

## **THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, DECEMBER 9, 2019**

A regular meeting of the City Council of Gering, Nebraska was held in open session on December 9, 2019 at 6:00 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 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. The Mayor stated that there was a quorum of the Council 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 Wiedeman to excuse the absence of Councilmember Smith from the November 25, 2019 regular meeting. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

4. Presentation of awards to Phillip Holliday and Brent Holliday

Mayor Kaufman presented a plaque to Phil Holliday for five years of service on the Gering City Council; he also presented a plaque to Brent Holliday for 15 years of service on the LB840 Economic Development Application Review Committee as a committee member and chairman.

### **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 25, 2019 regular City Council meeting
2. Approve Claims and Financials
3. Approve and file for record updated Fire Department Mutual Aid Agreement

### **Claims:**

**11-16-19 to 11-29-19**

1,000 BULBS \$859.65 CHRISTMAS BULBS, 24/7 FITNESS \$410.00 WELLNESS, 360 RAIL SRV LLC \$2,791.00 DITCH CROSSING INVESTIGATION, A & A PORTA POTTIES \$270.00 PORTA POTTY DOG PARK/PORTA POTTY GOLF COURSE, AC ELECTRIC MOTOR SRV \$187.47 REBUILT MOTOR FOR RV MENS RR, ACUSHNET CO \$69.88 GOLF SHOES, AMAZON CAPITAL SRV \$65.61 SHOP SUPP/2 CHILDRENS BOOKS, AMERICAN LEGION POST #36 \$1,327.28 FLAGS FOR CARL GRAY PARK, B & C STEEL \$1,344.20 ANGLE IRON/PLANTS/METAL PLATES/METAL FOR SOCKET EXTENSIONS/CHRISTMAS DECORATIONS/LANDSCAPING EDGING/PLATE FOR ASPHALT MULE, BECKMAN DALE & TERRY \$24.00 LEFT EARLY RV REFUND, BENZEL PEST CONTROL \$142.20 PEST CONTROL 1035 M ST/PEST CONTROL 200531 WEST U STREET, BETTER HOMES & GARDENS \$9.63 1 YR SUBS, BLACK CLOVER ENT \$33.39 GOLF CLUB PUTTER COVERS, BLUFFS SANITARY SUPPLY \$150.09 SANITARY NAPKIN DISPOSAL, BORDER STATES INDUSTRIES \$977.54 PARTS FOR MECHANIC BAY/WIRE PULLING STICKS/BLADE WIRE STRIPPER/LIGHTS STREET & CENTRAL STORES, BOSSELMAN TRAVEL CENTER \$22.50 K-9 CERT GAS, BUDGE-IT-DRAIN SRV \$570.00 HYDRO JET DRAINS, CALLAWAY GOLF CO \$555.25 GOLF CLUB IRONS, CATTLE BANK & TRUST \$55,786.38 TIF GERING COBBLESTONE, CENTURYLINK \$5,669.65 OCT MONTHLY TELEPHONE ALLOCATION/NOV MONTHLY TELEPHONE ALLOCATION, CITY INS FUND \$178,001.83 HEALTH PREM 125, CITY OF GERING \$1,309.64 SEPT OCC TAX/OCT OCC TAX, CITY PAYROLL TRUST \$2,653.33 FSA MEDICAL 125, CONSOLIDATED MANAGEMENT \$12.68 JACKSON MEALS TRAINING, COOK'S COUNTRY \$29.95 1 YR SUBS, COURTYARD BY MARRIOTT \$516.00 CLARKE ROOM CHRG, CRICKET \$21.95 1 YR SUB, DALE'S TIRE & RETREADING \$2,641.08 TIRES FOR G-8, DHHS LICENSURE UNIT \$1,265.00 RENEW HEATH GRADE 6 WTR/RENEW MCKEE GRADE 4 WTR LIC/RENEW CLOSSON GRADE 2 WTR LIC/RENEW JENKINS GRADE 4 WTR LIC/RENEW MCKEE GRADE 6 WTR LIC/RENEW FARRO GRADE 4 WTR

