

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, JUNE 26, 2023

A regular meeting of the City Council of Gering, Nebraska was held in open session on June 26, 2023, at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields (at 6:10 p.m.), Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison and Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. 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 June 12, 2023 regular City Council meeting
2. Approve Claims
3. Approve May, 2023 Financial Report
4. File for record Consent and Acknowledgement by the City of Gering for the benefit of SE Municipal Solar, LLC and Solar Construction Lending, LLC

### Claims 6/13/23 – 6/26/23

21ST CENTURY EQUIPMENT \$164.75, ACE HARDWARE \$301.83, ACUSHNET COMPANY \$1,595.09, ADIDAS AMERICA, INC \$43.04, AMAZON CAPITAL SERVICES \$241.03, AMERICAN BUS ASSOCIATION \$1,695.00, AT&T MOBILITY \$650.19, B & C STEEL \$11,949.24, B & H INVESTMENTS, INC \$77.50, BAD BIRDIE GOLF \$1,161.00, BEACON ATHLETICS, LLC \$174.00, BETTER CONTAINERS MFG.CO., INC \$262.86, BETTY CURTIS \$75.00, BLACK HILLS ENERGY \$3,113.31, BLUFFS FACILITY SOLUTIONS \$2,002.22, BRETHOURS HONEYWAGON EXPRESS \$200.00, CENGAGE LEARNING/GAGE \$23.99, CITY OF GERING \$580.20, CLARK PRINTING LLC \$837.30, CONSOLIDATED MANAGEMENT COMPAN \$99.25, CONTRACTORS MATERIALS, INC. \$105.50, CROELL, INC \$337.00, DANCING MAN MUSIC \$1,750.00, DOOLEY OIL \$256.50, DUTTON-LAINSON COMPANY \$1,029.72, EAKES INC \$123.08, ECOLAB \$250.56, ESC ENGINEERING \$660.00, FASTENAL COMPANY \$142.23, FAT BOYS TIRE & AUTO \$1,279.10, FIRST NATIONAL BANK OMAHA - POLICE \$550.00, FLORENTINO PALOMO \$20.00, FLOYD'S TRUCK CENTER, INC. \$572.39, FRANK PARTS COMPANY \$997.76, FYR-TEK, INC. \$873.30, GALLS, AN ARAMARK COMPANY \$1,035.43, GARCIA CHICOINE ENTERPRISES, INC \$3,557.10, GERING VALLEY PLUMBING & HTG., INC. \$500.00, GERING VOLUNTEER FIRE DEPT. \$339.95, GOLF AND SPORT SOLUTIONS, LLC \$1,556.35, GROUND UP CONSTRUCTION & CLEAN \$678.50, HACH COMPANY \$237.22, HARBOR FREIGHT TOOLS \$15.99, HAWKINS, INC. \$2,720.12, HEALTHBREAK, INC. \$595.00, HOMETOWN LEASING \$151.74, IDEAL LAUNDRY AND CLEANERS, INC. \$207.40, INDOFF INCORPORATED \$297.71, INGRAM LIBRARY SERVICES \$866.87, INTERNAL REVENUE SERVICE \$54,719.04, INTRALINKS, INC. \$1,138.00, IRBY TOOL & SAFETY \$373.03, JC GOLF ACCESSORIES \$655.22, JIRDON AGRI CHEMICALS, INC \$8,293.30, JOHN CRANE INC. \$1,545.13, JOHN HANCOCK USA \$15,479.60, JOHN HANCOCK USA FIRE \$729.00, JOHN HANCOCK USA POLICE \$8,211.88, KANSAS GOLF & TURF INC \$161.35, KENT EWING \$639.38, LEAGUE ASSOC./RISK MANAGEMENT \$2,061.10, LEE ENTERPRISES \$317.76, LOST RIVER SAND & GRAVEL, INC \$701.80, LUPE PALOMO \$20.00, M.C. SCHAFF & ASSOCIATES, INC. \$735.00, MASEK DISTRIBUTING INC \$2,370.00, MEAT SHOPPE \$30,517.10, MENARDS \$333.35, MUNICIPAL ENERGY AGENCY OF NE \$280,644.14, MUNICIPAL SUPPLY, INC. OF NE. \$349.97, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$567.70, NEBRASKA DEPT OF REVENUE \$731.65, NEBRASKA DEPT. OF REVENUE \$55,364.30, NEBRASKA GOLF ASSOCIATION \$792.00, NEBRASKA MUNICIPAL POWER POOL \$3,165.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$18.00, NEBRASKA PUBLIC POWER DISTRICT \$2,427.02, NEBRASKA RURAL RADIO ASSOC. \$583.18, NEBRASKA SAFETY AND FIRE EQUIPMENT, INC \$466.00, NEBRASKA TRAVEL ASSOCIATION \$300.00, NKC TIRE \$2,036.00, NORTHWEST PIPE FITTINGS, INC \$394.15, OCLC, INC. \$685.31, OLD WEST BALLOON FEST \$1,500.00, PANHANDLE COOP

