

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,  
MAY 10, 2021**

A regular meeting of the City Council of Gering, Nebraska was held in an open session on May 10, 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, Morrison, O'Neal (at 6:06 p.m.) 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 April 26, 2021 regular City Council meeting
2. Approve Claims

**Claims 4-27-21 to 5-10-21**

A & N PROPERTIES, LLC \$500.00; ACE HARDWARE \$131.87; ACUSHNET COMPANY \$719.45; ADIDAS AMERICA, INC \$945.02; ALL STAR PRO GOLF \$126.49; ALLAN D MITCHELL \$904.20; ALLO COMMUNICATIONS \$1,885.50; AMAZON \$181.45; B & H INVESTMENTS, INC \$42.00; B & S RASK GRILL \$4,825.50; BAKER & ASSOCIATES, INC. \$7,275.00; BASKIN, GABRIEL \$95.62; BEST BOOKS, INC. \$18.95; BH MEDIA GROUP HOLDING, \$271.81; BLUFFS FACILITY SOLUTION \$410.31; BORDER STATES INDUSTRIES \$10,870.08; BRETHOURS HONEYWAGON EXP \$200.00; CALLAWAY GOLF COMPANY \$(3,487.80) CENTURY BUSINESS PRODUCT \$32.05; CHIMNEY ROCK PPD \$572.21; CITY OF GERING \$424.16; CITY PAYROLL TRUST \$2,364.02; CLARK PRINTING LLC \$327.70; CONNECTING POINT \$95.23; CONTRACTORS MATERIALS, I \$386.97; COWAN'S CUSTOM CABINETS \$1,040.00; CROWLEY FLECK PLLP \$667.00; DALE'S TIRE \$148.50; DAS STATE ACCOUNTING-CEN \$177.36; DEARBORN LIFE INSURANCE \$127.28; DEZURIK \$1,213.20; DHHS, DRINKING WATER & \$200.00; DIAMOND VOGEL PAINT CENT \$79.00; DOCU-SHRED LLC \$52.00; DUTTON-LAINSON COMPANY \$9,977.11; DYKES OIL INC. \$172.34; EASY PICKER GOLF PRODUCT \$247.00; ELLISON, KOVARIK & TURMA \$9,088.75; ERIC REICHERT CONSTRUCTI \$5,173.15; FASTENAL COMPANY \$146.22; FEDEX \$130.61; FIRST STATE BANK \$356.88; FLOYD'S TRUCK CENTER, IN \$738.90; FRANCISCOS BUMPER TO BUM \$455.40; FRESH FOODS INC. \$11.60; FYR-TEK, INC. \$1,190.43; GALE \$47.18; GERING HIGH SCHOOL KENNE \$80.00; GERING U-SAVE PHARMACY \$16.81; GERING VALLEY PLUMBING & \$13,391.50; GREG SUHR \$150.00; GROUND UP CONSTRUCTION \$590.00; HAWKINS, INC. \$220.90; HENNING BROTHERS \$83.00; HIGH PLAINS BUDWEISER \$760.00; HOME DEPOT CREDIT SERVIC \$650.60; IDEAL LAUNDRY AND CLEAN \$132.85; INDOFF INCORPORATED \$505.65; INGRAM LIBRARY SERVICES \$382.13; INTERNAL REVENUE SERVICE \$41,400.66; INTERNATIONAL INST OF MU \$140.00; INTRALINKS, INC. \$6,252.99; JAMES JACKSON \$114.00; JC GOLF ACCESSORIES \$725.62; JOHN HANCOCK USA \$13,865.13; JOHN HANCOCK USA FIRE \$865.10; JOHN HANCOCK USA POLICE \$6,438.22; K L WOOD & CO., LLC \$30,201.12; KRISTEN VOGEL \$139.09; MB KEM ENTERPRISE \$320.00; MEAT SHOPPE \$31,378.57; MENARDS \$1,612.32; MIDAMERICA BOOKS \$388.05; MOBIUS COMMUNICATIONS CO \$30.00; MONEY WISE OFFICE SUPPLY \$149.71; MONUMENT SHADOWS MENS GO \$2,280.00; MORENO, ISABEL \$75.00; MUNICIPAL SUPPLY, INC. O \$188.88; MURPHY TRACTOR & EQUIPME \$4,950.00; NE CHILD SUPPORT PAYMENT \$462.93; NEBRASKA GOLF ASSOCIATIO \$3,320.00; NEBRASKA MUNICIPAL POWER \$400.00; NEBRASKA PANHANDLE AHEC \$1,016.60; OCLC, INC. \$160.66; ONE CALL CONCEPTS, INC \$156.70; PANHANDLE AREA DEVELOPME \$2,800.00; PANHANDLE CONCRETE PROD. \$3,000.00; PANHANDLE COOP ASSOCIATI \$70.00; PANHANDLE ENVIRONMENTAL \$1,277.00; PATTLEN ENTERPRISES, INC \$369.28; PAUL REED CONSTRUCTION & \$382.08; PAYROLL \$130,988.77; POSTMASTER \$1,400.40; POWERPLAN OIB \$192.42; PROFESSIONAL GOLFERS'ASS \$536.00; REGION 22 EMERGENCY MANA \$2,537.05; RILEY SMITH \$46.00; ROBERT THOMASON \$8.39; SANDBERG IMPLEMENT, INC. \$118.78; SCOTTS BLUFF CO. CONSOLI \$340.00; SCOTTSBLUFF BODY & PAINT \$355.00; SCOTTSBLUFF-GERING UNITE \$128.75; SEVERSON COMMUNICATIONS \$361.95; SHAWNA WINCHELL \$780.00; SHERWIN WILLIAMS \$3,763.00; SOUTHWESTERN EQUIPMENT C \$2,203.97; SPEAK WRITE \$2,212.36; SPECTRUM \$726.69; STAPLES CREDIT PLAN \$90.98; SUGAR VALLEY FEDERAL CRE \$528.37; THE CIT GROUP \$1,338.44; TRANSUNION RISK AND ALTE \$75.00; TWIN CITY AUTO, INC \$299.84; TWIN CITY DEVELOPMENT AS \$150,000.00; U.S. VENTURE, INC. \$199.80; UNANIMOUS, INC. \$275.00; UNITED CHAMBER OF COMMER \$750.00; UNO MARKETPLACE \$173.00; VALLEY AUTO LOCATORS LLC \$59.34; VERIZON WIRELESS SERVICE \$1,413.36; WATCH GUARD VIDEO \$6,649.10; WESTERN COOPERATIVE COMP \$5,354.31; WESTERN STATES BANK \$32,005.93; WESTERN STATES

