

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, AUGUST 14, 2023

A regular meeting of the City Council of Gering, Nebraska was held in open session on August 14, 2023 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Councilmembers Backus and Bohl. 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 there was a quorum of the Council present and City business could be conducted.

1. Recital of the Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse Council Member 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 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 July 24, 2023 Regular City Council meeting
2. Approve Claims

Claims 7/25/23 – 8/14/23

21ST CENTURY EQUIPMENT \$352.95, 24/7 FITNESS \$226.00, 307 TINTING LLC \$600.00, ACE HARDWARE \$1,200.63, ACUSHNET COMPANY \$2,488.81, ALLO COMMUNICATIONS \$2,875.50, AL'S TOWING, INC \$150.00, AMAZON CAPITAL SERVICES \$363.97, AMERITAS LIFE INSURANCE COPR. \$1,196.16, ANNIE FOLCK \$67.00, APPLIED CONCEPTS, INC. \$2,350.00, ARNOLD POOL COMPANY \$4,017.00, AULICK INDUSTRIES \$3,350.00, AYERS ASSOCIATES INC \$4,088.00, B & S RASK GRILL \$1,830.00, BACKFLOW APPARATUS & VALVLE CO \$280.15, BAKER & ASSOCIATES, INC. \$900.00, BENEFIT PLANS, INC \$256.00, BENZEL PEST CONTROL \$265.05, BIG MACK HEATING & COOLING \$10,142.10, BLACK HILLS ENERGY \$3,357.82, BLUFFS FACILITY SOLUTIONS \$1,323.23, BORDER STATES INDUSTRIES, INC \$1,630.28, BRETHOURS HONEYWAGON EXPRESS \$200.00, CHASE DANIELZUK \$30.00, CITY OF GERING \$20,266.20, CLIA LABORATORY PROGRAM \$180.00, COBRA PUMA GOLF, INC. \$167.73, COLORADO ASSOCIATION OF LIBRARIES \$1,660.00, CONNECTING POINT \$25.20, CONTRACTORS MATERIALS, INC. \$730.48, COVERTTRACK GROUP, INC. \$600.00, CRESCENT ELECTRIC SUPPLY CO. \$353.03, DANKO EMERGENCY EQUIPMENT CO \$16,145.97, DE NORA WATER \$2,312.61, DEARBORN LIFE INSURANCE COMPAN \$137.60, DOLAN CONSULTING GROUP \$125.00, DOMINIC WILLIAMS \$209.99, DOOLEY OIL \$102.06, DUTTON-LAINSON COMPANY \$4,729.76, EAKES INC \$249.54, ECOLAB \$106.99, EJS SUPPLY, LLC \$10,695.38, ELITE TOTAL FITNESS \$112.00, ESC ENGINEERING \$1,470.00, FAIRFIELD INN \$259.90, FASTENAL COMPANY \$493.44, FIELDTURF USA, INC. \$44,445.00, FIRST NATIONAL BANK OF OMAHA \$17,122.22, FIRST NATIONAL BANK OMAHA - POLICE \$1,100.00, FLOYD'S TRUCK CENTER, INC. \$5,934.84, FRANK PARTS COMPANY \$722.92, FRESH FOODS INC. \$94.62, FYR-TEK, INC. \$3,802.00, GALLS, AN ARAMARK COMPANY \$596.97, GOLDSTAR PRODUCTS INC \$1,142.37, GRADY FERRY \$75.00, GROUND UP CONSTRUCTION & CLEAN \$848.13, HAWKINS, INC. \$3,274.09, HOME DEPOT CREDIT SERVICES \$189.29, IACP \$525.00, IDEAL LAUNDRY AND CLEANERS, INC. \$285.46, INDEPENDENT PLUMBING & HEATING \$278.21, INDOFF INCORPORATED \$500.85, INFINITY CONSTRUCTION INC. \$3,400.00, INGRAM LIBRARY SERVICES \$2,002.76, INTERNAL REVENUE SERVICE \$105,815.99, INTRALINKS, INC. \$14,929.77, IRBY TOOL & SAFETY \$1,027.16, J & A TRAFFIC PRODUCTS \$2,632.00, JACK'S UNIFORMS & EQUIPMENT \$4,214.40, JIRDON AGRI CHEMICALS, INC \$11,722.54, JOHN CRANE INC. \$0.60, JOHN HANCOCK USA \$33,345.69, JOHN HANCOCK USA FIRE \$1,451.08, JOHN HANCOCK USA POLICE \$15,906.31, JOHNSON CASHWAY CO. \$652.41, KRISTEN MASSIE \$642.00, LEAGUE ASSOC./RISK MANAGEMENT \$2,037.78, LEAGUE OF NE. MUNICIPALITIES \$25,060.00, LEE ENTERPRISES \$303.63, LOGOZ LLC \$127.00, MACQUEEN EQUIPMENT, LLC \$429.86, MARK CHRISMAN TRUCKING \$89,918.29, MATHESON TRI-GAS INC \$96.88, MEAT SHOPPE \$41,987.55, MENARDS \$1,919.93, MICHAEL TODD & COMPANY, INC. \$936.40, MIDWEST CONNECT \$3,037.85, MIZUNO USA, INC. \$125.28, MJBC \$309.63, MOBIUS COMMUNICATIONS COMPANY \$30.00, MONUMENT INN & SUITES \$96.00, MUNICIPAL SUPPLY, INC. OF NE. \$8,984.55, MUTUAL OF OMAHA \$4,326.86, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$1,143.26, NEBRASKA DEPARTMENT OF LABOR \$315.47, NEBRASKA DEPARTMENT OF REV (PR) \$16,594.61, NEBRASKA GOLF ASSOCIATION \$184.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$18.00, NEMNICH AUTOMOTIVE LLC \$159.94, NKC TIRE \$513.43, NORTHWEST PIPE FITTINGS, INC \$730.67, ONE CALL CONCEPTS, INC \$153.64, OPEN A NINE, LLC \$3,836.61, PANHANDLE COOP ASSOCIATION \$21,324.49, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$2,498.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PATTLEN ENTERPRISES, INC \$923.85, PEACEFUL PRAIRIE NURSERY, INC. \$3,420.80, PLATTE VALLEY BANK \$1,590.00, POWERPLAN

