

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, MAY 22, 2023

A regular meeting of the City Council of Gering, Nebraska was held in open session on May 22, 2023, at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Gillen, Backus, Bohl, Wiedeman, O'Neal and Morrison and Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Shields. 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 May 8, 2023 regular City Council meeting
2. Approve Claims
3. Approve April, 2023 Financial Report

Claims 5/9/23 thru 5/22/23

24/7 FITNESS \$226.00, A & A PORTA POTTIES \$450.00, ACE HARDWARE \$791.55, ACUSHNET COMPANY \$372.33, AHEAD LLC \$1,865.36, AMAZON CAPITAL SERVICES \$490.04, AMERITAS LIFE INSURANCE COPR. \$585.26, AMGL \$1,000.00, ARROW SEED COMPANY, INC \$2,409.50, AT&T MOBILITY \$650.19, B & C STEEL \$1,613.35, B & H INVESTMENTS, INC \$118.00, B & S RASK GRILL \$5,011.44, BACKFLOW APPARATUS & VALVLE CO \$119.70, BEACON ATHLETICS, LLC \$98.00, BENEFIT PLANS, INC \$236.00, BENZEL PEST CONTROL \$165.00, BESLER, INC. \$103,503.06, BLACKSTONE AUDIO, INC \$108.83, BLUFFS FACILITY SOLUTIONS \$582.33, BORDER STATES INDUSTRIES, INC \$8,633.87, CALLAWAY GOLF COMPANY \$113.87, CELLI'S CYCLE CENTER \$28,528.00, CENGAGE LEARNING/GAGE \$188.71, CHERI HUTCHISON \$1,947.13, CITY OF GERING \$17,237.93, CITY OF SCOTTSBLUFF \$50,376.45, CLARK PRINTING LLC \$410.75, CLINTON RATLIFF \$300.00, COLLIN HAVENGAR \$1,950.00, CONNECTING POINT \$30.73, CONSOLIDATED MANAGEMENT COMPAN \$170.75, CORE & MAIN LP \$1,746.95, CROSSROADS COOPERATIVE \$26,120.73, DANCING MAN MUSIC \$400.00, DOCU-SHRED LLC \$900.07, DUTTON-LAINSON COMPANY \$1,335.49, ECOLAB \$257.56, EJS SUPPLY, LLC \$2,409.00, ELITE TOTAL FITNESS \$175.00, ELLISON, KOVARIK & TURMAN LAW \$6,558.84, ESC ENGINEERING \$5,101.50, FASTENAL COMPANY \$324.44, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$2,640.79, FRANK PARTS COMPANY \$799.56, GALLS, AN ARAMARK COMPANY \$739.90, GERING VOLUNTEER FIRE DEPT. \$839.00, GOLF AND SPORT SOLUTIONS, LLC \$1,675.44, GREATAMERICA FINANCIAL SERVICE \$100.00, GROUND UP CONSTRUCTION & CLEAN \$848.13, GWORKS \$6,057.00, HACH COMPANY \$859.08, HEARTLAND BANK \$76,796.25, HIGH PLAINS BUDWEISER \$840.00, HOME DEPOT CREDIT SERVICES \$200.00, HYDRO OPTIMIZATION & AUTOMATION \$1,548.90, IDEAL LAUNDRY AND CLEANERS, INC. \$271.85, IMPERIAL PUMP SOLUTIONS \$1,925.71, INDOFF INCORPORATED \$626.93, INGRAM LIBRARY SERVICES \$874.97, INLAND TRUCK PARTS CO. \$4.56, INTERNAL REVENUE SERVICE \$44,861.47, IRBY TOOL & SAFETY \$7,564.77, ITRON, INC. \$900.00, J & A TRAFFIC PRODUCTS \$1,723.75, JC GOLF ACCESSORIES \$101.19, JOHN HANCOCK USA \$14,932.12, JOHN HANCOCK USA FIRE \$690.93, JOHN HANCOCK USA POLICE \$8,034.37, JOHNSON CORROSION ENGINEERING \$897.00, JOHNSON CASHWAY CO. \$56.45, JORDON HUGHLEY \$75.00, JUSTIN BERNHARDT \$200.00, KENT EWING \$384.13, LARRY MC CASLIN \$900.00, LEAGUE ASSOC./RISK MANAGEMENT \$2,492.39, LEE ENTERPRISES \$717.55, LIBRARY JOURNAL \$99.00, LOGOZ LLC \$87.00, MANUEL BARRAZA \$1,600.00, MATHESON TRI-GAS INC \$634.71, MATTHEW HUTT PH.D. \$450.00, MB KEM ENTERPRISE \$520.00, MEAT SHOPPE \$23,906.85, MENARDS \$1,160.97, MIDWEST CONNECT \$3,392.43, MILLER PAINTING & DECORATING, INC. \$71,767.00, MOBIUS COMMUNICATIONS COMPANY \$60.00, MUNICIPAL ENERGY AGENCY OF NE \$292,821.19, MUNICIPAL SUPPLY, INC. OF NE. \$3,915.23, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$567.70, NEBRASKA DEPARTMENT OF REV (PR) \$14,627.98, NEBRASKA DEPT OF REVENUE \$918.61, NEBRASKA

