

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, NOVEMBER 27, 2023

A regular meeting of the City Council of Gering, Nebraska was held in open session on November 27, 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. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Cowan. 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 excuse the absence of Councilmember Backus from the November 13, 2023 regular City Council meeting. Second by Councilmember Shields. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. 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 November 13, 2023 Regular City Council meeting
2. Approve Claims
3. Approve September, 2023 Financial Report

### Claims 11/14/23 – 11/27/23

24/7 FITNESS, \$226.00, AC ELECTRIC MOTOR SERVICE, \$3,807.46, ACE HARDWARE, \$38.55, ADIDAS AMERICA, INC, \$1,207.65, AMAZON CAPITAL SERVICES, \$621.46, AMERITAS LIFE INSURANCE COPR., \$600.44, AT&T MOBILITY, \$1,254.05, BENEFIT PLANS, INC, \$260.00, BENZEL PEST CONTROL, \$56.71, BLACK HILLS ENERGY, \$1,868.61, BLUFFS FACILITY SOLUTIONS, \$654.62, BORDER STATES INDUSTRIES, INC, \$757.44, BUSHNELL OUTDOOR PRODUCTS, \$829.41, CALLAWAY GOLF COMPANY, \$490.88, CITY OF GERING, \$288.42, CLARK PRINTING LLC, \$206.00, CLEVELAND GOLF/SRIXON, \$82.00, CONNECTING POINT, \$240.00, DEARBORN LIFE INSURANCE COMPAN, \$275.20, EAKES INC, \$437.70, ELAINE LAKE, \$63.80, ELITE TOTAL FITNESS, \$112.00, ELLISON, KOVARIK & TURMAN LAW, \$9,708.75, FAIRFIELD INN, \$269.90, FASTENAL COMPANY, \$968.77, FEDEX, \$170.01, FIRST NATIONAL BANK OF OMAHA, \$8,585.04, FIRST NATIONAL BANK OMAHA - POLICE, \$550.00, FLOYD'S TRUCK CENTER, INC., \$507.94, FRANK PARTS COMPANY, \$648.54, FRESH FOODS INC., \$114.91, FYR-TEK, INC., \$2,784.00, GALLS, AN ARAMARK COMPANY, \$217.67, GERING VOLUNTEER FIRE DEPT., \$17,997.00, GRAINGER, \$139.31, HAL FISHER, \$670.00, HEALTHBREAK, INC., \$595.00, HEARTLAND BANK, \$671,796.25, HIGH PLAINS SCUBA CENTER, \$11,746.37, HOME DEPOT CREDIT SERVICES, \$391.84, HOMETOWN LEASING, \$144.52, IAFC MEMBERSHIP, \$245.00, IDEAL LAUNDRY AND CLEANERS, INC., \$188.08, INDOFF INCORPORATED, \$447.86, INGRAM LIBRARY SERVICES, \$1,703.23, INTERNAL REVENUE SERVICE, \$48,739.00, INTRALINKS, INC., \$238.00, IRBY TOOL & SAFETY, \$1,886.31, J & A TRAFFIC PRODUCTS, \$855.00, JB'S MEXICAN RESTAURANT, \$300.00, JOHN HANCOCK USA, \$16,970.86, JOHN HANCOCK USA FIRE, \$761.78, JOHN HANCOCK USA POLICE, \$8,889.59, JOHNSON CORROSION ENGINEERING, \$897.00, JOHNSON CASHWAY CO., \$54.19, LEE ENTERPRISES, \$328.71, LOGOZ LLC, \$2,650.00, MATT FRIEND TRUCK EQUIP, \$350.70, MEAT SHOPPE, \$23,800.54, MENARDS, \$627.30, MIDWEST CONNECT, \$3,401.77, MUNICIPAL ENERGY AGENCY OF NE, \$296,588.01, MUNICIPAL SUPPLY, INC. OF NE., \$8,493.67, NEBRASKA CHILD SUPPORT PAYMENT CENTE, \$714.93, NEBRASKA DEPT OF REVENUE, \$434.61, NEBRASKA DEPT. OF REVENUE, \$61,038.04, NEBRASKA GAME & PARKS, \$88.37, NEBRASKA LIBRARY COMMISSION, \$806.10, NEBRASKA PUBLIC HEALTH

