

## THE PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, MAY 23, 2022

A regular meeting of the City Council of Gering, Nebraska was held in open session on May 23, 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 Wefel 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 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 May 9, 2022 regular City Council meeting
2. Approve Claims
3. Approve April, 2022 Financial Report
4. Approve the Certificate of Vote for the May 10, 2022 Primary Election pertaining to a Half Cent Sales and Use Tax (Proposition 1)
5. Approve Special Designated License (SDL) Application for the Oregon Trail Association for a Beer and Wine Tasting event on July 9, 2022 at the Oregon Trail Days Building
6. Approve Special Designated License (SDL) Application for the Oregon Trail Association for a beer garden on July 9, 2022 for a Chili Cook-off event at Five Rocks Amphitheater
7. Approve Special Designated License (SDL) Application for the Oregon Trail Association for a beer garden on July 9, 2022 for a Mud Volleyball event at Five Rocks Amphitheater

### Claims 5-10-22 to 5-23-22

21ST CENTURY EQUIPMENT \$445.36; 24/7 FITNESS \$131.50; A & A PORTA POTTIES \$405.00; ACCUSTAR SURVEYING \$3,100.00; ACE HARDWARE \$926.24; ACTION COMMUNICATIONS, INC. \$7,270.80; ACUSHNET COMPANY \$3,882.04; AFL, LLC \$37,213.00; ALLO COMMUNICATIONS \$2,976.95; AL'S TOWING, INC \$125.00; ALTEC INDUSTRIES, INC. \$694.70; AMAZON CAPITAL SERVICES \$1,403.00; AMERITAS LIFE INSURANCE COPR. \$558.88; ARIAT INTERNATIONAL \$433.13; AT&T MOBILITY \$40.72; B & H INVESTMENTS, INC \$117.50; B & S RASK GRILL \$360.00; BAIRD HOLM LLP \$500.00; BENEFIT PLANS, INC \$236.00; BENZEL PEST CONTROL \$56.71; BH MEDIA GROUP HOLDING, INC. \$1,428.97; BIG MACK HEATING & COOLING \$448.50; BIRD B GONE \$86.45; BLUFFS FACILITY SOLUTIONS \$2,323.13; BRETHOURS HONEYWAGON EXPRESS \$200.00; CALLAWAY GOLF COMPANY \$4,395.14; CASEY'S GENERAL STORE \$127.35; CATTLE BANK & TRUST \$55,786.38; CENEX COUNTRY \$44.01; CENTRAL STATES GROUP \$3,175.34; CENTURYLINK \$440.96; CITY INSURANCE FUND \$83,104.86; CITY OF GERING \$1,797.51; CITY PAYROLL TRUST \$2,538.77; CODY HOTLINE SCHOOL \$450.00; CONNECTING POINT \$53.00; CROSSROADS COOPERATIVE ASSOC. \$12,089.38; DAVID S. LEIS \$350.00; DIAMOND VOGEL PAINT CENTER \$1,232.55; D'LEON'S TACO RICO \$21.21; DOCU-SHRED LLC \$850.29; DOOLEY OIL \$167.66; DUO LIFT \$15,481.00; DUTTON-LAINSON COMPANY \$137.52; EAKES INC \$12.99; ECOLAB \$200.78; ELITE TOTAL FITNESS \$65.50; ELLISON, KOVARIK & TURMAN LAW \$14,614.20; EMBASSY SUITES \$528.06; ENERGY LABORATORIES INC. \$561.00; ESC ENGINEERING \$28,529.25; FAST PHIL PLAZA \$54.50; FASTENAL COMPANY \$161.16; FEDEX \$21.39; FIRST STATE BANK \$526.39; FLOYD'S TRUCK CENTER, INC. \$1,622.65; FRANCISCOS BUMPER TO BUMPER IN \$220.00; FRANK PARTS COMPANY \$870.39; FREE CONFERENCE CALL.COM \$4.00; GERING MERCHANTS \$5,722.38; GERING U-SAVE PHARMACY \$8.90; GERING VALLEY PLUMBING & HTG. \$1,308.77; GLOBAL FUELING SYSTEMS \$559.52; GRAND ISLAND MOTEL DEVELOPMENT \$707.43; HAWKINS, INC. \$4,356.66; HEARTLAND BANK \$81,236.25; HENRY & WANDA HENKEL \$166,850.40; HOME DEPOT CREDIT SERVICES \$225.00; HULLINGER GLASS & LOCKS \$15.00; IDEAL CALIBRATION \$368.06; IDEAL LAUNDRY AND CLEANERS, IN \$49.19; INDOFF INCORPORATED \$226.35; INGRAM LIBRARY SERVICES \$92.07; INTERNAL REVENUE SERVICE \$38,555.42; INTERSTATE BATTERY/RAPID CITY \$270.25; INTRALINKS, INC. \$862.05; IRBY TOOL & SAFETY \$1,461.58; ITRON, INC. \$84.00; JC GOLF ACCESSORIES \$1,445.10; JL BECKER INC \$433.09; JOHN HANCOCK USA \$12,882.49; JOHN HANCOCK USA FIRE \$597.33; JOHN HANCOCK USA POLICE \$5,916.24; JOHNSON CORROSION ENGINEERING \$846.00; JOHNSON CASHWAY CO. \$311.50; KENT EWING \$6,416.81; KEVIN LEHR \$220.00; KRISPY KRUNCH CHICKEN \$9.79; KWIK STOP \$49.18; LEAGUE ASSOC./RISK MANAGEMENT \$(3,915.94); LEAGUE OF NE. MUNICIPALITIES \$275.00; LOST RIVER SAND & GRAVEL, INC \$1,113.66; MAIL AND SHIPPING PROS \$13.16; MATHESON TRI-GAS INC \$107.77; MEAT SHOPPE \$7,904.52; MENARDS \$602.14; MIDWEST CONNECT \$290.00; MUNICIPAL ENERGY AGENCY OF NE

