

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
JUNE 28, 2021**

A regular meeting of the City Council of Gering, Nebraska was held in an open session on June 28, 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, and 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 (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 June 14, 2021 regular City Council meeting
2. Approve Claims
3. Approve the April Financial Report
4. Approve the May Financial Report
5. File for record NPDES/NPP Signatory Authorization Form

Claims 6-15-21 to 6-28-21

ACE HARDWARE \$4.32; ACUSHNET COMPANY \$2,986.96; ADIDAS AMERICA, INC \$254.81; ADOBE \$166.79; ALLEN, RONALD K \$300.00; AMAZON CAPITAL SERVICES \$1,054.46; ANGIE VACH \$75.00; AXON ENTERPRISE, INC \$166.16; B & H INVESTMENTS, INC \$45.50; BH MEDIA GROUP HOLDING, INC. \$1,530.87; BJS STURGIS \$39.01; BLACK HILLS ENERGY \$(19.88); BLACKSTONE AUDIO, INC \$486.81; BLUFFS FACILITY SOLUTIONS \$1,264.34; BORDER STATES INDUSTRIES, INC \$43,033.19; BOUND TREE MEDICAL \$172.74; BRETHOURS HONEYWAGON EXPRESS \$200.00; CALLAWAY GOLF COMPANY \$1,465.43; CASEY'S GENERAL STORE \$97.29; CENTURYLINK \$2,729.85; CHAD & DIANE NELSON \$100.00; CIRCLE K STORES INC \$67.50; CITY OF GERING \$857.12; CITY OF SCOTTSBLUFF \$25,866.72; CLARK PRINTING LLC \$795.58; CLAUDIA RIOS \$75.00; CONNECTING POINT \$821.00; CONSTANT CONTACT \$45.00; CONTRACTORS MATERIALS, INC. \$473.00; COUNTRY LIVING \$29.97; CROELL, INC \$5,032.50; CUNNINGHAM ASSOCIATES, INC \$22,000.00; D & H ELECTRONIC SUPPLY, INC. \$21.60; DANKO EMERGENCY EQUIPMENT CO \$2,420.00; DAS STATE ACCOUNTING-CENTRAL \$79.17; DAVID BROWN \$1,200.00; DEARBORN LIFE INSURANCE COMPAN \$127.28; DOUBLETREE HOTELS \$1,202.40; DOWNEY DRILLING \$6,800.00; DREAMSHARE PRODUCTIONS LLC \$240.00; EBAY \$21.40; ECOLAB \$169.73; ELLISON, KOVARIK & TURMAN LAW \$12,364.10; ENVIRONMENTAL RESOURCE ASSOCIA \$290.47; ERIC REICHERT CONSTRUCTION \$115,792.09; FASTENAL COMPANY \$982.77; FAT BOYS TIRE & AUTO \$1,050.04; FILL N CHILL \$30.20; FLAGSIMPORTER \$78.81; FLOYD'S TRUCK CENTER, INC. \$5,344.37; FRANK PARTS COMPANY \$624.66; FREE CONFERENCE CALL.COM \$4.00; FREMONT MOTOR SCOTTSBLUFF, LLC \$765.01; GERING VALLEY PLUMBING & HTG. \$6,638.00; GREATAMERICA FINANCIAL SERVICE \$126.00; GROUND UP CONSTRUCTION \$590.00; HAWKINS, INC. \$7,443.35; HEARTLAND BANK \$250.00; HERSTEAD MONUMENT CO. \$1,800.00; HIGHLAND PRODUCTS GROUP, LLC \$1,115.00; HOBBY LOBBY \$14.99; HOME DEPOT CREDIT SERVICES \$199.98; HULLINGER GLASS & LOCKS \$5,490.00; IDEAL LAUNDRY AND CLEANERS, IN \$620.53; IDEXX DISTRIBUTION, INC. \$209.42; INDEPENDENT PLUMBING & HEATING \$587.81; INDOFF INCORPORATED \$327.14; INGRAM LIBRARY SERVICES \$579.74; INTRALINKS, INC. \$2,020.74; KAREN SUE BRUNTZ \$425.00; KEN & DALES \$13.39; KUM & GO \$31.05; M.C. SCHAFF & ASSOCIATES, INC. \$1,770.00; MASEK DISTRIBUTING INC \$81.00; MATHESON TRI-GAS INC \$108.41; MAVERIK \$44.73; MCDONALD'S \$18.93; MEAT SHOPPE \$21,234.48; MEDLINE INDUSTRIES \$188.44; MENARDS \$332.59; MEREDITH BOOKS \$12.84; MIDTOWN ANIMAL HOSPITAL, P.C. \$28.50; MIKE'S SCREENPRINTING & AWARDS \$35.00; MONEY WISE OFFICE SUPPLY \$97.19; MUNICIPAL ENERGY AGENCY OF NE \$253,729.94; MUNICIPAL SUPPLY, INC. OF NE. \$(570.23); NATIONAL EMERGENCY TRAINING CE \$137.82; NATIONAL TACTICAL OFFICER ASSO \$35.00; NE DEPT OF REVENUE \$1,044.60; NE DEPT. OF REVENUE \$59,046.99; NE PUBLIC HEALTH ENVIRO LAB \$895.00; NE SAFETY/FIRE EQUIPMENT, INC \$494.00; NE STATE FIRE MARSHAL \$345.00; NE STATE PATROL CRIMINAL ID \$92.76; NEBRASKA MUNICIPAL POWER POOL \$3,895.00; NEBRASKA PUBLIC POWER DIS \$2,907.07; NEBRASKA RURAL RADIO ASSOC. \$583.18; NKC TIRE \$18.47; NORTHWEST PIPE FITTINGS, INC \$89.45; OREGON TRAIL COMMUNITY FOUNDAT \$4,000.00; OREGON TRAIL PLBG. & HEATING \$190.00; OSCAR WILSDON ENGINES \$157.06; PANHANDLE COOP ASSOCIATION \$15,001.50; PANHANDLE ENVIRONMENTAL SERVIC \$2,133.00; PATTLEN ENTERPRISES, INC \$1,559.65; PAUL REED CONSTRUCTION & SUPP \$776.67; PAYROLL \$156,111.26; PLATTE VALLEY VAC & SEW \$133.85; PONY EXPRESS STATION \$29.77; POSITIVE PROMOTIONS \$2,055.33; POWERPLAN OIB \$3,071.16; PROTEX CENTRAL, INC. \$140.00; QUADIANT LEASING USA, INC \$909.50; QUALITY INN & SUITES \$99.00; RAEANN ACKERMAN \$390.00; REAL SIMPLE \$23.54; REGIONAL WEST MEDICAL CENTER \$1,026.60; RUSSELL & GAYLENE REISIG \$5,000.00; SANDBERG IMPLEMENT, INC. \$1,240.53; SANDY'S BURRITOS \$11.49; SAPP BROS \$22.28; SCB CO. GIS/MAPPING DEPT. \$4,486.66; SCB COUNTY REGISTER OF DEEDS \$20.00; SCB. COUNTY WEED CONTROL \$520.00; SCHOLASTIC INC. \$459.99; SHAWNA WINCHELL \$730.00; SHELL \$51.81; SHERWIN WILLIAMS \$2,193.92;

