

## **THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, APRIL 24, 2023**

A regular meeting of the City Council of Gering, Nebraska was held in open session on April 24, 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 and Morrison. Also present were City Administrator Pat Heath, Administrative Secretary Carol Martin, and City Attorney Jim Ellison. Absent were Councilmember Cowan and 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 (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 April 10, 2023 regular City Council meeting
2. Approve Claims
3. Approve March 2023 Financial Report
4. File for Record – Allo Letter of Consent

#### **Claims 4/11/23 – 4/24/23**

24/7 FITNESS \$256.00, A & A PORTA POTTIES \$150.00, ACE HARDWARE \$569.37, ACTION COMMUNICATIONS, INC. \$180.21, ACUSHNET COMPANY \$1,649.76, ADIDAS AMERICA, INC \$351.13, ALL PURPOSE RENTAL & SALES \$6,100.00, AMAZON CAPITAL SERVICES \$282.86, AMERITAS LIFE INSURANCE COPR. \$589.24, AT&T MOBILITY \$862.97, B & C STEEL \$166.15, BAD BIRDIE GOLF \$1,646.00, BENZEL PEST CONTROL \$165.00, BIG MACK HEATING & COOLING \$10,835.50, BLACK HILLS ENERGY \$2,654.93, BLUFFS FACILITY SOLUTIONS \$966.24, BORDER STATES INDUSTRIES, INC \$18,691.77, BRETHOURS HONEYWAGON EXPRESS \$200.00, CALLAWAY GOLF COMPANY \$1,250.73, CENTRAL IRRIGATION DISTRICT \$2,760.00, CITY OF GERING \$593.08, CLARK PRINTING LLC \$468.25, CNA SURETY DIRECT BILL \$175.00, CONSOLIDATED MANAGEMENT COMPAN \$154.50, COZAD SIGNS, LLC \$95.00, CRESCENT ELECTRIC SUPPLY CO. \$250.06, CROELL, INC \$410.00, CROSSROADS COOPERATIVE \$1,299.12, DOCU-SHRED LLC \$44.77, DOOLEY OIL \$135.91, DUTTON-LAINSON COMPANY \$677.37, EAKES INC \$169.74, ECOLAB \$238.50, ELITE TOTAL FITNESS \$175.00, ELLIOTT EQUIPMENT CO. \$1,195.62, ELLIOTT FRIESEN \$188.00, ESC ENGINEERING \$5,134.50, FASTENAL COMPANY \$365.49, FAT BOYS TIRE & AUTO \$639.55, FEDEX \$138.59, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$1,560.75, FRANK PARTS COMPANY \$922.57, FRONTIER BASEMENT SOLUTIONS, LLC \$1,820.00, GALLS, AN ARAMARK COMPANY \$1,204.10, GRAINGER \$503.47, GREATAMERICA FINANCIAL SERVICE \$100.00, GROUND UP CONSTRUCTION & CLEAN \$678.50, HARBOR FREIGHT TOOLS \$199.99, HD ARMS, LLC \$559.55, HOME DEPOT CREDIT SERVICES \$1,385.52, IDEAL LAUNDRY AND CLEANERS, INC. \$121.05, INDOFF INCORPORATED \$209.70, INGRAM LIBRARY SERVICES \$714.96, INTERNAL REVENUE SERVIC \$44,829.83, INTERSTATE BATTERY \$507.90, INTRALINKS, INC. \$5,491.80, JOHN HANCOCK USA \$14,854.80, JOHN HANCOCK USA FIRE \$690.93, JOHN HANCOCK USA POLICE \$8,842.10, JOHNSON CASHWAY CO. \$90.28, JORGE SAENZ, JR \$456.99, JUNIOR LIBRARY GUILD \$1,183.84, JUSTIN BERNHARDT \$200.00, KALEB SHAW \$188.00, KENT EWING \$361.21, KLASS STRUCTURAL ENGINEERING,L \$240.00, LAMONT FEATHER \$400.00, LARRY ZLOMKE \$184.99, LEAGUE ASSOC./RISK MANAGEMENT \$5,496.75, MALY MARKETING \$300.00, MATHESON TRI-GAS INC \$50.97, MB KEM ENTERPRISE \$1,579.00, MEAT SHOPPE \$11,279.34, MEL'S MOBILE LOCK & KEY \$205.00, MENARDS \$763.97, MIDWEST CONNECT \$3,318.76, MOTOR CONTROLS INC \$650.00, MOTOR FUELS DIVISION \$1,988.00, MUNICIPAL ENERGY AGENCY OF NE \$341,832.41, MUNICIPAL SUPPLY, INC. OF NE. \$10,608.49, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$716.65, NEBRASKA DEPARTMENT OF REV (PR) \$14,335.36, NEBRASKA DEPT OF REVENUE \$744.00, NEBRASKA DEPT OF REVENUE \$9,685.00, NEBRASKA DEPT. OF REVENUE \$65,987.86, NEBRASKA RURAL RADIO ASSOC. \$583.18, NEBRASKA SAFETY AND FIRE EQUIPMENT, INC \$393.75, NEBRASKA WATER ENVIRONMENT

