

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, NOVEMBER 8, 2021

A regular meeting of the City Council of Gering, Nebraska was held in open session on November 8, 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, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Matt Turman. 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 O'Neal to excuse the absence of Councilmembers Smith and Bohl from the October 25, 2021 regular City Council meeting. Second by Councilmember Wiedeman. 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.

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:

1. Approve minutes of the October 25, 2021 regular City Council meeting
2. Approve Claims

Claims 10-26-21 to 11-8-21

21ST CENTURY EQUIPMENT \$289.97; AC ELECTRIC MOTOR SERVICE \$234.46; ACE HARDWARE \$270.11; ACUSHNET COMPANY \$(22.97); ALLEN, RONALD K \$230.00; ALLO COMMUNICATIONS \$1,879.59; ALTEC INDUSTRIES, INC. \$6,937.65; ALYSSA DISHMAN \$75.00; AMAZON CAPITAL SERVICES \$1,859.94; APPLIED CONCEPTS, INC. \$4,384.00; BENEFIT PLANS, INC \$232.00; BENZEL PEST CONTROL \$90.95; BH MEDIA GROUP HOLDING, INC. \$1,257.10; BLACK HILLS ENERGY \$448.46; BLUFFS FACILITY SOLUTIONS \$47.80; BOK FINANCIAL \$750.00; BORDER STATES INDUSTRIES, INC \$2,706.48; BRETHOURS HONEYWAGON EXPRESS \$200.00; BUSHNELL OUTDOOR PRODUCTS \$768.00; CALLAWAY GOLF COMPANY \$(706.92); CHRISTY MOORE \$75.00; CITY OF GERING \$1,000.00; CITY PAYROLL TRUST \$2,749.96; CONTRACTORS MATERIALS, INC. \$136.70; DAS STATE ACCOUNTING-CENTRAL \$152.50; DAVID SHIELDS \$100.00; DEARBORN LIFE INSURANCE COMPAN \$137.60; DENNIS SUPPLY COMPANY \$48.83; DIRT STIX NURSERY \$6,564.69; DOCU-SHRED LLC \$26.00; DON SCHMIDT CARPET, INC. \$15.00; DOOLEY OIL \$1,465.42; DUTTON-LAINSON COMPANY \$1,019.88; EAGLE ENGRAVING, INC. \$730.00; EAKES INC \$566.48; ELLIOTT EQUIPMENT CO. \$4,698.02; ENERGY LABORATORIES INC. \$534.00; FASTENAL COMPANY \$217.39; FAT BOYS TIRE & AUTO \$240.04; FIRST STATE BANK \$365.40; FLOYD'S TRUCK CENTER, INC. \$9,169.48; FRANK PARTS COMPANY \$1,609.33; FRASER STRYKER PC LLO \$7,465.50; FRESH FOODS INC. \$278.38; GOOD SAM ENTERPRISES \$6,192.48; GOULD GLASS \$220.00; GREATAMERICA FINANCIAL SERVICE \$126.00; GREENKEEPER COMPANY, INC. \$5,420.00; GROUND UP CONSTRUCTION \$848.13; HACH COMPANY \$523.20; HAWKINS, INC. \$136.11; HENNING BROTHERS \$83.00; HOLTZ INDUSTRIES \$469.00; IDEAL LAUNDRY AND CLEANERS, IN \$135.60; INDEPENDENT PLUMBING & HEATING \$119.55; INDOFF INCORPORATED \$1,388.07; INTERNAL REVENUE SERVICE \$40,972.21; INTRALINKS, INC. \$4,588.74; IRBY TOOL & SAFETY \$1,369.87; ITRON, INC. \$252.00; J.J. KELLER & ASSOCIATES \$651.83; JOHN HANCOCK USA \$13,854.85; JOHN HANCOCK USA FIRE \$597.18; JOHN HANCOCK USA POLICE \$6,528.00; JOHNATHAN CARLSON \$380.00; JUSTIN KL BERNHARDT \$150.00; K L WOOD & CO., LLC \$112,374.00; LEAGUE ASSOC./RISK MANAGEMENT \$2,006.11; MACQUEEN EQUIPMENT, LLC \$184,514.41; MASEK DISTRIBUTING INC \$11.26; MATHESON TRI-GAS INC \$46.58; MEAT SHOPPE \$8,871.91; MENARDS \$452.92; MILCO ENVIRONMENTAL SERVICES,I \$7,994.90; MILDRED SCHANEMAN \$75.00; MOBIUS COMMUNICATIONS COMPANY \$30.00; MUNICIPAL SUPPLY, INC. OF NE. \$1,634.44; NATIONAL FIRE PROTECTION ASSN \$175.00; NATIONWIDE LIFTS OF COLORADO \$5,000.00; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NKC TIRE \$804.97; NMC EXCHANGE LLC \$567.28; OCLC, INC. \$163.87; OMAHA MAGAZINE, LTD \$3,325.00; ONE CALL CONCEPTS, INC \$64.54; PANHANDLE COOP ASSOCIATION \$3,380.78; PANHANDLE ENVIRONMENTAL SERVIC \$905.00; PAYROLL CHECKS \$127,674.27; PING INC \$202.90; PLATTE RIVER GLASS RODNEY L FL \$267.00; POSTMASTER \$1,531.20; POWERPLAN OIB \$1,812.84; PVB VISA \$8,592.13; RANDALL, YVONNE \$75.00; RED BARN SHOP, LLC \$275.45; REGANIS AUTO CENTER \$757.48; RIVER OAKS COMMUNICATONS CORP \$3,467.50; ROSE EQUIPMENT INC. \$84.01; RYAN'S WELDING LLC \$360.00; SAFELITE FULFILLMENT, INC. \$35.00; SANDBERG IMPLEMENT, INC. \$2,861.71; SANDRY FIRE SUPPLY \$1,460.00; SCOTTSBLUFF-GERING UNITED WAY \$128.75; SHAWNA WINCHELL \$520.00; SIMON CONTRACTORS \$2,600.00; SOUTHWESTERN EQUIPMENT COMPANY \$273.76; STAPLES CREDIT PLAN \$339.98; SUGAR VALLEY FEDERAL CREDIT \$528.37; SUREFIRE, L.L.C. \$179.68; TAYLOR MADE GOLF COMPANY \$214.15; TEAM CHEVROLET \$26.48; TITAN MACHINERY INC. \$181.00; TOUR EDGE MFG INC \$772.60; TRANSUNION RISK AND