ENVIRO LAB, \$525.00, NEBRASKA PUBLIC POWER DISTRICT, \$1,845.02, NEBRASKA RURAL RADIO ASSOC., \$583.18, NEBRASKA SAFETY AND FIRE EQUIPMENT, INC, \$1,470.50, NEBRASKA SALT AND GRAIN CO., \$4,786.96, NMC INCORPORATED, \$1,073.87, NORTHSIDE MOBILE HOME RANCH, \$614.00, NORTHWEST PIPE FITTINGS, INC, \$13.86, PANHANDLE COOP ASSOCIATION, \$2,794.30, PANHANDLE ENVIRONMENTAL SERVICE, INC., \$860.00, PANHANDLE HUMANE SOCIETY, \$3,168.50, PANHANDLE PARTNERSHIP FOR, \$2,019.84, PEACEFUL PRAIRIE NURSERY, INC., \$507.00, POWER MANAGER, \$2,394.24, POWER SCREENING, LLC, \$266.35, PT HOSE AND BEARING, \$276.30, PVB VISA, \$21,431.68, QUADIENT POSTAGE FUNDING, \$50.87, REGIONAL CARE INC., \$73,025.37, REGIONAL WEST MEDICAL CENTER, \$26.17, RIVERSTONE BANK, \$624.62, RVW INC, \$3,000.00, SANDRY FIRE SUPPLY, \$82.10, SARAH WYNN, \$425.00, SCB. COUNTY AMBULANCE SERVICE, \$316.23, SCOTTS BLUFF COUNTY COURT, \$17.00, SCOTTS BLUFF COUNTY TREASURER, \$4,048.43, SCOTTSBLUFF-GERING UNITED WAY, \$221.25, SE CONSTRUCTION, LLC, \$27,800.00, SENIOR CITIZENS CENTER, \$1,000.00, SHAWNA WINCHELL, \$560.00, SIMMONS OLSEN LAW FIRM, P.C., \$1,867.50, STATE FIRE MARSHAL TRAINING DI, \$350.00, TERRY CARPENTER, INC., \$650.00, VALLEY AUTO LOCATORS LLC, \$1,993.50, W & R INC., \$1,213.74, WESCO RECEIVABLES CORP., \$18,995.25, WESTERN COOPERATIVE COMPANY, \$14,687.49, WESTERN NEBRASKA TOURISM COALI, \$250.00, WESTERN SUGAR, \$1,041.04, WYOMING NEWSPAPERS INC., \$555.00, YMCA OF SCOTTSBLUFF, \$1,007.00, Total, \$1,422,321.03

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

#### **BIDS/PROPOSALS:**

##### **1. Approve purchase of Current Production Model Side Dump Trailer, Sanitation and Transportation Departments**

Steve Mount, Environmental Services Director, stated on November 15 staff opened bids for a 2024 Current Production Model Side Dump Trailer. Floyd's Truck and Trailer Sales was the only bidder. \$42,500 was budgeted for the purchase out of both the Sanitation and Street Department budgets. The trailer that was bid met the required specifications. It will be received in less than 90 days and be used for snow removal, hauling gravel or dirt and more. Staff are requesting approval of this purchase.

Councilmember Bohl declared a perceived conflict of interest on Bid Items #1 and #2 due to his employment with Floyd's Truck Center. City Attorney Ellison stated that there is not a legal conflict of interest but if it's perceived, Councilmember Bohl may elect to not vote, or vote, whichever he chooses.

