the rate of 4.573% per annum from the date of judgement on February 14, 2019. The LB840 Citizens Advisory Committee recommends transferring the judgment to Montana where at least one of the defendants resides. The Committee recommends working with an attorney or collection agency to recover security which is a 2001 Wells Fargo Trailer, and other monies due and owing in order to satisfy the judgement.

Regarding Paul Guhn d/b/a Goonies Bar & Grill, LLC, the LB840 Citizens Advisory Committee was presented with documentation showing that a judgement has been obtained in the District Court of Scotts Bluff County, against Mr. Guhn and Goonies Sports Bar & Grill, LLC. The judgement is in the amount of \$18,943.39 which includes unpaid amounts for City utilities, LB840 grant and attorney's fees based on the Economic Development Assistance Agreement and attachments. The Committee recommends working with Mr. Guhn to satisfy the judgment by paying off the judgment through the use of a promissory Note to be repaid in the amount of \$500 per month and fully satisfied within five years. This would be at an interest rate of 2.5% per annum. Default requirements would also be part of the Promissory Note.

Regarding Blue Prairie Brands, Inc., the City of Gering has been notified that Blue Prairie Brands, Inc. has filed for Chapter 11 bankruptcy. The Citizens Advisory Committee has recommended that the City file a claim in the Chapter 11 bankruptcy case but also work with Blue Prairie Brands and its owner to assure that the balance of any Economic Development funds be repaid to the City according to the original Economic Development Assistance Agreement.

At this time, these three businesses are the only ones not in compliance. The LB840 Citizens Advisory Committee will continue to monitor the status of their progress according to the recommendations being made today.

Mayor Kaufman noted that the Council appreciates Mr. Larson's guidance and stewardship on the LB840 Citizens Advisory Committee. Sometimes there are some touch decisions to be made; Council appreciates the Committee's time in reviewing the information and making recommendations.

Motion by Councilmember Gillen to enter the LB840 Citizens Advisory Committee Annual Update into the public record. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

3. LB840 Citizens Advisory Committee recommendation regarding Noel/Noah Villafranca d/b/a Noah's Burritos

Motion by Councilmember Gillen, regarding Noel/Noah Villafranca d/b/a Noah's Burritos, to approve the LB840 Citizens Advisory Committee's recommendation to transfer judgment to Montana where at least one of the defendants resides and work with an attorney or collection agency to recover security which is a 2001 Wells Fargo Trailer, and other monies due and owing in order to satisfy the judgement. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, O'Neal and Cowan. "NAYS": Wiedeman. Abstaining: None. Absent: Morrison. Motion carried.

4. LB840 Citizens Advisory Committee recommendation regarding Paul Guhn d/b/a Goonies Bar & Grill, LLC

Motion by Councilmember Wiedeman, regarding Paul Guhn d/b/a Goonies Bar & Grill, LLC, to approve the LB840 Citizens Advisory Committee's recommendation to work with Mr.

Guhn to satisfy the judgment by paying off the judgment through the use of a promissory note to be repaid in the amount of \$500 per month and fully satisfied within five years. This would be at an interest rate of 2.5% per annum. Default requirements would also be part of the Promissory Note. Second by Councilmember Gillen. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, O'Neal and Cowan. "NAYS": Wiedeman. Abstaining: None. Absent: Morrison. Motion carried.

5. LB840 Citizens Advisory Committee recommendation regarding Blue Prairie Brands Inc.

Motion by Councilmember Gillen to approve the LB840 Citizens Advisory Committee's recommendation that the City file a claim in the Chapter 11 bankruptcy case but also work with Blue Prairie Brands and its owner to assure that the balance of any Economic Development funds be repaid to the City according to the original Economic Development Assistance Agreement. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, O'Neal and Cowan. "NAYS": Wiedeman. Abstaining: None. Absent: Morrison. Motion carried.

