

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JULY 25, 2022

A regular meeting of the City Council of Gering, Nebraska was held in open session on July 25, 2022, at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Cowan. 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. (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 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 July 11, 2022 regular City Council meeting
2. Approve Claims
3. Approve May, 2022 Financial Report

Claims 7/12/22 – 7/25/22

21ST CENTURY EQUIPMENT \$3.87, A & A PORTA POTTIES \$375.00, AC ELECTRIC MOTOR SERVICE \$170.03, ACE HARDWARE \$1,089.74, ACTION COMMUNICATIONS, INC. \$6,251.45, ACUSHNET COMPANY \$2,000.88, ADIDAS AMERICA, INC \$455.00, ALLO COMMUNICATIONS \$3,353.06, ALLRED BROTHERS FIREWORKS \$5,000.00, AMAZON CAPITAL SERVICES \$223.92, AMERICAN LEGION POST #36 \$8,750.00, ANDREW LEHR \$120.00, ANIMAL HEALTH INTERNATIONAL, \$507.83, ARIZONA MACHINERY LLC \$425.90, ARNOLD POOL COMPANY \$755.48, AT&T MOBILITY \$1,046.48, AUTREY SUPPLY CO \$670.36, B & C STEEL \$250.39, B & S RASK GRILL \$616.00, BAD BIRDIE GOLF \$879.00, BEACON ATHLETICS, LLC \$3,962.00, BIG MACK HEATING & COOLING \$236.26, BLACKSTONE AUDIO, INC \$223.38, BLUFFS FACILITY SOLUTIONS \$1,495.99, BORDER STATES INDUSTRIES, INC \$102.25, BRETHOURS HONEYWAGON EXPRESS \$200.00, CALLAWAY GOLF COMPANY \$478.97, CALVARY MEMORIAL CHURCH \$300.00, CENTURYLINK \$448.47, CHRISTOPHER PERALES \$140.00, CITY OF GERING \$819.54, CITY OF SCOTTSBLUFF \$10,794.00, CNA SURETY DIRECT BILL \$40.00, COBRA PUMA GOLF, INC. \$164.31, CONNECTING POINT \$80.11, CONSOLIDATED MANAGEMENT CO \$102.16, CONTRACTORS MATERIALS, INC. \$151.50, CORE & MAIN LP \$3,441.84, CRIDER TASHA \$75.00, CROELL, INC \$3,587.50, DHHS-ACCOUNTING \$1,278.00, DIRT STIX NURSERY \$489.73, DOOLEY OIL \$73.02, DUTTON-LAINSON COMPANY \$661.69, DYKES OIL INC. \$65.35, ECOLAB \$302.77, EJS SUPPLY, LLC \$53,069.00, ELLISON, KOVARIK & TURMAN LAW \$7,980.25, ENVIRON.COMPLIANCE SOLUTIONS, \$925.00, ESC ENGINEERING \$6,325.75, FAT BOYS TIRE & AUTO \$66.36, FLOYD'S TRUCK CENTER, INC. \$2,539.16, FRANCISCOS BUMPER TO BUMPER IN \$220.00, FRANK PARTS COMPANY \$402.17, FRASER STRYKER PC LLO \$82.00, GERING VALLEY PLUMBING & HTG. \$523.20, GOLF AND SPORT SOLUTIONS,LLC \$1,543.02, GREATAMERICA FINANCIAL SERVICE \$278.00, GROSKOPF MANUFACTURING \$2,853.77, HAWKINS, INC. \$2,596.00, HIGH PLAINS AUTO CLUB \$3,500.00, HOME DEPOT CREDIT SERVICES \$145.85, IDEAL LAUNDRY AND CLEANERS, IN \$309.09, INDEPENDENT PLUMBING & HEATING \$400.00, INDOFF INCORPORATED \$995.09, INFINITE MEDICAL SPA \$15,000.00, INLAND TRUCK PARTS CO. \$24.97, INTERNAL REVENUE SERVICE \$54,288.80, INTRALINKS, INC. \$5,560.88, JACOB PITTMAN \$60.00, JAMES JACKSON \$246.00, JASON ROGERS \$14.00, JIRDON AGRI CHEMICALS, INC \$642.25, JOHN HANCOCK USA \$13,821.85, JOHN HANCOCK USA FIRE \$590.77, JOHN HANCOCK USA POLICE \$7,499.02, JOHNSON CASHWAY CO. \$61.74, JOSE RODRIGUEZ \$250.00, JUAN DE LOS SANTOS \$150.00, KALE HAMILTON \$70.00, KANSAS \$GOLF & TURF INC \$192.59, LEE ENTERPRISES \$818.42, LONG DRAW PRODUCTIONS \$1,000.00, LOST RIVER SAND & GRAVEL, INC \$294.84, MACQUEEN EQUIPMENT, LLC \$99,208.25, MANUEL BARRAZA \$9,800.00, MARICIA GUZMAN \$225.00, MASEK DISTRIBUTING INC \$2,548.00, MATHESON TRI-GAS INC \$91.70, M-B COMPANIES INC \$297.73, MEAT SHOPPE \$20,516.02, MENARDS \$390.59, MOBIUS COMMUNICATIONS CO \$30.00, MOTOR FUELS DIVISION \$1,894.00, MUNICIPAL ENERGY AGENCY OF NE \$309,623.62, MUNICIPAL SUPPLY, INC. OF NE. \$5,191.94, NE CHILD SUPPORT PAYMENT CENTE \$551.55, NE DEPT OF REVENUE \$1,038.74, NE DEPT. OF REVENUE \$51,938.93, NEBRASKA DEPARTMENT OF REVENUE \$8,977.00, NEBRASKA DEPT OF ENVIRONMENT AND EN \$860.00, NEBRASKA GOLF ASSOCIATION \$276.00, NEBRASKA LAW

