

## **THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, APRIL 10, 2023**

A regular meeting of the City Council of Gering, Nebraska was held in open session on April 10, 2023, 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, Cowan. Also present were City Administrator Pat Heath, Administrative Secretary Carol Martin, and City Attorney Jim Ellison. Absent was City Clerk Kathy Welfl. 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 Shields to excuse the absence of Councilmember Backus from the March 27, 2023 regular City Council meeting. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, and Cowan. "NAYS": None. Abstaining: None. Absent: none. 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 March 27, 2023 regular City Council meeting
2. Approve Claims
3. Approve the TCD Quarterly Report, January – March, 2023

### **Claims 3/28/23 – 4/10/23**

ACE HARDWARE \$68.76: ACUSHNET COMPANY \$2,798.15: ADIDAS AMERICA, INC \$2,793.95: AHEAD LLC \$2,072.54: ALLO COMMUNICATIONS \$3,109.46: AMAZON CAPITAL SERVICES \$172.18: AMERITAS LIFE INSURANCE COPR. \$589.24: B & C STEEL \$22,800.00: B & H INVESTMENTS, INC \$112.50: B & S RASK GRILL \$890.00: BENZEL PEST CONTROL \$56.71: BEST BOOKS, INC. \$17.99: BLUFFS FACILITY SOLUTIONS \$112.27: BORDER STATES INDUSTRIES, INC \$4,875.46: CALLAWAY GOLF COMPANY \$4,759.72: CITY OF GERING \$36,279.85: COBRA PUMA GOLF, INC. \$709.80: CONNECTING POINT \$30.56: CONSOLIDATED MANAGEMENT COMPANY \$209.25: CONTRYMAN ASSOCIATES, P.C. \$36,500.00: CORE & MAIN LP \$7,231.58: CROWNE PLAZA-KEARNEY \$699.00: CUMMINS CENTRAL POWER \$3,618.23: DANKO EMERGENCY EQUIPMENT CO \$10,098.25: DOOLEY OIL \$215.70: DOUG PARKER \$17.87: DUTTON-LAINSON COMPANY \$1,693.13: EAKES INC \$195.03: ECOLAB \$31.05: ELLISON, KOVARIK & TURMAN LAW \$7,035.00: ENTERPRISE IRRIGATION DISTRICT \$1,934.45: FASTENAL COMPANY \$41.00: FAT BOYS TIRE & AUTO \$613.39: FIRST NATIONAL BANK OMAHA - POLICE \$584.00: FLOYD'S TRUCK CENTER, INC. \$990.92: FRANK PARTS COMPANY \$1,727.50: FRASER STRYKER PC LLO \$839.00: FYR-TEK, INC. \$502.28: GERING FT-LARAMIE IRRIGATION \$8,674.94: GERING IRRIGATION DISTRICT \$1,197.60: GERING PUBLIC SCHOOLS \$4,200.00: GKEK ENTERPRISES, INC \$1,047.75: GRAINGER \$1,715.59: GREY HOUSE PUBLISHING \$390.50: HARBOR FREIGHT TOOLS \$87.98: HOMETOWN LEASING \$144.52: IDEAL LAUNDRY AND CLEANERS, INC. \$321.44: INGRAM LIBRARY SERVICES \$725.32: INTERNAL REVENUE SERVICE \$42,800.77: INTRALINKS, INC. \$3,025.00: JOHN HANCOCK USA \$14,637.50: JOHN HANCOCK USA FIRE \$690.93: JOHN HANCOCK USA POLICE \$8,283.51: JOHNSON FEED INC \$6,425.59: KIRK BERNHARDT \$33.00: KOIS BROTHERS EQUIPMENT CO. \$1,186.17: LAKEVIEW BOOKS \$495.49: LEAGUE ASSOC./RISK MANAGEMENT \$388.19: LEE ENTERPRISES \$414.59: MASEK DISTRIBUTING INC \$76.80: MATHESON TRIGAS INC \$465.83: MEAT SHOPPE \$34,971.51: MENARDS \$306.93: MOTOROLA SOLUTIONS, INC \$6,895.40: MUNICIPAL SUPPLY, INC. OF NE. \$6,150.08: MUTUAL OF OMAHA \$4,192.86: NEBRASKA CHILD SUPPORT PAYMENT CENTE \$623.55: NEBRASKA DEPT OF ENVIRONMENT AND EN \$8,534.71: NEBRASKA GOLF ASSOCIATION \$23.00: NEBRASKA LIBRARY ASSOCIATION \$115.00: NEBRASKA MUNICIPAL POWER POOL \$3,919.96: NEBRASKA SAFETY AND FIRE EQUIPMENT, INC