6. Authorize use of Parks Equipment Capital Sinking Fund money to purchase ¾ ton 2019 Ford F-Series Super Duty Truck with utility box

Parks & Recreation Director, Amy Seiler, addressed Council and stated that she is asking Council to authorize the use of the Parks Equipment Capital Sinking Fund money to purchase a three-quarter ton 2019 Ford F350 Super Duty Truck with utility box. This was originally passed on July 22 and they ordered the truck; it just came in last Friday. Staff anticipated being able to pay for that in the 2019 budget but it did not arrive in that budget so staff is asking if they can use sinking funds to pay for a truck that is much needed for the Parks Department. Councilmember Wiedeman asked if the funds that had been allocated for the truck were transferred to the sinking fund. Ms. Seiler indicated that no, they were not. It was in last year's budget and they anticipated that it would come in in that budget cycle but it did not due to several delays in production; they just received it at Fremont Motors last Friday. It was ordered on July 23, 2019 after it was approved by Council on July 22. Finance Director, Renae Jimenez, noted that there are funds in the sinking fund to pay for this truck. There wasn't anything specifically allocated over because of it not being used in fiscal year '19, but there is money in the sinking fund that will cover the cost of this truck.

Motion by Councilmember Smith to authorize use of the Parks Equipment Capital Sinking Fund money to purchase a ¾ ton 2019 Ford F-Series Super Duty Truck with utility box. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

7. Request for Administrative Committee meeting – Agenda item: Consider incentives for Volunteer Fire Department personnel

Motion by Councilmember Gillen to approve a request for an Administrative Committee meeting – Agenda item: Consider incentives for Volunteer Fire Department personnel. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

8. Waive second and third reading and Approve Ordinance 2085 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, AMENDING THE MUNICIPAL CODE BY AMENDING TITLE XI; BUSINESS REGULATIONS, CHAPTER 117, DEALING WITH CABLE TELEVISION SYSTEMS AND THE ISSUANCE OF FRANCHISES TO OPERATORS OF CABLE TELEVISION SYSTEMS, ALLOWING FOR THE USE OF RIGHTS-OF-WAY FOR CABLE TELEVISION SYSTEMS, AND REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember Gillen made a motion to waive the second reading and move the third reading of Ordinance No. 2085 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, AMENDING THE MUNICIPAL CODE BY AMENDING TITLE XI; BUSINESS REGULATIONS, CHAPTER 117, DEALING WITH CABLE TELEVISION SYSTEMS AND THE ISSUANCE OF FRANCHISES TO OPERATORS OF CABLE TELEVISION SYSTEMS, ALLOWING FOR THE USE OF RIGHTS-OF-WAY FOR CABLE TELEVISION SYSTEMS, AND REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE WHICH ARE INCONSISTENT WITH THIS ORDINANCE, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE. Seconded by Councilmember Backus. There was no discussion. Mayor Kaufman called the vote. “AYES”: Smith, Gillen, Backus, Wiedeman, O’Neal and Cowan. “NAYS”: None. Abstaining: None. Absent: Morrison. Motion Carried.

Councilmember Wiedeman moved that the Ordinance be designated as Ordinance No. 2085 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 O’Neal. There was no discussion. The Clerk called the roll. “AYES”: Smith, Gillen, Backus, Wiedeman, O’Neal and 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. 2085 was read by title only, Councilmember Cowan moved that the Ordinance be passed as read, which motion was seconded by Councilmember Smith. The question is shall Ordinance No. 2085 be passed? There was no discussion. Mayor Kaufman called the vote. “AYES”: Smith, Gillen, Backus, Wiedeman, O’Neal and 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.

PUBLIC HEARINGS:

1. Public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a tract of land in the Southwest Quarter of the Southeast Quarter of Section 13, Township 21 North, Range 55 West of the 6th Principle P.M., in the City of Gering, Scotts Bluff County, Nebraska

Mayor Kaufman opened a public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a tract of land in the Southwest Quarter of the Southeast Quarter of Section 13, Township 21 North, Range 55 West of the 6th Principle P.M., in the City of Gering, Scotts Bluff County, Nebraska at 12:21 p.m. City Engineer, Annie Folck presented the Administrative Record.

**CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT**

To:	Planning Commission	Date:	12/17/19
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	3.97 Acres
Location:	County Road S, east of Gering Valley Drain, PT SE ¼ of the SE ¼, S13-T21N-R54 W of the 6 th P.M.	#Lots/Parcels:	1
Owner:	Terry’s Legacy, LLC	City Council Public Hearing:	12/23/19

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

Public Hearing

This is a recommendation and report to consider an application for an Ag Estate Dwelling Site in the AGG zone (General Agricultural District). The property is 3.97 Acres, located along County Road S, just east of the Gering Valley Drain. The property is situated in unplatted lands, PT SE ¼ of the SE ¼, S13-T21N-R54 W of the 6th P.M., Scotts Bluff County. The property is outside of Gering City limits, but within the City's extraterritorial zoning jurisdiction. All of the surrounding property is zoned AGG as well.

The proposed Ag Estate Dwelling Site Survey meets all the requirements of the City's zoning code. When the 3.97 acres is divided off, the remaining 86.03 acres of the farm will be held in reserve for agricultural uses only until or unless the property is rezoned. Staff recommends approval of the AEDS. Staff and the Planning Commission recommend approval.

Recommendation:

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located on County Road S, east of the Gering Drain, situated in the Southeast ¼ of the Southeast ¼ of Section 13, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council for the Ag Estate Dwelling Site located on County Road S, east of the Gering Drain, situated in the Southeast ¼ of the Southeast ¼ of Section 13, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

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Table making a recommendation on the Ag Estate Dwelling Site located on County Road S, east of the Gering Drain, situated in the Southeast ¼ of the Southeast ¼ of Section 13, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County for the following reasons:

Mayor Kaufman noted that the reason this application came to Council is because it's within the two-mile boundary. Ms. Folck replied that yes, it's just south of town off the edge of our extra-territorial zoning jurisdiction.

Mayor Kaufman asked if there was anyone in the Council Chambers wishing 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 12:23 p.m.

Councilmember Gillen made a motion 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, Wiedeman, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

1a. Approve or deny an application for AEDS (Ag Estate Dwelling Survey) on a tract of land in the Southwest Quarter of the Southeast Quarter of Section 13, Township 21 North, Range 55 West of the 6th Principle P.M., in the City of Gering, Scotts Bluff County, Nebraska

Motion by Councilmember Wiedeman to approve an application for AEDS (Ag Estate Dwelling Survey) on a tract of land in the Southwest Quarter of the Southeast Quarter of Section 13, Township 21 North, Range 55 West of the 6th Principle P.M., in the City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

2. Public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a tract of land in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th P.M., in the City of Gering, Scotts Bluff County, Nebraska

Mayor Kaufman opened a public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a tract of land in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th P.M., in the City of Gering, Scotts Bluff County, Nebraska at 12:25 p.m. City Engineer, Annie Folck presented the Administrative Record.

**CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT**

To:	Planning Commission	Date:	12/17/19
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	2.79 Acres
Location:	230303 County Road P	#Lots/Parcels:	1
Owner:	Jim McAllister	City Council Public Hearing:	12/23/19

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

Public Hearing

This is a recommendation and report to consider an application for an Ag Estate Dwelling Site in the AGG zone (General Agricultural District). The property is 2.79 Acres, and is an existing farmstead located at 230303 County Road P. The property is situated in unplatted lands, PT N ½ of the NE ¼ of S7-T21N-R54 W of the 6th P.M., Scotts Bluff County. The property is outside of Gering City limits, but within the City's extraterritorial zoning jurisdiction. The surrounding property is zoned AGG as well.

According to the City's zoning code, for each AEDS, the owner shall reserve the balance of 80 acres of vacant or agricultural district land. When the 2.79 acres is divided off, there will be only 65.21 acres remaining of the farm which will be held in reserve for agricultural uses only, until or unless the property is rezoned. While this doesn't strictly meet the 80 acre requirement, section 5.203 of the zoning code also states, "The City Planning Commission and the City Council of the City of Gering, Nebraska, may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained." The stated intent of the AEDS subsection of code is "not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS), but such intent is to allow 'subdivision' or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes." Because this is an existing farmstead that is being split off from the remainder of the farm, and this parcel is to be used for dwelling purposes, staff recommends that this AEDS does meet the intent of this subsection of code, and thus recommends approval of the AEDS. Staff and the Planning Commission recommend approval.