ALTERNATIV \$75.00; UTILITY REFUND CHECKS \$434.97; VALLEY AUTO LOCATORS LLC \$532.08; VERIZON WIRELESS SERVICES, LLC \$1,273.34; WESTERN COOPERATIVE COMPANY \$402.50; WESTERN PATHOLOGY CONSULTANTS \$150.00; WESTERN STATES BANK \$5,982.58; WESTERN STATES BANK - POLICE \$482.00; WILL BAILY \$300.00; WM RECYCLE AMERICA \$4,387.13; WNCC FOUNDATION- \$3,000.00; WYOMING BEARING & SUPPLY \$1,200.10

Motion by Councilmember Morrison to approve the Consent Agenda. Second by Councilmember Cowan. 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.

BIDS:

1. Council to consider refusing all bids related to a Current Production Model Crawler Dozer – Sanitation Department (Landfill)

Environmental Services Director, Steve Mount, stated that staff recommend rejecting all bids from a recent bid opening for a crawler dozer. One bid did not meet specs and the other two bidders changed the wording regarding liquidated damages for the delivery of the machine. Mayor Kaufman asked if it's due to inventories. Mr. Mount replied, yes, that's the main reason. It's well over the 90 days we were looking to get it in; they're looking at more like a year to 13 months. Councilmember Morrison asked if staff have to start all over again. Mr. Mount replied that they're looking at possibly rebidding or going on Sourcewell or state bid to try to move it along a little faster. Councilmember Bohl asked if all OEMs are in the same boat. Mr. Mount replied, pretty much; they're all about a year out. Case wasn't, but they didn't meet the horsepower spec.

Motion by Councilmember Cowan to reject all bids related to a Current Production Model Crawler Dozer for the Landfill. 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:

1. Public Hearing regarding a modification to the CS Precision Manufacturing, Inc. Redevelopment Plan

Mayor Kaufman opened a public hearing regarding a modification to the CS Precision Manufacturing, Inc. Redevelopment Plan at 6:07 p.m. City Engineer, Annie Folck, presented the administrative record.

**CITY OF GERING
CITY COUNCIL RECOMMENDATION AND REPORT**

To:	City Council	Date:	11/8/2021
From:	Planning & Community Development	Zoning:	MH
Subject:	Public Hearing to consider Modifications to Redevelopment Plan for CS Precision Expansion Project	Property Size:	12.5 Acres
Location:	140028 Lockwood Road	#Lots/Parcels:	2
Owner:	CS Precision		

The City approved a TIF application for an expansion project for CS Precision in December 2020. Since then, construction has begun, and additional expenses will need to be incurred that were not in the original redevelopment plan, but are eligible for TIF financing. These costs include the installation of a waterline and fire hydrant along 21st Avenue. CS Precision has applied for a modification to their redevelopment plan requesting TIF funds to cover these additional expenses. There is no change to the estimated TIF proceeds. The original Redevelopment Plan estimated more TIF available than eligible expenses, so with this modification, some of the available TIF proceeds that were previously unable to be utilized will be applied to these additional TIF eligible expenses.

