

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, October 23, 2023

A regular meeting of the City Council of Gering, Nebraska was held in open session on October 23, 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 Shields to excuse the absence of Councilmember Bohl from the October 9, 2023 regular City Council meeting. Second 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.

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 October 9, 2023 Budget Work Session
2. Approve Claims

Claims 10/10/23 - 10/23/23

21ST CENTURY EQUIPMENT \$137.37, 24/7 FITNESS \$226.00, A & A PORTA POTTIES \$450.00, ACE HARDWARE \$1,575.72, ACUSHNET COMPANY \$511.72, ALLAN D MITCHELL \$1,539.68, ALTEC INDUSTRIES, INC. \$500.09, AMAZON CAPITAL SERVICES \$2,111.86, AMERICAN BUS ASSOCIATION \$650.00, AMERICAN LEGAL PUBLISHING \$450.00, AMERITAS LIFE INSURANCE COPR. \$611.64, APPLIED CONCEPTS, INC. \$7,050.00, AT&T MOBILITY \$1,172.75, AXON ENTERPRISE, INC \$33,048.24, B & C STEEL \$3,142.20, B & H INVESTMENTS, INC \$300.00, BEELINE SERVICE NC \$170.00, BENZEL PEST CONTROL \$100.05, BLACK HILLS ENERGY \$11.07, BLUFFS FACILITY SOLUTIONS \$428.96, BORDER STATES INDUSTRIES, INC \$6,436.91, CALLAWAY GOLF COMPANY \$641.54, CENTURYLINK \$666.88, CITY OF GERING \$541.38, CITY OF SCOTTSBLUFF \$4,000.00, CLARITA WALKER \$899.93, CLARK PRINTING LLC \$435.10, CNA SURETY DIRECT BILL \$750.00, CONNECTING POINT \$14.34, CONSUMER REPORTS \$30.00, CONTRACTORS MATERIALS, INC. \$37.90, CORE & MAIN LP \$2,541.84, COULTER INC. \$1,745.46, CRESCENT ELECTRIC SUPPLY CO. \$47.48, CROELL, INC \$367.00, CROWNE PLAZA-KEARNEY \$189.00, DEMCO, INC \$407.07, DOOLEY OIL \$397.30, DUSTIN KINNAN \$326.00, DUTTON-LAINSON COMPANY \$4,646.57, DYNAMIC BRANDS LLC \$1,038.63, ELITE TOTAL FITNESS \$112.00, ELLISON, KOVARIK & TURMAN LAW \$9,182.70, ESC ENGINEERING \$4,545.00, EXPRESS TOLL \$31.85, FASTENAL COMPANY \$384.32, FAT BOYS TIRE & AUTO \$35.02, FERGUSON SIGNS \$510.00, FIRST NATIONAL BANK OF OMAHA \$9,084.61, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$2,695.80, FRANK PARTS COMPANY \$814.48, FYR-TEK, INC. \$1,443.35, GERING VALLEY PLUMBING & HTG., INC. \$41,759.07, GERING VOLUNTEER FIRE DEPT. \$207.00, GREATAMERICA FINANCIAL SERVICE \$100.00, GROUND UP CONSTRUCTION & CLEAN \$678.50, HARBOR FREIGHT TOOLS \$132.36, HENSLEY BATTERY, LLC \$271.86, HODGES & IRVINE \$335.00, HOMETOWN LEASING \$144.52, IDEAL LAUNDRY AND CLEANERS, INC. \$273.27, IMPERIAL PUMP SOLUTIONS \$1,549.64, INDEPENDENT PLUMBING & HEATING \$29.37, INDOFF INCORPORATED \$264.45, INTERNAL REVENUE SERVICE \$50,709.98, INTERNATIONAL INST OF MUNICIPAL \$360.00, INTRALINKS, INC. \$8,925.13, JEROLD E HIGEL \$1,015.00, JOHN HANCOCK USA \$16,939.39, JOHN HANCOCK USA FIRE \$761.78, JOHN HANCOCK USA POLICE \$9,110.14, JOHNSON CASHWAY CO. \$116.98, JONES & BARTLETT LEARNING \$485.77, KAY PARK & RECREATION \$10,105.00, KLAAS STRUCTURAL ENGINEERING, L \$780.00, LEAGUE ASSOC./RISK MANAGEMENT \$717,607.51, LEE ENTERPRISES \$417.18, MEAT SHOPPE \$20,928.78, MENARDS \$703.89, MOBIUS COMMUNICATIONS

COMPANY \$30.00, MODERN MARKETING \$269.66, MOTOR FUELS DIVISION \$2,221.00, MUNICIPAL ENERGY AGENCY OF NE \$303,397.87, MUNICIPAL SUPPLY, INC. OF NE. \$1,354.69, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$823.63, NEBRASKA DEPARTMENT OF REV (PR) \$14,337.88, NEBRASKA DEPT OF REVENUE \$682.67, NEBRASKA DEPT. OF REVENUE \$74,786.12, NEBRASKA LIFE MAGAZINE \$30.00, NEBRASKA PUBLIC POWER DISTRICT \$2,838.33, NEBRASKA RURAL RADIO ASSOC. \$583.18, NEBRASKA STATE TREASURER \$1,678.16, NEBRASKA STATEWIDE ARBORETUM \$130.00, NEMNICH AUTOMOTIVE LLC \$444.69, NKC TIRE \$110.00, NORTHWEST PIPE FITTINGS, INC \$266.25, PANHANDLE AREA DEVELOPMENT \$7,536.32, PANHANDLE COOP ASSOCIATION \$2,834.04, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$779.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PATTLEN ENTERPRISES, INC \$1,276.12, PAUL REED CONSTRUCTION & SUPP \$396.95, PERMA-BOUND \$27.04, PING INC \$176.80, PRAISE WINDOWS \$600.00, PREVENTION \$36.00, PRINT BROKER \$3,504.58, PT HOSE AND BEARING \$346.40, PVB VISA \$7,322.21, QUADIENT LEASING USA \$840.00, RECOVERY SYSTEMS COMPANY, INC \$3,398.80, REGIONAL CARE INC. \$87,267.82, RIVERSTONE BANK \$617.91, SANDBERG IMPLEMENT, INC. \$439.51, SARAH WYNN \$425.00, SCB CO PUBLIC TRANSIT \$5,000.00, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCB. COUNTY SHERIFF OFFICE \$87.84, SCHOLASTIC INC. \$1,088.00, SCOTTS BLUFF COUNTY COURT \$93.00, SCOTTSBLUFF-GERING UNITED WAY \$221.25, SCS ENGINEERS \$1,375.00, SENIOR CITIZENS CENTER \$1,000.00, SETH HOLTHUS \$134.99, SHAWNA WINCHELL \$950.00, SHERRY PRESTON \$115.41, SIMMONS OLSEN LAW FIRM, P.C. \$1,500.00, SIMON CONTRACTORS \$4,790.40, SMART APPLE MEDIA \$69.85, SOUTHWESTERN EQUIPMENT COMPANY \$7,878.66, TERRY CARPENTER, INC. \$650.00, TORRINGTON SOD FARMS \$233.00, TRANSUNION RISK AND ALTERNATIV \$75.00, TRAVIS MATHEW \$1,605.00, TYLER TECHNOLOGIES \$5,018.75, TYNDALE \$715.85, USA BLUE BOOK \$40.28, UTILITY BILL REFUNDS \$6,465.91, VALLEY AUTO LOCATORS LLC \$492.12, VANTAGE APPAREL \$1,100.54, VERIZON CONNECT \$38.38, W & R INC. \$6,380.38, WESTERN COOPERATIVE COMPANY \$11,127.17, WESTERN PATHOLOGY CONSULTANTS \$632.00, YMCA OF SCOTTSBLUFF \$1,007.00, Total \$1,579,661.52

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

PUBLIC HEARINGS:

1. Public Hearing regarding the FY 23/24 One and Six Year Street Improvement Plan

Mayor Ewing opened a public hearing regarding the FY23/24 One and Six Year Street Plan at 6:03 p.m. Casey Dahlgren, Transportation Superintendent, addressed the Council. In addition to the written plan, maps were provided to the Council.

**City of Gering
One and Six Year Street Program 2024**

One Year Plan

Project/Priority #	Street/Description	Est. Cost
GER (10-2020)	17th Street from 955 17th South to D Street 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 4 ADA Handicap Ramps	\$ 210,100
GER (2-2022)	Crescent Drive 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement	\$ 139,000
	Total:	\$ 349,100

Six Year Plan

Project/Priority #	Street/Description	Est. Cost
GER (3-2022)	Lockwood Road from Old Oregon Trail Road South to City Limit 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement	\$ 315,000
GER (8-2020)	Arroyo Road 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 5 ADA Handicap Ramps	\$ 242,000
GER (9-2020)	Hackberry Drive from Old Oregon Trail Road North to Cross Pan 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement	\$ 50,100

GER (1-2023)	7th Street from M Street South to Concrete Pavement 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 10 ADA Handicap Ramps	\$ 252,500
GER (2-2023)	Country Club Road West of Five Rocks 2" Mill and Overlay of Existing Asphalt Pavement Including Installation of 11 ADA Handicap Ramps	\$ 761,400
GER (1-2021)	M Street from 11th Street East to City Limits 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 19 ADA Handicap Ramps Including Preformed Pavement Marking	\$ 2,445,000
GER (11-2020)	10th Street from Union Pacific Railroad Tracks to Stable Club Road 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of New Curb/Gutter and Sidewalk	\$ 2,321,000
GER (1-2024)	Nelson Avenue 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 9 ADA Handicap Ramps	\$ 204,100
GER (2-2024)	Q Street from 15th to 19th Street 2" Mill and Overlay of Existing Deteriorated Asphalt Pavement Including Installation of 20 ADA Handicap Ramps	\$ 312,200
	Total	\$6,903,300

Councilmember Wiedeman stated that there are a lot of potholes due to rain; will the Transportation Department be filling those in? Superintendent Dahlgren replied yes, if they can get some hot asphalt.

