

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
FEBRUARY 12, 2024**

A regular meeting of the City Council of Gering, Nebraska was held in open session on February 12, 2024 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember 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

Motion by Councilmember Gillen to approve the absence of Councilmembers Backus and O'Neal from the January 22, 2024 regular City Council meeting. Second by Councilmember Shields. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

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 January 22, 2024 Regular City Council Meeting
2. Approve Claims

Claims 1/23/24 - 2/12/24

24/7 FITNESS \$286.00, A & A PORTA POTTIES \$150.00, ACE HARDWARE \$228.87, AFL, LLC \$50,102.00, ALLO COMMUNICATIONS \$3,172.63, AL'S TOWING, INC \$150.00, AMAZON CAPITAL SERVICES \$1,170.06, AMERITAS LIFE INSURANCE COPR. \$1,229.48, AT&T MOBILITY \$1,879.22, B & H INVESTMENTS, INC \$69.00, BAKER & ASSOCIATES, INC. \$2,750.00, BAR 4 BAR ENTERPRISES, LLC \$800.00, BENZEL PEST CONTROL \$321.76, BIG MACK HEATING & COOLING \$190.00, BLACK HILLS ENERGY \$6,669.87, BLUFFS FACILITY SOLUTIONS \$196.43, BORDER STATES INDUSTRIES, INC \$15,711.59, BRETHOURS HONEYWAGON EXPRESS \$200.00, CALEB PIANO TUNING \$125.00, CELLI'S CYCLE CENTER \$15,648.00, CITY OF GERING \$1,845.38, COMFORT INN NORTH \$518.00, CONTRACTORS MATERIALS, INC. \$55.00, CORE & MAIN LP \$5,337.70, COZAD SIGNS, LLC \$260.00, DANKO EMERGENCY EQUIPMENT CO \$150.24, DEARBORN LIFE INSURANCE COMPAN \$86.00, DICKIE K COCHRANE \$125.00, DOOLEY OIL \$540.15, DUSTIN KINNAN \$118.20, DUTTON-LAINSON COMPANY \$2,083.34, EAKES INC \$163.92, ECOLAB \$31.05, EJS SUPPLY, LLC \$2,663.76, ELITE TOTAL FITNESS \$68.00, ELLIOTT EQUIPMENT CO. \$515.45, ELLISON, KOVARIK & TURMAN LAW \$9,845.00, ESI \$4,197.88, EXPRESS TOLL \$35.30, FASTENAL COMPANY \$196.27, FAT BOYS TIRE & AUTO \$2,194.03, FIRST NATIONAL BANK OF OMAHA \$52,918.20, FIRST NATIONAL BANK OMAHA - POLICE \$1,100.00, FLOYD'S TRUCK CENTER, INC. \$2,189.22, FOREUP \$6,537.02, FRANK PARTS COMPANY \$1,704.50, FYR-TEK, INC. \$3,665.34, GALLS, AN ARAMARK COMPANY \$818.89, GENE STEFFY AUTO GROUP \$44,276.00, GENERAL TRAFFIC CONTROLS, INC. \$161.00, GERING COURIER \$56.99, GREATAMERICA FINANCIAL SERVICE \$100.00, GREG'S AUTO BODY & PAINT \$1,285.76, GROUND UP CONSTRUCTION & CLEAN \$738.50, HARBOR FREIGHT TOOLS \$92.43, HARRINGTON INDUSTRIAL PLASTICS \$1,477.63, HAWKINS, INC. \$6,842.00, HEALTHBREAK, INC. \$7,095.00, HEARTLAND EXPRESSWAY \$3,036.60, HOME DEPOT CREDIT SERVICES \$359.15, IDEAL LAUNDRY AND CLEANERS, INC. \$473.68, INDEPENDENT PLUMBING & HEATING \$87.77, INDOFF INCORPORATED \$378.75, INGRAM LIBRARY SERVICES \$1,431.10, INTERNAL REVENUE SERVICE \$95,572.76, INTRALINKS, INC. \$8,680.57, J & A TRAFFIC PRODUCTS \$2,379.00, JOHN HANCOCK USA \$35,314.02, JOHN HANCOCK USA FIRE \$1,523.56, JOHN HANCOCK USA POLICE \$17,265.14, JOHNSON CASHWAY CO. \$47.12, JOHNSON FEED INC \$6,523.26, JUSTIN BERNHARDT \$200.00, KENT EWING \$119.00, KEVIN LEHR \$300.00, LEAGUE ASSOC./RISK MANAGEMENT \$2,765.43, LEE ENTERPRISES \$540.05, LIFT SOLUTIONS, INC \$3,583.27, LOGOZ LLC \$55.00, MANUEL BARRAZA \$6,272.00, MATHESON TRI-GAS INC \$744.30, MEAT SHOPPE \$43,464.72, MELANIE SEIFERT \$75.00, MENARDS \$1,930.14, MIDWEST CONNECT \$3,842.23, MOTOROLA SOLUTIONS, INC \$150.00, MUNICIPAL ENERGY AGENCY OF NE \$320,731.44, MUTUAL OF OMAHA \$6,061.46, NATHAN FLOWERS \$6,322.00, NATIONAL AIR & SPACE SMITHSONIAN INSTITUTION \$35.00, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$1,429.86, NEBRASKA DEPARTMENT OF REV (PR) \$15,575.26, NEBRASKA DEPARTMENT OF REVENUE \$300.00,