\$380.00: NEBRASKA STATE FIRE SCHOOL \$450.00: NEBRASKA STATE VOLUNTEER FIREFIGHTER \$20.00: NKC TIRE \$175.23: NORTHWEST PIPE FITTINGS, INC \$83.98: OMAHA MAGAZINE, LTD \$1,770.00: ONE CALL CONCEPTS, INC \$86.04: PANHANDLE COOP ASSOCIATION \$20.00: PANHANDLE ENVIRONMENTAL SERVICE, INC. \$2,188.00: PANHANDLE PARTNERSHIP FOR \$100.00: PAUL REED CONSTRUCTION & SUPP \$161.69: PING INC \$280.25: PIPE WORKS PLUMBING LLC \$2,100.00: POLKA DOT ENTERTAINMENT \$333.00: POWERPLAN OIB \$3,871.05: PRECISION AIR \$564.43: PRESTIGE FLAG \$437.52: PT HOSE AND BEARING \$1,001.25: REGIONAL CARE INC. \$111,467.95: RIVERSTONE BANK \$573.00: ROBERT GLEIM \$149.00: SAFELITE FULFILLMENT, INC. \$85.00: SANDBERG IMPLEMENT, INC. \$1,862.81: SARAH WYNN \$425.00: SCB. COUNTY SHERIFF OFFICE \$251.76: SCB/GERING UNITED CHAMBER OF \$375.00: SCOTTS BLUFF COUNTY COURT \$325.21: SCOTTS BLUFF COUNTY TREASURER \$11,276.75: SCOTTSBLUFF-GERING UNITED WAY \$221.25: SHAWNA WINCHELL \$950.00: SHERWIN WILLIAMS \$10,035.10: SIMON CONTRACTORS \$7,285.66: SPEAK WRITE \$143.41: STAPLES CREDIT PLAN \$231.20: STEVE MOUNT \$206.00: SUGAR VALLEY FEDERAL CREDIT \$528.37: SYSCO DENVER, INC. \$1,503.30: TASTE OF HOME \$14.98: TAYLOR MADE GOLF COMPANY \$1,328.93: TEAM CHEVROLET \$375.00: TRANSWEST \$2,536.08: TYNDALE \$548.20: VALLEY AUTO LOCATORS LLC \$619.64: VERIZON WIRELESS SERVICES, LLC \$924.91: WESCO RECEIVABLES CORP. \$1,763.00: WESTERN COOPERATIVE COMPANY \$10,656.45: WESTERN STATES BANK \$12,239.02: Total \$513,112.20

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

#### **PUBLIC HEARING:**

##### **1. Public hearing to consider recommending the issuance or denial of a Class "C" Liquor License for Melt Fondue Restaurant LLC located at 1718 10<sup>th</sup> Street in Gering, NE 69341**

Mayor Ewing opened a public hearing to consider recommending the issuance or denial of a Class "C" Liquor License submitted by Garrett Gardner d/b/a Melt Fondue Restaurant LLC located at 1718 10<sup>th</sup> Street in Gering, NE at 6:04 p.m.

