

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
SEPTEMBER 25, 2017**

A regular meeting of the City Council of Gering, Nebraska was held in open session on September 25, 2017 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Kaufman and Councilmembers Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Weifl and Acting City Attorney Matt Turman. Absent was Councilmember Smith. 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. The Mayor stated that there was a quorum of the Council 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 Holliday to excuse the absence of Councilmember Gillen from the September 11, 2017 regular meeting. Second by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.

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

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

CONSENT AGENDA:

1. Approve minutes of the September 11, 2017 Regular City Council meeting and the September 14, 2017 Special meeting
2. Approve Claims and Financials

Claims:

9-2-17 to 9-15-17

ACCENT WIRE PRODUCTS \$328.31 PART – BALER, ACCUSTAR SURVEYING \$920.00 ENGINEERING, ACTION COMM INC \$249.00 WIFI SET UP – FIVE ROCKS ECLIPSE, ACUSHNET CO \$1,496.80 GOLF GLOVES, BENZEL PEST CONTROL \$132.90 PEST CONTROL, BLACK HILLS ENERGY \$491.18 NATURAL GAS – 905 13TH ST, BLANKENAU WILMOTH LLP \$210.00 WORK ON NEW LANDFILL, BLUFFS SANITARY SUPPLY \$1,101.88 CLEANSERS/TOWELS, BRUNTZ BRENDA \$264.93 TRAVEL EXP – NPZA MINI CONFERENCE, CALLAWAY GOLF CO \$87.61 GOLF CLUB SAND WEDGE, CENTURYLINK \$2,539.72 MONTHLY TELEPHONE ALLOCATION, CHAMPION REALTY \$7,350.00 REALTY FEES – HENKEL LB840, CHARTER COMM \$99.98 TV/INTERNET CHRG – CLUBHOUSE, CHIEF SUPPLY \$157.17 3 – BODY ARMOR COOLING SYSTEM, CITY PAYROLL TRUST \$2,982.11 DISABILITY INSURANCE, COCHRANE DICK \$180.00 BOOT REIMBURSEMENT, COLONIAL SURETY CO \$1,560.94 ANNUAL SURETY BOND RETIREMENT, CONSOLIDATED MANAGEMENT \$51.69 BROWN – MEALS NLETC, CONSTRUCTIVE PLAYTHINGS \$296.91 1 SHELF, COOLEY TAMMY \$545.64 LNM CONF TRAVEL EXPENSE, CORE & MAIN LP \$178.50 SEWER MAIN RPR, CRAIG CHERYL \$24.00 LEFT RV PARK EARLY, CREATIVE SIGNS DIVISION/C \$605.00 BANNERS – NE 150TH EXPRESS TOUR, CRESCENT ELECTRIC SUPPLY \$41.22 FUSES, CULLIGAN WATER CONDITIONING \$6.00 WATER FOR WWTP, DALE'S TIRE & RETREADING \$539.14 TIRE, DANKO EMERGENCY EQUIPMENT \$1,795.32 PUMP CERTIFICATION, DOOLEY OIL INC \$195.12 DEF FLUID, DOWNER CANDY \$75.00 RV ROOM DEPOSIT REFUND, DUTTON – LAINSON CO \$1,937.03 STOCK INVENTORY, ECOLAB \$225.78 PEST CONTROL, ENVIRO SRV INC \$984.00 WW LAB, FAIRFIELD INN \$109.95 T COOLEY LODGING MEAN MGT, FASTENAL CO \$202.82 GLOVES/BATTERIES, FIRST STATE BANK \$316.70 IBEW UNION DUES, FLOYD'S SALES & SRV \$5.49 PARTS – G8, FORT DEARBORN LIFE INS CO \$116.96 FIREFIGHTERS LIFE INS, FRANK PARTS CO \$46.05 VEHICLE RPR, FYR – TEK \$115.30 PARTS FOR FIRE TRUCK DOOR, GALE \$32.38 2 LARGE PRINT BOOKS, GALL'S INC \$462.88 CUPHOLDER/CONTOUR CONSOLE, GEAR FOR SPORTS \$134.16 GOLF PANTS, GENERAL TRAFFIC CONTROLS \$269.70 TRAFFIC LIGHT BACKPLATE, GERING COURIER \$50.00 ADVERTISING – NE 150TH EXP TOUR, GERING LEGION BASEBALL \$216.98 OVERPAID FINAL, GERING VALLEY PLUMBING \$439.20 RPR UNIT 1, GERING VOLUNTEER FIRE DEPT \$756.00 COMMUNICATION TRAINING, GOONIE'S BAR & GRILL \$9,000.00 LB840 GRANT, GREASE N GO \$50.30 ACADIA SRV, GREATAMERICA LEASING CORP \$100.00 COPIER LEASE PYMT, GROUND UP CONSTRUCTION \$510.00 AUGUST CLEANING, HACH CO \$501.57 LAB SUPPLIES, HD SUPPLY WATERWORKS LTD \$3,429.50 SRV LINE RPR, HERTZBERG – NEW METHOD INC \$222.25 11 CHILDRENS BOOKS, ICMA ELECTRONIC RETIREMENT \$522.14 ICMA CITY

