

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,  
FEBRUARY 22, 2021**

A regular meeting of the City Council of Gering, Nebraska was held in open session on February 22, 2021 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, Morrison and Cowan. Councilmember Morrison was present via video/teleconference per an Executive Order issued by Governor Ricketts. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. 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 6:03 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 (None)

**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 February 8, 2021 regular City Council meeting
2. Approve Claims

**Claims 2-9-2021 to 2-22-2021**

21ST CENTURY EQUIPMENT \$209.96; AC ELECTRIC MOTOR SERVICE \$18.75; ACUSHNET COMPANY \$25.40; AMAZON CAPITAL SERVICES, INC \$263.28; AXON ENTERPRISE, INC \$1,334.00; B & C STEEL \$262.99; B & H INVESTMENTS, INC \$33.50; BARBARA CORTER \$260.00; BENZEL PEST CONTROL \$56.71; BH MEDIA GROUP HOLDING, INC. \$3,283.48; BLACK HILLS ENERGY \$31.50; BLUFFS FACILITY SOLUTIONS \$668.88; BOB BUHR \$181.46; BORDER STATES INDUSTRIES, INC \$1,338.57; CARR-TRUMBULL LUMBER COMPANY \$210.00; CENTURYLINK \$2,719.32; CITY PAYROLL TRUST \$2,481.19; CLARK PRINTING LLC \$341.75; COLLABORATIVE SUMMER LIBRARY P \$581.12; CONNECTING POINT \$53.00; CONTRACTORS MATERIALS, INC. \$236.00; COOKS ILLUSTRATED \$36.87; CORE & MAIN LP \$2,912.75; CRIMINAL ADDICTION INC. \$300.00; D & H ELECTRONIC SUPPLY, INC. \$147.52; D & H ELECTRONIC SUPPLY, INC. \$39.60; DALE'S TIRE \$12.50; DUTTON-LAINSON COMPANY \$486.59; DYKES OIL INC. \$32.12; ECOLAB \$64.57; ELLIOTT EQUIPMENT CO. \$235.97; ELLISON, KOVARIK & TURMAN LAW \$3,569.50; ENERGY LABORATORIES INC. \$111.00; FASTENAL COMPANY \$289.14; FIRST STATE BANK \$339.96; FLOYD'S TRUCK CENTER, INC. \$9,536.44; FRANCISCOS BUMPER TO BUMPER IN \$170.00; FRANCISCOS BUMPER TO BUMPER IN \$220.00; FRANK PARTS COMPANY \$2,233.99; FRESH FOODS INC. \$56.34; GALL'S INC. \$522.00; GALL'S INC. \$179.59; GENERAL TRAFFIC CONTROLS, INC. \$4,800.00; GERING COURIER \$55.95; GERING MERCHANTS \$2,507.35; GERING VOLUNTEER FIRE DEPT. \$607.01; GOLFNOW G1 LLC \$2,707.10; GREG'S AUTO BODY & PAINT \$2,863.77; HARBOR FREIGHT TOOLS \$235.97; HEYING COMPANY \$275.00; HIGHLAND PRODUCTS GROUP, LLC \$7,515.00; HOLIDAY INN KEARNEY \$769.65; HOME DEPOT CREDIT SERVICES \$256.09; IDEAL LAUNDRY AND CLEANERS, IN \$525.36; INDOFF INCORPORATED \$409.54; INGRAM LIBRARY SERVICES \$507.89; INTERNAL REVENUE SERVICE \$5,958.36; INTERNAL REVENUE SERVICE \$31,688.65; INTERSTATE BATTERIE/RAPID CITY \$140.95; INTRALINKS, INC. \$37,410.18; JOANA TORRES \$75.00; JOHN CRANE INC. \$753.20; JOHN HANCOCK USA \$14,016.51; JOHN HANCOCK USA POLICE \$5,904.88; JOHNSON CASHWAY CO. \$440.98; LOGOZ LLC \$444.00; LORETTA RANDALL \$75.00; MATHESON TRI-GAS INC \$193.95; MATRIX TRUST COMPANY \$556.16; MAXWELL PRODUCTS INC. \$21,173.50; MEAT SHOPPE \$8,358.22; MENARDS \$317.37; MIDAMERICA BOOKS \$482.80; MIDWEST CONNECT \$59.95; MONEY WISE OFFICE SUPPLY \$105.60; MUNICIPAL ENERGY AGENCY OF NE \$314,902.21; MURPHY TRACTOR & EQUIPMENT CO. \$569.80; NATIONAL GEOGRAPHIC KIDS \$30.00; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE PUBLIC HEALTH ENVIRO LAB \$630.00; NE SAFETY/FIRE EQUIPMENT, INC \$49.95; NEBRASKA LAW ENFORCEMENT \$880.00; NEBRASKA LIBRARY COMMISSION \$75.85; NEBRASKA PUBLIC POWER DISTRICT \$1,474.39; NEBRASKA RURAL RADIO ASSOC. \$583.18; NEOFUNDS BY NEOPOST \$800.00; NKC TIRE \$588.19; NORTHWEST PIPE FITTINGS, INC \$342.53; OCLC, INC. \$160.66; PANHANDLE CONCRETE PROD. INC. \$644.00; PANHANDLE COOP ASSOCIATION \$1,630.00; PANHANDLE ENVIRONMENTAL SERVIC \$1,232.00; PATTLEN ENTERPRISES, INC \$3,323.40; PAYROLL \$117,515.50; PING INC \$213.29; POWERPLAN OIB \$513.66; PRAETORIAN DIGITAL \$1,238.00; REGIONAL WEST MEDICAL CENTER \$98.84; ROBERT GLEIM \$46.00; SANDBERG IMPLEMENT, INC. \$91.26; SANDRY FIRE SUPPLY \$1,732.00; SCOTTSBLUFF-GERING UNITED WAY \$128.75; SETH HOLTHUS \$33.00; SHAPE \$11.98; SHAWNA WINCHELL \$260.00; SIMMONS OLSEN LAW FIRM, P.C. \$3,232.50; SIMON CONTRACTORS \$8,697.90; SIMPLIFIED ELECTRONICS LLC \$194.00; SOLUTIONS EAP \$244.55; STAPLES CREDIT PLAN \$251.98; STATE FIRE MARSHAL TRAINING DI \$225.00; SUGAR VALLEY FEDERAL CREDIT \$528.37; TABBOT SAUDER \$441.11; TEAM CHEVROLET \$424.72; THE ABY MANUFACTURING GROUP \$70.50; THE ROCK PILE \$816.00; THOMPSON

