

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, SEPTEMBER 12, 2022

A regular meeting of the City Council of Gering, Nebraska was held in open session on September 12, 2022 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welf and City Attorney Jim Ellison. Absent was Councilmember Gillen. Notice of the meeting was given in advance by publication in the Star-Herald, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public except as otherwise indicated.

CALL TO ORDER

Mayor Kaufman called the meeting to order at 6:00 p.m. and stated that a quorum of the Council was present and City business could be conducted.

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

Motion by Councilmember O'Neal to approve the absence of Councilmember Smith from the September 7, 2022 special City Council meeting. Second by Councilmember Morrison. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

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

Mayor Kaufman stated: As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Council President. 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 August 22, 2022 regular City Council meeting
2. Approve the minutes of the August 10, 2022 Budget Work Session
3. Approve the minutes of the September 7, 2022 special City Council meeting
4. Approve Claims

CLAIMS 8/23/22 – 9/12/22

24/7 FITNESS \$263.00, A & A PORTA POTTIES \$150.00, AC ELECTRIC MOTOR SERVICE \$437.10, ACCENT WIRE-TIE \$344.74, ACE HARDWARE \$102.89, ACUSHNET COMPANY \$3,404.93, ALLO COMMUNICATIONS \$3,537.26, ALTEC INDUSTRIES, INC. \$1,198.49, AMERITAS LIFE INSURANCE COPR. \$1,157.56, B & H INVESTMENTS, INC \$47.50, BENZEL PEST CONTROL \$206.71, BIG MACK HEATING & COOLING \$10,597.90, BLACK HILLS ENERGY \$2,885.26, BLUFFS FACILITY SOLUTIONS \$1,097.08, BORDER STATES INDUSTRIES, INC \$4,950.81, BRIAN EADS \$150.00, CALLAWAY GOLF COMPANY \$1,510.95, CCI SOLUTIONS \$147.16, CHRISTIE CLARKE \$113.00, CITY OF GERING \$788.45, CITY OF SCOTTSBLUFF \$3,268.41, CNA SURETY DIRECT BILL \$80.00, COMFORT INN AT BUFFALO BILL VILLAGE RESORT \$1,722.72, CONNECTING POINT \$69.71, CONTRACTORS MATERIALS, INC. \$1,567.34, COZAD SIGNS, LLC \$65.00, CURTIS HOWARD \$3,895.00, DANKO EMERGENCY EQUIPMENT CO \$17,888.21, DEARBORN LIFE INSURANCE COMPAN \$127.28, DOOLEY OIL \$217.33, EAKES INC \$325.38, ELECTRIC PUMP, INC. \$2,041.53, ELITE TOTAL FITNESS \$131.00, ENERGY LABORATORIES INC. \$649.00, FASTENAL COMPANY \$576.46, FEDEX \$931.80, FLOYD'S TRUCK CENTER, INC. \$4,626.38, FRANK PARTS COMPANY \$1,160.97, FRASER STRYKER PC LLO \$1,510.00, FREMONT MOTOR SCOTTSBLUFF, LLC \$164.16, FRESH FOODS INC. \$77.70, FYR-TEK, INC. \$237.50, GALLS, AN ARAMARK COMPANY \$268.73, GERING COURIER \$29.00, GERING U-SAVE PHARMACY \$294.65, GOLF AND SPORT SOLUTIONS, LLC \$1,593.67, GREATAMERICA FINANCIAL SERVICE \$100.00, HACH COMPANY \$1,800.39, HAWKINS, INC. \$136.11, IAFC MEMBERSHIP \$245.00, IDEAL LAUNDRY AND CLEANERS, IN \$307.34, INDEPENDENT PLUMBING & HEATING \$345.52, INDOFF INCORPORATED \$439.89, INGRAM LIBRARY SERVICES \$858.70, INTERNAL REVENUE SERVICE \$85,143.67, INTRALINKS, INC. \$4,257.99, J RODZ \$75.00, JACK'S UNIFORMS & EQUIPMENT \$187.79, JIRDON AGRI CHEMICALS, INC \$2,324.40, JOHN HANCOCK USA \$26,942.98, JOHN HANCOCK USA FIRE \$1,270.14, JOHN HANCOCK USA POLICE \$12,844.20, KEMBEL SAND & GRAVEL CO. \$613.46, KIRA PEREZ \$113.00, LEAGUE OF NE. MUNICIPALITIES \$21,652.00, LEE ENTERPRISES \$203.43, LIGHTHOUSE ELECTRICAL \$1,530.48, MACQUEEN EQUIPMENT, LLC \$300.88, MASEK DISTRIBUTING INC \$1,903.31, MATHESON TRI-GAS INC \$219.16, MEAT SHOPPE \$28,199.09, MENARDS \$777.06, MERCHANT JT&S \$550.00, MOBIUS COMMUNICATIONS COMPANY \$30.00, NE CHILD SUPPORT PAYMENT CENTE \$1,103.10, NE TOURISM COMMISSION \$2,000.00, NEBRASKA DEPT OF ENVIRONMENT AND EN \$7,600.00, NEBRASKA GOLF ASSOCIATION \$296.00, NEBRASKA LAND \$161.45, NEBRASKA LAW ENFORCEMENT \$72.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$333.00, NEBRASKA PUBLIC POWER DISTRICT \$5,335.22, NEBRASKA SECRETARY OF STATE \$30.00, NMC INCORPORATED \$759.04, NORTHWEST PARKWAY LLC \$3.30, NORTHWEST PIPE FITTINGS, INC \$402.98, ONE CALL CONCEPTS, INC \$90.34, OREGON TRAIL COMMUNITY FOUNDAT \$20,000.00, PANHANDLE COOP ASSOCIATION \$14,176.31, PANHANDLE DIESEL SERVICES \$665.47, PANHANDLE EMS \$1,125.00, PANHANDLE ENVIRONMENTAL SERVIC \$2,498.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PATTLEN ENTERPRISES, INC \$233.09, PAUL REED CONSTRUCTION & SUPP \$188.00, PIPE WORKS PLUMBING LLC \$2,455.00, POSTMASTER \$1,633.28, POWERPLAN OIB \$196.25, PRO

