

## **THE PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, MARCH 28, 2022**

A regular meeting of the City Council of Gering, Nebraska was held in open session on March 28, 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, 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**

Council President Gillen 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 Mayor Kaufman and Councilmembers Smith and Bohl from the March 14, 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:**

(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 March 14, 2022 regular City Council meeting
2. Approve Claims
3. Approve February, 2022 Financial Report

### **Claims:**

#### **Claims 3-15-22 to 3-28-22**

21ST CENTURY EQUIPMENT \$2,015.68; 24/7 FITNESS \$131.50; ACE HARDWARE \$133.26; ACUSHNET COMPANY \$5,195.94; ADIDAS AMERICA, INC \$682.00; AL'S TOWING, INC \$85.00; AMAZON CAPITAL SERVICES \$384.76; AMERITAS LIFE INSURANCE COPR. \$566.84; ASCAP \$392.25; B & H INVESTMENTS, INC \$26.50; BACKFLOW APPARATUS & VALVLE CO \$835.60; BH MEDIA GROUP HOLDING, INC. \$981.35; BLACK HILLS ENERGY \$2,654.45; BLUFFS FACILITY SOLUTIONS \$368.43; BORDER STATES INDUSTRIES, INC \$2,153.67; BRETHOURS HONEYWAGON EXPRESS \$200.00; BRUCKNER'S TRUCK & EQUIP \$842.92; CALLAWAY GOLF COMPANY \$4,268.29; CENTRAL IRRIGATION DISTRICT \$2,760.00; CENTURYLINK \$654.91; CITY INSURANCE FUND \$84,029.86; CITY OF GERING \$9,867.32; CITY OF LINCOLN \$22.50; CITY OF SCOTTSBLUFF \$140.13; CITY PAYROLL TRUST \$2,532.08; CLARK PRINTING LLC \$647.75; CONNECTING POINT \$15.91; CONSTANT CONTACT \$45.00; CROSSROADS COOPERATIVE ASSOC. \$600.06; DANA F. COLE & COMPANY \$34,900.00; DAVID J. SCHUETHS \$18.08; DEARBORN LIFE INSURANCE COMPAN \$141.04; DEX \$4.33; DEZURIK \$4,647.91; DISCOUNT SCHOOL SUPPLY \$1,103.59; DOOLEY OIL \$45.41; DUTTON-LAINSON COMPANY \$356.64; E & J CLEANING AND RESTORATION \$1,029.94; EAKES INC \$62.88; ECOLAB \$64.57; EJS SUPPLY, LLC \$62,248.00; ELITE TOTAL FITNESS \$65.50; ELLISON, KOVARIK & TURMAN LAW \$14,887.75; ENERGY LABORATORIES INC. \$174.00; FAIRFIELD BY MARRIOTT-BOULDER \$125.12; FAST STOP \$57.00; FASTENAL COMPANY \$487.85; FATDOGS \$10.00; FIRST STATE BANK \$509.23; FLOYD'S TRUCK CENTER, INC. \$3,859.45; FRANK PARTS COMPANY \$1,339.44; FREE CONFERENCE CALL.COM \$4.00; GREATAMERICA FINANCIAL SERVICE \$152.00; GREG WOODEN \$75.00; GULF OIL \$40.84; HACH COMPANY \$1,317.07; HOME DEPOT CREDIT SERVICES \$26.97; HUBBELL ELECTRIC HEATER CO \$627.80; HUMANITIES NEBRASKA \$50.00; IDEAL LAUNDRY AND CLEANERS, IN \$102.93; INDOFF INCORPORATED \$1,002.46; INGRAM LIBRARY SERVICES \$159.02; INSTRUMENT SALES & SERVICE \$346.26; INTERNAL REVENUE SERVICE \$39,992.08; INTERSTATE BATTERIE/RAPID CITY \$260.90; IRBY TOOL & SAFETY \$184.58; J AND J

