

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JANUARY 23, 2023**

A regular meeting of the City Council of Gering, Nebraska was held in open session on January 23, 2023, at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. 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 Ewing called the meeting to order at 6:00 p.m. and stated that a quorum of the Council was present and City business could be conducted.

1. Recital of the Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse Councilmember absence

**Motion by Councilmember Bohl to excuse the absence of Councilmember Shields from the January 9, 2023 regular City Council meeting. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**OPEN MEETINGS ACT - NEB.REV.STAT. CHAPTER 84, ARTICLE 14**

Mayor Ewing 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 the 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 January 9, 2023 regular City Council meeting
2. Approve Claims
3. Approve December, 2022 Financial Report
4. Approve Quarterly TCD Report (October - December, 2022)

**Claims 1/10/23 – 1/23/23**

A & A PORTA POTTIES \$150.00, ABDO-SPOTLIGHT-MAGIC WAGON \$174.51, AC ELECTRIC MOTOR SERVICE \$280.18, ACE HARDWARE \$1,059.62, ACUSHNET COMPANY \$69.92, ALLAN D MITCHELL \$168.74, AMAZON CAPITAL SERVICES \$420.43, AMERITAS LIFE INSURANCE COPR. \$582.02, AT&T MOBILITY \$2,076.51, B & C STEEL \$561.14, B & H INVESTMENTS, INC \$245.00, BENZEL PEST CONTROL \$150.00, BESLER, INC. \$246,411.54, BH MEDIA GROUP HOLDING, INC. \$726.68, BIG MACK HEATING & COOLING \$5,417.75, BILLIE RECTOR INTERIOR PAINTING \$1,100.00, BLUFFS FACILITY SOLUTIONS \$250.41, BORDER STATES INDUSTRIES, INC \$9,995.83, BROOKLYN SCHMIDT \$75.00, CERTIFIED LABORATORIES \$507.60, CITY OF GERING \$14,431.55, CLARK PRINTING LLC \$185.00, COLLABORATIVE SUMMER LIBRARY P \$348.44, COLORADO STATE UNIVERSITY \$498.00, CONNECTING POINT \$67.91, CORE & MAIN LP \$702.04, CREDIT MANAGEMENT SERVICES \$209.76, DEMCO, INC \$1,417.26, DOOLEY OIL \$472.82, DUSTIN KINNAN \$118.24, EAKES INC \$164.91, ECOLAB \$148.71, ELECTRIC PUMP, INC. \$19,796.03, ELLISON, KOVARIK & TURMAN LAW \$3,521.25, ESC ENGINEERING \$1,306.00, FASTENAL COMPANY \$246.58, FAT BOYS TIRE & AUTO \$4,522.89, FEDEX \$45.01, FIREHOUSE WOODWORKING \$96.00, FIRST NATIONAL BANK OMAHA - POLICE \$550.00, FLOYD'S TRUCK CENTER, INC. \$29.33, FRANCISCOS BUMPER TO BUMPER IN \$295.00, FRANK PARTS COMPANY \$1,432.29, GREGORY'S LOCK SHOP LLC \$100.00, GROUND UP CONSTRUCTION & CLEAN \$678.50, HARBOR FREIGHT TOOLS \$119.99, HOME DEPOT CREDIT SERVICES \$165.00, HYDRO OPTIMIZATION & AUTOMATION \$535.00, IDEAL LAUNDRY AND CLEANERS, INC. \$166.12, INDEPENDENT PLUMBING & HEATING \$54.49, INDOFF INCORPORATED \$415.43, INGRAM LIBRARY SERVICES \$340.93, INTERNAL REVENUE SERVICE \$47,493.24, INTERSTATE BATTERY \$400.90, INTRALINKS, INC. \$3,880.66, IRBY TOOL & SAFETY \$1,122.84, JIRDON AGRI CHEMICALS, INC \$99.90, JL BECKER INC \$8,192.50, JOHN HANCOCK USA \$15,631.80, JOHN HANCOCK USA FIRE \$690.93, JOHN HANCOCK USA POLICE \$8,042.17, JUSTIN BERNHARDT \$175.00, KANSAS \$GOLF & TURF INC \$309.85, KENT EWING \$12,478.36, LEE ENTERPRISES \$1,255.83, LOGOZ LLC \$880.00, MATHESON TRI-GAS INC \$33.20, MEAT SHOPPE \$22,081.87, MENARDS \$441.94, MID-STATES ORGANIZED CRIME \$150.00, MIDWEST CONNECT \$2,906.32, MILES PARTNERSHIP LLLP \$600.00, MUNICIPAL ENERGY AGENCY OF NE \$365,717.80, NE CHILD SUPPORT PAYMENT CENTE