\$276,255.48; MUNICIPAL SUPPLY, INC. OF NE. \$378.78; MURPHY EXPRESS \$40.45; NATIONAL TACTICAL OFFICER ASSO \$304.00; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE DEPARTMENT OF REV (PR) \$6,069.66; NE DEPT OF REVENUE \$1,047.02; NE DEPT. OF REVENUE \$59,087.11; NE MUNICIPAL UTILITIES \$(50.00), NE PUBLIC HEALTH ENVIRO LAB \$315.00; NE SAFETY/FIRE EQUIPMENT, INC \$827.00; NEBRASKA LIBRARY ASSOCIATION \$150.00; NEBRASKA MUNICIPAL POWER POOL \$3,700.00; NEBRASKA PUBLIC POWER DIS \$1,963.15; NEBRASKA RURAL RADIO ASSOC. \$583.18; NEMNICH AUTOMOTIVE \$10,186.99; NKC TIRE \$58.85; NMC EXCHANGE LLC \$1,183.66; NMVCA \$165.00; NORTHWEST PIPE FITTINGS, INC \$450.36; OMAHA WORLD-HERALD \$920.40; ORIGINAL EQUIPMENT CO. \$62.66; PANHANDLE COOP ASSOCIATION \$9,635.26; PANHANDLE ENVIRONMENTAL SERVIC \$1,592.00; PANHANDLE HUMANE SOCIETY \$3,168.50; PATTLEN ENTERPRISES, INC \$447.91; PAYROLL 5/20/22 \$126,971.65; PILOT \$34.69; PIONEER RESEARCH \$573.40; PIPE WORKS PLUMBING LLC \$244.50; POMP'S TIRE SERVICE, INC \$2,013.84; POWERPLAN OIB \$701.53; PRINT BROKER \$473.50; PUMP & PANTRY \$57.82; QUADIENT LEASING USA, INC \$839.00; READER'S DIGEST ASSOCIATION \$27.80; RICO CORTEZ \$330.00; SAFELITE FULFILLMENT, INC. \$85.00; SAPP BROS \$99.21; SCB CO. VEHICLE REGISTRATION \$1,123.48; SCB. COUNTY AMBULANCE SERVICE \$316.23; SCB. COUNTY SHERIFF OFFICE \$110.06; SCOTTS BLUFF COUNTY COURT \$87.00; SCOTTS BLUFF COUNTY TREASURER \$6,367.05; SCOTTSBLUFF-GERING UNITED WAY \$141.75; SENIOR CITIZENS CENTER \$525.00; SHAWNA WINCHELL \$610.00; SHERWIN WILLIAMS \$1,235.00; SIMMONS OLSEN LAW FIRM, P.C. \$3,645.00; SIMON CONTRACTORS \$488.24; SIRCHIE ACQUISITION CO., LLC \$175.52; SLINGS UNLIMITED \$49.07; SOLUTIONS EAP \$244.55; SPECTRUM \$776.69; SPEEDEE MART \$52.67; STAPLES CREDIT PLAN \$672.00; SUGAR VALLEY FEDERAL CREDIT \$528.37; SWANA \$223.00; TAYLOR MADE GOLF COMPANY \$904.84; TEAM CHEVROLET \$56.19; TECHSOUP \$60.00; TERRY CARPENTER, INC. \$650.00; TERRY JESSEN \$6,831.58; THOMPSON GLASS, INC. \$140.00; TOUR EDGE MFG INC \$698.00; TRANSUNION RISK AND ALTERNATIV \$75.00; UNANIMOUS, INC. \$60.00; UNITED STATES POSTAL SERVICE \$60.88; UTILITY REFUND CHECKS \$743.05; VALLEY AUTO LOCATORS LLC \$481.80; VERIZON CONNECT \$38.38; W & R INC. \$1,244.25; WALMART COMMUNITY/SYNCB \$21.64; WAREHOUSE FITNESS CENTER \$48.00; WEBSTRAUNT \$138.79; WENDY'S \$23.66; WESCO RECEIVABLES CORP. \$1,559.95; WESTERN COOPERATIVE COMPANY \$11,755.84; WESTERN STATES BANK \$8,081.03; WESTERN STATES BANK - POLICE \$516.00; WESTERN TRAVEL TERMINAL \$13.00; WYOMING BEARING & SUPPLY \$138.51; YMCA OF SCOTTSBLUFF \$335.00; ZOOM VIDEO COMMUNICATIONS \$14.99

