

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, NOVEMBER 13, 2023

A regular meeting of the City Council of Gering, Nebraska was held in open session on November 13, 2023 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Backus. 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 Ewing 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 Council Member absence

Councilmember Morrison made a motion to approve the absence of Councilmember Cowan from the October 23, 2023 regular City Council meeting. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion Carried.

OPEN MEETINGS ACT - NEB.REV.STAT. CHAPTER 84, ARTICLE 14

Mayor Ewing 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 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 October 23, 2023 Regular City Council meeting
2. Approve Claims
3. File for record TCD Quarterly

Claims 10/24/23 – 11/13/23

21ST CENTURY EQUIPMENT \$211.48, A & A PORTA POTTIES \$450.00, AC ELECTRIC MOTOR SERVICE \$599.02, ACCENT WIRE-TIE \$8,932.02, ACE HARDWARE \$1,275.40, ACTION COMMUNICATIONS, INC. \$455.20, ACUSHNET COMPANY \$372.63, AFL, LLC \$159,537.00, ALLO COMMUNICATIONS \$3,176.13, ALTEC INDUSTRIES, INC. \$1,509.47, AMAZON CAPITAL SERVICES \$2,203.29, AMERITAS LIFE INSURANCE COPR. \$600.44, AT&T MOBILITY \$212.86, AXON ENTERPRISE, INC \$17,726.68, AYRES ASSOCIATES \$1,635.20, B & H INVESTMENTS, INC \$37.00, BAR 4 BAR ENTERPRISES, LLC \$2,900.00, BENZEL PEST CONTROL \$221.71, BETSY ROSS FLAG GIRLS INC \$358.00, BLACK HILLS ENERGY \$683.34, BLUFFS FACILITY SOLUTIONS \$957.64, BORDER STATES INDUSTRIES, INC \$15,369.50, BRETHOURS HONEYWAGON EXPRESS \$200.00, BSN SPORTS \$6,313.97, BW PLUS GRAND ISLAND INN & SUI \$107.00, CALLAWAY GOLF COMPANY \$68.77, CALVARY MEMORIAL CHURCH \$300.00, CATTLE BANK & TRUST \$55,786.38, CENGAGE LEARNING/GAGE \$251.89, CENTURYLINK \$666.88, CITY OF GERING \$27,666.44, CLARK PRINTING LLC \$430.85, CLEVELAND GOLF/SRIXON \$132.50, CODY FERGUSON \$76.99, COLE SHULTZ \$228.42, COLLIN HAVENGAR \$8,100.00, CONNECTING POINT \$905.10, CONTRACTORS MATERIALS, INC. \$584.30, CORE & MAIN LP \$1,142.80, CORNHUSKER HOTEL \$191.00, CRESCENT ELECTRIC SUPPLY CO. \$261.49, CROELL, INC \$931.00, CUMMINS CENTRAL POWER \$4,111.93, DANKO EMERGENCY EQUIPMENT CO \$2,575.15, DEARBORN LIFE INSURANCE COMPAN \$137.60, DICKIE K COCHRANE \$179.76, DONNA MURPHY \$75.00, DOOLEY OIL \$474.06, DUTTON-LAINSON COMPANY \$1,709.73, EAGLE ENGRAVING, INC. \$634.95, EAKES INC \$444.21, ECOLAB \$374.15, ENERGY ONE ELECTRONICS \$1,419.37, ENVIRONMENTAL COMPLIANCE SOLUTIONS, LLC \$1,450.00, ESO SOLUTIONS, INC \$1,145.40, ESRI \$6,930.00, EUROFINS ENVIRONMENTAL TESTING NORTH CENTRAL, LLC \$2,579.00, FAIRFIELD INN \$269.90, FASTANEL COMPANY \$1,252.62, FEDEX \$57.26, FIRST NATIONAL BANK OF OMAHA \$8,849.61, FIRST NATIONAL BANK OMAHA - POLICE \$550.00, FLOYD'S TRUCK CENTER, INC. \$2,262.96, FRANK PARTS COMPANY \$2,360.66, FRESH FOODS INC. \$163.14, GERING U-SAVE PHARMACY \$150.77, GERING VALLEY PLUMBING & HTG., INC. \$256.80, GERING VOLUNTEER FIRE DEPT. \$848.56, GERING ZION CHURCH \$300.00, GFOA \$320.00, GLOBAL INDUSTRIAL \$1,439.00, GOOD SAM ENTERPRISES, LLC \$6,105.60, GREATAMERICA FINANCIAL SERVICE \$100.00, GROUND UP CONSTRUCTION & CLEAN \$678.50, HARBOR FREIGHT TOOLS \$39.99, HERITAGE LANDSCAPE SUPPLY GROUP \$1,517.76, IDEAL LAUNDRY AND CLEANERS, INC. \$309.03, INDEPENDENT PLUMBING & HEATING \$574.79, INDOFF INCORPORATED \$667.21, INFINITY CONSTRUCTION INC. \$11,002.50, INTERNAL REVENUE SERVICE \$48,597.77, INTERSTATE BATTERY \$567.80, INTRALINKS,

