

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
JUNE 14, 2021**

A regular meeting of the City Council of Gering, Nebraska was held in open session on June 14, 2021 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, 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 there was a quorum of the Council 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 Gillen to excuse the absence of Mayor Kaufman from the May 24, 2021 regular Council meeting. 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.

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 May 24, 2021 regular City Council meeting
2. Approve Claims

Claims 5-25-2021 to 6-14-2021

21ST CENTURY EQUIPMENT \$16.50; A & A PORTA POTTIES \$405.00; ACE HARDWARE \$1,032.45; ACUSHNET COMPANY \$197.65; ALEXA RAMIREZ \$300.00; ALLO COMMUNICATIONS \$2,080.37; AMAZON CAPITAL SERVICES \$947.21; B & C STEEL \$54.06; B & H INVESTMENTS, INC \$126.00; B & S RASK GRILL \$782.34; BAIRD HOLM LLP \$133.00; BAKER & ASSOCIATES, INC. \$3,850.50; BENZEL PEST CONTROL \$297.66; BH MEDIA GROUP HOLDING, INC. \$2,468.31; BIG MACK HEATING & COOLING \$85.00; BLACK HILLS ENERGY \$832.72; BLUFFS FACILITY SOLUTIONS \$2,677.65; BONNIE FOX \$75.00; BORDER STATES INDUSTRIES, INC \$1,432.13; BRANCO, INC. \$487.92; BRETHOURS HONEYWAGON EXPRESS \$200.00; BSN SPORTS \$8,735.31; CALLAWAY GOLF COMPANY \$951.99; CENTURY BUSINESS PRODUCTS, INC \$26.92; CITY OF GERING \$1,458.65; CITY PAYROLL TRUST \$2,367.64; CLARK PRINTING LLC \$256.60; CNA SURETY DIRECT BILL \$175.00; CONNECTING POINT \$2,003.67; CONSOLIDATED MANAGEMENT COMPAN \$42.59; CONTRACTORS MATERIALS, INC. \$896.34; CORE & MAIN LP \$6,454.18; CRESCENT ELECTRIC SUPPLY CO. \$72.55; CROELL, INC \$6,095.00; CROWLEY FLECK PLLP \$201.50; D & H ELECTRONIC SUPPLY, INC. \$41.25; DABNEY, RENNE \$21.50; DAS STATE ACCOUNTING-CENTRAL \$146.47; DAVID BROWN \$151.88; DEARBORN LIFE INSURANCE COMPAN \$127.28; DEBRA MICHAEL \$112.50; DELZER, REBECCA \$300.00; DENNIS SUPPLY COMPANY \$129.36; DIAMOND VOGEL PAINT CENTER \$784.35; DOCU-SHRED LLC \$26.00; DUTTON-LAINSON COMPANY \$2,675.00; DYKES OIL INC. \$44.85; ECOLAB \$64.57; EJS SUPPLY, LLC \$18,406.00; ELLISON, KOVARIK & TURMAN LAW \$1,017.50; ENERGY LABORATORIES INC. \$542.00; FARMHOUSE STYLE MAG \$21.40; FASTENAL COMPANY \$251.78; FAT BOYS TIRE & AUTO \$21.00; FEDEX \$181.15; FIRST STATE BANK \$370.94; FLOYD'S TRUCK CENTER, INC. \$3,866.67; FRANCISCOS BUMPER TO BUMPER IN \$220.00; FRANK PARTS COMPANY \$3,067.10; FREMONT MOTOR SCOTTSBLUFF, LLC \$428.59; FRESH FOODS INC. \$8.76; FYR-TEK, INC. \$425.25; GALLS, AN ARAMARK COMPANY \$280.16; GENERAL TRAFFIC CONTROLS, INC. \$569.68; GERING VOLUNTEER FIRE DEPT. \$874.69; GREATAMERICA FINANCIAL SERVICE \$129.19; GROUND UP CONSTRUCTION \$590.00; HAWKINS, INC. \$3,088.55; HEARTLAND BANK \$147,258.75; HENNING BROTHERS \$83.00; HENNINGS CONSTRUCTION \$5,916.00; HIGH PLAINS HOT AIR BALLOON \$378.00; HYDRO OPTIMIZATION & AUTOMATIO \$4,902.39; HYDROTEX \$6,642.59; IDEAL LAUNDRY AND CLEANERS, IN \$114.14; INDOFF INCORPORATED \$786.28; INFINITY CONSTRUCTION INC. \$312,237.56; INGRAM LIBRARY SERVICES \$776.83; INTERNAL REVENUE SERVICE \$46,755.40; INTRALINKS, INC. \$5,890.25; JOHN HANCOCK USA \$13,832.47; JOHN HANCOCK USA FIRE \$835.93; JOHN HANCOCK USA POLICE \$6,265.46; JOHNSON CORROSION ENGINEERING \$798.00; JOHNSON CASHWAY CO. \$90.17; JORDYN VOHLAND \$75.00; JOSE RODRIGUEZ \$190.00; K L WOOD & CO., LLC \$122,903.69; KEVIN LEHR \$900.00; KIWANIS CLUB \$248.17; LEAGUE ASSOC./RISK MANAGEMENT \$1,842.76; LOGOZ LLC \$413.00; MACQUEEN EQUIPMENT, LLC \$1,369.36; MASEK DISTRIBUTING INC \$177.42; MATHESON TRI-GAS INC \$183.07; MB KEM ENTERPRISE \$7,469.00; MEAT SHOPPE \$17,080.35; MENARDS \$323.80; MICHAEL TODD & COMPANY, INC. \$77.27; MIDWEST AUTO SUPPLY, INC. \$100.00; MIKE DAVIES \$139.10; MILES PARTNERSHIP LLLP \$2,000.00; MOBIUS COMMUNICATIONS COMPANY \$30.00; MONEY WISE OFFICE SUPPLY \$146.49; MUNICIPAL SUPPLY,

