

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, MARCH 11, 2024

A regular meeting of the City Council of Gering, Nebraska was held in open session on March 11, 2024 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember 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 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 approve the absence of Mayor Ewing from the February 26, 2024 regular City Council meeting. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. 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 February 12, 2024 Regular City Council Meeting
2. Approve Claims
3. Approve the January, 2024 Financial Report

Claims 2/27/24 – 3/11/24

ACE HARDWARE, \$63.54, ACUSHNET COMPANY, \$9,397.52, ALLO COMMUNICATIONS, \$3,174.17, AL'S TOWING, INC, \$150.00, AMAZON CAPITAL SERVICES, \$283.36, AMERITAS LIFE INSURANCE COPR., \$605.16, AT&T MOBILITY, \$292.98, B & B SUPPLY, \$110.35, B & H INVESTMENTS, INC, \$37.00, BENZEL PEST CONTROL, \$165.00, BIBLIONIX LLC, \$2,480.00, BIG MACK HEATING & COOLING, \$2,866.00, BLUFFS FACILITY SOLUTIONS, \$774.64, BORDER STATES INDUSTRIES, INC, \$6,818.46, BRETHOURS HONEYWAGON EXPRESS, \$200.00, CALLAWAY GOLF COMPANY, \$3,835.58, CITY OF GERING, \$17,105.93, COLUMN SOFTWARE, PBC, \$671.08, CONNECTING POINT, \$37.72, CORE & MAIN LP, \$1,266.58, COZAD SIGNS, LLC, \$1,775.00, CROSSROADS COOPERATIVE, \$1,651.16, CS PRECISION MANUFACTURING, \$923.45, DEARBORN LIFE INSURANCE COMPAN, \$103.20, DLT SOLUTIONS, INC., \$1,281.90, DOCU-SHRED LLC, \$83.73, DOOLEY OIL, \$243.19, DURACARD, \$655.00, DUTTON-LAINSON COMPANY, \$1,632.05, DYNAMIC BRANDS LLC, \$116.15, EAKES INC, \$519.72, ELLIOTT FRIESEN, \$233.00, ELLISON, KOVARIK & TURMAN LAW, \$10,934.35, ENERGY LABORATORIES INC., \$215.00, EXPRESS TOLL, \$8.85, FASTENAL COMPANY, \$91.34, FIRST NATIONAL BANK OF OMAHA, \$16,715.41, FIRST NATIONAL BANK OMAHA - POLICE, \$584.00, FLOYD'S TRUCK CENTER, INC., \$1,523.81, FRANK PARTS COMPANY, \$1,070.89, FRESH FOODS INC., \$21.90, FRONTIER OVERHEAD DOOR, \$6,510.00, GENERAL TRAFFIC CONTROLS, INC., \$4,025.00, GERING VOLUNTEER FIRE DEPT., \$274.60, GREGORY'S LOCK SHOP LLC, \$12.00, GROUND UP CONSTRUCTION & CLEAN, \$678.50, HAWKINS, INC., \$6,869.50, HEALTHBREAK, INC., \$595.00, HOMETOWN LEASING, \$144.52, HULLINGER GLASS & LOCKS, INC., \$491.75, IDEAL LAUNDRY AND CLEANERS, INC., \$282.07, INDOFF INCORPORATED, \$106.48, INGRAM LIBRARY SERVICES, \$1,196.85, INTERNAL REVENUE SERVICE, \$52,313.72, INTRALINKS, INC., \$24,735.62, IRBY TOOL & SAFETY, \$123.84, JEFFREY VANCE, \$46.75, JL BECKER INC, \$840.00, JOHN HANCOCK USA, \$17,366.88, JOHN HANCOCK USA FIRE, \$761.78, JOHN HANCOCK USA POLICE, \$8,965.73, KALEB SHAW, \$233.00, LEAGUE OF NE. MUNICIPALITIES, \$910.00, LEGACY COOPERATIVE, \$228.37, LOGOZ LLC, \$24.00, MANUEL BARRAZA, \$3,750.00, MATHESON TRI-GAS INC, \$521.54, MENARDS, \$2,491.40, MIDWEST CONNECT, \$3,015.88, MIDWEST ELECTRIC TRANSFORMER, \$148,618.75, MOBIUS COMMUNICATIONS COMPANY, \$30.00, MONUMENT PREVENTION COALITION, \$3,000.00, MUTUAL OF OMAHA, \$4,727.05, NEBRASKA CHILD SUPPORT PAYMENT CENTE, \$714.93, NEBRASKA DEPARTMENT OF REV (PR), \$234.50, NEBRASKA DEPARTMENT OF REVENUE, \$150.00, NEBRASKA GOLF ASSOCIATION, \$50.00, NEBRASKA LIBRARY ASSOCIATION, \$240.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB, \$36.00, NEBRASKA SAFETY AND FIRE EQUIPMENT, INC, \$1,231.00, O'REILLY AUTOMOTIVE STORE, \$35.91, PACHECO LLC, \$700.00, PANHANDLE CONCRETE PROD. INC., \$3,358.00,