DEPT. OF REVENUE \$72,919.52, NEBRASKA PUBLIC POWER DISTRICT \$1,923.52, NEBRASKA RURAL RADIO ASSOC. \$583.18, NMVCA \$265.00, NORTHWEST PIPE FITTINGS, INC \$188.17, PANHANDLE COOP ASSOCIATION \$18,807.68, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$1,592.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PAUL REED CONSTRUCTION & SUPP \$14,882.50, PING INC \$666.93, POWERPLAN OIB \$110.15, PRECISION AIR \$11,135.19, PRINT BROKER \$1,441.92, PROFESSIONAL GOLFERS'ASSOC/AM. \$587.00, PROTEX CENTRAL, INC. \$103.00, PSI DIGITAL IMAGING SOLUTIONS \$374.00, PT HOSE AND BEARING \$206.50, PVB VISA \$14,381.82, REGIONAL CARE INC. \$17,184.75, RIVERSTONE BANK \$578.80, RYAN'S WELDING LLC \$580.00, SANDBERG IMPLEMENT, INC. \$8.65, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCHOOL LIBRARY JOURNAL \$89.00, SCOTTS BLUFF COUNTY COURT \$135.36, SCOTTS BLUFF COUNTY TREASURER \$3,757.36, SCOTTS BLUFF ROBOTICS 4H CLUB \$3,000.00, SCOTTSBLUFF-GERING UNITED WAY \$221.25, SCS ENGINEERS \$2,404.25, SENIOR CITIZENS CENTER \$1,200.00, SHAWNA WINCHELL \$560.00, SIMMONS OLSEN LAW FIRM, P.C. \$4,422.50, SIMON CONTRACTORS \$1,900.08, SKIPPER'S CUPBOARD \$5,295.00, STAPLES CREDIT PLAN \$39.97, SUGAR VALLEY FEDERAL CREDIT \$528.37, SWANA \$290.00, TAYLOR MADE GOLF COMPANY \$1,416.90, TERRY CARPENTER, INC. \$650.00, THE RADAR SHOP \$686.00, THE TORO COMPANY \$155.00, TRAVIS MATHEW \$1,500.00, UNANIMOUS, INC. \$30.00, UNITED WESTERN DENVER \$6,673.58, VALLEY AUTO LOCATORS LLC \$616.40, VERIZON WIRELESS SERVICES, LLC \$653.19, W & R INC. \$1,123.75, WESTERN COOPERATIVE COMPANY \$2,002.88, WESTERN PATHOLOGY CONSULTANTS \$222.00, WESTERN STATES BANK \$9,951.52, WYOMING FIRST AID & SAFETY \$54.73, YMCA OF SCOTTSBLUFF \$1,065.00, Total \$1,087,554.67