**Motion by Councilmember Wiedeman 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.**

**PUBLIC HEARINGS:** None.

**CURRENT BUSINESS:**

**1. Recognition of Gering Grassroots Volunteer Committee**

Mayor Kaufman recognized Jordan Diedrich, Amy Sapp, Darrell Bentley, Jeff Wolfe, Karen Anderson, George Schlothauer Sr. and Eric Wilcox for serving on the Grassroots Volunteer Committee to help ensure a successful campaign for Proposition 1. Mayor Kaufman stated the committee really saw a need and took it upon themselves to organize and work hard to education our community on a series of projects that could really position our community for growth and prosperity in the future. This group of individuals were selfless in a tough environment to go out and put the ask on the community. They did a tremendous job being available at all hours, putting signs out, designing materials, meeting with civic organizations and meeting with people one on one. Mayor Kaufman added that the community, Mayor, and Council are extremely appreciative of the job they did.



Shown Left to right: Jeff Wolfe, Eric Wilcox, Amy Sapp, Karen Anderson, Darrell Bentley, Jordan Diedrich, George Schlothauer Sr.

**2. Consider approving Resolution 5-22-2 – A resolution authorizing the Chief Elected Official to sign documents related to the Rural Economic Development Grant (REDL&G) Program with ultimate recipient: Platte River Basin Environments, Inc.**

RESOLUTION 5-22-2

RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION UNDER THE RURAL ECONOMIC DEVELOPMENT GRANT (REDL&G) PROGRAM

WHEREAS, the City of Gering, Nebraska, received its "Rural Eligibility Determination" a prerequisite step for participation in the Rural Economic Development Loan and Grant Program in December 2011.

