

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, September 9, 2024

A regular meeting of the City Council of Gering, Nebraska was held in open session on September 9, 2024 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Backus, Bohl, Wiedeman, O'Neal, Morrison. Also present were City Administrator Pat Heath, City Clerk Kathy Welzl and City Attorney Jim Ellison. Absent were Councilmembers Shields, Gillen and Cowan. 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 Ewing 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 (None)

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

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

### CONSENT AGENDA:

(Items under the Consent Agenda are proposed for adoption by one action for all items unless any member of Council requests that an item be considered separately.)

1. Approve minutes of the August 14, 2024 Budget Work Session
2. Approve minutes of the August 26, 2024 Regular City Council Meeting
3. Approve Claims

#### Claims 8/27/24 thru 9/9/24

21ST CENTURY EQUIPMENT \$119.69, A & A PORTA POTTIES \$1,815.00, AC ELECTRIC MOTOR SERVICE \$106.65, ACE HARDWARE \$65.15, ACUSHNET COMPANY \$1,234.53, ALLO COMMUNICATIONS \$3,266.13, AMAZON CAPITAL SERVICES \$2,113.27, AMERITAS LIFE INSURANCE COPR. \$612.38, ANDRES TORRES \$500.00, AT&T MOBILITY \$292.98, BENZEL PEST CONTROL \$56.71, BIG MACK HEATING & COOLING \$1,887.32, BLUFFS FACILITY SOLUTIONS \$566.46, BORDER STATES INDUSTRIES, INC \$5,141.69, BW PLUS GRAND ISLAND INN & SUI \$154.00, C & C MANUFACTURING LLC \$163.79, CALLAWAY GOLF COMPANY \$1,332.00, CAMSPOT \$729.79, CENGAGE LEARNING/GAGE \$177.55, COLUMN SOFTWARE, PBC \$152.52, CONNECTING POINT \$31.42, CONSOLIDATED MANAGEMENT COMPAN \$5.80, CONTRACTOR SERVICES INC \$5,100.00, CORE & MAIN LP \$980.78, DUTTON-LAINSON COMPANY \$612.75, EAKES INC \$2,801.06, FAIRFIELD INN \$129.95, FASTENAL COMPANY \$856.58, FERGUSON SIGNS \$1,785.00, FIRST NATIONAL BANK OF OMAHA \$8,288.21, FIRST NATIONAL BANK OMAHA - POLICE \$618.00, FLOYD'S TRUCK CENTER, INC. \$3,481.09, FRANK PARTS COMPANY \$460.04, GENERAL TRAFFIC CONTROLS, INC. \$1,625.00, GERING VOLUNTEER FIRE DEPT. \$500.00, GOLDSTAR PRODUCTS INC \$859.49, GROUND UP CONSTRUCTION & CLEAN \$4,288.50, HARBOR FREIGHT TOOLS \$228.93, IDEAL LAUNDRY AND CLEANERS, INC. \$1,101.07, INDEPENDENT PLUMBING & HEATING \$537.92, INDOFF INCORPORATED \$560.35, INGRAM LIBRARY SERVICES \$46.62, INTERCONNECTION SYSTEMS INC \$100.00, INTERNAL REVENUE SERVICE \$57,245.58, INTOXIMETERS, INC. \$76.75, IRBY TOOL & SAFETY \$2,162.32, JOHN HANCOCK USA \$18,732.08, JOHN HANCOCK USA FIRE \$799.83, JOHN HANCOCK USA POLICE \$9,598.54, LEGACY COOPERATIVE \$238.76, MASEK DISTRIBUTING INC \$2,700.00, MATHESON TRI-GAS INC \$359.57, MENARDS \$149.95, MILLER & ASSOCIATES CONSULTING ENGINEERS, P.C. \$12,372.86, MOBIUS COMMUNICATIONS COMPANY \$30.00, MUNICIPAL SUPPLY, INC. OF NE. \$5,794.72, MUTUAL OF OMAHA \$4,778.44, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NMC INCORPORATED \$14,128.48, OMAHA MAGAZINE, LTD \$6,415.00, ONE CALL CONCEPTS, INC \$89.50, OREGON TRAIL COMMUNITY FOUNDATION/OLD WEST BALLOON FEST \$5,565.20, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$2,465.00, PERMA-BOUND \$51.15, PETE'S QUICK LUBE \$172.13, PIONEER RESEARCH \$1,093.54, POWER SCREENING, LLC \$355.59, POWERPLAN OIB \$1,217.98, PRECISION AIR \$2,035.47, PT HOSE AND BEARING \$1,440.21, QUADIENT POSTAGE FUNDING \$16.63, RED BARN SHOP, LLC \$914.65, REGIONAL CARE INC. \$71,022.82, RILEY SMITH \$17.10, RIVERSTONE BANK \$620.98, ROBERT GLEIM \$95.00, RON'S TOWING & RECOVERY, LLC \$200.00, SANDBERG IMPLEMENT, INC. \$1,282.85, SANDRA GILDEMASTER \$75.00, SAPP BROS \$12,697.82, SCOTTSBLUFF-GERING UNITED WAY \$223.67, SIRCHIE ACQUISITION COMPANY, LLC \$99.39, SOUTHWESTERN EQUIPMENT COMPANY \$7,088.80, SPEAK WRITE \$13.91, STEVE MOUNT \$108.00, SUNBELT SOLOMON \$86,758.96, TEAM CHEVROLET \$425.00, TERESA TOSH \$23,468.07, THE TORO COMPANY \$175.00, TYNDALE \$480.42, UTILITY BILL REFUNDS \$706.52, VALSTONE CORPORATION, INC. \$5,555.75, VERIZON WIRELESS SERVICES, LLC \$555.14, VILLAGE OF MORRILL \$3,124.00, WESTERN COOPERATIVE COMPANY \$2,736.44, TOTAL \$424,731.67