Councilmember Wiedeman asked if the applicants could tell everyone about their business. Co-owner Keisa Gardner stated that she and her husband, Garrett, are both Gering High School graduates. Garrett is retired from the Air Force and they came back to Gering to raise their family. Keisa explained it's very similar to a "melting pot". Typically, it will be a four-course meal starting with a salad, then cheese, and a broth you cook your meat in, and ending with chocolate or dessert of some sort. It's all made in the fondue pot on the table, so there is a small flame below it. Keisa stated the liquor they will be specializing in is from the prohibition 1920s era. Cocktails from Bee's Knees, Sidecar to Manhattan; also smoked drinks.

Councilmember Morrison asked when they would be opening. Keisa replied that it is under construction right now but they hope to open in late May or early June. The location is next to the Mixing Bowl; they will be open in the evenings from 4 p.m. – 10 p.m., Thursday through Sunday to begin.

Mayor Ewing asked if this was a Class C, on-site only, or if it's a carry out liquor license. Mr. Gardner replied that it is on-site only. He said he believes they are on-site and off-site, only offsite if they sell the bottles. you could take a quarter of a bottle with you at dinnertime. Councilmember Wiedeman questioned if it was an open bottle. Mr. Gardner stated that there are ways to seal it up in a bag and there will not be a problem if they are stopped. He commented that is what he believes he learned when he filled out his application. Councilmember Morrison asked if they have been through the training and he replied that they've been through several trainings.

Mayor Ewing asked if anyone in the Council Chambers wished to speak in favor of this application. Seeing none, he asked if anyone wished to speak in opposition. With no further comments, the Administrative Record was closed and the Public Hearing closed at 6:07 p.m.

**Motion by Councilmember Morrison to enter the Liquor License application for Melt Fondue Restaurant LLC and the memo from Captain Rogers into the public record. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**1a. Approve or deny recommending the issuance or denial of a Class "C" Liquor License submitted by Melt Fondue Restaurant LLC located at 1718 10<sup>th</sup> Street in Gering, NE 69341**

**Motion by Councilmember Gillen to approve recommending the issuance of a Class "C" Liquor License submitted by Melt Fondue Restaurant, LLC located at 1718 10<sup>th</sup> Street in Gering, NE 69341. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**CURRENT BUSINESS:**

**1. Approve Resolution 4-23-1 Identifying Blight Areas now in City Limits**

Administrator Heath said the City has had several blight studies done over the years and some of the blight studies that were included were outside the city limits. With the annexation that was completed last year, several of these areas are now within the city limits. This resolution clarifies the areas that are now within the city limits and are designated as blighted and substandard, making them eligible for Tax Increment Financing.

**RESOLUTION 4-23-1**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL of the CITY OF GERING, NEBRASKA:**

**Recitals:**

1. After complying with Neb. Rev. Stat. § 18-2109 and the other applicable provisions of the Nebraska Community Development Law (the "Act"), the City Council of the City of Gering, Nebraska declared the areas set forth in Attachment 1 of this Resolution (the "Redevelopment Areas") as substandard and blighted and in need of redevelopment according to the Act.

2. The Redevelopment Areas or portions of the Redevelopment Areas have since been annexed to be included in the corporate limits of the City of Gering.

**Resolved:**

1. The City Council ratifies and confirms that the Redevelopment Areas meet the criteria set forth in Sections 18-2103(3) and (31) of the Act and the inclusion of all property in the Redevelopment Areas is necessary to create a unified redevelopment area sufficient to encourage developers and redevelopment and to carry out the purposes of the Act.

2. The City Council ratifies and confirms that the Redevelopment Areas are and shall be declared to be substandard and blighted and in need of redevelopment according to the Act.