NEBRASKA PUBLIC HEALTH ENVIRO LAB \$229.00, NEBRASKA SAFETY AND FIRE EQUIPMENT, INC \$95.00, NEMNICH AUTOMOTIVE LLC \$16,395.53, NMC INCORPORATED \$1,555.38, ONE CALL CONCEPTS, INC \$216.14, PANHANDLE COOP ASSOCIATION \$831.38, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$2,539.00, PANHANDLE PARTNERSHIP FOR \$140.00, PAT HEATH \$119.00, PATTLEN ENTERPRISES, INC \$4,347.62, PETE'S QUICK LUBE \$266.13, PONY EXPRESS STATION \$300.00, POWERPLAN OIB \$32.59, PT HOSE AND BEARING \$474.22, QUADIENT POSTAGE FUNDING \$1,654.03, R & C WELDING & FABRICATION \$88.80, REGIONAL CARE INC. \$171,430.61, RIVERSTONE BANK \$1,165.95, SAMANTHA NIEZAAG \$75.00, SANDBERG IMPLEMENT, INC. \$608.85, SANDRY FIRE SUPPLY \$90.00, SCB CO. GIS/MAPPING DEPT. \$1,116.66, SCB/GERING UNITED CHAMBER OF \$260.00, SCOTTS BLUFF COUNTY TREASURER \$10.00, SCOTTSBLUFF-GERING UNITED WAY \$461.34, SHAWNA WINCHELL \$1,380.00, SHERWIN WILLIAMS \$430.70, SPEAK WRITE \$7.30, SPECTRUM PHOTOGRAPHICS \$142.00, TEAM CHEVROLET \$375.00, TERESA TOSH \$5,416.67, THE PEAVY CORP. \$541.55, THE TORO COMPANY \$175.00, THE YOGA COLLECTIVE \$130.00, TRANSUNION RISK AND ALTERNATIV \$75.00, TRANSWEST \$474.07, TWIN CITY AUTO, INC \$943.82, TYNDALE \$323.52, UNITED STATES POSTAL SERVICE \$436.00, UNIVERSITY OF NEBRASKA MEDICAL CENTER \$2,250.00, VERIZON CONNECT \$38.38, VERIZON WIRELESS SERVICES, LLC \$488.34, WACHS WATER UTILITY PRODUCTS \$4,296.76, WESTERN COOPERATIVE COMPANY \$27,517.21, WINSUPPLY SCOTTSBLUFF NE CO. \$335.04, YMCA OF SCOTTSBLUFF \$994.00, UTILITY BILL REFUNDS \$4,267.94, TOTAL \$1,106,247.23

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

CURRENT BUSINESS:

1. Consider approval of Keno Fund Request for High Plains Auto Club

Keno Committee Chairman, Darrell Bentley, stated that this is the 25th year for this event. It's a real success because of the work they do and because of the City of Gering. The Parks Department takes care of things and has everything ready and the hotels and Civic Center are handy. Council should be proud of Gering when people come here for the Father's Day Classic. Councilmember Shields asked if they've received funds before. Mr. Bentley replied that they've received funds from the Keno Committee for about 10 years; it pays for the Friday night BBQ at the Civic Center, but doesn't cover the whole cost.

Motion by Councilmember O'Neal to approve a Keno Fund Request in the amount of \$3500.00 for High Plains Auto Club. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

2. Approve and authorize the Mayor to sign Work Order Pursuant to Master Services Agreement between SCS Engineers and the City of Gering, Nebraska for professional services related to environmental monitoring for the City of Gering's Municipal Solid Waste Landfill

City Engineer, Annie Folck, stated that as part of the permit for the Landfill, the City has to conduct quarterly ground water and methane monitoring. The City has been contracting with SCS Engineers; they have the equipment. They also provide their technical expertise and are available for assistance and make sure the City stays compliant. The City has been under contract with them for a couple years; staff are asking to renew the agreement at this time.

Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign a Work Order Pursuant to Master Services Agreement between SCS Engineers and the City of Gering, Nebraska for professional services related to environmental monitoring for the City of Gering's Municipal Solid Waste Landfill. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

3. Approve and authorize the Mayor to sign Proposal Letter with TriHydro Engineering for Updated Airspace and Cost Estimate for Regional Landfill

Engineer Folck stated Gering is nearing the end of life for the existing landfill. In looking at siting a new landfill (and a lot of the preliminary work has been done) the City needs to figure out financing for it. The numbers have changed since the engineers looked at them two years ago; staff are asking them to look at those numbers again. The other thing being asked of them is to look at two different scenarios. One is

what they've already looked at - if Scottsbluff and Gering were to jointly do a landfill. The other thing staff have asked is for them to look at it if were only the City of Gering. Staff are trying to explore all options. Gering is able to utilize USDA funds; Scottsbluff is not. If Gering were to go that route, Gering would have some other options available; staff are trying to get all the information possible. This is a relatively small contract, mainly because most of the work has been done already.

Councilmember Wiedeman asked if one of the other smaller communities (under 10,000) wanted to be part of this, would that also qualify under USDA? Engineer Folck replied, yes. Most likely they wouldn't have enough volume of trash to significantly change the size of the first cell. Those are things staff and the engineers are trying to figure out right now.

Councilmember Backus stated that he would like to table this item under the scope of gathering more information and having staff also obtain information from TDS and Waste Connections; he stated that would be his motion.

Mayor Ewing stated Gering is in the process of continuing this effort to close the existing landfill fairly soon and there has been a lot of time and effort put into this. Long-term this next site could be over 200 years, which is a money-generating site for a long time. Also, Gering is going to have to continue with the landfill somewhere for the actual removal of (our) trash for years. He's concerned about having control of the costs down the road. If Gering goes outside of its control of the landfill, Gering doesn't have any control over costs anymore. If Gering goes a different direction and makes an agreement or signs a contract (like everybody's doing with Gering for trash) Gering no longer has control of those finances. He has no idea in the next 20, 30, 40, 50 years what these costs will be. If Gering does it, Gering gets to control the costs, Gering gets the money back; it helps pay for things. He thinks the financing for this particular landfill is 30 or 40 years for a long-term payoff. He believes that is probably Gering's best option.

Mayor Ewing stated that Mr. Backus has a motion on the floor. Councilmember Morrison asked Councilmember Backus what information he's looking for. Councilmember Backus replied that he thinks Gering just needs to reach out to them (TDS and Waste Connections) and get some information. It would be staff's direction to reach out and find out if Gering could get a quote either for them to haul it or Gering hauls it to them. To make a good decision, all the cards should be on the table.

Councilmember O'Neal asked what would be the problem of going ahead and approving this and going forward and then maybe having staff do some checking. Gering has already gone so far down the road already that it doesn't seem logical to stop it now. The time to have done that was a long time ago. Councilmember Morrison added, or start asking questions that the City has probably already made. Councilmember Backus said he might have been asking those questions, but it was shut down by previous administrations. It's kind of a bizarre flip to start the discussion over here, but it is starting it.

Mayor Ewing stated there is a motion on the floor from Councilmember Backus to continue the discussion on the landfill proposal from TriHydro. There was no second to the motion.

Mayor Ewing entertained motion to approve and authorize the Mayor to sign a Proposal Letter with TriHydro Engineering for an Updated Airspace and Cost Estimate for Regional Landfill

Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign a Proposal Letter with TriHydro Engineering for an Updated Airspace and Cost Estimate for Regional Landfill. Second by Councilmember Morrison.

Discussion: Councilmember Gillen stated that he wouldn't be opposed to staff still looking at what those costs would be. It wouldn't hurt anything for the City to understand, but he thinks timeliness in this process is of paramount importance. He'd like to see the City still continuing down this road because Gering only has two years left on the current landfill. He would think staff could run both simultaneously while getting pricing. He referenced another local municipality that gave up their trash services and the first year of tipping fees was great; over time those went up dramatically. That's why they engaged in other trash services in other communities to try to avoid the high costs. It's important to be mindful that initial costs might be great, but what are those long-term.

