

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, NOVEMBER 28, 2022

A regular meeting of the City Council of Gering, Nebraska was held in open session on November 28, 2022, at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Councilmembers Smith and Gillen. 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.

**Motion by Councilmember Wiedeman to excuse the absence of Councilmember Smith from the November 14, 2022 regular City Council meeting. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith, Gillen. 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 November 14, 2022 regular City Council meeting
2. Approve Claims
3. Approve September, 2022 Financial Report
4. Approve October, 2022 Financial Report

### Claims 11/15/22 – 11/28/22

24/7 FITNESS \$346.00, ACE HARDWARE \$423.53, ACUSHNET CO \$418.98, ALLIANCE PUBLISHING CO IN \$100.50, AMAZON CAPITAL SERVICES \$233.50, AMERITAS LIFE INSURANCE COPR. \$601.92, AT&T MOBILITY \$1,326.09, B & C STEEL \$176.32, BAD BIRDIE GOLF \$313.00, BENZEL PEST CONTROL \$56.71, BETSY ROSS FLAG GIRLS INC \$326.48, BIG MACK HEATING & COOLING \$3,672.12, BLACK HILLS ENERGY \$2,213.84, BLUFFS FACILITY SOLUTIONS \$1,065.61, BORDER STATES INDUSTRIES, INC \$27,938.42, BOX BUTTE COUNTY COURT \$325.52, BRETHOURS HONEYWAGON EXPRESS \$200.00, BRIDGESTONE GOLF, INC. \$127.48, CERTIFIED LABORATORIES \$508.01, CITY OF GERING \$508.72, CITY OF SCOTTSBLUFF \$4,000.00, CLARK PRINTING LLC \$234.45, CLEVELAND GOLF/SRIXON \$111.50, CONSOLIDATED MANAGEMENT CO \$18.85, CONTRACTORS MATERIALS, INC. \$1,427.50, CROELL, INC \$2,132.25, DANKO EMERGENCY EQUIPMENT CO \$33,550.00, DHHS-ACCOUNTING \$1,927.24, DOOLEY OIL \$951.44, DUTTON-LAINSON COMPANY \$6,844.03, EAKES INC \$195.58, ECOLAB \$158.56, ELITE TOTAL FITNESS \$97.00, ESC ENGINEERING \$6,703.00, FAIRFIELD INN \$374.85, FASTENAL COMPANY \$586.80, FIRST NATIONAL BANK OMAHA - POLICE \$550.00, FLOYD'S TRUCK CENTER, INC. \$247,037.25, FRANK PARTS CO \$694.68, FYR-TEK, INC. \$176.92, GERING VOLUNTEER FIRE DEPT. \$19,635.00, HEALTHBREAK, INC. \$595.00, HEARTLAND BANK \$669,836.25, HEARTLAND EXPRESSWAY \$3,036.60, HEIMAN FIRE EQUIPMENT \$4,825.00, HOLIDAY INN EXPRESS HOTEL \$196.00, IDEAL LAUNDRY AND CLEANERS, IN \$147.46, INFINITY CONSTRUCTION INC. \$11,320.00, INGRAM LIBRARY SERVICES \$928.96, INTERNAL REVENUE SERVICE \$43,962.13, INTRALINKS, INC. \$288.00, IRBY TOOL & SAFETY \$9,047.20, J & A TRAFFIC PRODUCTS \$1,661.25, JOHN HANCOCK USA \$13,763.13, JOHN HANCOCK USA FIRE \$657.23, JOHN HANCOCK USA POLICE \$7,897.98, JOHNSON CASHWAY CO. \$133.30, JUSTIN BRUNZ \$273.00, LEAGUE ASSOC./RISK MANAGEMENT \$1,684.29, LEE ENTERPRISES \$51.74, LIGHTHOUSE ELECTRICAL \$3,667.01, LOGOZ LLC \$884.00, LOST RIVER SAND & GRAVEL, INC \$3,685.85, LYLE HART \$219.34, MANUEL BARRAZA \$3,200.00, MARSH FAMILY PAINTING \$5,505.00, MEAT SHOPPE \$25,076.06, MENARDS