INC. \$12,146.94, IRBY TOOL & SAFETY \$4,404.81, JACK'S UNIFORMS & EQUIPMENT \$1,646.60, JAYLYNN RAMIREZ \$75.00, JOHN HANCOCK USA \$17,043.70, JOHN HANCOCK USA FIRE \$761.78, JOHN HANCOCK USA POLICE \$8,357.21, JOHNSON CASHWAY CO. \$97.26, JONES & BARTLETT LEARNING \$942.85, KEEP SCOTTSBLUFF-GERING BEAUTI \$5,000.00, KEVIN LEHR \$300.00, KRISTEN VOGEL \$75.00, LAKEVIEW BOOKS \$80.97, LEAGUE ASSOC./RISK MANAGEMENT \$446.31, LEAGUE OF NE. MUNICIPALITIES \$1,130.00, LEE ENTERPRISES \$486.32, LOGOZ LLC \$84.00, LOST RIVER SAND & GRAVEL, INC \$1,462.98, LSC ENVIRONMENTAL PRODUCTS \$22,220.00, MARK CHRISMAN TRUCKING \$5,000.00, MATHESON TRI-GAS INC \$96.88, MB KEM ENTERPRISE \$200.00, MEAT SHOPPE \$32,771.66, MEL'S MOBILE LOCK & KEY \$76.00, MENARDS \$557.05, MIDWEST CONNECT \$406.37, MIDWEST THEATER \$387.50, MIRACLE RECREATION EQUIPMENT \$8,060.61, MIROSLAYA MENDOZA \$75.00, MOBIUS COMMUNICATIONS COMPANY \$30.00, MOTOROLA SOLUTIONS, INC \$2,850.00, MOUNTAIN VISION PIZZA \$86.99, MUNICIPAL SUPPLY, INC. OF NE. \$684.01, MUTUAL OF OMAHA \$4,346.24, NATIONAL FIRE PROTECTION ASSN \$175.00, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA DEPT OF REVENUE \$8,805.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$457.00, NEBRASKA RURAL WATER ASSOC. \$550.00, NEBRASKA SAFETY AND FIRE EQUIPMENT, INC \$490.00, NEBRASKA SALT AND GRAIN CO. \$17,850.08, NEMNICH AUTOMOTIVE LLC \$2,150.23, NKC TIRE \$27.00, NMC INCORPORATED \$1,219.97, NORTHFIELD HAVEN \$19,161.00, NORTHWEST PIPE FITTINGS, INC \$23.61, PAGE MY CELL LLC \$600.00, PANHANDLE CLERK'S ASSOCIATION \$40.00, PANHANDLE COOP ASSOCIATION \$1,032.92, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$3,364.00, PANHANDLE REGIONAL DEVELOPMENT, INC. \$50.00, PARMENTER CONSTRUCTION \$3,710.00, PATTLEN ENTERPRISES, INC \$427.11, PAUL REED CONSTRUCTION & SUPP \$1,170.00, PAULINE NEWMAN \$1,012.73, PERMA-BOUND \$15.04, PETE'S QUICK LUBE \$51.13, PHILIP SCHMITT \$335.36, PING INC \$673.47, PIPE WORKS PLUMBING LLC \$6,308.70, PLATTE VALLEY BANK \$35,316.00, POWER SCREENING, LLC \$5,752.53, POWERPLAN OIB \$8,081.45, PT HOSE AND BEARING \$189.65, QUADIENT POSTAGE FUNDING \$800.00, R & C WELDING & FABRICATION \$1,470.00, RDJ SPECIALTIES, INC. \$259.83, REGION 22 EMERGENCY MANAG \$4,444.33, REGIONAL CARE INC. \$100,455.03, REISIG'S EARTHMOVING \$929.10, RESCO \$34,867.61, RIVERSIDE DISCOVERY CENTER \$12,500.00, RIVERSTONE BANK \$619.35, SANDBERG IMPLEMENT, INC. \$1,932.46, SANDRY FIRE SUPPLY \$6,786.00, SCOTTS BLUFF COUNTY CLERK \$654.30, SCOTTSBLUFF-GERING UNITED WAY \$221.25, SHAWNA WINCHELL \$1,770.00, SHELLIE HEATH \$684.56, SHERWIN WILLIAMS \$430.70, SIMON CONTRACTORS \$9,365.71, SIRCHIE ACQUISITION COMPANY, LLC \$255.90, SOUTHWESTERN EQUIPMENT COMPANY \$141.88, STATE FIRE MARSHAL TRAINING DI \$400.00, SUBWAY SANDWICHES & SALADS \$224.76, TEAM CHEVROLET \$375.00, THE ABY MANUFACTURING GROUP \$270.50, THE TORO COMPANY \$175.00, TRANSUNION RISK AND ALTERNATIV \$75.00, TRANSWEST \$132.30, TWIN CITY AUTO, INC \$18,160.00, TYNDALE \$1,072.69, UNANIMOUS, INC. \$375.00, UTILITY BILL REFUNDS \$1,328.39, VALLEY AUTO LOCATORS LLC \$264.89, VANTAGE APPAREL \$71.37, VERIZON CONNECT \$38.38, VERIZON WIRELESS SERVICES, LLC \$633.76, WARRIOR RUN \$746.89, WESTERN COOPERATIVE COMPANY \$24,813.61, WESTERN PATHOLOGY CONSULTANTS \$253.00, WESTERN UNITED ELECTRIC \$182.32, WILLIAM BAER \$155.14, WINSUPPLY SCOTTSBLUFF NE CO. \$76.43, YANDA'S MUSIC INC \$1,100.00, TOTAL \$918,908.72

Councilmember Gillen made a motion to approve the Consent Agenda. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion Carried.

