

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, NOVEMBER 9, 2020

A regular meeting of the City Council of Gering, Nebraska was held on November 9, 2020 at 6:00 p.m. at the Gering City Hall Council Chambers, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Backus, Abel, Wiedeman, and Cowan. Councilmembers Gillen, O'Neal and Morrison were present via video/teleconference by an Executive Order issued by Governor Ricketts. Also present were City Administrator Lane Danielzuk, City Attorney Jim Ellison and Administrative Secretary Carol Martin. Absent was City Clerk Kathy Welfl. 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 6:08 p.m., and stated that a quorum of the Council was present and City business could be conducted. Mayor Kaufman also noted that Councilmembers Gillen, O'Neal and Morrison were present via video/teleconference in light of an Executive Order by Governor Ricketts allowing Councilmembers who are in quarantine or isolation, due to COVID-19, to attend and vote at Council meetings via video/teleconferencing.

1. Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse councilmember absence

**Motion by Councilmember Wiedeman to excuse the absence of Councilmembers Smith, Abel and Morrison from the October 26, 2020 regular Council meeting. Second by Councilmember Cowan. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, 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 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 26, 2020 regular City Council meeting
2. Approve Claims
3. Wastewater Treatment Plant, Pond 3-B cover repair

#### Claims 10-24-2020 to 11-6-2020

21ST CENTURY EQUIPMENT \$7,200.71; ACUSHNET COMPANY \$2,301.42; ALLO COMMUNICATIONS \$6,007.68; AMAZON CAPITAL SERVICES, INC \$412.65; AMERICAN ASSOCIATION OF POLICE \$125.00; ANN FONSECA PETERS \$129.20; B & H INVESTMENTS, INC \$169.00; B & S RASK GRILL \$2,860.00; BAIRD HOLM LLP \$675.00; BAKER & ASSOCIATES, INC. \$308.75; BH MEDIA GROUP HOLDING, INC. \$559.67; BLACK HILLS ENERGY \$733.93; BLUFFS FACILITY SOLUTIONS \$618.56; BORDER STATES INDUSTRIES, INC \$38,366.20; BUSHNELL OUTDOOR PRODUCTS \$531.83; BUSHNELL OUTDOOR PRODUCTS \$235.42; CALLAWAY GOLF COMPANY \$1,585.15; CENTURY BUSINESS PRODUCTS, INC \$29.38; CENTURYLINK \$2,919.51; CITY OF GERING \$1,304.65; CITY OF GERING \$1,066.92; CITY OF SCOTTSBLUFF \$4,000.00; CITY PAYROLL TRUST \$2,292.50; CLARK PRINTING LLC \$200.85; CLINE WILLIAMS WRIGHT JOHNSON \$1,857.50; CNA SURETY DIRECT BILL \$1,020.00; COBRA PUMA GOLF, INC. \$166.75; COLLOPY PERFORMANCE & MACHINE \$50.00; CONNECTING POINT \$99.00; CONSOLIDATED MANAGEMENT COMPAN \$25.11; CONTRACTORS MATERIALS, INC. \$750.06; CORE & MAIN LP \$2,268.26; CRESCENT ELECTRIC SUPPLY CO. \$126.31; CRESCENT ELECTRIC SUPPLY CO. \$78.84; DANKO EMERGENCY EQUIPMENT CO \$515.05; DAS STATE ACCOUNTING-CENTRAL \$173.70; DEARBORN LIFE INSURANCE COMPAN \$137.60; DOCU-SHRED LLC \$26.00; DOOLEY OIL \$625.83; DUTTON-LAINSON COMPANY \$2,719.01; DYKES OIL INC. \$31.85; ECOLAB \$95.32; EJS SUPPLY, LLC \$2,963.50; ELLISON, KOVARIK & TURMAN LAW \$2,888.75; ENVIRONMENTAL COMPLIANCE SERVI \$1,075.00; FASTENAL COMPANY \$854.67; FELSBURG HOLT & ULLEVIG INC \$1,425.00; FIRST NATIONAL BANK OF OMAHA \$341.40; FIRST STATE BANK \$339.33; FLAGSHIP PUBLISHING INC. \$700.00; FLOYD'S TRUCK CENTER, INC. \$95.70; FRANK PARTS COMPANY \$3,876.72; FRASER STRYKER PC LLO \$1,771.00; FREMONT MOTOR SCOTTSBLUFF, LLC \$33.84; FYR-TEK, INC. \$57.00; GERING PUBLIC SCHOOLS \$118.56; GERING VALLEY PLUMBING & HTG. \$4,209.75; GOOD SAM ENTERPRISES, LLC \$5,797.44; GREATAMERICA FINANCIAL SERVICE \$100.00; HARBOR FREIGHT TOOLS \$188.17; HAWKINS, INC. \$1,475.00; HEARTLAND BANK \$250.00; HIGH PLAINS BUDWEISER \$600.00; HYDRO OPTIMIZATION & AUTOMATIO \$642.00; ICMA ELECTRONIC RETIREMENT \$709.74; IDEAL LAUNDRY AND CLEANERS, IN \$218.04; INDEPENDENT PLUMBING & HEATING \$979.95; INDOFF INCORPORATED \$762.12; INGRAM LIBRARY SERVICES \$99.80; INTERNAL REVENUE SERVICE \$51,077.78; INTERSTATE BATTERIE/RAPID CITY \$126.95; INTRALINKS, INC. \$3,329.34; IRBY TOOL & SAFETY \$1,385.65; J AND J TRAILER SALES, LLC \$135.00; J.D.'S ACE BODY SHOP \$4,277.00; JC GOLF ACCESSORIES \$452.84; JERRY HIGEL \$682.50; JL BECKER INC \$4,730.00; JOHN HANCOCK USA \$15,913.88; JOHN HANCOCK USA POLICE \$8,652.06; JOHN WILSON \$183.00; JOHNSON CASHWAY CO. \$532.96; JORDYN VOHLAND \$75.00; JOSE RODRIGUEZ \$125.00; JOSEPH R HEWGLEY & ASSOC \$2,787.50; JUDY BUSKIRK \$75.00; K4 TRUCKING II INC \$3,805.25; KAYLA CANDELARIA \$75.00;