GLASS, INC. \$190.00; TONY KAUFMAN \$92.03; UNANIMOUS, INC. \$30.00; UNIVERSITY OF NEBRASKA MEDICAL \$2,500.00; VALENCIA ALLEN \$75.00; VALLEY AUTO LOCATORS LLC \$150.25; VAN PELT FENCING CO., INC. \$800.00; VERIZON WIRELESS SERVICES, LLC \$218.84; WESCO RECEIVABLES CORP. \$1,386.72; WESTERN COOPERATIVE COMPANY \$18,036.87; WESTERN PATHOLOGY CONSULTANTS \$213.00; WESTERN STATES BANK \$19,739.05; WESTERN STATES BANK - POLICE \$550.00; WINSUPPLY SCOTTSBLUFF NE CO. \$12.91; WINSUPPLY SCOTTSBLUFF NE CO. \$26.64; WYOMING BEARING & SUPPLY \$210.58; ZM LUMBER CO. DISTRIBUTING \$119.88

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

#### **BIDS:**

##### **1. Award Contract for Sanitary Sewer Replacement at Union Pacific Railroad**

City Engineer, Annie Folck, stated that the City received three bids for this project. The low bid was from K.L. Wood and Company, LLC, in the amount of \$454,572.00. This was well above the engineer's estimate of \$301,760.00. Staff believes that the bids came in high due to the complexities of working with the Union Pacific Railroad, which was difficult to quantify in the engineer's estimate. Having received three bids, staff believes that we would not receive any lower bids by rebidding the project. The cost is above what was budgeted. There were additional funds budgeted for oversizing the wastewater line that will be extended to the City's industrial park. There is no deadline for completing that line, so staff would like to utilize a portion of those budgeted funds to cover the overages on this project. Staff recommends awarding the bid to K.L. Wood and Company as the lowest responsible bid.

**Motion by Councilmember Morrison to award the Sanitary Sewer Replacement bid, at Union Pacific Railroad, to K.L. Wood & Company in the amount of \$454,572.00, and authorize the Mayor to sign an Agreement between the Owner and Contractor for Construction Contract, related to this bid. Second by Councilmember Smith. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

#### **PUBLIC HEARINGS:**

##### **1. Public hearing for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by BriMark Medical, LLC for the BriMark Medical Office Building Project**

Mayor Kaufman opened a public hearing for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by BriMark Medical, LLC at 6:13 p.m.

City Engineer, Annie Folck, stated that BriMark Medical, LLC, has applied for Tax Increment Financing for the BriMark Medical Office Building. The project site is located at the southwest corner of the intersection of Country Club Road and 10<sup>th</sup> Street. The project is the construction of a new sleep medical facility that would house three businesses: Western Sleep Medicine, Western CPAP and Supply, and Sweet Dreams Sleep. The facility will be approximately 9,072 square feet. The total estimated cost of the project is \$2,595,264, with an estimated \$791,640 of TIF funds available. Out of those available funds, BriMark Medical is requesting \$778,000 to go towards eligible expenses.

