

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, OCTOBER 9, 2023

A regular meeting of the City Council of Gering, Nebraska was held in open session on October 9, 2023 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember Bohl. 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 Wiedeman made a motion to approve the absence of Councilmember O'Neal from the September 25, 2023 regular City Council meeting. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. 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 September 25, 2023 Regular City Council meeting
2. Approve Claims

Claims 9/26/23 to 10/9/23

ABC BROKERAGE, LLC \$26,434.40, ACE HARDWARE \$211.79, ACUSHNET COMPANY \$151.43, AIR MED CARE NETWORK \$9,815.00, ALLO COMMUNICATIONS \$3,200.85, AMAZON CAPITAL SERVICES \$4,808.12, AMERITAS LIFE INSURANCE COPR. \$592.48, AT&T MOBILITY \$247.39, AULICK INDUSTRIES \$7,799.20, BENZEL PEST CONTROL \$221.71, BLACK HILLS ENERGY \$41.49, BLUFFS FACILITY SOLUTIONS \$458.74, BORDER STATES INDUSTRIES, INC \$18.43, BRETHOURS HONEYWAGON EXPRESS \$200.00, CALLAWAY GOLF COMPANY \$794.48, CELLI'S CYCLE CENTER \$869.94, CENGAGE LEARNING/GAGE \$202.32, CHRISTIE CLARKE \$132.00, CITY OF GERING \$28,179.23, CLARK PRINTING LLC \$607.05, CLEVELAND GOLF/SRIXON \$268.00, COBRA PUMA GOLF, INC. \$1,031.84, CONNECTING POINT \$18.32, CONTRACTORS MATERIALS, INC. \$156.40, CORE & MAIN LP \$9,169.86, COZAD SIGNS, LLC \$950.00, CROELL, INC \$382.50, DEARBORN LIFE INSURANCE COMPAN \$113.52, DIRT STIX NURSERY \$235.00, DOOLEY OIL \$388.40, DUTTON-LAINSON COMPANY \$449.89, EAKES INC \$211.57, ECOLAB \$401.13, EJS SUPPLY, LLC \$25,774.00, FASTENAL COMPANY \$556.57, FIRST NATIONAL BANK OF OMAHA \$7,804.61, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FISHER ROOFING & RESTORATION \$4,354.29, FLOYD'S TRUCK CENTER, INC. \$34.79, FRANK PARTS COMPANY \$280.65, GALLS, AN ARAMARK COMPANY \$116.85, GEOLOGIC COMPUTER SYSTEMS \$38,588.00, GWORKS \$6,057.00, HAYLEY GRAMS \$132.00, HEARTLAND EXPRESSWAY \$60.00, HERSTEAD MONUMENT CO. \$2,000.00, HOMETOWN LEASING \$144.52, HULLINGER GLASS & LOCKS, INC. \$133.00, HYDRO OPTIMIZATION & AUTOMATION \$742.90, IDEAL LAUNDRY AND CLEANERS, INC. \$173.77, INDEPENDENT PLUMBING & HEATING \$900.00, INDOFF INCORPORATED \$1,450.84, INFINITY CONSTRUCTION INC. \$103,255.30, INGRAM LIBRARY SERVICES \$1,700.67, INTERNAL REVENUE SERVICE \$48,239.11, INTRALINKS, INC. \$19,558.90, ITRON, INC. \$3,306.39, JACK'S UNIFORMS & EQUIPMENT \$9,375.36, JIRDON AGRI CHEMICALS, INC \$33,416.66, JOHN HANCOCK USA \$16,490.28, JOHN HANCOCK USA FIRE \$725.54, JOHN HANCOCK USA POLICE \$8,583.10, JUNIOR LIBRARY GUILD \$24.00, JUSTIN BERNHARDT \$125.00, KIRA PEREZ \$132.00, LEE ENTERPRISES \$146.03, MAC EQUIPMENT \$66.76, MALY MARKETING \$300.00, MARK CHRISMAN TRUCKING \$22,384.45, MASEK DISTRIBUTING INC \$665.00, MATHESON TRI-GAS INC \$163.20, MEAT SHOPPE \$20,947.15, MENARDS \$191.21, MIDTOWN ANIMAL HOSPITAL, P.C. \$49.50, MIDWEST CONNECT \$6,131.33, MILLER & ASSOCIATES CONSULTING ENGINEERS, P.C. \$1,800.00, MUNICIPAL SUPPLY, INC. OF NE. \$1,036.79, MUTUAL OF OMAHA \$4,408.75, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$571.63, NEBRASKA DEPT OF ENVIRONMENT AND EN \$12,124.20, NEBRASKA MUNICIPAL CLERK ASSOC \$200.00, NEBRASKA RURAL WATER ASSOC. \$2,150.00, NEBRASKA STATEWIDE ARBORETUM \$220.00, NEMNICH AUTOMOTIVE LLC \$3,236.99, NMC INCORPORATED \$1,768.19, NOAH'S ARK

