

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
September 14, 2020**

A regular meeting of the City Council of Gering, Nebraska was held on September 14, 2020 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Council President Morrison and Councilmembers Smith, Gillen, Backus, Abel, Wiedeman, O'Neal and Cowan. Also present were Administrator Danielzuk, City Clerk Kathy Welfl, Finance Director Renae Jimenez and City Attorney Jim Ellison. Absent was Mayor Kaufman. 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 via teleconference to the public and media.

CALL TO ORDER:

Council President Morrison called the meeting to order at 6:01 p.m. and stated that there was a quorum of the Council present and City business could be conducted.

1. Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse councilmember absence (None)
4. Acknowledgment of United Way of Western Nebraska Travelling Pacesetter Award

Council President Morrison stated that the City would like to acknowledge that the City of Gering received the United Way of Western Nebraska Travelling Pacesetter Award at the Annual United Way Pacesetter Kick-off held on August 26. The City of Gering received this honor because City staff have gone above and beyond to assist United Way with the Color Dash on numerous occasions. The City has also been a Pacesetter for several years and during last year's campaign, staff contributions through payroll deduction, a silent auction and raffle, more than doubled the amount raised the previous year. Staff also assist with the Meals on Wheels program every month as well as delivering commodities in the fall and winter months. On behalf of the Gering City Council, she thanked United Way for this honor and thanked City staff for their hard work and contributions to United Way.

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

Council President Morrison 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 Council President. 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:

(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 24, 2020 regular City Council meeting
2. Approve Claims
3. File for record agreements between the City of Gering Police Department/Fire Department and Pilgrim Productions, LLC

Claims:

8-20-2020 to 9-11-2020

JOHNSON FEED INC \$5,166.31; 24/7 FITNESS \$430.00; AC ELECTRIC MOTOR SRV \$139.66; ACTION COMM, INC. \$249.40; ACUSHNET CO \$363.87; ADAM SAUER \$170.00; ADIDAS AMERICA, INC \$175.56; AL'S TOWING, INC \$95.00; AMERITAS LIFE INSURANCE COPR. \$1,114.24; ANDREW LEHR \$1,680.00; ASHLAND TODD \$160.00; ASHLEY JACKSON \$460.00; ASHLEY MASCHMEIER \$420.00; B & C STEEL \$85.50; B & H INVESTMENTS, INC \$6.00; B & S RASK GRILL \$1,427.28; BAKER & ASSOCIATES, INC. \$9,547.03; BARTLETT AND CO \$5,300.00; BED BATH & BEYOND \$137.78; BENZEL PEST CONTROL \$160.50; BIG SECURITY \$260.44; BLUFFS FACILITY SOLUTIONS \$536.16; BORDER STATES INDUSTRIES, INC \$5,269.40; BOUND TREE MEDICAL \$22.29; BRETHOURS HONEYWAGON EXPRESS \$180.00; BRETT WALTER \$1,400.00; BUD'S RADIATOR, INC. \$148.00; CALLAWAY GOLF CO \$542.37; CARR-TRUMBULL LUMBER CO \$196.26; CENTURY BUSINESS PRODUCTS, INC \$36.40; CHARTER COMM \$1,000.00; CHRISTINA GANGE \$300.00; CHRISTOPHER PERALES \$130.00; CITY INSURANCE FUND \$183,234.02; CITY OF GERING \$1,043.60; CITY PAYROLL TRUST \$2,582.63; CLARK PRINTING LLC \$366.25; CONSOLIDATED MANAGEMENT CO \$202.85; CONTRACTORS MATERIALS, INC. \$3,167.45; CORE & MAIN LP \$2,224.31; CPS DISTRIBUTORS INC \$8,135.04; DALE'S TIRE \$3,119.55; DARRELL VANCE \$1,200.00; DEARBORN LIFE INSURANCE CO \$120.40; DEINES IRRIGATION \$63.95; DETER DYNASTY \$998.97; DICKIE K COCHRANE \$1,680.00; DINA MARTINEZ \$75.00; DOCU-SHRED LLC \$26.00; DOLAN CONSULTING GROUP \$245.00; DOOLEY OIL \$567.61; DUTTON-LAINSON CO \$1,404.69; DYKES OIL INC. \$106.65; ECOLAB \$169.73; ELITE TOTAL FITNESS \$264.50; ENVIRONMENTAL ANALYSIS SOUTH, \$922.60; ERIC REICHERT CONSTRUCTION \$392,579.36; FASTENAL CO \$1,263.14; FAT BOYS TIRE & AUTO \$1,036.44; FEDEX \$778.15; FELSBURG HOLT & ULLEVIG INC \$12,285.00; FIRST STATE BANK \$337.53; FLOYD'S TRUCK CENTER, INC. \$3,086.75; FRANCISCOS BUMPER TO BUMPER IN \$220.00; FRANK PARTS CO \$1,211.98; FREE