In determining whether or not to approve the Redevelopment Plan, Council should consider several items. The first is whether or not the Plan conforms to the City's Comprehensive Plan. Staff recommends that the plan does conform to the Comprehensive Plan as the project has all of the future desired characteristics described for the 10<sup>th</sup> Street Commerce and Industry District. Planning Commission considered this issue and at their February 2, 2021 meeting, they recommended that the project does conform to the Comprehensive Plan. The next item is determining if the Plan conforms with Community Development Law in the State of Nebraska. Because the project is located in an area that has been declared to be Blighted and Substandard, staff recommends that the Plan does conform to Community Development Law. Another item for review is the Cost-Benefit Analysis that is to be conducted by the CDA immediately prior to this Council meeting. The final item for consideration is the "But-For" test, whereby Council must determine that the Plan would not be economically feasible or would not occur in the blighted and substandard area without the use of TIF. Planning Commission passed a resolution stating that they believe that this project is in conformance with the City's Comprehensive Plan on February 2, 2021. Staff also recommends approval of the redevelopment plan, as it meets all the criteria required for Council approval.

Mayor Kaufman asked twice if there was anyone wishing to speak in favor of the Redevelopment Plan submitted by BriMark Medical, LLC. Seeing none, he asked two times if there was anyone wishing to

speak in opposition of the Redevelopment Plan submitted by BriMark Medical, LLC. With no further comments, the public hearing closed at 6:16 p.m.

**1a. Review and take action on Resolution 2-21-6 regarding approval of the Redevelopment Plan for the BriMark Medical Office Building Project**

**RESOLUTION NO. 2-21-6**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA:**

**Recitals:**

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the “Act”), a redevelopment plan for the *BriMark Medical Office Building Project* submitted by BriMark Medical, LLC (the “Redevelopment Plan”) has been submitted to the Gering Community Development Agency (“CDA”). The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Redevelopment Plan includes the use of tax increment financing.

b. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the City’s Comprehensive Plan (the “Comprehensive Plan”). The Planning Commission recommended approval of the Redevelopment Plan to the CDA and City Council.

c. The Redevelopment Plan has been reviewed by the CDA, which found that the Redevelopment Plan conforms to the Comprehensive Plan, that the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the CDA, are in the long term best interests of the community.

d. The CDA recommended approval of the Redevelopment Plan to the City Council.

e. On February 22, 2021, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.

f. The City Council has reviewed and conducted a cost-benefit analysis of the Redevelopment Plan and makes the findings and recommendations as documented in writing in this Resolution.

**Resolved:**

1. The Redevelopment Plan is determined to be feasible and in conformity with the Comprehensive Plan and with the legislative declarations and determinations set forth in the Act.

2. The project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without the use of tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long-term best interests of the community impacted by the project.

3. The City Council approves the Redevelopment Plan.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Redevelopment Plan, the City Council provides that any ad valorem tax on the Project Site as set forth in the Redevelopment Plan, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in § 18-2147, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the CDA. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies;

(b) That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the CDA to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the CDA for financing or refinancing, in whole or in part, the project set forth in the Redevelopment Plan. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due have been paid, the CDA shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in the redevelopment project shall be paid into the funds of the respective public bodies; and

(c) Any interest and penalties due for delinquent taxes shall be paid in the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

6. This Resolution shall become effective immediately upon its adoption.

**PASSED and APPROVED** on February 22, 2021

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk (Seal)

**Motion by Councilmember Gillen to adopt Resolution 2-21-6 regarding approval of the Redevelopment Plan for the BriMark Medical Office Building Project. Second by**

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

**2. Public hearing for the purpose of reviewing and obtaining comment on whether the area described in the Blight and Substandard Determination Study for the Agromac Subdivision is substandard and blighted according to the Nebraska Community Development Law**

Mayor Kaufman opened a public hearing for the purpose of reviewing and obtaining comment on whether the area described in the Blight and Substandard Determination Study for the Agromac Subdivision is substandard and blighted according to the Nebraska Community Development Law at 6:17 p.m.

City Engineer, Annie Folck, stated that a Blight and Substandard Study for the Agromac Subdivision has been submitted to the City. The study includes approximately 76 acres within the general vicinity west of Lockwood Road, between M Street and D Street. The study has found that the area meets the requirements of state statute to be designated as blighted and substandard.

