

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,  
August 25, 2014**

A regular meeting of the City Council of Gering, Nebraska was held in open session on August 25, 2014 at 7:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Mayo and Councilmembers Christensen, Gibbs, Holliday, Allred, Shields, Morrison and Cowan. Absent was Councilmember Smith. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and acting City Attorney Matt Turman. Notice of the meeting was given in advance by publication in the Gering Citizen, 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 Mayo called the meeting to order at 7:00 p.m. The Mayor noted that there was a quorum of the Council and City business could be conducted.

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

There were no absences to excuse.

**OPEN MEETINGS ACT - NEB.REV.STAT. CHAPTER 84, ARTICLE 14**

(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.

**CORRESPONDENCE AND CITIZENS WITH BUSINESS NOT SCHEDULED ON THE AGENDA.** None  
Mayor Mayo noted the presence of a student, Gavin Hovseth, in the Council Chambers.

**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 August 11, 2014 Regular City Council Meeting
2. Approve Claims and Financials
3. Approve SDL for U-23 Inc., dba The Liquor Cabinet – September 27 at Five Rocks Amphitheater

**Motion by Councilmember Morrison to approve the Consent Agenda, second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

**PUBLIC HEARINGS:**

**CURRENT BUSINESS:**

**1. Update from the Communications Center Advisory Board Representative, Ben Backus**

Mr. Backus addressed Council and stated the Council had a hand-out in their packet. He went on to say that Ray Richards reported he testified July 8, 2014 in Lincoln before the Nebraska Public Service Commission concerning the funding mechanism for the Text to 911 project and he submitted the application for Text to 911 funding for the Scots Bluff County Communications Center.

He went on to say that Anthony Murphy, Scottsbluff Fire Department, discussed the May Day project with the Board which will include updating MRG equipment. The update will allow firemen in trouble the push a button on their radio and the Communications Center dispatcher will be able to follow the incident. It used to work on the old system but when they moved to digital it no longer worked. The Board looked at it and decided to go ahead and get the May Day System for our Firefighters.

Jerry Crable gave a review of the resolution that created a sinking fund for the Advisory Board. Resolution 01 was drafted to help clarify the future posture of the Board in remembering who and why the

resolution was drafted. Mr. Crable also presented budget numbers to the board that showed \$188,137.29 from the 2013 -2014 fiscal year will be rolled into the sinking fund for the 2014-2015 fiscal year.

Mr. Backus said that Chance Florke gave a review on the status of the Zetron call taking equipment installation. The first week of September is being set aside for the completion of that installation. The Pictometry mapping piece has been added to the Geo-Comm mapping in the Communications Center. Discussion was held concerning the Mutual Aid Base Stations. The project will cost approximately \$12,000.00.

Councilmember Morrison asked about how the May Day system works and if it had a GPS tracking in it. Councilmember Cowan replied no it doesn't but that's where the PASS devise comes in.

There were no other questions for Mr. Backus.

## **2. Citizen Agenda Item – Urban Chicken Ordinance, Ben Backus**

Ben Backus stated that when he ran for City Council two years ago he kept track of issues that people brought up when he went door to door. He catalogued them into what he thought was possible to fix but required a large amount of resources, possible to fix with few resources and improbable. Some of the issues have resolved on their own such as the McKinley school. Ward III had a lot of street lights out but that somehow fixed itself, a certain resident with six dogs, etc. He said one issue that came up and seemed an easy fix was the ban on urban chickens. During August and September the Council agendas tend to be a little lighter so he thought he would research the issue and bring up.

Gering's current ordinance is as follows:

### **SECTION 6.1: RRE RURAL RESIDENTIAL ESTATE DISTRICT**

(3) Breeding, hatching, raising and fattening birds, rabbits, chinchillas, hamsters, or other small animals and fowl on a domestic, noncommercial scale, provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, or closer than twenty-five (25) feet to any dwelling on the site.

Mr. Backus said by being the only zoning district specifically allowed to have fowl, they are disallowed in all other zones. Surprisingly Scottsbluff has taken the opposite interpretation. He spoke with their Assistant Manager and a representative of their zoning board, and by not specifically disallowing it, it is ok to have fowl within town as has been addressed by their City Council before. Any problems with the chickens would be addressed by their noise and odor ordinances. He said personally he would find it interesting if someone in Scottsbluff wanted to have an urban cow.