3. This resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on April \_\_\_\_, 2023

\_\_\_\_\_  
Kent E. Ewing, Mayor, City of Gering

ATTEST

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk, City of Gering

**Attachment 1**

**Redevelopment Areas**

**1. Lot 2, Block 1, Portal Seventh Addition**

**2. The Unplatted Portions of the SW ¼ of Section 1-21-55**

**3. Tract in the NW ¼ of Section 12-21-55 as described in Instrument 2022-5856**

**4. The SW1/4 36-22-55 Except Instrument Numbers 2003-11268, 2013-5544 and except lot 1, Scotts Bluff County Detention Center Addition, Reed Farms Subdivision, Block 1, and Road in Reed Farms Subdivision**

**Motion by Councilmember Wiedeman to approve Resolution 4-23-1 Identifying Blight Areas now in City Limits. Second by Councilmember Gillen. There was no discussion.**

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

**2. Approve Resolution 4-23-2 to Adopt the Rural Economic Development Grant (REDG) Revolving Loan Fund Plan**

Marla Marks with USDA Rural Development address the Council via Zoom. Ms. Marx stated that Gering was awarded this grant from Rural Development on March 9, 2023. This is Gering's third time to receive this type of grant and it is for \$300,000.00; Gering will match it with a 20% match and will loan the funds to Platte River Basin Environments, Inc. They are expanding their footprint and are purchasing property with the grant funds to expand to some more areas to enhance habitat. The resolutions are to accept the grant funding and to approve the Revolving Loan Fund Plan. The Loan Plan is updated every time the City has a grant. Marla said the City will also be approving that the Mayor can sign all of the documents needed to accept that grant.

Councilmember Wiedeman asked what they will use these funds for. Ms. Marx replied, to purchase land and to expand their footprint south of the Wildcat Hills. Councilmember Wiedeman asked if they will be purchasing private property. Ms. Marx replied, yes. Councilmember Morrison asked if this could be done outside the city limits. Administrator Heath confirmed that it could be done and it is not limited to just the city limits.

**RESOLUTION 4-23-2**

**RESOLUTION APPROVING RURAL ECONOMIC DEVELOPMENT GRANT (REDG) REVOLVING LOAN FUND PLAN DATED APRIL 10, 2023**

**WHEREAS**, the City of Gering, Nebraska, received its "Rural Eligibility Determination" a prerequisite step for participation in the Rural Economic Development Loan and Grant Program in December 2011.

**WHEREAS**, the City of Gering, Nebraska, is an eligible unit of a general local government authorized to become an Electric Program borrower and receive a grant under the Rural Electrification (RE) Act of 1936.

**NOW, THEREFORE, BE IT RESOLVED**

With this resolution that the City of Gering, Nebraska, is approving the Rural Economic Development (REDG) Revolving Loan Fund Plan dated April 10, 2023.

Adopted this 10th day of April, 2023.

\_\_\_\_\_  
Kent E. Ewing, Mayor

ATTEST:

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

**Motion by Councilmember Morrison to approve Resolution 4-23-2 to Adopt the Rural Economic Development Grant (REDG) Revolving Loan Fund Plan. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**3. Approve Resolution 4-23-3 to Accept Grant Funds from Rural Development and authorize the Mayor to sign all documents related to the USDA Rural Development Matching Loan pertaining to Platte River Basin Environments, Inc.**

**RESOLUTION 4-23-3**

**RESOLUTION AUTHORIZING THE CITY OF GERING TO ACCEPT GRANT FUNDS AND AUTHORIZE THE MAYOR TO SIGN ALL DOCUMENTS RELATED TO THE USDA RURAL DEVELOPMENT MATCHING LOAN PERTAINING TO PLATTE RIVER BASIN ENVIRONMENTS, INC.**

**WHEREAS**, the City of Gering, Nebraska, received its "Rural Eligibility Determination" a prerequisite step for participation in the Rural Economic Development Loan and Grant Program in December 2011.

**WHEREAS**, the City of Gering, Nebraska, is an eligible unit of a general local government authorized to become an Electric Program borrower and receive a grant under the Rural Electrification (RE) Act of 1936.

**WHEREAS**, the City of Gering, Nebraska, made an application in 2022 for the maximum grant amount of \$300,000.00 through the REDL&G Program for Platte River Basin Environments, Inc.