**Motion by Councilmember Gillen to approve the purchase of a 2024 Jet 33cy Tandem Axle Side Dump Trailer from Floyd's Truck and Trailer Sales in the amount of \$67,655.00. Seconded by Councilmember Wiedeman. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

##### **2. Approve purchase of Current Production Model Hydraulic Detachable Gooseneck Trailer, Sanitation and Transportation Departments**

Steve Mount stated that bids for a Gooseneck Trailer were opened shortly after the Side Dump Trailer bid. The bid came in at \$99,894, a little over budget - \$75,000 was budgeted. With the excess staff had budgeted for the Side Dump Trailer, there was roughly \$7500 remaining which is available in the Sanitation Department Capital Equipment Outlay Budget, which will cover that. This trailer can be used to haul the dozer for wildland fires or the excavator or anything else that needs hauled for the City. The specs came in great on this bid, he added.

**Motion by Councilmember Morrison to approve the purchase of 2024 Jet 45-ton Hydraulic Detachable Gooseneck Trailer from Floyd's Truck and Trailer Sales in the amount of \$99,894.00. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

### **3. Approve purchase of Current Production Model Sewer Jet, Wastewater Department**

Public Works Director, Mike Davies, stated the City has a 2013 Sewer Jet. There have been a lot of repairs on it in the last five years. It's still a good truck and is used about every other day; staff have put a lot of hours on it. There aren't a lot of miles on it. It has been used in Crawford, Henry, Bridgeport, Bayard as well as Gering. He got two bids off of Sourcewell; one from MacQueen Equipment and one from Kois Brothers for a 2024 model. Staff recommends approving the bid from MacQueen Equipment which is a Vactor 2100, he further explained the boom and why it's easier on staff to use. He'd like to get some additional options for roughly \$10,000 such as aluminum hydro excavation wands, an extra 600-foot hose reel, and a new jetter head. Staff recommends accepting the MacQueen Equipment bid of \$542,039.13; it will arrive in December of 2023 if approved at this meeting (roughly two weeks). Staff will keep the 2013 Sewer Jet as a backup. Councilmember Bohl asked about Sourcewell bids; he wanted to know what kind of price protection or guarantee is provided with those. Mr. Davies replied that most of them, like MacQueen and Kois Brothers, are about a \$30,000 discount through Sourcewell on cab, chassis and body together – the full combination.

**Motion by Councilmember Gillen to approve the purchase of a 2024 Vactor 2100I Sewer Jet/Vac with a Freightliner 114SD from MacQueen Equipment in the amount of \$542,039.13 and an additional \$10,000 for equipment. Seconded by Councilmember Shields. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison. "NAYS": Bohl. Abstaining: None. Absent: Cowan. Motion carried.**

### **4. Approve purchase of Toro Groundsmaster 4000 D Wide Area Mower, Parks Department**

Parks and Recreation Director, Amy Seiler, addressed Council and stated that staff sought quotes for a new wide-area mower from LL Johnson (Toro Distributor out of Colorado) and from 21<sup>st</sup> Century Equipment. Staff requests approval for the purchase for a 2024 Toro T4 Groundsmaster 4000D Wide Area Mower which would replace a 2010 John Deere 1600 Turbo mower that has approximately 4000 hours on it. The 2010 John Deere will be repaired and used as a weed mower. The cost for the 4000D mower through LL Johnson is \$89,684.65. It includes a two-year warranty or 1500 hours. Both quotes were received through Sourcewell. City Attorney Ellison asked Ms. Seiler to explain why staff would like to purchase the higher-priced mower. Ms. Seiler stated that staff have used both types of mowers at the golf course and in the Parks Department. Staff have found that Toro mowers use half as much fuel as John Deere mowers. John Deere does have some newer technology, but staff's experience has been that Toro uses half as much fuel. There have also been considerable repair costs on John Deere mowers. Staff believe that the Toro mower is better fit to mow sports turfs and that this would be the better product long-term for the Parks Department.