SIMMONS OLSEN LAW FIRM, P.C. \$910.00; SOFTWARE SYSTEMS FOR GOLF \$89.95; STAPLES CREDIT PLAN \$137.43; STEVE MOUNT \$75.00; STOP N SAVE \$39.67; SUN CHLORELLA CORP \$(688.88); SWIMOUTLET \$946.41; TEAM CHEVROLET \$23,853.00; TERRY CARPENTER, INC. \$650.00; THE AMAZING ARTHUR \$450.00; THE PIONEER WOMAN \$18.00; THE TORO COMPANY \$155.00; TIME \$42.75; TRIHYDRO CORPORATION \$13,426.11; UNITED STATES POSTAL SERVICE \$150.40; USA BLUE BOOK \$149.48; VALLEY AUTO LOCATORS LLC \$172.11; VAN PELT FENCING CO., INC. \$1,521.86; VERIZON CONNECT \$38.38; W & R INC. \$1,797.57; WALMART COMMUNITY/SYNCB \$159.19; WESTERN COOPERATIVE COMPANY \$2,398.49; WESTERN TRAVEL TERMINAL \$61.53; WINCRAFT, INCORPORATED \$175.00; WYOMING BEARING & SUPPLY \$273.94; ZOOM VIDEO COMMUNICATIONS \$14.99

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, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

BIDS: None.