**WHEREAS**, the USDA has approved the application, and the City of Gering, Nebraska, will now accept the grant funds.

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of Gering, Nebraska, authorizes and directs the City of Gering's Mayor to sign all documents pertaining to the USDA Rural Development Matching Loan for Platte River Basin Environments, Inc.

Adopted this 10th day of April, 2023.

\_\_\_\_\_  
Kent E. Ewing, Mayor

ATTEST:

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

**Motion by Councilmember Gillen to approve Resolution 4-23 to Accept Grant Funds from Rural Development and authorize the Mayor to sign all documents related to the USDA Rural Development Matching Loan pertaining to Platte River Basin Environments, Inc. Second by Councilmember Shields. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**4. Approve and authorize the Mayor to sign a Rural Economic Development Loan Agreement between the City of Gering and Platte River Basin Environments, Inc.**

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Rural Economic Development Loan Agreement between the City of Gering and Platte River Basin Environments, Inc. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

**5. Fire Department Annual Report**

Chief Flowers presented the Fire Department Annual Report. He thanked the Mayor and Council for the opportunity to report on Fire Department activities from this past year. With any organization, our people have the most value. Even though he is a little biased, he believes in our volunteer Fire Department. He shared some pictures of the past year on behalf of everyone in the Fire Department.

In 2022, there were 963 calls for service, which is an 18% increase over the previous year. This was also the largest increase in transfer calls that they have seen in 12 months, and the most calls they have had in the Fire Department. The report shows an outline of various data on incidents and statistics. Drought conditions could have been a contributing factor in the increase in fire calls. EMS still counts for 65% of the call volume. There was an average number of 13 personnel responding to calls for fire and an estimated 12,000 man-hours spent on all calls. There were 21,330 estimated total man-hours spent on all Fire Department activities.

In March and April of 2022, there were over 100 calls per month. There were two large wildfire calls in our district and our department spent 13 days total assisting. Just under 20,000 acres were burned. One fire call was very challenging, the objectives could not have been met without the support or assistance from other Fire Departments in the State of Nebraska.

Chief Flowers said because of the assistance they receive, they believe in helping our neighbors including all of Nebraska. Because of their training and certifications, the Fire Department was able to send several people out to four large fires throughout the state.

Within the city limits, they had \$300,000.00 involved in property values affected by fires and an estimated \$77,000.00 estimated property loss.

There were an estimated 3,184 man-hours of training and 1,287 man-hours of fire prevention and education. Four members obtained their EMT licenses. Several members attended the State Fire School or training in our area. They hosted the Jr. Fire Patrol Program and had 22 5<sup>th</sup> grade students.

There was also a Cadet Program that introduces high school seniors to the fire service. They also partnered with the Gering Police Department and Gering High School to implement a Public Safety Academy for high school students. Through the Public Safety Tax, they were able to obtain new equipment that was needed.

**Motion by Councilmember Cowan to accept the Fire Department Annual Report into the Public Record. Second by Councilmember Morrison.**

**Discussion:** Councilmember Gillen thanked the Fire Department and all the volunteers. He thanked all the men and women who volunteer so much time to keep our community safe. They go out countless hours; he sees them going through various neighborhoods. It is always nice knowing they are out there taking care of our community. Councilmember Bohl said the last couple of years have been tough in town, not to mention the wildfires that were taking place out south. Some were pretty close to home for a number of people. Chief Flowers' staff are volunteers which is exactly what they do as far as volunteering their time; they put a lot on the line. He thanked everyone in the department and the volunteers that really risk a lot to keep us safe and especially more so the last couple of years with all of the fires that have taken place.

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

**6. City Clerk's Annual Report**

**Motion by Councilmember Gillen to table the City Clerk's Annual Report. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.**

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

The meeting adjourned at 6:24 p.m.

ATTEST:

  
Kathleen J. Welf, City Clerk



  
Kent E. Ewing, Mayor