OIB \$264.82, PRINT BROKER \$1,064.30, PRO OVERHEAD DOOR \$531.40, PT HOSE AND BEARING \$701.70, PVB VISA \$4,330.98, QUADIENT POSTAGE FUNDING \$860.29, R & C WELDING & FABRICATION \$1,120.00, RANDY RAINES \$1,350.00, REGION 22 EMERGENCY MANAG \$4,549.43, REGIONAL CARE INC. \$86,940.78, RIVERSTONE BANK \$1,172.11, RON'S TOWING & RECOVERY, LLC \$625.00, SANDBERG IMPLEMENT, INC. \$3,345.32, SARGENT DRILLING CO. \$5,404.07, SCB COUNTY REGISTER OF DEEDS \$64.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCHOLASTIC INC. \$86.00, SCOTTS BLUFF CO. MUTUAL AID \$2,500.00, SCOTTS BLUFF COUNTY COURT \$171.00, SCOTTS BLUFF COUNTY TREASURER \$11,276.75, SCOTTSBLUFF-GERING UNITED WAY \$442.50, SENIOR CITIZENS CENTER \$1,200.00, SHAWNA WINCHELL \$1,600.00, SIMON CONTRACTORS \$273,947.31, SPEAK WRITE \$943.20, STAPLES CREDIT PLAN \$527.38, TAYLOR MADE GOLF COMPANY \$745.11, TERRY CARPENTER, INC. \$650.00, THE MIXING BOWL \$525.00, THE PRESTWICK GROUP, INC \$23,204.35, THE TORO COMPANY \$175.00, TRANSUNION RISK AND ALTERNATIV \$75.00, TRANSWEST \$277.44, TRAVIS MATHEW \$1,155.00, UTILITIES SECTION \$5,690.00, VALLEY AUTO LOCATORS LLC \$436.39, VERIZON CONNECT \$38.38, VERIZON WIRELESS SERVICES, LLC \$347.18, VIAFLEX \$8,500.00, WACHS WATER UTILITY PRODUCTS \$398.84, WESTERN PATHOLOGY CONSULTANTS \$142.00, WINSUPPLY SCOTTSBLUFF NE CO. \$17.79, YMCA OF SCOTTSBLUFF \$1,065.00, TOTAL \$1,068,433.02

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

BIDS/PROPOSALS:

1. Hydroseeder ADC Machine Bid, Environmental Services Department

Steve Mount, Environmental Services Director, addressed Council and stated that the City received bids for a new Hydroseeder ADC Machine. It will help save some space in the landfill and it can also be used on steep slopes to help reseed grass. Two bids were received. Road Builders Machinery had the lowest bid and a better warranty. Additionally, the machine can be received within 30 days. \$53,000 was budgeted; the bid is \$4200 over. There is spare room in the Capital Outlay Budget to accommodate that. Councilmember Wiedeman asked if this expenditure will go on this year's budget. Mr. Mount replied, yes.

Councilmember Gillen made a motion to award the Hydroseeder ACD Machine bid to Road Builders Machinery in the amount of \$57,250 for the Environmental Services Department. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus, Bohl. Motion Carried.