TRAILER SALES,LLC \$3,485.00; JAMIE HUTCHISON \$75.00; JL BECKER INC \$1,426.56; JOHN HANCOCK USA \$13,219.43; JOHN HANCOCK USA FIRE \$655.83; JOHN HANCOCK USA POLICE \$6,142.44; JOHNSON CASHWAY CO. \$91.98; JUNIOR LIBRARY GUILD \$1,304.10; JUSTIN BERNHARDT \$350.00; KAPCO \$47.90; KUM & GO \$45.45; MARRIOTT CORNHUSKER HOTEL \$513.66; MATHESON TRI-GAS INC \$101.95; MAX POWELL \$245.00; MAXWELL PRODUCTS INC. \$7,650.72; MEAT SHOPPE \$19,878.40; MENARDS \$629.92; MILCO ENVIRONMENTAL SERVICES,I \$2,215.40; MSC 410526/DOLLAR GENERAL CORP \$170.00; MURDOCH'S RANCH & HOME \$943.94; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE DEPARTMENT OF REV (PR) \$6,493.70; NE DEPT OF REVENUE \$1,507.95; NE DEPT. OF REVENUE \$54,287.05; NE PUBLIC HEALTH ENVIRO LAB \$420.00; NEBRASKA PGA \$25.00; NEBRASKA PUBLIC POWER DIS \$1,313.43; NEBRASKA RURAL RADIO ASSOC. \$583.18; NEBRASKA SALT AND GRAIN CO. \$8,654.29; NMC EXCHANGE LLC \$256.68; PANHANDLE AREA DEVELOPMENT \$4,200.00; PANHANDLE COOP ASSOCIATION \$2,870.43; PANHANDLE ENVIRONMENTAL SERVIC \$1,704.00; PANHANDLE HUMANE SOCIETY \$3,168.50; PAT CLOSSON \$75.00; PAYROLL 3/25/22 \$119,875.06; PIPE WORKS PLUMBING LLC \$5,900.00; POSTMASTER \$1,506.40; POWERPLAN OIB \$967.41; PVB VISA \$(287.67); QUADIENT LEASING USA, INC \$1,774.90; RAISING CANES \$15.39; RAMKOTA HOTEL AND CONFRENCE \$170.00; RON'S TOWING & RECOVERY, LLC \$470.00; RYAN BLAKE \$199.99; RYAN STERKEL \$144.49; SCB CO. VEHICLE REGISTRATION \$2,815.29; SCB. COUNTY AMBULANCE SERVICE \$316.23; SCOTTS BLUFF COUNTY COURT \$17.00; SCOTTSBLUFF-GERING UNITED WAY \$141.75; SENIOR CITIZENS CENTER \$525.00; SIMMONS OLSEN LAW FIRM, P.C. \$5,838.50; SOLUTIONS EAP \$244.55; SPER SCIENTIFIC INSTRUMENT \$100.72; STAPLES CREDIT PLAN \$141.97; STEPHANIE RASK \$245.39; SUGAR VALLEY FEDERAL CREDIT \$528.37; TA #80 OGALLALA \$57.40; TAYLOR MADE GOLF COMPANY \$1,690.24; TEAM CHEVROLET \$375.00; TERI HOAGLAND \$75.00; TERRY CARPENTER, INC. \$650.00; THERO RUNNING BOARD \$319.91; TOTAL BACKFLOW RESOURCES \$725.00; TRANSUNION RISK AND ALTERNATIV \$75.00; TRIHYDRO CORPORATION \$54,652.20; TROY & LISA WEBORG \$32,790.98; U OF L SPI \$1,375.00; UNITED STATES POSTAL SERVICE \$191.40; U-STOP \$63.00; UTILITY REFUNDS \$4,166.65; VALIDIMAR CASTRO \$830.00; VALLEY AUTO LOCATORS LLC \$236.86; VERIZON CONNECT \$38.38; WALSH'S WATER TREATMENT SERVIC \$540.30; WAREHOUSE FITNESS CENTER \$48.00; WESTERN COOPERATIVE COMPANY \$11,072.19; WESTERN STATES BANK \$11,342.03; WESTERN STATES BANK - POLICE \$516.00; WYOMING BEARING & SUPPLY \$345.44; YMCA OF SCOTTSBLUFF \$335.00; ZOOM VIDEO COMMUNICATIONS \$14.99

