

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
December 8, 2014**

A regular meeting of the City Council of Gering, Nebraska was held in open session on December 8, 2014 at 7:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Mayo and Councilmembers Smith, Christensen, Gibbs, Holliday, Allred Shields, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfi and City Attorney Jim Ellison. 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

Motion by Councilmember Smith, second by Councilmember Morrison to excuse the absence of Councilmember Allred from the November 24, 2014 Regular City Council meeting. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Shields, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

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.

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 24, 2014 Regular City Council Meeting
2. Approve Claims
3. Approve certificate of vote for election held on November 4, 2014
4. SDL for Swany's Union Bar for July 9, 10, & 11, 2015

Claims:

11-20-14 to 12-4-14

ACTION COMMUNICATIONS INC. \$330.00 RADIO RPR., ADAMS ELECTRIC SRV. \$1,155.00 TEMP. POWER 1440 6TH ST., ADVANCED SRV. INC. \$1,960.80 SALARY FOR TEMP SECRETARY KROEKER, AHLER'S BAKING INC. \$8.99 SNACKS FOR LB840 MTG., ALL ISLAND INDUSTRIAL \$157.98 HIGH TEMP THERMOSTAT, ALLO COMMUNICATIONS \$1,159.66 TELEPHONE/INTERNET CHR.G., AMAZON \$927.16 CAMERAS (4), ARBOR DAY FOUNDATION \$36.77 TREE PLAQUES, ARMADA MEDIA CORP. \$150.00 RADIO ADVERTISEMENTS, B & C STEEL \$108.56 CART RPR., BLUFFS SANITARY SUPPLY \$912.38 NOVEMBER CLEANING SRV., BOMGAARS \$119.48 HAND RAILS, BOUND TO STAY BOUND BOOKS \$124.23 BOOKS, BROADWAY OFFICE CENTRE \$163.91 OFFICE PRINTER, BROWNELLS INC. \$287.56 TOOL KITS TO RPR. RIFLES, BUDGET TIRE & SRV. \$507.04 NEW TIRES FOR PATROL VEHICLE, CADDIES \$125.46 MEAL FOR LEASE AGREEMENT MTG., CARD SRV. \$5,751.24 CREDIT CARD PYMT. OCTOBER, CENEX I-80 \$54.46 FUEL FOR GPGFOA CONFERENCE, CHARTER COMMUNICATIONS \$96.98 TV/INTERNET CHR.G., CITY INSURANCE FUND \$140,227.59 HEALTH PREM 125, CITY OF GERING \$3.80 COPIES, CITY PAYROLL TRUST \$3,630.38 FSA MEDICAL 125, CLASSIC ONE INSURANCE \$100.00 BOND - HOLLIDAY, CONNECTING POINT \$62.00 COPIER SRV. CONTRACT, CONTRACTORS MATERIALS \$251.08 NEW SHOP, COSTCO \$107.83 RR SUPPLIES, CRESCENT ELECTRIC SUPPLY \$1,267.54 CONNECTORS, CULLIGAN WATER CONDITIONING \$32.40 SALT, D & H ELECTRONIC SUPPLY \$29.21 METER PARTS, DALE'S TIRE AND RETREADING \$2,934.70 TIRE G5, DEX \$65.50 ADVERTISING, DOOLEY OIL INC. \$85.85 DIESEL TRUCK, DOOR CLOSURE SRV. \$409.63 CLUB HOUSE, DUTTON - LAINSON CO. \$115.56 WASHERS, ECOLAB \$80.21 PEST CONTROL, EMBASSY SUITES \$236.20 CONFERENCE HOTEL STAY, ENVIRO SRV. INC. \$1,048.00 WW LAB, FAIRFIELD INN \$93.20 CONFERENCE HOTEL STAY, FAMILY MEDICINE GERING \$406.00 MEDICAL EXAM, FASTENAL CO. \$500.26 FAST PROGRAM FEE, FIRST STATE BANK \$361.75 IBEW UNION DUES, FLEET SAFETY EQUIPMENT \$53.90 CUP HOLDERS AND FACE PLATE, FLOYD'S SALES & SRV. \$4,585.66 STERLING RPR., FREMONT MOTOR SCOTTSBLUFF \$90.19 BRAKE CABLE #24, FRESH FOODS \$82.56 FOOD & DRINK FOR REC & LEISURE MTG., GAYLORD BROTHERS \$141.40 CATALOGING SUPPLIES, GERING CITIZEN \$584.44 CONDENSED MINUTES FOR C.C., GERING COURIER \$30.00 HALLOWEEN SAFETY ADVERTISEMENT, GERING VALLEY PLUMBING & HEATING \$1,967.40 MAINTENANCE, GERING VOLUNTEER FIRE DEPT. \$11,790.00 LOSAP INCENTIVE

