

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, SEPTEMBER 13, 2021

A regular meeting of the City Council of Gering, Nebraska was held in open session on September 13, 2021 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. Absent was Councilmember Gillen. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. 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 there was a quorum of the Council present and City business could be conducted.

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

Motion by Councilmember Wiedeman to excuse the absence of Councilmember O'Neal from the September 8, 2021 special Council meeting. 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.

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

Mayor Kaufman stated: As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Mayor. As required by State Law, additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Council determines that the matter requires emergency action.

CONSENT AGENDA:

1. Approve minutes of the August 23, 2021 regular City Council meeting and the September 1, 2021 special City Council meeting minutes
2. Approve Claims
3. Approve June, 2021 Financial Report
4. Approve July, 2021 Financial Report

Claims 8-24-21 to 9-13-21

21ST CENTURY EQUIPMENT \$4,125.00; A & A PORTA POTTIES \$270.00; ACCENT WIRE PRODUCTS \$621.14; ACE HARDWARE \$790.56; ACUSHNET COMPANY \$1,114.05; ADIDAS AMERICA, INC \$72.09; AMAZON CAPITAL SERVICES \$906.58; AMERICAN BUS ASSOCIATION \$1,595.00; AMERICAN DIGITAL MEMORIES \$49.98; ANN JARAMILLO \$75.00; B & S RASK GRILL \$415.35; BAKER & ASSOCIATES, INC. \$375.00; BENZEL PEST CONTROL \$206.71; BH MEDIA GROUP HOLDING, INC. \$568.57; BLACK HILLS ENERGY \$330.88; BLUFFS FACILITY SOLUTIONS \$816.78; BORDER STATES INDUSTRIES, INC \$418.31; BRENNEN MARTINEZ \$240.54; BRETHOURS HONEYWAGON EXPRESS \$200.00; BRIANA BLANCO \$75.00; CALLAWAY GOLF COMPANY \$228.76; CENTURY BUSINESS PRODUCTS, INC \$5.47; CENTURLINK \$2,721.46; CHLOE WORTH \$75.00; CITY OF GERING \$1,840.26; CITY OF SCOTTSBLUFF \$17,244.48; CITY PAYROLL TRUST \$2,207.31; CLARK PRINTING LLC \$332.70; CONNECTING POINT \$63.82; CONTRACTORS MATERIALS, INC. \$549.00; COOPER POWER SYSTEMS LLC \$4,012.65; CORE & MAIN LP \$3,353.19; CROELL, INC \$718.75; CROWLEY FLECK PLLP \$608.00; CUMMINS CENTRAL POWER \$2,133.25; DAS STATE ACCOUNTING-CENTRAL \$179.38; DEARBORN LIFE INSURANCE COMPAN \$137.60; DEBRA KASZA \$75.00; DEMCO, INC \$317.21; DOCU-SHRED LLC \$52.00; DOOLEY OIL \$794.40; DUTTON-LAINSON COMPANY \$3,579.10; DYKES OIL INC. \$71.25; ECOLAB \$329.62; EJS SUPPLY, LLC \$2,187.75; ENERGY LABORATORIES INC. \$534.00; EXPRESS TOLL \$4.65; FAIRFIELD BY MARRIOTT NORTH P \$233.90; FASTENAL COMPANY \$5,018.55; FAT BOYS TIRE & AUTO \$4,267.38; FEDEX \$306.14; FERNANDO GARCIA \$64.49; FIRST STATE BANK \$365.40; FLOYD'S TRUCK CENTER, INC. \$2,498.15; FRANK PARTS COMPANY \$1,413.69; FRASER STRYKER PC LLO \$1,975.00; FREMONT MOTOR SCOTTSBLUFF, LLC \$74.00; FYR-TEK, INC. \$625.00; GERING VALLEY PLUMBING & HTG. \$8,000.00; GERING VOLUNTEER FIRE DEPT. \$594.00; GREATAMERICA FINANCIAL SERVICE \$100.00; GROUND UP CONSTRUCTION \$147.50; HEARTLAND BANK \$250.00; HENNING BROTHERS \$83.00; IDEAL LAUNDRY AND CLEANERS, IN \$195.66; INDEPENDENT PLUMBING & HEATING \$10.38; INDOFF INCORPORATED \$1,527.07; INFINITY CONSTRUCTION INC. \$73,709.00; INGRAM LIBRARY SERVICES \$814.20; INTERNAL REVENUE SERVICE \$42,874.66; INTERSTATE BATTERIE/RAPID CITY \$126.95; INTRALINKS, INC. \$3,833.95; IPMA-HR \$247.00; IRBY TOOL & SAFETY \$346.68; JAMIE MEISNER \$115.00; JL BECKER INC \$618.60; JOHN HANCOCK USA \$14,170.78; JOHN HANCOCK USA FIRE \$574.41; JOHN HANCOCK USA POLICE \$5,963.14; JOHNSON CASHWAY CO. \$86.54; K L WOOD & CO., LLC \$8,868.83; KAREN SUE BRUNTZ \$425.00; KEMBEL SAND & GRAVEL CO. \$1,024.40; KENNY BOWLIN \$33.00; KENZIE HARIMON \$500.00; KRISTA WIEDEMAN \$300.00; LEMNA TECH, INC. & INDUSTRIAL \$93,862.00; LOGOZ LLC \$24.00; LOIS GLYNN \$75.00; LOST RIVER SAND & GRAVEL, INC \$1,855.80; LUSILA MORALES \$151.53; MAIN STREET APPLIANCE \$850.00; MATHESON TRI-GAS INC \$46.58; MEAT SHOPPE \$20,521.08; MENARDS \$4.79; MILCO ENVIRONMENTAL SERVICES, I \$12,887.90; MIZUNO USA, INC.