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

CURRENT BUSINESS:

1. Consider approval of Special Event Permit for a Fireworks Show at the Member/Guest Golf Tournament at Monument Shadows Golf Course on June 23, 2023

Kevin Mooney, 70 Buffalo Circle, Gering, NE, addressed Council and stated that Justin Allred will be doing the fireworks show for the Member/Guest Tournament and will be providing the insurance. It will be part of their Friday night family events and will begin shortly after 9:00 p.m. on June 23. The Fire Department has been notified and will be present. The show will be done from the driving range. He noted some of the other considerations that are needed which are listed on the application checklist; the City has provided those services and amenities in the past. He stated that the tournament is always very successful and brings in a lot of people and revenue to the city.

Motion by Councilmember Gillen to approve a Special Event Permit for a Fireworks Show at the Member/Guest Golf Tournament at Monument Shadows Golf Course on June 23, 2023 contingent upon weather conditions and communication with the Fire Chief. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.

2. Consider approval of Special Event Permit for a Fireworks Show for the Allred Brothers Fireworks Show at Five Rocks Amphitheater on July 3, 2023

Justin Allred stated they've done this for a number of years. He has talked to Amy Seiler and Karla Niedan-Streeks about the logistics and involvement by City staff. He stated that they try to do something a little above and beyond from the year before, but it depends on funds. They'll operate contingent upon weather and communication with the Fire Chief. Five Rocks is a dryer area so they'll pay close attention to the conditions. Councilmember Wiedeman asked if they have a contingency date. Mr. Allred replied they've never had to move one show (yet), but it would be July 4th if they did.

Motion by Councilmember Morrison to approve a Special Event Permit for Fireworks for the Allred Brothers Fireworks Show at Five Rocks Amphitheater on July 3, 2023 contingent upon weather conditions and communication with the Fire Chief. Second by Councilmember Cowan. There was no discussion. Mayor Ewing called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.

3. Approve Appointment of Alexia Tallmon to the Gering Library Board

Motion by Councilmember Gillen to approve the appointment of Alexia Tallmon to the Gering Library Board. Second by Councilmember Wiedeman.

Discussion: Councilmember Backus said he noticed Ms. Tallmon is a Library employee. Clerk Welfl replied that she was, but she is no longer.

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

4. Approve and authorize the Mayor to sign a letter of support to the Nebraska Gaming Commission for a casino/race track to potentially be located outside of Gering

Motion by Councilmember Morrison to approve and authorize the Mayor to sign a letter of support to the Nebraska Gaming Commission for a casino/race track to potentially be located outside of Gering. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.

PUBLIC HEARING:

1. Public Hearing for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by AKAJRV 314, LLC for the MonumentAUL Redevelopment Plan

Mayor Ewing opened a public hearing for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by AKAJRV 314, LLC for the MonumentAUL Redevelopment Plan at 6:12 p.m.

City Engineer, Annie Folck, gave the administrative record. She stated that as was discussed at the CDA meeting (just prior to the Council meeting), this plan is very different than most TIFs that the City has typically done. This is more of a generalized redevelopment plan for the whole area. If they decide to move forward with TIF on any portion, each individual portion of this would still have to come forward with its own redevelopment plan for approval that would have more specific numbers on how much they would be generating in TIF and how much TIF would be available. What this does is it memorializes the costs that could be paid for by TIF so that if the developer ends up developing a portion of it themselves, they could potentially capture the TIF generated by that portion of the project to reimburse some of the costs that are incurred in the development of the property.