WHEREAS, the City of Gering, Nebraska, is an eligible unit of a general local government authorized to become an Electric Program borrower and receive a grant under the Rural Electrification (RE) Act of 1936.

WHEREAS, the City of Gering, Nebraska, is making application for the maximum grant amount of \$300,000.00 through the REDL&G Program.

WHEREAS, the City of Gering, Nebraska, has budgeted and approved the Twenty (20) percent fund contribution in the amount of \$60,000.00 which is available now to meet its financial obligations.

WHEREAS, the City of Gering, Nebraska (applicant) hereby assures and certifies to the United States Department of Agriculture Rural Development – Rural Cooperative Services regarding an application for a grant through the REDL&G program the following:

We agree to comply with each of the requirements found in Part 4280 – Loans and Grants; Subpart A – Rural Economic Development Loan and Grant Programs and; Each of the conditions found in the grant agreement.

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of Gering, Nebraska, that the City of Gering's Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Gering, Nebraska and the United States Department of Agriculture Rural Development - Rural Cooperative Services - Rural Economic Development Loan and Grant Program.

Adopted this 23<sup>rd</sup> day of May, 2022.

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

ATTEST:

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

**Motion by Councilmember Wiedeman to approve Resolution 5-22-2 – A Resolution authorizing the Chief Elected Official to sign documents related to the Rural Economic Development Grant (REDL&G) Program with ultimate recipient: Platte River Basin Environments, Inc. 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.**

**3. Consider approval of a Special Event Permit application submitted by the Monument Shadows Member-Guest Golf Tournament Committee to hold a fireworks show at Monument Shadows Golf Course on July 24, 2022**

Mayor Kaufman noted that the Member-Guest fireworks show will actually be held on June 24, as stated on the application, not July 24 as shown on the agenda.

Councilmember Wiedeman suggested hearing from Chief Flowers prior to making a motion on the agenda items pertaining to fireworks. Chief Flowers stated that Fire Department personnel have been able to support Justin Allred and these shows in the past without incident. He stated that Kevin Mooney and Justin have done a great job with the golf course fireworks show. This year though, there are some concerns. He's not asking the Council to ban or consider not approving permits, but to evaluate some stipulations in the permit that there might be some weather matrix that should be met prior to any big firework display happening. In 2019 from January to May 23, the Fire Department had five fires regarding grass, brush and trees (not buildings) and one dumpster fire. In 2020, they had eight with two dumpster fires, and in 2021 they had two and one dumpster fire. This year alone, they're already exceeding with 22 fires and no dumpster fires. All the conditions are telling them that it's going to be a pretty concerning year. He suggested the possibility of approving the permits based off of certain stipulations that the Fire

Department would recommend prior to any type of firework display. Some weather parameters would have to be set – the wind has been bad this year. If there was a certain wind parameter, they could base it off of the Cheyenne Fire Weather website. They create a daily weather matrix for our area; they green, yellow and red-light every single fire matrix. If we get two or three of those, then they become red-flag days. He looks at their burn permits based off of that matrix every day. There are statistics and data that back that up. Depending on those parameters, they would be able to say whether it's a go or not. He stated he understands the situation everybody would be in, but it's kind of a unique year.

Councilmember Morrison asked if we got into that sort of situation with the weather, could the Fire Department handle it; would there be enough personnel up there to take care of this? Chief Flowers replied, it's too early to tell. When these permits have been applied for in the past, the Fire Department was able to support the staffing levels. Two years ago, they did have a fire from one of the displays and were able to get on it pretty quickly and knock it down. If they were able to stay there and be there, he thinks they would have enough resources available. He asked his staff if they would be available; right now, it's just too early to tell. His interpretation is that they would have some level of staffing available at these events. Councilmember Morrison asked, as it stands right now with all the weather and wind and everything else, what would his recommendation to the Council be for these firework shows. Chief Flowers replied, if it was going on tomorrow, his recommendation would be to not issue the permit. Being it's in June and we're seeing a lot of green and we still have a lot of weather, he honestly would say it's too far out to tell. He thinks it would be beneficial for the City and the applicants to work together to be able to find solutions and build a weather matrix so they could apply some data and communicate well.