ADMIN, IDEAL LINEN SUPPLY INC \$458.29 TOILET PAPER, INDOFF INCORP \$295.82 FOLDERS/RIBBONS/LABELS/COVERS, INGRAM LIBRARY SRV \$311.64 12 BOOKS, INTERNAL REVENUE SRV \$46,909.55 FED/FICA TAX, INTERNATIONAL CODE COUNCIL \$199.00 CERT TEST - RESIDENTIAL MECHANIC, INTRALINKS TECHNICAL SOLUTIONS \$2,122.59 COMPUTER SRV, IRBY TOOL & SAFETY \$197.95 ANCHOR ROD, JC GOLF ASSESSORIES \$256.00 GOLF BALL MARKERS/RPR TOOL, JIRDON \$2,905.29 PESTICIDES, JOHN HANCOCK USA \$13,614.99 JH RETIRE 6%, JOHN MEJIA \$579.65 LNM CONFERENCE TRAVEL EXPENSE, JOHNSON CASHWAY CO \$47.81 RPR'S FOR SOUTH DOOR, KAUFMAN TONY \$504.65 LNM CONF TRAVEL EXPENSE, KOVARIK ELLISON MATHIS \$2,888.75 RETAINAGE - CITY ATTORNEY, KRIZ - DAVIS CO \$67.64 LIGHTS AROUND FOUNTAIN, KUES FRANCIS JEAN \$205.00 QUIT CLAIM DEED, LL JOHNSON DIST \$1,530.75 5 SPRINKLER HEADS, LEAGUE OF NE MUNICIPALITY \$768.00 LNM CONF COOLEY/KAUFMAN, MC SCHAFF & ASSOC \$1,585.00 LYMAN DRIVE PROJECT, MAILFINANCE \$864.95 POSTAGE MACHINE LEASE PYMT, MARTINEZ LAURA \$1,000.00 OVERPAID ACCOUNT ON LINE, MATHESON TRI - GAS INC \$171.59 SHOP, MEAT SHOPPE \$13,812.17 MANAGEMENT CONTRACT, MENARDS \$108.37 DRAIN PIPE AT TRAINING SITE, MG TRUST CO LLC \$6,315.21 MG T - POLICE, MICHAEL TODD & CO \$1,171.58 TOOLS, MIDLANDS CONTRACTING \$20,216.00 SEWER LINING - COBBLESTONE TIF, MIDTOWN ANIMAL HOSPITAL \$225.00 VET BILL FOR INVESTIGATION, MIZUNO USA INC \$500.00 GOLF CLUB FITTING CART, MONEY WISE OFFICE SUPPLY \$153.03 TONER CARTRIDGE - ACCOUNTING, MONUMENT GRILL \$418.00 REIMBURSE MEALS CLCTD W/ENTRY, MWC ENTERPRISES INC \$27,363.00 CANS, NDEQ - FISCAL SRV \$7,600.00 ANNUAL OPERATING FEE, NE CHILD SUPPORT PYMT \$794.64 CHILD SUPPORT 1, NE PLANNING & ZONING ASSOC \$70.00 BRUNTZ NPZA MINI CONF REGISTRATION, NE PUBLIC POWER DISTRICT \$204.20 UTILITIES - 240066 HIGHWAY 