OVERHEAD DOOR \$492.25, PT HOSE AND BEARING \$530.49, QUADIENT LEASING USA, INC \$827.84, R & C WELDING & FABRICATION \$750.00, REGANIS AUTO CENTER \$19.86, REGION 22 EMERGENCY MANAG \$2,965.26, REGIONAL CARE INC. \$35,542.84, RIVERSTONE BANK \$1,168.42, SAFELITE FULFILLMENT, INC. \$472.83, SANDBERG IMPLEMENT, INC. \$67.60, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCB. COUNTY SHERIFF OFFICE \$107.40, SCHLUTER EATS, INC \$17,500.00, SCOTTS BLUFF CO. MUTUAL AID \$2,500.00, SCOTTS BLUFF COUNTY COURT \$70.00, SCOTTSBLUFF-GERING UNITED WAY \$283.50, SD LAW ENFORCEMENT TRAINING \$50.00, SENIOR CITIZENS CENTER \$525.00, SHAWNA WINCHELL \$1,080.00, SHERRY PRESTON \$113.00, SIMON CONTRACTORS \$4,123.51, SOUTHWESTERN EQUIPMENT COMPANY \$133.56, STODDARD RON \$75.00, STUART C. IRBY COMPANY \$460.10, SUGAR VALLEY FEDERAL CREDIT \$1,056.74, SWANA \$290.00, TAMMIE GITSCHER \$113.00, TAYLOR MADE GOLF COMPANY \$304.06, TERRY CARPENTER, INC. \$650.00, TITAN MACHINERY INC. \$444,964.75, TORRINGTON SOD FARMS \$424.00, TRAVIS MATHEW \$1,800.00, TYLER TECHNOLOGIES \$10,660.00, UNANIMOUS, INC. \$60.00, UTILITIES SECTION \$4,760.00, VALLEY AUTO LOCATORS LLC \$145.47, VAN DIEST SUPPLY COMPANY \$2,362.80, VERIZON WIRELESS SERVICES, LLC \$1,171.00, WAREHOUSE FITNESS CENTER \$96.00, WESTERN COOPERATIVE COMPANY \$17,697.38, WESTERN NEBRASKA TOURISM COALI \$125.00, WESTERN STATES BANK \$38,920.54, WESTERN STATES BANK - POLICE \$964.00, WESTERN TRAILS SCENIC & HISTOR \$500.00, WINSUPPLY SCOTTSBLUFF NE CO. \$58.52, YMCA OF SCOTTSBLUFF \$670.00, TOTAL \$932,253.99

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

CURRENT BUSINESS:

1. Recognition of Gering Volunteer Firefighters

Mayor Kaufman moved Current Business Agenda item number 1 up on the agenda and presented a proclamation to the Gering Volunteer Fire Department.

