

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, MAY 13, 2024

A regular meeting of the City Council of Gering, Nebraska was held in open session on May 13, 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 Welf 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

**Motion by Councilmember O'Neal to approve the absence of Councilmember Gillen from the April 22, 2024 regular City Council meeting. 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.**

### 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 April 22, 2024 Regular City Council Meeting
2. Approve Claims
3. Approve the March, 2024 Financial Report

### Claims 4/23/24 thru 5/13/24

21ST CENTURY EQUIPMENT \$0.85, 308 PLUMBING SOLUTIONS \$958.31, A & A PORTA POTTIES \$300.00, ACE HARDWARE \$1,736.42, ACUSHNET COMPANY \$607.51, ADIDAS AMERICA, INC \$1,556.54, ALL STAR CUSTOMS \$269.18, ALLISON FURBY \$110.00, ALLO COMMUNICATIONS \$3,406.85, ALTEC INDUSTRIES, INC. \$1,245.40, AMAZON CAPITAL SERVICES \$584.50, AMERITAS LIFE INSURANCE COPR. \$609.14, AT&T MOBILITY \$2,381.32, AUTO ZONE 1657 \$21.54, AVERY KRENTZ \$1,000.00, AXON ENTERPRISE, INC \$36,051.16, B & C STEEL \$9,167.10, B & S RASK GRILL \$6,144.40, BAR 4 BAR ENTERPRISES, LLC \$13,437.50, BENZEL PEST CONTROL \$165.00, BLACK HILLS ENERGY \$2,364.35, BLUFFS FACILITY SOLUTIONS \$890.34, BORDER STATES INDUSTRIES, INC \$6,764.49, BRETHOURS HONEYWAGON EXPRESS \$200.00, BROWN SHOE FIT CO \$152.00, CALLAWAY GOLF COMPANY \$632.39, CAMSPOT \$921.99, CATTLE BANK & TRUST \$55,786.38, CLARK PRINTING LLC \$1,233.25, CLEVELAND GOLF/SRIXON \$838.76, CNA SURETY DIRECT BILL \$175.00, COLUMN SOFTWARE, PBC \$591.84, CONSOLIDATED MANAGEMENT COMPAN \$87.00, CONTRACTORS MATERIALS, INC. \$283.00, CROELL, INC \$4,979.75, DEARBORN LIFE INSURANCE COMPAN \$161.68, DEMCO, INC \$114.82, DOCU-SHRED LLC \$30.00, DOLAN CONSULTING GROUP \$125.00, DOOLEY OIL \$220.00, DUTTON-LAINSON COMPANY \$3,328.45, DYNAMIC BRANDS LLC \$368.30, EAKES INC \$410.63, EAST PENN MANUFACTURING CO. \$52.65, ECOLAB \$281.44, ELECTRIC PUMP, INC. \$8,909.00, ENERGY LABORATORIES INC. \$670.00, ENERGY ONE ELECTRONICS \$1,009.30, FASTENAL COMPANY \$709.63, FAT BOYS TIRE & AUTO \$173.93, FIRST NATIONAL BANK OF OMAHA \$11,044.12, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK-CENTER, INC. \$1,246.85, FRANK PARTS COMPANY \$1,615.28, FRONTIER OVERHEAD DOOR \$94,481.82, GALLS, AN ARAMARK COMPANY \$1,335.20, GERING VOLUNTEER FIRE DEPT. \$1,655.00, GROUND UP CONSTRUCTION & CLEAN \$4,965.50, HARBOR FREIGHT TOOLS \$57.97, HEALTHBREAK, INC. \$625.00, HIGH PLAINS BUDWEISER \$760.00, HYDRO OPTIMIZATION & AUTOMATION \$6,356.60, IDEAL LAUNDRY AND CLEANERS, INC. \$452.51, INDEPENDENT PLUMBING & HEATING \$33.33, INDOFF INCORPORATED \$593.66, INFINITY CONSTRUCTION INC. \$10,300.00, INGRAM LIBRARY SERVICES \$1,594.30, INTERNAL REVENUE SERVICE \$51,322.73, INTRALINKS, INC. \$7,192.48, IRBY TOOL & SAFETY \$5,040.36, J & A TRAFFIC PRODUCTS \$327.00, J RODZ \$95.00, JC GOLF ACCESSORIES \$150.49, JEO CONSULTING GROUP \$15,675.00, JG ELLIOTT INSURANCE CENTER \$40.00, JOHN HANCOCK USA \$18,047.72, JOHN HANCOCK USA FIRE \$761.78, JOHN HANCOCK USA POLICE \$9,343.78, JOHNSON CASHWAY CO. \$213.37, JUSTIN BERNHARDT \$125.00, LEGACY COOPERATIVE \$12,630.04, MARK A WESTPHAL \$1,000.00, MASEK DISTRIBUTING INC \$399.71, MATHESON TRI-GAS INC \$423.03, MATTHEW HUTT PH.D. \$450.00, MENARDS \$1,382.23, MIDWEST CONNECT \$2,993.48, MIDWEST ELECTRIC TRANSFORMER \$61,295.50,