CS Precision is an existing manufacturing business that is a large employer in our community. The business currently employs 66 people, and with this expansion will increase employment to 98 employees. The approximately \$4.7 million expansion will consist of an addition to their current building along with considerable investment in specialized equipment. It is anticipated that the project will increase the property valuation by approximately \$1.1 million.

The project site is zoned MH-Heavy Industrial and Manufacturing, and is therefore appropriate for the proposed use. Additionally, the project is located in an area designated in the Comprehensive Plan as the East Gering Industrial District. The goal of this district is to preserve land that has attributes crucial to future industrial development. Because this is an industrial use that is expanding in this district, staff recommends that the project meets the stated goals for the district. Additionally, there are principles and policies in the Comprehensive Plan that address this kind of development. Principle 1.8 is to "support the use of renewable energy and energy efficient design." Policy 2.1.E is to support job creation by focusing on retention, expansion, incubation, and recruitment efforts, and Policy 2.1.F is to support the creation and growth of local businesses. This project meets all of those objectives.

Staff recommends that the project and the plan conform to the City's general plan for development.

City Engineer Folck stated as was just discussed in the CDA meeting, CS Precision has requested a modification to their TIF project that was approved about a year ago, to allow them to maximize the total amount of TIF available to them after seeing that there were additional TIF-eligible expenses that were not accounted for in the original redevelopment plan. The main additions are the drive-way and culvert along Lockwood Road and the waterline and water hydrant along Lockwood Road. The Planning Commission recommended that the redevelopment plan, as modified, still meets the intent of the Comprehensive Plan and the CDA also approved this contingent upon Council approval of the Redevelopment Plan.

Mayor Kaufman asked twice if anyone in the Council Chambers wished to speak in favor of the modification to the CS Precision Manufacturing, Inc. Redevelopment Plan. Seeing none, he asked twice if anyone wished to speak in opposition. With no further comments, the administrative record was closed and the public hearing closed at 6:10 p.m.

1a. Approve Resolution 11-21-2 pertaining to a modification to the CS Precision Manufacturing, Inc. Redevelopment Plan

RESOLUTION NO. 11-21-2

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

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* the "Act"), a "Redevelopment Plan" for the *C S Precision Expansion Project* submitted by C S Precision Manufacturing, Inc. (the "Redeveloper") has been approved by the Gering Community Development Agency ("CDA") and Gering City Council.

b. The Redeveloper has submitted to the CDA a "Modification" to the Redevelopment Plan. The Redevelopment Plan, as modified by the Modification (together, the "Modified Plan") proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Modified Plan includes the use of tax increment financing.

b. The Modified Plan has been reviewed by the Planning Commission, which found that the Modified Plan conforms to the City's Comprehensive Plan (the "Comprehensive Plan"). The Planning Commission recommended approval of the Modified Plan to the CDA and City Council.

c. The Modified Plan has been reviewed by the CDA, which found that the Modified Plan conforms to the Comprehensive Plan, that the project as proposed in the Modified Plan would not be economically feasible or occur in the project area without tax increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the CDA, are in the long term best interests of the community.

d. The CDA recommended approval of the Modified Plan to the City Council.

e. On November 8, 2021, the City Council held a public hearing on the proposal to approve the Modified Plan.

f. The City Council has reviewed and conducted a cost-benefit analysis of the Modified Plan and makes the findings and recommendations as documented in writing in this Resolution.

Resolved:

1. The Modified Plan is determined to be feasible and in conformity with the Comprehensive Plan and with the legislative declarations and determinations set forth in the Act.

2. The project as proposed in the Modified Plan would not be economically feasible or occur in the project area without the use of tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long-term best interests of the community impacted by the project.

3. The City Council approves the Modified Plan.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Modified Plan, the City Council provides that any ad valorem tax on the Project Site as set forth in the Modified Plan, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in § 18-2147, which effective date

shall be determined in a Redevelopment Contract entered into between the Redeveloper and the CDA. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies;

(b) That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the CDA to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the CDA for financing or refinancing, in whole or in part, the project set forth in the Modified Plan. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due have been paid, the CDA shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in the redevelopment project shall be paid into the funds of the respective public bodies; and

(c) Any interest and penalties due for delinquent taxes shall be paid in the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Modified Plan.

6. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on November 8, 2021

Mayor

ATTEST:

City Clerk (Seal)

Motion by Councilmember Morrison to approve Resolution 11-21-2 pertaining to a modification to the CS Precision Manufacturing, Inc. Redevelopment Plan. 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.