INC. OF NE. \$1,470.31; NE CHILD SUPPORT PAYMENT CENTE \$601.40; NE PUBLIC HEALTH ENVIRO LAB \$18.00; NE RECYCLING COUNCIL \$200.00, NE SAFETY/FIRE EQUIPMENT, INC \$400.05; NEBRASKA GOLF ASSOCIATION \$705.00; NEBRASKA LAW ENFORCEMENT \$900.00; NEBRASKA TRAVEL ASSOCIATION \$300.00; NKC TIRE \$105.48; NMC EXCHANGE LLC \$13,837.34; NORTHWEST PIPE FITTINGS, INC \$445.84; OCLC, INC. \$160.66; ONE CALL CONCEPTS, INC \$121.79; PANHANDLE COOP ASSOCIATION \$14,176.46, PANHANDLE ENVIRONMENTAL SERVIC \$2,042.00 PANHANDLE GEOTECHNICAL & \$792.00; PANHANDLE HUMANE SOCIETY \$3,168.50, PATRICIA VOSTADES \$112.50; PATTLEN ENTERPRISES, INC \$1,852.23; PAUL REED CONSTRUCTION & SUPP \$1,891.43; PAYROLL \$155,881.13; PIPE WORKS PLUMBING LLC \$80.00; POSTMASTER \$1,375.92; POWERPLAN OIB \$1,865.01; PRAISE WINDOWS \$600.00; PRESTIGE FLAG \$230.41; QUADIENT LEASING USA, INC \$800.00; REGIONAL WEST MEDICAL CENTER \$73.56; ROBERT NATION INC \$7,304.00; SAFELITE FULFILLMENT, INC. \$156.85; SANDBERG IMPLEMENT, INC. \$1,023.84; SANDRY FIRE SUPPLY \$145.45; SCB. COUNTY AMBULANCE SERVICE \$316.23; SCOTTS BLUFF COUNTY COURT \$34.00; SCOTTSBLUFF-GERING UNITED WAY \$128.75; SECURITY NATIONAL BANK OF OMAH \$401.04; SENIOR CITIZENS CENTER \$525.00; SHAWNA WINCHELL \$2,150.00; SHERWIN WILLIAMS \$1,488.33; SHURICE BLANCO \$75.00; SIMMONS OLSEN LAW FIRM, P.C. \$1,640.00; SIMON CONTRACTORS \$3,638.28; SPEAK WRITE \$666.49; SPECTRUM \$716.57; STAPLES CREDIT PLAN \$814.57; SUGAR VALLEY FEDERAL CREDIT \$528.37; TEAM CHEVROLET \$375.00; TERRY WEST \$75.00; THE CIT GROUP \$42.47; THE PEAVY CORP, \$207.00; THE TORO COMPANY \$465.00; TRANSUNION RISK AND ALTERNATIV \$75.00; TRAVELODGE \$801.00; VALLEY AUTO LOCATORS LLC \$397.69; VAN PELT FENCING CO., INC. \$507.27; VERIZON WIRELESS SERVICES, LLC \$1,526.50; WFSO RECEIVARIES CORP \$1,001.12; WESTERN COOPERATIVE COMPANY \$6,940.97; WESTERN PATHOLOGY CONSULTANTS \$63.00; WESTERN STATES BANK \$29,856.85, WESTERN STATES BANK - POLICE \$550.00; WESTERN TRAILS SCENIC & HISTOR \$500.00; WINSUPPLY SCOTTSBLUFF NE CO. \$61.18; WM RECYCLE AMERICA \$5,632.33; WYOMING BEARING & SUPPLY \$671.17

Motion by Councilmember Gillen to approve the Consent Agenda. Second by Councilmember Wiedeman. There was no discussion. The Mayor 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 a Contract for Public Improvements pertaining to Lots 1 and 2, Block 3A, Gering Fourth Industrial Tracts

Annie Folck, City Engineer, stated that this agreement goes along with item number two on the agenda. As Council can see, this is the Heartland Expressway and there aren't very many entrances on that from town because it's a restricted access highway. Staff's biggest concern with this particular plat is the portion on the western end of the property. They are splitting off the eastern portion to go with the property to the east. The western end is where Rundell Road eventually will go. Staff wanted to make sure the applicant understood that we are getting the right of way dedicated as part of this, but this Contract for Public Improvements also makes it clear that it will be the property owner that will eventually be responsible for the costs of improving that; not the City. It also addresses storm water retention. Utilities are all available to these lots. Staff wanted to be sure this was all outlined so there won't be any surprises down the road. Ms. Folck indicated on the map where the access points are located; this is zoned MH.

Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign a Contract for Public Improvements pertaining to Lots 1 and 2, Block 3A, Gering Fourth Industrial Tracts. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

2. Council to consider approval of a Final Plat on Lots 1 and 2, Block 3A, Gering Fourth Industrial Tracts, situated in part of the northeast quarter Section 12, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska

Motion by Councilmember Gillen to approve a Final Plat on Lots 1 and 2, Block 3A, Gering Fourth Industrial Tracts, situated in part of the northeast quarter Section 12, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

3. Consider approval of Special Event Permit for the Allred Brothers Fireworks Show to be held at the Five Rocks Amphitheater (involving the discharging fireworks on City property)

Justin Allred, 1635 T Street in Gering, addressed the Council and stated that he has been working with Karla Niedan-Streeks to get this event organized exactly as they did last year. There won't be the same Covid restrictions, so it should be easier to put together. This is their 25th annual show; they hope to keep it going. He said they talked about the possibility of five or six years down the road moving towards

this event possibly becoming a budget item, or a combined City effort, in order to keep this going. He's very grateful for the business sponsors and Keno funds they receive, but it is somewhat tiresome to go out and put this together to fund the show every year. Hopefully we can come up with some way to put that together, and create an Independence Day celebration that is bigger than just the fireworks show. Possibly an all-day event or an all afternoon/evening event that can bring the community together along with some vendors. Everybody can have a good time and celebrate our Independence Day. Mayor Kaufman stated that he and Council definitely appreciate his family's efforts for 25 years. It has been a great show and continues to build in popularity and pulls people from a lot of communities in the region. He appreciates their steadfast vision to keep after it; it's a great event in the community.

Motion by Councilmember Wiedeman to approve a Special Event Permit for the Allred Brothers Fireworks Show to be held at the Five Rocks Amphitheater on July 3, 2021. Second by Councilmember O'Neal.

Discussion: Councilmember Morrison asked Chief Flowers if they are going to have extra firetrucks there just in case, as dry as it is. Chief Flowers replied, yes, they did last year - they went up with several trucks; they will go back up again this year. Mr. Allred added that by using the gravel parking lot (to discharge), it gives them a good buffer. Councilmember Wiedeman asked where guests would sit. Mr. Allred replied that it will all be open except the gravel parking lot area where they discharge fireworks. The grandstands and the grass area will be encouraged as the primary seating area, just because it's going to be more comfortable up there and that's where there will hopefully be some form of entertainment; at least somebody singing the National Anthem. They are working with the Gering Booster Club to provide concessions. They are trying to create an evening event for this to be more than just rolling in a half hour before dark.

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

4. Approve and authorize the Mayor to sign a Release and Termination of Personal Guarantee and other legal documents pertaining to Blue Prairie Brands

City Attorney, Jim Ellison, stated that this started in about 2015 as an Economic Development Assistance Agreement. It was originally a grant and loan. The loan was paid off, the grant was based on jobs they had to maintain for a period of five years. Unfortunately, Blue Prairie took bankruptcy in 2019, but the City had a personal guarantee with Mr. Peet, the owner. We were able to verify the jobs through 2020; they were short by four jobs for that particular year which equated to the almost \$4000 that they owe the City. Mr. Peet has agreed to pay that money back with the understanding that the City would release the guarantee that he signed.

Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Release and Termination of Personal Guarantee and other legal documents pertaining to Blue Prairie Brands. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

5. Approve and authorize the Mayor to sign a Deed of Reconveyance pertaining to The Village at Gering, L.P., a Nebraska Limited Partnership

Mr. Ellison stated that The Village was a housing project that used Department of Economic Development funds. In 2003, there were two separate projects with housing units in the east part of Gering. \$300,000 was coming directly as a pass-through from the State of Nebraska and the Federal Government. In addition to that, the City, through some Downtown Development Funds, loaned the project \$175,000 as low-interest loan. The first payment was supposed to be made in about 2009 or 2010. However, they ran into financial difficulties and were not able to make those arrangements. More recently, we were contacted by The Village and through some discussions with our city administrators, we were finally able to negotiate a payment in full on that note, plus some additional funds, for a total of \$197,000 which not only pays off the note completely, it all also pays some additional interest and other costs that accumulated over that period of time - it was only a 1% loan. For the \$197,000, the City will be completely paid; that will go back into whatever fund is appropriate for the City. If it's approved tonight, Council will authorize the release of the lien of that particular piece of property and release the deed of trust. This company was out of California and have done some pretty good work. There is still some work to be done in the future because the City of Gering is obligated through the Department of Economic

Development to keep track of what's going on there, and make sure that they are complying with everything they should be. There are a few more years left on that contract: at least this gets some money back to the City.

Councilmember Morrison asked what is involved with that. Mr. Ellison replied that we are responsible for monitoring that they are complying with the program. So many of the units have to be low-income units, etc. They are required to comply with what is called the Home Program through the Federal Government. They have a whole checklist of requirements that they put forth. This pertains to the \$300,000 or \$350,000 that is the pass-through for the federal funding. Generally, the Department of Economic Development notifies the City if there's a problem and then we are put on notice to look into it and fix it if necessary. This is a 30-year commitment that started back in 2003. What we're getting paid off is basically a sidenote, Mayor Kaufman added.

Motion by Councilmember Morrison to approve and authorize a signature on a Deed of Reconveyance pertaining to The Village at Gering, L.P., a Nebraska Limited Partnership. Second by Councilmember Gillen. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

6. Approve Resolution 6-21-1 – Regarding a Pay Plan for Officers and Employees of the City of Gering

Motion by Councilmember Gillen to approve Resolution 6-21-1 – Regarding a Pay Plan for Officers and Employees of the City of Gering. Second by Councilmember Bohl. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

7. Approve and authorize the Mayor to sign a letter to the Scotts Bluff County Commissioners regarding the 911 Communications Center Radio System Upgrade

Motion by Councilmember Morrison to approve and authorize the Mayor to sign a letter to the Scotts Bluff County Commissioners regarding the 911 Communications Center Radio System Upgrade. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

8. Request for Recreation Committee meeting – Agenda item: Discuss rates for Golf Course, RV Park, Cemetery, Swimming Pool, Ball Fields, Amphitheater and Civic Plaza

Motion by Councilmember Gillen to approve a request for Recreation Committee meeting with agenda item: Discuss rates for Golf Course, RV Park, Cemetery, Swimming Pool, Ball Fields, Amphitheater and Civic Plaza. Second by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

9. Request for Personnel Committee Meeting – Agenda items: 1.) Review pay grade and job descriptions related to the Finance Director and other exempt positions 2.) Consider Pay Plan Policy 3.) Update Smoking Policy

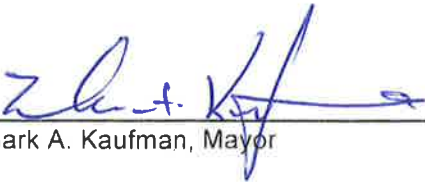
Motion by Councilmember O'Neal to approve a request for a Personnel Committee Meeting with agenda items: 1.) Review pay grade and job descriptions related to the Finance Director and other exempt positions. 2.) Consider Pay Plan Policy 3.) Update Smoking Policy. Second by Councilmember Gillen. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

ADJOURN:

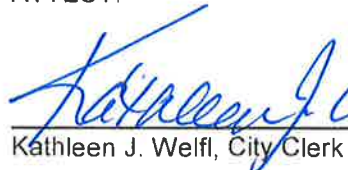
Motion by Councilmember Gillen to adjourn. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

Meeting adjourned at 6:23 p.m.




Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