LIC/CERTIFICATION CLASS BACK FLOW BUHR/RENEW YEAGER GRADE 4 WTR LIC/HEATH GRADE 1 WTR LIC/RENEW CLOSSON GRADE 6 WTR LIC, DOOLEY OIL INC \$296.78 ANTIFREEZE FOR TRUCKS/GEAR OIL FOR MOWER, DUTTON-LAINSON CO \$2,139.67 COPPER WIRE/ TAPE/HEATER/WEDGE CLAMP, ELECTRIC PUMP \$740.89 LIFT STATION FLOATS, ELITE TOTAL FITNESS \$136.00 FITNESS, EMERGENCY REPORTING \$1,200.00 RMS FEES RECORDS, ENERGY LAB INC \$464.00 WATER LAB, ENVIRO SRV INC \$1,417.00 WW LAB, ENVIRONMENTAL COMPLIANCE \$1,035.00 PCB REPORTS, EXXON \$44.60 GAS FOR BURGMAN TO ATTEND INTERDICTION FOR PROTECTION OF CHILDREN TRAINING, FASTENAL CO \$586.81 PROGRAM FEE, FEDEX \$492.29 SHIPPING FEES, FIRST STATE BANK \$340.00 IBEW UNION DUES, FLOYD'S SALES & SRV \$4,509.19 RPR TURBO IN UNIT 31/CHECK GAUGE ON G-8/RPR ON G-9/LAMP FOR G-13/ANTENNA FOR RADIO ON G-13, FRANK PARTS CO \$413.86 OIL CHANGE/OIL FILTERS/AIR FILTERS/SHOP SUPP/CLAMPS FOR NORTHFIELD SPRINKLER/MECH BAY HOIST RPR, FRESH FOODS \$60.56 TRUNK OR TREAT CANDY FOR HALLOWEEN, FYR-TEK \$1,005.72 FIRE HOSE FOR UNIT 30/WINCH PART REPLACEMENT #21, GERING U-SAVE PHARMACY \$131.13 EMS DIABETIC TESTING SUPP, GERING VALLEY PLUMBING & HEATING \$738.48 RPR FREEZER//RPR MENS URINAL/RPR FOR WATER HEATER, GERING VISITORS BUREAU \$2,511.01 TRANSPORTATION/BOTTLED WATER/ICE/ENTERTAINMENT & WELCOME BAGS FOR TOUR DE NEBRASKA, GERING VOLUNTEER FIRE DEPT \$11,397.00 FUND INCENTIVE PROGRAM, GLOBAL TEST SUPPLY \$102.00 CAMERA BATTERY, GREG NORMAN \$67.76 GOLF JACKET, GROUND UP CONSTRUCTION \$442.50 OCT 2019 JANITORIAL SRV, GRUBBS BRIDGETTE \$75.00 RV ROOM DEPOSIT REFUND, HARBOR FREIGHT TOOLS \$1,136.33 TOOL BOX FOR MECHANIC SHOP/PARTS FOR NEW WORK BENCH/VISE FOR WORK BENCH/ SOCKETS FOR PIPE COUPLINGS, HEATH PAT \$114.09 REIMBURSEMENT FOR BOOTS, HOLIDAY INN EXPRESS \$1,490.00 HOTEL ROOM LEAVITT/HOTEL ROOM SHAW, HOME DEPOT \$45.25 CARPET CLEANER MACHINE, HONEY-WAGON EXPRESS \$180.00 CLEAN GREASE TRAPS, ICMA ELECTRONIC RETIREMENT \$709.74 ICMA CITY ADMIN, IDEAL LINEN SUPPLY \$3,711.28 CLEAN TRASH CAN COVER/27 RUGS/NEW VACCUUM/CLEAN TABLECLOTHS/HAND SOAPS/EXCHANGED MATS/2 MATS/PKG DUST MOPS/TOILET PAPER/RUG RENTAL/CLEANING SUPP, IDEXX DIST INC \$223.04 LAB SUPP, INDOFF INC \$724.90 WALL CALENDAR/PRINTER PAPER/OFFICE SUPP/WIRELESS MOUSE/HANGING FILES/OFFICE SUPP/DAILY PLANNER/TAPE FOR SUPP CABINET/LAMINATING POUCHES/HIGHLIGHTER/LABELS, INGRAM LIBRARY SRV \$428.37 30 BOOKS, INTERNAL