In order for Council to make the determination of whether or not the area meets the requirements to be designated as blighted and substandard, it must first be considered whether or not the area meets the definition of substandard, as defined by state statutes. State statute defines a substandard area as one in which there is a predominance of buildings or improvements which is conducive to ill health, transmission of disease, conditions which endanger life or property by fire and other causes, or other criteria (see page 6 of the study for complete definition). The study found that aging and deteriorated buildings in the area have inadequate interior lighting and leaking roofs. In addition, there are fire hydrants on private property that are not in working order around three of the structures, along with combustible material storage, debris piles, and overgrowth of vegetation in proximity to deteriorating structures, which can endanger life or property by fire.

Additionally, state statute provides a list of conditions that can qualify an area as blighted, and at least one of these conditions must be met in order for the area to be designated as such. One of these conditions is the presence of a substantial number of dilapidated or deteriorating structures. The study found that of the 12 buildings located in the area, seven were built between 1970 and 1980, ranging in age from 40 to 50 years old. Field surveys concluded that 42% of the structures were acceptable, with 58% deteriorating. Another condition to meet the definition of blighted is a defective or inadequate street layout. The study found that the property is provided access by means of two cul-de-sacs, East I Street and ATR Street. Neither street has ever been paved and developed as a City street. This creates a lack of connectivity that is a contributing factor to the blight condition of the study area.

It is the opinion of staff that the study substantiates the presence of both blighted and substandard conditions within the study area, and that the area should be designated as Blighted and Substandard. Planning Commission recommended approval of the Blight Study at their meeting on February 2, 2021. Staff also recommends approval.

Councilmember Backus requested that the Blight Study be entered into the public record for this public hearing; it can be viewed on the City's website or obtained at the City offices at 1025 P Street, Gering, NE.

Mayor Kaufman asked two times if there was anyone wishing to speak in favor of the Blighted and Substandard designation. Seeing none, he asked two times if there was anyone wishing to speak in opposition. With no further comments the public hearing closed at 6:23 p.m.

**2a. Review and take action on Resolution 2-21-7 recommending that Council designate as substandard and blighted the property described in the Blight and Substandard Determination Study for the Agromac Subdivision**

**RESOLUTION 2-21-7**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA:**

**Recitals:**

a. The question of whether the "Redevelopment Area," as defined below, is substandard and blighted as those terms are defined in the Nebraska Community Development Law (the "Act") has been submitted to the Gering City Council.

b. The "Redevelopment Area" encompasses the following area in Gering, Nebraska, the perimeter of which follows the following boundaries:

Situated in the E1/2 of the SE1/4 of Section 1, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows;

**Beginning** at the southwest corner of Outlot 1A, Agromac Subdivision to the City of Gering, said point also being the southwest corner of said Agromac Subdivision, and being on the northerly line of deeded drainage easement for the North Platte Resources District, and being on a generally north-south line of the City of Gering corporate limits;

**thence** northerly on the west line of Agromac Subdivision to the northwest corner of platted East I Street, also being the southwest corner of Outlot "E", Agromac Subdivision;

**thence** easterly to the southeast corner of said Outlot "E";

**thence** northeasterly to the northeast corner of said Outlot "E";

**thence** westerly to the northwest corner of said Outlot "E", also being on the west line of Agromac Subdivision;

**thence** northerly on the west line of Agromac Subdivision and along the City of Gering corporate limits line to the easterly extension of the south line of Scotts Bluff County Parcel 010000469 (Part of Lot 2, Block C, Kramer Subdivision of Block C, Gering Industrial Tracts);

**thence** westerly (continuing along the Gering corporate limits line) on said easterly extension of the south line of Parcel 010000469 to the southeast corner of said Parcel 010000469, said point also being on the west line of the Union Pacific railroad spur 50-foot right-of-way;

**thence** northerly on the west line of the Union Pacific railroad spur 50-foot right-of-way to the northerly right-of-way of Old Oregon Trail, also being M Street, also being Old Nebraska Highway 92;

**thence** easterly on the northerly right-of-way line of Old Oregon Trail to its intersection with the easterly right-of-way line of Lockwood Road;

**thence** southerly on the easterly right-of-way line of Lockwood Road to its intersection with the City of Gering corporate limits line;

**thence** westerly and southerly and westerly on the City of Gering corporate limits line to its intersection with the southerly extension of the east line of Agromac Subdivision to the City of Gering;

**thence** northerly on said southerly extension of the east line of Agromac Subdivision to the southeast corner of Agromac Subdivision to the City of Gering, and being on the northerly line of deeded drainage easement for the North Platte Resources District;

**thence** westerly on the southerly line of Agromac Subdivision to the point of beginning, containing an area of 76 acres, more or less.

c. The City Council has received and reviewed the Blight & Substandard Determination Study, Agromac Sub- City of Gering, NE prepared by M.C. Schaff & Associates, Inc. and dated November 24, 2020 (the "Study").

d. The City Council conducted a public hearing on February 22, 2021 for the purpose of determining whether the Redevelopment Area is and should be determined as substandard and blighted as those terms are defined in the Act.

e. The City Council considered the Study and the comments at the public hearing in formulating its determination.