PROCLAMATION GERING VOLUNTEER FIRE DEPARTMENT FIREFIGHTER APPRECIATION

WHEREAS, the Gering Volunteer Fire Department is dedicated to saving lives and property and enriching the communities they serve; and

WHEREAS, at a moment's notice, firefighters are quick to respond to uncertain situations to mitigate danger and combat the threat of destructive fire in order to protect individuals, families and the economics of our community; and

WHEREAS, the demands of a firefighter are accompanied by both personal and physical tolls that all firefighters knowingly accept while risking their lives to protect the lives of others; and

WHEREAS, firefighters play an integral role in protecting the health and wellbeing of people and have provided critical and timely support to citizens of Gering, rural areas of Gering and surrounding communities; and

WHEREAS, in August of 2022, Gering Firefighters, along with a host of other fire departments and wildland firefighters, combatted one of the worst wildland fires in the history of Gering in Carter Canyon; and

WHEREAS, the Mayor and Council of the City of Gering recognize the hard work, sacrifice and unwavering dedication and commitment that fire service members have contributed to Gering and surrounding communities.

NOW, THEREFORE, The Gering City Council does hereby proclaim September 12, 2022 as Firefighter Appreciation Day and encourages all citizens to support, with gratitude, Gering Firefighters who protect our lives and property so diligently every day throughout the year.

Presented this 12th Day of September, 2022



PUBLIC HEARINGS:

1. Public Hearing public hearing for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by Pumpkin Creek Meat Company, LLC for the Pumpkin Creek Meat Processing Facility Project

Mayor Kaufman opened a public hearing for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by Pumpkin Creek Meat Company, LLC for the Pumpkin Creek Meat Processing Facility Project at 6:08 p.m.

City Engineer, Annie Folck, stated that the City received an application and had a redevelopment plan drafted for the construction of a meat packing facility. It will be owned and operated by Pumpkin Creek Meat Co. It will be located at the former Packerland site where there has been meat packing in the past at 2605 7th Street. From a utilities perspective, it's ideal. The property is currently valued at \$180,709.00. The estimated value upon completion of the facility is \$6,307,747 which is estimated to generate approximately \$2,086,245 in available TIF funds. The applicant has more than this amount that would be eligible for TIF expenditures so they are requesting the entire amount. In determining whether or not to approve the redevelopment plan, there are several criteria for Council to consider. The first is whether or not the plan conforms to the City's Comprehensive Plan. Planning Commission met and considered this at their September 6, 2022 meeting and determined it did, for several reasons. It is a heavy industrial use that is located in a heavy industrial area that is identified by the City's Comp Plan as being a heavy industrial area. Additionally, the Comp Plan also talks about some of the more intensive uses such as meat packing, that they would be buffered from the surrounding area by landscaping. They do have a pretty extensive landscaping plan (the site plan provided is a very rough draft) and they are looking at investing considerably in landscaping to help buffer that use from the surrounding properties. The next item that needs to be considered is whether or not it's located in an area that is blighted or substandard, and this is. Additionally, the CDA, prior to this meeting, considered the cost-benefit analysis determining that there is benefit to this project and that the private investment is going to be considerable. The final item for consideration is the but-for test before Council makes the determination of whether or not the project would move forward with or without the funds. In all of staff's conversations with the developer, staff is recommending that this project would not move forward without using TIF funds, that these funds are going to be essential for them paying for some of their site investments, particularly for the property acquisition, utility improvements and the wastewater pre-treatment that was discussed in more detail at the CDA meeting. Staff recommends approval of the redevelopment plan. The Planning Commission also recommends that this does conform to the City's Comprehensive Plan.

Councilmember Morrison asked where the entry was. Engineer Folck pointed out on the overhead slide (site plan) where the entry would be. Councilmember Smith asked how the value of the property was determined; if they're investing \$9 million and it's only going to be worth \$6 million. Ms. Folck stated that staff leave that to the redevelopers to determine what they think that valuation will be. It's really difficult to come up with those numbers. A lot of their investment is actually going to be personal property; they have a lot of high dollar equipment that will be involved in this project that doesn't necessarily come up on a property valuation. Councilmember Backus asked Ms. Folck to comment on the but-for evaluation; obviously they're not going to come in with their bank statements. What's the process for that? Engineer Folck replied that mainly it's their discussions with the applicant(s) and to a certain extent "what they tell us". The applicant was present for questions.

Councilmember Morrison stated that the City asks them to do the landscaping and they provide pictures (like the one shown on the screen and in the redevelopment plan) that shows they're going to do landscaping. Thus far, she has seen that if people don't do it, that there's no recourse that the City can take if it doesn't get done. How much can be put into a contract that says they have x-amount of time for the landscaping to be done? Engineer Folck replied, landscaping is a little tough. On most things, the City will not grant a CO (Certificate of Occupancy) until everything on the project is done as per building code. Landscaping is a little tough because if the project finished up in December or January, the City can't exactly

put them on hold for four or five months until the weather breaks and they're able to put in the landscaping. The City has been trying to enforce that more; she gave examples of Bri-Mark and Midwest Farm. The City can also issue temporary COs and give them a four or five-month temporary CO, and then the City still has some sort of leverage to make sure those landscaping requirements are met. Councilmember Smith asked if there were open pits. Ms. Folck replied that she didn't believe so; she thought they were going to have a building for the wastewater treatment as well. The applicant nodded affirmatively.