ANIMAL WORKSHOP \$279.80, NORTHWEST PIPE FITTINGS, INC \$454.36, ONE CALL CONCEPTS, INC \$141.12, OPEN A NINE, LLC \$3,177.56, OREGON TRAIL COMMUNITY FOUNDAT \$12,000.00, PANHANDLE COOP ASSOCIATION \$8,223.19, PANHANDLE ENVIRONMENTAL SERVICE, INC. \$1,752.00, PING INC \$1,141.94, POWERPLAN OIB \$9.66, PT HOSE AND BEARING \$934.27, REGIONAL CARE INC. \$102,201.83, RIVERSTONE BANK \$587.58, RON'S TOWING & RECOVERY, LLC \$450.00, SANDBERG IMPLEMENT, INC. \$2,837.91, SCOTTSBLUFF-GERING UNITED WAY \$221.25, SETCO, INC. \$2,415.06, SHAWNA WINCHELL \$940.00, SHERRY PRESTON \$240.00, SIMON CONTRACTORS \$4,742.40, SOUTHWESTERN EQUIPMENT COMPANY \$6,731.85, STEVE SCHNEIDER \$150.00, TAMMIE GITSCHER \$132.00, TAYLOR MADE GOLF COMPANY \$536.24, TEAM CHEVROLET \$375.00, THE TORO COMPANY \$175.00, TOYNE, INC. \$363.28, TRANSWEST \$110.55, TYNDALE \$1,195.37, UTILITY BILL REFUNDS \$501.85, VALLEY AUTO LOCATORS LLC \$96.41, VERIZON CONNECT \$38.38, VERIZON WIRELESS SERVICES, LLC \$630.26, WARRIOR RUN \$797.53, WESTERN COOPERATIVE COMPANY \$2,313.39, WESTERN UNITED ELECTRIC \$1,693.62, ZIMCO SUPPLY CO \$7,840.00, Total \$678,574.42

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

BIDS/PROPOSALS:

1. Consider approval of Fuel Bids

Engineer Folck stated that the City advertised (again) for bids for winter fuel. This was done a month ago, but prices were a little high at that time. They're a little lower now. The price was about \$.10 cheaper on diesel and \$.16 cheaper on gasoline. The City received two bids from Westco and Panhandle Coop. The low bid was from Westco, with a price of \$4.095/gallon for #1 Diesel, \$3.495/gallon for #2 Diesel, and \$3.065/gallon for gasoline. Staff recommends awarding the winter fuel bid to Westco. Councilmember Morrison asked if the City held off a little longer, would the prices go down or up? Engineer Folck replied that they fluctuate, but with all the unrest in the Middle East, there's a lot more chance of things going up than down, but it's anyone's guess.

Councilmember Shields asked if there would be a potential conflict of interest for her to vote since her husband works for Westco. City Attorney, Jim Ellison, replied that there is not a conflict of interest, she can abstain, but not legally required to.

Councilmember Gillen made a motion to award the Fall 2023 Fuel Bid to Westco as follows: \$4.095 per gallon for #1 Diesel for a total amount of \$99,918, \$3.495 per gallon for #2 Diesel for a total of \$6,990 and \$3.065 per gallon for gasoline for a total amount of \$42,910. Second by Councilmember Shields. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion Carried.

CURRENT BUSINESS:

1. Consider Nebraska Liquor Control Commission Addition to Licensed Area Application for the Melt Fondue Restaurant, LLC at 1720 10th Street, Gering, NE

Councilmember Wiedeman clarified that this is for the front and the back and both are fenced. The applicants, Garrett and Kiesa Gardner, replied yes.

Councilmember Gillen made a motion to approve an application for an addition to the licensed area for the Melt Fondue Restaurant, LLC at 1720 10th Street in Gering. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion Carried.

2. Consider approval of a Final Plat for Lot 1, Block 1, WD Bauer Subdivision, situated in the NW¼ of Section 7, Township 21 N, Range 55 W. of the 6th P.M., Scotts Bluff County, NE

Engineer Folck stated that the City received an application for a final plat. This one's a little unique; she showed its location on the overhead screens. This property was part of a larger farm, originally. When the Expressway came through, it cut off a little corner, separating it from the remainder of the property but the property was never formally subdivided. It's still part of that farm and cannot be sold separately. Staff checked with legal and was advised that it did need to go through the subdivision process.