\$640.18, NE DEPT OF REVENUE \$8,440.20, NE DEPT. ENVIRONMENTAL QUALITY \$8,127.18, NE DEPT. OF REVENUE \$61,608.71, NE SAFETY/FIRE EQUIPMENT, INC \$661.00, NEBRASKA DEPT OF ENVIRONMENT AND EN \$150.00, NEBRASKA RURAL RADIO ASSOC. \$583.18, NMC INCORPORATED \$1,383.51, OMAHA MAGAZINE, LTD \$3,663.00, ONE CALL CONCEPTS, INC \$37.06, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$1,443.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PING INC \$219.92, PLATTE VALLEY BANK \$21,334.90, PONY EXPRESS STATION \$340.00, POWERPLAN OIB \$853.54, PRO OVERHEAD DOOR \$200.00, PT HOSE AND BEARING \$1,173.28, PVB VISA \$10,145.42, READER'S DIGEST ASSOCIATION \$18.28, REGIONAL CARE INC. \$9,646.30, RIVERSIDE DISCOVERY CENTER \$12,500.00, RIVERSTONE BANK \$612.44, RON'S TOWING & RECOVERY, LLC \$3,325.00, RYAN'S WELDING LLC \$400.00, SANDBERG IMPLEMENT, INC. \$3,706.24, SARAH WYNN \$425.00, SCB COUNTY REGISTER OF DEEDS \$30.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCHANK ROOFING SERVICE \$118.00, SCI SALES, LLC \$3,080.89, SCOTTS BLUFF COUNTY CLERK \$1,530.73, SCOTTS BLUFF COUNTY COURT \$487.21, SCOTTSBLUFF-GERING UNITED WAY \$223.25, SCS ENGINEERS \$14,820.00, SENIOR CITIZENS CENTER \$1,200.00, SHAWNA WINCHELL \$690.00, SHERWIN WILLIAMS \$85.54, SIMMONS OLSEN LAW FIRM, P.C. \$1,832.50, SMITHSONIAN \$39.00, STEVE MOUNT \$134.99, SUGAR VALLEY FEDERAL CREDIT \$528.37, TEAM CHEVROLET \$406.31, TERRY CARPENTER, INC. \$650.00, THE TORO COMPANY \$155.00, TWIN CITY AUTO, INC \$11,593.80, TWIN CITY DEVELOPMENT ASSOC \$12,500.00, TYLER TECHNOLOGIES \$6,432.50, UNANIMOUS, INC. \$60.00, VALSTONE CORPORATION, INC. \$4,428.41, VERIZON CONNECT \$38.38, WESCO RECEIVABLES CORP. \$14,633.44, WESTERN COOPERATIVE COMPANY \$12,352.76, WESTERN PATHOLOGY CONSULTANTS \$293.00, WESTERN STATES BANK \$27,629.52, Total \$1,087,284.14

**Motion by Councilmember Morrison to approve the Consent Agenda. Second by Councilmember Cowan. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, 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 the question of whether the area described below is substandard and blighted according to the Nebraska Community Development Law:**

**The property affected is generally described as properties and tracts of land generally located east of Kimball Avenue, north of Highway 71, west of Pappas Boulevard, and south of J Street, all located in southeast Gering**

Mayor Ewing stated that a public hearing would be opened for the purpose of reviewing and obtaining comment on the question of whether the area described is substandard and blighted according to the Nebraska Community Development Law: The property affected is generally described as properties and tracts of land generally located east of Kimball Avenue, north of Highway 71, west of Pappas Boulevard, and south of J Street, all located in southeast Gering. The public hearing was opened at 6:04 p.m.

