THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, DECEMBER 9, 2024

A regular meeting of the City Council of Gering, Nebraska was held in open session on December 9, 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, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Matt Turman. 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 November 25, 2024 Regular City Council meeting
- 2. Approve Claims
- 3. Approve Certificate of Vote for General Election held on November 5, 2024

Claims 11/26/24 - 12/9/24

24/7 FITNESS \$226.00, ALLO COMMUNICATIONS \$3,251.01, AMAZON CAPITAL SERVICES \$734.91, AMERITAS LIFE INSURANCE COPR. \$616.36, ANAALICIA VASQUEZ \$75.00, ANGEL POOR BEAR \$75.00, AT&T MOBILITY \$293.06, AXON ENTERPRISE, INC \$4,701.18, BAIRD HOLM LLP \$3,019.50, BEATRICE PUBLIC LIBRARY \$26.91, BLUFFS FACILITY SOLUTIONS \$606.30, BORDER STATES INDUSTRIES, INC \$2,363.96, BRETHOURS HONEYWAGON EXPRESS \$200.00, BRODART CO. \$177.32, CAMPSPOT \$599.92, CENGAGE LEARNING/GAGE \$30.39, CITY OF GERING \$20,742.53, COLUMN SOFTWARE, PBC \$259.71, CONNECTING POINT \$15.35, CURTIS A. ECKMAN \$300.00, DEARBORN LIFE INSURANCE COMPAN \$120.40, DOOLEY OIL \$42.40, DUTTON-LAINSON COMPANY \$1,517.22, EAKES INC \$13.49, ELITE TOTAL FITNESS \$210.50, ERIC REICHERT CONSTRUCTION \$130,444.99, ESI \$1,373.53, FASTENAL COMPANY \$195.45, FAT BOYS TIRE & AUTO \$791.25, FIRST NATIONAL BANK OF OMAHA \$8,722.41, FIRST NATIONAL BANK OMAHA - POLICE \$618.00, FLOYD'S TRUCK CENTER, INC. \$100.32, FRANK PARTS COMPANY \$563.28, FYR-TEK, INC. \$1,995.45, GENERAL TRAFFIC CONTROLS, INC. \$11.801.00, GEORGE MIRAMONTES \$300.00, GOLDSTAR PRODUCTS INC \$787.70, HARBOR FREIGHT TOOLS \$38.50, HEALTHBREAK, INC. \$625.00, IDEAL LAUNDRY AND CLEANERS, INC. \$999.85, INDOFF INCORPORATED \$155.99, INGRAM LIBRARY SERVICES \$789.69, INTERNAL REVENUE SERVICE \$51,116.11, INTRALINKS, INC. \$5,826.48, IRBY TOOL & SAFETY \$1,758.28, JAMES JACKSON \$95.00, JOHN HANCOCK USA \$18,369.77, JOHN HANCOCK USA FIRE \$873.56, JOHN HANCOCK USA POLICE \$9,747.18, JOHNSON CASHWAY CO. \$18.39, KAPCO \$377.90, LEAGUE ASSOC./RISK MANAGEMENT \$214.72, LEGACY COOPERATIVE \$10,865.23, LONGLEAF SERVICES, INC \$39.94, MATHESON TRI-GAS INC \$264.13, MEL'S MOBILE LOCK & KEY \$80.00, MISNER'S SEAMLESS RAIN GUTTERS \$168.00, MUNICIPAL SUPPLY, INC. OF NE. \$4,565.20, MUTUAL OF OMAHA \$4,674.89, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA DEPARTMENT OF REV (PR) \$27,050.92, NEBRASKA SALT AND GRAIN CO. \$2,671.66, NKC TIRE \$303.48, ONE CALL CONCEPTS, INC \$55.80, O'REILLY AUTOMOTIVE STORE \$29.99, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$179.00, PEACEFUL PRAIRIE NURSERY, INC. \$179.97, PETE'S QUICK LUBE \$75.85, PIPE WORKS PLUMBING LLC \$14,700.00, PRINT BROKER \$460.64, PT HOSE AND BEARING \$1.77, QUADIENT POSTAGE FUNDING \$1,599.05, REGIONAL BOOKS, INC. \$51,410.03, REGIONAL CARE INC. \$329,914.11, REGIONAL WEST HEALTH SERVICES \$78.80, RIVERSTONE BANK \$626.55, RPM FITNESS \$35.00. SANDBERG IMPLEMENT, INC. \$136,892.90, SCOTTSBLUFF-GERING UNITED WAY \$213.25, STEVE HALL \$125.00, STEVE'S CLEANING & RESTORATION \$1,476.00, TEAM CHEVROLET \$425.00, TERESA TOSH \$17,128.63, THE TORO COMPANY \$175.00, THE YOGA COLLECTIVE \$130.00, TITAN MACHINERY INC. \$233,800.00, TRANSWEST \$1,245.64, UNITED STATES GOLF ASSOC, INC. \$175.00, UTILITY BILL REFUNDS \$312.39, VALLEY AUTO LOCATORS LLC \$76.42, VERIZON CONNECT \$25.90, VERIZON WIRELESS SERVICES, LLC \$556.12, WESTERN COOPERATIVE COMPANY \$4,165.90, WYOMING FIRST AID & SAFETY \$148.37, YMCA OF SCOTTSBLUFF \$967.00, TOTAL \$1,137,701.68

