

## THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, MAY 28, 2024

A regular meeting of the City Council of Gering, Nebraska was held in open session on May 28, 2024 at 6:00 p.m. at Gering City Hall, 1025 P Street, Gering, NE. Present were Mayor Ewing and Councilmembers Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. Also present were City Administrator Pat Heath, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Councilmembers Shields, Backus. 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 13, 2024 Regular City Council meeting
2. Approve Claims

#### Claims 5/14/24 thru 5/28/24

21ST CENTURY EQUIPMENT \$704.24, 308 PLUMBING SOLUTIONS \$100.00, 911 CUSTOM \$1,506.37, ABSOLUTE PAINTING \$276.23, ACE HARDWARE \$270.59, ACUSHNET COMPANY \$229.37, AMAZON CAPITAL SERVICES \$395.18, AMGL \$1,120.00, ANDRES TORRES \$450.00, ARNOLD POOL COMPANY \$92.95, B & H INVESTMENTS, INC \$106.00, B & S RASK GRILL \$420.00, BAD BIRDIE GOLF \$1,197.00, BENJAMIN CRAIG \$162.63, BENZEL PEST CONTROL \$321.76, BLACK HILLS ENERGY \$1,155.29, BLUFFS FACILITY SOLUTIONS \$701.05, BORDER STATES INDUSTRIES, INC \$6,528.91, CALLAWAY GOLF COMPANY \$2,170.25, CITY OF GERING \$24,679.91, CITY OF SCOTTSBLUFF \$10,899.00, CLARK PRINTING LLC \$472.68, COLUMN SOFTWARE, PBC \$433.34, CONNECTING POINT \$900.48, CONSOLIDATED MANAGEMENT COMPAN \$254.45, COZAD SIGNS, LLC \$585.00, CROELL, INC \$11,362.00, CROSSROADS COOPERATIVE \$32,531.25, CS PRECISION MANUFACTURING \$18,380.57, DANKO EMERGENCY EQUIPMENT CO \$77.24, DEARBORN LIFE INSURANCE COMPAN \$147.92, DOCU-SHRED LLC \$1,069.48, DOLAN CONSULTING GROUP \$75.00, DONALD MILLER \$86.49, DUTTON-LAINSON COMPANY \$1,290.18, DYNAMIC BRANDS LLC \$593.41, EAKES INC \$225.24, ECOLAB \$330.05, ELLISON, KOVARIK & TURMAN LAW \$11,936.25, FASTENAL COMPANY \$371.09, FAT BOYS TIRE & AUTO \$727.77, FIRST NATIONAL BANK OMAHA - POLICE \$584.00, FLOYD'S TRUCK CENTER, INC. \$81.43, FRANCISCOS BUMPER TO BUMPER IN \$295.00, FRANK PARTS COMPANY \$208.26, FYR-TEK, INC. \$970.69, GALLS, AN ARAMARK COMPANY \$1,402.18, GERING VOLUNTEER FIRE DEPT. \$1,348.00, GOLF AND SPORT SOLUTIONS, LLC \$1,585.98, GREATAMERICA FINANCIAL SERVICE \$126.00, HACH COMPANY \$698.68, HARBOR FREIGHT TOOLS \$59.99, HD ARMS, LLC \$2,823.10, HOME DEPOT CREDIT SERVICES \$224.64, HOMETOWN LEASING \$150.57, IDEAL LAUNDRY AND CLEANERS, INC. \$223.69, INDEPENDENT PLUMBING & HEATING \$124.27, INDOFF INCORPORATED \$406.96, INGRAM LIBRARY SERVICES \$640.58, INTERNAL REVENUE SERVICE \$57,282.72, INTERSTATE BATTERY \$147.95, J & A TRAFFIC PRODUCTS \$1,470.00, JIRDON AGRI CHEMICALS, INC \$9,219.90, JOHN HANCOCK USA \$18,094.78, JOHN HANCOCK USA FIRE \$761.78, JOHN HANCOCK USA POLICE \$8,848.13, JOHNSON CORROSION ENGINEERING \$942.00, JUSTIN BERNHARDT \$200.00, LAKESHORE LEARNING MATERIALS \$1,499.00, LEAGUE ASSOC./RISK MANAGEMENT \$439.01, LEGACY COOPERATIVE \$3,002.02, LOGOZ LLC \$149.00, LONDON FLATS, LLC \$1,527.24, MACQUEEN EQUIPMENT, LLC \$1,719.39, MATHESON TRI-GAS INC \$64.36, MEL'S MOBILE LOCK & KEY \$103.00, MENARDS \$428.41, MIDLANDS CONTRACTING, INC \$5,471.45, MUNICIPAL ENERGY AGENCY OF NE \$607,068.37, MUNICIPAL SUPPLY, INC. OF NE. \$870.75, NEBRASKA CHILD SUPPORT PAYMENT CENTE \$714.93, NEBRASKA DEPARTMENT OF REVENUE \$150.00, NEBRASKA DEPT OF REVENUE \$839.40, NEBRASKA DEPT. OF REVENUE \$66,150.20, NEBRASKA GOLF ASSOCIATION \$4,720.00, NEBRASKA LIBRARY ASSOCIATION \$60.00, NEBRASKA PUBLIC HEALTH ENVIRO LAB \$352.00, NEBRASKA PUBLIC POWER DISTRICT \$1,916.18, NEBRASKA SAFETY AND FIRE EQUIPMENT, INC \$409.00, NMVCA \$295.00, NORTHWEST PIPE FITTINGS, INC \$911.27, O'REILLY AUTOMOTIVE STORE \$50.60, PANHANDLE