\$3,569.62, MUNICIPAL SUPPLY, INC. OF NE. \$5,273.43, NE CHILD SUPPORT PAYMENT CENTE \$640.18, NE DEPARTMENT OF REV (PR) \$14,335.38, NE DEPT OF REVENUE \$644.82, NE DEPT. ENVIRONMENTAL QUALITY \$3,051.25, NE DEPT. OF REVENUE \$64,641.69, NEBRASKA LIFE MAGAZINE \$25.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$988.00, NEBRASKA PUBLIC POWER DISTRICT \$1,098.26, NEBRASKA RURAL RADIO ASSOC. \$583.18, NEBRASKA SALT AND GRAIN CO. \$10,693.44, NKC TIRE \$884.46, NMC INCORPORATED \$56.20, NORTHWEST PIPE FITTINGS, INC \$149.71, O'REILLY AUTOMOTIVE STORE \$43.92, PANHANDLE ENVIRONMENTAL SERVIC \$913.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PATRIOT3 \$10,352.30, PING INC \$281.79, PIPE WORKS PLUMBING LLC \$10,650.00, POWERPLAN OIB \$555.73, PRO OVERHEAD DOOR \$115.00, PT HOSE AND BEARING \$396.50, PVB VISA \$20,843.09, REGIONAL CARE INC. \$13,427.12, RIVERSTONE BANK \$617.65, SANDBERG IMPLEMENT, INC. \$217.93, SARAH WYNN \$425.00, SCB CO PUBLIC TRANSIT \$5,000.00, SCB COUNTY REGISTER OF DEEDS \$120.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCOTTSBLUFF-GERING UNITED WAY \$141.75, SENIOR CITIZENS CENTER \$1,200.00, SHAWNA WINCHELL \$1,080.00, SIMMONS OLSEN LAW FIRM, P.C. \$122.50, SIMON CONTRACTORS \$1,658.85, SUGAR VALLEY FEDERAL CREDIT \$528.37, TERRY CARPENTER, INC. \$650.00, THE TORO COMPANY \$155.00, TROY & LISA WEBORG \$59,923.72, TYLER TECHNOLOGIES \$2,990.00, VALLEY AUTO LOCATORS LLC \$1,235.46, VERIZON CONNECT \$38.38, W & R INC. \$15,000.00, WAREHOUSE FITNESS CENTER \$96.00, WESCO RECEIVABLES CORP. \$7,878.68, WESTERN COOPERATIVE COMPANY \$9,015.98, WESTERN PATHOLOGY CONSULTANTS \$503.00, WESTERN STATES BANK \$8,012.47, WNCC FOUNDATION- \$4,000.00, WYOMING NEWSPAPERS INC. \$555.00, YMCA OF SCOTTSBLUFF \$705.00, Total \$1,470,399.97

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

**PUBLIC HEARINGS:** None.

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

##### **1. Approve purchase of Case 590SN Backhoe - Wastewater Department**

Mike Davies, Public Works Director, stated that the Wastewater Department is replacing a back hoe that was budgeted in FY23 Budget. They're replacing a 2012 John Deere 310. Staff's recommendation is to replace it with a 2023 Case 590 SN. It's a little bigger machine; the bigger bucket and bigger machine is more conducive for the work they're doing.

**Motion by Councilmember Wiedeman to approve the purchase of a Case 590SN Backhoe for the Wastewater Department through Sourcewell with Titan Machinery in the amount of \$100,796.00 after trade-in. Second by Councilmember Bohl. There was no discussion. Mayor Kaufman called the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith, Gillen. Motion carried.**

##### **2. Approve purchase of 2023 Chevrolet 2500HD Silverado – Wastewater Department**

Mr. Davies stated that this bid is part of the replacement schedule for a three-quarter ton pickup for the Wastewater Plant. The 2011 has 140,000 miles on it and has been a great pickup. He budgeted a three-quarter ton Chevy 2500 to replace the 2011. Staff will be putting a 2008 Ford F250 on public auction and keeping the 2011 as a backup pickup. Staff's recommendation is to purchase the 2023 Chevy pickup from Dan Hattan Chevrolet in Wichita, Kansas.

Councilmember Bohl asked if there was any reason for going with a Chevy over the state bid of a Ford. Mr. Davies replied that he got a bid from Sourcewell on Ford for the exact same pickup. The Chevy is \$1000 cheaper and they've had good luck with the Chevy that they've had. This pickup will be going over rough roads quite a bit; the Chevy rides a little smoother. Councilmember Bohl asked if any of our local dealers bid on this; he's struggling with spending money in Kansas. Mr. Davies replied that he talked to Team Chevrolet; they didn't want to bid it because they didn't have any idea if they could get one. Chevrolet and GM weren't on Sourcewell this year because they didn't know if the pickups were going to be available. This pickup is sitting on the lot and ready to go. The dealer has sold quite a few to the State of Kansas. He has looked around the Denver area and around Nebraska; they're just not out there.

Councilmember Morrison asked if he has to go get it; Mr. Davies replied, yes. Councilmember Bohl asked if a late model, low-mileage, used pickup would work in that same application. Mr. Davies replied that the City would pay for a used one what we'd pay for a new one in the market that it is today.

