

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JANUARY 25, 2021

A regular meeting of the City Council of Gering, Nebraska was held on January 25, 2021 at 6:00 p.m. at the Gering City Hall Council Chambers, 1025 P Street, Gering, NE. Present were Council President Gillen, and Councilmembers Smith, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. Councilmembers Morrison and Cowan were 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 Matt Turman. Absent was Mayor Kaufman. 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:

Council President Gillen called the meeting to order at 6:01 p.m., and stated that a quorum of the Council was present and City business could be conducted.

1. Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse councilmember absence

Motion by Councilmember Wiedeman to excuse the absence of Councilmember Morrison from the January 11, 2021 regular meeting. Second by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

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

Council President Gillen 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 Council President. 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 January 11, 2021 regular City Council meeting and the January 20, 2021 special meeting
2. Approve Claims

Claims 1-11-21 to 1-21-21

ACCENT WIRE PRODUCTS \$295.63; AL'S TOWING, INC \$125.00; ALTEC INDUSTRIES, INC. \$7,836.98; AMAZON CAPITAL SERVICES, INC \$137.43; ASCAP \$183.50; ASCAP \$183.50; AULICK INDUSTRIES \$11,123.63; AULICK INDUSTRIES \$1,339.07; B & C STEEL \$173.63; BEACON ATHLETICS, LLC \$9,064.00; BENZEL PEST CONTROL \$56.71; BLUFFS FACILITY SOLUTIONS \$66.00; BORDER STATES INDUSTRIES, INC \$4,119.96; BRENNEN MARTINEZ \$123.00; BRETHOURS HONEYWAGON EXPRESS \$180.00; CARR-TRUMBULL LUMBER COMPANY \$142.00; CITY PAYROLL TRUST \$2,470.33; CONNECTING POINT \$12.45; CRESCENT ELECTRIC SUPPLY CO. \$11.55; CS PRECISION MANUFACTURING \$100,000.00; DALE'S TIRE \$35.00; DANKO EMERGENCY EQUIPMENT CO \$470.10; DEZURIK \$388.42; DOOLEY OIL \$626.06; ECKHARDT PORTABLE WELDING \$637.50; ECOLAB \$169.73; ELLISON, KOVARIK & TURMAN LAW \$11,893.75; FEDEX \$156.03; FIRST STATE BANK \$339.96; FLOYD'S TRUCK CENTER, INC. \$785.12; FRANCISCOS BUMPER TO BUMPER IN \$220.00; GALLS, AN ARAMARK COMPANY \$3,730.00; GARY RAY \$150.00; GEOLOGIC COMPUTER SYSTEMS \$354.75; GERING VALLEY PLUMBING & HTG. \$1,323.80; GROUND UP CONSTRUCTION \$2,280.00; HOLTZ INDUSTRIES \$106.00; HYDRO OPTIMIZATION & AUTOMATIO \$428.00; ICMA ELECTRONIC RETIREMENT \$17,736.16; IDEAL LAUNDRY AND CLEANERS, IN \$26.72; INDOFF INCORPORATED \$76.99; INTERNAL REVENUE SERVICE \$41,953.87; INTERNATIONAL INST OF MUNICIPAL \$200.00; INTRALINKS, INC. \$5,390.05; JOHN HANCOCK USA \$14,284.77; JOHN HANCOCK USA POLICE \$6,348.24; JOHNSON CASHWAY CO. \$28.16; JONATHAN STARKE \$123.00; JULIANA RODRIGUEZ \$20.00; JUSTIN KL BERNHARDT \$270.00; KAY PARK & RECREATION \$4,871.70; LEAGUE ASSOC./RISK MANAGEMENT \$15,094.85; LILLIANA BILLIE \$20.00; LOGOZ LLC \$90.00; LOGOZ LLC \$80.00; LYLIE STRAW \$20.00; MARED INDUSTRIES, INC. \$1,647.94; MATRIX TRUST COMPANY \$556.16; MEAT SHOPPE \$5,893.31; MENARDS \$479.28; MICHAEL TODD & COMPANY, INC. \$988.79; MIZUNO USA, INC. \$1,532.59; MONEY WISE OFFICE SUPPLY \$336.39; MUNICIPAL SUPPLY, INC. OF NE. \$699.96; NDEQ - FISCAL SERVICES \$8,952.30; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE PUBLIC HEALTH ENVIRO LAB \$210.00; NE. SAFETY/FIRE EQUIPMENT, INC \$91.00; NEBRASKA LAW ENFORCEMENT \$276.00; NEBRASKA RURAL RADIO ASSOC. \$583.18; NEWMAN SIGNS, INC. \$1,496.27; NICOLE RODRIGUEZ \$31.50; NKC TIRE \$1,284.20; NMC EXCHANGE LLC \$13,947.18; NORTHWEST PIPE FITTINGS, INC \$630.28; OREGON TRAIL PLBG. & HEATING \$307.50; PANHANDLE COOP

