

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
MAY 24, 2021**

A regular meeting of the City Council of Gering, Nebraska was held in an open session on May 24, 2021 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Council President Gillen and Councilmembers Smith, Backus, Bohl, Wiedeman, Morrison, O'Neal and Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Matt Turman. Absent was Mayor Kaufman. 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 6:01 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

Council President Gillen 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 Council President. 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 10, 2021 regular City Council meeting
2. Approve Claims
3. File for Record 2020 Annual TIF Report

Claims 5-11-21 to 5-24-21

24/7 FITNESS \$210.00; A & A PORTA POTTIES \$405.00; ACE HARDWARE \$45,056.35; ACTION COMMUNICATIONS, INC. \$441.15; ACUSHNET COMPANY \$599.56; ADIDAS AMERICA, INC \$983.04; AIR & SPACE \$29.00; ALLAN D MITCHELL \$14,577.62; ALLEN, RONALD K \$165.00; ALMQUIST MALTZAHN GALLOWAY & L \$1,000.00; AMERITAS LIFE INSURANCE COPR. \$556.38; APS WATER \$188.43; B & C STEEL \$75.89; BENZEL PEST CONTROL \$184.05; BETTY CURTIS \$75.00; BH MEDIA GROUP HOLDING, INC. \$1,399.97; BLACKBURN MANUFACTURING CO. \$236.36; BLUFFS FACILITY SOLUTIONS \$650.41; BOARDERS INN & SUITES \$561.18; BOSSELMAN TRAVEL CENTER \$58.73; BUSHNELL OUTDOOR PRODUCTS \$662.90; CALLAWAY GOLF COMPANY \$4,939.31; CASEY'S GENERAL STORE \$33.70; CATTLE BANK & TRUST \$55,786.38; CENTURYLINK \$2,729.85; CITY INSURANCE FUND \$88,847.91; CITY OF GERING \$357.34; CITY OF SCOTTSBLUFF \$925.25; CITY PAYROLL TRUST \$2,352.08; CLARK PRINTING LLC \$566.80; CONNECTING POINT \$108.02; CONSOLIDATED MANAGEMENT COMPAN \$33.85; CONSTANT CONTACT \$45.00; CONTRACTORS MATERIALS, INC. \$369.20; DALE'S TIRE \$56.25; DANKO EMERGENCY EQUIPMENT CO \$56.84; DIAMOND VOGEL PAINT CENTER \$24.32; DOOLEY OIL \$29.88; DUTTON-LAINSON COMPANY \$14,576.08; ECOLAB \$304.40; ELITE TOTAL FITNESS \$63.00; ELLISON, KOVARIK & TURMAN LAW \$8,442.50; FASTENAL COMPANY \$364.96; FEDEX \$81.44; FIRST STATE BANK \$356.88; FLOYD'S TRUCK CENTER, INC. \$9,177.32; FRANCISCOS BUMPER TO BUMPER IN \$220.00; FRANK PARTS COMPANY \$51.25; FREE CONFERENCE CALL.COM \$4.00; FYR-TEK, INC. \$482.41; GERING VALLEY PLUMBING & HTG. \$5,469.96; GIT N SPLIT \$38.88; GOLF AND SPORT SOLUTIONS,LLC \$3,381.52; GREGORY'S LOCK SHOP LLC \$181.28; GWORKS \$1,056.00; HARBOR FREIGHT TOOLS \$89.95; HEARTLAND BANK \$61,293.13; HENRY & WANDA HENKEL \$166,850.40; HYVEE \$51.62; IDEAL LAUNDRY AND CLEANERS, IN \$181.07; INDOFF INCORPORATED \$36.23; INGRAM LIBRARY SERVICES \$961.24; INSIDE THE TAPE \$210.00; INTERNAL REVENUE SERVICE \$41,500.39; INTRALINKS, INC. \$2,095.00; IRBY TOOL & SAFETY \$3,097.65; J.J. KELLER & ASSOCIATES \$327.60; JG ELLIOTT INSURANCE CENTER \$40.00; JOHN HANCOCK USA \$13,679.49; JOHN HANCOCK USA FIRE \$920.06; JOHN HANCOCK USA POLICE \$6,222.66; JOHNSON CASHWAY CO. \$1,725.22; JOSE RODRIGUEZ \$95.00; JUSTIN KL BERNHARDT \$125.00; K4 TRUCKING II INC \$906.45; KAREN SUE BRUNTZ \$425.00; KUTAK ROCK LLP \$10,300.00; KYM FRIES \$75.00; LOGOZ LLC \$600.00; LOST RIVER SAND & GRAVEL, INC \$2,416.77; LOVE'S TRAVEL STOPS STORE \$34.34; MATHESON TRI-GAS INC \$228.55; MEAT SHOPPE \$17,770.31; MELODY BIBB \$75.00; MENARDS \$393.83; MICHAEL TODD & COMPANY, INC. \$3,381.00; MIDWEST AUTO SUPPLY, INC. \$30.00; MONEY WISE OFFICE SUPPLY \$7.10; MURDOCH'S RANCH & HOME \$247.88; NATIONAL TACTICAL OFFICER ASSO \$35.00; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE DEPARTMENT OF REV (PR) \$6,713.60; NE PUBLIC HEALTH ENVIRO LAB \$735.00; NE STATE PATROL CRIMINAL ID \$46.38; NEBRASKA PUBLIC POWER DIS \$1,951.44; NEBRASKA RURAL RADIO ASSOC. \$583.18; NKC TIRE \$26.00; NMVCA \$70.00; OMAHA WORLD-HERALD \$816.40; OREGON TRAIL PLBG & HEATING \$144.00; PANHANDLE COOP ASSOCIATION \$11,917.54; PANHANDLE ENVIRONMENTAL SERVIC \$1,204.00; PATTLEN ENTERPRISES, INC \$550.77; PAYROLL \$133,979.76; PRESTIGE FLAG \$209.25; PRO OVERHEAD DOOR \$686.50; PUMP & PANTRY \$16.43; QUADIEN LEASING USA, INC \$147.60; REPOWER ENGINE REPLACEMEN \$2,710.00; RYAN BLAKE \$33.00; SCB. COUNTY REGISTER OF DEEDS \$32.00; SCB. COUNTY SHERIFF OFFICE \$79.67; SCB. COUNTY WEED CONTROL \$400.00; SCOTTS BLUFF COUNTY COURT \$17.00; SCOTTSBLUFF-GERING UNITED WAY \$128.75; SHAWNA WINCHELL \$910.00; SHERWIN