CONFERENCE CALL.COM \$4.00; FREMONT MOTOR SCOTTSBLUFF, LLC \$11.08; FYR-TEK, INC. \$312.00; GALL'S INC. \$1,179.95; GALLS, AN ARAMARK CO \$228.29; GARY NEU \$297.50; GDS ASSOC. INC \$121.00; GFOA \$159.00; GLEN VANDENBERGE \$145.53; GRANT SEVERSON \$320.00; GREATAMERICA FINANCIAL SRV \$126.00; GROUND UP CONSTRUCTION \$590.00; GWORKS \$4,550.00; HEARTLAND BANK \$750.00; HODGES & IRVINE \$329.00; IACP \$525.00; ICMA ELECTRONIC RETIREMENT \$709.74; IDEAL LAUNDRY AND CLEANERS, IN \$204.62; INDEPENDENT PLUMBING & HEATING \$211.72; INDOFF INCORPORATED \$61.58; INFINITY CONSTRUCTION INC. \$1,620.00; INGRAM LIBRARY SRVS \$338.90; INTERNAL REVENUE SRV \$44,535.24; INTERSTATE BATTERIE/RAPID CITY \$629.75; INTRALINKS, INC. \$119.00; IRBY TOOL & SAFETY \$1,749.45; JACOB PITTMAN \$155.00; JEFF SCOTT \$1,200.00; JEFFREY VANCE \$1,200.00; JEREMIAH CLOSSON \$475.00; JOHN HANCOCK USA \$15,725.25; JOHN HANCOCK USA POLICE \$6,415.38; JOHNSON CASHWAY CO. \$180.83; JORDAN TODD \$310.00; JOSE RODRIGUEZ \$95.00; JULIE WHITE \$290.00; KANSAS GOLF & TURF INC \$38.33; KATHY EHLEH \$75.00; KEVIN LEHR \$250.00; LENTFER CUSTOMER WOODWORKS \$95.00; MASEK DISTRIBUTING INC \$243.00; MATHESON TRI-GAS INC \$18.53; MATRIX TRUST CO \$556.20; MEAT SHOPPE \$18,085.96; MENARDS \$27.96; MICHAEL TODD & CO, INC. \$5,267.70; MIDWEST AUTO SUPPLY, INC. \$295.00; MINDY LIVELY \$75.00; MONEY WISE OFFICE SUPPLY \$94.47; MONUMENT INN & SUITES \$10,000.00; MSC 410526/DOLLAR GENERAL CORP \$75.48; MUNICIPAL SUPPLY, INC. OF NE. \$4,910.65; MURDOCH'S RANCH & HOME \$520.02; NDEQ - FISCAL SRVS \$300.00; NE CHILD SUPPORT PAYMENT CENTE \$462.93; NE DEPARTMENT OF REV (PR) \$14,115.71; NE DEPT. OF REVENUE \$134,035.73; NE PUBLIC HEALTH ENVIRO LAB \$315.00; NE STATE PATROL CRIMINAL ID \$92.76; NE. SAFETY/FIRE EQUIPMENT, INC \$125.00; NEBRASKA DEPT OF AGRI \$127.68; NEBRASKA PUBLIC POWER DISTRICT \$6,569.45; NKC TIRE \$13.89; NMC