

## **THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, MAY 8, 2023**

A regular meeting of the City Council of Gering, Nebraska was held in open session on May 8, 2023 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 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 there was a quorum of the Council present and City business could be conducted.

1. Recital of the Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse Council Member absence

**Councilmember Bohl made a motion to excuse the absence of Councilmember Cowan from the April 24, 2023 regular City Council meeting. Second by Councilmember Gillen. There was no discussion. The vote was called. "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 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 24, 2023 regular City Council meetings
2. Approve Claims

#### **Claims 4/25/23 - 5/8/23**

ACE HARDWARE \$194.62, ACUSHNET COMPANY \$1,161.72, ALLO COMMUNICATIONS \$3,102.84, AMAZON CAPITAL SERVICES \$67.21, AMERITAS LIFE INSURANCE COPR. \$585.26, ANNIE FOLCK \$121.00, AT&T MOBILITY \$212.70, B & S RASK GRILL \$310.00, BAKER & ASSOCIATES, INC. \$2,205.00, BLACKBURN MANUFACTURING CO. \$577.00, BLACKSTONE AUDIO, INC \$366.21, BLUFFS FACILITY SOLUTIONS \$316.53, BOBCAT OF OMAHA \$49,742.00, BORDER STATES INDUSTRIES, INC \$42.58, CALLAWAY GOLF COMPANY \$723.56, CATTLE BANK & TRUST \$55,786.38, CENGAGE LEARNING/GAGE \$52.78, CENTRAL PROGRAMS, INC \$166.54, CLARK PRINTING LLC \$437.25, COBRA PUMA GOLF, INC. \$109.77, CONSOLIDATED MANAGEMENT COMPANY \$126.75, CONTRACTORS MATERIALS, INC. \$22.40, CORE & MAIN LP \$6,762.69, COWAN'S CUSTOM CABINETS \$200.00, DANKO EMERGENCY EQUIPMENT CO \$33.60, DE NORA WATER \$2,163.40, DEARBORN LIFE INSURANCE COMPANY \$20.64, DOCU-SHRED LL \$90.00, DUTTON-LAINSON COMPAN \$5,545.46, EAKES INC \$579.17, EASY PICKER GOLF PRODUCTS \$218.39, ECOLAB \$31.05, ELECTRIC PUMP, INC. \$23,491.05, ENERGY LABORATORIES

INC. \$720.00, ESI \$860.00, FASTENAL COMPANY \$478.27, FAT BOYS TIRE & AUTO \$1,007.46, FEDEX \$88.66, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$221.30, FRANK PARTS COMPANY \$317.64, FYR-TEK, INC. \$161.53, GALLS, AN ARAMARK COMPANY \$898.73, GERING MERCHANTS \$787.50, GERING VOLUNTEER FIRE DEPT. \$1,544.04, HAWKINS, INC. \$3,387.18, HEALTHBREAK, INC. \$595.00, HOMETOWN LEASING \$144.52, IDEAL LAUNDRY AND CLEANERS, INC. \$326.02, INDEPENDENT PLUMBING & HEATING \$21.39, INDOFF INCORPORATED \$385.67, INGRAM LIBRARY SERVICES \$1,712.81, INTERNAL REVENUE SERVICE \$44,840.71, INTRALINKS, INC. \$4,584.84, IRBY TOOL & SAFETY \$9,513.75, JC GOLF ACCESSORIES \$518.17, JOHN HANCOCK USA \$14,952.42, JOHN HANCOCK USA FIRE \$690.93, JOHN HANCOCK USA POLICE \$8,434.70, JOHNSON CASHWAY CO. \$17.78, JONES & BARTLETT LEARNING \$472.83, LEE ENTERPRISES \$716.75, LOST RIVER SAND & GRAVEL, INC \$1,544.55, MACQUEEN EQUIPMENT, LLC \$315.00, MEAT SHOPPE \$25,907.97, MENARDS \$3,747.48, MIZUNO USA, INC. \$125.28, MONUMENT SHADOWS MENS GOLF \$2,400.00, MUNICIPAL ENERGY AGENCY OF NE \$3,300.00, MURPHY TRACTOR & EQUIPMENT CO. \$6,500.00, MUSCO CORPORATION \$56,000.00, MUTUAL OF OMAHA \$4,296.25, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$567.70, NEBRASKA GOLF ASSOCIATION \$4,183.00, NEBRASKA LAW ENFORCEMENT \$756.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$142.00, NMC INCORPORATED \$516.60, NORTH PLATTE NRD \$110.00, NORTHWEST PIPE FITTINGS, INC \$219.62, ONE CALL CONCEPTS, INC \$117.80, PANHANDLE CONCRETE PROD. INC. \$4,836.00, PANHANDLE COOP ASSOCIATION \$6,461.67, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$1,932.00, PANHANDLE PUBLIC HEALTH DISTRI \$3,118.52, PARMENTER CONSTRUCTION \$1,870.32, PATTLEN ENTERPRISES, INC \$178.45, PRECISION AIR \$595.64, PROTEX CENTRAL, INC. \$104.70, PT HOSE AND BEARING \$168.64, QUADIENT POSTAGE FUNDING \$800.00, REGION 22 EMERGENCY MANAG \$4,290.70, REGIONAL CARE INC. \$61,344.60, RIVERSTONE BANK \$573.88, SANDRY FIRE SUPPLY \$3,195.00, SARAH WYNN \$425.00, SCOTTS BLUFF COUNTY COURT \$325.21, SCOTTSBLUFF-GERING UNITED WAY \$221.25, SHAWNA WINCHELL \$820.00, SIMON CONTRACTORS \$4,454.50, SPEAK WRITE \$76.79, STAPLES CREDIT PLAN \$79.98, STATE GOLF HOST COMMITTEE/OTCF \$2,000.00, SUGAR VALLEY FEDERAL CREDIT \$528.37, TAYLOR MADE GOLF COMPANY \$1,250.34, THE CIT GROUP \$1,840.42, TRANSUNION RISK AND ALTERNATIV \$75.00, TRANSWEST \$44.82, VALLEY AUTO LOCATORS LLC \$170.55, VERIZON CONNECT \$38.38, VERIZON WIRELESS SERVICES, LLC \$446.67, WESCO RECEIVABLES CORP. \$2,502.60, WESTERN COOPERATIVE COMPANY \$5,862.92, WESTERN STATES BANK \$9,981.52, Total \$485,913.84