WILLIAMS \$448.22; SIMMONS OLSEN LAW FIRM, P.C. \$1,500.00; SOLUTIONS EAP \$244.55, SOUTHWESTERN EQUIPMENT COMPANY \$256.73; STANARD & ASSOCIATES \$367.50; STAPLES CREDIT PLAN \$49.90; STEVE MOUNT \$75.00; SUGAR VALLEY FEDERAL CREDIT \$528.37; SUN CHLORELLA CORP \$688.88; SWANA \$223.00, TAMMY RADZYMSKI \$75.00; TEAM CHEVROLET \$375.00; TORRINGTON SOD FARMS \$7,850.00; TREE MONKEYS LLC \$1,000.00; TRIHYDRO CORPORATION \$17,129.48; TRITECH FORENSICS, INC \$74.72; U.S. VENTURE, INC. \$49.80; UNANIMOUS, INC. \$30.00; UNITED STATES POSTAL SERVICE \$110.45; VALLEY AUTO LOCATORS LLC \$92.82; VANESSA LARA \$75.00, VERIZON CONNECT \$38.38; W & R INC. \$852.10; WALMART COMMUNITY/SYNCR \$51.72; WAREHOUSE FITNESS CENTER \$58.00; WESTERN COOPERATIVE COMPANY \$7,213.50; WESTERN STATES BANK \$24,360.50; WESTERN STATES BANK - POLICE \$550.00; WESTERN WELLS CHAPTER STUDEBAK \$1,500.00; WINSUPPLY SCOTTSBLUFF NE CO. \$7.21; WYOMING BEARING & SUPPLY \$255.52; YMCA OF SCOTTSBLUFF \$229.50; ZOOM VIDEO COMMUNICATIONS \$14.99

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

BIDS:

1. Financial Management & Utility Billing System Software RFP

Administrator Heath stated that the City advertised for Request for Proposals for the software and implementation of a Financial Management and Utility Billing System. The City received four proposals; Caselle, Springbrook, Tyler Technologies and Util360. City Staff reviewed all four proposals and selected two finalists; Caselle and Tyler Technologies. Tyler Technologies was selected as the preferred software since Tyler could provide all software modules requested in the RFP. After the selection was made, implementation costs for Tyler and Caselle were then evaluated. Tyler has a higher implementation cost and is slightly higher in annual maintenance and support costs than Caselle. However, staff selected Tyler due to the availability of all software modules needed for the operation of our Financial and Utility Billing departments. Staff recommends awarding the Financial Management & Utility Billing Software bid to Tyler Technologies in the amount of \$256,688, a one-time implementation cost, and an annual cost of \$53,082 for maintenance and support.