He had submitted a proposed ordinance to council that he would have liked to have sent to the Planning Commission but it was pointed out to him that the current zoning code is from 1984. He said being the rules nerd that he is he read through the document; it's "chock full" of things that need addressed. Examples being satellite Earth Stations; apparently every single dish and direct TV customer is eligible for a 100 dollar fine (dishes must be placed in back yard, dishes can have no advertisements.) Eligible business for downtown include Photostats. He said we are also looking to locate Telegraph offices in downtown. At this point he thinks addressing just the chickens would be a band aid as the whole code needs looked at. If City Council does decide to send the proposed ordinance to the Planning Committee he hopes it does not come back as an ostrich ordinance.

Mr. Backus said he would like to see Council either vote this down or that they send it to the Planning Committee and he'll attend the meeting where they'll address it. Councilmember Morrison said she doesn't think she'd like to see chickens in town; it encourages skunks and other predators looking for chicken houses and then we have to worry about Rabies. She thinks they need to be on the outskirts of town. Mr. Backus said Scottsbluff has an Ag Res ordinance too. Councilmember Morrison said but she thinks that would have to be out of town, not in town.

Councilmember Christensen asked if Mr. Backus is speaking just for himself on this request. Mr. Backus replied he's speaking on behalf of when he went around Ward III and it was one of the issues that came up; he doesn't necessarily have a desire. Councilmember Christensen asked why just four chickens? Mr. Backus said because a chicken will output roughly an egg a day; the number of chickens could be increased or decreased. Don said he doesn't see any reason for a chicken ordinance right now. Councilmember Holliday asked about other communities. Mr. Backus said a lot of people who come from urban areas like the fact that they can have chickens in town with a garden. Chickens are allowed in Omaha. Councilmember Allred said he doesn't think there's anything wrong with it if they wanted to have a chicken ordinance; they don't put out as much waste as other animals.

Councilmember Gibbs asked if we would want to refer this to a committee and investigate a little more. Councilmember Allred said there are already numerous citizens doing this. Mr. Backus said that's partly why he brought it up; if a law isn't being obeyed it probably should be changed or enforced. Councilmember Allred said it's out there but there are dozens of other ordinances that aren't being followed either. Councilmember Gibbs said maybe the Public Safety Committee could look at this. Mayor Mayo said we'll bring it before the Public Safety Committee before it goes to the Planning Commission or anywhere else. Mr. Backus thanked the Council.

**3. Consider approving Ordinance 1982 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO REMOVE AND DELETE ARTICLE 8, SECTION 8.203, SUBSECTION THREE (3) OF THE ZONING REGULATIONS AS A PERMITTED ACCESSORY USE, AND CREATE WITHIN SECTION 8.204 EXCEPTIONS ADDING SUBSECTION (2) TO READ MEAT AND POULTRY PACKING, SLAUGHTERING, EVISCERATING AND SKINNING AND THE RENDERING OF BY-PRODUCTS OF SLAUGHTERING AND KILLING ANIMALS OR POULTRY WITHIN THE HEAVY INDUSTRIAL AND MANUFACTURING DISTRICT (MH) OF THE CITY OF GERING, NEBRASKA AND TO PROVIDE AN EFFECTIVE DATE HEREOF.**

**Councilmember Gibbs made a motion to introduce Ordinance No. 1982 entitled:**

**AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO REMOVE AND DELETE ARTICLE 8, SECTION 8.203, SUBSECTION THREE (3) OF THE ZONING REGULATIONS AS A PERMITTED ACCESSORY USE, AND CREATE WITHIN SECTION 8.204 EXCEPTIONS ADDING SUBSECTION (2) TO READ MEAT AND POULTRY PACKING, SLAUGHTERING, EVISCERATING AND SKINNING AND THE RENDERING OF BY-PRODUCTS OF SLAUGHTERING AND KILLING ANIMALS OR POULTRY WITHIN THE HEAVY INDUSTRIAL AND MANUFACTURING DISTRICT (MH) OF THE CITY OF GERING, NEBRASKA AND TO PROVIDE AN EFFECTIVE DATE HEREOF**

**Seconded by Council member Holliday. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

**Councilmember Allred moved that the Ordinance be designated as Ordinance No. 1982 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 Shields. The roll was called "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. 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. 1982 was read by title only.