MIDWEST THEATER \$100.00, MOBIUS COMMUNICATIONS COMPANY \$30.00, MONUMENT INN & SUITES \$107.00, MONUMENT SHADOWS MENS GOLF \$2,500.00, MOTOR FUELS DIVISION \$1,845.00, MUNICIPAL SUPPLY, INC. OF NE. \$3,204.69, MUTUAL OF OMAHA \$4,833.53, NATHAN FLOWERS \$4,378.01, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA DEPARTMENT OF REVENUE \$150.00, NEBRASKA DEPT OF ENVIRONMENT AND EN \$265.00, NEBRASKA DEPT OF REVENUE \$576.97, NEBRASKA DEPT OF REVENUE \$9,356.00, NEBRASKA DEPT. OF REVENUE \$67,098.01, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$36.00, NKC TIRE \$85.99, NMC INCORPORATED \$1,304.36, NORTH PLATTE NRD \$154.00, NORTHWEST PIPE FITTINGS, INC \$303.83, ONE CALL CONCEPTS, INC \$172.12, OPEN A NINE, LLC \$2,139.46, PANHANDLE CONCRETE PROD. INC. \$1,025.00, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$2,538.00, PAUL REED CONSTRUCTION & SUPP \$133.00, PETE'S QUICK LUBE \$119.80, PRINT BROKER \$6,745.71, PT HOSE AND BEARING \$1,175.37, R & C WELDING & FABRICATION \$2,120.13, RED BARN SHOP, LLC \$172.13, REGIONAL CARE INC. \$201,131.13, RICHWELD FABRICATION \$4,913.05, RIVERSTONE BANK \$616.09, RVW INC \$8,795.00, SANDBERG IMPLEMENT, INC. \$1,505.28, SANDRY FIRE SUPPLY \$52.00, SAPP BROS \$4,246.13, SAYLER SCREENPRINTING \$44.00, SCB COUNTY REGISTER OF DEEDS \$20.00, SCHANK ROOFING SERVICE \$1,378.00, SCOTTSBLUFF-GERING UNITED WAY \$230.67, SHERWIN WILLIAMS \$1,724.00, SIRCHIE ACQUISITION COMPANY, LLC \$317.50, SKYLAR LOEFFLER \$150.00, SOUTHWESTERN EQUIPMENT COMPANY \$3,280.75, SPEAK WRITE \$40.68, SUNBELT SOLOMON \$78,346.01, SUPERIOR SIGNALS \$503.00, TAYLOR MADE GOLF COMPANY \$2,035.04, TEAM CHEVROLET \$375.00, TERESA TOSH \$5,416.67, THE CIT GROUP \$1,263.94, THE TORO COMPANY \$175.00, TIFOSI OPTICS INC \$346.00, TITAN MACHINERY INC. \$361.03, TORRINGTON SOD FARMS \$2,374.00, TRANSUNION RISK AND ALTERNATIV \$75.00, TRANSWEST \$3,132.04, TRIHYDRO CORPORATION \$4,907.00, TWIN CITY ROOFING/SHEET METAL \$6,864.00, UNANIMOUS, INC. \$60.00, UTILITY BILL REFUNDS \$358.34, VALLEY AUTO LOCATORS LLC \$319.55, VERIZON WIRELESS SERVICES, LLC \$552.64, WARRIOR RUN \$317.90, WESTERN COOPERATIVE COMPANY \$9,689.56, WESTERN PATHOLOGY CONSULTANTS \$182.00, WINSUPPLY SCOTTSBLUFF NE CO. \$336.71, WYOMING FIRST AID & SAFETY \$179.81, TOTAL \$958,827.49