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

#### **BIDS/PROPOSALS:**

##### **1. Award bid for Raw Water Terminal Tank**

City Engineer, Annie Folck, stated the City is building a new tank at the Central Plant. Back in 2009 and 2010, when the new drinking requirements became more stringent, the City put in the well field north of the river; she further explained there was an existing well field and the water was mixed, which got the City down to acceptable limits in the drinking water system. There's currently an existing million-gallon tank where the water is mixed from the two different places. In the original plans for that project, there was supposed to be two tanks as there needs to be redundancy because that tank will someday, at some point, need to be taken off-line in order to do routine maintenance. In case anything should ever go wrong, it's always good to have a backup. That was something that was cut from the project at the time. It's something Administrator Heath has wanted to do, but the City has not had the funding. Because there is money available from the ARPA Funds, it was determined that that would be a good use for those funds because this is an eligible use for ARPA Funds.

The project was designed JEO Engineers. They designed it and bid it out. The low bidder was Eric Reichert Insulation and Construction in the amount of \$1,624,677.17 which was below the Engineer's Estimate of \$1,817,949.00. Staff and the Engineer recommend awarding to the low bidder.

Councilmember Wiedeman asked about the sub-contractor, M & M Tank Coating Company. Engineer Folck explained that Reichert will be the General and M & M will be the sub-contractor. Reichert will do the dirt work and piping. There is no local company that does this kind of tank work; there needs to be someone experienced on that.