Motion by Councilmember Gillen to approve 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, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

BIDS/PROPOSALS:

1. Approve purchase of Backyard Digger Derrick - Electric Department

Administrator Heath explained that this is a piece of equipment that allows staff to maintain and replace overhead lines where there are no alleys and get into areas that cannot be accessed with a bucket truck. There are quite a few blind alleys in the city (where there are no alleys). The City has powerline easements in the those backyards. This piece of equipment is about 34" wide when the legs are all folded up. Staff will be able to walk it through a gate into a backyard and make needed repairs. It drills the hole for the pole and also lifts and places the pole. A bucket can be attached so staff can go up and work and not be climbing a pole, (which isn't as safe). The City of Gering used to borrow a piece of equipment like this from the City of Sidney, however due to the age of that equipment, it does not pass inspection anymore. Staff felt it was time for the City to get this piece of equipment; it's an important piece of safety equipment for the Electric Department. \$200,000 was budgeted; staff recommend purchasing the Backyard Digger Derrick from Altec for a total amount of \$194,473.95 with sales tax.

Councilmember Gillen asked how frequently staff are using equipment like this. Domingo Palomo, Interim Electric Superintendent, replied that right now there are a lot of problems with trees in blind alleys. With the 7200 conversion, once they get this piece of equipment, they'll use it frequently. It will also be used to trim trees in alleys.

Motion by Councilmember Bohl to approve the purchase of an Altec Backyard Hydraulic Digger Derrick for the Electric Department through Sourcewell for a total of \$194,473.95 with delivery. Second by Councilmember Cowan. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

RESOLUTIONS:

1. Approve Resolution 12-24-1 regarding Fees at the Robidoux RV Park

Resolution 12-24-3

WHEREAS, The Gering City Council, Gering, Nebraska shall establish fees for services at Robidoux RV Park. WHEREAS, Robidoux RV Park Rates shall be as follows:

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|---|---|
| | Robidoux RV Park Fee Schedule |
| Daily Rates | |
| Full hook-up (E/W/S) | \$44.00 |
| Electric/Water | \$40.00 |
| Tent Camping with E/W | \$17.00 |
| Dry Tent Camping | \$15.00 |
| | Weekly Rates |
| Full hook-up (E/W/S) | \$264.00 |
| Electric/Water | \$240.00 |
| Tent Camping with E/W | \$102.00 |
| Dry Tent Camping | \$90.00 |
| | Monthly Rate (Available November 1 – March 31) |
| Full hook-up (E/W/S) | \$682.00 |
| Electric/Water | \$620.00 |
| Tent Camping with E/W | \$265.00 |
| Dry Camping | \$230.00 |
| Dump Station | \$10.00 (Only applies to non-guests). |
| | City of Gering residents will be permitted one use |
| | of the dump station per month free of charge with |
| | proof of residency by providing a copy of their current |
| | City of Gering utility bill and picture ID. |
| | - |

Applicable taxes and fees will be applied at the time of transaction.