**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:** None.

**PUBLIC HEARINGS:** None.

#### **CURRENT BUSINESS:**

##### **1. Approve and authorize the Mayor to sign Economic Development Assistance Agreement related to Western Sleep Medicine, LLC**

**Motion by Councilmember Bohl to approve and authorize the Mayor to sign Economic Development Assistance Agreement related to Western Sleep Medicine, LLC. Second by Councilmember Wiedeman.**

**Discussion:** Councilmember Gillen asked for clarification that these are six unique positions for each agenda item - each LLC; are they six unique positions per business (not shared across)? Mayor Kaufman replied the owner of each LLC might have similar ownership, but the individual entities are their own independent business. The LLCs have been established by each entity, which has been documented through LB840 and the process. Attorney Ellison added that the jobs are six per entity, for a total of 18. He stated that Mark Schultz was present if there were more questions.

**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 Economic Development Assistance Agreement related to Western CPAP & Supply, LLC**

**Motion by Councilmember Morrison to approve and authorize the Mayor to sign Economic Development Assistance Agreement related to Western CPAP & Supply, LLC. 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.**

**3. Approve and authorize the Mayor to sign Economic Development Assistance Agreement related to Sweet Dreams Sleep, LLC**

**Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign Economic Development Assistance Agreement related to Sweet Dreams Sleep, LLC. Second by Councilmember O'Neal. 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.**

**4. Approve and authorize the Mayor to sign Solid Waste Collection and Disposal Services Agreement by and between the City of Gering, NE and the Village of Lyman, NE**

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Solid Waste Collection and Disposal Services Agreement by and between the City of Gering, NE and the Village of Lyman, NE. Second by Councilmember O'Neal. 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.**

**5. Approve Resolution 3-22-1 regarding Police Pension Plan Trustee**

**RESOLUTION 3-22-1**

The undersigned Representative of the City of Gering, Nebraska (the Employer) hereby certifies that the following resolution was duly adopted by the Gering City Council on March 28, 2022, and that such resolution has not been modified or rescinded as of the date hereof:

**WHEREAS**, effective March 28, 2022 the individual listed below will be appointed Trustee of the City of Gering, Nebraska Police Officers' Pension Plan (the "Plan"):

This individual is authorized to represent and to act for and on the behalf of the City's matters falling within the scope of the functions and duties as outlined under the Plan.

**WHEREAS**, Tammy Cooley will be removed as the Plan Trustee for the City of Gering Police Officers' Pension Plan.

**BE IT RESOLVED**, by the Gering City Council of Gering, Nebraska that Ann Palm, Human Resource Director for the City of Gering, is hereby authorized to execute, on behalf of the Employer, all documents necessary to effect the changes authorized herein. And Tammy Cooley is removed as the Plan Trustee for the City of Gering Police Officers' Pension Plan.

Passed and approved this 28<sup>th</sup> day of March, 2022

\_\_\_\_\_  
Mark A. Kaufman, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
City Clerk

**Motion by Councilmember Gillen to approve Resolution 3-22-1 regarding the Police Pension Plan Trustee. Second by Councilmember O'Neal. 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.**

**6. Approve appointment of Dale Hauck to the Board of Adjustment**

**Motion by Councilmember Morrison to approve the appointment of Dale Hauck to the Board of Adjustment. Second by Councilmember Wiedeman.**

**Discussion:** Mayor Kaufman clarified that Mr. Hauck was approved as the Liaison to the Board of Adjustment by the Planning Commission.