REVENUE SRV \$41,835.66 FED/FICA TAX, IRBY TOOL & SAFETY \$1,520.26 ARRESTER/INSULATED GUY STRAIN, JOHN HANCOCK USA \$13,228.26 JH RETIRE 6%, JOHN HANCOCK USA POLICE \$7,410.22 MG T-POLICE, JOHNSON CORROSION ENGINEE \$728.00 TANK CATHODIC PROTECTION, JOHNSON CASHWAY CO \$255.98 PAINT SUPP FOR WELL/VISE GRIPS/OUTLET COVERS/RPR DAMAGE SWAMP COOLER/SCREWS FOR POLE SAWS/TAPE/SQUARE/WD40/TOOLS/PLASTIC FILM/SHOP LINK/SNOW SHOVELS/SCREWS FOR STORAGE RACK/ANCHOR SCREWS FOR STORAGE RACK, KEEP SCOTTSBLUFF-GERING BEAUTIFUL \$5,000.00 FISCAL YEAR 2019-2020 FUNDS, KLIBBE MARK \$29.00 LEFT EARLY RV REFUND, KNEB \$576.00 ADVERTISING, KOVARIK ELLISON MATHIS \$5,502.25 GERING VS ALLO, LL JOHNSON DIST \$587.55 FILTERS, LEAVITT BRYCE \$149.80 BOOT REIMBURSEMENT, LIBERTY ART WORKS \$295.00 25 YR AWARD LAWSON, LOAF-N-JUG \$21.90 GAS TRAINING, LOGOZ LLC \$40.00 5 YRS OF SRV PLAQUES, MACQUEEN EQUIPMENT LLC \$99.83 SWEEPER PARTS, MAIL & SHIPPING PROS \$69.00 GOLF SHOE YEAR END RETURN, MALY MARKETING \$480.00 LEISURE MARKETS AD CREATION, MASEK GOLF CAR CO \$97.32 PARTS TO RPR KAWASKI MULE, MATRIX TRUST CO \$534.68 MG T-FIRE, MATT FRIEND TRUCK EQUIPMENT \$96.62 PARTS FOR SANDER, MEAT SHOPPE \$21,238.99 CATERING COSTS/DISH WASHER RACKS, MENARDS \$100.26 FILTER/HOOKS/HANDLE/POWER CORD/TAPE FOR BRINE TANK TRANSDUCER, MONEY WISE OFFICE SUPPLY \$140.17 CALENDARS/ OFFICE SUPP/INK CARTRIDGES, MONUMENT GRILL \$24.50 MEAL FOR K-9 SEARCH TEAM, MONUMENT MARATHON \$3,000.00 STARTING LINE SPONSOR, MUNICIPAL ENERGY AGENCY \$284,331.51 MEAN/WAPA, MURDOCH'S RANCH & HOME \$152.71 2 CASES FOR EQUIPMENT, NATIONAL GEOGRAPHIC SOCIETY \$41.15 1 YR SUBS, NATIONAL INS SRV \$1,096.84 VISION INS, NATIONAL RECREATION PARK \$38.00 CERTIFICATION CLASS BUHR, NDOR - LODGING \$667.68 OCT 2019 LODGING TAX, NE CHILD SUPPORT PYMT \$794.64 CHILD SUPPORT 1, NE DEPT OF REV (PR) \$12,778.55 STATE TAX, NE SAFETY FIRE EQUIPMENT \$190.00 RPR ON HOOD SYSTEM, NEBRASKA MACHINERY CO \$517.65 LIFT FOR RPR'S CENTRAL PLANT, NEBRASKA SALT & GRAIN CO \$4,191.06 ICE SLICER 28.53 TONS, NEBRASKA SEC OF STATE \$30.00 NOTARY BOND - BRENDA, NEBRASKA STATE TREASURER \$75.00 UNCLAIMED PROPERTY, NEBRASKA STATEWIDE ARBORETUM \$180.00 ARBORETUM MEMBERSHIP PLAZA, NEOFUNDS BY NEOPOST \$800.00 POSTAGE FEES, OCLC INC \$160.66 NOV SUBS TO CAT & ILL, OREGON TRAIL PLUMBING & HEATING \$220.00 MAINTENANCE TO HEAT PUMP, PAPER DIRECT INC \$151.96 