2014, GERING – FORT LARAMIE IRRIGATION \$1,234.63 IRRIGATION TAX 2015, GILMORE & BELL P.C. \$2,500.00 DISCLOSURE COMPLIANCE SRV., GODADDY \$119.88 BUILDER BUSINESS RENEWAL, GREASE N GO \$89.82 OIL CHANGE, GT DISTRIBUTORS INC. \$99.27 STREAMLIGHT TACT. LIGHT, HARDING & SHULTZ P.C.L. \$2,677.94 GENERAL LABOR MATTERS, HAWKINS INC. \$3,204.50 FLUORIDE, HD SUPPLY WATERWORKS LTD. \$7,420.00 METERS, HEILBRUN \$1,463.87 SHOP, HOME DEPOT \$289.94 SHOP SUPPLIES 18V DRILL, HONEY – WAGON EXPRESS \$140.00 CLEAN GREASE TRAPS, HORAK COURTNEY \$75.00 RV ROOM DEPOSIT REFUND, HUMANITIES NEBRASKA \$100.00 PROGRAMMING, HY – VEE \$41.43 FUEL FOR NLA CONFERENCE, ICMA \$149.00 PERFORMANCE APPRAISALS FOR GOV., ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN., IDEAL LINEN SUPPLY INC. \$521.56 MAINTENANCE SUPPLIES, INGRAM LIBRARY SRV. \$791.77 BOOKS/PERIODICALS, INTERNAL REVENUE SRV. \$39,330.84 FED/FICA TAX, INTRALINKS TECHNICAL SOLUTIONS \$6,353.65 COMPUTERS, IRBY TOOL & SAFETY \$2,067.48 CUTOUTS – INSULATOR, JC GOLF ACCESSORIES \$165.00 GOLF BAGS, JENSEN ROGER \$100.00 TREE REBATES, JOHN HANCOCK USA \$12,272.68 JH RETIRE 6%, JOHNSON CASHWAY CO. \$8,455.90 TRUSSES PACKAGE 1440 6TH STREET, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KOVARIK, ELLISON, MATHIS \$2,888.75 RETAINAGE FEE – NOVEMBER, KRIZ – DAVIS CO. \$1,808.98 WIRE, L L JOHNSON DISTRIBUTING \$736.92 GRINDING STONE, LA POLICE GEAR INC. \$34.98 CONCEALMENT HOLSTER, LEGGETT & PLATT INC. \$888.09 BALER PARTS, LOAF N JUG \$36.37 FUEL FOR NLA CONFERENCE, MARINA INN \$801.00 CONFERENCE HOTEL STAY, MCDONALDS \$39.10 MEALS FOR VOLUNTEERS, MEAT SHOPPE \$14,559.01 MANAGEMENT CONTRACT, MENARDS \$208.41 TOOLS, MG TRUST CO LLC \$6,069.08 MG T – POLICE, MICRO MARKETING \$51.10 DVD'S, MONEY WISE OFFICE SUPPLY \$461.74 TONER CARTRIDGES, MOSHIER MELISSA \$75.00 RV ROOM DEPOSIT REFUND, MURDOCH'S RANCH & HOME \$235.38 BATTERY PACKS FOR DRILL, NATIONAL INSURANCE SRV. \$978.36 VISION INSURANCE, NDOR – LODGING \$874.38 LODGING TAXES – OCTOBER, NE CHILD SUPPORT PAYMENT \$727.48 CHILD SUPPORT 1, NE DEPT OF REV (PR) \$10,786.95 STATE TAXES, NE PUBLIC POWER DISTRICT \$118.13 UTILITIES, NE SAFETY/FIRE EQUIPMENT \$87.00 SRV. CALL – ADJUST CAMERAS, NEBRASKA STATE HISTORICAL \$29.00 SUBSCRIPTION, NORTHWEST PIPE FITTINGS \$14.68 RPR'S., OCLC INC. \$133.25 CATALOGING ILL SUBSCRIPTION, ONE CALL CONCEPTS INC. \$94.30 LOCATE FEES, OREGON TRAIL