

THE OFFICIAL PROCEEDINGS OF THE SPECIAL MEETING OF THE GERING CITY COUNCIL, SEPTEMBER 15, 2021

A special meeting of the City Council of Gering, Nebraska was held on September 15, 2021 at 5:15 p.m. at Gering City Hall Council Chambers, 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 Welfl and City Attorney Matt Turman. 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 5:15 p.m. A quorum of the Council was present and City business could be conducted.

1. Pledge of Allegiance
2. Roll Call

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

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

CONSENT AGENDA:

1. Approve the September 8, 2021 special City Council meeting minutes and the September 13, 2021 regular City Council meeting minutes

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

CURRENT BUSINESS:

1. Economic Development Certified Community Recertification Presentation

Brittany Hardin, Central and Western Nebraska Director, Business Development Division - Nebraska Department of Economic Development, addressed the Council. She stated she is one of five Business Development Consultants across the state; she serves Western Nebraska. They work with Economic Development Certified Communities all across the state. She was present at the meeting to recognize Gering as a recertified EDCC. The City of Gering and Michelle Coolidge, with TCD, have been fabulous to work with. Being a Certified Economic Development Community is really about being prepared for economic development projects; not just business projects but community development and housing. Gering is doing it all right now. She couldn't think of a better example than last year when Gering played a huge role in helping to bring the Prime Metals Project to Gering. The State of Nebraska was proud to partner with Gering on that project; the State sees all the great things that Gering is doing. Gering has been a leader in regional economic development. She presented the Mayor and Council with a framed recertification certificate.



2. Approve and authorize the Mayor to sign letter of support to the Nebraska Investment Finance Authority on behalf of WNED (Western Nebraska Economic Development) regarding a Regional Housing Study Grant

Motion by Councilmember O'Neal to approve and authorize the Mayor to sign letter of support to the Nebraska Investment Finance Authority on behalf of WNED (Western Nebraska Economic Development) regarding a Regional Housing Study Grant. Second 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.**

3. Approve Resolution 9-21-5 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA EXPRESSING ITS INTENTION TO CONSIDER THE ANNEXATION OF CERTAIN LAND DESCRIBED HEREIN

RESOLUTION 9-21-5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA EXPRESSING ITS INTENTION TO CONSIDER THE ANNEXATION OF CERTAIN LAND DESCRIBED HEREIN; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR THE EXTENSION OF CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION AND MAKING SUCH PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME, AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED AND TO THE PLANNING COMMISSION FOR RECOMMENDATION.

WHEREAS, *Neb. Rev. Stat. § 16-117* authorizes cities of the first class to annex contiguous and adjacent lands following the adoption of a resolution stating its intent to so annex, together with a plan for extending City services to the area to be annexed; and

WHEREAS, the City Council has determined that it should consider the annexation of certain lands which are contiguous and adjacent to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gering, Nebraska that:

1. The City desires to consider the annexation of the following described real estate, all located within the extraterritorial zoning jurisdiction of the City of Gering, in Scotts Bluff County, Nebraska, to wit:

1. Block A, Gering Industrial Tracts
2. Block D, Gering Industrial Tracts
3. Block EE, Gering Industrial Tracts
4. Block F, Gering Industrial Tracts
5. Block J, Gering Industrial Tracts
6. Block K, Gering Industrial Tracts
7. Lot 5, Block B, Subdivision of Block B, Gering Industrial Tracts
8. Lot 2, Block C, Kramer Subdivision of Block C, Gering Industrial Tracts Amended
9. Lot 1, Block G, Gering Industrial Tracts
10. Lot 2, Block G, Gering Industrial Tracts
11. Lot 3, Block G, Gering Industrial Tracts
12. Block H, Gering Industrial Tracts
13. Block I, Gering Industrial Tracts
14. Block L, Gering Industrial Tracts
15. The Unplatted Portions of the SW1/4 Section 1-21-55
16. The SW1/4 36-22-55 Except Instrument Numbers 2003-11268, 2013-5544 and except lot 1, Scotts Bluff County Detention Center Addition
17. Tract in the NW1/4 SW1/4 2-21-55 as Described in Instrument 2017-6560
18. Gering Irrigation District Canal Right-of-Way in NW1/4 Section 11-21-55
19. Tract in the N1/2 NE1/4 Section 10-21-55 as Described in Instrument 2001-4368
20. Block 1, Five Rocks Estates
21. Yucca Dr ROW in the NW 1/4 of the SW 1/4 of Section 2-21-55