\$65.00, NKCTIRE \$20.00, NORTHWEST PIPE FITTINGS, INC \$300.12, PANHANDLE COOP ASSOCIATION \$6,534.84, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$717.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PIPE WORKS PLUMBING LLC \$2,419.10, PLATTE VALLEY BANK \$530.55, POWERPLAN OIB \$310.87, PRECISION AIR \$200.00, PRESTIGE FLAG \$990.37, PRINT BROKER \$490.55, PROTEX CENTRAL, INC. \$104.70, PT HOSE AND BEARING \$106.88, PVB VISA \$8,587.40, REGIONAL CARE INC. \$54,027.87, RICKY CAMACHO \$75.00, RIVERSIDE DISCOVERY CENTER \$12,500.00, RIVERSTONE BANK \$573.88, SANDBERG IMPLEMENT, INC. \$139.95, SANDRY FIRE SUPPLY \$1,107.75, SCB COUNTY REGISTER OF DEEDS \$20.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCB. COUNTY SHERIFF OFFICE \$9.00, SCB/GERING UNITED CHAMBER OF \$750.00, SCOTTS BLUFF COUNTY COURT \$464.21, SCOTTSBLUFF-GERING UNITED WAY \$221.25, SCS ENGINEERS \$5,125.00, SENIOR CITIZENS CENTER \$1,200.00, SHAWNA WINCHELL \$560.00, SIMMONS OLSEN LAW FIRM, P.C. \$1,692.50, SUGAR VALLEY FEDERAL CREDIT \$528.37, TEAM CHEVROLET \$515.00, TERRY CARPENTER, INC. \$650.00, THE TORO COMPANY \$155.00, TITAN MACHINERY INC. \$913.00, TORRINGTON SOD FARMS \$434.00, TRANSUNION RISK AND ALTERNATIVE \$75.00, TROY & LISA WEBORG \$3,862.85, TYLER TECHNOLOGIES \$4,572.50, VALLEY AUTO LOCATORS LLC \$268.34, WESCO RECEIVABLES CORP. \$10,726.35, WESTERN COOPERATIVE COMPANY \$6,124.43, WESTERN PATHOLOGY CONSULTANTS \$279.00, WESTERN STATES BANK \$10,518.02, YMCA OF SCOTTSBLUFF \$1,091.50, \$766,523.11

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

**PUBLIC HEARING:** None

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

##### **1. Approve purchase of Bobcat UW56 – Environmental Services Department**

Steve Mount, Director of Environmental Services, asked for approval to purchase a Bobcat UW 56 which is part of the vacuum bid that was budgeted last year. Staff were lucky enough to find this machine in Dennison, Iowa. If the City gets this machine, it will save us from having to wait another year to purchase another one. Staff will advertise for another piece of this bid on Thursday and start the process to get the vacuum part. It's a Tool Cat, a multipurpose type UTV that has different attachments; the vacuum will be attached to it and it will help staff tremendously with litter pickup at the Landfill.

Councilmember O'Neal stated that in the packet it states the purchase of the vacuum is separate. Is the vacuum included in this amount or does another amount need to be budgeted for the vacuum? Mr. Mount replied that it is all included and confirmed that the two together will equal about \$110,000.00.

**Motion by Councilmember Bohl to approve the purchase of a Bobcat UW56 for the Environmental Services Department in the amount of \$73,500.00 from Sandberg Implement Inc. through Sourcewell. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, and Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

##### **2. Approve Fuel Bid Purchase**

Administrator Heath stated this fuel bid will get us approximately through the end of the fiscal year. The City bid for 17,200 gallons of gas and 30,200 gallons of diesel. There was only one bid from Panhandle Coop. The gasoline prices are \$3.115 per gallon and \$3.15 per gallon for diesel. Staff recommends approval and purchase from Panhandle Coop.

Councilmember Morrison asked what the City paid last year. Administrator Heath replied that he wasn't sure but thought it was about \$2.90 for gas; he did not recall the diesel price.

Councilmember Wiedeman stated that she may have a perceived conflict of interest since she is employed at Panhandle Coop. Mayor Ewing noted the perceived conflict of interest.

**Motion by Councilmember Gillen to approve the fuel bid purchase for 17,200 gallons of gasoline at \$3.115 per gallon for a total of \$53,578.00 and 30,200 gallons of diesel at \$3.15 per gallon for a total of \$95,130.00 from Panhandle Coop.**

**Discussion:** City Attorney Ellison stated that regarding the perceived conflict of interest, that may be the perception but it is not a legal conflict of interest; Councilmember Wiedeman is allowed to vote on this, if she so wishes.

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

#### **CURRENT BUSINESS:**

##### **1. Approve Keno Fund Requests:**

- PVC Monument Marathon - \$6,000.00
- Allred Brothers Fireworks Show - \$5,500.00
- Scotts Bluff Robotics 4H Club - \$3,000.00
- Old West Balloon Fest - \$10,000.00
- Skipper's Cupboard \$5,600.00

Keno Committee Chairman, Darrell Bentley, asked if there were any questions. Councilmember Shields stated she had a question but wasn't sure she could ask since it's not on the agenda; it's about another Keno application that she wasn't sure if they denied or if the Committee just had some questions that needed to be answered. She asked Mayor Ewing if she could ask, if it's not on the agenda. Mr. Bentley replied that the request was not denied; it was tabled. It was tabled because the Keno Committee did not want to take the responsibility for all of the Council for \$80,000+ of art, not knowing how it's going to be insured and how it can be replaced. The Committee felt there were some other questions that needed to be answered.

City Attorney Ellison stated from what he understands, this is not a recommendation at this time and it's not on the agenda. It is his understanding that the committee has not made a recommendation either way on this particular item. Mr. Bentley replied, yes; he has no problem discussing this in open session - a Councilmember asked the question. Mr. Ellison replied that he understands, but it's technically not on the agenda until the Keno Committee brings it forward (whether it's a yay or nay). It would be better to let the Committee do its job, vote yay or nay, and bring it back to the Council at some particular point in the future when the Committee is ready to talk about it fully. Mr. Bentley assured Mr. Ellison that the Committee won't say yay or nay until they get some response from the City itself. Mr. Ellison said he understands and the thought would be that it would probably go back to the Keno Committee first and then it will be brought to Council. Mayor Ewing stated it has been tabled at this point; that's where it's at right now, for further discussion. Mr. Bentley thanked the Mayor and Council.