She stated that when Council reviews these projects, we typically look at several different items. The first is whether or not the project as a whole conforms to the City's Comp Plan. This also went to the Planning Commission. The project includes commercial development along the Expressway, single-family residential, a small portion of potential tiny home lots, a Campground/RV Park and a container home development (which would be more for younger, working-age people). Looking at all of that, the Comp Plan identifies the southeast Gering area as an area that is appropriate for residential development – particularly wanting a focus on residential development that is at different price points and aims towards different stages of peoples' lives. Staff thinks this definitely accomplishes all of that and all in the same development which is a little unusual. The container homes are more for workforce housing that would be more rentals, but there would also be some normal size lots for single-family homes and then potentially some larger residential for more upscale, custom homes. The plan fits in very well with that portion of the Comprehensive Plan. Additionally, there is some greenspace which is another thing the Comp Plan talks about – ensuring that new neighborhoods have greenspace and buffers between commercial and residential which is what we get with this retention area (she showed on the map existing water and sewer lines). The Comp Plan doesn't really talk about commercial, it's along the highway, but her understanding is that's what was in mind when the expressway was put in.

The Planning Commission did consider this plan and determined that in their opinion, the project does conform to the Comprehensive Plan and recommended that to Council. The other item the Council

needs to review for the Redevelopment Plan is determining if the plan conforms with Community Development Law in the State of Nebraska. This property is in an area that has been declared blighted and substandard; it does conform to Community Development Law. We also have to consider the Cost Benefit Analysis which was conducted just before this Council meeting; the CDA did recommend the Cost Benefit Analysis. The final consideration is the "but-for" test where Council determines whether or not the project would move forward with or without TIF financing. If the project was going to go forward with no TIF, by all rights the TIF should not be approved. If TIF is necessary for this project, then the TIF should be approved. The developers have made it very clear that without the ability to do TIF in at least portions of this project, this development will not happen. It's a question of whether they utilize TIF on the portions that they're going to be building themselves (like the campground) or potentially use that as one of the selling points for some of these lots and possibly use a higher asking price for some of these lots, knowing that TIF can be used on those individual projects so that they can then reimburse themselves for the cost of some of the infrastructure.

Engineer Folck stated that these are all the criteria that has to be looked at for the Redevelopment Plan. It's definitely different than the ones that have been done before. It's a generalized plan for the entire area. She emphasized that before any individual projects would be able to go forward, the City would have to have a contract with them and commit funds to those who have to have their own individual redevelopment plan. That would again go through Planning Commission and Council before that could be finalized. She asked if there were any questions; there were none.

Mayor Ewing asked twice if there was anyone in the Council Chambers wishing to speak about the MonumentAUL Redevelopment Plan. With no further comments, the administrative record was closed and the public hearing closed at 6:18 p.m.

1a. Review and take action on Resolution 5-23-1 to approve a Redevelopment Plan submitted by AKAJRV 314, LLC for the MonumentAUL Redevelopment Plan

RESOLUTION NO. 5-23-1

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA:

Recitals:

- a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a redevelopment plan for the *MonumentAUL Development* Project submitted by AKAJRV 314, LLC (the "Redevelopment Plan") has been submitted to the Gering Community Development Agency ("CDA"). The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Redevelopment Plan includes the use of tax increment financing.
- b. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the City's Comprehensive Plan (the "Comprehensive Plan"). The Planning Commission recommended approval of the Redevelopment Plan to the CDA and City Council.
- c. The Redevelopment Plan has been reviewed by the CDA, which found that the Redevelopment Plan conforms to the Comprehensive Plan, that the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the CDA, are in the long term best interests of the community.
- d. The CDA recommended approval of the Redevelopment Plan to the City Council.
- e. On May 22, 2023, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.
- f. The City Council has reviewed and conducted a cost-benefit analysis of the Redevelopment Plan and makes the findings and recommendations as documented in writing in this Resolution.

Resolved:

1. The Redevelopment Plan is determined to be feasible and in conformity with the Comprehensive Plan and with the legislative declarations and determinations set forth in the Act.
2. The project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without the use of tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long-term best interests of the community impacted by the project.