EXCHANGE LLC \$424.62; NORTHWEST PIPE FITTINGS, INC \$2,244.64; OCLC, INC. \$160.66; ONLINE COMPONETNS.COM \$53.07; OUTDOOR CUSTOM SPORTSWEAR, LLC \$2,365.25; PAM MCREA \$56.69; PANHANDLE CONCRETE PROD. INC. \$480.00; PANHANDLE COOP ASSOCIATION \$9,089.92; PANHANDLE ENVIRONMENTAL SERVIC \$2,179.00; Payroll Checks \$138,799.88; PEOPLE \$126.54; PETTY CASH \$166.87; PING INC \$157.35; PIPE WORKS PLUMBING LLC \$197.64; POSTMASTER \$17.20; POWERPLAN OIB \$344.95; PRAISE WINDOWS \$240.00; PUMP & PANTRY \$96.60; RECORDED BOOKS, INC. \$22.49; RECORDED BOOKS, INC. \$36.00; RILEY GAUDREAU \$130.00; RYAN STERKEL \$280.00; S & H UNIFORMS \$630.00; SAFE SHOP TOOLS, LLC \$417.91; SANDBERG IMPLEMENT, INC. \$3,063.31; SANDY'S BURRITOS \$43.21; SCB CO. VEHICLE REGISTRATION \$37.00; SCOTTSBLUFF-GERING GIRLS STATE \$2,000.00; SCOTTSBLUFF-GERING UNITED WAY \$127.50; SHAWNA WINCHELL \$390.00; SHERMAN & REILLY, INC \$174.55; SIMON CONTRACTORS \$10,716.87; SIRCHIE ACQUISITION CO., LLC \$203.64; SKIP KELLEY \$170.00; SOLOMON TRANSFORMERS, LLC \$32,128.65; SPEAK WRITE \$1,218.13; SQUARESPACE, INC \$20.00; STAPLES CREDIT PLAN \$487.20; STREET SMART RENTAL \$420.00; SUGAR VALLEY FEDERAL CREDIT \$528.37; SUN MOUNTAIN SPORTS \$472.50; SUREFIRE, L.L.C. \$212.08; TAYLOR VANCE \$130.00; TERRY TODD \$150.00; THE ROCK PILE \$1,898.50; THOMAS W. MODENA \$595.00; TIM MILTON \$150.00; TRANSUNION RISK AND ALTERNATIV \$50.00; TROY COWAN \$440.00; VALLEY AUTO LOCATORS LLC \$123.12; VECTORS, INC. \$1,168.59; VERIZON CONNECT \$38.38; VERIZON WIRELESS SRVS, LLC \$636.01; VICKIE BRASHEAR \$500.00; VOICE NEWS \$45.00; WAREHOUSE FITNESS CENTER \$252.00; WATCH GUARD VIDEO \$222.00; WESTERN COOPERATIVE CO \$2,033.03; WESTERN STATES BANK \$6,759.42; WESTERN STATES BANK - POLICE \$550.00; WESTERN TRAVEL TERMINAL \$52.39; WYOMING BEARING & SUPPLY \$296.78; YMCA OF SCOTTSBLUFF \$646.00; ZOOM VIDEO COMM \$14.99