Councilmember Wiedeman asked if this is going to come out of next year's budget and if there will be a down payment and what costs will be involved in this fiscal year. Administrator Heath replied that there will be a down payment of approximately \$35,000; they require 25% of their software and licensing fee. There will be some additional costs as they bill us throughout the process getting this implemented. The majority will be after the fiscal year; staff felt that the utility departments can bear most of that burden. We will budget the funds and all other departments will support this software. The majority of it is going to be charged through the utility departments, mainly because they're the ones who generate all the revenue for the City.

Councilmember Morrison asked how long the on-going maintenance and education goes on. Mr. Heath replied - as long as we have the software. This is a Windows-based program and much easier for staff to use. This time-savings for staff with this software will be significant. The majority of their training is online so current and future staff can be trained that way.

Councilmember Wiedeman asked if it will work with the SCADA system? She was referring to the system that is used to collect information to bill residents. Mr. Heath stated yes; Tyler is used by 13 other cities in Nebraska.

Councilmember O'Neal clarified that Tyler is in agreement that they will take our system to make sure it is compatible with their system and then pass it over to the City. It is not going to be a requirement for staff to figure out. Mr. Heath replied, yes; they will test the system and make sure it's working. They will get meter readings put in and make sure the system is billing correctly. This is a year implementation; sometime next year will be the implementation and billing of the system; hopefully they can do it in February, March or April.

Motion by Councilmember O'Neal to award the Financial Management & Utility Billing System Software bid to Tyler Technologies in the amount of \$256,688, a one-time implementation cost, and \$53,082 for the annual maintenance and support cost. Seconded by Councilmember Smith. There was no discussion. Council President Gillen called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

2. Civic Center Improvements Bid

Administrator Heath stated that this project consists of the remodel of the Gering Civic Center in the areas of the main lobby, restrooms, meeting rooms and offices. The work includes carpeting, doors, painting, restroom facilities and plumbing. The project is scheduled to be completed in 90 days, or not later than October 30, 2021 with a start date of August 1, 2021.

Administrator Heath stated the City received a \$500,000 Community Revitalization Fund Grant for Event Centers/Sports Arenas Stabilization from the Nebraska Department of Economic Development. The City also plans to use Downtown Revitalization funds to pay for the remainder of the project.

The lowest bidder added a note to the bid that stated the bidder will not participate in liquidated damages due to availability of materials in a timely manner beyond their control. This modification to the bid document makes their bid nonconforming because other bidders were not given the same opportunity to modify their bid for liquidated damages. Staff recommends Council award the project bid to the lowest qualified bidder with a conforming bid - Anderson Shaw Construction, Inc. in the amount of \$711,646.08.

Councilmember Morrison asked when the bid was put out, did the bidders take into consideration what lumber and supply prices have done? Mr. Heath replied that the bids were put out on April, 2021. There was not anything about the current times in the specs and he wasn't involved with the project. The only thing they had in the bid was regarding liquidated damages that will begin after October 30. Councilmember Morrison asked if they were staying with that number for the bid? Mr. Heath replied, yes. It is an urgent project due to the money needing to be used by the end of the year. The Civic Center starts having holiday parties the latter half of November and going into December; it would be hard to take care of the parties while doing a remodel.

City Attorney Turman stated that the City's aim is to have a fair process and the City can only accept bids that are in compliance with our instructions. On the same invitation it does state that the liquidated damages will be assessed for each day that the work is not completed after the contract lapses. The instructions that were provided have three separate notations about liquidated damages, contract times and the requirement that the bidder has to sign an agreement. The agreement has seven more notations that liquidated damages will be assessed. The City has the discretion whether to enforce it or not. We have to make sure that all bidders are bidding on the same set of documents and not making little changes here and there to fit their comfort level. For that reason, the low bid is not compliant with our documents and should not be considered.