Councilmember O'Neal asked if Chief Flowers wants Council to ask the people that have applied for their special permits to work with him to coordinate that. Chief Flowers replied, if they approve the permit based off a stipulation of established parameters (by the Fire Department) that must be met prior to the event - if those can be met a day or two or three days prior to the event, then the event can occur. If, for instance, a red flag day is going on the same day as the fireworks show, then that would be pretty concerning to issue a permit and allow that to continue. He doesn't know what other way to do it. He's not against the shows, it's just a really unique year.

Councilmember Morrison said it makes it tough for people like Justin who has everything ordered. She asked if there was another avenue he could take to do these at a later time. Mr. Allred replied that there are certainly contingencies - he thinks last year there was rain and high winds; they had to wait for quite a while before they felt like it was safe to begin the show. He and the groups putting on the shows don't want to do anything that would be potentially harmful - especially at the golf course, there is federal land right next door that could cause problems. He thinks one of Chief Flowers' concerns is that if the event gets a greenlight and then they are called out on a call, that could leave them without the safety of the Fire Department as a backup. The contingencies for them are coming down to the fact that for the big show and for the golf course show, those fireworks are not obtained until June 25; they have a small inventory on hand right now for the Pioneer show coming up, which could be used at a later time. The big show would be concerning because there are Keno funds at stake and he has thousands of dollars-worth of business sponsors involved there. That money, he supposes, can be held until the following season, but he would need a decision probably no later than about June 20<sup>th</sup> or thereabouts. Eric Wilcox orders additional fireworks based on the fact that they have a show going on and that could lead to inventory problems. He doesn't know if that would cause issues if all the sudden they don't. Again, they don't want to do anything that would potentially cause harm. At Five Rocks, they are close to Monument land as well; that could become an issue. The contingencies are fine, the weather parameters and matrix are fine, but there's got to be a go/no-go date for them. He thinks probably mid-June would be that time period.

Councilmember Wiedeman asked if there is an alternate date if the weather is not good. Mr. Allred replied, they try to stay within the celebration time. They don't want to add to the nuisance that some citizens feel about fireworks. The contingency date is the third or the fourth, but if it's not safe on the second it's not going to be safe on the third or fourth because we're talking about moisture levels within vegetation, not necessarily just how dry the grass is. They saw what happened south of town last year and how fast trees can ignite. They don't want to be a cause of that, but again, they need a go/no-go date at some point to do that.

Councilmember Backus asked if they would be comfortable with that date as a stipulation; by then they should know. Chief Flowers replied, they receive monthly outlooks and they could work with a go or no-go date for them to be able to work together on that.

Mayor Kaufman stated he is hearing two issues; one is a request for an activity that we've done for years. Two, we've got a unique weather event year that is now causing us to look at potential policy decisions. He thinks it's prudent to have a policy in place. We need to be doing that ahead of time. We are doing this now because it's dry and it has been excessively windy. He really thinks we need to work with staff and the participants and get a policy that isn't driven on an emotional state because we are in an environment. We need to have a good policy decision that we can pull up when we need it and reference it for future years. At the same time, he doesn't know that it's wise to disrupt event planning to move down that path. Reality is, we've had years of history with these organizations, they have been good stewards and worked well with our agencies to perform. He has enough faith in our people and our system that if it was too dry or too windy to put on a show, within a reasonable amount of time we would be able to make that call. He does not want to rush into a policy decision that would be far-reaching into the future. He thinks we need to take the necessary time to work with these agencies – if there was a coverage issue, we have great partnerships with neighboring agencies that he's sure could cover if needed. We need to have those conversations and navigate that process.