PANHANDLE DIESEL SERVICES, \$737.01, PANHANDLE ENVIRONMENTAL SERVICE, INC., \$2,514.00, PANHANDLE PARTNERSHIP FOR, \$100.00, PETE'S QUICK LUBE, \$325.56, PLATTE VALLEY BANK, \$843.06, POWERPLAN OIB, \$426.58, PROTEX CENTRAL, INC., \$198.44, PT HOSE AND BEARING, \$209.51, R & C WELDING & FABRICATION, \$546.29, RAMADA MIDTOWN CONFERENCE CENT, \$107.00, REGIONAL CARE INC., \$93,492.53, RICK KELLER, \$125.00, RIVERSTONE BANK, \$576.32, SANDBERG IMPLEMENT, INC., \$625.68, SCB CO. GIS/MAPPING DEPT., \$30.00, SCB COUNTY REGISTER OF DEEDS, \$10.00, SCOTTS BLUFF CO. CONSOLIDATED, \$90.00, SCOTTSBLUFF-GERING UNITED WAY, \$230.67, SHAWNA WINCHELL, \$430.00, SHERRY PRESTON, \$50.00, SHERWIN WILLIAMS, \$181.94, SOUTHWESTERN EQUIPMENT COMPANY, \$843.51, SPEAK WRITE, \$7.16, STEVE MOUNT, \$132.00, SUNBELT SOLOMON, \$56,308.51, TERESA TOSH, \$20,733.92, THE TORO COMPANY, \$175.00, TRANSUNION RISK AND ALTERNATIV, \$75.00, TRANSWEST, \$129.08, TROY & LISA WEBORG, \$4,748.35, TWIN CITY AUTO, INC, \$23.07, VALLEY AUTO LOCATORS LLC, \$182.94, VERIZON CONNECT, \$38.38, VERIZON WIRELESS SERVICES, LLC, \$554.24, WARRIOR RUN, \$566.96, WESTERN COOPERATIVE COMPANY, \$12,125.17, WESTERN PATHOLOGY CONSULTANTS, \$288.00, TOTAL, \$590,139.97

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

BIDS/PROPOSALS:

1. Award bid for 2023 Ford F150 Crew Cab Pickup – Police Department

Police Chief, George Holthus, stated that the Police Department requested bids for a 2023 pickup. One bid was received from Anderson Ford for a 2023 Ford F150 4x4 pickup for \$44,689 and that includes the delivery to Gering. There will be an additional (approximately) \$7000 in equipment and \$7000 in upfitting for a total of \$58,689.00. Staff is requesting approval.

Motion by Councilmember O'Neal to award the 2023 Ford F150 Crew Cab Pickup Bid to Anderson Ford in the amount of \$44,689 which includes shipping, plus an additional \$14,000 for equipment and uplifting. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion Carried.

PUBLIC HEARINGS:

1. Public hearing to consider recommending the issuance or denial of a Class IK liquor license (with catering endorsement) for Faithful Creations Catering, LLC at the Gering Civic Center, 1050 M Street, Gering, NE

Mayor Ewing opened a public hearing to consider recommending the issuance or denial of a Class IK liquor license (with catering endorsement) for Faithful Creations Catering, LLC at the Gering Civic Center, 1050 M Street, Gering, NE at 6:07 p.m. Mayor Ewing stated that the applicant, Terri Tosh, was present if there were questions.

Mayor Ewing asked twice if anyone in the Council Chambers wished to speak regarding the liquor license application. With no further comments the public hearing was closed at 6:08 p.m.

1a. Recommend the issuance or denial of a Class IK liquor license (with catering endorsement) for Faithful Creations Catering, LLC at the Gering Civic Center, 1050 M Street, Gering, NE

Motion by Councilmember Morrison to recommend the issuance of a Class IK liquor license (with catering endorsement) for Faithful Creations Catering, LLC at the Gering Civic Center, 1050 M Street, Gering, NE. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion Carried.