Councilmember Cowan declared a perceived conflict of interest. The company that he works for might have this bid as a subcontractor. Mr. Turman stated that Councilmember Cowan mentioned earlier that he might have a conflict. This is a similar situation that Councilmember Gillen and Bohl had at previous meetings. It is a perception of conflict but not a legal conflict; Councilmember Cowan is okay to vote.

Motion by Councilmember Wiedeman to award the Civic Center Improvements bid to Anderson and Shaw Inc. in the amount of \$711,646.08. Seconded by Councilmember Morrison. There was no discussion. Council President Gillen called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

3. Civic Center Lighting Improvements Bid

Administrator Heath stated that the City advertised and received a bid for lighting improvements at the Gering Civic Center; this is part of the Civic Center Improvement Project. Robinson Electric was the only bidder in the amount of \$166,086.00. Staff recommends that the project be awarded to the only bidder - Robinson Electric for \$166,086.00.

Councilmember Gillen asked if this was going to come out of Downtown Revitalization. Mr. Heath replied, yes; this will be the latter part of the project and will come out of Downtown Revitalization funds.

Councilmember Backus asked if other companies, other than Robinson Electric, request the packet. Mr. Heath replied that he didn't believe so. Part of the electrical and lighting system is controlled by the Programmable Logic Controller (PLC) program and not too many companies around here can do that program.

Councilmember Morrison asked if Robinson Electric installed the original one. Mr. Heath replied, yes. Robinson Electric did install the original PLC back in 1993 when the Civic Center was built. There was an upgrade of the PLC 12 years ago and they put in a new PLC. They understand the PLC and have the programming software for it and are able to maintain the equipment.

Motion by Councilmember Morrison to award the Civic Center Lighting Improvement bid to Robinson Electric in the amount of \$166,086.00. Seconded by Councilmember O’Neal. There was no discussion. Council President Gillen 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. Consider approval of Member/Guest Golf Tournament Special Event Permit (involving discharging fireworks on City property)

Kevin Mooney addressed Council and stated that this is what they have done every year for the Member/Guest Golf Tournament. It will be held on June 25. They will be discharging fireworks at the end of Family Night on Friday night. The next two nights will be the golf tournament. They hold the Family Night for the guests, players and residents that are around the golf course so they can have fun and play games. The fireworks are done at the end of it to make the event special. He has been in contact with Chief Flowers to make sure they have Fire Department presence there. They’re looking for approval of a special event permit that includes fireworks. They will be discharged midway up on the driving range; guests will be back by the restaurant.

Motion by Councilmember Wiedeman to approve the Member/Guest Golf Tournament Special Event Permit involving the discharging of fireworks on City property. Seconded by Councilmember Bohl. There was no discussion. Council President Gillen called the vote. “AYES”: Smith, Gillen, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. Motion Carried.

2. Consider approval of an Ag Estate Dwelling Survey (AEDS). The property is 4.23 Acres, and is an existing farmstead located at 140180 County Road 22. The property is situated in unplatted lands, PT E ½ of the NE ¼ of S11-T21N-R55 W of the 6th P.M., Scotts Bluff County

**CITY OF GERING
 PLANNING COMMISSION RECOMMENDATION AND REPORT**

To:	City Council	Date:	5/24/21
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	4.23 Acres
Location:	140180 County Road 22, East ½ of the NE ¼, S11-T21N-R55W of the 6 th P.M.	#Lots/Parcels:	1
Owner:	Kevin & Karla Sandberg		

Mr. Mayor and Council Members,

This is a recommendation and report to consider an application for an Ag Estate Dwelling Site in the AGG zone (General Agricultural District). The property is 4.23 Acres, and is an existing farmstead located at 140180 County Road 22. The property is situated in unplatted lands, PT E ½ of the NE ¼ of S11-T21N-R55 W of the 6th P.M., Scotts Bluff County. The property is outside of Gering City limits, but within the City’s extraterritorial zoning jurisdiction. The surrounding property is zoned AGG, except to the east where properties are zoned RH. Also note, this boundary is being amended from an existing AEDS which has now been vacated.