Mr. Allred talked about the Western Nebraska Pioneers location launch site and the other venues and potential hazards. If there is any wind on those nights, that would determine what they do as it could cause an issue. The big show is the one most in question at this point because of where they've moved the show (due to public safety). It's not ideal for this show because it's a sloped, gravel parking lot with big rocks and it's not very stable. A football field or big open park is ideal because you can't ignite green grass on fire with fireworks. Two of the shows should be pretty easily approved this evening; it's the big fireworks show that might need some different possibilities and contingencies on maybe even where it's held. He enjoys doing it, he's certainly not advocating that this has to happen every single year. He wants to provide something for the city and surrounding communities for the celebration of our country; that's what it comes down to for him, but public safety is certainly something that has to be considered.

Councilmember Bohl asked if Council has the ability to waive the 30-day requirement and table the applications for a couple weeks to allow staff to be able to get together with the applicants to look at different stipulations and language that could be added to the applications. Mr. Allred replied, by the 15<sup>th</sup> the big purchases have not been made with Discount Fireworks as the vendor - which is over \$10,000 worth of fireworks that they procure on June 25. There are other things involved other than fireworks, but he could work with June 15.

Chief Flowers stated he agrees with the Mayor, and he's looking at statistics as opposed to a knee-jerk reaction. Keith County and the City of Ogallala banned fireworks last week. He would suggest that Gering is in that same situation. He's not asking Council to ban. In terms of the special event permits, if Council chooses to approve, there could be a caveat that they would make sure that everything looks good. It's something they can all work together on and try to come together for a good outcome. June 15 would give them enough time to see where we're at with the weather patterns.

Administrator Heath stated that an option is to approve contingent on staff and the applicants working together to make a good decision, based on weather conditions. He asked what the wind cut-off is, typically. Mr. Allred replied, he doesn't want to see anything over 12 mph. They like a slight breeze, otherwise the smoke hangs and it helps spectators gravitate away from some of the debris. At Five Rocks, they're only 250 feet from some pretty combustible bushes and grass. Administrator Heath stated his recommendation is to approve all three special events, contingent on staff and the applicants working together in an approved time to be able to make the call (whether they have the event or not based on dry conditions). The decision concerning wind will be made on the night of each event. Mr. Allred agreed, he and Chief Flowers can make a judgement call based on recommendations from City staff on whether to continue with the show at a certain time or not.

**Motion by Councilmember Wiedeman to approve a Special Event Permit application submitted by the Monument Shadows Member-Guest Golf Tournament Committee to hold a fireworks show at Monument Shadows Golf Course on June 24, 2022 contingent on the parties and staff working together to make sure all the conditions are favorable for the show. Second by Councilmember Smith. 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. Consider approval of a Special Event Permit application submitted by the Western Nebraska Pioneers to hold a fireworks show at Oregon Trail Park Stadium on July 1, 2022**

Motion by Councilmember Gillen to approve a Special Event Permit application submitted by the Western Nebraska Pioneers to hold a fireworks show at Oregon Trail Park Stadium on July 1, 2022 contingent on the parties and staff working together to make sure all the conditions are favorable for the show. Second by Councilmember Smith. 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. Consider approval of a Special Event Permit application submitted by the Allred Brothers to hold a fireworks show at Five Rocks Amphitheater on July 2, 2022**

Motion by Councilmember Morrison to approve a Special Event Permit application submitted by the Allred Brothers to hold a fireworks show at Five Rocks Amphitheater on July 2, 2022 contingent on the parties and staff working together to make sure all the conditions are favorable for the show. 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. Request for Personnel Committee meeting agenda item: Consider policy for City employees that serve on an Election Board**

Motion by Councilmember O'Neal to approve a request for a Personnel Committee meeting with agenda item: Consider policy for City employees that serve on an Election Board. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": Cowan. Abstaining: None. Absent: None. Motion carried.