ASSOCIATION \$644.00; PANHANDLE COOP ASSOCIATION \$20.00; PANHANDLE ENVIRONMENTAL SERVIC \$670.00; PATTLEN ENTERPRISES, INC \$898.86; PAYROLL \$121,040.77; POLICE CHIEFS ASSOC. OF NEBR. \$50.00; POWERPLAN OIB \$337.55; R & C WELDING & FABRICATION \$112.35; RANDY DEEDS \$33.00; RIVERSIDE DISCOVERY CENTER \$12,500.00; ROBERT CRABLE \$150.00; ROBERT CRABLE \$468.77; RON'S TOWING \$450.00; SANDBERG IMPLEMENT, INC. \$81.92; SANDRY FIRE SUPPLY \$70.20; SCOTTS BLUFF AREA VISTORS BURE \$942.50; SCOTTS BLUFF COUNTY COURT \$117.00; SCOTTSBLUFF-GERING UNITED WAY \$128.75; SHAWNA WINCHELL \$390.00; SIMMONS OLSEN LAW FIRM, P.C. \$1,500.00; SIMMONS OLSEN LAW FIRM, P.C. \$4,392.50; SIMMONS OLSEN LAW FIRM, P.C. \$455.00; SOUTHWESTERN EQUIPMENT COMPANY \$36,760.00; SUGAR VALLEY FEDERAL CREDIT \$528.37; TEAM CHEVROLET \$750.00; THE ROCK PILE \$200.54; TVH PARTS CO. \$288.61; VALLEY AUTO LOCATORS LLC \$95.00; VERIZON CONNECT \$38.38; VERIZON WIRELESS SERVICES, LLC \$514.40; WESTERN PATHOLOGY CONSULTANTS \$63.00; WESTERN STATES BANK \$20,963.56; WESTERN STATES BANK - POLICE \$550.00; WYOMING BEARING & SUPPLY \$43.98

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

BIDS: None

PUBLIC HEARINGS:

1. Public Hearing to consider an Ag Estate Dwelling located at 150664 County Road 22, Gering, Nebraska, situated in the North ½ of the SE ¼ of Section 14, Township 21 N, Range 55 W of the 6th P.M., Scotts Bluff County, NE

Council President Gillen opened a public hearing to consider an Ag Estate Dwelling located at 150664 County Road 22, Gering, Nebraska, situated in the North ½ of the SE ¼ of Section 14, Township 21 N, Range 55 W of the 6th P.M., Scotts Bluff County, NE at 6:05 p.m. Annie Folck, City Engineer, presented the administrative record.

To:	City Council	Date:	1/25/21
From:	Planning & Community Development	Zoning:	AG
Subject:	Recommendation & Report – AEDS	Property Size:	2.86 Acres
Location:	150664 County Road 22, North ½ of the SE ¼, S14-T21N-R55W of the 6 th P.M.	#Lots/Parcels:	1
Owner:	Ted Roth	City Council Public Hearing:	1/25/21

Public Hearing

A property owner has submitted an application for an Ag Estate Dwelling Site in the AG zone (General Agricultural District). The property is 2.86 Acres, and is an existing farmstead located at 150664 County Road 22. The property is situated in unplatted lands, PT N ½ of the SE ¼ of S14-T21N-R55 W of the 6th P.M., Scotts Bluff County. The property is outside of Gering City limits, but within the City's extraterritorial zoning jurisdiction. The surrounding property is zoned AG as well.