92, NE SAFETY/FIRE EQUIPMENT \$435.00 HOOK SOUND FROM ROOMS TO LOBBY, NEBRASKA STATEWIDE ARBORETUM \$220.00 ARBORETUM DUES, NEBRASKA TITLE CO \$150.00 TITLE SEARCH - WARNER, NEBRASKALAND TIRE \$1,498.64 TIRES FOR RESCUE TRUCK, NORTHWEST PIPE FITTINGS \$251.40 GARDEN HOSE WYE, PANHANDLE COOP ASSOC \$2,328.84 LANDFILL FUEL, PANHANDLE GEOTECHNICAL \$4,238.00 POND 6 LEAKAGE STUDY, PANHANDLE HUMANE SOCIETY \$3,168.50 SEPTEMBER MONTHLY SUPPORT, PARAGON \$335.15 GOLF CLUBS - JR CLUBS, PAUL REED CONSTRUCTION \$156,001.47 COBBLESTONE HOTEL TIF, POSTMASTER \$600.00 MAILING PERMITS, POWERPLAN OIB \$2,430.16 PARTS, PRINT BROKER \$372.93 WELCOME FLAGS - ECLIPSE VIEWING, RECORDED BOOKS LLC \$168.27 2 AUDIOBOOKS, SANDBERG IMPLEMENT INC \$810.14 BOBCAT DOOR GLASS, SCB COUNTY AMBULANCE SRV \$316.23 AMBULANCE CONTRACT, SCB COUNTY SHERIFF OFFICE \$124.75 SHERIFF'S OFFICE FEES, SENIOR CITIZENS CENTER \$525.00 FINANCIAL SUPPORT, SHERWIN WILLIAMS \$44.68 SHOP, SIMON CONTRACTORS \$1,250.34 OVERSIZE ROCK 56 TONS, SKILES DAN \$24.00 LEFT RV PARK EARLY, STAR HERALD \$1,192.60 ADVERTISING - ECLIPSE, 150TH TR, STATE OF NE/DAS COMMUNIC \$196.48 LONG DISTANCE PHONE CHRGS, SUGAR VALLEY FEDERAL CREDIT \$578.37 CREDIT UNION, TAYLOR MADE GOLF CO \$346.50 CLOTHING LADIES GHS GIRLS GOLF, TERRY CARPENTER INC \$650.00 WATER WELL LAND RENT, TEST AMERICA \$2,429.00 WATER TEST, TUMBLEWEED PRESS INC \$599.00 SUBS TO TUMBLEBOOKS, US AUTO FORCE \$40.84 TURF TIRE, VERIZON WIRELESS \$344.70 IPAD FEES, WESCO DISTRIBUTION INC \$535.00 FUSE HOLDERS, WESTERN NE COMM COLLEGE \$500.00 EMT CLASS, WESTERN STATES BANK \$725.00 EMPLOYEE APPRECIATION GIFTS, WESTERN STATES BANK - POL \$320.00 PO UNION DUES, WINCHELL CLEANING SRV \$390.00 CLEAN HALLS & BATHROOMS, WM RECYCLE AMERICA \$1,098.20 RECYCLING, PAYROLL CHECKS ON 9-15-17 \$129,222.22