Councilmember Shields stated that she really likes to stay local when possible. She asked if staff were able to talk to 21<sup>st</sup> Century about the issues to see if this newer mower maybe wouldn't have as many problems as the other ones did. Ms. Seiler replied that last year staff visited with them and they do have some newer technologies. Staff are hesitant because she's not sure the issues have been fixed and there have been issues with how they have been repaired. Councilmember Shields asked if there are any other local dealers that sell the desired brand. Ms. Seiler replied no; they are only in regions and the supplier for Toro in this region is out of Colorado. Councilmember Morrison asked if staff had put together the information about what had been spent on repairs for the John Deere mowers. Ms. Seiler replied that staff does not have that information together, they are still working on it. She would not want to speak with general terms. The issue that had to be fixed with one of the mowers was hydraulics; it will cost approximately \$6000 to repair. Just the way the John Deere is built, it's harder for staff to get in there to get it repaired – it has to be torn apart and put back together. The turbo has gone out twice on one of the newer mowers; they have a lot of issues. Councilmember Morrison stated that the extra being spent on the Toro will more than make up for what will be spent, hopefully, for repairs on a John Deere. Ms. Seiler replied there is a difference of \$20,000. She thinks that will probably be made up in repairs; the fuel savings will be significant as well. Staff are balancing those issues when making this recommendation. Councilmember Bohl asked if there would be an opportunity to purchase an extended warranty on a John

Deere that would negate some of that difference. Ms. Seiler replied that she never asked because she's not a fan of that.

**Motion by Councilmember Morrison to approve the purchase of a 2024 Toro T4 Groundsmaster 4000D Wide Area Mower from LL Johnson Distributing through Sourcewell in the amount of \$89,684.65. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Gillen, Backus, Wiedeman, O'Neal, Morrison. "NAYS": Shields, Bohl. Abstaining: None. Absent: Cowan. Motion carried.**

#### **5. Approve bid for Administrative Building Roof Replacement**

City Engineer, Annie Folck, stated as Council is aware, there was a pretty major hail storm. This is the first of several roof replacement bids, but it's a little more pressing as staff are concerned that with a strong wind, there could be serious issues. This bid is for the Administrative building; it's everything except for over the Council Chambers. Two bids were received; they were very close in cost. Staff are recommending that Schank Roofing be awarded the bid in the amount of \$62,792.55. It will be paid out of insurance proceeds for the 2023 hail storm. They will begin work immediately, weather permitting.

**Motion by Councilmember Gillen to approve the Administrative Building Roof Replacement Bid in the amount of \$62,792.55 from Schank Roofing. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

#### **6. Award Contract for Engineering Services for the Construction of 1.0MG Raw Water Terminal Storage Tank**

**Motion by Councilmember Gillen to table approving a Contract for Engineering Services for the Construction of 1.0MG Raw Water Terminal Storage Tank. Seconded by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

#### **CURRENT BUSINESS:**

##### **1. Approve Resolution 11-23-2 regarding Amendment to the City of Gering Police Officers' Pension Plan**

###### **RESOLUTION NO. 11-23-2**

###### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GERING, NEBRASKA:**

- Adoption of Second Amendment to the City of Gering, Nebraska Police Officers' Pension Plan: NOW, BE IT RESOLVED, that the City shall amend and it hereby does adopt, effective October 1, 2022, an amendment to the City of Gering, Nebraska Police Officers' Pension Plan (the "Plan") in the form of the Second Amendment attached hereto and by this reference fully incorporated herein. The purpose of said amendment is to adopt of the additional employer contributions set forth under the most recent applicable collective bargaining agreement.
- Authorizations: NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and other appropriate elected officials and officers of the City of Gering shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolution, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the aforesaid Plan, including such actions as may be necessary or appropriate to achieve and maintain qualification of the aforesaid Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
**MAYOR**

ATTEST:

\_\_\_\_\_  
CITY CLERK

**Motion by Councilmember O'Neal to approve Resolution 11-23-2 regarding an Amendment to the City of Gering Police Officers' Pension Plan. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

**2. Approve and authorize the Mayor to sign Interlocal Cooperation Agreement for Stormwater Specialist between the City of Scottsbluff and the City of Gering**

**Motion by Councilmember Wiedeman to approve and authorize the Mayor to sign an Interlocal Cooperation Agreement for a Stormwater Specialist between the City of Scottsbluff and the City of Gering. Seconded by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

**3. Approve holding only one regular City Council meeting in December, 2023**

**Motion by Councilmember Morrison to approve holding only one regular meeting in the month of December, 2023. Seconded by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.**