CURRENT BUSINESS:

1. Approve and authorize the Mayor to sign Release of Right of First Refusal pertaining to property described as Lots Seven (7), Eight (8), and Nine (9), Block Fifteen (15), Gardner's Addition to the City of Gering, Scotts Bluff County, Nebraska; commonly known as 1720 10th Street, Gering, NE

City Attorney, Matt Turman, stated that the City, in exchange for some economic development funds back in 2014, took a right of first refusal on this particular property. That basically allowed the City the opportunity to purchase the property at some future point if it came up for sale. That has now happened. There is a potential buyer for the property. That right of first refusal allowed the City to step in and purchase the property for the sale price, less \$40,000, to recoup the City's initial investment in economic development funds. In order to encourage additional economic development in the city, and to allow new business to step into that property (because the City does not want to be in the business of owning that particular property), it's recommended that the City agree to a reduction of that \$40,000 to \$20,000 in exchange for releasing the right of first refusal. That allows a new business to move in and the City to recoup a portion of the economic development investment it has made.

Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign a Release of Right of First Refusal pertaining to property described as Lots Seven (7), Eight (8), and Nine (9), Block Fifteen (15), Gardner's Addition to the City of Gering, Scotts Bluff County, Nebraska; commonly known as 1720 10th Street, Gering, NE. 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.

2. Approve and authorize the Mayor to sign ESC Engineering Outline and Costs for Ball Park Substation Rebuild

Motion by Councilmember Gillen to approve and authorize the Mayor to sign ESC Engineering Outline and Costs for Ball Park Substation Rebuild. Second by Councilmember Wiedeman. 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. Continue discussion regarding proposed annexation outlined in Resolution 9-21-5

Motion by Councilmember Gillen to proceed with the annexation as outlined by the City staff including all the properties that were originally listed under the proposed annexation. Second by Councilmember Wiedeman.

Discussion: Mayor Kaufman stated that these types of decisions are difficult and challenging. The role of Councils at times are judge and jury. Decisions like this are not made lightly, but one like this is really correcting about 40 years of development and not annexing properties as they were developed into the community. These are challenges that we have to overcome from time to time, but we worked very hard as a community over the last several years to position ourselves for growth as we go forward. These types of things are consistent with our Comp Plan. He appreciates everyone's due diligence in working on where they need to be.

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

Councilmember O'Neal asked for clarification of what Council is voting on. Clerk Welfl replied that the reading (of the ordinance) would be next. What was just voted on was based on Councilmember Gillen's motion.

4. First reading of Ordinance # 2108 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO ANNEX TO THE CITY OF GERING CERTAIN LANDS DESCRIBED HEREIN WHICH ARE LOCATED WITHIN SCOTTS BLUFF COUNTY, NEBRASKA, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM

motion by Councilmember Morrison to introduce Ordinance No. 2108 as the first reading – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA TO ANNEX TO THE CITY OF GERING CERTAIN LANDS DESCRIBED HEREIN WHICH ARE LOCATED WITHIN SCOTTS BLUFF COUNTY, NEBRASKA, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM. Seconded by Councilmember Smith. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Wiedeman, Morrison. "NAYS": Backus, Bohl, O'Neal, Cowan. Abstaining: None. Absent: None. Mayor Kaufman broke the tie vote and voted "AYE". Motion Carried.

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

REPORTS: (Information only)

1. Council Liaison Report – Valley Visions, Councilmember Wiedeman

Councilmember Wiedeman stated that she's a member of the Valley Visions Task Force which is part of the Scottsbluff/Gering Chamber of Commerce. Their last meeting was September 22. She gave a report to Valley Visions about the Sleep Clinic coming along and the tentative opening date of February 2022. The ProTex tanks at the corner of 10th and M have been removed. The Civic Center renovations were partly done at that time, so she reported on that as well and the Gering Plaza was having a fall floral event. Other items discussed at the Valley Visions meeting were: Activate Scottsbluff/Gering was doing a walk audit that day, on September 22, and that was for St. Agnes and Scottsbluff Middle School and they also promoted the walk to school day on October 6th. Keep Scottsbluff/Gering Beautiful held a household and hazardous waste take-back in August. Groups were cleaning up along the Monument Marathon Route. The pharmaceutical take-back event was planned for October 23rd. She also reported to Valley Visions that the Gering Planning Commission approved the proposed racetrack/casino and that they would need a detailed site plan before they can break ground. She reported that the City of Gering is planning on adding a pickleball court at Oregon Trail Park

replacing the tennis courts and will also apply for a grant. The plan is to also update the bathrooms to ADA standards. Tri-City Active Living Advisory is planning a walk audit for Gering Junior High and Gering High School in 2022.

ADJOURN:

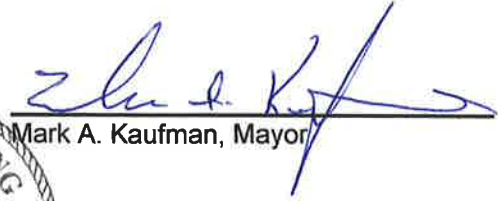
Motion by Councilmember Gillen to adjourn. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

Meeting adjourned at 6:23 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Mark A. Kaufman, Mayor