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

#### **PUBLIC HEARINGS:**

**1. Public Hearing to consider a Final Plat for Block 10B, Midtown Development Addition, a replat of Block 10A, Midtown Development Addition, a replat of Block 10, Midtown Development Addition to the City of Gering**

Mayor Ewing opened a public hearing to consider a Final Plat for Block 10B, Midtown Development Addition, a replat of Block 10A, Midtown Development Addition, a replat of Block 10, Midtown Development Addition to the City of Gering, NE at 6:03 p.m.

City Engineer, Annie Folck, stated that the City received an application for property owned by the Holliday Trust; it's a rural residence. The existing lot is 2.74 acres, zoned Rural Residential and surrounded by property that is zoned Agricultural. The applicant is planning on moving a lot line and adding some additional property to the south. They're adding enough that when they replat it, it will enlarge the lot to 4.2 acres. There are a few drainage easements, and an electrical transmission easement – those are already existing and are nothing new. They will remain the same after the lot line is moved. The lot is served by City water, sewer and electric; the replat will not affect the utilities in any way. Typically, when there's a replat like this, where all that's being done is a lot line, it can be done administratively - it doesn't have to go to Planning Commission and Council. Because the property they're adding to it is currently unplatted, it has to go through Planning Commission and Council. Staff and Planning Commission recommend approval of the final plat.

Mayor Ewing asked if there was anyone in the Council Chambers wishing to speak regarding the public hearing. Gregg Schilz, with MC Schaff & Associates, addressed the Mayor and Council and stated he represents the applicant, Brent Holliday. He stated that one reason Mr. Holliday is expanding his lot size is that on the preliminary plat, on the south corner, they built a shop which is outside of the lot line. The north lot line was really close to the existing road; he wanted a little more room for maintenance on that road.

Councilmember Morrison asked to see the lot line again and asked where the change is. Engineer Folck showed the existing and new lot line on the overhead screen.

Mayor Ewing asked again if there was anyone wishing to speak regarding the application. With no further comments, the administrative record was closed and the public hearing closed at 6:07 p.m.

**1a. Approve or deny a Final Plat for Block 10B, Midtown Development Addition, a replat of Block 10A, Midtown Development Addition, a replat of Block 10, Midtown Development Addition to the City of Gering**

**Motion by Councilmember Wiedeman to approve a Final Plat for Block 10B, Midtown Development Addition, a replat of Block 10A, Midtown Development Addition, a replat of Block 10, Midtown Development Addition to the City of Gering. Second by Councilmember Bohl. There was no discussion. The vote was called. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**2. Public Hearing to consider the Annexation of Block 10B, Midtown Development Addition, a replat of Block 10A, Midtown Development Addition, a replat of Block 10, Midtown Development Addition to the City of Gering**

Mayor Ewing opened a public hearing to consider the Annexation of Block 10B, Midtown Development Addition, a replat of Block 10A, Midtown Development Addition, a replat of Block 10, Midtown Development Addition to the City of Gering at 6:08 p.m. Engineer Folck stated the City has gone through a lot of work the last couple of years to clean up the city limits and make the boundaries clear and consistent so there's no questions what's inside or outside of city limits. The previous lot was inside city limits. Everything outside of it is *outside* of city limits. When property was added to that lot just now, a portion that is currently in the county was added. In order to keep everything clear, staff talked to the property owner and he was willing to request annexation on this plat that would make everything within the new lot (that was just created) in city limits. The new city limits would follow the lot line. The entire lot will be within city limits now.