PLUMBING/HEATING \$880.00 FURNACE RPR., ORGANIC GARDENING \$15.94 SUBSCRIPTION, PAGE MY CELL \$600.00 ANNUAL CONTRACT, PANHANDLE CONCRETE PRODUCTS \$314.00 JOINT SEAL, GRADERING, PANHANDLE COOP ASSOCIATION \$1,012.07 FUEL, PANHANDLE HUMANE SOCIETY \$3,170.34 ANIMAL CONTROL FEES – NOVEMBER, PERFORMANCE AUTOMOTIVE CO. \$563.31 GOLF CART RPR., PK SAFETY SUPPLY \$70.80 RESPIRATORS, POWERPLAN OIB \$12.45 PARTS 750J, PRINT EXPRESS \$115.90 APPLICATIONS FOR LIB. CARDS, RANDALL LORETTA \$75.00 RV ROOM DEPOSIT REFUND, RDJ SPECIALTIES INC. \$191.17 SUCKERS FOR KIDS, RICH'S LOCK SHOP \$292.00 HR OFFICE REKEYED, ROBINSON ELECTRIC \$224.50 WWTP RPR., ROOSEVELT PUBLIC POWER DISTRICT \$28.60 UTILITIES, SANDBERG IMPLEMENT INC. \$25.22 REPLACE PRIMER BULB, SANDHILL OIL \$62.35 FUEL FOR NLA CONFERENCE, SCB COUNTY VEHICLE REGISTRATION \$20.50 STREET DUMP TRUCK REGISTRATION, SCB COUNTY REGISTER OF DEEDS \$40.00 CERTIFICATE OF OWNERSHIP, SCB COUNTY DIST COURT \$75.00 ALIMONY, SCHAWA TIA \$150.00 CANCELLED RV ROOM RESERVATION, SCI DISTRIBUTION LLC \$558.00 FUEL PUMP RPR., SCOTTS BLUFF COUNTY COURT \$207.24 GARNISHMENT 2, SCOTTSBLUFF WINNELSON CO. \$674.69 WATER COOLER NEW SHOP, SCOTTSBLUFF – GERING UNITED WAY \$10.00 UNITED WAY CTRB., SENIOR CITIZENS CENTER \$525.00 FINANCIAL SUPPORT – NOVEMBER, SHERYL'S LOG CABIN \$81.00 MEALS FOR CONFERENCE, SIMMONS OLSEN LAW FIRM \$1,500.00 CITY PROSECUTOR BILL, SIMON CONTRACTORS \$3,752.25 CONCRETE, SOURCE GAS \$9.14 UTILITIES, SPECIALTY STORE SRV. \$95.83 DVD CASES, STAR HERALD \$377.16 ADVERTISING FOR CRAFT SHOW, STATE FARM \$100.00 BOND – CHRISTENSEN, STATE OF NE DEPT OF HHS \$1,097.48 OVERPAID FINAL, SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, TEACHER'S CORNER \$3.19 SUPPLIES FOR STORYTIME, THIRSTY'S WEST \$60.60 FUEL FOR GPGFOA CONFERENCE, TIME \$29.95 SUBSCRIPTION, TWIN CITY ROOFING/SHEET METAL \$4,680.00 INSTALLATIONS 1440 6TH STREET, VALLEY BANK – POLICE \$340.00 PO UNION DUES, VALLEY BANK & TRUST CO. \$21,378.83 SINKING FUND – OCTOBER PYMT., VAN PELT FENCING \$247.35 RPR. IMPOUND LOT FENCE, VANCE JEFFREY \$206.50 REPLACE FLOOR DRAIN, VERIZON WIRELESS \$521.67 IPAD FEES, WALMART COMM. \$116.38 SUPPLIES, WAREHOUSE FITNESS CENTER \$38.00 WELLNESS, WEATHER TECH \$69.95 ALL WEATHER FLOOR MATS, WESTCO \$8,013.40 GAS, WINCHELL CLEANING SRV. \$720.00 CLEANING, YMCA OF SCOTTSBLUFF \$581.36 WELLNESS, YOUNG MENS CHRISTIAN \$5.00 YOUNG MEN'S CHR.