PAPER FOR MEMBERSHIP BROCHURES, PARTY LIGHTS.COM \$3,341.30 STRING LIGHTS - PLAZA, PAYPAL (\$643.50) OIL FOR DOOR LOCKS/REFUND SWAT TRAINING JACKSON, PAYROLL CHECKS \$124,216.06 PAYROLL CHECKS ON 11-22-19, PETERSON GENE \$28.00 MEALS G202 DEBRIS MGMT, PILOT #416 \$34.51 K-9 CERT GAS, POSTMASTER \$69.81 CERT MAIL, POWERPLAN OIB \$2,028.13 RPR BACKHOE 310J/RPR ON 344J/FILTERS ON 180G/WORK ON DOZER/HYD OIL FOR SCRAPER, RECORDED BOOKS LLC \$148.49 4 AUDIOBOOKS, REGIONAL WEST MEDICAL CENTER \$416.70 IMMUNIZATION TEST FOR EMT, ROBINSON ELECTRIC \$1,458.71 WORK ON HEATER, RYAN'S WELDING LLC \$390.00 WELDING ON SHREDDER, SANDBERG IMPLEMENT INC \$602.00 PARTS TO FIX TRIMMERS/GEAR HEDGE TRIMMER/SPARK PLUGS FOR TRIMMERS, SAPP BROS \$66.62 K-9 CERT GAS/FUEL TO ATTEND CONF LA VISTA NE, SCB COUNTY SHERIFF OFFICE \$86.64 SHERIFF'S OFFICE PAPER SRV, SCHARF TIM \$193.00 GOLF CART BARN REFUND SOLD CART, SCOTTS BLUFF CO COURT \$216.02 GARNISHMENT 2, SCOTTSBLUFF GERING UNITED \$70.75 UNITED WAY CTRB, SHAW STEVEN \$150.00 NEW BOOTS, SHELL \$54.17 FUEL FOR CLASS, SIMMONS OLSEN LAW FIRM \$1,727.50 CITY ATTORNEY/TIF LEGAL FEES, SIMON CONTRACTORS \$221.75 RPR MECHANIC BAY FLOOR, SMITHSONIAN BUSINESS VENT \$34.00 1 YR SUBS, SOLUTIONS EAP \$244.55 COUNSELING SRV, STAR HERALD \$3,988.44 PC PH MTG NOTICE/CDA MTG NOTICE/NOV MTG NOTICE/GOLD COURSE JOB LISTING/ADVERTISING CC PH MTG NOTICE/CONDENSED MINUTES/OCT MTGS NOTICE/LB840 MTG CANCELLATIONS NOTICE, SUGAR VALLEY FEDERAL CREDIT \$678.37 CREDIT UNION, SUNSET \$12.00 1 YR SUBS, SUPERIOR SIGNALS INC \$630.00 STROBE LIGHTS, SWANA (\$18.00) JOB LISTING/REFUND PETERSON MEMBERSHIP DUES, TARGET \$119.84 TRUNK OR TREAT CANDY FOR HALLOWEEN, THE ROCK PILE \$1,359.84 NORTHFIELD STORM SEWER PROJECT CRUSHED CONCRETE, THE TORO CO \$155.00 MONTHLY SUPPORT FEE, THIS OLD HOUSE MAGAZINE \$15.96 1 YR SUBS, THRUSTON RANDY \$260.00 CANCELLED EVENT, TORRINGTON TELEGRAM \$405.00 ADVERTISING, TYNDALE \$1,318.30 FR CLOTHING, VALLEY AUTO LOCATORS LLC \$15.00 FLAT TIRE, VERIZON CONNECT \$40.00 GPS FOR SWEEPER & SPRAYER, VERSATILE ROOFING \$77.72 LEFT EARLY RV REFUND, WALMART \$11.74 SUPP FOR LEAP/SUPP FOR CHILDRENS PROGRAM, WAREHOUSE FITNESS CENTER \$398.00 WELLNESS, WEST COAST TRENDS INC \$71.59 GOLF CLUB HEAD COVERS, WESTERN PATHOLOGY CONSULTANTS \$201.25 DRUG SCREENS, WESTERN STATES BANK \$28,932.42 GERING/SCB SINKING FUND, WESTERN STATES BANK - POL \$550.00 PO