CURRENT BUSINESS:

1. Gering Fire Department 2023 Annual Report

Fire Chief, Nathan Flowers, presented the Fire Department Annual Report. Highlights included:

- 920 calls in 2023
- Estimated losses from fire were \$76,800 (city property) and \$51,500 (rural property).
- Estimated value of property involved in the fire was \$953,233 (city property) and \$52,000 (rural).

- Average number of personnel responding to calls was 13 (fires) and 8 (rescue).
- Estimated total man hours spent on all Fire Department activities was 14,054.

Chief Flowers thanked the Mayor and Council for their commitment to public safety.

Motion by Councilmember O’Neal to enter the 2023 Fire Department Annual Report into the public record. Second by Councilmember Cowan. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Backus, Wiedeman, O’Neal, Morrison, Cowan. **“NAYS”:** None. **Abstaining:** None. **Absent:** Bohl. **Motion Carried.**

2. Approve and authorize the Mayor to sign Agreement and Memorandum of Understanding by and between the Central Irrigation District and the City of Gering regarding stormwater discharge

Motion by Councilmember Morrison to approve and authorize the Mayor to sign an Agreement and Memorandum of Understanding by and between the Central Irrigation District and the City of Gering regarding stormwater discharge. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Backus, Wiedeman, O’Neal, Morrison, Cowan. **“NAYS”:** None. **Abstaining:** None. **Absent:** Bohl. **Motion Carried.**

3. Approve and authorize the Mayor to sign Lease Agreement by and between the City of Gering and HF Baseball, LLC

Motion by Councilmember Shields to approve and authorize the Mayor to sign a Lease Agreement by and between the City of Gering and HF Baseball, LLC. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Backus, Wiedeman, O’Neal, Morrison, Cowan. **“NAYS”:** None. **Abstaining:** None. **Absent:** Bohl. **Motion Carried.**

4. Approve appointment of Kim Schmidt Walker to the Gering Library Board

Motion by Councilmember Morrison to approve the appointment of Kim Schmidt Walker to the Gering Library Board. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Backus, Wiedeman, O’Neal, Morrison, Cowan. **“NAYS”:** None. **Abstaining:** None. **Absent:** Bohl. **Motion Carried.**

5. Approve and authorize the Mayor to sign Consent and Acknowledgment Amendment of Updated Lease Estoppel and Agreement for Solar Energy AND Consent and Acknowledgement Amendment for Solar Energy pertaining to SE Municipal Solar, LLC

Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Consent and Acknowledgment Amendment of Updated Lease Estoppel and Agreement for Solar Energy AND Consent and Acknowledgement Amendment for Solar Energy pertaining to SE Municipal Solar, LLC. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. “AYES”: Shields, Gillen, Backus, Wiedeman, O’Neal, Morrison, Cowan. **“NAYS”:** None. **Abstaining:** None. **Absent:** Bohl. **Motion Carried.**

ORDINANCES:

1. Approve Ordinance No. 2141 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA TO AMEND TITLE XIII: GENERAL OFFENCES, CHAPTER 130: OFFENSES AGAINST PUBLIC ORDER, JUSTICE, AND ADMINISTRATION, SUBSECTION 130.20 CONCEALED WEAPONS; AS PART OF THE GERING CODE OF ORDINANCES; AMENDING, REPEALING, AND ADDING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Morrison made a motion to introduce Ordinance No. 2141 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA TO AMEND TITLE XIII: GENERAL OFFENCES, CHAPTER 130: OFFENSES AGAINST PUBLIC ORDER, JUSTICE, AND ADMINISTRATION, SUBSECTION 130.20 CONCEALED WEAPONS; AS PART OF THE GERING CODE OF ORDINANCES; AMENDING, REPEALING, AND ADDING ORDINANCES OR PARTS OF

ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Cowan.

Discussion: Dale Hauck, 2355 Country Club Road, addressed Council and stated he's a conceal carry carrier. He asked what the ordinance means. Administrator Heath explained with the new state statutes, the new conceal carry law in Nebraska, staff asked legal to look at the City's current ordinances. Legal found a conflict between Gering's ordinance and the new state law. That's why this ordinance is coming forward is to have Gering's ordinance mirror state statute. There are places that conceal and carry are allowed in Gering and other places where it's not.

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

Councilmember Shields moved that the Ordinance be designated as Ordinance No. 2141 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, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: 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 O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion Carried.

Meeting adjourned at 6:23 p.m.

ATTEST:


Kathleen J. Weffl, City Clerk




Kent E. Ewing, Mayor