KENDRA HAMPTON \$75.00; LEAGUE OF NE. MUNICIPALITIES \$4,760.00; LOGOZ LLC \$360.00; MASEK DISTRIBUTING INC \$1,192.50; MATHESON TRI-GAS INC \$125.98; MATRIX TRUST COMPANY \$556.20; MEAT SHOPPE \$6,353.32; MENARDS \$404.37; MID-AMERICA GOLF & LANDSCAPE I \$179,221.76; MIDWEST ELECTRIC TRANSFORMER \$18,382.60; MONEY WISE OFFICE SUPPLY \$1,082.90; MONUMENT INN & SUITES \$160,000.00; MOTOR FUELS DIVISION \$2,798.00; MUNICIPAL SUPPLY, INC. OF NE. \$8,223.58; MWC ENTERPRISES, INC. \$183.30; NATIONAL FIRE PROTECTION ASSN \$175.00; NDEQ - FISCAL SERVICES \$11,196.23; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE PUBLIC HEALTH ENVIRO LAB \$1,177.00; NE. SAFETY/FIRE EQUIPMENT, INC \$1,122.00; NEBRASKA LIBRARY ASSOCIATION \$75.85; NEBRASKA MUNICIPAL POWER POOL \$400.00; NEBRASKA PUBLIC POWER DIS \$990.69; NEBRASKA PUBLIC POWER DISTRICT \$61.72; NEBRASKA RURAL RADIO ASSOC. \$583.18; NEBRASKA STATEWIDE ARBORETUM \$27.87; NEOFUNDS BY NEOPOST \$3,534.87; NKC TIRE \$85.00; NMC EXCHANGE LLC \$6,300.17; NORTHWEST PIPE FITTINGS, INC \$64.81; OCLC, INC. \$160.66; ONE CALL CONCEPTS, INC \$51.90; PAGE MY CELL LLC \$600.00; PANHANDLE COOP ASSOCIATION \$3,600.82; PANHANDLE ENVIRONMENTAL SERVIC \$1,637.00; PAT HEATH \$33.00; PATTLEN ENTERPRISES, INC \$1,651.07; PAYROLL \$142,300.08; POWERPLAN OIB \$3,090.42; PRESTIGE FLAG \$1,129.12; R & C WELDING & FABRICATION \$74.90; RECORDED BOOKS, INC. \$36.00; REED & NELSON LLC \$35,532.41; REGION 22 EMERGENCY MANAG \$3,243.97; ROBERT RAHMIG \$2,780.00; RUSSELL INDUSTRIES \$1,608.71; RYAN BLAKE \$115.99; SAFELITE FULFILLMENT, INC. \$243.74; SANDBERG IMPLEMENT, INC. \$1,462.64; SCB. COUNTY REGISTER OF DEEDS \$30.00; SCOTTSBLUFF-GERING UNITED WAY \$118.75; SECURITY NATIONAL BANK OF OMAH \$716.93; SHAWNA WINCHELL \$650.00; SHERWIN WILLIAMS \$31.37; SIMON CONTRACTORS \$1,175.37; SOLOMON TRANSFORMERS, LLC \$21,992.53; SOUTHWESTERN EQUIPMENT COMPANY \$26,110.96; SPEAK WRITE \$505.08; SPECTRUM \$674.07; STAPLES CREDIT PLAN \$43.99; STREET COP TRAINING \$249.00; SUGAR VALLEY FEDERAL CREDIT \$528.37; SUN MOUNTAIN SPORTS \$161.50; THE ROCK PILE \$332.37; THE TORO COMPANY \$155.00; TRANSUNION RISK AND ALTERNATIV \$50.00; TURNOUT TOPCO LLC \$1,145.40; TWIN CITY AUTO, INC \$1,019.16; TWIN CITY DEVELOPMENT ASSOC \$25,000.00; US WEEKLY \$42.46; VALLEY AUTO LOCATORS LLC \$48.37; VAN PELT FENCING CO., INC. \$110.00; VERIZON WIRELESS SERVICES, LLC \$289.69; VERONICA CASILLAS \$75.00; VERONICA DOMINGUEZ \$75.00; VOICE NEWS \$22.50; VOICE NEWS \$22.50; WESCO RECEIVABLES CORP. \$708.20; WESLEY JORGENSEN \$150.00; WESTERN COOPERATIVE COMPANY \$22,006.86; WESTERN LIBRARY SYSTEM \$11.00; WESTERN PATHOLOGY CONSULTANTS \$619.00; WESTERN STATES BANK \$29,461.47; WESTERN STATES BANK - POLICE \$550.00; WM RECYCLE AMERICA \$5,470.66; WYOMING BEARING & SUPPLY \$233.30

**Motion by Councilmember Morrison to approve the Consent Agenda. Second by Councilmember Smith. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**BIDS: None**

**PUBLIC HEARINGS:**

**1. Public hearing to consider the issuance or denial of a Class "C" liquor license for David and Aldondra Johnson d/b/a The Bank Bar & Grill located at 3388 10<sup>th</sup> Street, Gering, NE 69341**

Mayor Kaufman opened a public hearing to consider recommending the issuance or denial of a Class "C" liquor license for David and Aldondra Johnson d/b/a The Bank Bar & Grill located at 3388 10<sup>th</sup> Street, Gering, NE at 6:13 p.m.

Police Chief, George Holthus, stated that there was information in the Council packets about the background investigation. They are not aware of anything that would preclude the applicants from being successful.

Mayor Kaufman asked if anyone wished to speak in favor of the application. Applicant, Aldondra Johnson, who resides at 3419 Arella Lane, Scottsbluff, NE stated that she and her husband have lived in Nebraska for 11 years. They enjoy the community and want to give something back. They want to serve good food and have great atmosphere. Mayor Kaufman asked again if anyone wished to speak in favor of the application.

Mayor Kaufman asked twice if anyone wished to speak in opposition of the application. Seeing none and with no further comments, the administrative record was closed and the public hearing closed at 6:17 p.m.

**Motion by Councilmember Smith to enter the administrative record, which is the liquor license application and Investigation Memo from Captain Rogers, into the public record. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**1a. Approve or deny recommending the issuance of a Class "C" liquor license for David and Aldondra Johnson d/b/a The Bank Bar & Grill located at 3388 10<sup>th</sup> Street, Gering, NE 69341**

**Motion by Councilmember Smith to recommend approval of a Class "C" Liquor License submitted by David and Aldondra Johnson d/b/a The Bank Bar & Grill, located at 3388 10<sup>th</sup> Street, Gering, NE. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**CURRENT BUSINESS:**

**1. Consider approving Keno Funds requests:**

- Legacy of the Plains, \$3,300
- Nebraska Panhandle AHEC, \$1,200
- Reunited in Heaven, \$7,500
- Gering Merchants, \$6,000
- Friends of the Robidoux Trading Post, \$20,000

Darrell Bentley, Keno Committee Chairman, addressed the Council. Councilmember Smith asked, regarding Reunited in Heaven, who's going to build and maintain this; does it have lights and who will pay for that? Mr. Bentley replied that they had approached the Parks Board; he assumes it will become a City asset at Gentry Park. As a parent who lost a teenager, he feels that there are a lot of people who don't have a place to go visit. There is another similar park in Sidney, NE. He talked to two people in Sidney and both really liked what happened with this particular project there. There will be pavers that people can purchase with their loved one's name on it. Mayor Kaufman added that it was presented to the Parks Board and subsequently at a Council meeting. This will be a nice addition to the community going forward. The elected officials he has talked to in Sidney are very proud of this amenity in their community. He thanked Mr. Bentley for the stewardship of the Keno Committee.