According to the City's zoning code, for each AEDS, the owner shall reserve the balance of 80 acres of vacant or agricultural district land. When the 2.86 acres is divided off, there will be only 75.08 acres remaining of the farm which will be held in reserve for agricultural uses only, until or unless the property is rezoned. While this doesn't strictly meet the 80-acre requirement, section 3.7.2.C of the zoning code also states, "The City Planning Commission and the City Council of the City of Gering, Nebraska, may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained." The stated intent of the AEDS subsection of code is "not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS), but such intent is to allow 'subdivision' or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes." Because this is an existing farmstead that is being split off from the remainder of the farm, and this parcel is to be used for dwelling purposes, staff recommends that this AEDS does meet the intent of this subsection of code, and thus recommends approval of the AEDS.

Recommendation:
Approve
Deny
Table

Ms. Folck noted that the Planning Commission made a positive recommendation to approve this application.

Council President Gillen asked if anyone in the Council Chambers wished to speak in favor of the application. Seeing none, he asked if anyone wished to speak in opposition. With no further discussion, the administrative record was closed and the public hearing was closed at 6:07 p.m.

Motion by Councilmember Smith to enter the administrative record for this public hearing into the public record. Second by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

1a. Approve or deny an Ag Estate Dwelling located at 150664 County Road 22, Gering, Nebraska, situated in the North ½ of the SE ¼ of Section 14, Township 21 N, Range 55 W of the 6th P.M., Scotts Bluff County, NE

Motion by Councilmember Wiedeman to approve an application for an Ag Estate Dwelling located at 150664 County Road 22, Gering, Nebraska, situated in the North ½ of the SE ¼ of Section 14, Township 21 N, Range 55 W of the 6th P.M., Scotts Bluff County, NE. Second by Councilmember Morrison. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

CURRENT BUSINESS:

1. Approve Banking Resolution 1-21-1 – To update authorized signature authority for all banking and investment transactions

RESOLUTION NO. 1-21-1

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

1. Platte Valley Bank, US Bank NA, First National Bank, First State Bank, Western States Bank, all with local branches in Scotts Bluff County, Nebraska, and the Nebraska Public Agency Investment Trust (NPAIT) as well as Heartland Trust Company, are designated as depositories and/or financial investment institutions for funds of the City of Gering, Nebraska ("City").

- a. Depository funds of the City deposited in each bank or financial institution shall be subject to withdraw upon checks, notes, drafts or other orders for the payment of money when signed on the City's behalf by any two of the following City officials:

**Mark A. Kaufman
Tammy Cooley
Kathleen J. Welfl**

- b. All investment funds of the City held as Government Money Market Funds, Certificates of Deposit, Treasury Notes, and other authorized securities purchase by the City shall be signed by the Finance Director for the City, Elizabeth Loutzenhiser, and one of the following City officials per the City's Investment Policy:

Pat Heath or Kathleen J Welfl

2. Provided, the Finance Director for the City, Elizabeth Loutzenhiser, is authorized to make ACH drafts and withdrawals for payroll, electronic claims, utility payment drafts and debt payments on behalf of the City from any of the financial institutions named in paragraph 1 of this Resolution.

3. The banks are authorized to pay all orders and receive them for the credit of or in payment from the payee or any other holder without inquiring into the circumstances of the issue or the disposition of the proceeds.

4. Platte Valley Bank is authorized to issue Visa credit cards to City personnel. The personnel to receive the cards and the credit limit on said card, shall be as approved by the City Administrator or his or her designee.

5. This resolution will revoke all prior banking resolutions and shall be delivered to all banks named in this Resolution. This Resolution will remain in effect until notice of revocation is delivered to any of these banks.

Passed, approved and effective this 25th day of January, 2021.