| NOW THEREFORE BE IT RESO aforementioned fees at the Robid | LVED that effective oux RV Park. | January 1, 2025 the City of Gering shall charge the |
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| PASSED AND APPROVED THIS _ | day of | 2024. |
| | | Kent Ewing, Mayor |
| ATTEST: | | ,, |
| Kathleen J. Welfl, City Clerk | | |
| Motion by Councilme Robidoux RV Park. Se | mber Gillen to ap econded by Council | prove Resolution 12-24-1 regarding fees at the member O'Neal. |
| discussed these fees at length. for park shelters and picnic table looking nice and to have the abil doesn't think any of the charges taken. | In order to keep som es has never been do lity to replace picnic t s are prohibitive. Th | the Recreation Committee met on November 20 and e City facilities up, this is needed. The next resolution one before, but it was felt that in order to keep the City ables in parks, the City needed to start charging. She e Committee agreed it was a step that needed to be |
| Mayor Ewing called fo Morrison, Cowan. "NA | r the vote. "AYES": YS": None. Abstair | Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, ing: None. Absent: None. Motion Carried. |
| 2. Approve Resolution 12-24-2 | 2 regarding Fees for | Park Shelters and Picnic Tables |
| | Resolution | No. 12-24-2 |
| | | ISHING FEES FOR RATES ELTERS AND PICNIC TABLES |
| WHEREAS the City Courthe use of park shelters located a | ncil of the City of Ger at various City parks t | ng has determined there is a need to establish fees for hroughout the City of Gering; and |
| WHEREAS the City Courtheaforementioned amenities. | ncil has determined t | nese fees will, in part, support the costs of maintaining |
| NOW THEREFORE BE IT RESOL following fees are established: | | DUNCIL OF THE CITY OF GERING, NEBRASKA that the |
| | RATES FOR USE C | OF PARK SHELTERS |
| <u>Park</u> | Address | <u>Fee</u> |
| Gardner Park Shelter | 1925 11th Street | \$50 for 3 hours* |
| Legion Park Shelter Oregon Trail Park | 1425 12 th Street | \$50 for 3 hours* |
| - | 950 17 th Street | \$75 for 3 hours** Large Shelter |
| secure the reservation. Citizens util | lizing a park shelter are | of rental fee and a signed rental agreement is required to responsible for proper disposal of trash and clean-up. Fees d 24 hours in advance of reservation during regular business |
| * Every additional three hours will be ** Every additional three hours will | | |
| Picnic tabl | | TAL/DELIVERY FEES events only, not for residential use. |
| \$10 per table per day. Fee include | s delivery and pick up o | of tables. |
| Picnic tables must be reserved sev | en (7) days in advance | on a first come first serve basis. |
| NOW THEREFORE BE IT RESO aforementioned fees for the use | OLVED that effective of City Park Shelters | January 1, 2025, the City of Gering shall charge the and Picnic Tables. |

Adopted this _____ of _____, 2024

| Kent | tΕ. | Ewing. | Мауог | |
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| | | | ay or | |

ATTEST:

Kathleen J. Welfl, City Clerk

Motion by Councilmember Morrison to approve Resolution 12-24-2 regarding fees for park shelters and picnic tables. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

3. Approve Resolution 12-24-3 regarding payment of claims in lieu of a second regular City Council meeting in December, 2024

Resolution 12-24-3

Whereas, City of Gering claims are to be approved by the City Council for payment; Whereas, The Gering City Council has chosen not to hold a second regular meeting in December, 2024 (which would have been held on the fourth Monday of the month);

Whereas, claims need to be processed and paid in a timely manner;

NOW THEREFORE BE IT RESOLVED that City staff are authorized to prepare and pay claims that have been processed as if the second meeting in December, 2024 was held. The paid claims will then be presented to Council for review and approval at the first meeting in January, 2025.

| Adopted | this | 9 th | day | of | December, | 2024. | |
|---------|------|-----------------|-----|----|-----------|-------|--|
| | | | | | | | |

| Kent E. Ewing, Mayor | |
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ATTEST:

Kathleen J. Welfl, City Clerk

Motion by Councilmember O'Neal to approve Resolution 12-24-3 regarding payment of claims in lieu of a second regular City Council meeting in December, 2024. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

CURRENT BUSINESS:

1. Approve and authorize the Mayor to sign Modification/Amendment of 2017 and 2020 Economic Development Assistance Agreements (Part II) regarding Gering Hospitality Group, LLC

Motion by Councilmember Morrison to approve and authorize the Mayor to sign a Modification/Amendment of the 2017 and 2020 Economic Development Assistance Agreements (Part II) regarding Gering Hospitality Group, LLC. Seconded by Councilmember Cowan.

Discussion: Councilmember Bohl asked if the interest has been paid up and if this is just to defer the principal payment. Administrator Heath replied, correct. This is just to defer the principal. They have paid the interest for the last deferral and they will pay the interest on this deferral also. The last one was on a six-month deferment, it's still being decided if this one will be paid monthly or at six months.

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

2. Approve and authorize the Mayor to sign First Amended Conditional Assumption and Consent of Economic Development Assistance Agreement regarding Ed and Christina Bartella as Members/owners of Cervantes, LLC, D/B/A Chino's Mexican Restaurant

Motion by Councilmember Gillen to approve and authorize the Mayor to sign a First Amended Conditional Assumption and Consent of Economic Development Assistance Agreement regarding Ed and Christina Bartella as Members/owners of Cervantes, LLC, D/B/A Chino's Mexican Restaurant. Seconded by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

3. Approve and authorize the Mayor to sign Agreement between the City of Gering and the U.S. Department of Transportation Federal Highway Administration for the Safe Streets for All Grant

Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign a an Agreement between the City of Gering and the U.S. Department of Transportation Federal Highway Administration for the Safe Streets for All Grant. Seconded by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

4. Approve and authorize the Mayor to sign National Purchasing Cooperative Interlocal Participation Agreement

Motion by Councilmember Morrison to approve and authorize the Mayor to sign National Purchasing Cooperative Interlocal Participation Agreement. Seconded by Councilmember Wiedeman.