Councilmember O'Neal asked what "in stock, subject to prior sale" means on the quote that Don Hattan Chevrolet provided. Mr. Davies replied that he had quite a few of these pickups sitting in the lot. He asked if they could hold this truck, there was someone wanting to buy it in Kansas. They are holding it for Mr. Davies until tomorrow. Councilmember Wiedeman asked if this was all done on State Bid. Mr. Davies replied this one wasn't, the Ford was – on Sourcewell. Don Hattan gave him the fleet price on this pickup which is comparable to Sourcewell. He checked with Reganis in Scottsbluff; they don't even make an extended cab pickup – it's a quad cab. We'd be looking at \$53,000 for that pickup. Administrator Heath stated that this falls in line with pickup bids from a few meetings ago; we had a very short timeframe to get those pickups ordered.

**Motion by Councilmember Wiedeman to approve the purchase of a 2023 Chevrolet 2500HD Silverado for the Wastewater Department in the amount of \$46,533 from Don Hattan Chevrolet. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": Bohl. Abstaining: None. Absent: Smith, Gillen. Motion carried.**

#### **CURRENT BUSINESS:**

##### **1. Approve appointment of Karen Palm to the Planning Commission**

**Motion by Councilmember Morrison to approve the appointment of Karen Palm to the Planning Commission. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith, Gillen. Motion carried.**

##### **2. Approve and authorize the Mayor to sign Professional Services Agreement by and between the City of Gering and Panhandle Regional Development, Inc.**

Councilmember Wiedeman asked who Panhandle Regional Development is. Clerk Welfl explained that they are under the umbrella of PADD, they are an NDO. The reason the City has to use an NDO is because in the past the City had a Certified CDBG Grant Administrator on staff, but no longer does.

Per Bryan Venable, Executive Director of PADD: *This agreement is for loan management between Panhandle Regional Development, Inc. (NDO) and the City. It formalizes the process for how the CDBG funding will pass to Prime Metal Products and be paid back. The state requires this agreement be signed.*

**Motion by Councilmember O'Neal to approve and authorize the Mayor to sign a Professional Services Agreement by and between the City of Gering and Panhandle Regional Development, Inc. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith, Gillen. Motion carried.**

##### **3. Request for Public Safety Standing Committee Meeting – Agenda item: Review and consider amending Truck Route Ordinance**

**Motion by Councilmember Cowan to approve a request for a Public Safety Standing Committee Meeting with agenda item: Review and consider amending Truck Route Ordinance. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith, Gillen. Motion carried.**

##### **4. Approve Resolution 11-22-2 regarding Appointed Trustee of the City of Gering Police Officers' Pension Plan**

RESOLUTION 11-22-2

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 November 28, 2022, and that such resolution has not been modified or rescinded as of the date hereof:

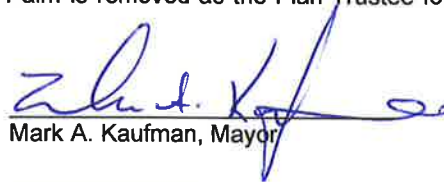
**WHEREAS**, effective November 28, 2022 the individual listed below will be appointed Trustee of the City of Gering, Nebraska Police Officers' Pension Plan (the "Plan"):

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**, Ann Palm 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 Shannon Goss, 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 Ann Palm 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 November, 2022.

  
Mark A. Kaufman, Mayor

\_\_\_\_\_  
Date

ATTEST:

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

**Motion by Councilmember O'Neal to approve Resolution 11-22-2 regarding Appointed Trustee of the City of Gering Police Officers' Pension Plan. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith, Gillen. Motion carried.**

**5. Consider holding only one regular City Council meeting in December, 2022**

**Motion by Councilmember Morrison to hold only one regular City Council meeting in December, 2022. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith, Gillen. Motion carried.**

**REPORTS:** None

**OPEN COMMENT:** Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. None.

**ADJOURN:**

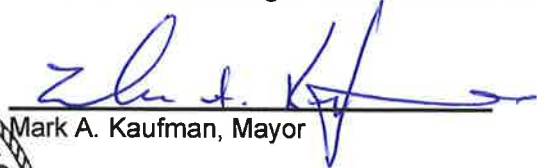
**Motion by Councilmember Cowan to adjourn. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith, Gillen. Motion carried.**

Meeting adjourned at 6:16 p.m.

ATTEST

  
Kathleen J. Welfl, City Clerk



  
Mark A. Kaufman, Mayor