Mayor Ewing asked twice if there was anyone in the Council Chambers wishing to speak regarding the FY23/24 One and Six Year Street Improvement Plan. Seeing none and with no further comments, the administrative record was closed and the public hearing closed at 6:06 p.m.

Motion by Councilmember Gillen to approve the FY23/24 One and Six year Street Plan. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called the vote. "AYES": Shields, Gillen, Backus, Bohl, Wiedeman, O'Neal, Morrison. "NAYS": None. Abstaining: None. Absent: Cowan. Motion carried.

1a. Approve Resolution 10-23-2 authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards 2023

**RESOLUTION 10-23-2
Signing of the Municipal Annual Certification of Program Compliance 2023**

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, Section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor of Gering is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this ____ day of _____, 2023 at Gering, Nebraska.

City Council Members:

Rebecca Shields	Susan Wiedeman
Michael Gillen	Pam O'Neal
Ben Backus	Julie Morrison
Cody Bohl	Troy Cowan

City Councilmember _____ moved the adoption of said resolution. Member _____ seconded the motion. Roll call: ___Yes ___No ___Abstained ___Absent. Resolution adopted, signed and billed as adopted.

Attest:

(Signature of Clerk)

Motion by Councilmember Gillen to approve Resolution 10-23-2 authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards 2023. Second by Councilmember Bohl. 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 10-23-3 regarding Trustee of the City of Gering, Nebraska Firefighters' Pension Plan

ADOPTING RESOLUTION 10-23-3

The undersigned Representative of the City of Gering, Nebraska (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on _____, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that effective _____ the individual listed below will be appointed Trustee of the City of Gering, Nebraska Firefighters' Pension Plan (the "Plan"):

1. Lyndsey Mathews, Finance Director

These individual(s) are authorized to represent and to act for and on the behalf of the City's matters falling within the scope of the functions and duties as outlined under the Plan.

RESOLVED, that the undersigned is hereby authorized to execute, on behalf of the Employer, all documents necessary to effect the changes authorized herein.

PASS AND APPROVED this _____ day of October, 2023

Kent E. Ewing, Mayor
City of Gering

ATTEST:

Kathleen Welfl, City Clerk
City of Gering

Motion by Councilmember Morrison to approve Resolution 10-23-3 regarding Trustee of the City of Gering, Nebraska Firefighters' Pension Plan. Second 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 Resolution 10-23-4 regarding Trustee of the City of Gering, Nebraska Police Officers' Pension Plan

ADOPTING RESOLUTION 10-23-4

The undersigned Representative of the City of Gering, Nebraska (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on _____, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that effective _____ the individual listed below will be appointed Trustee of the City of Gering, Nebraska Police Officers' Pension Plan (the "Plan"):

1. Lyndsey Mathews, Finance Director

These individual(s) are authorized to represent and to act for and on the behalf of the City's matters falling within the scope of the functions and duties as outlined under the Plan.

RESOLVED, that the undersigned is hereby authorized to execute, on behalf of the Employer, all documents necessary to effect the changes authorized herein.

PASS AND APPROVED this _____ day of October, 2023

Kent E. Ewing, Mayor
City of Gering

ATTEST:

Kathleen Welfl, City Clerk
City of Gering

Motion by Councilmember O'Neal to approve Resolution 10-23-4 regarding the Trustee of the City of Gering, Nebraska Police Officers' Pension Plan. 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.

3. Approve Lyndsey Mathews as Trustee of the Gering Fire Department Volunteer Incentive Program

Motion by Councilmember Gillen to approve Lyndsey Mathews as Trustee of the Gering Fire Department Volunteer Incentive Program. Second 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.

REPORTS:

1. Liaison Report – Valley Visions, Councilmember Wiedeman

Councilmember Wiedeman stated that Valley Visions is a committee with the Scottsbluff/Gering Chamber of Commerce. She reported the following from their last meeting on September 27:

- Downtown Gering Trick or Treat will be October 31st from 3-5 p.m.
- They discussed the Oktoberfest scheduled at the Civic Plaza on October 14.
- Midwest Farm Equipment, on North 10th Street, is almost done with their remodel.
- Activate Scottsbluff/Gering has been working with Valley Visions (she and Annie Folck are both on that committee). On August 28, Annie Folck, Mike Minzey and Councilmember Wiedeman walked the pathway from the U Street trailhead to the YMCA and looked at the signage, ramps onto the streets and curb cuts. A lot of the signage on Country Club Road and other areas needs to be redone, or directional signage needs to be added. Mike indicated that Terrytown is onboard with updating the signage on the pathway. Valley Visions has about \$11,000 they want to go to signage. They can probably get another couple thousand from Activate Scottsbluff.
- Deb Cottier secured letters from Senator Fischer to request \$20,000,000 for the Heartland Expressway.

- Green is Good - Keep Scottsbluff/Gering Beautiful will have another pharmaceutical takeback event coming at the Uptown Mall in Scottsbluff.
- The new pickleball courts opened in Gering and are being used frequently.
- There is a survey being conducted regarding the Five Rocks Amphitheater.

OPEN COMMENT: Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. None.

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 6:22 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk




Kent E. Ewing, Mayor