UNION DUES, WESTERN TRAVEL TERMINAL \$23.76 FUEL & CAR WASH NLA CONF, WINCHELL CLEANING SRV \$990.00  
CLEAN HALLS/ BATHS/OFFICE, WYOMING BEARING & SUPP \$33.66 RPR ON G-13/RPR ON G-10, YMCA \$470.00  
WELLNESS, ZIBILICH STEVE \$85.73 LEFT EARLY RV REFUND

**Motion by Councilmember Wiedeman to approve the consent agenda noting that the correct date of the minutes is November 25, 2019 not 2018. Second by Councilmember Gillen. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

**BIDS:** None

**PUBLIC HEARING:**

**1. Public hearing to consider recommending the issuance or denial of a Class "C" Liquor License submitted by Alberto Salazar and Benito Salazar d/b/a Bluffs Bar & Grill located at 3388 10<sup>th</sup> Street in Gering, NE 69341**

Mayor Kaufman opened a public hearing to consider recommending the issuance or denial of a Class "C" Liquor License submitted by Alberto Salazar and Benito Salazar d/b/a Bluffs Bar & Grill located at 3388 10<sup>th</sup> Street in Gering, NE 69341 at 6:08 p.m.

Councilmember Wiedeman asked if everything passed okay through our Police Department - the background check, etc. Clerk Welfl replied that that leg of the application doesn't process through the Police Department; it's processed through the State Patrol. There are actually four legs; the City is one, the State Patrol, the USDA and the Fire Marshall. If our leg passes and the other three pass, then the license may be issued through the Liquor Control Commission.

Councilmember Wiedeman stated that this is for a Class C License which is an on and off-site sale license. She asked the applicant if he'll be selling package liquor as well as at the restaurant. Mr. Salazar replied that yes, the restaurant is more of a restaurant/sports bar. They're focusing most on the food and they will offer take-out and sale off-site for alcohol too. It's like Applebee's or Chili's or anywhere; you want your kids to feel comfortable. He owns the pretzel shop at the mall and Heads Up Salon; he deals with families and caters to both sides. They want to focus on a place where families can bring their kids and watch sports games. There will be Keno and "the machines" (referring to games of chance). The focus is mostly on food; they'll have Mexican food and sports games.

Administrator Danielzuk asked if the applicants have the certified training program scheduled. Mr. Salazar replied that they've met with the State Patrol and have talked about the certifications and when the next class is. There will also be some online classes that they can take. He feels that everyone needs to be trained on that; some have already had the training before, but he'd like to have refresher training.

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 6:13 p.m.

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

**1a. Approve or deny recommending the issuance of a Class "C" Liquor License submitted by Alberto Salazar and Benito Salazar d/b/a Bluffs Bar & Grill located at 3388 10<sup>th</sup> Street in Gering, NE 69341**

**Motion by Councilmember Wiedeman to approve recommending the issuance of a Class "C" Liquor License submitted by Alberto Salazar and Benito Salazar d/b/a Bluffs Bar &**

**Grill located at 3388 10<sup>th</sup> Street in Gering, NE 69341. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

**CURRENT BUSINESS:**

**1. First 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**

Jeremiah Blake, Director of Governmental Affairs with Charter Communications, addressed Council. He stated that they are locally owned; the Spectrum trucks seen on commercials, that's who they are. Nationally they serve 26 million customers with about 180,000 customers in Nebraska. Since 2014 they've invested about 32 billion into the network offering thousands of programming options and recently launched Spectrum Mobile. The Cable Industry is actually developing 10-Gig connectivity which will revolutionize the way we live and work. They can do that by changing the equipment on both ends without digging everyone's yard up. They are also offering service at a reduced cost for seniors and for families who participate in the free or reduced lunch program to help them stay connected.

Regarding the ordinance in front of Council this evening, the current franchise agreement with the City expires on December 31, 2019. They're working through the process of realizing the ordinance and getting a new one in place. The purpose of this is to update the terms and conditions based on federal law about the rights and responsibilities of the cable operator and the City. This ordinance allows cable operators to construct and operate a cable system under the specified terms and conditions under the ordinance. It is a non-exclusive ordinance meaning that the City can grant multiple franchises to other cable operators. Cable operators have to comply with all City ordinance of general applicability, maintain insurance and indemnify the City against all claims caused by negligence on behalf of cable operators. Charter will continue to provide a government access channel to the City for its use and in exchange for use of the City's right-of-way Charter would agree to pay the City the franchise fee of five percent of gross revenue on video service. This has been talked about extensively the last few months by Mr. Blake and City Attorney, Jim Ellison. The rate currently is at four percent. That franchise fee is a line item on the customer's bill which is a four percent fee on the cable service.

The federal cap under federal law is five percent. This ordinance would increase the current rate from four percent to five percent. The FCC has updated the rules in the last few months to clarify that five percent cap. On August 1 the FCC adopted a revised ordinance that took effect on September 26. With that revised rule it says that the FCC is treating cable-related in-kind contributions, required by the local franchise authority from the cable operators, as a conditional requirement of a franchise agreement as franchise fees subject to the statutory five percent cap and defines in-kind contributions as any non-monetary contributions related to the provision of cable service provided by the cable operators including, but not limited to, free and discounted cable services at public buildings. What that means is if the new agreement we had put in place has the requirement in the agreement that says that Charter, or any other cable provider, is mandated to provide free cable service to City Hall, public libraries, the schools, those types of things. Under the new rules issued by the FCC, because the City is at the five percent federal cap, they have to withhold the value of the free services from the franchise fee payments to the City. He wanted to provide that information for Council to consider as they look at this issue and consider the impact in future discussions.