22. Block 1, Holcomb Subdivision
23. Lot 8B, Block 1, Walrath Subdivision, Replat of Lots 8 and 9
24. Lots 1 through 7, Block 1, Walrath Subdivision
25. Tract in the N1/2 SE1/4 Section 3-21-55 as Described in Instrument 2016-7083
26. Tract in the N1/2 NW1/4 Section 12-21-55 as described in Instrument 2010-1150
27. Tract in the S1/2 SE1/4 Section 34-22-55 as Described in Instrument 2016-4829
28. Five Rocks Road Right-of-Way within Section 34-22-55
29. Five Rocks Road Right-of-Way within Section 35-22-55
30. Five Rocks Road Right-of-Way within Section 3-21-55
31. Five Rocks Road Right-of-Way within Section 2-21-55
32. Five Rocks Road Right-of-Way within NE1/4 Section 10-21-55
33. Five Rocks Road Right-of-Way within NW1/4 Section 11-21-55
34. S1/2 SE1/4 Lying West of Block 1, Walrath Subdivision Section 3-21-55
35. SE1/4 SW1/4 Lying East of the Irrigation Lateral Section 3-21-55
36. E 33' of NE 1/4 of SW 1/4 Section 3-21-55
37. Block 1, Weatherfield Addition
38. Tract of Land in W 1/2 of Section 36-22-55 as described in Instrument Number 2003-11268
39. Block 1, Reed Farms Subdivision
40. Reed Farms Drive Right-of-Way within Section 36-22-55
41. Central Irrigation District Canal Right-of-way in the W 1/2 of Section 36--22-55
42. Alley ROW in Walrath Subdivision

2. A map drawn to scale and delineating the area(s) proposed to be annexed is attached to this Resolution as Exhibit "A".

3. The plan for the extension of City services to the proposed area, if required, as presented at this meeting and incorporated herein by this reference, be, and the same hereby is, adopted and approved, subject to any changes by the City Council after public hearings on the proposed annexation and recommendation from the Planning Commission, and such plan is available for inspection in the office of the City Clerk at City Hall, 1025 "P" Street, Gering, Nebraska, during regular business hours.

4. This matter is referred to the Gering Planning Commission for recommendation, which Commission shall hold a public hearing on the 5th day of October, 2021 at 6:00 p.m. at the Gering City Hall Council Chambers, 1025 P Street, Gering, Nebraska.

5. The Mayor and City Council will hold a public hearing on the proposed annexation to receive testimony from any interested person on the 25th day of October, 2021 at 6:00 p.m. at the Gering City Hall Council Chambers, 1025 P Street, Gering, Nebraska.

6. A copy of this resolution and map drawn to scale and delineating the area proposed to be annexed shall be published in the Scottsbluff Star Herald at least once, not less than ten days before the date of the Planning Commission public hearing, and before the Mayor and City Council as referenced above.

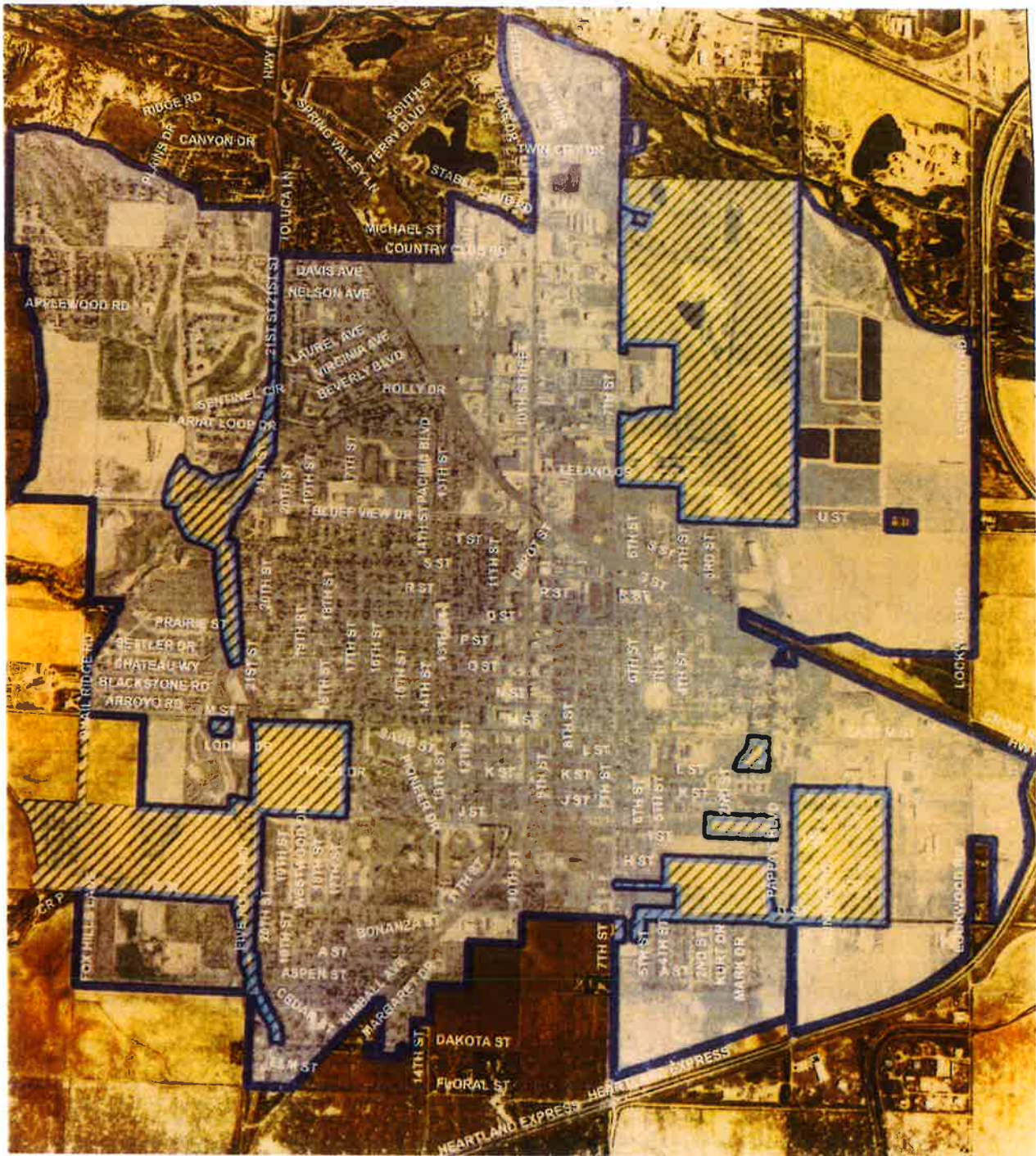
7. A copy of this resolution shall be mailed by first class mail following its passage to the school board of any school district in the tract of land or lands proposed for annexation.