\$637.35; MOBIUS COMMUNICATIONS COMPANY \$30.00; MONEY WISE OFFICE SUPPLY \$399.15; MUNICIPAL ENERGY AGENCY OF NE \$326,080.98; MUNICIPAL SUPPLY, INC. OF NE. \$3,978.71; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE DEPT OF REVENUE \$1,039.16; NE DEPT. ENVIRONMENTAL QUALITY \$8,460.00; NEBRASKA STATEWIDE ARBORETUM \$133.76; NKC TIRE \$304.47; NMC EXCHANGE LLC \$593.94; NORTHWEST PIPE FITTINGS, INC \$128.11; OCLC, INC. \$327.74; ONE CALL CONCEPTS, INC \$69.18; OREGON TRAIL COMMUNITY FOUNDAT \$8,100.00; PANHANDLE COOP ASSOCIATION \$15,475.31; PANHANDLE ENVIRONMENTAL SERVIC \$2,706.00; PAYROLL \$269,283.55; PIPE WORKS PLUMBING LLC \$850.00; POSTMASTER \$1,360.44; POWERPLAN OIB \$860.37; PRINT BROKER \$1,774.50; PT-OT PROFESSIONALS \$850.00; PVB VISA \$4,382.28; QUADIENT LEASING USA, INC \$800.00; QUEST, INC. \$825.43; RANDY RAINES \$1,275.00; SANDBERG IMPLEMENT, INC. \$507.60; SCOTTSBLUFF-GERING UNITED WAY \$128.75; SETH VARNER \$35.99; SHADDICK INVESTMENTS \$300.00; SHAWNA WINCHELL \$1,170.00; SIMON CONTRACTORS \$3,583.80; SOLOMON TRANSFORMERS, LLC \$425.33; SPECTRUM \$700.44; STAPLES CREDIT PLAN \$346.95; SUGAR VALLEY FEDERAL CREDIT \$528.37; SYSCO DENVER, INC \$952.79; TAMMY COOLEY \$395.44; TAYLOR MADE GOLF COMPANY \$443.59; THE CREATIVE COMPANY \$641.28; TRANSUNION RISK AND ALTERNATIV \$75.00; TRIHYDRO CORPORATION \$167,872.37; UNANIMOUS, INC. \$30.00; VALLEY AUTO LOCATORS LLC \$310.73; VERIZON WIRELESS SERVICES, LLC \$1,281.69; WALSH'S WATER TREATMENT SERVIC \$81.82; WESCO RECEIVABLES CORP. \$1,251.90; WESTERN COOPERATIVE COMPANY \$13,500.92; WESTERN STATES BANK \$26,303.16; WESTERN STATES BANK - POLICE \$550.00; WM RECYCLE AMERICA \$2,417.48; WYOMING BEARING & SUPPLY \$711.83; YANDA'S MUSIC INC ORD NEBRASKA \$1,099.00

Motion by Councilmember Morrison to approve the Consent Agenda. 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.