According to the City’s zoning code, for each AEDS, the owner shall reserve the balance of 80 acres of vacant or agricultural district land. When the 4.23 acres is divided off, there will be only 74.98 acres remaining of the farm which will be held in reserve for agricultural uses only, until or unless the property is rezoned. While this doesn’t strictly meet the 80 acre requirement, section 5.203 of the zoning code also states, “The City Planning Commission and the City Council of the City of Gering, Nebraska, may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained.” The stated intent of the AEDS subsection of code is “not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS), but such intent is to allow ‘subdivision’ or sale, of a portion of a larger tract of land, whereby the smaller

parcel created is to be used primarily for dwelling site purposes.” Because this is an existing farmstead that is being split off from the remainder of the farm, and this parcel is to be used for dwelling purposes, staff recommends that this AEDS does meet the intent of this subsection of code, and thus recommends approval of the AEDS.

Recommendation

Approve: Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located at 140180 Country Road 22, situated in the East half of the north east quarter of section 11, township 21 north, range 55 west, with the following conditions:

Deny: Make a NEGATIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located at 140180 Country Road 22, situated in the East half of the north east quarter of section 11, township 21 north, range 55 west, for the following reasons:

Table: Table making a recommendation on the Ag Estate Dwelling Site located at 140180 Country Road 22, situated in the East half of the north east quarter of section 11, township 21 north, range 55 west, for the following reasons:

City Attorney Turman stated that this is being done at the request of the property owner. They have a current home site of two and a half acres included; they need to vacate that so they can add two more additional acres and have it resurveyed and platted. The City has to be involved because it is in our extraterrestrial zoning jurisdiction. It is outside city limits but in our jurisdiction.

Council President Gillen stated that this went before the Planning Commission and they made a positive recommendation to the Council.

Motion by Councilmember Wiedeman to approve an Ag Estate Dwelling Site (AEDS). The property is 4.23 Acres, and is an existing farmstead located at 140180 County Road 22. The property is situated in unplatted lands, PT E ½ of the NE ¼ of S11-T21N-R55 W of the 6th P.M., Scotts Bluff County. Second by Councilmember Morrison. There was no discussion. Council President Gillen called the vote. “AYES”: Smith, Gillen, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: None. Motion Carried.

REPORTS:

1. Airport Authority Liaison Report – Councilmember Bohl

Councilmember Bohl stated that there are quite a few things happening at the airport.

- They have received the last of their CARE’s ACT money. They are funded for the most part and upped their FDIC insurance to cover the additional funds they received; it was a very substantial number. It allowed them to be able tackle a handful of projects that they are working on now.
- They have a new fuel tank ordered to replace their existing fuel tank. It has been a project that has been in the works, but they are able to move forward. The tank is on the way; they are unsure of the delivery date due to how things have been.
- They also have the water fill station project underway. They are putting in a fill station for water trucks that need to do a rapid fill. Heggem has that project.
- There has been a lot of talk about hangers. They will take some of the CARES ACT money they received and do a test run on some of the hangers with some spray foam insulation. Some of the hangers have developed drafts over the years. A lot of the buildings are World War II era buildings. They are selecting a group of them to see if the spray foam will go through and help seal the outer shell to make them airtight and watertight for the tenants up there. There was some discussion about the shape that some of the hangers are in. If this doesn’t work, it will be a topic of discussion on how to move forward. To construct new hangers would be close to a million dollars. They thought this would be the direction to go to see if it will work and get them by for now.
- As of May 17th, they’ve had 595 boardings and were estimating 1,085 for the month of May. This puts them at 3,210 for the year, 2,885 being Sky West - the rest of the boardings were Medivac, Air Med boardings that were going out.
- In June, Sky West will be looking at redoing their scheduling. He was a little confused but thinks they will eliminate afternoon flights out of Scottsbluff and only have morning flights out. They will have a couple of return flights coming in during the afternoon. They are on track for 10,000 boardings for the year. Hopefully, it will pick up when travel season picks up.

Councilmember Morrison asked since they have to have so many boardings to receive the Essential Air Service money, does Medivac count towards the 10,000? Councilmember Bohl replied that he believes it does. He doesn’t know the true answer but when they separated the boardings out, it was his

understanding that that number was included in the overall boarding. Councilmember Wiedeman stated that she thinks it's the fixed wing flights, not the helicopters.

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

OPEN COMMENT SECTION: None

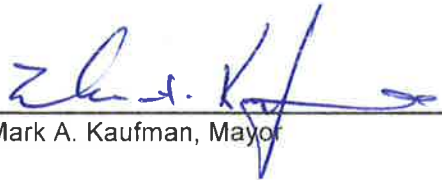
Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

ADJOURN:

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

Meeting adjourned at 6:36 p.m.




Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk