

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, OCTOBER 24, 2022

A regular meeting of the City Council of Gering, Nebraska was held in open session on October 24, 2022, at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Bohl. 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 Mayor Kaufman and Councilmember Backus from the October 10, 2022 regular City Council meeting. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. 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 October 10, 2022 regular City Council meeting
2. Approve Claims

Claims 10/11/22 – 10/24/22

A & A PORTA POTTIES \$300.00, ACE HARDWARE \$172.04, ACUSHNET COMPANY \$1,665.49, ALARM SECURITY TECHNICIANS \$85.00, ALLO COMMUNICATIONS \$3,374.02, AMANDA DIEDRICH \$75.00, AMAZON CAPITAL SERVICES \$421.24, AMERICAN ASSOCIATION OF POLICE \$125.00, AMERITAS LIFE INSURANCE COPR. \$601.92, AMY KRICHAU \$300.00, ARIZONA MACHINERY LLC \$2,377.23, B & C STEEL \$876.42, BAAS 24 HOUR TOWING, LLC \$300.00, BEACON ATHLETICS, LLC \$1,036.00, BENZEL PEST CONTROL \$56.71, BLUFFS FACILITY SOLUTIONS \$368.89, BORDER STATES INDUSTRIES, INC \$92,827.02, BOX BUTTE COUNTY COURT \$325.52, BRETHOURS HONEYWAGON EXPRESS \$200.00, BRIAN EADS \$33.23, CALLAWAY GOLF COMPANY \$230.49, CLEVELAND GOLF/SRIXON \$506.00, COLE SHULTZ \$150.00, COMFORT INN-KEARNEY \$98.00, CONNECTING POINT \$1,418.70, CURTIS HOWARD \$3,500.00, DAVID BROWN \$46.00, DIAMOND VOGEL PAINT CENTER \$70.46, DICKIE K COCHRANE \$200.00, EAKES INC \$148.04, ECKHARDT PORTABLE WELDING \$3,454.00, ECOLAB \$337.35, ESC ENGINEERING \$7,933.00, FASTENAL COMPANY \$128.32, FEDEX \$194.30, FLOYD'S TRUCK CENTER, INC. \$3,589.50, FRANK PARTS COMPANY \$786.91, FRASER STRYKER PC LLO \$123.00, GERING PUBLIC SCHOOLS \$3,725.00, GOOD SAM ENTERPRISES \$5,295.00, GREENKEEPER COMPANY, INC. \$5,610.00, HAWKINS, INC. \$6,493.50, HENSLEY BATTERY, LLC \$110.30, HOLIDAY INN EXPRESS HOTEL \$480.00, HOME DEPOT CREDIT SERVICES \$39.96, IDEAL LAUNDRY AND CLEANERS, IN \$503.41, INDEPENDENT PLUMBING & HEATING \$104.23, INDOFF INCORPORATED \$245.30, INGRAM LIBRARY SERVICES \$517.20, INTERNAL REVENUE SERVICE \$42,554.66, JACOB PITTMAN \$600.00, JASON HENTON \$600.00, JASON ROGERS \$17.29, JEFFREY VANCE \$600.00, JEREMIAH CLOSSON \$600.00, JEREMY CRIPPS \$600.00, JOHN HANCOCK USA \$13,625.99, JOHN HANCOCK USA FIRE \$657.23, JOHN HANCOCK USA POLICE \$7,207.34, JOHNSON CASHWAY CO. \$138.87, JORDAN MCBRIDE \$546.00, JUAN DE LOS SANTOS \$200.00, JUSTIN BERNHARDT \$275.00, KEEP SCOTTSBLUFF-GERING BEAUTI \$5,000.00, KENT EWING \$645.35, LANE DANIELZUK \$191.04, LEAGUE ASSOC./RISK MANAGEMENT \$618,493.75, LEAGUE OF

NE. MUNICIPALITIES \$650.00, LEE ENTERPRISES \$257.70, LEXI ASH \$75.00, LIGHTHOUSE ELECTRICAL \$80.00, LOGOZ LLC \$180.00, MASEK DISTRIBUTING INC \$486.14, MEAT SHOPPE \$17,232.04, MENARDS \$1,128.36, MIZUNO USA, INC. \$798.83, MUNICIPAL ENERGY AGENCY OF NE \$299,371.45, MUNICIPAL SUPPLY, INC. OF NE. \$8,263.85, NE CHILD SUPPORT PAYMENT CENTE \$640.18, NE DEPARTMENT OF REV (PR) \$13,375.10, NE DEPT OF REVENUE \$982.09, NE DEPT. ENVIRONMENTAL QUALITY \$4,040.93, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$352.00, NEBRASKA PUBLIC POWER DISTRICT \$3,606.92, NEBRASKA RURAL RADIO ASSOC. \$583.18, NEBRASKA RURAL WATER ASSOC. \$1,015.00, NEBRASKA SECRETARY OF STATE \$60.00, NKC TIRE \$108.01, NORTHWEST PIPE FITTINGS, INC \$446.53, O'REILLY AUTOMOTIVE STORE \$13.20, PANHANDLE COOP ASSOCIATION \$5,248.00, PANHANDLE ENVIRONMENTAL SERVIC \$863.00, PEACEFUL PRAIRIE NURSERY, INC. \$4,156.00, PING INC \$821.56, PRECISION AIR \$750.00, PREVENTION \$36.00, PT HOSE AND BEARING \$174.04, PVB VISA \$12,870.45, REGIONAL CARE INC. \$150,077.12, RIVERSIDE DISCOVERY CENTER \$12,500.00, RIVERSTONE BANK \$596.37, ROY GARZA \$400.00, SANDBERG IMPLEMENT, INC. \$77.00, SARAH WYNN \$425.00, SB/GERING LIONS CLUB \$966.00, SCB COUNTY REGISTER OF DEEDS \$10.00, SCB. COUNTY SHERIFF OFFICE \$191.16, SCHLUTER EATS, INC \$10,500.00, SCOTT M. BOSSE \$3,450.00, SCOTTS BLUFF COUNTY COURT \$71.00, SCOTTS BLUFF COUNTY TREASURER \$677,899.70, SCOTTSBLUFF-GERING UNITED WAY \$141.75, SHAWNA WINCHELL \$690.00, SIMMONS OLSEN LAW FIRM, P.C. \$1,519.50, SIMON CONTRACTORS \$11,700.48, SUGAR VALLEY FEDERAL CREDIT \$528.37, SUNSET LAW ENFORCEMENT \$1,385.00, TAYLOR MADE GOLF COMPANY \$683.35, TEAM CHEVROLET \$72.15, THE TORO COMPANY \$155.00, TIMOTHY LYNN MILTON \$600.00, TINA YBARRA \$75.00, TRANSUNION RISK AND ALTERNATIV \$75.00, TREATMENT TECHNOLOGY \$10,202.28, TYLER TECHNOLOGIES \$5,390.00, TYNDALE \$4,041.94, UNANIMOUS, INC. \$30.00, USCF SALES \$119.50, VALLEY AUTO LOCATORS LLC \$15.00, VERIZON CONNECT \$38.38, WESTERN COOPERATIVE COMPANY \$15,517.14, WESTERN PATHOLOGY CONSULTANTS \$324.00, WESTERN STATES BANK \$8,012.47, WESTERN STATES BANK - POLICE \$550.00, WHITNEY POWELL \$75.00,
Total \$2, 141, 881.44

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, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

PUBLIC HEARINGS:

1. Public Hearing regarding the FY 22/23 One and Six Year Street Plan

Mayor Kaufman opened a public hearing regarding the FY22/23 One and Six Year Street Plan at 6:03 p.m. Casey Dahlgrin, Transportation Superintendent, addressed the Council regarding the One and Six Year Street Plan. Superintendent Dahlgrin stated that nothing has changed on the one-year plan; it's what was approved in the budget.

One and Six Year Street Program for 2023

One Year Plan Project/Priority #	Street/Description	Est. Cost
GER (5-2022)	I Street by Schwan's Remove existing deteriorated asphalt Install 8" concrete pavement on new 6" subbase	\$163,000
GER (7-2020)	6 th Street from H Street to I Street 2" Mill and Overlay of deteriorated asphalt pavement including installation of 4 ADA handicap ramps	\$77,000
GER (4-2022)	Flaten Avenue & Donna Drive intersection Remove existing deteriorated concrete pavement Install 6" concrete pavement on new 6" subbase including installation of 4 ADA handicap ramps	\$30,000
GER (6-2020)	Flaten Avenue 2" mill and overlay of existing deteriorated asphalt Pavement including installation of 8 ADA handicap ramps	\$193,000
GER (1-2022)	Ponder Place 2" mill and overlay of existing deteriorated asphalt pavement including installation of 4 ADA handicap ramps	<u>\$128,000</u>
	Total:	\$591,000

Six Year Plan Project/Priority #	Street/Description	Est. Cost
GER (10-2020)	17 th Street from 955 17 th south to D Street 2" mill and overlay of existing deteriorated asphalt pavement including installation of 4 ADA handicap ramps	\$168,000
GER (2-2022)	Crescent Drive 2" mill and overlay of existing deteriorated asphalt pavement	\$109,000
GER (3-2022)	Lockwood Road from Old Oregon Trail Road south to City Limit 2" mill and overlay of existing deteriorated asphalt pavement	\$255,000
GER (8-2020)	Arroyo Road 2" mill and overlay of existing deteriorated asphalt payment including installation of 5 ADA handicap ramps	\$195,000
GER (9-2020)	Hackberry Drive from Old Oregon Trail Road north to Cross Pan 2" Mill and Overlay of existing deteriorating asphalt pavement	\$43,000
GER (1-2023)	7 th Street from M Street south to concrete pavement 2" mill and overlay of existing deteriorated asphalt pavement including installation of 10 ADA handicap ramps	\$212,000
GER (2-2023)	Country Club Road west of Five Rocks 2" mill and overlay of existing asphalt pavement including installation of 11 ADA handicap ramps	\$657,000
GER (1-2021)	M Street from 11 th Street east to City Limits 2" mill and overlay of existing deteriorated asphalt pavement including installation of 19 ADA handicap ramps including preformed pavement marking	\$2,044,475
GER (11-2020)	10 th Street from Union Pacific Railroad tracks to Stable Club Road 2" mill and overlay of existing deteriorated asphalt pavement including installation of new curb/gutter and sidewalk	\$2,500,000
	Total:	\$6,183,475

Councilmember Wiedeman asked if they will put the bike path back in after Country Club Road west of Five Rocks is done. Mr. Dahlgrin replied, yes. Mayor Kaufman noted that it's a tough job to prioritize with the resources available right now. Superintendent Dahlgrin stated that right now, with the one-year plan, they can't patch anymore; it's to that point. It's a struggle to keep everything patched. Councilmember Morrison asked if Gering will be doing anything that coincides with what Scottsbluff is doing, to make it cheaper. Mr. Dahlgrin replied that since Scottsbluff went to the big chipseal project, Gering is kind of on their own with the smaller towns.

Mayor Kaufman asked twice if there was anyone in the Council Chambers wishing to speak in favor of the FY22/23 One and Six Year Street Improvement Plan. Seeing none, he asked twice if there was anyone wishing to speak in opposition of the FY22/23 One and Six Year Street Improvement Plan. Seeing none and with no further comments, the administrative record was closed and the public hearing closed at 6:09 p.m.

Motion by Councilmember Gillen to approve the FY22/23 One and Six year Street Plan. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

1a. Approve Resolution 10-22-1 authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards 2022

**RESOLUTION 10-22-1
Signing of the Municipal Annual Certification of Program Compliance 2022**

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, Section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor of Gering is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this ____ day of _____, 2022 at Gering, Nebraska.

City Council Members:

Dan Smith	Susan Wiedeman
Michael Gillen	Pam O'Neal
Ben Backus	Julie Morrison
Cody Bohl	Troy Cowan

City Councilmember _____ moved the adoption of said resolution. Member _____ seconded the motion. Roll call: ____Yes ____No ____Abstained ____Absent. Resolution adopted, signed and billed as adopted.

Attest:

(Signature of Clerk)

Motion by Councilmember Gillen to approve Resolution 10-22-1 authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards 2022. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

BIDS/PROPOSALS:

1. Emergency Purchase of Diesel and Gasoline Fuel Bids

Administrator Heath stated, as Council knows, last March the City locked in fuel prices for approximately six months. Staff felt it would be a good move and a cost savings to do that again. The City saved a considerable amount of money by locking in those prices. That proved to be a lifesaver for the budget. Departments made that fuel last longer than six months as we thought we'd be out of that contract by mid-September. With the volatility of the fuel market (oil, gas and diesel) staff thought it would be prudent to lock in fuel prices again. The City advertised for fuel bids in early October. In the wintertime, departments switch to #1 diesel because of the use of snowplows, trucks and other equipment. Switching to #1 diesel helps prevent gelling issues. The diesel came in at \$4.229 a gallon and gasoline at \$2.96 a gallon for the next six months which is going to be a huge savings to the City. The prices were only good for a short amount of time and would not have been held until tonight. The gas bid was awarded to Panhandle Coop and the diesel bid was awarded to Westco. Coop could not lock in or guarantee the price of diesel, but Westco could lock it in at \$4.23. Coop indicated the price could range from \$.30-\$.50 more a gallon during that time period. Councilmember Morrison asked if it could be locked in longer than six months as she heard that gas prices are going up even more. Administrator Heath replied that staff did not ask for more than six months because departments will switch back to #2 diesel probably in March. Additional funds were budgeted. In February or March, staff will decide if the City will continue to lock in prices.

Motion by Councilmember Morrison to approve the emergency purchase of fuel which is 26,400 gallons of #1 Diesel from Westco at \$4.229 per gallon and 4500 gallons of #2 Diesel from Westco at \$4.229 per gallon, and 12,000 gallons of gasoline from Panhandle Coop at \$2.96 per gallon. Second by Councilmember Gillen. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

2. Ford F350 Crew Cab Pickup Bid, Transportation Department

Street Superintendent, Casey Dahlgrin, stated his department is going to be replacing two pickups in the FY23 Budget. They received a bid from Anderson Ford on the State Bid. Both of his bids are the same identical pickup for \$53,179 each and they will be drop-shipped for an additional \$395 for a total of \$53,574 each. He'll be replacing a 2011 one-ton and a 2013 one-ton flatbed. These trucks will be sold on City auction. Leadtime is 180 days. Councilmember O'Neal asked why his department needs the F350s. Superintendent Dahlgrin replied that those pickups are used to pull trailers and the skid steer - all of the big trailer stuff.