Mayor Kaufman asked twice if there was anyone wishing to speak in favor of this redevelopment Plan. Seeing none, he asked twice if there anyone wishing to speak in opposition of this redevelopment plan. With no further comments, the administrative record was closed and the public hearing closed at 6:17 p.m.

1a. Review and take action on Resolution 9-22-1 to approve a Redevelopment Plan submitted by Pumpkin Creek Meat Company, LLC for the Pumpkin Creek Meat Processing Facility Project

RESOLUTION NO. 9-22-1

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 *Pumpkin Creek Meat Processing Facility Project* submitted by Pumpkin Creek Meat Company, LLC (the "Redevelopment Plan") has been submitted to the Gering Community Development Agency ("CDA"). The Redevelopment 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 Redevelopment Plan includes the use of tax increment financing.

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

c. The Redevelopment Plan has been reviewed by the CDA, which found that the Redevelopment Plan conforms to the Comprehensive Plan, that the project as proposed in the Redevelopment 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 Redevelopment Plan to the City Council.

e. On September 12, 2022, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.

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

Resolved:

1. The Redevelopment 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 Redevelopment 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 Redevelopment Plan.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Redevelopment Plan, the City Council provides that any ad valorem tax on the Project Site as set forth in the Redevelopment 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 Redevelopment 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 Redevelopment Plan.

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

PASSED and APPROVED on September 12, 2022

Mayor

ATTEST:

City Clerk (Seal)

Motion by Councilmember Morrison to approve Resolution 9-22-1 to approve a Redevelopment Plan submitted by Pumpkin Creek Meat Company, LLC for the Pumpkin Creek Meat Processing Facility Project. Second by Councilmember Smith. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

CURRENT BUSINESS:

2. Appoint Mayor Kaufman to attend a Joint Public Hearing per requirements of LB644

Motion by Councilmember O'Neal to appoint Mayor Kaufman to attend a Joint Public Hearing per requirements of LB644. Second by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

3. Approve amended Personnel Policy 1.11 pertaining to Breaks/Meal Periods

Motion by Councilmember Morrison to approve amended Personnel Policy 1.11 pertaining to Breaks/Meal Periods. Second by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

4. First reading of Ordinance No. 2111 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE

Councilmember Wiedeman made a motion to introduce Ordinance No. 2111 as the first reading - AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE. Seconded by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

5. First Reading of Ordinance No. 2112 - AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2022-2023 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS

Councilmember Morrison made a motion to introduce Ordinance No. 2112 as the first reading - AN ORDINANCE ALLOWING FOR EXCEEDING THE ALLOWABLE GROWTH AND BASIC ALLOWABLE GROWTH LIMITS FOR THE 2022-2023 FISCAL YEAR BY ONE PERCENT OF BUDGETED RESTRICTED FUNDS, AND CORRECTING THE ADOPTED BUDGET STATEMENT AND ACCOMPANYING FORMS. Seconded by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

6. First reading of Ordinance No. 2113 - AN ORDINANCE TO AMEND THE FEES CHARGED FOR THE USE OF THE CITY LANDFILL; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF

Councilmember Bohl made a motion to introduce Ordinance No. 2113 as the first reading - AN ORDINANCE TO AMEND THE FEES CHARGED FOR THE USE OF THE CITY LANDFILL; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

7. First reading of Ordinance No. 2114 - AN ORDINANCE TO AMEND THE WATER RATES FOR CITY AND OUT OF CITY LIMITS RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL USERS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

Councilmember Morrison made a motion to introduce Ordinance No. 2114 as the first reading - AN ORDINANCE TO AMEND THE WATER RATES FOR CITY AND OUT OF CITY LIMITS RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL USERS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. Seconded by Councilmember Cowan. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

8. First Reading of Ordinance 2115 - AN ORDINANCE TO AUTHORIZE AMENDING FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SEWER SERVICE CHARGES, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF

Councilmember Wiedeman made a motion to introduce Ordinance No. 2115 as the first reading - AN ORDINANCE TO AUTHORIZE AMENDING FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SEWER SERVICE CHARGES, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF. Seconded by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

9. First reading of Ordinance No. 2116 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA TO ESTABLISH FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL STORMWATER SURCHARGE, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Bohl made a motion to introduce Ordinance No. 2116 as the first reading - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA TO ESTABLISH FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL STORMWATER SURCHARGE, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Wiedeman.