CURRENT BUSINESS:

1. Consider approval of Keno Fund requests:

- Riverside Discovery Center, \$15,000.00
- Scottsbluff/Gering State Golf, \$4,000.00
- Gering Public Library, \$3,018.39
- Monument Prevention, \$3,000.00

Keno Committee Chairman, Darrell Bentley, addressed Council and stated that the Keno Committee had a discussion about whether they should or should not fund the Riverside Discovery Center request. This request is for revamping cat exhibits. The applicant was assured that if the Committee recommended \$15,000, they'd have up to a year to use it; that way they'd have time to find the rest of the funds they need. With everything going on, they needed a good word and a little help. He's aware that the City of Gering puts in money every year for the Zoo. It seems to the Committee that the RDC has come pretty often for different things, but a lot of people in Gering take advantage of the Zoo and it brings people to the community. He further discussed the request and that the Committee let them know they're behind them and want things to continue at Riverside. The Committee received the bid proposals of what they're going to do; it seems like a good project. They will have to get out and get the rest of the money for the project before they can come to the City for the \$15,000.

Councilmember Morrison made a motion to approve the Keno Fund requests as presented which is \$15,000 for the Riverside Discovery Center, \$4000 for Scottsbluff/Gering State Golf, \$3,018.39 for the Gering Public Library and \$3,000 for Monument Prevention. Second by Councilmember O'Neal.

Discussion: Councilmember Gillen noted the potential for a perceived conflict of interest due to his part-time employment at the Discovery Center. City Attorney Ellison replied that if Councilmember Gillen wanted to opt out, that's his preference, but there is no legal conflict of interest.

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

2. Approve Ordinance No. 2139 - AN ORDINANCE PROHIBITING PARKING ON A PORTION OF RED BARN DRIVE; PROVIDING FOR NO PARKING SIGNS AND PROVIDING FOR AN EFFECTIVE DATE HEREOF TO ESTABLISH A NO PARKING ZONE ON RED BARN DRIVE

Councilmember Gillen made a motion to introduce Ordinance No. 2139 – AN ORDINANCE PROHIBITING PARKING ON A PORTION OF RED BARN DRIVE; PROVIDING FOR NO PARKING SIGNS AND PROVIDING FOR AN EFFECTIVE DATE HEREOF TO ESTABLISH A NO PARKING ZONE ON RED BARN DRIVE. Seconded by Councilmember Bohl.

Discussion: Councilmember Gillen pointed out that the Public Safety Committee met with the business owners of businesses that are impacted and all of them were supportive of what the City was attempting to do to assist with this issue in that area.

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

Councilmember Wiedeman moved that the Ordinance be designated as Ordinance No. 2139 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, and that the ordinance be passed as read, which motion was seconded by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion Carried.

3. Approve Ordinance No. 2140 - AN ORDINANCE TO AMEND WATER SERVICE CONNECTION FEES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Gillen made a motion to introduce Ordinance No. 2140 – AN ORDINANCE TO AMEND WATER SERVICE CONNECTION FEES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Bohl. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion Carried.

Councilmember Wiedeman moved that the Ordinance be designated as Ordinance No. 2140 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, and that the ordinance be passed as read, which motion was seconded by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion Carried.

4. Approve Resolution 11-23-1 regarding Adoption of Clarification Amendment to Employee Retirement Plan for Employees of the City of Gering

RESOLUTION NO. 11-23-1

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

1. Adoption of Clarification Amendment Employee Retirement Plan for Employees of the City of Gering: NOW, BE IT RESOLVED, that in order to clarify the Plan's eligibility provisions as originally intended in relation to the City's internal employment classification policies, the Plan shall be, and it hereby is, amended in the form of the Second Amendment submitted at this meeting and by this reference made a part of this resolution.

2. Authorizations: NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and other appropriate elected officials and officers of the City of Gering shall be, and they hereby are, authorized to do any and all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the aforesaid Plan, including such actions as may be necessary or appropriate to achieve and maintain tax qualification of the aforesaid Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

MAYOR

ATTEST:

CITY CLERK

Councilmember O'Neal made a motion to approve Resolution 11-23-1 regarding Adoption of Clarification Amendment to the Employee Retirement Plan for Employees of the City of Gering. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion Carried.

BIDS/PROPOSALS: None.
PUBLIC HEARINGS: 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 Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus. Motion Carried.

Meeting adjourned at 6:12 p.m.

ATTEST:


Kathleen J. Welf, City Clerk




Kent E. Ewing, Mayor