Councilmember Wiedeman asked Finance Director, Renae Jimenez, regarding the money that was paid for the Grizzly Creek Fires, that money is reimbursed to the City; is that correct? Ms. Jimenez replied that she would assume so, but she didn't have a definite answer. Council President Morrison asked who would reimburse it. Councilmember Wiedeman replied that it's usually a federal agency (for the gentleman that went to Colorado to fight those fires). Councilmember Abel stated that he believes it goes to the Rural Department because it is the Rural trucks that go over there, to Colorado. The Rural President had to sign a contract with Nebraska Forestry to allow Gering to go outside the state. Councilmember Wiedeman asked if the Rural are the ones that pay the money for the firefighters to go; Councilmember Abel replied yes. She said they were paid by the City of Gering and she was wondering if the City was going to be reimbursed for that. Councilmember Abel said he didn't know, but it should have gone to the Rural and the Rural should've handled the payment of the firefighter(s). Councilmember Wiedeman said it went through the City of Gering and the City of Gering is paying for the firefighter; that's why she had a question.

Motion by Councilmember Gillen to approve the consent agenda. Second by Councilmember Morrison. There was no discussion. Council President Morrison called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

BIDS: None.

CURRENT BUSINESS:

1. Check Presentation from WESTCO for Downtown Plaza Grant

David Briggs, General Manager of WESTCO, addressed Council. He introduced David Shields, who resides in Gering, and is their Special Division Manager for Agronomy. Mr. Briggs stated that WESTCO has significant assets in Gering. A few months ago, they had an opportunity to apply for a grant with Land O'Lakes. They reached out to Administrator Danielzuk about helping the City finish up the Civic Plaza. Land O'Lakes issued a check to the City for \$10,000. Mr. Briggs said he is present this evening to present WESTCO's portion of \$10,000. They appreciate all that Gering does for them and their company. Council President Morrison thanked Mr. Briggs and Mr. Shields for their contribution to the Gering Civic Plaza.

PUBLIC HEARINGS:

1. Public hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2020/2021 proposed budget and tax levy

Council President Morrison opened a public hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2020/2021 proposed budget and tax levy

at 6:09 p.m.

Finance Director, Renae Jimenez, stated that as a reminder, there was no COLA due to the CPI and no increase on health insurance. This budget does include the creation of a public safety fund with a \$.05 levy per \$100 valuation. That's going to put the City's levy at .342697 (from .292731 last year).

This budget also includes proposed rate changes; 5% reduction in Electric, 11.5% increase in Water and 7.5% increase in Sanitation. She stated that she added some sample bills on the cover sheet, so Council would have a better idea of how it would affect a monthly utility bill; she pulled a couple bills from the latest billing cycle. Both show a reduction.

The next page shows the cash balances for each of the funds. There is a total budgeted disbursements and transfers for the FY21 Budget of \$34,475,657. She also mentioned the Restricted Funds Authority, on page 8 and 9 of the state form; those first set of numbers are the items that are included in the restricted funds. It shows all the different calculations that go into it and what our restricted funds are. There are exceptions for the capital improvements that are being pulled out of those restricted funds. Street projects are an exception, \$359,686. The City gets a \$.05 exemption for interlocal agreement. She reviewed the subsequent page and what the City's Restricted Funds Authority was last year. She stated that we're allowed to grow it 2.5% at a minimum. The authority the City has is \$6,919,805. She further explained the authority and numbers for which the Council should be mindful.

Councilmember Backus said he has a proposed change that he'd like to see. Looking on the cash sheet, for Electric - FY19 end cash is almost 6.5 million, FY20 estimated end cash is almost 8.3 million. Even with the 5% reduction, our estimated end cash for Electric for FY21 is 8.1 million. He thinks Renae was right, when she first presented a 10% reduction in the electric rate. He thinks Council should reduce electric rates by 10% because they can't transfer out enough to keep that number down. Ms. Jimenez said an additional 5% reduction on residential, commercial and industrial electric rates equates to approximately \$445,000. Councilmember Backus stated that this isn't blowing a hole in any budget, this is just the cash fund in Electric. We're not going to have to move any money around to cover it. Councilmember Wiedeman stated that when Council had their public budget meeting, that was brought up and voted on. Councilmember Backus replied they've had time to think about, and he thinks it should be 10%; those funds are just sitting there. Councilmember Cowan added that he's starting to lean that way also.

Councilmember O'Neal said she has a concern; we don't know exactly how this year is going to go, we don't know if we're going to get Covid funds yet. If we reduce it an additional amount, then are we going to have to raise it again next year? She doesn't want to have to start raising things just because we lowered it a significant amount. Council already approved the 5%.

Council President Morrison asked if the proposed budget is based on the 5% reduction; Ms. Jimenez replied, yes. Councilmember Backus said that Renae stated that we can only transfer \$549,000; we can't transfer more than that. Ms. Jimenez replied correct, we cannot transfer more than that amount. Councilmember Morrison asked if that fund will continue to grow. Ms. Jimenez replied yes, but pointed out page 2 of the budget - the cash reserve percentage was 72%; by state statute, that has to be less than 50%. She's not advocating to change the way the budget is at this moment, but we can't necessarily keep growing the cash that's in the Electric fund.

Councilmember Smith said Council also needs to remember that we are only half way through a conversion project. There are two more substations to build, plus other equipment that needs to be purchased. It's not like there is no way that money can be used; he thinks in the next few years those

funds are going to be used. Showing that that money is there now, that project should move forward sooner than later. He thinks Council should do the 5% reduction this year, then look at it next year and see if they can do another 5% or 10%.