Mark A. Kaufman, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Motion by Councilmember Wiedeman to approve Resolution 1-21-1. Second by Councilmember Abel. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

2. Approve and authorize the Mayor to sign Request for Advance or Reimbursement regarding the USDA REDG for the Riverside Discovery Center

Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign Request for Advance or Reimbursement regarding the USDA REDG for the Riverside Discovery Center. Second by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

3. Request for Recreation Committee meeting – Agenda items: 1. Naming of the Quadplex, 2. Partnership opportunity with Gering Public Schools, 3. Community garden location in McClellan Park, 4. Review proposed guidelines for softball/baseball field use, 5. Review of ADA cart use policy

Motion by Councilmember Smith to approve a request for a Recreation Committee meeting with agenda items: 1. Naming of the Quadplex, 2. Partnership opportunity with Gering Public Schools, 3. Community garden location in McClellan Park, 4. Review proposed guidelines for softball/baseball field use, 5. Review of ADA cart use policy. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

4. Adopt Ordinance No. 2097 – AN ORDINANCE CONTINUING THE ESTABLISHMENT OF AND PROVIDING FOR THE MAINTENANCE, MANAGEMENT, PROTECTION AND GOVERNMENT OF A PUBLIC LIBRARY AND READING ROOM FOR THE USE OF THE INHABITANTS OF THE CITY OF GERING, NEBRASKA; PROVIDING FOR THE APPOINTMENT AND TENURE OF OFFICE OF THE LIBRARY BOARD; PRESCRIBING THE POWERS, DUTIES AND TIME OF MEETING OF SAID BOARD; REGULATING THE BY-LAWS AND FINANCES OF SAID BOARD; PROVIDING FOR THE LEVY OF AN ANNUAL TAX TO SUPPORT SAID LIBRARY; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES IN CONFLICT; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND PROVIDING A PENALTY FOR THE INJURY OR DESTRUCTION OF ANY PROPERTY OF SAID LIBRARY

Councilmember Smith made a motion to introduce Ordinance No. 2097 – AN ORDINANCE CONTINUING THE ESTABLISHMENT OF AND PROVIDING FOR THE MAINTENANCE, MANAGEMENT, PROTECTION AND GOVERNMENT OF A PUBLIC LIBRARY AND READING ROOM FOR THE USE OF THE INHABITANTS OF THE CITY OF GERING, NEBRASKA; PROVIDING FOR THE APPOINTMENT AND TENURE OF OFFICE OF THE LIBRARY BOARD; PRESCRIBING THE POWERS, DUTIES AND TIME OF MEETING OF SAID BOARD; REGULATING THE BY-LAWS AND FINANCES OF SAID BOARD; PROVIDING FOR THE LEVY OF AN ANNUAL TAX TO SUPPORT SAID LIBRARY; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES IN CONFLICT; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND PROVIDING A PENALTY FOR THE INJURY OR DESTRUCTION OF ANY PROPERTY OF SAID LIBRARY. Seconded by Councilmember Backus. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

Councilmember Gillen moved that the Ordinance be designated as Ordinance No. 2097 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 Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, 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 Council President declared to have carried. Whereupon Ordinance No. 2097 was read by title only, Councilmember O'Neal moved that the Ordinance be passed as read, which motion was seconded by Councilmember Abel. "The question is shall Ordinance No. 2097 be passed?" There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, 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.

5. Adopt Ordinance No. 2098 – AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF PROPERTY FROM THE CITY OF GERING, A MUNICIPAL CORPORATION; PROVIDING FOR THE TERMS OF SAID CONVEYANCE AND FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF

Councilmember Morrison made a motion to introduce Ordinance No. 2098 – AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF PROPERTY FROM THE CITY OF GERING, A MUNICIPAL CORPORATION; PROVIDING FOR THE TERMS OF SAID CONVEYANCE AND FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Smith. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

Councilmember Cowan moved that the Ordinance be designated as Ordinance No. 2098 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, Abel, 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 Council President declared to have carried. Whereupon Ordinance No. 2098 was read by title only, Councilmember Gillen moved that the Ordinance be passed as read, which motion was seconded by Councilmember Wiedeman. "The question is shall Ordinance No. 2098 be passed?" There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, 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.

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

Meeting adjourned at 6:20 p.m.


Mark A. Kaufman, Mayor

ATTEST:

Kathleen J. Welfl
Kathleen J. Welfl, City Clerk