Motion by Councilmember Wiedeman to approve the purchase of a 2023 Ford F-350 Crew Cab pickup for the Street Department in the amount of \$53,574 through the State Bid – Anderson Auto Group. This includes the drop ship fee. Second by Councilmember Smith. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

3. Ford F350 Crew Cab Pickup Bid, Transportation Department

Motion by Councilmember Morrison to approve the purchase of a 2023 Ford F-350 Crew Cab pickup for the Street Department in the amount of \$53,574 through the State Bid – Anderson Auto Group. This includes the drop ship fee. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

4. Ford F350 Crew Cab Pickup Bid, Electric Department

Electric Superintendent, Doug Parker, stated his numbers are the same as Casey's. They are replacing a 2013 work truck. It is a one-ton because of what they carry and pull. They went through the State Bid which is Anderson Ford for \$53,574. Councilmember Backus noted that it doesn't come with a bed. Superintendent Parker replied, correct; there are a couple places they can get the bed. Mr. Dahlgrin noted that these bids are just cab and chassis. Councilmember Morrison asked if they would be trading in anything. Superintendent Parker stated the 2013 pickup that he will be replacing will go to the Sanitation Department; they will purchase it from the Electric Department. Administrator Heath noted that the new pickups are being purchased under sticker price.

Motion by Councilmember Morrison to approve the purchase of a 2023 Ford F-350 Crew Cab pickup for the Electric Department in the amount of \$53,574 through the State Bid – Anderson Auto Group. This includes the drop ship fee. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

5. Ford F350 Crew Cab Pickup Bid, Sanitation Department

Environmental Services Director, Steve Mount, stated that he's getting an F350 also, to replace a 1997 that was totaled out last year. He's also getting an F150 that's replacing a 2008 Dodge Crew Cab. The F150 is actually more expensive than the F350 and it's going to be drop-shipped to Fremont Motors in Scottsbluff.

Motion by Councilmember Gillen to approve the purchase of a 2023 Ford F-350 Crew Cab pickup for the Sanitation Department in the amount of \$53,574 through the State Bid – Anderson Auto Group. This includes the drop shop fee. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

6. Ford F150 Crew Cab Pickup Bid, Sanitation Department

Motion by Councilmember Gillen to approve the purchase of a 2023 Ford F-150 Crew Cab pickup for the Sanitation Department in the amount of \$53,750 through the State Bid –

Anderson Auto Group. This includes the drop ship fee. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

CURRENT BUSINESS:

1. Consider approval of Keno Fund Requests

- Gering Merchants, \$8400
- Warrior Run, \$5000

Councilmember Morrison stated that two applications were considered at the Keno Committee meeting last Wednesday. One was for the Gering Merchants for the Holiday Parade and Santa's Village, and the other was for the Warrior Run. The Keno Committee is recommending \$8400 for the Gering merchants and \$5000 for the Warrior Run. Mayor Kaufman noted that the Keno Committee is a group of community-minded members and tremendous stewards of the Keno Fund. They have funded a lot of great projects and events for the extended communities. He thanked Councilmember Morrison for serving on this committee.

Motion by Councilmember Morrison to approve the Keno Fund requests which are \$8400 for the Downtown Merchants and \$5000 for the Warrior Run. Seconded by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

2. Approve and authorize the Mayor to sign Lease and Easement Agreement for Solar Energy System

Administrator Heath stated that this is regarding the solar array and has been a project staff and legal have worked on for a long time. This is the 1.4 Megawatt Gering Solar Project that will be located just east of the Wastewater Treatment Plant. This agenda item is a solar agreement that allows Sandhills Energy to place a solar unit on the land. Gering provides the lease of the land and also has to provide the system and the connection to our system. Gering will, in turn, purchase that solar at .0399 cents per Kilowatt. This will be a 25-year agreement; there will be a .05% escalator each year. The most we would spend for solar in 25 years would be .0449 - basically 4.5 cents per Kilowatt. The City is currently paying just a little over \$.04 per Kilowatt for our power, so this will be a savings for the City. This will be a good deal for Gering especially in the long run when power becomes more expensive. The first agreement is the solar itself, the second agreement is an interconnection and the third agreement is the power purchase agreement.

Councilmember Morrison asked if this would interfere with the agreement the City has where the City buys power now. Mr. Heath replied no, they will still provide us the power. Solar only works when the sun is shining, it probably peaks out about 2:00 to 4:00 p.m. in the afternoon depending on what time of year it is. They still have to guarantee us our power when the solar is not working. In the wintertime, if heavy snow builds up or there's ice on the solar panels, they will not generate solar power or it will be a very low generation. This is a good deal for Gering; 1.4 MW is it about 8% of what the City currently uses on our total power per day, especially on a hot summer day. He thinks this is a great deal for the City of Gering and it will save costs, especially down the road when electrical costs are extremely high. Mayor Kaufman added that this fits in with the long-term strategy for the energy plan.

David Skinner, 800 Pappus Blvd., Gering (a member in the audience) asked if there was a way of storing any of the energy that is going to be generated. Mr. Heath replied no, the system is not designed to have battery backups so it will only generate power and the City will only use that power during the generation period which will be the daytime. Mr. Skinner asked where the money is coming from to fund this project. Mr. Heath replied it will come out of the Electric Fund. The only thing the City has to do is purchase the transformer and provide the land. Gering already owns the ground so those funds will reimburse the LB840 Economic Development Fund. The expense is around \$30,000 for the transformer, the wire and everything to get connected to the system. Electric Superintendent, Doug Parker, stated that it could possibly cost more. Mr. Heath added, which they would participate in that.