ASSOCIATION \$16,914.15, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$1,795.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PATTLEN ENTERPRISES, INC \$119.50, PEACEFUL PRAIRIE NURSERY, INC. \$1,156.66, PETE'S QUICK LUBE \$73.98, POWERPLAN OIB \$1,129.33, PRECISION AIR \$100.00, PRINT BROKER \$1,441.92, PT HOSE AND BEARING \$1,594.62, PVB VISA \$10,216.63, QUADIENT LEASING USA \$840.00, REGIONAL CARE INC. \$53,254.78, RIVERSTONE BANK \$582.94, RON'S TOWING & RECOVERY, LLC \$200.00, RR DONNELLEY RECEIVABLES, INC. \$121.89, SANDBERG IMPLEMENT, INC. \$291.99, SARGENT DRILLING CO. \$23,771.43, SCB COUNTY REGISTER OF DEEDS \$10.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCOTTS BLUFF CO. CONSOLIDATED \$90.00, SCOTTS BLUFF COUNTY \$81,247.00, SCOTTS BLUFF COUNTY COURT \$103.00, SCS ENGINEERS \$4,940.00, SENIOR CITIZENS CENTER \$1,200.00, SHANNON MURRAY \$75.00, SHAWNA WINCHELL \$950.00, SIMMONS OLSEN LAW FIRM, P.C. \$2,445.00, SIMON CONTRACTORS \$1,329.68, SOUTHWESTERN EQUIPMENT COMPANY \$1,809.70, STAPLES CREDIT PLAN \$199.99, STEVE BAIRD \$3,875.00, SUGAR VALLEY FEDERAL CREDIT \$528.37, TAYLOR MADE GOLF COMPANY \$349.16, TEAM CHEVROLET \$375.00, TERRY CARPENTER, INC. \$650.00, THE RADAR SHOP \$144.00, THE TORO COMPANY \$155.00, TIME MAGAZINE \$53.70, TITAN MACHINERY INC. \$395.61, TRAVELODGE \$1,053.00, TROY & LISA WEBORG \$77,668.59, UNANIMOUS, INC. \$210.00, UNITED WAY OF WESTERN NE \$200.00, VALLEY AUTO LOCATORS LLC \$127.12, WESCO RECEIVABLES CORP. \$6,432.75, WESTERN COOPERATIVE COMPANY \$335.46, YANDA'S MUSIC INC \$2,582.93, Total \$832,603.39

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

#### **CURRENT BUSINESS:**

##### **1. Approve and authorize the Mayor to sign Interlocal Agreement by and between the City of Gering and Gering Public Schools regarding use of Council Chambers at Gering City Hall**

**Motion by Councilmember Morrison to approve and authorize the Mayor to sign an Interlocal Agreement by and between the City of Gering and Gering Public Schools regarding use of the Council Chambers at Gering City Hall. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.**

##### **2. Approve Application, Criteria and Guidelines for funding projects utilizing Lodging Occupation Taxes**

Administrator Heath stated that the Gering CVB has worked hard on this over the last few years. The criteria, guidelines and application are in the packet. The Board believes that their recommendation is workable and not too restrictive. The overall goal is generating tourism visitations. Tourism Director, Karla Niedan-Streeks, stated that there is currently a little over \$230,000 in that fund. Lodging Occupation Taxes have been collected since 2019. Staff recommends approval of the criteria and guidelines. Councilmember Gillen stated that the major focus in collecting these funds is getting more heads on beds. That will be a huge consideration in the process and will be used in the evaluation process.

Councilmember Bohl asked about the 60/40 split and if they can cross-mingle. Ms. Niedan-Streeks replied that she believes that was the intent. The 60/40 in the guidelines was a recommendation only; if one is used more than the other, then they can use the other one. Councilmember Morrison asked how Keno Funds fit into this. Ms. Niedan-Streeks replied that applicants will be required to disclose other funding sources. There's nothing in the guidelines that will prohibit that, but the committee will be well aware of applicants' funding sources. Councilmember Gillen added that all recommendations will come to City Council for approval (just like Keno Funds).

