

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JANUARY 27, 2025

A regular meeting of the City Council of Gering, Nebraska was held in open session on January 27, 2025 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Seay, Bohl, Wiedeman, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl, and City Attorney Matt Turman. Absent was Councilmember O'Neal. 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 Gillen to excuse the absence of Councilmember Seay from the January 13, 2025 regular City Council meeting. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. 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 January 13, 2025 regular City Council Meetings
2. Approve Claims
3. Approve November, 2024 Financial Report

Claims 1/14/25 – 1/27/25

21ST CENTURY EQUIPMENT \$565.15, 24/7 FITNESS \$316.00, 911 CUSTOM \$5,379.37, A & A PORTA POTTIES \$750.00, A. RIFKIN CO. \$283.30, AC ELECTRIC MOTOR SERVICE \$242.26, ACE HARDWARE \$816.25, ACUSHNET COMPANY \$6,522.66, ADRIANA BAUTISTA \$75.00, AFLAC \$2,114.78, AL'S TOWING, INC \$200.00, AMAZON CAPITAL SERVICES \$2,030.98, AMERITAS LIFE INSURANCE CORP. \$582.02, B & C STEEL \$149.67, BENZEL PEST CONTROL \$221.71, BILLY GRIEB \$125.00, BLACK HILLS ENERGY \$6,270.29, BORDER STATES INDUSTRIES, INC \$544.75, BROWN'S SHOE FIT COMPANY \$208.00, BRYAN KRANTZ \$47.00, CHARLES SCHWAB & CO \$31,000.00, CHASE DANIELZUK \$134.00, CITY OF GERING \$355.11, CLARK PRINTING LLC \$267.00, CNA SURETY DIRECT BILL \$875.00, COLUMN SOFTWARE, PBC \$729.42, CROSSROADS COOPERATIVE \$1,722.40, DANKO EMERGENCY EQUIPMENT CO \$1,387.78, DEBORAH M BRODSKY LLC \$2,700.00, DEMCO, INC \$251.31, DOOLEY OIL \$124.24, DUTTON-LAINSON COMPANY \$144.19, ECOLAB \$690.24, EJS SUPPLY, LLC \$28,474.97, ELITE TOTAL FITNESS \$165.00, ELLISON, KOVARIK & TURMAN LAW \$10,000.00, ENVIRONMENTAL COMPLIANCE SOLUTIONS, LLC \$5,950.00, FASTENAL COMPANY \$602.19, FAT BOYS TIRE & AUTO \$36.05, FELSBURG HOLT & ULLEVIG INC \$1,960.00, FIRST NATIONAL BANK OF OMAHA \$27,706.08, FIRST NATIONAL BANK OF OMAHA \$71.70, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$218.66, FRANK PARTS COMPANY \$1,597.38, GALLS, AN ARAMARK COMPANY \$55.35, GERING VOLUNTEER FIRE DEPT. \$599.00, GOLDSTAR PRODUCTS INC \$2,332.02, HOME DEPOT CREDIT SERVICES \$5,797.99, HOMETOWN LEASING \$150.57, IDEAL LAUNDRY AND CLEANERS, INC. \$323.73, INDOFF INCORPORATED \$116.67, INGRAM LIBRARY SERVICES \$21.24, INTERNAL REVENUE SERVICE \$50,532.74, INTERSTATE BATTERY \$567.80, J RODZ \$175.00, JOHN HANCOCK USA \$18,694.77, JOHN HANCOCK USA FIRE \$873.56, JOHN HANCOCK USA POLICE \$9,181.64, JOHNSON CASHWAY CO. \$65.54, JORDAN SCHLAGER \$47.00, KANSAS GOLF & TURF INC \$1,491.64, LANE SEIFERT \$889.50, LAW ENFORCEMENT SEMINARS, LLC \$445.00, LEAGUE ASSOC./RISK MANAGEMENT \$3,373.84, LEGACY COOPERATIVE \$6,131.36, LITTLE IT HOUSE \$2,287.30, LOGOZ LLC \$559.00, M.C. SCHAFF & ASSOCIATES, INC. \$540.00, MALY MARKETING \$330.00, MATHESON TRI-GAS INC \$78.82, MATTY B'S HVAC \$450.00, MENARDS \$522.74, MICHAEL TODD & COMPANY, INC. \$472.44, MID-STATES ORGANIZED CRIME \$150.00, MOTOR FUELS DIVISION \$2,051.00, MUNICIPAL ENERGY AGENCY OF NE \$339,904.12, NATIONWIDE LIFTS OF COLORADO \$124.00, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA

DEPARTMENT OF LABOR \$3,875.00, NEBRASKA DEPARTMENT OF REV (PR) \$16,811.14, NEBRASKA DEPT OF REVENUE \$447.80, NEBRASKA DEPT. OF REVENUE \$59,641.26, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$105.00, NMC INCORPORATED \$84.54, NORTHWEST PIPE FITTINGS, INC \$19.24, OPEN A NINE, LLC \$3,573.83, O'REILLY AUTOMOTIVE STORE \$179.27, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$60.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PANHANDLE PARTNERSHIP FOR \$150.00, PATTLEN ENTERPRISES, INC \$6,482.85, PENN RADIANT \$3,520.00, PIPE WORKS PLUMBING LLC \$2,238.74, PLATTE RIVER GLASS \$330.00, PLATTE VALLEY BANK \$223.82, PT HOSE AND BEARING \$1,404.48, PVB VISA \$5,066.90, R & C WELDING & FABRICATION \$310.00, REGIONAL CARE INC. \$57,449.82, RIVERSTONE BANK \$636.15, RPM FITNESS \$70.00, RYAN BLAKE \$47.00, SALISBURY INDUSTRIES \$563.74, SANDBERG IMPLEMENT, INC. \$228.30, SAVIAN MARQUEZ \$134.00, SCB COUNTY REGISTER OF DEEDS \$20.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCI SALES, LLC \$2,893.16, SCOTTSBLUFF-GERING UNITED WAY \$277.19, SCS ENGINEERS \$1,548.50, SENIOR CITIZENS CENTER \$1,000.00, SESAC \$271.08, SETH ZAKRZEWSKI \$47.00, SIMMONS OLSEN LAW FIRM, P.C. \$1,500.00, SIMON CONTRACTORS \$2,638.77, SIRCHIE ACQUISITION COMPANY, LLC \$484.93, SPORTS NEBRASKA \$1,000.00, SYSCO DENVER, INC. \$1,018.80, TEAM CHEVROLET \$483.03, TERESA TOSH \$24,021.63, TERRY CARPENTER, INC. \$650.00, THE YOGA COLLECTIVE \$65.00, TIMEVALUE SOFTWARE \$35.00, TITAN MACHINERY INC. \$4,900.00, TWIN CITY AUTO, INC \$371.61, TYLER TECHNOLOGIES \$5,838.75, TYNDALE \$5,054.28, UNANIMOUS, INC. \$715.00, VALLEY AUTO LOCATORS LLC \$76.42, W J R INC. \$224.34, WARRIOR RUN \$809.07, WESCO RECEIVABLES CORP. \$106.16, WESTERN COOPERATIVE COMPANY \$4,524.97, YMCA OF SCOTTSBLUFF \$1,084.00, Total \$824,037.52

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

RESOLUTIONS:

1. Approve Resolution 1-25-3 regarding appointments to ACE Board of Directors

Resolution No. 1-25-3 Appointment to ACE Board of Directors

WHEREAS, the City of Gering, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy and, pursuant to the terms of said Agreement, it is the responsibility of the City to designate a representative of the City of Gering to the Public Alliance for Community Energy Board of Directors provided for under the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gering, that:

1. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of Domingo Palomo as the City's representative to said Board of Directors.
2. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of Pat Heath as the City's alternate representative to said Board of Directors.

This is to certify that the appointments set out above were approved by the City Council of the City of Gering, State of Nebraska, at their meeting on _____, 2025.

Clerk

(SEAL)

Motion by Councilmember Gillen to approve Resolution 1-25-3 regarding appointments to the ACE Board of Directors. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

ORDINANCES:

1. Approve Ord. No. 2152 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND CHAPTER 32, SECTION 32.041 AND CHAPTER 32, SECTION 32.044 OF THE CITY OF GERING CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION IN PAMPLHET FORM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Morrison made a motion to introduce Ordinance No. 2152 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND CHAPTER 32, SECTION 32.041 AND CHAPTER 32, SECTION 32.044 OF THE CITY OF GERING CODE OF ORDINANCES;

REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION IN PAMPLHET FORM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Cowan. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

Councilmember Shields moved that the Ordinance be designated as Ordinance No. 2152 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, and that the ordinance be passed as read, which motion was seconded by Councilmember Gillen. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

2. Approve Ordinance No. 2153 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND CHAPTER 150, SECTION 150.005 OF THE CITY OF GERING CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION IN PAMPLHET FORM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Bohl made a motion to introduce Ordinance No. 2153 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND CHAPTER 150, SECTION 150.005 OF THE CITY OF GERING CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION IN PAMPLHET FORM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Wiedeman. There was no discussion. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