**Motion by Councilmember Cowan to approve Keno Fund Requests as presented: Legacy of the Plains \$3,300, Nebraska Panhandle AHEC \$1,200, Reunited in Heaven \$7,500, Gering Merchants \$6,000, Friends of the Robidoux Trading Post \$20,000. Second by Councilmember Morrison. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**2. Approve and authorize the Mayor to sign an Economic Development Assistance Agreement and Deed of Trust for Chino's Mexican Restaurant**

**Motion by Councilmember Abel to approve and authorize the Mayor to sign an Economic Development Assistance Agreement and Deed of Trust for Chino's Mexican Restaurant. Second by Councilmember Cowan.**

**Discussion:** Councilmember Wiedeman noted that they've made a lot of improvements to the building; we're excited to have them.

**The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**3. Waive the second reading and Adopt Ordinance No. 2094 - AN ORDINANCE ADOPTING ELECTRICAL INTERCONNECTION STANDARDS, PROCEDURES, AGREEMENTS, CHARGES AND FEES**

**Councilmember Wiedeman made a motion to waive the second reading and adopt Ordinance No. 2094 – AN ORDINANCE ADOPTING ELECTRICAL INTERCONNECTION STANDARDS, PROCEDURES, AGREEMENTS, CHARGES AND FEES. Seconded by Councilmember O'Neal. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: None.**

**Councilmember Morrison moved that the Ordinance be designated as Ordinance No. 2094 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 Cowan. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: None.**

**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. 2094 was read by title only, Councilmember Smith moved that the Ordinance be passed as read, which motion was seconded by Councilmember Gillen. The question is shall Ordinance No. 2094 be passed? There was no discussion. The Clerk**

called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: None.

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.

**4. Approve and authorize the Mayor to sign Sanitation Agreement by and between the City of Bayard, Nebraska and the City of Gering, Nebraska**

**Motion by Councilmember Cowan to approve and authorize the Mayor to sign a Sanitation Agreement by and between the City of Bayard, Nebraska and the City of Gering, Nebraska. Second by Councilmember Wiedeman.**

**Discussion:** Steve Mount, Environmental Services Director, stated that Gering will take over on January, 2, 2021. They're getting everything ready to go. Councilmember Backus noted, for the record, that Mr. Mount passed his SWANA certification. The Mayor and Council commended him on this accomplishment.

**The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**5. Consider and approve City Administrator Contract for Pat Heath.**

**Motion by Councilmember Cowan to approve the City Administrator Contract for Pat Heath. Second by Councilmember Wiedeman. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**6. Approve Resolution 11-20-1 Expressing Intent to Annex Land**

**Motion by Councilmember Wiedeman to approve Resolution 11-20-1 Expressing Intent to Annex Land. Second by Councilmember Cowan.**

**Discussion:** Councilmember Wiedeman stated that in looking at the map, she was surprised that the cemetery hasn't been annexed into the City. City Engineer, Annie Folck, replied that in order to annex property, that property has to be served by City services and we don't have any water or sewer out there. The property owner can waive their right to those services, which is what they're recommending the City do here; mainly because our Police Department is the one responding out there and we want our Police Department to be doing that. Councilmember Gillen said he's excited that we're finally getting this process going. Councilmember Morrison said she's also glad that someone took the bull by the horn and we're getting this implemented.

**The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

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

**OPEN COMMENT SECTION:** Mayor Kaufman stated that an open comment period will be held. Discussion or action by Council regarding unscheduled business will not take place. None.

**ADJOURN:**

**Motion by Councilmember Wiedeman to adjourn. Second by Councilmember Morrison. There was no discussion. The Clerk called the roll. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

Meeting adjourned at 6:33 p.m.

ATTEST:

  
Kathleen J. Welfl, City Clerk



  
Mark A. Kaufman, Mayor