There are two different ways to do an annexation. One is by ordinance (three readings). If it's done on the plat itself, then it can be approved at the same time the final plat is approved, but there has to be a separate vote for the annexation portion of it.

Councilmember Wiedeman asked about maintaining the road. Engineer Folck replied that it's a private road.

Mayor Ewing asked if there was anyone in the Council Chambers wishing to speak regarding the public hearing? He asked again if there was anyone wishing to speak regarding this application. With no further comments, the administrative record was closed and the public hearing closed at 6:11 p.m.

**2a. Approve or deny Annexation of Block 10B, Midtown Development Addition, a replat of Block 10A, Midtown Development Addition, a replat of Block 10, Midtown Development Addition to the City of Gering**

**Motion by Councilmember Wiedeman to approve the Annexation of Block 10B, Midtown Development Addition, a replat of Block 10A, Midtown Development Addition, a replat of Block 10, Midtown Development Addition to the City of Gering. Second by Councilmember Gillen. There was no discussion. The vote was called. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**CURRENT BUSINESS:**

**1. Approve Ordinance 2125 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND TITLE XI OF THE CITY OF GERING CODE OF ORDINANCES BY ADDING CHAPTER 118; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION IN PAMPLHET FORM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

Mayor Ewing noted there was a Scrivener's error on the ordinance number (as shown on the agenda). It should be Ordinance number 2126 instead of 2125. He then entertained a motion to introduce Ordinance Number 2126.

**Councilmember Morrison made a motion to introduce Ordinance No. 2126 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND TITLE XI OF THE CITY OF GERING CODE OF ORDINANCES BY ADDING CHAPTER 118; 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 the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

**Councilmember Shields moved that the Ordinance be designated as Ordinance No. 2126 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, which motion was seconded by Councilmember Gillen. There was no discussion. The Clerk called the roll. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.**

The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried. Whereupon Ordinance No. 2126 was read by title only, Councilmember Backus moved that the Ordinance be passed as read, which motion was seconded by Councilmember Bohl. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

## **2. Remove from table Annual Clerk's Report**

Motion by Councilmember Morrison to remove from table the Annual Clerk's Report. Second by Councilmember Gillen. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

## **3. Annual Clerk's Report**

City Clerk, Kathy Welfl, noted some of the highlights of the Annual Clerk's Report which included:

- 24 regular City Council meetings in 2022. Mayor/Council Member attendance are shown on page 1.
- There were six LB840 projects in 2022 and two TIF projects.
- Planning Commission had 10 regular meetings in 2022 and eight public hearings.
- There were 52 special event permits, nine door-to-door or vendor permits (which are on the rise with food trucks) and five parade permits in 2022.
- The Building Permit Construction value for 2022 was \$15,926,696.39.
- 25 Liquor Licenses were issued in 2022 and 19 SDLs.
- The Clerk's Office welcomed Jack Hollingsworth as a part-time employee in 2022.
- Carol and Kathy are responsible for a number of other duties such as FOIA requests, the City newsletter, scheduling park shelter and RV Multi-Purpose Room reservations, preparing proclamations, assisting departments with numerous administrative activities, attending and/or clerking numerous meetings and preparing minutes (staff prepared a little over 60 sets of minutes from various meetings in 2022). The Clerk assists with coordinating all-employee meetings, safety trainings and the annual employee appreciation picnic, drafts resolutions and ordinances, helps with the alley-clearing project, prepares the annual State of the Valley PowerPoint presentation for Gering, serves as a Trustee for the City's General Employee Retirement Plan and more. The complete 2022 Annual Clerk's Report is on file at the City Clerk's Office.

Councilmember Gillen made a motion to enter the Annual Clerk's Report into the public record. Second by Councilmember Cowan. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion Carried.

**BIDS/PROPOSALS:** (None)

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

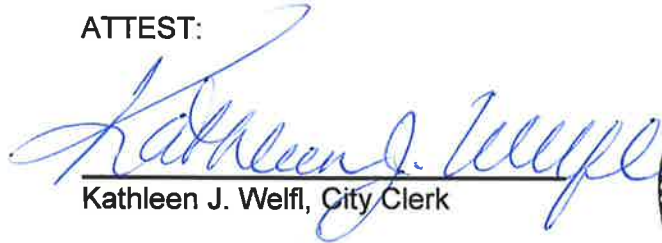
## **ADJOURN:**

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

Meeting adjourned at 6:18 p.m.

  
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Kent E. Ewing, Mayor

ATTEST:

  
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Kathleen J. Welfl, City Clerk