Councilmember Morrison moved that the Ordinance be designated as Ordinance No. 2153 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, and that the ordinance be passed as read, which motion was seconded by Councilmember Cowan. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

CURRENT BUSINESS:

1. Approve request for Administrative Committee meeting – Agenda item: Review and consider amendments to ordinances pertaining to plumbing, sheet metal and HVAC

Motion by Councilmember Gillen to approve a request for an Administrative Committee meeting with agenda item: Review and consider amendments to ordinances pertaining to plumbing, sheet metal and HVAC. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

2. Approve and authorize the Mayor to sign a License Agreement by and between the City of Gering and the Aging Office of Western Nebraska

City Engineer, Annie Folck, explained that the City has been approached by the Aging Office of Western Nebraska, which has recently relocated to the downtown, about installing some posts on the sidewalk to give people something to hold onto as they are stepping up onto the sidewalk from the street. While the City does not typically install things like this, there is a code in place to allow for property owners to complete such installations themselves. The attached license agreement would grant permission for them to install four posts in the sidewalk for people to grip while stepping up onto the sidewalk, while also ensuring that the City is protected from all liability.

Motion by Councilmember Morrison to approve a License Agreement by and between the City of Gering and the Aging Office of Western Nebraska. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

3. Approve and authorize the Mayor to sign a Master Agreement for Communications Cable and Facilities in Public Rights-of-Way by and between the City of Gering and Inventive Wireless of Nebraska, LLC, d/b/a Vista Beam

Motion by Councilmember Morrison to approve and authorize the Mayor to sign a Master Agreement for Communications Cable and Facilities in Public Rights-of-Way by and between the City of Gering and Inventive Wireless of Nebraska, LLC, d/b/a Vista Beam. Second by Councilmember Wiedeman.

Discussion: Councilmember Shields indicated that she was abstaining from voting on this issue based on a perceived conflict of interest.

Mayor Ewing then entertained a motion to acknowledge Councilmember Shields' perceived conflict of interest.

Motion by Councilmember Morrison to acknowledge Councilmember Shields' perceived conflict of interest. Second by Councilmember Cowan.

Discussion: Councilmember Gillen asked legal to provide an opinion. City Attorney, Matt Turman, advised that it's not a legal conflict but the perception of a conflict.

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

Returning to the original motion:

Motion by Councilmember Morrison to approve and authorize the Mayor to sign a Master Agreement for Communications Cable and Facilities in Public Rights-of-Way by and between the City of Gering and Inventive Wireless of Nebraska, LLC, d/b/a Vista Beam. Second by Councilmember Wiedeman.

Discussion: Administrator Heath stated that Emily Wicker with Vista Beam was present at the meeting. He showed on the overhead screen (on Beacon) Five Rocks Road and D Street where the agreement would apply. He explained the intent of the agreement which is to operate and maintain a communications system or other communication facilities within certain streets and public rights-of-way. This does include buried wires and fiber optic cables and associated facilities.

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

4. Approve and authorize the Mayor to sign a Supplemental Addendum for Waste Collection Services by and between the City of Mitchell and the City of Gering

Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign a Supplemental Addendum for Waste Collection Services by and between the City of Mitchell and the City of Gering. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

5. Approve appointments to the Community Redevelopment Authority (CRA):

- Rebecca Shields, one-year term
- Kent Ewing, two-year term
- Randy Meininger, three-year term
- Allen Taylor, three-year term
- Julie Morrison, four-year term
- Troy Cowan, four-year term
- Jordan Diedrich, five-year term

Motion by Councilmember Gillen to approve the appointments of Councilmember Shields, Morrison and Cowan as well as Kent Ewing, Randy Meininger, Allen Taylor and Jordan Diedrich to the Community Redevelopment Authority for the terms shown on the agenda. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

6. Approve appointments to the Community Infrastructure Cooperative:

- Michael Gillen
- Susan Wiedeman
- Jordan Diedrich

Motion by Councilmember Morrison to approve the appointments of Michael Gillen, Susan Wiedeman and Jordan Diedrich to the Community Infrastructure Cooperative. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

7. Approve appointment of Pam O'Neal as an alternate to the Community Infrastructure Cooperative

Motion by Councilmember Wiedeman to approve the appointment of Pam O'Neal as an alternate to the Community Infrastructure Cooperative. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Bohl, Seay, Wiedeman, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: O'Neal. Motion carried.

BIDS/PROPOSALS: None.

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. None.

ADJOURN:

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

Meeting adjourned at 6:17 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Kent E. Ewing, Mayor