Motion by Councilmember Morrison to approve and authorize the Mayor to sign a Lease and Easement Agreement for Solar Energy System by and between the City of Gering and SE Municipal Solar, LLC. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

3. Approve and authorize the Mayor to sign Generator Interconnection Agreement with SE Municipal Solar, LLC

Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Generator Interconnection Agreement by and among SE Municipal Solar, LLC and the City of Gering. Second by Councilmember Wiedeman.

Discussion: Mr. Skinner stated he had one more question. Mayor Kaufman stated he would have to hold that as Council was in the middle of a motion.

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

Mayor Kaufman stated, as a point of clarification, when Council is in the middle of that particular discussion, it's only for Council, not everybody else. He didn't mean to exclude Mr. Skinner intentionally. Mr. Skinner stated that he currently has solar with battery backup. He asked how this is going to affect those residents that have solar, as far as cost per Kilowatt. Administrator Heath replied that this shouldn't have any effects on Mr. Skinner or what he gets charged. With solar, the City's rates will not increase as fast as they normally would. The savings, in part, are because the City buys solar for less. We're allotted so much power on a day. Once the City goes over that certain allotment then the City pays a higher rate. It's called our peak load. Once we're above that peak, we pay a higher rate as long as we're above that peak (until we get back within the allotted power). The nice thing about solar is our arch won't be as high. We'll be in that peak area less with solar (than we would if we didn't have solar); we'll save some money there also. It's kind of a win-win for the City. Sandhills Energy is working with our power supplier which is Nebraska Municipal Power Pool. NMPP went out for proposals for a solar array and Sandhills was the lowest. Gering was one of the cities that approached them about possibly putting in solar here - about a year ago. Administrator Heath explained that with the City's agreement with MEAN, Gering can have 5% renewable. Gering is already part of the Kimball Wind Farm. This 1.4 MW is going to put Gering at the 5% of renewables. MEAN will look at that in the future; he thinks that will increase over time.

4. Approve and authorize the Mayor to sign Power Purchase Agreement with SE Municipal Solar, LLC

Motion by Councilmember Gillen to approve and authorize Mayor to sign a Power Purchase Agreement by and among SE Municipal Solar, LLC and the City of Gering. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

5. Consider approval of Ordinance 2119 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA TO AMEND THE ZONING ORDINANCE, ARTICLE 3, SECTION 3.7.2.C ADDRESSING THE RESERVATION OF BALANCE OF LAND FOR AN AGRICULTURAL ESTATE DWELLING SITE DESIGNATION (AEDS) AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

City Engineer, Annie Folck, stated this ordinance is in regard to the Ag Estate Dwelling Code within the City's Zoning Code. In the Ag Zone, the City allows for what's called an Ag Estate Dwelling. Normally when people subdivide property, the City requires them to put in utilities. They have to put in water and sewer. The City usually gets the power to them, but they have to show they can do all that and have a paved street. Our typical subdivision code is they have to bring everything up to City standards. That doesn't always make sense in the Ag Zone because there are a lot of existing farmsteads and all the applicant wants to do is split off a farmstead from the farm; they are not trying to put in a subdivision and

put in a lot of houses there. In order to allow flexibility for those situations, the City allows what's called an Ag Estate Dwelling. That gets the applicant around all the subdivision requirements. It makes it very simple, there is a survey and they have to meet certain requirements. Because it is somewhat flexible, we don't want people using that as a loophole to get around our subdivision requirements. Current code requires that for every Ag Estate Dwelling, there is a required reserve of 80 acres that will remain in Ag until the property should change zoning or until it would be subdivided. It doesn't have to stay Ag forever but it has to remain in Ag until they're ready to meet all those requirements; they can't subdivide it further until the zoning changes and it's no longer an agricultural area.

Engineer Folck stated the reason this is coming up is because in the last few months the City has had certain requests for less than 80 acres. Our code is pretty flexibly written; the City can allow, and has allowed, less than 80 acres - usually it's just a few acres less. We have had some requests recently with reserve acreages of about 45 acres. The discussion has come up of whether or not we can lower that to 40 acres to better suit some requests we've had. Planning Commission has had some very in-depth discussions. Ultimately what was decided is that they were okay with lowering it slightly, mainly because a lot of farms were originally 80 acres which is a half of a quarter section (which is the way they were originally surveyed out when they were homesteaded). We have a lot of different requests that are between 70 and 80 acres. That seems to be appropriate, it's not greatly changing from what we currently do, but it ensures that if we leave that wording in there, allowing for less than that and the intent of the subsection is maintained - those should be the exceptions. We shouldn't be seeing those over and over again (that we are allowing it because it meets the intent but it doesn't quite meet the acreage). The thought here is that by changing the reserve requirement to 70 acres, that would take care of the vast majority of the requests we are getting that are technically below that 80 acres. The other discussion was why we shouldn't go less than 70 acres. This is because the Planning Commission feels like the Ag Zone is agricultural in characteristic and if we start adding population to the Ag Zones, then they start having more conflict of use. The City would start having people that are concerned about smells from livestock, blowing cornstalks or dust from harvest or different things because they are not as tied to the agricultural community. Additionally, there was discussion and concerns about water. There are existing wells out there that if people start putting in a lot more domestic wells, it could affect the residents that are already out there. The thought was by changing the requirement from 80 acres to 70 acres, it will take care of a lot of these requests (several of which Council will see tonight) that have a reserve between 70 and 80 acres, while still maintaining generally the same population density that we allow for right now.