**Councilmember Morrison moved that the Ordinance be passed as read, which motion was seconded by Councilmember Cowan. "The question is shall Ordinance No. 1982 be passed?" There was no discussion. The Mayor called the vote. "AYES": Christensen,**

**Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was by the Mayor declared passed.

**1. Consider IBEW Union Contract**

**2. Potential Real Estate Purchase: Pt lot 8 along river s-t-r: 6-20-52 and Pt Lot 7 (SESE) 25.34 ac s-t-r: 6-20-52 and 0.38 acres for signage (Morrill Co.).**

**Closed Session:**

(Council reserves the right to enter into closed session if deemed necessary.)

**Councilmember Gibbs moved pursuant to Neb Rev. State Statute 84-1410 that the City Council enter into closed session for the purpose discussing the City's IBEW Union Contract Negotiations and for the purpose of discussing strategy and negotiation for potential real estate purchase of part of government lot 7 and part of lot 8 (31.16 acres) situated in the southeast quarter of the southeast quarter of section 6 township 20, range 52, and .38 acres in section 9, township 20, range 52 for signage (Morrill Co.). This closed session is clearly necessary for the protection of the public interest. Seconded by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

The Mayor invited HR Director, Carrie Havranek for the IBEW Union Contract into the closed session as well as City Attorney Matt Turman, City Administrator Lane Danielzuk, Karla Nieden-Streeks and Dan Flowers for discussion of potential real estate purchase.

The Mayor stated the Council is in closed session for the purpose of discussing the City's IBEW Union Contract Negotiations and for the purpose of discussing strategy and negotiation for potential real estate purchase of part of government lot 7 and part of lot 8 (31.16 acres) situated in the southeast quarter of the southeast quarter of section 6 township 20, range 52, and .38 acres in section 9, township 20, range 52 for signage (Morrill Co.). This closed session is clearly necessary for the protection of the public interest.

The Council entered into closed session at 7:25 p.m.

**Motion by Councilmember Gibbs, second by Councilmember Morrison to come out of closed session at 8:37 p.m. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

Mayor Mayo asked regarding Item 4, the IBEW Union Contract, is there a motion?

**Motion by Councilmember Gibbs based on negotiations that have been conducted with the Union and the City of Gering he recommends the Council approve the contract as negotiated. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.**

Mayor Mayo asked regarding Item 5 - potential real estate purchase, do we have a motion?

**Motion by Councilmember Shields that Council authorize City Administrator Danielzuk to enter into negotiations for potential real estate purchase of part of government lot 7 and part of lot 8 (31.16 acres) situated in the southeast quarter of the southeast quarter of**

section 6 township 20, range 52, and .38 acres in section 9, township 20, range 52 for signage in Morrill County. Seconded by Councilmember Morrison.

**Discussion:** Larry asked if they want to elaborate on what this facility is. Mayor Mayo said this is a treasure that has been in this area; it's a tourism destination and attraction that has local, regional, national and international interest and participation. It's the former Gordon Howard's Wagon Train.

The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

BIDS: None

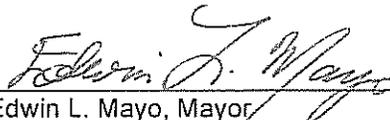
**REPORTS OF STAFF, BOARDS AND COMMISSIONS AND STANDING COMMITTEES:**

1. Department/Staff Reports (informational only)
2. Committee Reports & Council Member Comments
3. Administrator's Report
4. Mayor's Report

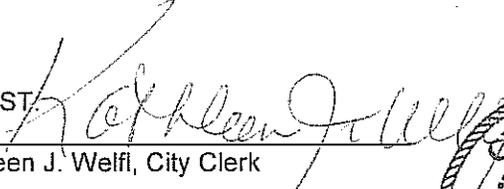
**ADJOURN**

Motion by Councilmember Christensen to adjourn, second by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

Meeting adjourned at 8:42 p.m.

  
Edwin L. Mayo, Mayor

ATTEST

  
Kathleen J. Welfl, City Clerk