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

BIDS: None

PUBLIC HEARINGS: None

CURRENT BUSINESS:

1. Request for Future Agenda Item regarding Midwest Theater Annual Report

Katie Bradshaw, Midwest Theater Development Director, addressed the Mayor and Council and talked about their Performing Arts Education Annual Report as well as unique educational opportunities provided by the Midwest Theater that allows students to explore different aspects of the performing arts. The annual report was included in the Council Packet. Mayor Kaufman thanked Ms. Bradshaw for coming.

2. Approve recommendation by the Recreation Committee to allow Disc Golf as an activity at Oregon Trail Park

Motion by Councilmember O'Neal to approve a recommendation by the Recreation Committee to allow Disc Golf as an activity at Oregon Trail Park. Second by Councilmember Cowan.

Discussion: Councilmember Holliday asked what the recommendation is as there was not an agenda summary for this. Councilmember O'Neal stated that Mr. Turman gave a presentation to the Recreation Committee. Mr. Turman, present at the Council meeting, then provided a map and more information about the Disc Golf activity to the Council. Councilmember O'Neal stated that the consensus of the Recreation Committee was that this would be a very good activity to proceed with, especially in

conjunction with the Wellness Committee. Councilmember Holliday asked if this is to be City-funded or through Keno. Councilmember O'Neal stated that they will approach Keno for funding. Mayor Kaufman stated that they just needed a location and will have a local organization do some fund raising. Councilmember O'Neal said it was also thought that it would be a nice activity for people visiting our area. Councilmember Holliday asked what will be around the holes - it may take more time for the Parks Department to trim around them. Councilmember O'Neal stated that Mr. Turman met with the Parks Committee before he met with the Recreation Committee and they did not feel it would be a problem. Councilmember Morrison stated that she called Mr. Ernst, Parks Director, and asked the same question and he said it would be no problem. Mr. Turman addressed Council and said that Mr. Ernst has been very supportive of this from the beginning. This project actually started about 10 years ago but fell through because the person pushing it left the community. He said they are willing to work with Ron to make things easy on everyone and make sure that this isn't a burden on the City. Councilmember Wiedeman stated that she was asked if the Gering Public Library chooses to build at Oregon Trail Park, what would happen with this project. Mr. Turman replied that the beautiful thing about this golf is that it's a really flexible activity. The baskets get sunk into the ground, if you need to move them for any reason it's very simple, you just pick it up and move it and put it somewhere else. The way the course is laid out they don't believe it will affect the site that is being proposed for the library and if it did they can certainly work around it. They don't believe it presents any obstacles whatsoever. Councilmember Backus stated that he likes that it's using an existing park and Keno money, the only concern he has... he went out and walked the preliminary map and on number 11 it seems like you're throwing at the street. Mr. Turman said he agrees; as far as the layout, it was just a tentative thing to help visualize what it might look like. They can adjust any of the holes or baskets. Councilmember Holliday asked if the High School Soccer Team was still using that park and if so how will it affect them. Mr. Turman stated that they are still using it and in visiting with Ron Ernst he outlined the area that they play soccer. They don't think the baskets will affect their ability to use the park at all. Their goal is to make sure the baskets do not interfere with any existing activity.

Larry Lacy, 1720 A Street, addressed Council. He stated that there are family gatherings, after school practice, kids playing games and football, baseball, soccer, flying kites, using remote control drones, etc. that occur at that park. He has an issue using this gathering place for an entirely different activity that is not the intended purpose. He is concerned about the wear path on the grass; he has researched this. He can see the t-boxes as tripping hazards. He asked how this will work when picnickers and others are using the park; will they have to watch out for flying discs? We need to save our parks for the general public. He thinks the land on Third Street is more suitable for this activity. Mayor Kaufman added that the nice thing about this is that it's a flexible sport. The course can be moved and reconfigured as needed. Councilmember Gillen noted that anyone in the park could be playing regular frisbee, soccer, baseball or a number of activities. Regardless of what's going on you're going to have to watch out for frisbees, soccer balls, baseballs or whatever. He thinks this is something that could enhance our parks. Regardless of the activity we have to watch out, even if we didn't put this activity in this park. He stated that he understands where Mr. Lacy is coming from. He'd like to see our parks used more than they are. Anytime we can encourage kids to get out of the house, away from technology, we need to look at those opportunities and encourage outdoor play. Inaudible comments came from the audience. Mayor Kaufman thanked everyone for their comments.

The Mayor called the vote. "AYES": Backus, Gillen, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": Holliday. Abstaining: None. Absent: Smith. Motion Carried.

3. Approve Salary Range Schedule/Step Scale and Resolution 9-17-2

Motion by Councilmember Morrison to approve the Salary Range Schedule/Step Scale and Resolution 9-17-2. Second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.

4. Approve City of Gering 401k Retirement Plan Third Party Administrator

Motion by Councilmember Gillen to approve the City of Gering 401k Retirement Plan Third Party Administrator, BPI (Benefit Plans Inc.) Second by Councilmember Wiedeman. There

was no discussion. The Mayor called the vote. "AYES": Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.