City Engineer, Annie Folck, showed a map of the area to be designated as blighted and substandard on overhead screens. She stated that one thing the City is trying to do is position itself for future development in this area, particularly if something like the casino should go through that might shift a lot of the development to the south end of town. The area near Tenth Street has several of the criteria that meets the definition of blighted and substandard; it was also extended to developable areas. She thinks there is a lot of negative connotation with the term blighted and substandard. Essentially, this is a good thing for these properties. It makes this area eligible for tax increment financing which is one of the best redevelopment and economic development tools there is for the City of Gering. This is not the only area of town that is designated as such; it actually brings the total up to just over 33% of the City. The only place the term "blighted and substandard" will appear is on a map the City keeps; it's not tied to anyone's property. Most people would have no idea which parts of the city are designated as blighted and substandard.

Councilmember Morrison asked, if this area gets redeveloped, that area will no longer be blighted and substandard, correct? Ms. Folck replied that the City can "de-blight" an area, but it can't be done until all active TIFs in that area have expired. It's also possible to de-list a portion of the area if the TIF has expired. At some point, the City is going to want to do that because by state statute, Gering can only have up to 35% of the community designated as blighted.

By state statute, the area must meet the definition for "blight" and the definition for "substandard". She listed some of the criteria which involve issues with fire hazards, abandoned homes, fuel tanks,

overgrown vegetation and more that qualify as substandard. She showed photos from the study. Some of the criteria for blighted include defective or inadequate street layout (some of the parcels are totally land-locked). By statute, if the buildings are more than 40 years old, they qualify because of age. The average age of all the units in this area is 63 years. 84% of the structures are 40 years or older. With all this criteria, the study did find that this area does meet the definition for blighted and substandard. Planning Commission recommended that Council approve the resolution that would designate it as such and staff recommends approval as well.

Councilmember Bohl asked if there is anything that happens moving forward to clean up those properties and remove the hazards that have been identified in the study. Engineer Folck replied not as a result of this study. The goal of the study is to make these properties more desirable from a development standpoint so developers would have more interest in purchasing them (and letting the private sector do that). The City continues to work with several of these properties (many for a long time) through code enforcement which can be a very long and difficult process. At the end of all of it, the City may or may not get a judgement against the property owner(s) that allows the City to clean up the properties. If some of the things take off on the south end of town like we think they might, having this area eligible for redevelopment and TIF might really help with that. That will add a lot of incentive for someone to go in and purchase those and clean them up.

Councilmember Wiedeman asked about the Mini-TIF. Ms. Folck replied that the Mini-TIF would be an option there. That is for existing buildings.

Mayor Ewing asked twice if there was anyone in the Council Chambers wishing to speak regarding this particular Blight and Substandard Determination Study. Seeing none and with no further comments, the administrative record was closed and the public hearing closed at 6:12 p.m.

**1a. Review and take action on Resolution 1-23-1 designating the property described in the Blight and Substandard Determination Study, for the Southeast Gering Residential Area, as blighted and substandard**

**RESOLUTION NO. 1-23-1**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL of the CITY OF GERING, NEBRASKA THAT:

1. The Mayor and City Council of the City of Gering, Nebraska find that certain conditions exist as evidenced by the Council's findings of facts which are included in the City of Gering, NE Substandard and Blight Survey which is attached and incorporated by reference herein as to the following described real estate located within the boundaries of the City of Gering, Nebraska:

The Blight Study Area encompasses the following area in Gering, Nebraska:

**LEGAL DESCRIPTION:**

**Parts of the NE1/4 of the SE1/4 of Section 2-21-55**

Tract described in Instrument Number 2005-7138

Tract described in Instrument Number 2016-0222

Lots 1 & 2, Block 6, Loseke Addition to the City of Gering

**That part of the SW1/4 of the SE1/4 of Section 2-21-55 lying East of Kimball Avenue**

Including all of Dutton Tracts and subsequent Replats and Subdivisions

**The West 342.6 feet of the SW1/4 of the SW1/4 of Section 1-21-55, lying South of the Gering Irrigation District Drain**