**REPORTS:**

**1. Liaison Report – Central Irrigation District, Councilmember Bohl**

Councilmember Bohl stated the following:

- There are three or four people on the board for the Central Irrigation District.
- There is a lot of behind the scenes work that happens to not only get water but to get it delivered to everybody that relies on it.
- 1.1 million-acre feet of water is what is needed to come down to get a full irrigation season.
- The work that Scott Mackrill, the ditch rider, does behind the scenes is pretty phenomenal. There is a lot of debris pulled out of the ditches every year.
- It was a good year maintenance-wise. Deliveries were good.
- Rich Hass has sat on the board for 35 years and is retiring in January of 2024.
- They have a process in place for new pivots that has to go through the board to get approved. Pivot tracks and anything, such as construction, that affects the water delivery system have to be corrected.

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

Mike Bruner, 1785 21<sup>st</sup> Street, Gering, addressed the Council and stated that he was one of the 24 people that spoke at the joint public hearing. What Administrator Heath failed to mention was that none of those 24 people spoke in favor of exceeding the allowable growth rate. And yet, in spite of that, you, as a board, unanimously, voted in favor without any discussion. Why would the State of Nebraska require you to hold a public hearing if you're not bound by the outcome. In April, 2022, the Nebraska legislature published five pages, 69 lines, of political hocus pocus, aka LB1250, with no allowance for when people say no. You might wonder why the public doesn't attend your Budget Hearings. When the day comes that they get the perception that their voice matters, people will care more; until then, it's easier for some to

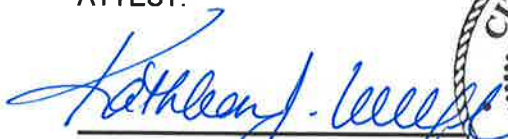
just slam you on social media. He asked what do you suppose Social Security would say if he called them and said the increase they've given him this year isn't enough, he wants more. One can simply look at the increase in Pup Packs given to our school children to see that people just can't afford it. According to the minutes at the aforementioned meeting, it took the Council 34 minutes to both override the allowable growth rate and increase utility bills. Not only was there no discussion, but all of these ordinances were passed by dispensing of the statutory rule requiring them to be read fully and distinctly on three different days. What's the hurry? You're not paid by the hour. Instead of finding ways around the rules imposed on public entities, why don't you use those energies to explore ways to live with what you're given. It doesn't take an advanced degree in mathematics to see that you can only spend what you take in, unless you're the government. He said he knows the Feds have been doing it for years, but that doesn't make it right. He'd much rather Council direct their attention at conservation of resources instead of creating larger revenue streams. Which brings him to the collective bargaining agreement with the Police Officers' Association. He doesn't wish to imply that our first responders aren't worth it, they're worth their weight in gold. But they bargained for and each party agreed with a 3% increase, but in mid-contract, Council increased it to 5%. He knows with the expiration of a contract, one of the first things you do in negotiations is agree on what each side thinks is fair. It can change with each collective bargaining agreement. You think by giving them more than they agreed to they'll cut you some slack next time? He went on to talk about the citizens of the city wanting to maintain the level of service they've come to expect. When you're driving around next time, look for the red-painted curb near the fire hydrants. The ones in his neighborhood are faded out to near obscurity. It used to be that the alleys were graded once a year. His hasn't seen a blade in a long time. And don't bring up street sweepers; he lives in a cul-de-sac. But yet you spend \$38,000 for a second GPS unit at the landfill to make their job easier. Money that would have been better spent toward designing a transfer station out by the lagoons as you'll never get a new landfill built despite spending untold thousands of dollars to study an issue someone in the private industry has already solved without putting a garbage dump in the shadow of a national monument. During the public hearing, a number of people went off-topic complaining about a number of things like mail delivery to not being able to buy clothes, so he doesn't want to continue to find fault with the performance of the City of Gering. He loves this town, but he does want Council to be more aware of living within their means.

**ADJOURN:**

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

The meeting adjourned at 6:35 p.m.

ATTEST:

  
Kathleen J. Weffl, City Clerk



  
Kent E. Ewing, Mayor