CURRENT BUSINESS:

1. Consider approval of a Final Plat of Blocks 1A and 2A, Crossroads Subdivision

City Engineer, Annie Folck, stated that the City received an application from Crossroads Cooperative. They would like to replat some property they own on the City's Industrial Park. The new site is right next door to their former property as shown in the Council packet (and on the overhead screens). She further explained the area and what used to be platted as First Addition Gering, which was residential. It never developed that way, however. There are no streets or homes there, it's just vacant land. In the final plat, they are requesting to vacate the lots and blocks and rights of way that were originally intended for residential. It's currently zoned Heavy Manufacturing. This final plat will get rid of all of those different property lines and put it all into one parcel. It's a strange layout; there are two blocks – 1A and 2A. She further explained the unusual shape of Block 1A. They are planning on installing a rail spur which will come off the main line UP track. Crossroads wants to keep that on their own property and still utilize their office and scales on Block 1A. They would keep all of that on the property which would stay in Crossroads' ownership (as she understands it). In addition, they would have Block 2A which she believes they plan on selling. Another business could possibly go in there, potentially utilizing the same rail spur. They would also have access onto U Street. Both lots have access to electric and sewer already. The only thing they don't currently have access to is water, however the project is designed and Crossroads is in the process of bidding that out now. They are responsible for having that installed as part of the development agreement the City has with them (when they purchased a portion of the industrial park). That should be a fall project, or at the very latest, next spring that the water line will be coming in. At that time, both lots will have access to all utilities and access to a City street as well. Staff is recommending final approval of the plat and Planning Commission recommended approval as well.

Councilmember Wiedeman made a motion to a final plat of Blocks 1A and 2A, Crossroads Subdivision. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing

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

PUBLIC HEARINGS:

1. Public Hearing to consider a Zone Change for Tax Lot 32, Section 2, Township 21, Range 55 W of the 6th P.M., aka 1200 11th Street, Gering, Nebraska, from C-2 Central Business District to RM, Residential Medium Density District

Mayor Ewing opened a public hearing to consider a zone change for Tax Lot 32, Section 2, Township 21, Range 55 W of the 6th P.M., aka 1200 11th Street, Gering, Nebraska, from C-2 Central Business District to RM, Residential Medium Density District at 6:10 p.m. City Engineer, Annie Folck, showed where the property is located on the overhead screens. The property owner has requested the rezone, this is not something the City initiated. The property is currently zoned C-2 which is the Downtown Business Zone. That lot is the only one on that block that is zoned C-2; everything to the north, west and south is zoned Medium Density Residential. Everything to the east is C-2; it is adjacent to C-2. Staff looked at the Comprehensive Plan for guidance on this rezone. The Comp Plan shows everything for 11th Street east as being future downtown commercial, but she thinks the main reason for that is that they wanted the street to be the boundary, rather than an alleyway. In looking at the context and guidance from the Comp Plan that talks about having good transportation for residential areas, this is a small residential street – it's not an ideal commercial roadway. It also talks about development that is in keeping with the neighborhood and the existing planned uses in the neighborhood. Looking at some of those principles in the Comp Plan, and looking at the surrounding land use, staff is recommending approval of the rezone.

It's always a red flag when it's only one lot. The question is, could this be considered a spot zone? In her opinion, it probably was a spot zone when it was originally zoned to Commercial. It was the only lot on that portion of the block that was zoned that way, so this would essentially be undoing a spot zone that was done years ago. She has had phone calls and there was concern from people from the neighborhood at the Planning Commission Public Hearing. Their concern is that something commercial could go in there, which is the current status of it. Finding out that it would be rezoned to residential seemed to reassure a lot of the neighbors. Staff is recommending approval of the rezone and Planning Commission recommended approval as well. Engineer Folck stated that this was a former daycare, but it has been vacant for several years now.

Mayor Ewing asked twice if there was anyone in the Council Chambers wishing to speak regarding this public hearing. With no further comments, the administrative record was closed and the public hearing closed at 6:14 p.m.

1a. Approve Ordinance No. 2130 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA; AMENDING THE ZONING DISTRICT OF CERTAIN LAND WITHIN THE CITY OF GERING, NEBRASKA; AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF GERING, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM

Councilmember Gillen made a motion to introduce Ordinance No. 2130 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA; AMENDING THE ZONING DISTRICT OF CERTAIN LAND WITHIN THE CITY OF GERING, NEBRASKA; AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF GERING, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus, Bohl. Motion Carried.

Councilmember O'Neal moved that the Ordinance be designated as Ordinance No. 2130 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 Morrison. There was no discussion. The Clerk called the roll. "AYES":

Shields, Gillen, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus, Bohl. 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 Mayor, declared to have carried. Whereupon Ordinance No. 2130 was read by title only, Councilmember Cowan moved that the Ordinance be passed as read, which motion was seconded by Councilmember Shields. There was no discussion. The Mayor called for the vote. "AYES": Shields, Gillen, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus, Bohl. 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 Morrison. There was no discussion. The Mayor called for the vote. "AYES": Shields, Gillen, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Backus, Bohl. Motion Carried.

Meeting adjourned at 6:17 p.m.



Kent E. Ewing, Mayor

ATTEST:



Kathleen J. Welfl, City Clerk

