

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,  
January 27, 2020**

A regular meeting of the City Council of Gering, Nebraska was held in open session on January 27, 2020 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Abel, 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 O'Neal to excuse the absence of Councilmember Gillen from the January 13, 2020 regular meeting. Second by Councilmember Weideman. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

**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 January 13, 2020 regular City Council meeting
2. Approve Claims and Financials
3. File for Record Property Valuation Protest for City property used for a public purpose for stormwater retention

**Claims:**

**Claims 1-10-2020 to 1-23-2020**

A & A PORTA POTTIES \$135.00 , ACTION COMMUNICATIONS INC. \$807.40, AMAZON \$1.04, AMAZON CAPITAL SERVICES INC \$7.39, AMERICAN BUS ASSOCIATION \$580.00, ARIAT INTERNATIONAL \$1,379.66, ATLAS \$359.00, AUTO ZONE 1657 \$21.99, B & C STEEL \$155.00, BATTERIES PLUS BULBS \$10.59, BENZEL PEST CONTROL \$90.95, BEST BOOKS, INC. \$736.26, BH MEDIA GROUP HOLDING, INC. \$1,645.78, BLACK HILLS ENERGY \$1,874.24, BLUFFS FACILITY SOLUTIONS \$140.73, BORDER STATES INDUSTRIES, INC \$174.93, CHARTER COMMUNICATIONS \$628.66, CITY OF GERING \$231.08, CITY OF SCOTTSBLUFF \$2,476.03, CLINE WILLIAMS WRIGHT JOHNSON \$1,508.00, CLINE WILLIAMS WRIGHT JOHNSON \$1,508.00, COMFORT INN NORTH \$1,480.60, CONNECTING POINT \$99.00, CONTRACTORS MATERIALS, INC. \$123.26, CORE & MAIN LP \$3,258.00, CORNER STORE \$30.20, COULTER INC. \$473.78, COZAD SIGNS, LLC \$ 475.00, D & H ELECTRONIC SUPPLY, INC \$27.81, DALE'S TIRE \$63.29, DAVIS & STANTON, INC \$75.00, DIAMOND VOGEL PAINT CENTER \$128.16, DICKIE K COCHRANE \$150.00, DOOLEY OIL \$2,838.03, DRUG & ALCOHOL CLEARING HOUSE \$125.00, DUNGAREES \$160.47, DUTTON-LAINSON COMPANY \$1,492.56, DYKES OIL INC. \$114.69, E REPLACEMENT PARTS \$14.58, ECOLAB \$234.30, ELLISON, KOVARIK & TURMAN LAW \$4,441.25, ERIK WOGSTAD \$1,350.00, EXPRESS TOLL \$4.65, FASTENAL COMPANY \$621.90, FIRST STATE BANK \$341.71, FLOYD'S TRUCK CENTER, INC. \$679.32, FRANK PARTS COMPANY \$1,274.34, FRASER STRYKER PC LLO \$1,200.00, FRESH FOODS INC. \$82.67, G4C, LLC \$258.00, GERING VALLEY PLUMBING & HTG \$1,217.10, GLOCK STORE \$35.98 ,GREG WOODEN \$75.00, HEARTLAND BANK \$250.00, HGTV MAGAZINE \$39.97, ICMA ELECTRONIC RETIREMENT \$709.74, IDEAL LAUNDRY AND CLEANERS, INC \$174.66, INDOFF INCORPORATED \$199.99, INGRAM LIBRARY SERVICES \$812.74, INTER. CODE COUNCIL INC. \$593.74, INTERNAL REVENUE SERVICE \$42,882.62, INTRALINKS, INC. \$1,007.67, IPMA-HR \$161.00, JASMINE & TREVOR TIMMENS \$4.40, JOHN HANCOCK USA \$13,438.34, JOHN HANCOCK USA POLICE \$6,185.24, JOHNSON CASHWAY CO. \$198.16, JOHNSON HARDWARE CO. \$413.19, KALEB SHAW \$150.00, KAREN MOSCRIT \$75.00, KAREN SUE BRUNTZ \$425.00, LOAF & JUG \$38.32, LOGOZ LLC \$60.00, MATRIX TRUST COMPANY \$533.16, MEAT SHOPPE \$16,382.26, MENARDS \$26.75, MID-STATES ORGANIZED CRIME \$150.00, MIDWEST AUTO SUPPLY, INC. \$50.00, MONEY WISE OFFICE SUPPLY \$280.77, MOTOR TREND \$20.00, MSC 410526/DOLLAR GENERAL CO \$9.00, MUNICIPAL ENERGY AGENCY OF NE \$324,707.16, MUNICIPAL SUPPLY, INC. OF NE \$1,314.47, NATIONAL REGISTRY OF EMT \$240.00, NE CHILD SUPPORT PAYMENT CENTER \$647.09, NE DEPT. OF REVENUE \$130,498.63, NE. SAFETY/FIRE EQUIPMENT, INC \$478.00, NEBRASKA RURAL RADIO ASSOC. \$976.00, PANHANDLE COOP ASSOCIATION \$102.38, PANHANDLE

ENVIRONMENTAL SRV \$53.00, PATTLEN ENTERPRISES, INC \$3,860.35, POLICE CHIEFS ASSOC. OF NEBR. \$50.00, POSTMASTER \$114.91, POWERPLAN OIB \$117.56, PUBLIC AGENCY TRAINING COUNCIL \$1,050.00, PUMP & PANTRY \$15.15, RECORDED BOOKS, INC. \$36.00, REMOTE PC \$52.12, RIVERSIDE DISCOVERY CENTER \$12,500.00, ROD STERKEL \$123.00, RR DONNELLEY RECEIVABLES, INC \$98.02, SANDRY FIRE SUPPLY \$456.24, SCB. COUNTY REGISTER OF DEEDS \$10.00, SCB. COUNTY SHERIFF OFFICE \$22.88, SCHNEIDER, GARY & CHARLENE \$93.56, SCOTTS BLUFF COUNTY COURT \$119.00, SCOTTS BLUFF COUNTY TREASURER \$1,881.58, SCOTTSBLUFF PUBLIC SCHOOL \$109.95, SHAWNA WINCHELL \$690.00, SHELL \$24.85, SHERWIN WILLIAMS \$256.14, SIMMONS OLSEN LAW FIRM, P.C. \$1,500.00, SOLOMON TRANSFORMERS, LLC \$258.44, STAPLES CREDIT PLAN \$173.77, SUGAR VALLEY FEDERAL CREDIT \$678.37, SUSPA INC \$55.81, TAMMY COOLEY \$36.00, TARGETS ONLINE \$659.53, TEAM CHEVROLET \$375.00, THE PLAINS TRADING COMPANY \$17.90, THE TORO COMPANY \$155.00, TRAVEL GUARD GROUP \$14.00, TURNING WRENCHES LLC \$976.69, UNANIMOUS, INC. \$60.00, UNITED AIRLINES \$126.10, UNITED CHAMBER OF COMMERCE \$3,932.00, UNIVERSITY OF NEBRASKA-LINCOLN \$80.00, VERIZON CONNECT \$40.00, VERIZON WIRELESS SERVICES, LLC \$40.01, VICTORIA \$22.98, W & R INC. \$559.27, WESTERN COOPERATIVE COMPANY \$8,206.44, WESTERN PATHOLOGY CONSULTANTS \$191.50, WESTERN STATES BANK – POLICE \$516.00, WESTERN TRAVEL TERMINAL \$13.00, WYOMING BEARING & SUPPLY \$171.48, ZAC BIBB \$150.00

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

#### **PUBLIC HEARINGS:**

##### **1. Public hearing to consider recommending the issuance or denial of a Class "B" Liquor License submitted by Family Dollar Inc. located at 1820 10<sup>th</sup> Street, Gering, NE 69341**

Mayor Kaufman opened a public hearing to consider recommending the issuance or denial of a Class "B" Liquor License submitted by Family Dollar Inc. located at 1820 10<sup>th</sup> Street in Gering, NE 69341 at 6:03 p.m.

Chris Harden, 510 Kurt Drive in Gering, stated that he's the General Manager of the Gering Dollar General. Councilmember Wiedeman asked Mr. Harden why Family Dollar is looking to sell alcohol in Gering. Mr. Harden replied that Family Dollar is applying for liquor licenses throughout Nebraska; currently there are not very many Family Dollar stores that carry alcohol to his knowledge. She asked what steps they've taken to make sure alcohol doesn't get sold to minors. He said that all new hires have training that they go through. The alcohol will be in the line of sight of the cash registers to help prevent theft. He added that they card everybody for cigarettes already, no matter what.

Mayor Kaufman asked if anyone in Council Chambers wished to speak in favor of this application. Seeing none he asked if anyone wished to speak in opposition of this application. With no further comments the administrative record was closed and the public hearing closed at 6:05 p.m.

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

##### **1a. Approve or deny recommending the issuance of a Class "B" Liquor License submitted by Family Dollar Inc. located at 1820 10<sup>th</sup> Street, Gering, NE 69341**

**Motion by Councilmember Gillen to recommend approval of a Class "B" Liquor License submitted by Family Dollar Inc. located at 1820 10<sup>th</sup> Street, Gering, NE. Second by Councilmember Abel. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

##### **2. Public hearing to consider recommending the issuance or denial of a Class "C" Liquor License submitted by TND No Limits LLC d/b/a Oregon Trail Roadhouse located at 310 M Street, Gering, NE 69341**

Mayor Kaufman opened a public hearing to consider recommending the issuance or denial of a Class "C" Liquor License submitted by TND No Limits LLC d/b/a Oregon Trail Roadhouse located at 310 M Street in Gering, NE 69341 at 6:07 p.m.

Mayor Kaufman noted that the applicant was present if Council had questions. He then asked if anyone in Council Chambers wished to speak in favor of the application. Seeing none he asked if anyone wished to speak in opposition of the application. With no further comments the Administrative record was closed and the public hearing closed at 6:08 p.m.

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

**2a. Approve or deny recommending the issuance of a Class "C" Liquor License submitted by TND No Limits LLC d/b/a Oregon Trail Roadhouse located at 310 M Street, Gering, NE 69341**

**Motion by Councilmember Gillen to recommend approval of a Class "C" Liquor License submitted by TND No Limits LLC d/b/a Oregon Trail Roadhouse located at 310 M Street, Gering, NE. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

#### **CURRENT BUSINESS:**

##### **1. Consider approving Keno Fund requests:**

- Gering Volunteer Fire Department, \$24,000
- High Plains Auto Club, \$3,500
- Gering Visitors Bureau d/b/a Girls Class B State Golf Championship, \$5,500
- Scotts Bluff Celtic Gathering, \$4,000

Darrell Bentley, Keno Committee Chairman, commented on the CVB application. He said this is a project between Scottsbluff High and Gering High, the Visitor's Bureau, both Scottsbluff and Gering Golf Clubs. This is a great opportunity for getting an event out in Western Nebraska. We'll have all the Class B Girls Golf Tournaments out here for the next three years between the Scottsbluff and Gering golf courses.

Councilmember Backus stated that in the method of not having any perceived favoritism, since his company could sell the radios directly to the Fire Department, he's going to declare a conflict of interest on the \$24,000 issuance. He added that he'd like it known that he doesn't care where they buy them, he wants the Fire Department to have radios.

**Motion by Councilmember Wiedeman to acknowledge Councilmember Backus's conflict of interest (regarding the approval of Keno funds for the Gering Volunteer Fire Department). Second by Councilmember Gillen. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

**Motion by Councilmember Gillen to approve a Keno Fund Request in the amount of \$24,000 for the Gering Volunteer Fire Department. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: Backus. Absent: Morrison. Motion Carried.**

**Motion by Councilmember Gillen to approve a Keno Fund Request in the amount of \$3,500 for the High Plains Auto Club. Second by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

**Motion by Councilmember Wiedeman to approve a Keno Fund Request in the amount of \$5,500 for the Gering Visitors Bureau d/b/a Girls Class B State Golf Championship. Second by Councilmember Abel. There was no discussion. The Mayor called the vote. "AYES":**

**Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

**Motion by Councilmember Wiedeman to approve a Keno Fund Request in the amount of \$4,000 for the Scotts Bluff Celtic Gathering. Second by Councilmember Gillen. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

Mr. Bentley added that we are now starting the 25<sup>th</sup> year since Keno was introduced to Gering. Since that time Gering's share of the Keno money has been almost \$3,234,000. That's money that belongs to the citizens of Gering. This has been money that hasn't had to be taken out of the sinking fund or from tax dollars. He added that there have been a lot of community events and things for the schools and sports programs. Mayor Kaufman replied that the Keno Committee does a fantastic job administering those funds; Council appreciates it.

## **2. Approval of Casey L. Dahlgrin, License #1417-A, as Street Superintendent for the purpose of the 2020 Incentive Payment from Nebraska Department of Transportation**

**Motion by Councilmember Wiedeman to approve Casey L. Dahlgrin, License #1417-A, as Street Superintendent for the purpose of the 2020 Incentive Payment from Nebraska Department of Transportation. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.**

## **3. Approve in concept the information provided in the Council Packet regarding a Regional Landfill to include:**

- **Trihydro Memorandum dated 12-12-19 including Attachment A (Project Schedule)**
- **Western Nebraska Regional Landfill Solid Waste Cost Analysis and Summary**

City Engineer, Annie Folck, stated that staff have been working with Trihydro for quite a while and wanted to be sure they're checking in with Council and providing an update on all the work that has been accomplished to date. The memo provided to Council describes everything they've done so far minus having specifics about any sites being considered (for obvious reasons and negotiation purposes). There is also a 60 plus page document that is very detailed giving the solid waste management cost analysis for a new landfill; along with that they put together a one-page summary that goes over the costs for a new facility. Even more important, in her opinion, than the projected costs is what that would mean in terms of tipping fees because ultimately that's the bottom line – how affordable it will be for our rate payers if we are to continue down this road. The estimated cost for a new facility is around \$8.5 million; that does not include the cost of the property purchase. With all factors included, they're estimating that if the new landfill serves just the communities it currently serves - Scottsbluff, Gering, Mitchell and Lyman, along with some private businesses – in the first 20 years our tipping fee would be roughly \$35 per ton. Our current tipping fee is around \$48 per ton. We think we'd actually have some savings if we built a new landfill. In comparing that to some other landfills in Nebraska, that is right in the range of what other newer landfills are accomplishing in terms of tipping fees. If we were to expand to a regional landfill, they project that in the first 20 years the tipping fee would be about \$30 per ton. There is an economy of scale to having other communities involved with that. They've gone back and forth on whether or not to have a transfer station; this report found that it would be more cost effective to directly haul that waste to the new landfill rather than building a separate transfer station. There would be costs associated with building and adding more staff.

Councilmember Backus asked if there is a deadline that we need Scottsbluff to sign theirs. Ms. Folck stated that that is the next agenda item but it will go to Scottsbluff as well to have them extend the contract. Councilmember Backus asked how long can we wait on them. Ms. Folck replied that in her opinion we need to have an answer pretty much immediately; we really need to keep moving ahead. We have about six years of life left on our current facility, and the permitting process taking potentially up to two years or more before we can even break ground on construction. We're in good shape if we stay on the path we're on but we really can't afford to spend much time waiting on anyone.

Motion by Councilmember Gillen to approve, in concept, the information provided in the Council Packet regarding a Regional Landfill to include:

- Trihydro Memorandum dated 12-12-19 including Attachment A (Project Schedule)
- Western Nebraska Regional Landfill Solid Waste Cost Analysis and Summary

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

**4. Consider approval of Work Change Order from Trihydro Corporation authorizing completion of project Step 1 (siting) and commencement of project Step 2 (permit application development) by July 31, 2020**

Motion by Councilmember Gillen to approve a Work Change Order from Trihydro Corporation authorizing completion of project Step 1 (siting) and commencement of project Step 2 (permit application development) by July 31, 2020. Second by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

**5. Authorize staff to work on Interlocal Agreement for a Regional Landfill**

Motion by Councilmember Gillen to authorize staff to work on Interlocal Agreement for a Regional Landfill. Second by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

**6. Approve Resolution 1-20-1 – A Resolution approving Bluffs Bar & Grill as a local outlet for Keno Lottery within the City of Gering and determining that the Keno Lottery outlet meets the requirements of Resolution 3-95-1 pertaining to the operation of Keno Lottery**

Motion by Councilmember Smith to adopt Resolution 1-20-1 – A Resolution approving Bluffs Bar & Grill as a local outlet for Keno Lottery within the City of Gering and determining that the Keno Lottery outlet meets the requirements of Resolution 3-95-1 pertaining to the operation of Keno Lottery. Second by Councilmember Gillen. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, and Cowan. "NAYS": None. Abstaining: None. Absent: Morrison. Motion Carried.

**7. Authorize the Mayor to sign Form 50G Schedule II – County/City Lottery Sales Outlet Application pertaining to Bluffs Bar & Grill**

Motion by Councilmember Gillen to authorize the Mayor to sign Form 50G Schedule II – County/City Lottery Sales Outlet Application pertaining to Bluffs Bar & Grill. Second by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Abel, 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.)

**REPORTS: (Information only)**

**1. Liaison Report, Councilmember O'Neal – Oregon Trail Days Committee**

Councilmember O'Neal reported that:

- This will be the 99<sup>th</sup> year of Oregon Trail Days
- The Oregon Trail Days Committee is in the process of planning for the 100<sup>th</sup> Anniversary
- The 2020 O.T. Days event will start on July 9<sup>th</sup> and ends on July 12<sup>th</sup>
- Due to rain and water fall-out there's a tentative plan for the carnival to be in a new location to the north of Five Rocks in a grassy area

- There will be a Kick-off BBQ and street dance on July 9th as well as the O.T. Days Art Show
- Friday of that week will be the Don Childs Run in the morning and the Old Settlers Headquarters opens
- The Kiddie Parade/games in the park, Quilt Show, Car Show, International Food Fair and more will also be held on Friday
- On Saturday there will be: The Hill-climb Bicycle Race up the monument, the big parade at 10 a.m., mud volleyball and sand wrestling at Five Rocks, Craft Fair at Legion Park, the 34<sup>th</sup> Annual Chili Cook-off and beer garden at Five Rocks, Beer and Wine Tasting at the O.T. Days Building
- Sunday is the Gospel Jubilee presented by the Hebert Family (the location may change to accommodate more seating)

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

**OPEN COMMENT SECTION:** None

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

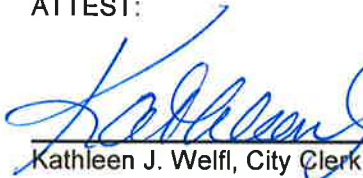
**ADJOURN:**

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

Meeting adjourned at 6:29 p.m.

  
 Mark A. Kaufman, Mayor

ATTEST:

  
 Kathleen J. Welfl, City Clerk