Motion by Councilmember Gibbs to pull Consent Agenda item #4 - SDL for Swany's Union Bar for July 9, 10, & 11, 2015. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Shields, Morrison and Cowan. "NAYS": Holliday. Abstaining: None. Absent: None. Motion carried.

Councilmember Gibbs stated this is an item we've discussed briefly in the past and it's about the only event where City property is used for the benefit of one business and there's no remuneration to the City for the use of the street. He would like staff to do the research and see what if any extra costs we may incur from utilizing the street in that way and then we can reconsider the SDL; he also feels this is a long way in advance for something that's not going to happen until next July. Councilmember Holliday said we are providing a return on our investment by tax dollars coming in and people coming and visiting our community because of this event. Oregon Trail Days is our marquee event of the summer and this is a staple of it. This is a gathering spot for many people who come back. He feels we've supported it in the past, we need to continue to support it.

Motion by Councilmember Gibbs to table the SDL for Swany's Union Bar for July 9, 10, & 11, 2015 until the second meeting in January to give staff time to do research. Seconded by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Allred, "NAYS": Smith, Holliday, Shields, Morrison and Cowan. Abstaining: None. Absent: None. Motion failed.

Motion by Councilmember Holliday, second by Councilmember Smith to approve the SDL as it is.

Discussion: Councilmember Morrison asked if the Swansons chip in for law enforcement to patrol. Mr. Swanson replied yes they pay extra for law enforcement for the weekend.

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

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

PUBLIC HEARINGS:

1. Substandard/Blight Study for the Industrial Track Redevelopment Area –PADD

The Public Hearing opened at 7:07 p.m. The Mayor asked if there was anything for the Administrative Record.

The Substandard/Blight Study was included in the Council packets. Jeff Kelley with the Panhandle Area Development District addressed the Council and explained why the study was completed and asked if Council had any questions. It was submitted to the Planning Commission and received their approval. He said it is before the Council now for approval of the resolution. No one spoke in favor or opposition of the application.

The Public Hearing and Administrative Record closed at 7:09 p.m.

1a. Consider approving and authorizing the Mayor to sign Resolution 12-14-1 regarding substandard and blighted area as defined in Nebraska Revised Statute 18-2103(10) and 18-2103 (11) and is in need of redevelopment

Motion by Councilmember Smith to approve the Substandard/Blight Study for the Industrial Track Redevelopment Area conducted by PADD and admit it into the Public Record, second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Shields, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried

Motion by Council member Morrison to approve and authorize the Mayor to sign Resolution 12-14-1 regarding substandard and blighted area as defined in Nebraska Revised Statute 18-2103(10) and 18-2103 (11) in need of redevelopment, second by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Shields, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

2. Exception/Conditional Use Permit Application for a City Park Maintenance Facility

The Public Hearing opened at 7:11 p.m.

Pat Heath reported to the Mayor and City Council Members that this Public Hearing is to consider an Exception/Conditional Use Permit within an RM Zone (Residential Medium District) for an existing building

located in Block 2, Oregon Trail Park Addition, Southeast 1/4, Section 2 Township 22 North, Range 55 West, Scotts Bluff County, Nebraska otherwise known as 900 Overland Trails Road.

Per the City of Gering's current Zoning and Subdivision Regulations, Section 6.3 RM Residential Medium Density District Zoning the intent is to provide living areas within the City where development is limited to medium density concentrations of one-family dwellings. In Section 6.304 (3) Exceptions, the City Council may permit public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities. Staff believes that the park maintenance facility fits this definition. If approval is granted by this Commission the City will operate the City Park Maintenance Facility in RM Zoning.

This building has been the home of the North Platte Valley Museum Since 1994. For several years the City and City Council has planned to purchase this building from the North Platte Valley Museum for use as the primary City Park Maintenance Facility, the City has outgrown the current maintenance facility located at 13th and J Street.

Administrative Record:

Mr. Heath stated to the Council that they have been provided with the administrative record in their packets and asked for the Council's approval that he not read through the record unless they would like it read and that it be made a part of the official proceedings of this Public Hearing.