Councilmember Gillen asked if there was any discussion about evaluating areas and prioritizing areas in which the City anticipates growth. He thinks it's a pretty restrictive rule and understands the concept of the rule. He thinks the individuals that would be developing in a rural area would do so with the knowledge that they are going to be near livestock and cornfields and might have corn blowing into their properties. That's just the nature of living out in rural areas. He appreciates the work that the Planning Commission did, he just doesn't want to be so restrictive to where if we're not looking to grow in that particular area, why be so restrictive and why wouldn't we identify zones in which we would anticipate where the 70 acres would be a better rule of thumb as opposed to 40. He doesn't want to stifle peoples' ability to develop their properties as they see fit.

Engineer Folck stated that the Planning Commission did have that discussion. It was one of the options they talked about. Ultimately, we would hope that people that move to that area wouldn't complain about things like that but the City gets complaints all the time from people that buy a house next to a cornfield and are getting stalks in their yard. The other biggest thing is that some of those areas that we are probably going to be much longer-term for the City to grow out to - one of the biggest concerns there was the water issue and how limited the water is in those areas. There are concerns about existing residents having drawdown on their wells if someone starts punching in more wells in that area. Councilmember Gillen asked if there are rules about when someone can drill a well within the water rights. Engineer Folck replied if it's less than 55 gallons a minute, then no, and most domestic wells are far under that.

Councilmember Smith stated that as Engineer Folck said, this Council has already allowed, in the past, down to 70 acres or something close to that. What are we really doing here? Council already approves those so what good is this ordinance? Engineer Folck replied that mainly the ordinance is drawing a little

bit more of a distinction. When Council is continually approving things that are below 80 acres because it meets the intent, the question becomes how far below the 80 acres can someone go? That's what we are running into, when we have people saying the City granted less than 80 acres and ask why can't they do it with their 45 acres. She stated staff and Planning Commission feel like this would just clean it up a little more and make it so those are really much more rare situations rather than 90% of what we do being below the 80 acres. Councilmember Smith stated he just doesn't see the work staff are going through to do something Council is already doing. He thinks the Council asked her to come up with a number more realistic for areas such as that. He doesn't think we've done that; we're coming up with a number that Council already approves. He doesn't agree with the ordinance.

Administrator Heath stated staff polled a few cities recently. He asked Engineer Folck if she recalled what cities and what those acreages were. Ms. Folck stated that actually most of the ones that were talked to in eastern Nebraska, that were similar in size to Gering, they didn't even do Ag Estate Dwellings because land in that area is so valuable that the farmers aren't giving it up. They haven't had the issue like we have. Scottsbluff is similar to us with 80 acres. Alliance, she believed, is also 80 acres. She thinks there was one that was 160, maybe North Platte. She talked to Kearney and Hastings as well as a few others and they're the ones who really have not had the issue with Ag Estate Dwellings like Gering has.

Councilmember Gillen stated he still thinks before pressing on and voting to approve something, he would like the Engineer to come up with a map. He feels that on areas on which we foresee growth of our community that having those rules in place for those areas we've identified for future growth of the town, it would be important. But those areas in which we don't anticipate a lot of growth, wells being too deep to try to dig, etc., he doesn't see why we're putting limitations on those areas that we're not anticipating will ever grow. He would push it to go back to staff to reevaluate.

Mary Bowman, Planning Commission Chairperson, addressed Council and stated that the Planning Commission has had at least two discussions about this, really robust discussions. They took a look at the fact that most of these farmsteads are 80 acres and most of the time the people who are coming to the City for the Ag Estate Dwellings just want to pull off their homestead, typically for financing purposes so they don't have to refinance their whole farm, they can just refinance the homestead. Planning Commission felt enabling those people to be able to do that, and to give the Planning Commission guidance (so the Planning Commission is not constantly making exceptions to the rules), by setting it at 70 acres the City could accommodate those situations. They had a lot of discussion about the water issues. In particular they talked about the area where we expect our growth to be. Right now, that growth is mainly to the south and east. There are significant water issues out there. In the event that someone comes and wants to build a subdivision out there, we would have to go through the process of deciding whether or not the City can provide water to those places. Right now, they are not on City water, they are all on wells. A couple people have indicated that if someone builds a lot of housing out there, without addressing the water, they won't be able to use their wells. Right now, some of the wells are dry. They did look at dividing off a section saying that there could be a lower reservation requirement, but by having that lower reservation requirement it would exasperate the water issue. Planning Commission did look at all of that.