ENVIRONMENTAL SERVICE, INC. \$1,517.00, PANHANDLE HUMANE SOCIETY \$3,168.50, PAUL REED CONSTRUCTION & SUPP \$556.00, PETE'S QUICK LUBE \$53.60, PGA OF AMERICA \$614.00, PLATTE RIVER GLASS \$306.00, PLATTE VALLEY BANK \$32,718.15, POWERPLAN OIB \$6.30, PT HOSE AND BEARING \$721.80, PVB VISA \$21,138.89, RAMADA MIDTOWN CONFERENCE CENT \$1,430.55, RED BARN SHOP, LLC \$330.25, REGIONAL CARE INC. \$38,684.74, REGIONAL WEST HEALTH SERVICES \$255.00, RIVERSTONE BANK \$619.71, ROCKMOUNT RESEARCH & ALLOYS IN \$142.35, SANDBERG IMPLEMENT, INC. \$32.40, SAPP BROS \$3,088.70, SARGENT DRILLING CO. \$15,877.70, SCB. COUNTY AMBULANCE SERVICE \$316.23, SCB. COUNTY SHERIFF OFFICE \$31.20, SCOTTS BLUFF COUNTY COURT \$153.00, SCS ENGINEERS \$2,113.56, SENIOR CITIZENS CENTER \$1,000.00, SHERWIN WILLIAMS \$409.90, SIMMONS OLSEN LAW FIRM, P.C. \$2,840.00, SIMON CONTRACTORS \$11,595.90, TERESA TOSH \$26,086.25, TERRY CARPENTER, INC. \$650.00, THE CIT GROUP \$1,089.79, TORRINGTON SOD FARMS \$310.20, TOUR EDGE MFG INC \$2,087.54, TROY & LISA WEBORG \$91,444.42, UTILITY BILL REFUNDS \$483.80, TYNDALE \$1,128.64, VALLEY AUTO LOCATORS LLC \$56.47, VERIZON CONNECT \$6.04, W & R INC. \$630.00, WESTERN PLAINS CONSTRUCTION \$100.00, WINSUPPLY SCOTTSBLUFF NE CO. \$27.14, TOTAL \$1,206,990.20

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

#### **CURRENT BUSINESS:**

##### **1. Economic Development Citizens Advisory Committee Update – Galen Larson, Citizens Advisory Committee Chairman**

Economic Development Citizens Advisory Committee Chairman, Galen Larson, presented the semi-annual report. Chairman Larson stated:

*The City of Gering Economic Development Citizens Advisory Committee met on March 7 and 26 as well as April 25, 2024. The Committee was updated by staff and City Legal Counsel regarding Economic Development grants and loans. Based on the information provided, the Citizens Advisory Committee made recommendations regarding two applicants.*

*There are currently 15 applicants with outstanding Economic Development grants and loans. One applicant, Chino's Mexican Restaurant, informed the City Administrator earlier this year that their business was transitioning to a new business at the same location. The applicant met with the Citizens Advisory Committee on March 7, after which the Committee recommended that City staff and legal counsel work with the applicant to restructure their loan. Staff also talked to the owner of the new business regarding a Conditional Assumption Agreement for the job creation portion the original Economic Development Assistance Agreement. The new owner agreed to signing the Conditional Assumption Agreement. At the May 13, 2024 regular City Council meeting, Council approved a Conditional Assumption and Economic Development Agreement pertaining to this applicant and the owner of the new business at the same location. Staff, legal counsel and the Citizens Advisory Committee believe this was a positive and constructive outcome for this applicant and the City.*

*Another applicant, Gering Hospitality Group, LLC, approached the City Administrator requesting a deferment of their two LB840 loans and their Rural Economic Development RLF loan. The Citizens Advisory Committee met with the applicant on April 25, 2024. After talking to the applicant and reviewing information provided by staff, the Citizens Advisory Committee recommended a six-month deferment of all three loans. Council will consider approval of the Modification to Economic Development Assistance Agreement for the Gering Hospitality Group, drafted by City legal, on tonight's City Council agenda.*

**Motion by Councilmember Morrison to enter the Economic Development Citizens Advisory Committee Update into the public record. Second by Councilmember Wiedeman. There was no discussion. Mayor Ewing called for the vote. "AYES": Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields, Backus. Motion carried.**