ENFORCEMENT \$150.00, NEBRASKA POWER REVIEW BOARD \$1,213.46, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$247.00, NEBRASKA PUBLIC POWER DISTRICT \$5,928.28, NEBRASKA RURAL RADIO ASSOC. \$583.18, NEBRASKA STATEWIDE ARBORETUM \$102.72, NKC TIRE \$82.96, NMC INCORPORATED \$814.50, NORTHWEST PIPE FITTINGS, INC \$348.00, OCLC, INC. \$163.91, OREGON TRAIL COMMUNITY FOUNDAT \$580.00, PANHANDLE COOP ASSOCIATION \$73.19, PANHANDLE ENVIRONMENTAL SERVIC \$2,271.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PATTLENT ENTERPRISES, INC \$1,768.85, PAUL REED CONSTRUCTION & SUPP \$37.98, PAYROLL 7/15/22 \$178,433.35, PEOPLE \$126.53, POMP'S TIRE SERVICE INC \$42.00, POSTMASTER \$1,689.60, POWERPLAN OIB \$342.62, PROTEX CENTRAL, INC. \$209.40, PT HOSE AND BEARING \$491.74, PVB VISA \$6,850.72, REGIONAL WEST MEDICAL CENTER \$47.10, RIVERSIDE DISCOVERY CENTER \$12,500.00, RIVERSTONE BANK \$537.94, SANDBERG IMPLEMENT, INC. \$1.24, SANDERS CHARLES \$75.00, SARAH WYNN \$425.00, SCB COUNTY REGISTER OF DEEDS \$162.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCOTTS BLUFF CO. CONSOLIDATED \$85.00, SCOTTS BLUFF COUNTY COURT \$36.00, SENIOR CITIZENS CENTER \$525.00, SHANE EADS \$48.50, SHAW JUDITH \$75.00, SHAWNA WINCHELL \$730.00, SHERWIN WILLIAMS \$3,180.00, SIMMONS OLSEN LAW FIRM, P.C. \$1,500.00, SIMON CONTRACTORS \$586.88, SOLUTIONS EAP \$244.55, SOUTHWESTERN EQUIPMENT COMPANY \$540.82, STAPLES CREDIT PLAN \$455.95, STUART C. IRBY COMPANY \$1,028.17, SUGAR VALLEY FEDERAL CREDIT \$528.37, SUNSET LAW ENFORCEMENT \$520.20, TAYLOR MADE GOLF COMPANY \$2,056.71, TEAM CHEVROLET \$375.00, TERRY CARPENTER, INC. \$650.00, THE TORO COMPANY \$155.00, TIMOTHY LYNN MILTON \$80.00, TYLER TECHNOLOGIES \$11,050.00, UNANIMOUS, INC. \$30.00, US WEEKLY \$21.26, UTILITY DEPOSIT REFUNDS \$459.22, VALLEY AUTO LOCATORS LLC \$65.75, VAN PELT FENCING CO., INC. \$2,997.24, VERIZON CONNECT \$38.38, W & R INC. \$1,918.57, WARRIOR RUN \$1,292.85, WESCO RECEIVABLES CORP. \$1,848.96, WESTCO-SCOTTSBLUFF \$2,455.16, WESTERN COOPERATIVE COMPANY \$7,154.55, WESTERN STATES BANK - POLICE \$482.00, TOTAL \$1,024,456.23

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

BIDS/PROPOSALS:

1. Ball Park Substation Construction Bid – Electric Department

City Engineer, Annie Folck, stated that the Electric Department is continuing to work on the conversion to 7200. As part of this process, a new substation will be built where the existing substation is currently located at the corner of 13th and J Street. The Ball Park Substation bid opening was held on July 13, 2022; two bids were received. The low bid, Besler, Inc., has been recommended for approval by the engineer on the project, ESC Engineering. The bid is \$1,909,937.99, which is within \$3000 of the Engineer's Estimate. The bid amount includes \$1,053,107.99 in Owner Furnished Material; the amount of the contract would actually be \$856,830.00. The City already ordered the transformer, steel structures and other equipment; that's all included in the \$1.9 million dollar figure. ESC Engineering has carefully reviewed the bid and recommend that it be awarded to Besler, Inc. Staff also recommends it be awarded to this bidder. It will not be budgeted in this fiscal year because the project isn't slated to start until October. Councilmember Morrison asked if the City has dealt with Besler before. Electric Superintendent Parker stated that the City has dealt with them a little on a previous substation, they did some testing, but staff have not dealt with them on construction. Councilmember Gillen clarified that there is money in the Electric Fund to cover this. Ms. Folck replied, correct, the City will be paying cash. Mayor Kaufman added there is money for this and there should be money for the next substation as well.

Motion by Councilmember Wiedeman to approve staff's recommendation and award the Ball Park Substation Construction bid to Besler, Inc. in the amount of \$856,830. Second by Councilmember Gillen. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.

CURRENT BUSINESS:

1. Consider approval of Special Designated License (SDL) for Next Young Professionals Beer and Wine Tasting Event, September 10, 2022 at Oregon Trail Park Stadium

Amanda Otto addressed Council and stated they will be hosting the Beer and Wine Fest for the Next Young Professionals non-profit organization at the Oregon Trail Park Stadium. They have typically held it in Scottsbluff but wanted to bring some of their organization over to Gering since they are part of both cities. This year, they'll be raising funds for Buckboard Therapeutic Riding Academy. It is a 21 and older only event. Everyone gets carded going in. They'll have one point of entry. It's hosted for four hours. All proceeds go to the Riding Academy.

Councilmember Wiedeman stated, looking at their map, it looks like they're going to be setting up tables on the outfield. Ms. Otto replied, there will be a few tables out there, there will be flags for where the sprinklers are so they don't hit any. They want to be mindful of keeping the field in good condition. The tables where the beer and wine will be set up will be on the outside. All of the heavy stuff will be on the outside, so it won't interfere with any of the sprinklers. Councilmember Wiedeman clarified the dirt part of the infield; Ms. Otto replied, yes. They typically bring out corn hole and light weight games for people who enjoy having those. There will not be an entrance on the east side; they want to keep it limited so they can watch people go in and out. Councilmember Gillen asked Amy Seiler, Parks and Recreation Director, if she had any concerns about the use. Ms. Seiler replied, not at all. Her only concern is parking but she thinks staff can work with Next Young Professionals to address that issue. Regarding the Police Officers, Councilmember O'Neal asked if they're using Gering Patrol. Ms. Otto replied that they will reach out to them; they haven't yet. Chief Holthus added that the Police Department doesn't have a problem with that, he and the City Clerk had spoken briefly about it and he knew the request was coming. The Police Department will work with them to provide staff.

Motion by Councilmember O'Neal to approve a Special Designated License (SDL) for Next Young Professionals Beer and Wine Tasting Event on September 10, 2022 at Oregon Trail Park Stadium. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.

2. Consider approval of Keno Fund Requests

- **Riverside Discovery Center, \$20,000**
- **Old West Balloon Fest, \$10,000**
- **Monument Marathon, \$4000**

Keno Committee Chairman, Darrell Bentley, addressed Council and stated there were only a few applicants this time, but if there were any questions, he'd be glad to answer them. Mayor Kaufman stated that the Council appreciates the stewardship and leadership of the Keno Fund Committee.

Motion by Councilmember Morrison to approve the Keno Fund requests as presented which is \$20,000 for the Riverside Discover Center, \$10,000 for the Old West Balloon Fest and \$4000 for the Monument Marathon. Second by Councilmember Smith.

Discussion: Councilmember Gillen declared a perceived conflict of interest because he is employed at the RDC on a part-time basis. City Attorney Ellison stated it's not a problem, there is not a legal conflict of interest, but if Councilmember Gillen wants to declare a perceived conflict for moral purposes, that's fine.

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

3. Approve and authorize the Mayor to sign MOU between the Gering Police Officers Association (GPOA) and the City of Gering

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

4. Approve Resolution 7-22-1 regarding a Pay Plan for Officers and Employees of the City of Gering

Motion by Councilmember Morrison to approve Resolution 7-22-1 regarding a Pay Plan for Officers and Employees of the City of Gering. Second by Councilmember O'Neal.

Discussion: Councilmember Gillen asked how staff plan to cover the additional amount over what was budgeted for this fiscal year. Administrator Heath replied that the amount for adjusting these, from the old pay resolution, is about \$168,000. The City will be able to handle that in the budget. Staff would rather take the hit now and have the next FY budget take the hit for the perceived COLA that could happen in October. Mr. Heath stated that Acting Finance Director, Liz Loutzenhiser, has said this can be absorbed in the budget for this fiscal year.

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

5. Approve Resolution 7-22-2 regarding FY23 Annual League Association of Risk Management (LARM) Renewal

Clerk Welfl stated that the information for the LARM renewal is in the packet, but staff can answer any questions Council might have. The letter from LARM, included in the packet, explains why the commercial property premium is higher this year which is largely due to inflation. There is an increase in the Workers Comp premium, but last year there was zero percent increase there. Councilmember Gillen stated that this isn't anything out of the ordinary as he read our sister city also had an increase. This shouldn't come as a surprise to any of the Council Members. Administrator Heath added that LARM indicated it's mostly due to inflation - the cost to replace vehicles and equipment and materials, and the cost to repair or replace current structures. There could be a further adjustment by staff who will be looking at our deductibles such as the \$25,000 deductible on buildings. We had three claims in the 2019 and 2020 wind and hail storms which made \$75,000 in deductibles on \$225,000 worth of claims. If our deductible was around \$10,000, it would look a little cleaner. If it's lowered back down though, we would see an increase in our premium. Clerk Welfl added that LARM representatives are coming out in a few weeks and staff will be meeting with them. They've given the City several options for commercial building deductibles and what the costs would be. She added that the City is going to increase the Additional Property Schedule deductible. It's a schedule on which the City has hardly ever had a claim. It's at a \$1000 deductible now, if it's increased to \$5000, the City will save around \$11,000. Staff recently adjusted the vehicle schedule and that was an additional \$10,000 savings. There are ways to balance things out a little bit, staff just doesn't want to put any department in a situation that if something happened, the deductible would be so high they don't have a way to cover it, let alone get whatever it is fixed or replaced. Staff have to be mindful of that, but after visiting with LARM in a few weeks, we'll have a better idea of that.

Motion by Councilmember Gillen to approve Resolution 7-22-2 regarding the FY23 Annual League Association of Risk Management (LARM) Renewal. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.

6. Request for Personnel Committee meeting – Agenda item: Consider amendment to Personnel Policy 1.11 pertaining to Rest/Meal Breaks

Motion by Councilmember O'Neal to approve a request for a Personnel Committee meeting with agenda item: Consider amendment to Personnel Policy 1.11 pertaining to Rest/Meal Breaks. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.

PUBLIC HEARINGS: None.

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

REPORTS:

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

Councilmember Gillen stated he is currently serving as the Chairman of this organization for a second term. Their primary focus right now has been two-fold. One is getting the Land Bank up and running;

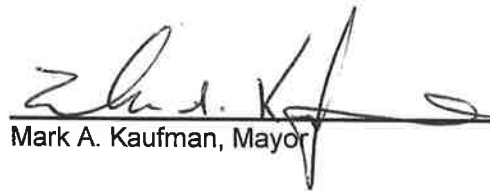
they're getting a lot closer to getting that across the finish line. They are currently spending a lot of time renewing the housing study for the region. They completed that in partnership with several communities several years ago, but unfortunately (much like everything else), it sunset and is no longer valid for grant writing. They went through the process of redoing the housing study with participation from several communities. There was pretty good participation from Gering. They hope to have that report by the end of the month so they can review it prior to it being released. Once finalized, it will be made available to focus in on the housing needs of the communities. Nothing in there was a major shock to him, but it was really good data for them to understand there is a true need for housing in the area. A lot of their discussions are on how to potentially get housing developments spurred in the communities. He's excited to be part of the study.

OPEN COMMENT: Mayor Kaufman stated that discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. None.

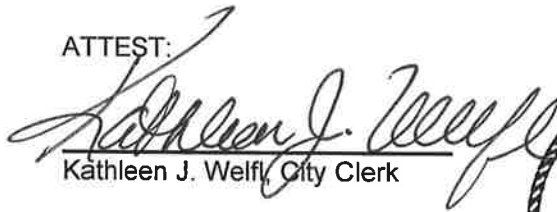
ADJOURN:

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

Meeting adjourned at 6:24 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