**Resolved:**

1. The Redevelopment Area meets the criteria set forth in Sections 18-2103(3) and (31) of the Act, as described and set forth in the Study, and the inclusion of all property in the Redevelopment Area is necessary to create a unified redevelopment area sufficient to encourage developers and redevelopment and to carry out the purposes of the Act.
2. The City Council declares the Redevelopment Area as substandard and blighted and in need of redevelopment.
3. All prior resolutions of the City Council in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.
4. This Resolution shall become effective immediately upon its adoption.

**PASSED and APPROVED** on February \_\_\_\_, 2021.

**CITY COUNCIL OF THE CITY  
OF GERING, NEBRASKA**

ATTEST:

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

**Motion by Councilmember Gillen to adopt Resolution 2-21-7 recommending that Council designate as substandard and blighted the property described in the Blight and**

Substandard Determination Study for the Agromac Subdivision. Second by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

**CURRENT BUSINESS:**

**1. Approve and authorize the Mayor to sign a Rural Economic Development Loan Agreement between the City of Gering and the Riverside Discovery Center**

**Motion by Councilmember Wiedeman to table Current Business Agenda item #1 to approve and authorize the Mayor to sign a Rural Economic Development Loan Agreement between the City of Gering and the Riverside Discovery Center. Second by Councilmember Smith.**

**Discussion:** Mayor Kaufman stated that the Discover Center needs more time to review this document.

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

**2. Approve and authorize the Mayor to sign Keno Lottery Agreement between the City of Gering and Small Computer Solutions, LLC**

Rick Ediger, 2840 Applewood Road in Gering, attorney for Lucky One and Small Computer Solutions, LLC, addressed Council and stated that Gering has had Keno since about 1995. Keno is heavily regulated by the state, but the cities get to decide if they're going to have Keno and who gets to do it. The operator and locations are subject to Council approval. In 2006, the original Lucky Keno sold their business to Lucky One, LLC which was the Clarksons; they've been the operator since then. The Clarkson family would like to do something different and entered into an agreement to sell the business to one of their employees – Ryan Keller who has a business called Small Computer Solutions, LLC. For this to happen, City approval is required. The existing agreement with Lucky One expires in August of this year. Mr. Ediger talked to City personnel and the City Attorney and suggested that a new agreement would be appropriate. The agreement in the Council packet shows a start date of March 1; he would like to change that to April 1.

Ryan Keller, 1585 Aspen, addressed Council. He stated that he owns a computer business and the reason that's important to Keno is because they offer 10.25% to Gering which is quite a bit higher than the competition, which is generally 6.5 to 9%. One of the reasons they can do that is because of the computer business - they're able to maintain and repair all of their own equipment, which saves them a lot of money and allows them to provided that 10.25%. He has been writing Keno for about 20 years, he's been fixing computers for about the last 10, and doing the day-to-day operations for the last two. He has lived in Gering his whole life, and plans to continue to live in Gering which makes him accessible to the locations. They plan to run the business just like Lucky One has operated. Mayor Kaufman asked about the games of skill; Mr. Keller replied that he hasn't seen much of an impact on Keno due to those games.

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Keno Lottery Agreement between the City of Gering and Small Computer Solutions, LLC. Second by Councilmember Cowan. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**3. Approval of Resolution 2-21-8 regarding the recommended pay grade for the position of Firefighter/EMS Coordinator**

**RESOLUTION 2-21-8**

**A RESOLUTION AUTHORIZING WAGE/GRADE FOR THE POSITION OF FIREFIGHTER/EMS COORDINATOR**

**WHEREAS**, the City of Gering has established a Salary Range Schedule for a Pay Plan for City of Gering employees; and

**WHEREAS**, as it pertains to the position of Firefighter/EMS Coordinator, the Gering City Council has determined it is necessary to set the wage/grade for this position.

**BE IT THEREFORE RESOLVED BY** the City Council of the City of Gering, Nebraska, that:

1. The wage/grade for the position of Firefighter/EMS Coordinator for the City of Gering shall be a Grade 14.
2. This resolution shall become effective immediately upon its adoption.

Passed and approved this 22<sup>nd</sup> day of February, 2021.