Discussion: Councilmember Backus noted a Scrivener's error on Ordinance 2116. "One Dollar Seventy-Five Cents (\$2.00) per month" should be changed to "Two dollars (\$2.00) per month".

Councilmembers Bohl and Wiedeman withdrew their motion and second respectively.

Councilmember Backus made a motion to introduce Ordinance No. 2116 as the first reading noting a correction to the ordinance of "Two dollars (\$2.00) per month" instead of "One Dollar Seventy-Five Cents (\$2.00) per month." - AN ORDINANCE OF THE CITY OF GERING,

NEBRASKA TO ESTABLISH FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL STORMWATER SURCHARGE, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Morrison. There was no further discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

**10. Approve Resolution 9-22-2 regarding a Pay Plan for Officers and Employees of the City of Gering
RESOLUTION NO. 9-22-2**

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

1. That the following Pay Plan for officers and employees of the City of Gering, Nebraska employed in Classified Positions be approved and effective October 1, 2022.

PAY SCHEDULE - GENERAL EMPLOYEES ONLY

Grade	A	B	C	D	E	F	G	H	I
3	\$10.24	\$10.75	\$11.29	\$11.85	\$12.44	\$13.06	\$13.72	\$14.40	\$15.12
4	\$10.75	\$11.29	\$11.85	\$12.44	\$13.06	\$13.72	\$14.40	\$15.12	\$15.88
5	\$11.29	\$11.85	\$12.44	\$13.06	\$13.72	\$14.40	\$15.12	\$15.88	\$16.67
6	\$11.85	\$12.44	\$13.06	\$13.72	\$14.40	\$15.12	\$15.88	\$16.67	\$17.51
7	\$12.44	\$13.06	\$13.72	\$14.40	\$15.12	\$15.88	\$16.67	\$17.51	\$18.38
8	\$13.06	\$13.72	\$14.40	\$15.12	\$15.88	\$16.67	\$17.51	\$18.38	\$19.30
9	\$13.72	\$14.40	\$15.12	\$15.88	\$16.67	\$17.51	\$18.38	\$19.30	\$20.27
10	\$14.40	\$15.12	\$15.88	\$16.67	\$17.51	\$18.38	\$19.30	\$20.27	\$21.28
11	\$15.12	\$15.88	\$16.67	\$17.51	\$18.38	\$19.30	\$20.27	\$21.28	\$22.34
12	\$15.88	\$16.67	\$17.51	\$18.38	\$19.30	\$20.27	\$21.28	\$22.34	\$23.46
13	\$16.67	\$17.51	\$18.38	\$19.30	\$20.27	\$21.28	\$22.34	\$23.46	\$24.63
14	\$17.51	\$18.38	\$19.30	\$20.27	\$21.28	\$22.34	\$23.46	\$24.63	\$25.87
15	\$18.38	\$19.30	\$20.27	\$21.28	\$22.34	\$23.46	\$24.63	\$25.87	\$27.16
16	\$19.30	\$20.27	\$21.28	\$22.34	\$23.46	\$24.63	\$25.87	\$27.16	\$28.52
17	\$20.27	\$21.28	\$22.34	\$23.46	\$24.63	\$25.87	\$27.16	\$28.52	\$29.94
18	\$21.28	\$22.34	\$23.46	\$24.63	\$25.87	\$27.16	\$28.52	\$29.94	\$31.44
19	\$22.34	\$23.46	\$24.63	\$25.87	\$27.16	\$28.52	\$29.94	\$31.44	\$33.01
20	\$23.46	\$24.63	\$25.87	\$27.16	\$28.52	\$29.94	\$31.44	\$33.01	\$34.66
21	\$24.63	\$25.87	\$27.16	\$28.52	\$29.94	\$31.44	\$33.01	\$34.66	\$36.40
22	\$25.87	\$27.16	\$28.52	\$29.94	\$31.44	\$33.01	\$34.66	\$36.40	\$38.22
23	\$27.16	\$28.52	\$29.94	\$31.44	\$33.01	\$34.66	\$36.40	\$38.22	\$40.13
24	\$28.52	\$29.94	\$31.44	\$33.01	\$34.66	\$36.40	\$38.22	\$40.13	\$42.13
25	\$29.94	\$31.44	\$33.01	\$34.66	\$36.40	\$38.22	\$40.13	\$42.13	\$44.24
26	\$31.44	\$33.01	\$34.66	\$36.40	\$38.22	\$40.13	\$42.13	\$44.24	\$46.45
27	\$33.01	\$34.66	\$36.40	\$38.22	\$40.13	\$42.13	\$44.24	\$46.45	\$48.77
28	\$34.66	\$36.40	\$38.22	\$40.13	\$42.13	\$44.24	\$46.45	\$48.77	\$51.21
29	\$36.40	\$38.22	\$40.13	\$42.13	\$44.24	\$46.45	\$48.77	\$51.21	\$53.77
30	\$38.22	\$40.13	\$42.13	\$44.24	\$46.45	\$48.77	\$51.21	\$53.77	\$56.46