**Mayor Kaufman 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 Lease Agreement for Oregon Trail Park Stadium by and between the City of Gering and HF Baseball LLC d/b/a Western Nebraska Pioneers**

Motion by Councilmember Morrison to approve and authorize the Mayor to sign Lease Agreement for Oregon Trail Park Stadium by and between the City of Gering and HF Baseball LLC d/b/a Western Nebraska Pioneers. 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.

**8. Request for Administrative Committee meeting - Agenda item: Gering Civic Center Rates**

Motion by Councilmember Gillen to approve a request for an Administrative Committee meeting with agenda item: Gering Civic Center Rates. 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.

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

**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.

Charles Heeman, 1761 21<sup>st</sup> Street, Gering, addressed Council and stated he and his wife are the owners of the Western Nebraska Pioneers. His reason for being at the meeting is that he's sure Council has been briefed on the ongoing issue between the Expedition League and the Pioneers and the members of the Independence League. They have formed their own league; they did that last fall. They have a current issue here in Gering regarding their lease - he knows Council has seen the letter from the Expedition League to try and block them from playing this year. Obviously on their end, this stuff is a really major thing. It's something that came about in February; they first started talking about it in March. We need to find a resolution on this, suggestions have been made to Mr. Heath and Mr. Ellison based on what other cities in their league are doing. There are six other cities in their league that are in the same situation. Most of them have called it a third-party issue between themselves and the Expedition League; that's obviously how they (Heemans) consider it. The City of Dickinson has proactively negated the lease with the Expedition League and got a new lease with the team that plays there. Mr. Heeman stated that he has kind of felt like the City (of Gering) has been afraid of being sued by somebody who has no stake in it. The Expedition League isn't going to put a team here, they have no damages to claim if they were to sue. The Pioneers, if they are barred from playing here this year, that's going to be catastrophic for their business. As citizens of Gering, homeowners and taxpayers, employers and owners of a fairly high-profile business for the region, they'd really like to get a resolution on this, ideally maybe by the next Council meeting. They've got to know on their end of things if they're going to play this year. There are a lot of stakeholders, they have a lot of players coming to town, they have season-ticket holders and families who trust them to play. If this turns into a case where someone is so afraid of a lawsuit that they're going to bar them from playing, they'll never be able to regain that trust. The request to the Council and the City Government is that we find that resolution, hopefully within a couple weeks and get this thing past us and let the Pioneers deal with the Expedition League. They have sued them (the Pioneers) and they (the Pioneers) have counter-sued. Yes, it's no fun, it's not something that's going to be resolved any time soon, but they need to play this year to keep this business around. On their end, they just need to know if that's going to happen or not. That's their request to the Council and the City.

Administrator Heath introduced the new Library Director, Christie Clarke. She will be replacing Diane Downer. Christie started her career as a Kindergarten/First Grade teacher in Greenville, SC and then joined the Gering Public Library almost 12 years ago. She has worked for the City of Gering as a Library Assistant, the Public Services Librarian, and most currently, Youth Services Librarian. Christie has a B.A. in Elementary Education from the University of North Carolina - Chapel Hill, and a Master of Library Science degree from Emporia State University. She also holds a Nebraska Public Librarian certification.

Mark Schultz, 1506 Ave. K, Scottsbluff, addressed Council and stated he came to say thanks to the Council and everyone who was involved; he had no idea the Heemans were going to be at the meeting tonight. He must be one of those stakeholders because his employees love going to that baseball

diamond, and his friends. He has never been to a game. He spends a ridiculous amount of money advertising and he has never been to a game, but then not playing baseball this summer? He has no idea what the legal stuff is, but he's reminding everybody that this community, this whole area, gets excited about that goofy baseball team – whether they're winning or losing. He's just the guy who's reminding everyone of that. That's pretty important. He's sorry that there's an issue over something, he has no idea what it is. Mayor Kaufman stated his comments are appreciated.

**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 6:16 p.m.

ATTEST:

  
Kathleen J. Welfl, City Clerk



  
Mark A. Kaufman, Mayor