\_\_\_\_\_  
Mark A. Kaufman, Mayor

ATTEST:

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

**Motion by Councilmember Cowan to adopt Resolution 2-21-8 regarding the recommended pay grade for the position of Firefighter/EMS Coordinator. Second by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**4. Approval of Resolution 2-21-9 regarding the recommended pay grade for the position of Wastewater Treatment Plant Chief Operator**

**RESOLUTION 2-21-9**

**A RESOLUTION AUTHORIZING WAGE/GRADE FOR THE POSITION  
OF WASTEWATER TREATMENT PLANT CHIEF OPERATOR**

**WHEREAS**, the City of Gering has established a Salary Range Schedule for a Pay Plan for City of Gering employees; and

**WHEREAS**, as it pertains to the position of Wastewater Treatment Plan Chief Operator, the Gering City Council has determined it is necessary to set the wage/grade for this position.

**BE IT THEREFORE RESOLVED BY the City Council of the City of Gering, Nebraska, that:**

1. The wage/grade for the position of Wastewater Treatment Plan Chief Operator for the City of Gering shall be set according to the IBEW Pay Scale at a range of \$18.57 - \$24.88 per hour.
2. This resolution shall become effective immediately upon its adoption.

Passed and approved this 22<sup>nd</sup> day of February, 2021.

\_\_\_\_\_  
Mark A. Kaufman, Mayor

ATTEST:

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

**Motion by Councilmember Gillen to adopt Resolution 2-21-9 regarding the recommended pay grade for the position of Wastewater Treatment Plant Chief Operator. Second by Councilmember Morrison. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**5. Approval of Resolution 2-21-10 regarding the recommended pay grade for the position of Deputy Finance Director**

**RESOLUTION 2-21-10**

**A RESOLUTION AUTHORIZING WAGE/GRADE FOR THE POSITION  
OF DEPUTY FINANCE DIRECTOR**

**WHEREAS**, the City of Gering has established a Salary Range Schedule for a Pay Plan for City of Gering employees; and

**WHEREAS**, as it pertains to the position of Deputy Finance Director, the Gering City Council has determined it is necessary to set the wage/grade for this position.

**BE IT THEREFORE RESOLVED BY the City Council of the City of Gering, Nebraska, that:**

1. The wage/grade for the position of Deputy Finance Director for the City of Gering shall be a Grade 24.
2. This resolution shall become effective immediately upon its adoption.

Passed and approved this 22<sup>nd</sup> day of February, 2021.

\_\_\_\_\_  
Mark A. Kaufman, Mayor

ATTEST:

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

**Motion by Councilmember Gillen to adopt Resolution 2-21-10 regarding the recommended pay grade for the position of Deputy Finance Director. Second by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**6. Approve Ordinance No. 2099 - AN ORDINANCE TO ESTABLISH AND RATIFY SERVICE FEES FOR THE CITY OF GERING SINGLE-STREAM RECYCLING PROGRAM; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF**

Councilmember O'Neal made a motion to introduce Ordinance No. 2099 – AN ORDINANCE TO ESTABLISH AND RATIFY SERVICE FEES FOR THE CITY OF GERING SINGLE-STREAM RECYCLING PROGRAM; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF. Seconded by Councilmember Smith. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

Councilmember Gillen moved that the Ordinance be designated as Ordinance No. 2099 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, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. 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. 2099 was read by title only, Councilmember Wiedeman moved that the Ordinance be passed as read, which motion was seconded by Councilmember Cowan. "The question is shall Ordinance No. 2099 be passed?" There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. 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.

**7. Presentation by Brad Slaughter, Senior Vice-President - Public Finance Investment Banking, Piper Sandler & Co.**

Brad Slaughter with Piper Sandler addressed the Council. He reached out to City staff concerning the 2016 Combined Utilities Refunding Bonds. Currently the City is at 2.94%. They're looking to refinance those bonds over the same amortization the City currently has (Dec 15, 2021 to Dec. 15, 2036) to 1.5 or 1.6%. The total savings comes to about \$49,000+ net to the City per year, for a total of \$657,000. The other scenario, which might not be as beneficial to the City, ends two years early and would net the City a savings of about \$800,000, at a rate of 1.4 or 1.5% or a little lower. The resolution and ordinance before the Council this evening would allow them to do either; the amortization schedule will be set at whatever Council deems appropriate – the decision doesn't have to be made tonight. Expenses are netted out which include bond counsel fees, MSRV fees, etc.