2. That the following positions in the Classification Plan are assigned to the following Class Grades:

HOURLY POSITIONS - General Employees Only

<u>Grade</u>	<u>Class Titles</u>	<u>Grade</u>	<u>Class Titles</u>
3	Assistant Pool Manager	13	Recreation Coordinator
3	Laborer II	14	Youth Service Librarian
3	Clubhouse Attendant II	14	Public Service Librarian
5	Pool Manager	14	Technical Service Librarian
6	Library Assistant I	16	EMS Coordinator
9	Library Assistant II	17	Deputy City Clerk
10	Maintenance Worker	19	Engineering Technician

11	Landfill Adm. Clerk	19	Golf Course Superintendent
11	Administrative Secretary	19	Combination Building Inspector
11	Customer Service Clerk	27	City Engineer
12	Animal Control Officer		

EXEMPT POSITIONS - General Professional, Administrative and Executive

<u>Grade</u>	<u>Class Titles</u>	<u>Grade</u>	<u>Class Titles</u>
20	Library Director	24	Director of Parks & Rec
20	City Planner	24	Deputy Director of Finance
22	Golf Course Professional	24	Director of Environmental Services
23	Police Captain	27	Chief of Police
23	Streets Superintendent	27	Fire Chief/Marshall
23	Director of Human Resources	27	Director of Public Works
23	City Clerk	28	Electric Superintendent
24	Director of Tourism	28	Finance Dir/City Treasurer

* denotes positions that are currently unfilled

3. That the Pay Schedule for the position of Patrol Officer, Detective and Police Sergeant be approved and effective October 1, 2022. This schedule includes a 2% First Responder Pay allowance as documented in the Police Union Agreement.

<u>Class Title</u>	<u>Hourly Pay Schedule</u>							
	1	2	3	4	5	6	7	8
Patrol Officer	\$23.58	\$24.58	\$25.63	\$26.72	\$27.86	\$29.05	\$30.29	\$31.59
Police Detective	\$24.80	\$26.04	\$27.34	\$28.71	\$30.14	\$31.65	\$33.23	\$34.89
Police Sergeant	\$26.15	\$27.47	\$28.84	\$30.28	\$31.80	\$33.38	\$35.06	\$36.80

4. That the following Pay Schedule for the above listed IBEW eligible positions of the City of Gering, Nebraska employed in Classified Positions be approved and effective October 1, 2022.

Pay Schedule - IBEW Eligible Employees Only Hourly Rates (Based on 40 hour work week)

	<u>Hourly Pay Schedule</u>									
<u>Grade</u>	A	B	C	D	E	F	G	H	I	
1	\$14.70	\$15.43	\$16.20	\$17.01	\$17.86	\$18.76	\$19.70	\$20.68	\$21.71	\$21.71
2	\$15.43	\$16.20	\$17.01	\$17.86	\$18.76	\$19.70	\$20.68	\$21.71	\$22.80	\$22.80
3	\$16.20	\$17.01	\$17.86	\$18.76	\$19.70	\$20.68	\$21.71	\$22.80	\$23.94	\$23.94
4	\$17.01	\$17.86	\$18.76	\$19.70	\$20.68	\$21.71	\$22.80	\$23.94	\$25.14	\$25.14
5	\$17.86	\$18.76	\$19.70	\$20.68	\$21.71	\$22.80	\$23.94	\$25.14	\$26.39	\$26.39
6	\$18.76	\$19.70	\$20.68	\$21.71	\$22.80	\$23.94	\$25.14	\$26.39	\$27.71	\$27.71
7	\$19.70	\$20.68	\$21.71	\$22.80	\$23.94	\$25.14	\$26.39	\$27.71	\$29.10	\$29.10
8	\$20.68	\$21.71	\$22.80	\$23.94	\$25.14	\$26.39	\$27.71	\$29.10	\$30.55	\$30.55
9	\$21.71	\$22.80	\$23.94	\$25.14	\$26.39	\$27.71	\$29.10	\$30.55	\$32.08	\$32.08
10	\$22.80	\$23.94	\$25.14	\$26.39	\$27.71	\$29.10	\$30.55	\$32.08	\$33.69	\$33.69
11	\$23.94	\$25.14	\$26.39	\$27.71	\$29.10	\$30.55	\$32.08	\$33.69	\$35.37	\$35.37
12	\$25.14	\$26.39	\$27.71	\$29.10	\$30.55	\$32.08	\$33.69	\$35.37	\$37.14	\$37.14
13	\$26.39	\$27.71	\$29.10	\$30.55	\$32.08	\$33.69	\$35.37	\$37.14	\$39.00	\$39.00
14	\$27.71	\$29.10	\$30.55	\$32.08	\$33.69	\$35.37	\$37.14	\$39.00	\$40.95	\$40.95
15	\$29.10	\$30.55	\$32.08	\$33.69	\$35.37	\$37.14	\$39.00	\$40.95	\$42.99	\$42.99
16	\$30.55	\$32.08	\$33.69	\$35.37	\$37.14	\$39.00	\$40.95	\$42.99	\$45.14	\$45.14