BANK - PO \$550.00; WIN-911 SOFTWARE \$660.00; WINTERS GRIFFITHS ARCHIT \$5,850.00; WM RECYCLE AMERICA \$2,959.21; WYOMING BEARING & SUPPLY \$233.19

**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, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion Carried.**

**BIDS:** None.

**PUBLIC HEARINGS:** None.

**CURRENT BUSINESS:**

**1. Economic Development Citizens Advisory Committee Update – Galen Larson, Committee Chairman**

LB840 Citizens Advisory Committee Chairman, Galen Larson, stated that the City of Gering LB840 Citizens Advisory Committee postponed their annual fall meeting last November due to Covid. The Committee recently met and discussed LB840 grants and loans that are not in compliance.

Regarding Blue Prairie Brands, Inc.: In 2019, the Citizens Advisory Committee recommended that the City file a claim in the Chapter 11 bankruptcy case of Blue Prairie but also recommended working with Blue Prairie Brand's owner to assure that the balance of any Economic Development funds be repaid to the City according to the original Economic Development Assistance Agreement. After discussions with our City Attorney, Blue Prairie has submitted a check to the City of Gering for just under \$4000 to settle the amount owed as a result of closing their business in 2019.

Regarding the Sizzlin' Sirloin Steakhouse: This business filed Chapter 7 bankruptcy in 2020. The Committee was advised by the City Attorney that there are no further actions that can be taken.

There are two other businesses that are not in compliance. The Committee discussed the current circumstances regarding the two businesses in closed session. There will likely be an update to the Council on these two businesses next fall.