**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.**

#### **PUBLIC HEARING:**

##### **1. Public hearing to consider recommending the issuance or denial of a Class CK Liquor License for Stooges Grill and Bar, LLC located at 1675 10<sup>th</sup> Street, Gering, NE**

Mayor Ewing opened a public hearing to consider recommending the issuance or denial of a Class CK Liquor License for Stooges Grill and Bar, LLC located at 1675 10<sup>th</sup> Street, Gering, NE, at 6:03 p.m. The applicant was not present. Mayor Ewing asked twice if there was anyone in the Council Chambers wishing to speak regarding the application. With no comments the public hearing closed at 6:04 p.m.

##### **1a. Recommend the issuance or denial of a Class CK Liquor License for Stooges Grill and Bar, LLC located at 1675 10<sup>th</sup> Street, Gering, NE**

**Motion by Councilmember Morrison to recommend approval of a Class CK Liquor License for Stooges Grill and Bar, LLC located at 1675 10<sup>th</sup> Street, Gering, NE. 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.**

#### **CURRENT BUSINESS:**

##### **1. Approval of Keno Fund Requests**

- Allred Brothers Fireworks Show, \$6,000.00
- Community Ever Green House, \$3,500.00
- Empowering Families, \$2,000.00
- Gering Merchants, \$16,300.00
- Old West Balloon Fest, \$6,000.00
- Oregon Trail Days, \$3,929.30
- Panhandle Partnership, \$2,000.00
- PVC Monument Marathon, \$6,000.00
- Safe Ride - Oregon Trail Days, \$1,000.00
- Scotts Bluff/Gering Sports Council, \$10,000.00
- Valley Auto Truck Show, \$1,000.00

Keno Committee Chairman, Darrell Bentley, stated that it was quite a quarter for the Keno Committee. With summer activities coming up, there are a lot of people looking for assistance for projects. The Committee is proposing to spend nearly \$10,000 more than what was taken in for the quarter, but they didn't spend

nearly what they had to spend in the first quarter of the year. No request was denied this quarter but some were lowered (by the Committee). There were a few new requests from Oregon Trail Days and a new request for the Gravel Nationals (bike race). Empowering Families hasn't made a request for a few years but came back this year.

**Motion by Councilmember Gillen to approve the Keno Fund requests as presented which is: \$6,000 for the Allred Brothers Fireworks Show, \$3,500 for the Community Ever Green House, \$2,000 for Empowering Families, \$16,300 for the Gering Merchants, \$6,000 for Old West Balloon Fest, \$3,929.30 for Oregon Trail Days, \$2,000 for Panhandle Partnership, \$6,000 for PVC Monument Marathon, \$1,000 for Safe Ride - Oregon Trail Days, \$10,000 for Scotts Bluff/Gering Sports Council, and \$1,000 for the Valley Auto Truck Show. Second 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.**

**2. Approve and authorize the Mayor to sign Development Agreement for Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, Gering, NE**

City Engineer, Annie Folck, stated that Westwood Estates is located near Five Rocks Road (she showed the location on the general location map on the screen). 20<sup>th</sup> Street is currently stubbed in on the south and north. A preliminary and final plat were submitted. As part of that, there are some improvements that need to be made. The street is not existing in this area where it is platted as part of the new right of way. There also needs to be a water line; it's currently stubbed in on the south and north but it needs to be connected which will actually eliminate a couple of dead ends. In addition, the lots on the east already have existing sewer in the alleyway, but the lots on the west need to have the sewer line extended as well. Planning Commission did recommend approval of the preliminary and final plat, but it was conditional upon passing a development agreement. This is standard procedure whenever a subdivision goes in, just to make sure that if things don't go according to plan, and they don't put in all of the improvements right away, someone doesn't come back years later and expect the City to pay for all of those improvements. The development agreement makes it clear that the property owner is responsible for all of those costs and not the City. Staff recommends approval of the agreement and legal has reviewed it as well.