HOURLY POSITIONS - IBEW Employees Only

<u>Grade</u>	<u>Class Titles</u>	<u>Grade</u>	<u>Class Titles</u>
1	Park Caretaker	8	Sanitation Coordinator
2	Solid Waste Handler	8	Wastewater Treatment Plant Operator
3	Equipment Operator	8	Storekeeper/Purchasing Agent
2	Water/Wastewater Operator I	9	Park Maintenance Supervisor
4	Heavy Equipment Operator	9	Transportation Supervisor
4	Water/Wastewater Operator II	9	Electric Line Apprentice
5	Crew Leader	10	Electric Meter/Service man
6	Cemetery Sexton	12	Water/Wastewater Supervisor
7	Master Mechanic	13	Electric Journeyman/Lineman
7	Maintenance Mechanic	15	Electric Line Crew Supervisor
7	Water/Wastewater Operator III		

5. That the following Pay Schedule for officers and employees in Unclassified Positions of the City be approved and effective October 1, 2022.

Hourly Pay Schedule

	A	B	C	D	E	F	G	H	I
School Crossing Guard	9.28	9.74	10.23	10.74	11.28	11.84	12.44	13.06	13.71
Library Page	9.28	9.74	10.23	10.74	11.28	11.84	12.44	13.06	13.71
Camp Host	9.28	9.74	10.23	10.74	11.28	11.84	12.44	13.06	13.71
Laborer I	9.28	9.74	10.23	10.74	11.28	11.84	12.44	13.06	13.71
Lifeguard	9.28	9.74	10.23	10.74	11.28	11.84	12.44	13.06	13.71
Clubhouse Attendant I	9.28	9.74	10.23	10.74	11.28	11.84	12.44	13.06	13.71

6. Resolution No. 7-22-1 and all other resolutions in conflict with this resolution are repealed.

Passed and approved this _____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

Councilmember O'Neal made a motion to approve Resolution 9-22-2 regarding a Pay Plan for Officers and Employees of the City of Gering. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

11. Approve Resolution 9-22-3 - A Resolution formalizing City Council intent to utilize Keno Endowment Fund

RESOLUTION NO. 9-22-3

A RESOLUTION FORMALIZING CITY COUNCIL INTENT TO UTILIZE KENO ENDOWMENT FUND.

WHEREAS, the City of Gering began receiving Keno lottery funds in 1994;
 WHEREAS, the practice has been since that time to apply fifty percent (50%) of the proceeds to community betterment and fifty percent (50%) applied toward the creation of a Keno Endowment Fund;
 WHEREAS, there is approximately \$1,381,517 in the Keno Endowment Fund currently;
 WHEREAS, a goal has been established of \$1,000,000 in the Keno Endowment Fund thereafter using the interest generated toward community betterment in addition to the entire annual proceeds; and
 WHEREAS, it is the desire of the City to utilize a portion of the Keno Fund Endowment for Community Betterment Projects which include:

1. \$600,000 towards the Pickleball Court Project located at Oregon Trail Park

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GERING:

That \$600,000 of the Keno Endowment Fund be utilized for the aforementioned projects; and

That hereafter, fifty percent (50%) of the annual Keno operation proceeds will be applied to community betterment and fifty percent (50%) of the annual proceeds will be applied to the Keno Endowment Fund until such time as said fund reaches \$1,000,000 again;

That thereafter the entire annual proceeds from the Keno operation will be utilized for community betterment projects along with or in addition to interest generated by the Keno Endowment Fund.

PASSED AND APPROVED THIS 12th DAY OF SEPTEMBER, 2022.