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

4. Approve Resolution 2-24-1 pertaining to Avoided Costs related to the Interconnection Policy with the Municipal Energy Agency of Nebraska (MEAN)

**RESOLUTION 2-1-24
Avoided Costs related to Interconnection Policy with
the Municipal Energy Agency of Nebraska (MEAN)**

WHEREAS, the Gering City Council approved a Policy and Guidelines for Interconnection for Parallel Installation and Operation of small (25 kW or less) and large (greater than 25 kW) Customer-owned Renewable Electric Generating Facilities on November 9, 2020, and

WHEREAS, the purpose of the policy and guidelines was to establish standards for the Utility to interconnect and operate in parallel with customer-owned renewable electric generators, and

WHEREAS, Avoided Costs are the increment costs of the Utility's Electric Wholesale Supplier (EWS) energy or capacity or both which, but for the purchase from the Customer's Generating Facility, the Utility would generate itself or purchase from another source, and

WHEREAS, the Avoided Cost Rate (Less than or equal to 100 kW) Generator nameplate rating of 25 kW or less effective April 1, 2023 was \$0.04070 per kWh and the Generator nameplate rating greater than 25 kW effective April 1, 2023 was \$0.03452 per kWh, and

WHEREAS, the Avoided Cost Rates have changed.

THEREFORE, BE IT RESOLVED BY THE GERING CITY COUNCIL THAT:

The City of Gering adopts a new Appendix to the Interconnection Policy as outlined below.

**Appendix
Avoided Cost Rate
(Less than or equal to 100 kW)**

Avoided Cost Rate: Generator nameplate rating of 25 kW or less: \$0.04360 per kWh

Effective date: April 1, 2024

Generator nameplate rating greater than 25 kW: \$0.05554 per kWh

Effective date: February 12, 2024

(Rate is subject to change)

Passed and approved this _____ day of _____, 2024.

Kent Ewing, Mayor

Attest:

Kathleen J. Welfl, City Clerk

Electric Superintendent, Doug Parker, addressed Council and stated this comes out about once per year. The City purchases power from NMPP, they give the City their avoided costs which is what the City pays, in turn, that is what the City pays the solar customers for the excess they generate back to the City. The State of Nebraska has stated that the minimum the City can pay the customers is the avoided cost. Since the avoided cost is going up, Gering changes its policy to match that; that's what this resolution is.

Councilmember Gillen asked if there's a way of writing it so Gering matches what the State requires and not put in a specific dollar amount; just write it to be what the State is. Mr. Parker replied that the state says the City cannot pay lower than "your" avoided cost. Councilmember Gillen replied that he sees in the resolution that the avoided cost rate is in it. Instead of specifically spelling out that rate, he suggested putting what the state says so Council doesn't have to address this every time – it's just whatever the avoided cost is. Clerk Welfl replied that staff need to have a document that is approved by Council that sets a rate so staff know what to follow.

Mr. Parker added that the rate is not set by the state, it's set by what the City buys power at from NMPP. The state just says this is the lowest you can pay; they don't say what that number is. Councilmember Gillen stated that he understands that part, he doesn't understand why there has to be a specific dollar

amount to it because it is going to be whatever the avoided cost rate is. Councilmember Wiedeman stated that Council approves resolutions for all the rates; this would probably fall right in line with that. Mr. Parker stated that staff have to have that price so they know what amount of money the people that generate solar can receive. State statute says that once a year it has to be zeroed out and the City pays them back or they pay the City whatever the number would be. If a solar customer came in and asked what that number is, staff would have it. It changes about once per year.

Councilmember O'Neal asked how many solar customers the City currently has. Mr. Parker replied the City has 12 or 13 renewable energy customers; one is wind, the rest are solar.

Motion by Councilmember O'Neal to approve Resolution 2-24-1 pertaining to Avoided Costs related to the Interconnection Policy with the Municipal Energy Agency of Nebraska (MEAN). Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

5. Request for Recreation Committee meeting with agenda items: Consider fees/rates for Monument Shadows Golf Course, Robidoux RV Park, Dome Rock Diamonds, picnic shelters and other Parks and Recreation amenities

Motion by Councilmember Gillen to approve a request for Recreation Committee meeting with agenda items: Consider fees/rates for Monument Shadows Golf Course, Robidoux RV Park, Dome Rock Diamonds, picnic shelters and other Parks and Recreation amenities the Consent Agenda. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion Carried.

BIDS/PROPOSALS: None.

PUBLIC HEARINGS: None.

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

ADJOURN:

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

Meeting adjourned at 6:21 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Kent E. Ewing, Mayor