PUBLIC HEARINGS: None.

CURRENT BUSINESS:

1. Approve Resolution 6-21-2 regarding 2019/2020 Utility Fund Transfer

Administrator Heath stated that this is a resolution for the 19/20 fiscal year for the transfer of utility funds to the general fund. This resolution will also be passed for every budget public hearing in the future.

Resolution 6-21-2

WHEREAS, the City of Gering transfers Enterprise Fees to the General Fund each year to assist in balancing the budget; and

WHEREAS, Enterprise Fees are derived from the Electric, Water, Wastewater and Sanitation Funds; and

WHEREAS, the transfer has been maintained at approximately 14.1% of budgeted Enterprise Fund Revenues over the last few years; and

WHEREAS, the transfer is budgeted at \$2,130,729 for the 2019-2020 fiscal year. The amount was reviewed prior to the end of the year to determine reasonableness in regard to actual Enterprise Revenue and General Fund operations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Gering, Nebraska, that staff is authorized to transfer Enterprise Fees of approximately 14.1% of Enterprise Fund Revenues to the General Fund for the fiscal year 2019-2020 in the amount of \$2,130,729.

PASSED AND APPROVED this 28th day of June, 2021.

Mark A. Kaufman, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Motion by Councilmember Morrison to approve Resolution 6-21-2 regarding 2019/2020 Utility Fund Transfer. Second by Councilmember Smith. 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. Approve Resolution 6-21-3 regarding MicroTIF

City Engineer, Annie Folck, stated that this is a resolution allowing the City to utilize MicroTIFs; it was discussed earlier this year. MicroTIFs are very similar to typical Tax Increment Financing in that when properties are improved, the property owner can then use some of the increased property taxes generated by those increased valuations to pay off eligible expenses. The difference with MicroTIF is that it is for smaller projects - residential projects up to \$250,000, or commercial or multi-family properties up to \$1,000,000. The increment can only be captured for 10 years, rather than 15 years with a traditional TIF. It has to be on an existing building and it also has to be on a property that is 60 years old or older; it is a little more limited in scope. Ms. Folck showed a map on the overhead showing the areas of Gering that MicroTIFs could be eligible. The main residential area would be Gering First Edition which is right across the street from the old sugar factory. There are quite a few commercial areas that could benefit from this. Staff thinks it's a good tool to have in place to help encourage redevelopment of some of these properties that may not get redeveloped otherwise. Staff recommends approval of the resolution.

RESOLUTION NO. 6-21-3

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

Recital:

According to L.B. 1021 (Neb. Laws 2020), now codified in the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the "Act"), the City Council may elect by resolution to allow expedited reviews of redevelopment plans that meet the requirements of Section 18-2155(2) of the Act ("Eligible Redevelopment Plans").

Resolved:

1. The City of Gering will allow expedited reviews of Eligible Redevelopment Plans according to the Act.
2. The City shall charge an application fee for Eligible Redevelopment Plans in the amount of \$50.00 per application.
3. The City Engineer or her or his designee shall conduct expedited reviews of the Eligible Redevelopment Plan applications and submit the Eligible Redevelopment Plans to the City Council for review and approval according to the Act.
4. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Act.
5. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on June 14, 2021.

Mayor

ATTEST:

City Clerk (Seal)

Motion by Councilmember Gillen to approve Resolution 6-21-3 regarding MicroTIF. Second by Councilmember Wiedeman.