Discussion: Councilmember Bohl asked if the City will utilize this consortium for anything else. Engineer Folck replied not this one, no. The City has never used this particular one. There are other possible options for using this consortium; it gives one more avenue to look for things the City is bidding. City Attorney, Matt Turman, added that it automatically renews unless the City pulls out of it.

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

5. Request for Administrative Committee meeting - Agenda item: Review and discuss changes to the occupation tax ordinance pertaining to alcohol

Motion by Councilmember O'Neal to approve a request for an Administrative Committee meeting with agenda item: Review and discuss changes to the occupation tax ordinance pertaining to alcohol. Seconded by Councilmember Cowan. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

6. Approve Preliminary Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situated in the SW 1/4 of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County

City Engineer, Annie Folck, provided a vicinity map on the overhead screens and explained that this is on the corner of U and 7th Street. Preliminary plats typically show the grading and utilities for development; it is a replat. The streets are already in place. The applicant is splitting off the northwest corner from the rest of the lot. That will front on 7th Street. The remainder of the property will (still) have frontage both on U Street and 7th Street. There is existing water that runs along 7th Street and runs along U Street as well. The one thing that needs to be discussed is sewer. There is currently sewer along U Street, but there is no sewer going along 7th Street. The preliminary plat shows that the sanitary sewer would run from U Street north to the edge of this property to make sure this property is still served by sewer. They are within 300

feet of a sewer line and are required to put in sewer. They can't just use a septic tank for disposal because of the proximity to the City's sewer system. Both the preliminary and final plat provide for an additional utility easement for that sewer line to make sure to keep proper separations between the City's water line and the sewer line. The preliminary plat lays out everything that needs to be done for that.

Jumping ahead, the development agreement is to make sure everyone is on the same page and knows who's paying for the sewer. It is the responsibility of the developer and is spelled out in the agreement as well as when they have to have that done. Once that is approved (by Council), the final plat can be approved. Staff and the Planning Commission recommend approval of the preliminary plat.

Councilmember Morrison declared a conflict of interest on Current Business agenda items 6,7 and 8. Mayor Ewing entertained a motion to acknowledge Councilmember Morrison's conflict of interest.

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

Motion by Councilmember Bohl to approve a preliminary plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situated in the SW ¼ of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County. Seconded by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: Morrison. Absent: None. Motion Carried.

7. Approve and authorize the Mayor to sign Agreement for Public Improvements for the subdivision of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision

Engineer Folck reiterated that the reason for this agreement is to ensure the sewer line gets installed and within a certain time period (by January of 2027). It also makes it clear that it's the developer's cost. Legal has reviewed the agreement as well as staff.

Motion by Councilmember O'Neal to Approve and authorize the Mayor to sign an Agreement for Public Improvements for the subdivision of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Cowan. "NAYS": None. Abstaining: Morrison. Absent: None. Motion Carried.

8. Approve Final Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situated in the SW 1/4 of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska

Engineer Folck noted this is the document that actually gets recorded with the Register of Deeds. It does have the additional easement on it for the utilities on the west side. Planning Commission recommended approval at their meeting in November, staff recommend approval as well.

Motion by Councilmember Bohl to approve a Final Plat of Lots 1 and 2, Block 1, Western Sugar Cooperative Subdivision, a Replat of Block One, Western Sugar Cooperative Subdivision, an Addition to the City of Gering, Scotts Bluff County, Nebraska situated in the SW 1/4 of Section 36, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska. Seconded by Councilmember O'Neal. There was no discussion. Mayor Ewing

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

9. Recognition of Councilmember Backus

Mayor Ewing presented a plaque of appreciation to Councilmember Backus for eight years of service as a Gering City Council Member.

10. Administer Oath of Office for newly elected and re-elected Council Members

- Susan Wiedeman, Ward I
- Michael Gillen, Ward II
- Todd Seay, Ward III
- Troy Cowan, Ward IV

City Clerk Welfl administered the Oath of Office to re-elected Councilmembers Wiedeman, Gillen and Cowan and to Councilmember-elect Todd Seay.

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

OPEN COMMENT: Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

Dale Hauck addressed Council and stated that he received his property tax notice for next year and it went down. He thanked Council if they had anything to do with it.

ADJOURN SINE DIE

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

Meeting adjourned at 6:30 p.m.

Kent E. Ewing, Mayor