They have access to water along Lockwood Road; it will be on City water. It is more than 300 feet to sewer; by code if it's within 300 feet, they're required to tie into the City's sewer. Typically, the City doesn't like to subdivide if there is no access to sewer. That being said, because of the uniqueness of this property, staff believes it's appropriate to allow the applicant to subdivide it. By the City's Subdivision Code, it's more than an acre and it's on City water so a septic tank can be approved. The applicant has had a perc test done; the soils have proper drainage. A septic tank will work on that property. Staff is recommending that Council approve the final plat. The Planning Commission made a positive recommendation at their September meeting.

Councilmember Shields made a motion to approve a final plat for Lot 1, Block 1, WD Bauer Subdivision, situated in the NW¼ of Section 7, Township 21 N, Range 55 W. of the 6th P.M., Scotts Bluff County, NE. Second by Councilmember Cowan. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion Carried.

3. Motion to ratify all actions of City Administrator, Pat Heath, the City's LARM representative, identified in the minutes of the Annual Members Meeting of the League Association of Risk Management on September 27, 2023, including the election of nominees to the LARM Board of Directors

Councilmember Gillen made a motion to ratify all actions of City Administrator, Pat Heath, the City's LARM representative, identified in the minutes of the Annual Members Meeting of the League Association of Risk Management on September 27, 2023, including the election of nominees to the LARM Board of Directors. Second by Councilmember Morrison.

Discussion: Councilmember O'Neal stated that it doesn't make sense to her why this comes to Council to vote on. The meeting has already occurred. Council has complete faith in the City Administrator to function at this meeting. Council doesn't know any of the people that were approved. Administrator Heath replied that Lynn Rex, Director of the League of Municipalities, has asked that Councils ratify representatives' votes at those annual meetings. It's not every meeting, just the annual meeting. He briefly discussed what was approved at the meeting. Councilmember Backus asked, if Council didn't agree with anything, would they go back and change it? Administrator Heath replied, no. Councilmember Wiedeman stated that she thinks it could be a matter of transparency because of past actions. They probably want all the Councils to know what the City Administrator is doing in that capacity. Administrator Heath stated that that would be a fair statement.

There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion Carried.

4. Approve Resolution 10-1-23 regarding depositories and/or financial investment institutions and designated signatories

RESOLUTION 10-23-1

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

1. Platte Valley Bank, US Bank NA, First National Bank Omaha, Riverstone Bank (formerly First State Bank), all with local branches in Scotts Bluff County, Nebraska, and the Nebraska Public Agency Investment Trust (NPAIT), Heartland Trust Company, Moreton Capital Markets, LLC and Invesco, are designated as depositories and/or financial investment institutions for funds of the City of Gering, Nebraska ("City").

- a. Depository funds of the City deposited in each bank or financial institution shall be subject to withdraw upon checks, notes, drafts or other orders for the payment of money when signed on the City's behalf by any two of the following City officials:

**Kent E. Ewing
Pat Heath
Kathleen J. Welfl**

- b. All investment funds of the City held as Government Money Market Funds, Certificates of Deposit, Treasury Notes, and other authorized securities purchase by the City shall be signed by the Deputy Finance Director for the City, Cheri Hutchison, and one of the following City officials per the City's Investment Policy:

Pat Heath or Kathleen J Welfl

2. Provided, the City Treasurer/Finance Director for the City, Lyndsey Mathews and the Deputy Finance Director, Cheri Hutchison, are authorized to make ACH drafts and withdrawals for payroll, electronic claims, utility payment drafts and debt payments on behalf of the City from any of the financial institutions named in paragraph 1 of this Resolution.
3. The banks are authorized to pay all orders and receive them for the credit of or in payment from the payee or any other holder without inquiring into the circumstances of the issue or the disposition of the proceeds.
4. Platte Valley Bank is authorized to issue Visa credit cards to City personnel. The personnel to receive the cards and the credit limit on said card, shall be as approved by the City Administrator or his or her designee.
5. This resolution will revoke all prior banking resolutions and shall be delivered to all banks named in this Resolution. This Resolution will remain in effect until notice of revocation is delivered to any of these banks.

Passed, approved and effective this ____ day of October, 2023.

Kent E. Ewing, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

Councilmember Wiedeman made a motion to approve Resolution 10-23-1 regarding depositories and/or financial investment institutions and designated signatories. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion Carried.

PUBLIC HEARINGS: 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 O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Shields, Gillen, Backus, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Bohl. Motion Carried.

Meeting adjourned at 6:14 p.m.

Kent E. Ewing, Mayor

ATTEST:

Kathleen J. Welfl, City Clerk