Including all of Knaub Addition to the City of Gering and subsequent Replats

**Parts of the NW1/4 of Section 12-21-55 lying North of the Highway #71 Right-of-Way**

Including all Unplatted Lands within

Including Block 2, Prairie View Addition to the City of Gering

Including Lots 1 & 2, Block 1, Gering Valley Estates to the City of Gering

Including Blocks 1, 2, 3, 4, 5 & 6, Amended Plat of Southfield Village, a subdivision in the City of Gering

2. The Mayor and the City Council of the City of Gering, Nebraska hereby find, and do declare pursuant to Nebraska Revised Statutes 18-2109, that the aforementioned real estate, located within the City of Gering, Nebraska, is a substandard and blighted area as defined in Nebraska Revised Statutes 18-2103 (3) and 18-2103 (31) and is in need of redevelopment.

PASSED AND APPROVED this \_\_\_\_\_ day of January, 2023

ATTEST

Kathleen Welfl, City Clerk  
City of Gering

**Motion by Councilmember Morrison to approve Resolution 1-23-1 designating the property described in the Blight and Substandard Determination Study, for the Southeast Gering Residential Area, as blighted and substandard. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**BIDS/PROPOSALS:**

**1. Award bid for 2023 Street Improvements – Concrete Streets**

Engineer Folck stated that the concrete bid includes I Street, just off of Rundell Road and several ADA sidewalk improvements. Two bids were received; the low bid was from Infinity Construction in the amount of \$220,715. The other bid was just over \$240,000. The amount bid by Infinity was a little higher than staff's estimate but it was below the amount budgeted which was \$591,000 for concrete and asphalt streets together. Staff are comfortable recommending approval as the amount(s) will be lower than the budgeted amount for both of them. The City is comfortable with Infinity; they are a qualified bidder. The City has worked with them a lot. Staff recommends approval of the Concrete Streets Bid.

**Motion by Councilmember Gillen to award the 2023 Street Improvements Concrete bid to Infinity Construction in the amount of \$220,715.00. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**2. Award bid for 2023 Street Improvements – Asphalt Streets**

Engineer Folck stated that staff budgeted for mill and overlay for three more streets – Sixth Street, Flaten Avenue and Ponder Place which are all in the vicinity of Northfield Elementary. One bid was received which was not a surprise as there is only one local asphalt contractor. The amount was \$349,400 which was considerably higher than the engineer's estimate, mainly because of the cost of asphalt. Staff worked with the bidder as there was only one bidder which gives the City a little more leeway to negotiate. They were able to make some changes on some of the costs and gave the City a revised bid of \$327,551. Staff made sure to schedule the work during the summer when school is not in session.

Councilmember Shields asked if it's possible that the cost of asphalt will go down by summer and it could be bid later. Engineer Folck replied that it's hard to say; historically no. This is usually the best time of year to bid these, but it's anyone's guess. Administrator Heath added that typically this is the time of year to bid projects, if the City waits until April or May the contractor may be busy and there may not be any bids, or they'd have to schedule the work later which would be in the school year.

**Motion by Councilmember Wiedeman to award the 2023 Street Improvements Asphalt bid to Simon Contractors in the amount of \$327,551.00. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**CURRENT BUSINESS:**

**1. Approve appointment of Allen Taylor as the Alternate to the Planning Commission**

**Motion by Councilmember Cowan to approve the appointment of Allen Taylor as the Alternate to the Planning Commission. Second by Councilmember Gillen. There was no**

discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

**2. Approve appointment of Brad Gross to the Gering Library Board**

Motion by Councilmember Cowan to approve the appointment of Brad Gross to the Library Board. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

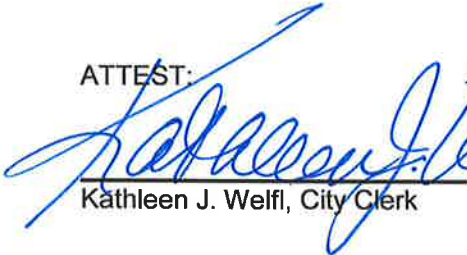
**OPEN COMMENT:** Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. None.

**ADJOURN:**

Motion by Councilmember Gillen to adjourn. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Meeting adjourned at 6:21 p.m.

ATTEST:

  
Kathleen J. Welfl, City Clerk

  
Kent E. Ewing, Mayor