**Motion by Councilmember Wiedeman to award the Raw Water Terminal Tank bid to Eric Reichert Insulation and Construction in the amount of \$1,624,677.17. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Shields, Gillen, Cowan. Motion Carried.**

#### **CURRENT BUSINESS:**

##### **1. Request for Public Safety Committee meeting – Agenda items: 1.) Consider one-way street near Lincoln Elementary School, 2.) Consider bus loading zone near Northfield Elementary School**

**Motion by Councilmember Morrison to approve a request for a Public Safety Committee meeting with Agenda items: 1.) Consider one-way street near Lincoln Elementary School, 2.) Consider bus loading zone near Northfield Elementary School. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called for the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Shields, Gillen, Cowan. Motion Carried.**

##### **2. Consider Approval of Occupation Tax Grant Fund Request for 308 United Softball/City of Gering**

**Motion by Councilmember Wiedeman to approve an Occupation Tax Grant Fund Request for 308 United Softball/City of Gering in the amount of \$106,412.00. Second by Councilmember Morrison.**

**Discussion:** Councilmember O'Neal asked about budgeting \$1000 annually for the shade structure replacement cost and the insurance cost of \$556 per year. She asked if the softball team will be able to come up with the balance of what will be needed (for replacement in the future). Engineer Folck explained that the amount budgeted for replacement cost is just the fabric part. The manufacturer thinks they will have about a 15-year life and they run about \$16,000 to replace. The frame part should be fine and shouldn't need replaced for a very long time.

Mayor Ewing called for the vote. "AYES": Bohl, Wiedeman, O'Neal, Morrison. "NAYS": Backus. Abstaining: None. Absent: Shields, Gillen, Cowan. Motion Failed.

**3. Consider Approval of Occupation Tax Grant Fund Request for Legacy of the Plains Museum**

**Motion by Councilmember Bohl to approve an Occupation Tax Grant Fund Request for Legacy of the Plains Museum in the amount of \$20,000. Second by Councilmember O'Neal.**

**Discussion:** Councilmember Wiedeman declared a potential conflict of interest as she is the Treasurer for Legacy of the Plains Board of Directors; she manages the money. City Attorney Ellison agreed that Councilmember Wiedeman had a legitimate issue. (Voting on the motion was suspended to acknowledge the conflict of interest).

New Motion:

**Motion by Councilmember Morrison to acknowledge the conflict of interest declared by Councilmember Wiedeman.**

**Discussion:** Attorney Ellison noted that the Mayor can vote if he'd like to do so, to create the majority. Clerk Welfl added, and also for the previous motion; Attorney Ellison confirmed, yes. It was also noted that Councilmember Wiedman can vote to acknowledge the conflict of interest.

**Seconded by Councilmember O'Neal. There was no further discussion. Mayor Ewing called for the vote. "AYES": Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Shields, Gillen, Cowan. Motion Carried.**

Referring back to the motion regarding approval of the Occupation Tax Grant Fund Request for Legacy of the Plains:

**Motion by Councilmember Bohl to approve an Occupation Tax Grant Fund Request for Legacy of the Plains Museum in the amount of \$20,000. Second by Councilmember O'Neal. Mayor Ewing called for the vote. "AYES": Backus, Bohl, O'Neal, Morrison. "NAYS": None. Abstaining: Wiedeman. Absent: Shields, Gillen, Cowan. Mayor Ewing voted "AYE" creating a majority vote. Motion Carried.**

In consideration of Council Members being absent, Mayor Ewing went back to the second agenda item under Current Business. He requested that the Clerk state which Council Members moved and seconded the motion regarding the Occupation Tax Grant Fund Request for 308 United Softball/City of Gering: Councilmember Wiedeman made the motion to approve, seconded by Councilmember Morrison.

**Motion by Councilmember Wiedeman to approve an Occupation Tax Grant Fund Request for 308 United Softball/City of Gering in the amount of \$106,412.00. Second by Councilmember Morrison. Mayor Ewing called for the vote. "AYES": Bohl, Wiedeman, O'Neal, Morrison. "NAYS": Backus. Abstaining: None. Absent: Shields, Gillen, Cowan. Mayor Ewing voted "AYE" creating a majority vote. Motion Carried.**

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

**OPEN COMMENT:** Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. None.

**ADJOURN:**

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

Meeting adjourned at 6:16 p.m.

ATTEST:

  
Kathleen J. Welfl, City Clerk



  
Kent E. Ewing, Mayor