Councilmember O'Neal said she understands and she thinks it actually makes sense to lower it to 70 because most of those areas are 80 acres and anything taken away from that is going to be less than the 80. She understands going to 70. Her concern is since this goes to Planning Commission first, will the Planning Commission not be looking at people that would come and say it's going to be 68 acres or 65 acres. If it's going to be 70 acres, does the Planning Commission have an understanding that they're going to hold pretty hard and fast to that 70 acres, or will we be in the same situation only it's going to be 65 acres? Ms. Bowman replied that they are always mindful of what their rules are but they also look at the characteristics of the request and what that will do to the surrounding properties. 70 acres is a rule but given special circumstances, they would be flexible to accommodate something less. However, to go down to like 40 acres, she doesn't think they would approve something like that. They would want something that's close to the 70 acres. Councilmember O'Neal stated she can see going to 70 but she can also see what Councilmember Smith said – if we do that then are we going to have four or five

requests every time we meet for people that want to have 65 acres or 60 acres; that's her only concern. Ms. Bowman replied that it is possible. Historically what they've seen is between 70 and 80 acres.

Councilmember Gillen stated he still feels the issue has not been addressed. He's cognizant of what Chairperson Bowman is saying; he's not saying there shouldn't be a restriction – there *needs* to be a restriction. There's a reason there's a restriction in place. He doesn't feel we've solved the issue of where we, as a municipality, are growing in this ordinance. We would probably be better suited to identify that and maybe create the hard and fast rule for the areas in which we anticipate growing to. For example, if it's in this Ag Estate 1 it's 70 and if it's in Ag Estate 2 then we will look at the map and determine the character of that particular area. He doesn't think this ordinance addresses what we're truly trying to get at. Council didn't approve the two Ag Estate Dwelling applications with much lower acre reserves because the applicants pulled their applications. Planning Commission recommended approval of one and denial of the other. That also gives a mixed bag. He thinks we need to go back and designate that this is the hard and fast rule in this particular area that we anticipate growth, and these are the areas that we will be a little more accommodating in those lower requests.

Administrator Heath stated one thing he would add on the water issue, it's just going to get worse as more farmers out there go to pivots, even though they don't have a well to support that pivot, they use irrigation water from the canals. The big thing is, as they go to pivots they're stopping that flood irrigation. That flood irrigation returned water back to the aquifer and that's probably what supplied most of those wells. Now all the farmers are going to pivots and there's more efficient water so there isn't those return flows back to the system. The only thing that is recharging that is our annual moisture and the irrigation canal leaking and recharging that ground water. He believes it will get worse even though they are small wells of 10 or 20 gallons per minute, he thinks if you get too many in an area, there will be a problem. If they drill deeper, the water quality gets less. He feels that is something to consider when deciding on this ordinance.

Mayor Kaufman commended everyone on the discussion. He said Council tasks staff from time to time and we see policy and procedure abnormalities - which is, in this case, the number of applications that are inconsistent or exceptions to our existing policy and procedures. We task staff to come up with a reasonable tweak to our rulebook that makes it more palatable - then we vetted that out with our Planning Commission which is a community vetting process. In reading through the minutes of those meetings, that group does a great job in vetting out the various tasks they are given. He thinks they are very industry-minded in that respect. Relative to this, he's kind of indifferent. He sees the camp everyone is in and he sees the tweaking and the argument of "what does 70 do for us?". The reality is, if we look at how many 80s we have around town, we're going to be running out of 80s pretty quick (that don't have a house on it). We are seeing this because our housing inventory, relative to other communities across the eastern part of the state, is low. They're absorbing 80s and developing them; we're not quite to that stage yet. When we run out of housing inventory within the community, people go rural which is why we see a heightened request for these types of properties and exceptions. He thinks an ordinance like this does help staff and helps guide and tweak the rulebook to create less exceptions as we go forward, but is that a staging process? Maybe it is a good suggestion to relook at our zoning maps and look at what our future development looks like and tweak further. He sees two choices, we can move forward with what's in the packet, or Council can table and have additional discussion and come back another night.

Motion by Councilmember Gillen to table approval of Ordinance 2119 for future staff review of future growth of the municipality. Second by Councilmember Smith. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Wiedeman, Morrison, Cowan. "NAYS": Backus, O'Neal. Abstaining: None. Absent: Bohl. Motion carried.

6. Consider approval of an AG Estate Dwelling located in the S½ of the NE¼ of Section 14, Township 21, Range 55 W of the 6th P.M.

Motion by Councilmember Gillen to approve an AG Estate Dwelling located in the S½ of the NE¼ of Section 14, Township 21, Range 55 W of the 6th P.M. Second by

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

7. Consider approval of an AG Estate Dwelling located in the S½ of the SE¼ of Section 14, Township 21, Range 55 W of the 6th P.M.

Motion by Councilmember Wiedeman to approve an AG Estate Dwelling located in the S½ of the SE¼ of Section 14, Township 21, Range 55 W of the 6th P.M. Second by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

8. Consider approval of an AG Estate Dwelling located in the E½ of the SW¼ of Section 12, Township 21, Range 55 W of the 6th P.M.

Motion by Councilmember Gillen to approve an AG Estate Dwelling located in the E½ of the SW¼ of Section 12, Township 21, Range 55 W of the 6th P.M. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

9. Approve Resolution 10-22-2 regarding Monument Shadows Golf Course Rates and adding Nebraska Golf Passport Program

Resolution 10-22-2

WHEREAS, The Gering City Council, Gering, Nebraska shall establish green fees and fees for punch cards, memberships, cart rental, cart storage and other activities and services at Monument Shadows Golf Course.