**Motion by Councilmember Morrison to approve the Keno requests as presented which includes \$6,000.00 for PVC Monument Marathon, \$5,500.00 for the Allred Brothers Fireworks Show, \$3,000.00 for the Scotts Bluff Robotics 4H Club, \$10,000.00 for the Old West Balloon Fest and \$5,600.00 for Skipper's Cupboard. Second by Councilmember Gillen.**

**Discussion:** Councilmember Morrison spoke about the Scotts Bluff Robotics and wished the young men that were doing that could have been at the meeting tonight. They are the coolest young kids that had such visions of grandeur and were so excited about what they are doing. Mr. Bentley added these young people have won awards and competitions locally. There are two places out of town - the two teams have to go to different towns. They were asking for quite a bit more money, but it wasn't feasible. Four of the team members on this committee are from Gering and the rest are from the County. They told the Keno Committee the different things they did to raise money. They are a pretty impressive group of kids.

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

**2. Approve and authorize the Mayor to sign Bill of Sale and Agreement by and between the City of Gering and Gering Post 36 of the American Legion pertaining to West Lawn Pavilion**

Parks and Recreation Director, Amy Seiler, stated that staff worked with the American Legion Post #36 on the renovation and complete reconstruction of the Pavilion at West Lawn Cemetery. The American Legion has asked the City to take over the maintenance and insurance of the Pavilion because the City will benefit from that and staff intend on having citizens that can use it, as well as Veterans. Staff felt that an agreement was needed so everyone understood what everyone is responsible for. In order for the City to take over that structure, we need to put in place a maintenance agreement, add insurance and sign a bill of sale to take over that property (to purchase it from the American Legion).

The agreement would state what we are responsible for it and that the American Legion and any Veterans would have precedence for any funerals over a civilian funeral. The Legion would also have a Memorial Day Service there and the City would take care of landscaping and maintenance around it. Ms. Seiler stated that she feels it is a great agreement and it is not done yet. We are looking forward to the completion of the project and looking forward to the first Memorial Day program at the new Pavilion.

Councilmember Gillen stated that this is a great partnership coming full circle; it will be nice to see the designs and how it ends up. This is going to be a big addition and a great memorial for those that served.

Ms. Seiler said a lot of the credit goes to Mary Bowman, all the Legion members and all those who donated. Mary Bowman addressed the Council and stated that she has been the project manager for this project for four years. It has been a long process but they expect that the engraving on the granite will be completed this month and the cap around it will be installed by May 12. On May 12 there will be a dedication ceremony at the Pavilion at 12:30 P.M. and all of the Council are invited to the dedication ceremony. They appreciate all of the City's support; they could not have done this without the Keno funds.

Councilmember Morrison thanked Mary for all of her work on this. Administrator Heath thanked everyone who contributed to this project.

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign Bill of Sale and Agreement by and between the City of Gering and Gering Post 36 of the American Legion pertaining to West Lawn Pavilion. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, and Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

### **3. Approve and authorize the Mayor to sign the First Amendment to Generator Interconnection Agreement by and between the City of Gering and SE Municipal Solar, LLC**

City Administrator Heath stated this is another amendment for one of our agreements with Sandhills Energy on the solar project on the east edge of the city. This is the Interconnection Agreement, basically what this does is it's clarifying the interconnection cost to each entity - the City of Gering and Sandhills Energy. It also defines the capacity of that interconnection to our system and verifies that our system can handle that capacity which would be generated into our system.

**Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign the First Amendment to Generator Interconnection Agreement by and between the City of Gering and SE Municipal Solar, LLC. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, and Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

### **4. Approve updates to Personnel Policy 1.8 – Employment Categories**

Human Resources Director, Shannon Goss, stated that the changes made do not affect any practices of the City. They are just making clarity changes. The only policy that was changed that will change practice was the last benefit policy which would add part-time employees to the Air Med Care. All of the other ones were just making clarity but will not change practice.

**Motion by Councilmember O'Neal to approve updates to Personnel Policy 1.8 – Employment Categories as presented in the packet. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, and Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. 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.

Darrell Bentley addressed Council and stated that he hopes that everyone will take time to thank the Electric Department for their quick response on the power outage when the pole broke. It was good to have power back in a short amount of time.

**ADJOURN:**

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

The meeting adjourned at 6:23 p.m.

ATTEST

  
Kathleen J. Welfl, City Clerk



  
Kent E. Ewing, Mayor