##### **2. Approve and authorize the Mayor to sign Modification to Economic Development Assistance Agreement for Gering Hospitality Group, LLC**

**Motion by Councilmember Morrison to approve and authorize the Mayor to sign Modification to Economic Development Assistance Agreement for Gering Hospitality Group, LLC. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing**

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

**3. Consider approval of a Special Event Permit for a Fireworks Show at the Member/Guest Golf Tournament at Monument Shadows Golf Course on June 21, 2024**

Clerk Welfl stated that Chief Flowers has Fire Department training on Tuesday nights so he wasn't able to attend. He asked her to convey to the Council that this will be handled like it has before where he'll work with the applicants and make sure the conditions are conducive for a safe show.

**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 21, 2024 contingent upon the applicant working with the Fire Chief. Second by Councilmember Morrison. There was no discussion. Mayor Ewing called for the vote. "AYES": Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields, Backus. Motion carried.**

**4. Consider approval of a Special Event Permit for a Fireworks Show for the Allred Brothers Fireworks Show at Five Rocks Amphitheater on July 3, 2024**

**Motion by Councilmember Morrison to approve a Special Event Permit for a Fireworks Show for the Allred Brothers Fireworks Show at Five Rocks Amphitheater on July 3, 2024 contingent upon the applicant working with the Fire Chief. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields, Backus. Motion carried.**

**5. Approve Resolution 5-24-1 regarding amended fees at Five Rocks Amphitheater, the Pavilion at Five Rocks Amphitheater and Kahuna Park**

**Resolution 5-24-1**

WHEREAS, The Gering City Council, Gering, Nebraska shall amend fees at Five Rocks Amphitheater, the Pavilion at Five Rocks Amphitheater and a Kahuna Park.

WHEREAS, The Five Rocks Amphitheater, Pavilion and Kahuna Park Rates shall be as follows:

<u>Facility</u>	<u>Event type</u>	<u>Daily Rental</u>	<u>Deposit</u>	<u>Service Fee</u>
Five Rocks Amphitheater	Private	\$300.00	\$500.00	N/A
Five Rocks Amphitheater	Public	\$350.00	\$500.00	\$2.00 per ticket Through the gate
Five Rocks Amphitheater	Vendor fees	\$80.00	N/A	N/A
Pavilion only	All events	\$150.00	\$300.00	N/A
Kahuna Park only	All events	\$300.00/day	\$500.00	N/A

NOW THEREFORE BE IT RESOLVED that the City of Gering shall charge the aforementioned fees at the Five Rocks Amphitheater, Pavilion and Kahuna Park.

Adopted this 28<sup>th</sup> day of May 2024.

\_\_\_\_\_  
Kent E. Ewing, Mayor

ATTEST:

\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

**Motion by Councilmember Gillen to approve Resolution 5-24-1 regarding amended fees at Five Rocks Amphitheater, the Pavilion at Five Rocks Amphitheater and Kahuna Park.**

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

**6. Request for Public Safety Committee meeting – Agenda items: 1.) Street names and addressing on M Street, 2.) Discussion of proposed ordinance for food truck vendors**

Motion by Councilmember Cowan to approve a request for a Public Safety Committee meeting with agenda items: 1.) Street names and addressing on M Street, 2.) Discussion of proposed ordinance for food truck vendors. Second by Councilmember O'Neal. There was no discussion. Mayor Ewing called for the vote. "AYES": Gillen, Bohl, Wiedeman, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Shields, Backus. Motion carried.

**REPORTS:**

**1. Liaison Report - Airport Authority, Councilmember Bohl**

Councilmember Bohl reported the following:

- Effective May 1, The TSA reimbursement for the LEO (Law Enforcement Operation) Program stopped. Law enforcement will no longer be reimbursed by the federal government for the time they spend at the airport. The County Sheriff has reassured the Airport Authority that nothing will change, they will continue to do things the same way they've done it the last number of years. U.S. Congressman, Adrian Smith, has been notified.
- There was a lightning strike that hit Runway 1-2 and blew a pretty big hole in the runway. It will get permanently repaired when they go back and continue with runway repairs that they'll have moving forward.
- They had discussions about insurance; of the 55 buildings the County owns, 35 are at the airport.
- Along with insurance, the T-hanger insurance is the now the responsibility of the airport. There was discussion around taking that insurance premium that the County was paying and passing it along to some of the tenants that are in the T-hangers.
- Through March, there were 2434 boardings for the year.
- Hertz is looking at more garage space to protect cars during the hail season.

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

Kevin Mooney addressed Council and thanked them for approving the Special Event Permit for a fireworks show at the Member/Guest Golf Tournament on June 21.

**ADJOURN:**

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

The meeting adjourned at 6:18 p.m.

  
\_\_\_\_\_  
Kent E. Ewing, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathleen J. Welfl, City Clerk