**Motion by Councilmember O'Neal to approve the Application, Criteria and Guidelines for funding projects utilizing Lodging Occupation Taxes. Second by Councilmember Gillen.**

**Discussion:** Councilmember Gillen thanked Tourism Director, Karla Niedan-Streeks, for her time and effort on this project. Administrator Heath thanked the committee as well; this took a lot of time.

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

**3. Approve Resolution 6-23-1 regarding sidewalks at 2220 Westridge Drive**

Administrator Heath stated this property had street and sidewalk settlement years ago. It was sold to a different owner. When the street was repaired, the owner did not put the sidewalk back in. The City has had numerous complaints regarding this lot not having a sidewalk. The owner has been notified in writing and verbally. Staff have not had success getting a hold of them, especially lately. Per code, staff are required to go through Council to pass a resolution for someone to put a sidewalk in. Staff will try to work with the property owner to get it in. The resolution allows City staff to give them one final notification.

**RESOLUTION 6-23-1**  
Gering, Nebraska

Be It Resolved by the Mayor and Council of the City of Gering, Nebraska:

1. That a sidewalk be constructed within 30 days from and after the service or publication of the within resolution. The sidewalk shall be constructed and laid to the established grade on the east side of Westridge Drive in the City of Gering, Scotts Bluff County, Nebraska, adjoining the following described premises, to-wit:

Lot 2, Block 3, Replat Canyon Estates Addition to the City of Gering, Scotts Bluff County

in accordance with the following specifications, to-wit:

See Exhibit A

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Under the supervision of the Mayor and Council of the City of Gering, Scotts Bluff County, Nebraska, its City Engineer or other agent, and in accordance with the provisions of §§ 95.40 through 95.54.

2. That in the event of the failure of the owner or his or her agent to have such walk constructed, the Mayor and Council of the City will cause the same to be constructed and the entire cost of construction thereof will be taxed as a special assessment against the within described premises as provided by law.
3. The City Engineer's estimate for the construction of the work of improvement is Four Thousand Six Hundred Fifty (\$4,650) Dollars.

Passed and approved this 26<sup>th</sup> day of June, 2023.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

(SEAL)

**Motion by Councilmember Morrison to approve Resolution 6-23-1 regarding sidewalks at 2220 Westridge Drive. Second 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 First Amendment to Power Purchase Agreement by and between the City of Gering (Buyer) and SE Municipal Solar, LLC (Seller)**

Administrator Heath stated that Council approved the Power Purchase Agreement last fall. Since then, Sandhills Energy discovered that there was a Scrivener's error on two of the 16 contracts they prepared; Gering's was one of them. The Guaranteed Commercial Operation date should be December 31, 2024, not December 31, 2023. This amendment corrects that; staff recommends approval.

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign First Amendment to Power Purchase Agreement by and between the City of Gering (Buyer) and SE Municipal Solar, LLC (Seller). Second by Councilmember Bohl. 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.**

**5. Approve and authorize the Mayor to sign Transformer Purchase Agreement by and between SE Construction, LLC and the City of Gering**

Administrator Heath stated this is another agreement with Sandhills Energy on the purchase of a transformer for the solar project. It will be a transformer for both the City (for our portion of the solar we generate) and also Sandhills for the portion they generate for MEAN or other purchasers. The City's percentage is 27.8% of the cost of the transformer. The total cost of the transformer is around \$200,000. The City's total cost will be \$55,600. This is also spelled out in the Interconnection Agreement and is part of what the City agreed to last year when those agreements were approved for the solar project. It's staff's recommendation that Council approve the agreement. City Attorney Ellison noted that in paragraph three, the fifth line, it says April 1, 2023. It should say April 1, 2024.

**Motion by Councilmember Morrison to approve and authorize the Mayor to sign the Transformer Purchase Agreement by and between SE Construction, LLC and the City of Gering. Second by Councilmember Wiedeman.**

**Discussion:** Councilmember Gillen asked to clarify that it's being approved with Mr. Ellison's recommendation. Administrator Heath replied that it would be approved with the amendment that was pointed out by City Attorney Ellison.

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

**OPEN COMMENT:** Mayor Ewing stated that discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only.

Mayor Ewing and Administrator Heath commended City staff for their forethought and actions before, during and after the recent severe storms of June 23. Amy Seiler, Chief Holthus and Chief Flowers did a great job mitigating risk and protecting the public along with other staff and volunteer firefighters.

**ADJOURN:**

**Motion by Councilmember Gillen to adjourn. Second by Councilmember Bohl. 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.**

The meeting adjourned at 6:19 p.m.

  
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Kent E. Ewing, Mayor

ATTEST:

  
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Kathleen J. Welfl, City Clerk