WHEREAS, The Monument Shadows Golf Course Rates shall be as follows:

Monument Shadows Golf Course Rates

Green Fees	<u>Rate</u>
9 holes	\$20.00
18 holes	\$30.00
9 holes jr. (11 and under)	\$10.00
18 holes jr. (11 and under)	\$15.00
All-day pass	\$40.00
Back 9 add on	\$10.00
 Punch Cards	
9 holes	\$180.00
18 holes	\$270.00
 Course Membership	
Youth (8 th Grade and under)	\$95.00
Student (18 & under/FT College Student 23 & under)	\$190.00
Junior (19-25)	\$400.00
Single	\$600.00
Couple (married)	\$850.00
Family (married + children 18 and under)	\$1025.00
 Driving Range Membership	
Youth (8 th grade and under)	\$32.50
Student (18 & under/FT college Student 23 & under)	\$65.00
Junior (19-25)	\$130.00
Single	\$194.00
Couple (married)	\$296.00
Family (married + children 18 & under)	\$354.00

(If guest purchases a course membership,
driving range membership would reduce by 50%)

Daily Driving Range \$3.50

Daily cart fees

9 holes \$9.00
18 holes \$18.00

(Charge per seat, each person will pay the seat fee. If golfers choose not to ride together, they will be charged for both seats. \$18 for 9 and \$36 for 18 holes.)

Yearly Cart SEAT Rental

Single \$500.00

Cart Storage

(Includes gas and electricity) \$540.00

Cart Bring On

Electric \$222.00
Gas (includes fuel) \$312.00

Daily Trail Fees

\$10 per rider for 9 or 18 holes

Nebraska Passport Program

18 holes (with cart) \$30.00

(Valid only two times per year. Valid only when
Course is open to the public).

NOW THEREFORE BE IT RESOLVED that effective immediately, the City of Gering shall charge the
aforementioned fees at the Monument Shadows Golf Course.

Adopted this ____ day of October, 2022

Mark A. Kaufman, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Parks and Recreation Director, Amy Seiler, stated that staff would like to amend the resolution for the golf rates at Monument Shadows Golf Course and add a special fee for Nebraska Golf Passport. Staff believe this is a really good idea to be a part of this program. The City is not able to invest a lot of money in advertising for the golf course, but being a partner in this program will be helpful. This is something that is sold to golfers all across the state. Our golf course will be marketed. People will utilize this to purchase a pass and they can golf at numerous nine and 18-hole golf courses across the state for a discount. The reason this is a really good thing is not only does the City get additional rounds on our golf course, it really impacts our hotels, restaurants and community. This will take a little bit of revenue away from the golf course, but it's impacting our businesses and she thinks that's one of the reasons we have this great golf course – to draw people out to our area. The Scott Bluff Country Club is also participating as well as Sidney. Visitations will be tracked so the City can see what the impact is.

Motion by Councilmember O'Neal to approve Resolution 10-22-2 regarding Monument Shadows Golf Course Rates and adding the Nebraska Golf Passport Program. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

10. Approve Request for Administrative Committee meeting – Agenda Item: Review and make recommendation regarding Gering Civic Center Rates

Motion by Councilmember O'Neal to approve a request for an Administrative Committee meeting – Agenda Item: Review and make a recommendation regarding Gering Civic Center Rates. Second by Councilmember Gillen. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion carried.

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

REPORTS:

1. Liaison Report, Councilmember Wiedeman – Valley Visions

Councilmember Wiedeman presented, among other information, the following update regarding the Valley Visions Task Force (as part of the United Chamber of Commerce). Valley Visions meets the fourth Wednesday of the month:

- A Christmas Market is planned for Downtown Scottsbluff and a Trick or Treat Street is scheduled for October 31.
- A bid for the Scottsbluff Plaza construction has been submitted.
- A Trick or Treat Event will be held in Downtown Gering again on October 31.
- The Trail maps (Trail Treks) are complete (through Tri-City Active Living and Gering and Scotts Bluff County tourism) and are available. Everyone is excited to get this out to the community and tourists.
- The water project is complete in Terrytown.
- They are looking at possibly applying for a Safe Streets Grant.
- The ribbon cutting was held for the Heartland Expressway in Alliance.
- The Chamber has held several candidate forums in the last month.
- Marathon numbers were really good, the Robidoux Trading Post had visitors as far away as Denmark and Australia alone with many states as well. Legacy of the Plains Harvest Fest was very busy.
- Tri-City Active Living is hoping to do some walk audits particularly near the Gering High School. Geil and Northfield Elementary are planned for 2023.

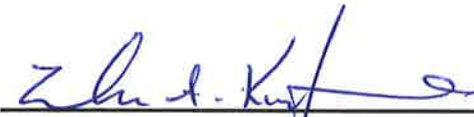
Mayor Kaufman stated that he appreciates Council participating on boards and committees and providing updates.

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

Meeting adjourned at 7:16 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