3. The City Council approves the Redevelopment Plan and the division of taxes within the Project Site as set forth in the Redevelopment Plan, according to NEB. REV. STAT. § 18-2147.

4. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

5. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on May 22, 2023

Mayor

ATTEST:

City Clerk (Seal)

Motion by Councilmember Gillen to approve Resolution 5-23-1 to approve the Redevelopment Plan submitted by AKAJRV 314, LLC for the MonumentAUL Redevelopment Plan. Second by Councilmember Bohl. There was no discussion. Mayor Ewing called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.

BIDS/PROPOSALS:

1. Approve purchase of Current Production Model IES Trash Vacuum Attachment - Environmental Services Department

Environmental Services Director, Steve Mount, stated that staff went out for bid for a litter cat vacuum and received one bid from IES (Innovative Equipment Solutions) for \$49,500. Unfortunately, the Sanitation Department won't be able to get it until December; that's the only downfall. Councilmember Morrison asked if the City needs to go out for bids again. Mr. Mount replied that it's actually a sole supplier; staff went out for bids because it was over \$30,000.

Motion by Councilmember Bohl to approve the purchase of a Current Production Model Trash Vacuum Attachment from Innovative Equipment Solutions in the amount of \$49,500 for the Environmental Services Department. Second by Councilmember Cowan. There was no discussion. Mayor Ewing called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.

2. Approve purchase of transformers – Electric Department

Electric Superintendent, Doug Parker, stated that since this was over \$60,000, staff advertised for bids. Four bids were received. A couple of proposals were incomplete; they were unable to provide everything staff was asking for. Staff recommend accepting the Solomon bid. It is a higher price bid, but they are going to be able to supply the transformers in the quickest amount of time. Some of the bids would've been out until almost 2025. The Solomon bid is 40 weeks average; the time frame is why staff are recommending the Solomon bid.

Mayor Ewing asked what the bid amount was. Staff replied \$393,875. Administrator Heath replied Dutton-Lainson was \$266,090 but they were almost two years out. Engineer Folck stated what concerned staff about the two low bids was that both of them had in their proposal that prices would be adjusted at time of shipping based on material costs and other factors. It's really hard to compare bids when they retain the right to change the price at the time of shipping. There was also a bid that was incomplete. Mr. Parker stated if we get this locked in with Solomon, the price will remain the same. With the other ones, there's a very good chance the price will be quite a bit higher than what they are quoting us today.

Councilmember O'Neal stated the only concern she has is the difference between the dollar amounts is significant. The differences were \$128,000 to \$158,000. She asked if staff really thinks that if those come in later that they'll be \$158,000 higher. Doug said he could anticipate them being \$80,000-\$100,000

higher. Councilmember O'Neal stated that would still save money. Electric Superintendent Parker replied, but instead of looking at getting these transformers in '24, we'd be looking at getting them in 2025 or 2026. Engineer Folck stated that one of them wouldn't even give a production timeline. They basically said they would try to get it sometime in 2024 but they wouldn't commit to anything at all. Solomon is actually giving the City a timeframe and they're not saying they're going to change the price once they are built and ready to ship. Councilmember O'Neal asked if that was guaranteed; Mr. Parker replied, yes.

Motion by Councilmember Morrison to approve the purchase of transformers from Sunbelt Solomon in the amount of \$393,875 for the 7200 Electric Conversion. Second by Councilmember Cowan. There was no discussion. Mayor Ewing called the vote. "AYES": Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields. Motion carried.

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


Dale Hauck, 2355 Country Club Road, Gering, NE addressed Council and asked, regarding the casino/race track, if it was a for sure deal, or still in the makings. Administrator Heath replied that it's not on the agenda so it cannot be discussed. He suggested that Mr. Hauck contact him for an update.

ADJOURN:

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

The meeting adjourned at 6:29 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Kent E. Ewing, Mayor