Councilmember Smith asked if most communities in Nebraska are at five percent; Mr. Blake replied that most of them are, maybe a handful of them are not. Historically Scottsbluff, Gering, Terrytown and the County have the same fee; three of them have adopted this fee at this point. Mr. Blake stated that they currently provide the City of Gering the PEG channel (Public Education Government); it's the government access channel where people can watch City Council meetings. It will be included that they will continue

to provide that service to the City. As far as free cable, they provide free cable to the Gering High School and he believes the Middle School; that's where they're currently providing free cable service.

Councilmember Backus asked if he knows what the monetary value of those services are; they would be discounted out of the five percent, correct? Mr. Blake replied that the question comes with the new agreement that if there is a requirement in that new agreement to provide free cable service to any of those locations, at that point they would have to determine what the value of that free service is. From their perspective, it would be much cleaner and much easier if the franchise agreement didn't decide upon that issue; if it does not require free cable service. The reasons are, for them to determine the fair market value of that and to go through the administrative process of notifying the City and withholding that value from the franchise fee payments, it is cumbersome. The better alternative is to just increase your franchise fee to the five percent maximum and then the City purchases whatever cable services they want from whichever provider the City chooses. The City could leave the franchise agreement silent on that. Once the ordinance is adopted, the City would move forward with a franchise agreement; the franchise agreement is where the locations will be listed (as far as where free cable services are provided). City Attorney Ellison stated that the thought would be that the five percent would provide more revenue and then deduct a couple locations. Councilmember Backus stated that getting rid of those and going to the market is probably the best deal. Mr. Blake added that this is a relatively new development so that's why they wanted to provide this information to the Council.

**Councilmember Wiedeman made a motion to introduce Ordinance No. 2085 as the first reading – 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 O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

## **2. Administrator Search Update**

Mayor Kaufman gave an update on the Administrator Search process and stated they completed the vetting process in November and what Council is looking for in the attributes of that individual. They also reviewed the benefits and job description to make sure that is an updated document before they release this to the public. This should go public sometime this week. Administrator Danielzuk has given the City ample time to prepare for the search opportunity and a successor.

## **3. Approve reappointment of Jeremy Rechsteiner, Jeff Allen and Cathy Kaufman to the Planning Commission**

**Motion by Councilmember Gillen to approve the appointment of Jeremy Rechsteiner, Jeff Allen and Cathy Kaufman to the Planning Commission. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

## **4. Approve reappointment of Tracy Henderson to the Gering Public Library Board**

**Motion by Councilmember Cowan to approve the reappointment of Tracy Henderson to the Gering Public Library Board. Second by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

## **5. Approve reappointment of Jeff Vance and George Herman to the Plumbing Board**

**Motion by Councilmember Cowan to approve the reappointment of Jeff Vance and George Herman to the Plumbing Board. Second by Councilmember Gillen. There was no**

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

**6. Approve appointment of Chris Kautz to the Park, Cemetery and Tree Board**

Motion by Councilmember Cowan to approve the appointment of Chris Kautz to the Park, Cemetery and Tree Board. Second by Councilmember Gillen. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

**7. Consider holding only one regular meeting in the month of December, 2019**

Motion by Councilmember Gillen to hold only one regular meeting in the month of December, 2019. Second by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

**8. Mayoral appointment of Special Council Committee to conduct interviews for the Ward IV vacancy on December 17, 2019 at 6:00 p.m.**

Motion by Councilmember Gillen to approve the Mayoral appointment of a Special Council Committee to conduct interviews for the Ward IV vacancy on December 17, 2019 at 6:00 p.m. This Committee will be comprised of the Mayor and all sitting Council members present on December 17, 2019 at 6:00 p.m. Second by Councilmember Cowan. There was no discussion. The Mayor 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  
**REPORTS:** (Information only) None

**OPEN COMMENT SECTION:** Mayor Kaufman stated discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

Councilmember Wiedeman noted that former Councilmember Hillman-Kortum's funeral service is on Saturday at 2:00 p.m.

**ADJOURN:**

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

Meeting adjourned at 6:34 p.m.

  
Mark A. Kaufman, Mayor

ATTEST:

  
Kathleen J. Welf, City Clerk