Councilmember O'Neal asked why the second proposal wasn't deemed as good for the City. Administrator Heath replied that the City wouldn't have the ability to pay it off early. With the cash flow savings, the City would have the option to pay it off early. Mr. Slaughter explained why it seems that the cash flow option might be a little more advantageous to the City. Mayor Kaufman added that it equates to having the cash available today to spend on something else, rather than having the extra savings by paying it off early. Mr. Heath stated that this is a department that needs the extra cash. Mr. Slaughter stated that right now it's on a decreasing payment schedule, but they structured this for a uniform payment schedule. Again, the decision doesn't have to be made tonight; probably in the next few weeks. They plan to market the bonds as soon as they can; they'll put the offer documents together for the City soon. He will keep the City posted.



a. Approve Resolution 2-21-11 - A resolution calling for the early redemption of the City's outstanding combined utilities revenue refunding bonds, series 2016, in such maturities and in such amounts as shall be determined by an authorized officer of the City

RESOLUTION 2-21-11

A RESOLUTION CALLING FOR THE EARLY REDEMPTION OF THE CITY'S OUTSTANDING COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2016, IN SUCH MATURITIES AND IN SUCH AMOUNTS AS SHALL BE DETERMINED BY AN AUTHORIZED OFFICER OF THE CITY.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA AS FOLLOWS:

**Section 1.** The City of Gering, Nebraska (the "City") has previously issued its Combined Utilities Revenue Refunding Bonds, Series 2016, dated July 15, 2016, in the original aggregate principal amount of \$7,465,000 (the "Series 2016 Bonds"), of which \$5,225,000 in aggregate principal amount are presently outstanding. The City issued the Series 2016 Bonds pursuant to an ordinance (the "Series 2016 Ordinance") duly passed and adopted by the Mayor and City Council of the City (the "Council"), for the purpose of (a) advance refunding and defeasing its Combined Utility Revenue Refunding Bonds, Series 2012, dated May 15, 2012 (the "Series 2012 Bonds"), (b) prepaying a certain promissory note (the "Prior NDEQ Note") of the City made payable to the Nebraska Department of Environmental Quality (the "NDEQ"), (c) funding a debt service reserve account associated with the Series 2016 Bonds, and (d) paying the costs of issuing the Series 2016 Bonds. The City issued the Series 2012 Bonds for the purpose of (a) prepaying a certain promissory note of the City made payable to the NDEQ (the "Previous NDEQ Note"), and (b) paying the costs of issuing the Series 2012 Bonds. The City issued the Prior NDEQ Note to pay the costs of the costs of constructing certain additions and improvements to the City's water distribution system. The City issued the Previous NDEQ Note to pay the costs of improvements to the City's wastewater treatment plant and facilities and sanitary sewer system.

**Section 2.** As set forth in the Series 2016 Ordinance, the Series 2016 Bonds maturing on or after December 15, 2021 are subject to redemption at the option of the City prior to maturity at any time on or after July 15, 2021, as a whole or in part, at a redemption price equal to the principal amount of the Series 2016 Bonds called for redemption, plus accrued interest on such principal amount being redeemed to the date of redemption.

**Section 3.** Subject to the conditions set forth herein, the Council hereby authorizes the refunding and redemption of the following outstanding Series 2016 Bonds (the "Refunded Bonds"), and the payment of the redemption price of the Refunded Bonds through and including such date on or after July 15, 2021 (the "Redemption Date"), as shall be determined by the Mayor, the City Clerk or the City Treasurer (each, including any person authorized to act on his or her behalf, an "Authorized Officer"), or each individually, all in accordance with redemption provisions set forth in the Series 2016 Ordinance, after which date interest on such bonds shall cease:

Type	Maturity Date (December 15)	Principal Amount	Interest Rate	CUSIP (373807)
Serial	2021	\$275,000	1.50%	AZ9
Serial	2022	275,000	1.65	BA3
Serial	2023	280,000	1.75	BB1
Serial	2024	290,000	1.90	BC9
Serial	2025	290,000	2.10	BD7
Serial	2026	295,000	2.35	BE5
Serial	2027	300,000	2.50	BF2
Serial	2028	305,000	2.65	BG0
Serial	2029	310,000	2.80	BH8
Serial	2030	360,000	2.90	BJ4
Serial	2031	340,000	3.00	BK1
Term	2033	690,000	3.10	BL9
Serial	2034	350,000	3.20	BM7
Serial	2035	370,000	3.30	BN5
Serial	2036	495,000	3.45	BP0

Any Authorized Officer may determine that one or more maturities of the Refunded Bonds listed above shall not be refunded and redeemed on the Redemption Date. Such determination shall be set forth in a certificate of such Authorized Officer.

**Section 4.** On the Redemption Date, the principal of the Refunded Bonds, together with all accrued interest to but not including the Redemption Date, shall be paid upon presentation and surrender thereof to Valley Bank and Trust Company, as paying agent and registrar for the Series 2016 Bonds (the "Registrar"), at its corporate trust office in Gering, Nebraska.