5. Approve and authorize the Mayor to sign an Agreement Between the City of Gering and Keep Scottsbluff Gering Beautiful regarding: Performing the installation of stormsewer inlet labels, label inspections, label maintenance and providing education associated with the pollution of the City's stormsewer system and discharges

Motion by Councilmember Holliday to approve and authorize the Mayor to sign an Agreement Between the City of Gering and Keep Scottsbluff Gering Beautiful regarding: Performing the installation of stormsewer inlet labels, label inspections, label maintenance and providing education associated with the pollution of the City's stormsewer system and discharges. Second by Councilmember O'Neal.

Discussion: Point of order by Councilmember Wiedeman who stated that she is currently the President of the Board for Keep Scottsbluff/Gering Beautiful and didn't know if she should declare a conflict or not. She left it up to the Council. After conferring with the Council, Mayor Kaufman stated that Council does not believe Councilmember Wiedeman has a conflict.

The Mayor called the vote. "AYES": Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.

6. Approve and authorize the Mayor to sign Tri-City Interlocal Stormwater Program Agreement for the Cities of Gering, Scottsbluff and Terrytown

Motion by Councilmember Morrison to approve and authorize the Mayor to sign the Tri-City Interlocal Stormwater Program Agreement for the Cities of Gering, Scottsbluff and Terrytown. Second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.

7. Approve Ordinance 2051 - AN ORDINANCE TO AUTHORIZE AND ESTABLISH FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL STORMWATER SURCHARGE, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF

Councilmember Holliday made a motion to introduce Ordinance No. 2051 - AN ORDINANCE TO AUTHORIZE AND ESTABLISH FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL STORMWATER SURCHARGE, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF. Seconded by Councilmember Wiedeman. There was no discussion. The Mayor called the vote. "AYES": Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.

Councilmember O'Neal moved that the Ordinance be designated as Ordinance No. 2051 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Morrison. There was no discussion. The Clerk called the roll. "AYES": Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.

The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried. Whereupon Ordinance No. 2051 was read by title only, Councilmember Cowan moved that the Ordinance be passed as read, which motion was seconded by Councilmember Gillen. "The question is shall Ordinance No. 2051 be passed?" There was no discussion. The Mayor called the vote. "AYES": Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. 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. Approve Ordinance 2052 - AN ORDINANCE TO AUTHORIZE AND ESTABLISH FEES FOR PROCESSING CREDIT CARD AND DEBIT TRANSACTIONS, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF

Councilmember Cowan asked if we know what the fee is going to be. Clerk Welfl noted that, in error, she did not include the ordinance in the packet. She stated that it's a 1% to 5% percentage because it varies from year to year per her understanding from Finance Director, John Mejia. This way we wouldn't have to go back and change the ordinance every year. The ordinance states that it will vary; it won't be more than 5% but it won't be less than 1%. The odds that it will ever be as high as 5% are slim. Councilmember Holliday asked if it's something that could be tabled so Council can digest it. Clerk Welfl replied yes, this is not an ordinance that has to be passed immediately; it can wait until Mr. Mejia is back.

Motion by Councilmember Holliday to table approval of Ordinance 2052 until the next meeting - AN ORDINANCE TO AUTHORIZE AND ESTABLISH FEES FOR PROCESSING CREDIT CARD AND DEBIT TRANSACTIONS, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF. Second by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Gillen, Backus, Holliday, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion Carried.

CLOSED SESSION:

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

OPEN COMMENT SECTION: None

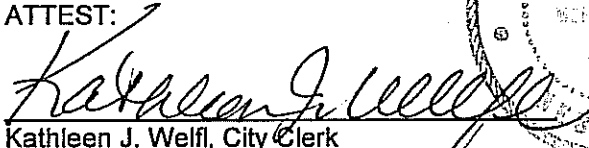
Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

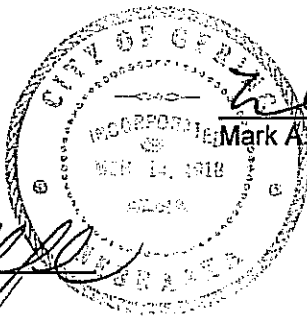
ADJOURN:

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

Meeting adjourned at 6:29 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Mark A. Kaufman, Mayor