Mark A. Kaufman, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Administrator Heath stated that about this time last year a member of the Keno Committee approached staff after they had had some discussions about the possibility of building pickleball courts and the possibility of redoing the tennis courts at the High School. They brought up that the City has a million-dollar endowment just sitting and earning very little interest. They felt we could utilize some of that money for community betterment for city facilities. Their proposal was \$500,000 for the pickleball courts and \$100,000 for the tennis court. Later on, it was revised that \$100,000 would come out of the Community Betterment Fund and \$600,000 would come out of the Keno Endowment Fund for the pickleball courts. The Endowment Fund currently has a balance of a little over 1.3 million, it would be drawn down \$600,000. The City would then allow it to build back up to \$1 million and maybe later on look at another project. That's what this resolution is - to allow the endowment fund to go below \$1 million. When Keno was first started, there was a decision by Council that the City would maintain a balance of \$1 million. The thoughts were that growing interest could also be used for community betterment projects to give out to organizations or possibly to the City. Unfortunately, with interest rates being so low, it wasn't really earning any interest. The idea of this resolution is to allow the City to go below that million dollars and let it build back up as funds come back in from Keno.

Keno Committee Chairman, Darrell Bentley, stated that 25 years ago when this started, four mayors back, they weren't sure Keno would continue. They thought they needed some money to fall back on. At that time, they asked for a resolution before the Council because they didn't want that money just lying there and all of a sudden somebody decided they needed something. There is a strong committee that tries to keep a very good tap on the Gering citizens' money, and that's what that is. When this whole thing came up with the tennis court and pickleball, at that point there was a good amount built up in the regular Keno Fund and they were able to use \$100,000 for the tennis courts to help provide matching funds for the schools. As far as the pickleball court, there is more going on than just the court. It can be used for several different things. The Keno Committee is behind it 100% and they hope Council is too. Mayor Kaufman said he and the Council appreciates their stewardship; Darrell and the Committee do a fantastic job stewarding those funds. It's an amazing example of individuals thinking beyond themselves. This a great project for community betterment and re-investing in our community.

Councilmember O'Neal made a motion to approve Resolution 9-22-3 - A Resolution formalizing City Council intent to utilize Keno Endowment Fund. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

BIDS/PROPOSALS:

1. Approve purchase of MUSCO lights for Pickleball Court Project

Engineer Folck noted that the Electric Department will install the lights which is a considerable cost-savings to the City. The City has been pleased with MUSCO lights in the past. Councilmember Backus asked if

this is going to create any extra work for the Parks Department. Engineer Folck replied that has been talked about along with O & M costs. It will be minimal, but there will be some employee time. Staff are looking at roughly \$3500 - \$4500 per year. Staff will need to wash it down occasionally, use a leaf blower from time to time, replace nets periodically, but it will be pretty minimal compared to a softball or baseball field. Councilmember Wiedeman noted that the project will help with the traffic around Geil School. Engineer Folck agreed and showed a drawing on the overhead and explained that the courts themselves will be post-tension concrete (for a longer design life). Originally, it was discussed to have the courts on the east side of Oregon Trail Park but that had a few drawbacks such as inadequate parking and no access to restrooms. Staff looked at putting it on the west side of the park which helps draw activity to a different area. Additionally, there are existing bathrooms there (which is a key element) and a huge cost savings. There will be a parking lot, for budget reasons it will not be paved. There will be concrete curb and gutter and a crushed concrete surface for the time being. The goal is to have it be dual-purpose for Geil Elementary for drop off and particularly for pick up. This will allow for additional parking for the quad fields as well. Councilmember Bohl asked if/how the complex will affect the disc golf course holes. Ms. Folck replied that she believes it will affect two of them. Staff will work with the individuals who originally designed that course to relocate those. Parks and Recreation Director, Amy Seiler, further explained. She added that there will not be anything thrown across the pickleball courts.

Councilmember Morrison made a motion to approve the purchase of MUSCO lights for the Pickleball Court Project at Oregon Trail Park in the amount of \$56,000 through the Equalis Purchasing Consortium. Seconded by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

2. Approve proposal for Pickleball Court Installation

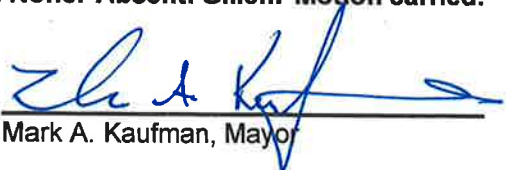
Councilmember O'Neal made a motion to approve a proposal for the installation of pickleball courts at Oregon Trail Park from Renner Sports Construction in the amount of \$224,850 through the Sourcewell Purchasing Consortium. Seconded by Councilmember O'Neal. There was no discussion. Mayor Kaufman called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion carried.

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


ADJOURN:

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

Meeting adjourned at 6:48 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