**Motion by Councilmember Gillen to approve and authorize the Mayor to sign a Development Agreement for Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, Gering, NE. 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.**

**3. Approval of Preliminary Plat for Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, Gering, NE**

**Motion by Councilmember Gillen to approve a Preliminary Plat for Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, Gering, NE. 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.**

**4. Approval of Final Plat for Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, Gering, NE**

**Motion by Councilmember Gillen to approve a Final Plat for Lots 15 through 19, Block 9 and Lots 7 through 11, Block 11, Westwood Estates, Gering, NE. 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.**

**5. Approve and authorize the Mayor to sign Conditional Assumption and Economic Development Assistance Agreement – Chino’s Mexican Restaurant**

**Motion by Councilmember Gillen to Approve and authorize the Mayor to sign Conditional Assumption and Economic Development Assistance Agreement for Edward and Christina Bartella as member and owners of Cervantes, LLC d/b/a Chino’s Mexican Restaurant. Second 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.**

**6. Approval of Occupation Tax Grant Fund Request for the Scottsbluff-Gering Noon Lions Club**

Administrator Heath stated that the Scottsbluff-Gering Noon Lions Club is requesting \$9,900.00 for their annual (2025) Basketball Tournament which is held in February and brings in upwards of 80 teams (players are 4<sup>th</sup> to 9<sup>th</sup> graders) from Nebraska and surrounding states. The tournament is held on President’s Day weekend Friday through Sunday (shoulder season business), and provides substantial economic impact by boosting hotel stays in Gering and the area as well as restaurants. And utilizes multiple gymnasiums in Gering, Scottsbluff, Terrytown and Mitchell. Occ Tax Funds will be used to offset tournament costs for gym rentals, referees, t-shirts and awards. The Occ Tax Grant Review Committee (Gering Visitors Bureau Board of Directors) recommends funding the Scottsbluff-Gering Noon Lions Club in the amount of \$9,900.00 for the 2025 Annual Basketball Tournament. Funds to be used for gym rentals, referees, t-shirts and awards.

**Motion by Councilmember Wiedeman to approve an Occupation Tax Grant for the Scottsbluff-Gering Noon Lions Club in the amount of \$9,900.00. 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.**

**7. Approval of Occupation Tax Grant Fund Request for WNCC Foundation 2024 Monument Marathon**

Administrator Heath stated that the WNCC Foundation-Platte Valley Companies 2024 Monument Marathon is requesting \$6,800.00 for participants and volunteer t-shirts for this year’s event. This year will be the 13<sup>th</sup> year of the Marathon. It will be held September 27-28, 2024 (shoulder season event). They are expecting 550 runners from over 38 states and foreign countries represented. 74% of registrants are from outside the Panhandle and average 36% stay in hotels. The 2024 Marathon registration and pre-race meal will be held at the Gering Civic Center. Participant and volunteer t-shirts will show Gering-Scottsbluff as the location for the event along with the 2024 commemorative logo. The Occ Tax Grant Review Committee (Gering Visitors Bureau Board of Directors) recommends funding to the WNCC Foundation-2024 Monument Marathon in the amount of \$6,800.00 for participant and volunteer commemorative t-shirts. Shirts will bear the City of Gering logo as a major sponsor.

**Motion by Councilmember O’Neal to approve an Occupation Tax Grant for the WNCC Foundation 2024 Monument Marathon in the amount of \$6,800.00. 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.**

**8. Consider moving the May 27, 2024 regular City Council meeting to May 28, 2024 at 6:00 p.m. due to the Memorial Day Holiday**

**Motion by Councilmember Gillen to approve moving the May 27, 2024 regular City Council meeting to May 28, 2024 at 6:00 p.m. due to the Memorial Day Holiday. Second 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.**

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

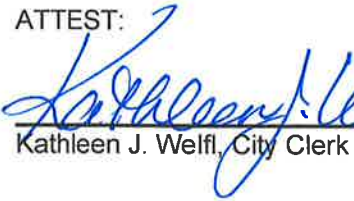
**ADJOURN:**

**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, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

Meeting adjourned at 6:20 p.m.

  
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Kent E. Ewing, Mayor

ATTEST:

  
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Kathleen J. Welfl, City Clerk