**Motion by Councilmember Gillen to enter the Economic Development Citizens Advisory Committee update into the record. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion Carried.**

**2. Approve Ordinance 2101 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA VACATING PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4), MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF THE SECTION, THENCE SOUTH ON THE EAST LINE OF THE SECTION A DISTANCE OF 851.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH ON THE EAST LINE OF THE SECTION, A DISTANCE OF 281 FEET; THENCE A DEFLECTION ANGLE RIGHT 90° 00' 00" RIGHT A DISTANCE OF 281 FEET; THENCE A DEFLECTION ANGLE RIGHT OF 90° 00' 00" A DISTANCE OF 380 FEET TO THE POINT OF BEGINNING; CONTAINING AN AREA OF 2.45 ACRES MORE OR LESS OF SECTION ELEVEN (11), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FIFTY-FIVE (55) WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

Councilmember Wiedeman made a motion to introduce Ordinance No. 2101 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA VACATING PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4), MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF THE SECTION, THENCE SOUTH ON THE EAST LINE OF THE SECTION A DISTANCE OF 851.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH ON THE EAST LINE OF THE SECTION, A DISTANCE OF 281 FEET; THENCE A DEFLECTION ANGLE RIGHT 90° 00' 00" RIGHT A DISTANCE OF 281 FEET; THENCE A DEFLECTION ANGLE RIGHT OF 90° 00' 00" A DISTANCE OF 380 FEET TO THE POINT OF BEGINNING; CONTAINING AN AREA OF 2.45 ACRES MORE OR LESS OF SECTION ELEVEN (11), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FIFTY-FIVE (55) WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded 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.

Councilmember Morrison moved that the Ordinance be designated as Ordinance No. 2101 and the title thereof approved, and that the Statutory Rule requiring ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Cowan. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried. Whereupon Ordinance No. 2101 was read by title only, Councilmember Smith moved that the Ordinance be passed as read, which motion was seconded by Councilmember Gillen. "The question is shall Ordinance No. 2101 be passed?" There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was by the Mayor declared passed.

**3. Remove from table: Approve and authorize the Mayor to sign a Rural Economic Development Loan Agreement between the City of Gering and the Riverside Discovery Center**

**Motion by Councilmember Morrison to remove from table to approve and authorize the Mayor to sign a Rural Economic Development Loan Agreement between the City of Gering and the Riverside Discovery Center. Second by Councilmember Smith.**

**Discussion:** Councilmember Gillen declared a perceived conflict of interest. City Attorney Ellison stated there is not a legal conflict of interest and as far as Riverside Discovery Center is concerned, Councilmember Gillen can vote on all of these items and there is no conflict of interest and he did not see a problem with this.

**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 Rural Economic Development Loan Agreement between the City of Gering and the Riverside Zoological Foundation**

**Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign a Rural Economic Development Loan Agreement between the City of Gering and the Riverside Zoological Foundation. Second by Councilmember O'Neal.**

**Discussion:** City Attorney Ellison stated that the original documents received showed that the security was a Deed of Trust, but the property is not owned by the Zoological Foundation, rather the City of Scottsbluff. The language has been changed so that there is a security agreement rather than a Deed of Trust.

**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 Security Agreement by and between the Riverside Zoological Foundation d/b/a Riverside Discovery Center and the City of Gering**

**Motion by Councilmember Morrison to approve and authorize the Mayor to sign a Security Agreement by and between the Riverside Zoological Foundation d/b/a Riverside Discovery Center and the City of Gering. 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 and authorize the Mayor to sign an Economic Development Assistance Agreement and Security Agreement related to Encompass 163, Inc., d/b/a ACE Hardware**

Michelle Coolidge, Development Director for Twin Cities Development (TCD), addressed Council and stated that the LB840 Application Review Committee met on April 15 and considered an application submitted by Encompass 163, Inc. d/b/a ACE Hardware. The Committee recommended funding a \$45,000 grant based on 9 FTEs. Ben Dishman, owner of ACE Hardware, was also present.

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign an Economic Development Assistance Agreement and Security Agreement related to Encompass 163, Inc., d/b/a ACE Hardware. Second by Councilmember O'Neal.**

**Discussion:** Councilmember Bohl asked Mr. Dishman when he may be able to have all the positions filled. Mr. Dishman replied that they are hoping by July; they have 12 hired at this time.

**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 General Agreement between the United States Department of the Interior National Park Service and Gering Police Department**

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign General Agreement between the United States Department of the Interior National Park Service and Gering Police Department. 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.**

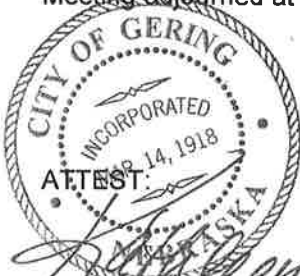
**REPORTS:** None

**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 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.**

Meeting adjourned at 6:16 p.m.



**ATTEST:**  
*Kathleen J. Welfl*  
Kathleen J. Welfl, City Clerk

*Mark A. Kaufman*  
Mark A. Kaufman, Mayor