Councilmember Gillen agreed. One thing that has been talked about since he has been on Council is upgrading our electric system because of the old infrastructure we have in place. That has not really been pushed as a priority. He agrees with Ben, that Council needs to look at that fund and get it spent, but he's apprehensive about changing the budget at the last hour. He recommended that they proceed with what they agreed upon as a Council; 5% reduction this year. Council has presented a balance with other utility rate changes. He'd love to give people another reduction in their utility bills next year, but he recommends approving what we have in place. He thinks this is something that Council can put staff on constructive notice to look at that Electric Fund, and look at the projects that need to get completed in the Electric Department.

Council President Morrison asked if there is a timeline as to when those funds have to get spent? Ms. Jimenez replied no, just the requirement of the cash reserves. Administrator Danielzuk stated, with respect to the conversion project, what's left to do will probably deplete the fund balance in Electric down to the point where the right financial decision would be to actually go out and fund part of it with a utility bond. What we're looking at with respect to the balance in total, may not be enough to cover the costs for the remaining parts of the conversion project. The other side of the coin is, it wouldn't be a good financial decision if the City could cover the costs of what was left in the fund balance, but took it down to zero as an example; which could just as easily happen.

Council President Morrison asked if there was anyone wishing to speak in favor or opposition of the proposed budget and tax levy. Seeing none, and with no further comments, the administrative record was closed and the public hearing closed at 6:26 p.m.

Motion by Councilmember O'Neal to enter the administrative record for this public hearing into the public record. Second by Councilmember Wiedeman. There was no discussion. Council President Morrison called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

1a. Approval to increase FY21 Restricted Funds Authority by an additional 1%

Motion by Councilmember Gillen to increase the FY21 Restricted Funds Authority by an additional 1%. Second by Councilmember Wiedeman. There was no discussion. Council President Morrison called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

1b. Approve Ordinance 2089 – 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

Council President Morrison noted that the budget amount has changed since the Council packet went out. It's now \$34,475,657 instead of \$33,480,496. This will be reflected on the ordinance before it's signed by the Mayor.

Councilmember Wiedeman made a motion to introduce Ordinance No. 2089 – An Ordinance to Adopt the Budget Statement to be termed the Annual Appropriation Bill; to appropriate sums for necessary expenses and liabilities; to provide an effective date. Seconded by Councilmember Smith. There was no discussion. Council President Morrison called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Councilmember Gillen moved that the Ordinance be designated as Ordinance No. 2089 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 Backus. There was no discussion. The Clerk called the roll. "AYES":

Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. 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 Council President declared to have carried. Whereupon Ordinance No. 2089 was read by title only, Councilmember Abel moved that the Ordinance be passed as read, which motion was seconded by Councilmember Morrison. "The question is shall Ordinance No. 2089 be passed?" There was no discussion. Council President Morrison called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. 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 Council President declared passed.

1c. Adopt Resolution 9-20-1 regarding property tax request and final levy

RESOLUTION 9-20-1

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Gering that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GERING, NEBRASKA, THAT:

1. The property tax request for the fiscal year 2020-2021 be set at \$1,688,429.00 in total.
2. The property tax request will be split between the General Fund and Public Safety Fund. General Fund is allocated \$1,442,084 and Public Safety Fund is allocated \$246,345.
3. That the final levy of the municipality for the fiscal year 2019-2020 is set at total of .342697 with .292697 for the General Fund and .05 for the Public Safety Fund per one hundred dollars of actual valuation.
4. The City Clerk is to certify and forward a copy of this resolution to the County Clerk prior to October 20, 2020.

PASSED AND APPROVED THIS 14th DAY OF SEPTEMBER 2020.

Mark A. Kaufman, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Motion by Councilmember Gillen to approve Resolution 9-20-1 regarding the property tax request and final levy. Second by Councilmember O'Neal. There was no discussion. Council President Morrison called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

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 Cowan. There was no discussion. Council President Morrison called the vote. "AYES": Smith, Gillen, Backus, Abel, Wiedeman, O'Neal, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Meeting adjourned at 6:33 p.m.



Mark A. Kaufman, Mayor

ATTEST:



Kathleen J. Welfl, City Clerk