Recommendation:

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located at 230303, situated in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council for the Ag Estate Dwelling Site located at 230303, situated in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Table

Table making a recommendation on the Ag Estate Dwelling Site located at 230303, situated in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Mayor Kaufman asked if there was anyone in the Council Chambers wishing 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 12:27 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, Wiedeman, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

2a. Approve or deny an application for AEDS (Ag Estate Dwelling Survey) on a tract of land in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th P.M. in the City of Gering, Scotts Bluff County, Nebraska

Motion by Councilmember Wiedeman to approve an application for AEDS (Ag Estate Dwelling Survey) on a tract of land in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th P.M. in the City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

BIDS:

1. Oregon Trail Park Quad Fields Baseball/Softball Complex Bid – Parks and Recreation Department

Annie Folck, City Engineer, stated that for the Quad Field Project in Oregon Trail Park, where there's a baseball/softball complex with two baseball fields and two softball fields – all 200-foot youth fields. For this project we have it broken up in a few different bids because there are different parts to it. There is a main bid, which is what Council is considering right now. There will be a lighting contract but we're just going to be purchasing the materials for that because our Electric Department will be installing those themselves in order to save money. There is also an additional bid for fencing that is before Council today. In addition to that there will be some costs for construction observation and materials testing as well as the field finish work. The bid opening for this main bid was held on November 26, 2019. The low bidder was Eric Reichert Insulation and Construction, at \$1,825,368.11 for the base bid with an addition \$22,858.00 for alternate #1 for the demolition of existing structures. It is more cost-efficient to pay for the demolition to be done as it would cost the City that much just to rent the equipment needed. There was also an alternate #2 for a new entryway into the pool and a walkway to the ball fields, but that bid came in higher than the Engineer's estimate so staff is recommending that the City not do alternate bid #2. It is staff's recommendation that the City accept the base bid along with alternate bid #1. There was a Recreation Committee meeting where staff went over this in more detail. The base bid and alternate #1 total is \$1,848,226.11; that does not include the lighting.

Motion by Councilmember Wiedeman to approve an expenditure for the Oregon Trail Park Quad Field Baseball/Softball Complex and award the bid to Eric Reichert Insulation and Construction in the amount of \$1,848,226.11 for the base bid an alternate #1 which is \$22,858.00 for the demolition of existing structures. This expenditure will be paid for with the bond issuance to the Gering Leasing Corp., Capital Sinking funds and a grant. Second by Councilmember Smith. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Wiedeman, O'Neal and Cowan. "NAYS": Backus. Abstaining: None. Absent: Morrison. Motion Carried.

2. Oregon Trail Park Quad Fields Baseball/Softball Complex Fencing Bid – Parks and Recreation Department

Motion by Councilmember Gillen to award the Oregon Trail Quad Fields Baseball/Softball Complex Fencing Bid to Van Pelt Fencing in the amount of \$62,257.50. Second by Councilmember Wiedeman.

Discussion: Councilmember O'Neal asked if there was only one bid. Ms. Folck replied that is correct; staff did not expect more than one bid, typically in our area that's pretty common. Staff is very comfortable with the bid we received; it's a very responsible contractor.

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

3. Downtown Plaza Project Bid – Parks and Recreation Department

Mayor Kaufman noted that this agenda item is actually for the stage for the Downtown Civic Plaza. There was an error on the agenda summary. Ms. Folck stated that \$60,000 of the funding for this project is

Keno funds which have already been approved and \$10,000 from a grant from the Oregon Trail Community Foundation. The remainder will come out of the Downtown Development Fund and has been budgeted for.

Motion by Councilmember Gillen to approve the recommendation of Baker & Associates and award the Gering Civic Plaza Phase 2 Stage bid to Paul Reed Construction in the amount of \$102,495.00. Second by Councilmember Smith. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

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

ADJOURN:

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

Meeting adjourned at 12:36 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk



