

## **THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JULY 11, 2022**

A regular meeting of the City Council of Gering, Nebraska was held in open session on July 11, 2022 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Bohl, Backus, 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 Kaufman 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 O'Neal to approve the absence of Councilmember Smith from the June 27, 2022 regular City Council meeting. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, 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 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 the Council determines that the matter requires emergency action.

### **CONSENT AGENDA:**

1. Approve minutes of the June 27, 2022 regular City Council meeting
2. Approve Claims

#### **Claims 6-28-22 thru 7-11-22**

21ST CENTURY EQUIPMENT \$7.75, ACE HARDWARE \$403.64, ACUSHNET COMPANY \$86.53, ACUSHNET COMPANY \$51.45, ADIDAS AMERICA, INC \$390.00, AMERICAN BUS ASSOCIATION \$1,645.00, AMERITAS LIFE INSURANCE COPR. \$567.58, B & C STEEL \$1,4330.00, B & H INVESTMENTS, INC \$26.50, BENZEL PEST CONTROL \$90.95, BLACK HILLS ENERGY \$3,962.64, BLUFFS FACILITY SOLUTIONS \$941.65, BORDER STATES INDUSTRIES, INC \$3,206.97, CALLAWAY GOLF COMPANY \$469.58, CITY INSURANCE FUND \$279.25, CITY PAYROLL TRUST \$2,526.35, CLARK PRINTING LLC \$234.45, CONTRACTORS MATERIALS, INC. \$181.47, CORE & MAIN LP \$1,217.98, CROELL, INC \$1,032.50, DEMCO, INC \$87.42, DIETRICH DISTRIBUTING CO. \$83.00, DYKES OIL INC. \$42.95, EAKES INC \$18,178.34, ERIN HINZE \$188.00, FASTENAL COMPANY \$276.63, FAT BOYS TIRE & AUTO \$639.55, FISHER WELL SERVICE, INC \$525.00, FLOYD'S TRUCK CENTER, INC. \$428.03, FRANK PARTS COMPANY \$517.02, FREMONT MOTOR SCOTTSBLUFF, LLC \$505.75, FRESH FOODS INC. \$466.16, FRONTIER BASEMENT SOLUTIONS, LLC \$600.00, FYR-TEK, INC. \$158.60, GROUND UP CONSTRUCTION & CLEAN \$678.50, HACH COMPANY \$1,317.07, HAWKINS, INC. \$3,864.19, IDEAL LAUNDRY AND CLEANERS, IN \$105.51, INDEPENDENT PLUMBING & HEATING \$720.10, INDOFF INCORPORATED \$322.19, INTERNAL REVENUE SERVICE \$45,779.11, INTRALINKS, INC. \$1,631.63, JIRDON AGRI CHEMICALS, INC \$1,640.47, JOHN HANCOCK USA \$13,314.21, JOHN HANCOCK USA FIRE \$597.33, JOHN HANCOCK USA POLICE \$6,245.31, JOHNSON CASHWAY CO. \$102.01, JOHNSON FEED INC \$5,975.01, JOHNSON SERVICE COMPANY \$2,730.75, KENNETH LEROY DODGE \$621.00, LEE ENTERPRISES \$311.86, LOGOZ LLC \$189.00, M.C. SCHAFF & ASSOCIATES, INC. \$14,888.75, MALY MARKETING \$2,746.66, MARK CHRISMAN TRUCKING \$101,061.86, MASEK DISTRIBUTING INC \$95.00, MATHESON TRI-GAS INC \$660.41, M-B COMPANIES INC \$5,668.63, MEAT SHOPPE \$18,497.33, MENARDS \$183.58, MONUMENT INN & SUITES \$96.00, MUNICIPAL SUPPLY, INC. OF NE. \$1,836.52, MURPHY TRACTOR & EQUIPMENT CO. \$505.58, NE CHILD SUPPORT PAYMENT CENTE \$551.55, NEBRASKA LAND \$57.98, NEBRASKA TRAVEL ASSOCIATION \$250.00, NEMNICH AUTOMOTIVE LLC \$965.67, NMC INCORPORATED \$25.92, NORTHWEST PIPE FITTINGS, INC \$701.70, OCLC, INC. \$171.34, ONE CALL CONCEPTS, INC \$113.18, O'REILLY AUTOMOTIVE STORE \$96.87, PANHANDLE COOP ASSOCIATION \$11,970.71, PANHANDLE ENVIRONMENTAL SERVIC \$1,719.00, POWERPLAN OIB \$21.84, PRINT BROKER \$1,278.06, PSI DIGITAL IMAGING SOLUTIONS \$838.31, PT HOSE AND BEARING \$8.26, RIVERSTONE BANK \$537.94, SANDBERG IMPLEMENT, INC. \$19,452.89, SCB COUNTY REGISTER OF DEEDS \$142.00, SCB. COUNTY SHERIFF OFFICE \$20.36, SCHANK ROOFING SERVICE \$201,821.24, SCOTTSBLUFF-GERING UNITED WAY \$141.75, SHAWNA WINCHELL \$690.00, SPEAK WRITE

\$558.19, STAPLES CREDIT PLAN \$27.96, STEVE BAIRD \$3875.00, STUART C. IRBY COMPANY \$2,748.93, SUGAR VALLEY FEDERAL CREDIT \$528.37, TAYLOR MADE GOLF COMPANY \$1,645.68, TRIHYDRO CORPORATION \$8,327.75, VALLEY AUTO LOCATORS LLC \$367.32, VAN PELT FENCING CO., INC. \$3,438.05, VERIZON WIRELESS SERVICES, LLC \$1,150.68, WESTERN COOPERATIVE COMPANY \$11,768.13, WESTERN STATES BANK \$7,995.03, WESTERN STATES BANK - POLICE \$482.00, WYOMING FIRST AID & SAFETY \$73.15, 7/1/22 PAYROLL \$157,661.90, Grand Total \$728,958.97

**Motion by Councilmember Morrison to approve the Consent Agenda. Second by Councilmember Gillen. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

#### **BIDS:**

##### **1. 2022 Seal Coat Project – Transportation Department**

Administrator Heath stated the City (through MC Schaff & Associates) went out for bids for the seal coat project for this year. One bid was received from Topkote, Inc.; the bid tabulation was included in the packet. The bid came in at \$381,546.30; the engineer's estimate was \$427,037.50 (\$500,000 was budgeted). In the bid, it stated that the City had the option to increase the square yardage of the seal coat. Engineering is going to be roughly \$30,000. Staff would like to do as much as possible within that \$470,000 range, give or take a little bit and depending on engineering, for a total of \$500,000. Staff recommends the bid be awarded to Topkote Inc. and approve up to \$500,000 for engineering costs and additional square yardage for seal coat. Councilmember Morrison clarified that the City has worked with Topkote before. Administrator Heath replied, yes, they've done the majority of our chip seal since he has been with the City of Gering. They are out of South Dakota and are one of the closest; they seem to do all the bidding in this portion of Nebraska. Typically, the gravel is stock-piled at the 14<sup>th</sup> and D Street gravel parking lot the City has at that location, there are other locations also. This year, they will be all over town as Council can see with the maps that were provided. Councilmember Wiedeman asked if Scottsbluff is doing this at the same time. Administrator Heath replied that Scottsbluff did the whole city a few years ago; they're going to do it again in three or five years. Gering will be in conjunction with other communities in the area, but Scottsbluff is not one of those.

**Motion by Councilmember Gillen to approve staff's recommendation and accept a bid from Topkote, Inc. in the amount of \$500,000 for the 2022 City of Gering Seal Coat Project noting that the bid received was \$381,546.30 and that bid documents included a stipulation that the City could add or subtract square yardage depending on the cost. Staff recommends approving up to \$500,000 for engineering and additional square yardage. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

#### **CURRENT BUSINESS:**

##### **1. Approve and authorize the Mayor to sign Economic Development Assistance Agreement and Deed of Trust pertaining to Crossroads Cooperative Association**

Mayor Kaufman stated that at the June 13, 2022 regular City Council meeting, LB840 Application Review Committee Chairman, Larry Gibbs, provided a report on the Committee's recommendation regarding Crossroads Cooperative Association. The Committee recommended a \$50,000 grant for job creation. In addition, a \$450,000 grant for public works improvements contingent upon Crossroads completing a rail spur/line by July 1, 2024. Security will be in the form of a Deed of Trust. This recommendation for Crossroads Cooperative is *not* in addition to the previous recommendation given in February of 2020 for the same request. The terms and conditions set forth in the 2020 Economic Development Assistance Agreement for that request have expired. LB840 Funds were earmarked for this grant and are still available.

**Motion by Councilmember Morrison to approve and authorize the Mayor to sign an Economic Development Assistance Agreement and Deed of Trust pertaining to Crossroads Cooperative Association. Second by Councilmember Smith. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl,**

Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

**2. Approve and authorize the Mayor to sign Agreement for Mosquito Control by and between the City of Terrytown and the City of Gering**

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign an Agreement for Mosquito Control by and between the City of Terrytown and the City of Gering. Second by Councilmember Bohl. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**PUBLIC HEARINGS:**

**1. Public hearing concerning the discontinuance of the Economic Development (ED) Revolving Loan Fund (RLF) that was funded by Community Development Block Grant (CDBG) reuse funds**

Mayor Kaufman opened a public hearing concerning the discontinuance of the Economic Development (ED) Revolving Loan Fund (RLF) that was funded by CDBG - Community Development Block Grant at 6:11 p.m.

Administrator Heath stated that a public hearing regarding amending the City's Community Development Block Grant (CDBG) Economic Development Revolving Loan Fund Program was opened on April 27, 2020 and was continued to June 8, 2020. The public hearing was continued several times because the Department of Economic Development (DED) indicated to the City that they did not have enough information at that time to hold the public hearing and also because staff, legal and the CDBG were still working through details. The public hearing was finally closed on June 8, 2020, however, public comment was not entertained at that time. Council did, however, pass a resolution to discontinue the CDBG Economic Development Revolving Loan Fund on June 8, 2020.

The DED is in the process of closing out their files related to the City of Gering's Revolving Loan Fund. In reviewing the information for the public hearing that was held in 2020, the DED and City staff noticed that while a public hearing was held regarding the discontinuation of the Revolving Loan Fund, an opportunity for public comment was not provided. The DED requested that the City hold another public hearing to allow all interested parties an opportunity to attend at which time they will have an opportunity to be heard regarding the discontinuation of the CDBG Economic Development Revolving Loan Fund. Staff would like to note that the final payment from the last CDBG Reuse applicant was received in June of 2022, just last month. Following this public hearing, the Revolving Loan Fund will be discontinued, ceasing all current activities.

City Attorney, Jim Ellison, stated that back in 2020, he and the City worked very closed with the DED to make sure all the agreements were put together. There was a lot of push towards getting this done because it was Prime Metal Products, so he and the City worked very closely with the DED and pretty much followed all of their recommendations at the time. Apparently, this is just a follow up to those and this buttons it up. At least up to this point in time, he and the City fast-tracked it as fast as they could and the DED felt that a public hearing to allow for public comment would be good. He thinks the City had previously decided that this revolving loan fund had a lot of things tied to it, which makes it very difficult to deal with; a lot of reporting from the City's point of view. Scottsbluff discontinued their program years ago. This is just a follow up and it officially closes it out; if it satisfies the DED, he thinks that's fine.

Mayor Kaufman stated that if memory serves, the City also dug its heels in to keep it open a little bit longer because there was a loan balance in that Reuse Fund of \$211,000 and change. Scottsbluff did not, at the time. He and staff knew if the state was requesting the City of Gering to relinquish those funds, and if we would have sent them back, they would have been reallocated to other projects around the state. The City was hoping to wait until Gering had a project that could utilize those funds within our community, which was successfully done. City Attorney Ellison added, that's exactly right. Mayor

Kaufman stated that back in 2020, when this was going on, there was a different meeting environment. Public comment might have been a little challenging at the time.

Mayor Kaufman asked if there was anyone in the Chambers wishing to speak in favor. Seeing none, he asked if there was anyone in the chambers wishing to speak regarding the discontinuation of the City of Gering CDBG Economic Development Revolving Loan Fund. He added "if so, please come forward and state your name and address for the record". Mayor Kaufman asked again if there was anyone in the chambers wishing to speak regarding the discontinuation of the City of Gering CDBG Economic Development Revolving Loan Fund. Hearing none and with no further comments, the administrative record was closed and the public hearing closed at 6:16 p.m.

**Motion by Councilmember Gillen to enter the administrative record for this public hearing, concerning the discontinuance of the CDBG Economic Development Revolving Loan Fund, into the public record. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

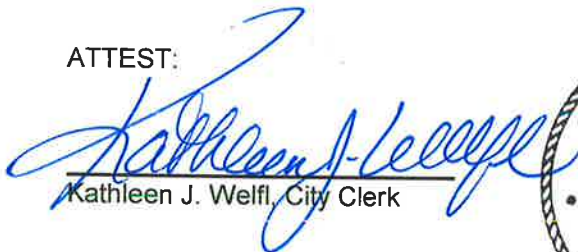
**CLOSED SESSION:** (Council reserves the right to enter into closed session if deemed necessary.) None.

**ADJOURN:**

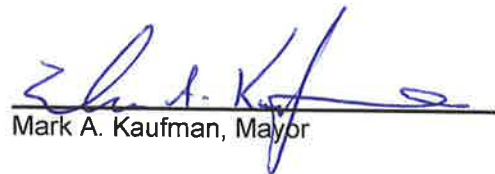
**Motion by Councilmember Gillen to adjourn. Second by Councilmember Bohl. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

Meeting adjourned at 6:17 p.m.

ATTEST:

  
Kathleen J. Welfl, City Clerk



  
Mark A. Kaufman, Mayor