**Section 5.** In accordance with the Series 2016 Ordinance, and subject to Section 6 herein:

(a) not later than 35 days prior to the Redemption Date (or such other date as may be acceptable to the Registrar), the Authorized Officers, or each individually, are hereby directed to file a copy of this Resolution with the Registrar; and

(b) upon receipt of this Resolution, the Registrar is hereby instructed to mail notice of the redemption of the Refunded Bonds to each registered owner thereof not less than 30 days prior to the Redemption Date (or such shorter period as may be acceptable to the then registered owners of the Refunded Bonds); and

(c) not later than 10 business days following its mailing of the redemption notice, the Registrar is

further directed to file such redemption notice with the Municipal Securities Rulemaking Board and its EMMA portal.  
**Section 6.** This Resolution shall be in full force and take effect from and after its passage as provided by law. The refunding and redemption of the Refunded Bonds authorized by this Resolution are subject to the prior issuance by the City of its Combined Utilities Revenue Refunding Bonds, Series 2021 (the “**Refunding Bonds**”). This Resolution shall have no force and effect if the Refunding Bonds are not issued within one year of the date hereof.

ADOPTED February 22, 2021.

CITY OF GERING, NEBRASKA

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

**Motion by Councilmember O’Neal to adopt Resolution 2-21-11, a resolution calling for the early redemption of the City’s outstanding combined utilities revenue refunding bonds, series 2016, in such maturities and in such amounts as shall be determined by an authorized officer of the City. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. “AYES”: Smith, Gillen, Backus, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. Motion Carried.**

**b. Approve Ordinance No. 2100 – AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF GERING, NEBRASKA OF ITS COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2021, IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,200,000; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS, THE FINANCIAL COVENANTS AND OTHER TERMS AND PROVISIONS RELATING TO THE BONDS AND AUTHORIZING THE SALE AND DELIVERY OF THE BONDS TO THE PURCHASER THEREOF; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; ADOPTING CERTAIN POST ISSUANCE TAX COMPLIANCE AND DISCLOSURE POLICIES AND PROCEDURES WITH RESPECT TO THE BONDS; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO**

Councilmember Wiedeman made a motion to introduce Ordinance No. 2100 – AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF GERING, NEBRASKA OF ITS COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2021, IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,200,000; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS, THE FINANCIAL COVENANTS AND OTHER TERMS AND PROVISIONS RELATING TO THE BONDS AND AUTHORIZING THE SALE AND DELIVERY OF THE BONDS TO THE PURCHASER THEREOF; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; ADOPTING CERTAIN POST ISSUANCE TAX COMPLIANCE AND DISCLOSURE POLICIES AND PROCEDURES WITH RESPECT TO THE BONDS; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO. Seconded by Councilmember O’Neal. There was no discussion. The Clerk called the roll. “AYES”: Smith, Gillen, Backus, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. Motion Carried.

Councilmember Morrison moved that the Ordinance be designated as Ordinance No. 2100 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 Cowan. There was no discussion. On roll call vote. “AYES”: Smith, Gillen, Backus, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. 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. 2100 was read by title only, Councilmember Smith moved that the Ordinance be passed as read, which motion was seconded by Councilmember Gillen. “The question is shall Ordinance No. 2100 be passed?” There was no discussion. The Clerk called the roll. “AYES”: Smith, Gillen, Backus, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. 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.

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

**REPORTS:**

**1. WNED (Western Nebraska Economic Development) Liaison Report, Councilmember Gillen**

Councilmember Gillen stated that he was the Chair of the WNED last year and was elected as the Chair again this year. The WNED focuses on economic development for the region. One of the strong pushes from the Governor's office is to have a regional voice. The more voices we can unite behind one cause, the stronger pull that has in the legislature for economic items. They have members across the entire panhandle that are now involved. They have restructured with the use of Zoom meetings; host locations are usually one of the municipal offices of the members. Because of that, they've had a lot more participation from the region. They have combined to do some economic development letters of support for different initiatives. One was for providing high speed broadband in rural areas that are underserved; they were able to back that initiative. They're also focusing on the regional land bank right now. They've determined that the best methodology is to have a northern, central and southern regional land bank. They're designating every other month to general business meetings, and on the opposite month they'll focus on the land bank initiative. They're allowing regional resources such as the USDA, the college, the Chamber, etc. to share with the municipalities the resources they have available to them. It allows those communities a network of opportunities to bounce ideas around. He's glad to have the opportunity to work on economic development for the region.


**OPEN COMMENT SECTION:** None.

Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

**ADJOURN:**

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

Meeting adjourned at 6:48 p.m.



Mark A. Kaufman, Mayor

ATTEST:



Kathleen J. Welfl, City Clerk