**7. Approve Ordinance No. 2110 - AN ORDINANCE TO INCREASE THE LOCAL OPTION SALES AND USE TAX BY ONE-HALF (1/2) PERCENT FROM ONE AND ONE-HALF PERCENT TO TWO PERCENT UPON THE SAME TRANSACTIONS ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE SUCH TAX WITHIN THE CORPORATE LIMITS OF THE CITY OF GERING, EFFECTIVE OCTOBER 1, 2022 FOR A PERIOD OF TEN YEARS; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE**

Councilmember Gillen made a motion to introduce Ordinance No. 2110 – AN ORDINANCE TO INCREASE THE LOCAL OPTION SALES AND USE TAX BY ONE-HALF (1/2) PERCENT FROM ONE AND ONE-HALF PERCENT TO TWO PERCENT UPON THE SAME TRANSACTIONS ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE SUCH TAX WITHIN THE CORPORATE LIMITS OF THE CITY OF GERING, EFFECTIVE OCTOBER 1, 2022 FOR A PERIOD OF TEN YEARS; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE. Seconded by Councilmember Backus. 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.

Councilmember Bohl moved that the Ordinance be designated as Ordinance No. 2110 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 Wiedeman. There was no discussion. On roll call vote. "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. 2110 was read by title only, Councilmember O'Neal moved that the Ordinance be passed as read, which motion was seconded by Councilmember Morrison.



**“The question is shall Ordinance No. 2110 be passed?” 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.**

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.

#### **BIDS/PROPOSALS:**

##### **1. Consider approval of Proposal for Audit Services for the City of Gering**

**Motion by Councilmember Morrison to approve a Proposal for Audit Services for the City of Gering for fiscal years 2022, 2023 and 2024 from Contryman Associates, P.C. 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.**

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

#### **REPORTS:**

##### **1. Central Irrigation District Liaison Report – Councilmember Smith**

Councilmember Smith stated:

- Central Irrigation District is a small district
- It runs through Gering and is broken into three divisions; he represents Division 1
- He believes Division 1 is solely owned by the City of Gering
- The water taxes imposed on the grower are about \$19 per acre which is probably the lowest in the area
- It brought in about \$35,000 last year – about 1800 acres (roughly 15 growers)
- Expenses and maintenance are pretty much that amount (and is going up)
- He expects in the future the tax will go up as well
- Right now, the district is in a good financial position
- He was just re-elected for another three-year term

**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.


Darrell Bentley, 1600 Park Terrace, addressed Council and stated it was a real honor to be on a group that worked and was successful, and he's glad they were and they are (referring to the Grassroots Committee for a half-cent sales tax initiative for infrastructure). He stated now it's time for the Mayor and Council to get involved in this and get it done. Don't kick it down the road like we've done on a lot of things in Gering. Work with Pat and the City Engineer and people like that; ask them daily what's going on, are we getting it done, and where are we at. He asked that they keep the citizens informed on what we're doing with that money because there's a lot of people that voted yes; we want to make them proud that they did. The ones that voted no, we want to make them *wish* they did. Blow your own horn once in a while, and let people know what's going on in Gering. One complaint was that we spent too much on ball diamonds and stuff. He asked some of the same people today if they knew there was a big tournament this weekend at the ball diamonds – they didn't know. They don't pay any attention. We need to somehow inform the community what we're getting out of the money that has been spent and what we're going to spend. For the betterment of the future, blow the horn, tell people what we're doing. Everybody sitting up here (elected officials) should get involved in this and get it done. He thanked the Mayor and Council.

Mary Bowman, 2610 Prairie Street, addressed Council and stated she was representing the Gering American Legion Post 36 and wanted to give an update on the Cemetery Pavilion Project. They have demolished the old platform, the concrete has been poured, and the steel structure has been erected. They are ready for their Memorial Day Program and invited Council to attend at 10 a.m. on Monday, May 30. She thanked the Mayor, Council and Keno Committee for providing partial funding for their project. She said she especially wanted to recognize Amy Seiler who has been terrific to work with, as well as Dustin and the Cemetery Crew. They worked really hard to get that site ready for the concrete to be poured. She wanted the Mayor and Council to know they're doing a great job out there.


**ADJOURN:**

**Motion by Councilmember Gillen to adjourn. 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.**

Meeting adjourned at 6:45 p.m.

  
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Mark A. Kaufman, Mayor

ATTEST:

  
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Kathleen J. Welfl, City Clerk