PASSED AND APPROVED this _____ day of _____, 2021.

Mark A. Kaufman, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk



Councilmember Wiedeman made a motion to approve Resolution 9-21-5 - A RESOLUTION EXPRESSING THE CITY'S INTENTION TO CONSIDER THE ANNEXATION OF CERTAIN LAND, DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR THE EXTENSION OF CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION; PROVIDING FOR A PUBLIC HEARING DATE, TIME, AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED AND TO THE PLANNING COMMISSION FOR RECOMMENDATION. Seconded by Councilmember Smith. 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.

4. Third 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 made a motion to move the third 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.

Councilmember Morrison moved that the Ordinance be designated as Ordinance No. 2103 and the title thereof approved, and that the ordinance be passed as read, which motion was 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.

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was, by the Mayor, declared passed.

5. First 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

Before beginning the third reading and passage of utility rate and stormwater surcharge ordinances, Mayor Kaufman provided an opportunity for anyone in the Council Chambers, wishing to express their opinion concerning the ordinances, to address the Council. A member of the audience asked if he could comment on the proposed annexation. Mayor Kaufman said this comment period only pertains to rate ordinances, but a comment period regarding the proposed annexation would be provided afterwards. With no comments about the utility rate ordinances, Mayor Kaufman entertained a motion to move the third reading of Ordinance No. 2104.

Councilmember Morrison made a motion to move the third 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 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.

Councilmember Smith moved that the Ordinance be designated as Ordinance No. 2104 and the title thereof approved, and that the ordinance be passed as read, which motion was seconded by Councilmember Backus. 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.

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was, by the Mayor, declared passed.

6. First 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 Smith made a motion to move the third 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 Backus. 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.

Councilmember Bohl moved that the Ordinance be designated as Ordinance No. 2105 and the title thereof approved, and that the ordinance be passed as read, which motion was 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.

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was, by the Mayor, declared passed.

7. First 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 Morrison made a motion to move the third 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 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.

Councilmember Smith moved that the Ordinance be designated as Ordinance No. 2106 and the title thereof approved, and that the ordinance be passed as read, which motion was seconded by Councilmember Backus. 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.

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was by the Mayor declared passed.

8. First 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 made a motion to move the third reading of Ordinance No. 2107 as – 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.

Councilmember Morrison moved that the Ordinance be designated as Ordinance No. 2107 and the title thereof approved, and that the ordinance be passed as read, which motion was 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.

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was, by the Mayor, declared passed.

Following Current Business item #8, Mayor Kaufman allowed public comment regarding Current Business Agenda Item #3, Resolution 9-21-5. Wade Brashear, 140386 S. 14th Street, Gering, addressed the Council. He stated that he assumed this annexation is in regards to District 3. Mayor Kaufman replied

that the intention is to clean up the city's boundaries; we're about 30 years behind in doing that. Mr. Brashear asked what areas were included; staff provided a map to him. He stated that he owns property north of the proposed casino site. In this proposed annexation, it does not include the (casino) area. The Planning Commission's plan is attempting to provide utilities, new roads and possibly change the jurisdiction for law enforcement to Gering. He doesn't see why there would not be an intention to annex the (casino) area; it doesn't make sense. He wasn't sure how those things (utilities, roads, law enforcement) could be done legally without annexation.

Mayor Kaufman asked if anyone else wished to comment on the Annexation Resolution. There were no further comments.

CLOSED SESSION: None.

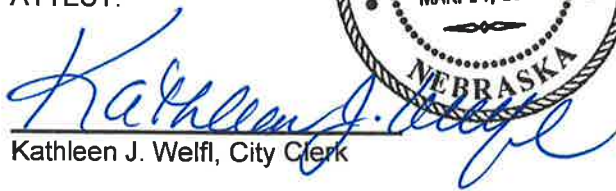
(Council reserves the right to enter into closed session if deemed necessary.)

ADJOURN:

Motion to adjourn by Councilmember Cowan. 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 5:33 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Mark A. Kaufman, Mayor