BIDS: None.

PUBLIC HEARINGS: None.

CURRENT BUSINESS:

1. Approve and authorize the Mayor to sign an Economic Development Assistance Agreement and Deed of Trust pertaining to BriMark Medical, LLC

LB840 Chairman, Larry Gibbs, addressed Council and stated that the LB840 Committee met in February of 2021 to consider an application submitted by BriMark Medical, LLC. The applicant is currently constructing a building at the corner of 10th Street and Country Club Road in Gering. The new location will house Western Sleep Medicine, Western CPAP and Supply and Sweet Dreams Sleep. The LB840 Committee recommended approving a \$125,000 loan for BriMark Medical, LLC., at half of prime (1.625%) with a 10-year term, with first payment deferred until March 1, 2022 (or within 18 months), a Deed of Trust and personal guaranty.

Motion by Councilmember O'Neal to approve and authorize the Mayor to sign an Economic Development Assistance Agreement and Deed of Trust pertaining to BriMark Medical, LLC. 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.

Mark Schultz, Owner of BriMark Medical, LLC, thanked the Mayor and Council and commended the City of Gering for their assistance.

2. Approve Resolution 9-21-4 to apply for federal assistance from the Land and Water Conservation Fund (LWCF) Program for Pickleball Courts

Resolution No. 9-21-4

Resolution on Acquisition or Development for Outdoor Recreation

The City of Gering, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of constructing an outdoor pickleball facility, including pickleball courts, lighting, parking, and a restroom renovation.

The Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City of Gering, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The City of Gering, Nebraska, has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds for the project upon project approval by the Nebraska Game and Parks Commission.

The City of Gering, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive, and sanitary manner.

The City of Gering, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex, or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964) and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The City of Gering, Nebraska will replace the land in the event of a conversion of use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City of Gering, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Gering, Nebraska at a duly advertised public meeting held this 13 day of September, 2021.

Mayor

Attest (Clerk)

Motion by Councilmember Wiedeman to approve Resolution 9-21-4 to apply for federal assistance from the Land and Water Conservation Fund (LWCF) Program for Pickleball Courts. Second 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.

3. Approve and authorize the Mayor to sign Lease Agreement between the City of Gering and Stephanie and Brody Rask, B & S Rask Grill, LLC

Motion by Councilmember Morrison to approve and authorize the Mayor to sign Lease Agreement between the City of Gering and Stephanie and Brody Rask, B & S Rask Grill, LLC. 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. Second reading of Ordinance No. 2103 – AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE

Councilmember Wiedeman moved the second reading of Ordinance No. 2103 – AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE. Seconded by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion Carried.

5. Second reading of Ordinance No. 2104 - AN ORDINANCE TO AMEND THE FEES CHARGED FOR THE USE OF THE CITY LANDFILL; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF

Councilmember Bohl moved the second reading of Ordinance No. 2104 – 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. The Mayor called the vote. "AYES": Smith, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Gillen. Motion Carried.

6. Second reading of Ordinance No. 2105 - AN ORDINANCE TO AUTHORIZE AMENDING FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SEWER SERVICE CHARGES, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF

Councilmember Morrison moved the second reading of Ordinance No. 2105 – 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 Cowan. There was no discussion. The Mayor called the vote. “AYES”: Smith, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: Gillen. Motion Carried.

7. Second reading of Ordinance No. 2106 - 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 Bohl moved the second reading of Ordinance No. 2106 – 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 Wiedeman. There was no discussion. The Mayor called the vote. “AYES”: Smith, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: Gillen. Motion Carried.

8. Second reading of Ordinance No. 2107 - 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 Wiedeman moved the second reading of Ordinance No. 2107 – 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 O’Neal. There was no discussion. The Mayor called the vote. “AYES”: Smith, Backus, Bohl, Wiedeman, O’Neal, Morrison, Cowan. “NAYS”: None. Abstaining: None. Absent: Gillen. Motion Carried.

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

ADJOURN:
Motion by Councilmember Cowan to adjourn. 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.

Meeting adjourned at 6:11 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