Discussion: Councilmember O'Neal asked, per the legal interpretation, if the application meets all the requirements, it must be approved; will there be any issues with that? Ms. Folck replied that staff had discussions on that. Legal said they are fairly confident that with the history of the legislation and how that came about, that it will have to be approved. Staff doesn't think that there will be a lot of these projects. It's going to be pretty limited just because the eligibility is fairly limited. We're also not talking huge dollar amounts. On a \$100,000 to \$200,000 valuation, we're only looking at \$30,000 or \$40,000 in TIF funds. However, it's a tool that will hopefully encourage more redevelopment in particular areas. Staff does not see this opening the floodgates and having a ton of projects coming through; this has to be on existing structures and they will already have some valuation on them. She clarified that no money is actually changing hands. When the City signs a TIF bond, the City is basically just saying that when those taxes are split, we will pay them back to the property owner. The City is not putting any money up front for this.

Councilmember Wiedeman clarified that the improvements have to be approved by the County Assessor. Annie replied, correct. Councilmember Smith asked what kinds of things can it be used for. Ms. Folck replied property purchase, site planning/design, sidewalks, facade, etc. Councilmember Morrison asked about the timeline. Ms. Folck replied that just like any TIF, the timeline is going to be set when that ten-year clock starts ticking. Once everything has been approved and certified, they set the date. The longer they take for their project, the less TIF they're going to be able to recoup in that ten-year period. Councilmember Bohl asked, with the list of qualifications, what happens if the assessed value comes back higher than \$250,000 or \$1,000,000 for that project? Does it get disqualified from the program, or is it just a cap? Ms. Folck replied that she believes it's just a cap. If it assesses higher than that, there's still only so much TIF they can recoup.

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

3. Approve updated Personnel Policy 7.2 - Smoking/Use of Tobacco

Motion by Councilmember Gillen to approve the updated Personnel Policy 7.2 - Smoking/Use of Tobacco. Second by Councilmember O'Neal.

Discussion: Councilmember Wiedeman stated this is per state statute; it addresses E cigarettes and also includes it in the smoke-free workplace. We are just following state statute.

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 appointment of Phil Holliday to the Planning Commission

Motion by Councilmember Gillen to approve the appointment of Phil Holliday to the Planning Commission. 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.

5. Approve appointment of Jeff Kelley to the Library Board

Motion by Councilmember Cowan to approve the appointment of Jeff Kelley to the Library Board. 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.

6. Approve appointment of Mary Robinson to the Library Board

Motion by Councilmember Cowan to approve the appointment of Mary Robinson to the Library Board. 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.

REPORTS: (Information only)

1. Liaison Report – Parks, Cemetery and Tree Board, Councilmember Smith


Councilmember Smith said that the Parks Board is about a five-member board. The president is Dr. Don Gentry; he probably has more knowledge of the city than anybody. As we know the parks in Gering are some of our better assets. This board works really hard to keep those looking nice and working. Last week they did a complete inventory and analysis of every tree that's in the Arboretum. They measure the growth of the trunk and made a general assessment of each tree. Once a year they drive around the city and evaluate the trees within the city on the different streets; they put a lot of time into it. He brought to the Council's attention an issue at West Lawn Cemetery. If someone wants to buy multiple plots, they can't buy them in the old part of the cemetery. It's forcing a lot of people down into the new section with the Buffalo Grass. Last year and this year the board has had a couple of complaints from different families about the Buffalo Grass. If you go there now, the Buffalo Grass looks pretty good. But everybody's family goes out there on Memorial Day and the Buffalo Grass really hasn't greened up yet. If you put trees out there, the shade from the trees will actually kill the Buffalo Grass, so we can't put a lot of trees out there. These people would really like us to kill the Buffalo Grass and plant Bluegrass, which would be really expensive and there really aren't any funds available for that. The Parks Board is evaluating different options. Amy has some really good ideas on what to do, but that will be a continuing issue for people being forced down into that area.

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

ADJOURN:


Motion by Councilmember Morrison to adjourn. 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.

Meeting adjourned at 6:23 p.m.



Mark A. Kaufman, Mayor

ATTEST:



Kathleen J. Welfl, City Clerk