- Application for "Exception/Conditional Use Permit" for an Exception to the RM Residential Medium Density District Zoning on Block 2, Oregon Trail Park Addition, Southeast 1/4, Section 2 Township 22 North, Range 55 West, Scotts Bluff County Nebraska otherwise known as 900 Overland Trails Road.
- Public Hearing Notice published for Planning Commission October 30, 2014 and November 6, 2014.
- City of Gering Current Zoning and Subdivision Regulations dated March 1984 referencing Section 6.304 (3) RM Zoning (Residential Medium Density District) allows for public uses of other public buildings, structures and facilities.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- Publication Notice and written notice regarding this Exception/Conditional Use Application was completed and sent to all owners of land within 300 feet per the requirements of the City's Zoning and Subdivision Regulations Section 15.2 and are incorporated by reference in this Administrative Record. Signs were also posted on site for the proposed change in zoning per zoning regulations.

Mr. Heath stated that he has completed his entry regarding the Public Hearing to consider this Exception/Conditional Use Application for an existing building located in Block 2, Oregon Trail Park Addition, Southeast 1/4, Section 2 Township 22 North, Range 55 West, Scotts Bluff County, Nebraska otherwise known as 900 Overland Trails Road.

Mayor Mayo asked if Council wished to have the Administrative Record read; seeing no interest he stated it would be put into the Public Record. No one spoke in favor or opposition of the application. The Administrative Record and the Public Hearing closed at 7:15 p.m.

Motion by Councilmember Gibbs to accept the Exception/Conditional Use Permit Application for a City Park Maintenance Facility into the public record, second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Shields, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

2a. Consider approving or denying Exception/Conditional Use Permit Application for a City Park Maintenance Facility

Motion by Councilmember Morrison to approve the Exception/Conditional Use Permit Application for a City Park Maintenance Facility. Seconded by Councilmember Smith. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Shields, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

3. Recommendation from the Planning Commission to deny 10th Street re-zone

The public hearing opened at 7:16 p.m. Pat Heath reported that on November 18, 2014 the Planning Commission met and voted to deny a change in zoning of the area of the 10th Street Corridor from U Street to Country Club Road from MH zoning to BHC. In that meeting the Planning Commission voted to deny any change in zoning.

Administrative Record:

THE OFFICIAL PROCEEDINGS OF THE GERING CITY PLANNING COMMISSION MEETING NOVEMBER 18, 2014

The Gering City Planning Commission of Gering, Nebraska was held in open session at 6:00 p.m. in the Gering City Council Chambers. Present were Commissioners Bohl, Deines, Ellison, Gealy, Hauck, Koob, Parks and Ross. Commissioners absent none. Also present were members of the public, Pat Heath, Public Works Director and Secretary Bruntz.

Excerpt:

Chairman Ross moved agenda items E and F to the top of the agenda which he read:

The City of Gering Planning Commission will conduct a Public Hearing on a proposal to re-zone a portion of the 10th Street Corridor from U Street to Country Club Road respectively from MH to BHC. Consider motion by the Gering City Council to request Gering City Planning Commission formally decline/deny proposal to re-zone a portion of the 10th Street Corridor from U Street to Country Club Road respectively from MH to BHC.

Excerpt from City Council meeting:

THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL, October 13, 2014

A regular meeting of the City Council of Gering, Nebraska was held in open session on October 13, 2014 at 7:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Mayo and Councilmembers Smith, Christensen, Gibbs, Holliday, Allred, Shields and Cowan. Absent were Councilmember Morrison and City Administrator Lane Danielzuk. Also present was City Clerk Kathy Welfl and City Attorney Jim Ellison. 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.

Excerpt:

5. Consider motion to request procedural action from Gering City Planning Commission by requesting the Planning Commission no longer continue the public hearing on a proposal to re-zone a portion of the 10th Street Corridor from U Street to Country Club Road respectively from MH to BHC, and request that Planning Commission move forward with holding a public hearing on the proposal.

Motion by Councilmember Gibbs, second by Councilmember Cowan to request procedural action from Gering City Planning Commission by requesting the Planning Commission no longer continue the public hearing on a proposal to re-zone a portion of the 10th Street Corridor from U Street to Country Club Road respectively from MH to BHC, and request that Planning Commission move forward with holding a public hearing on the proposal. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Shields and Cowan. "Nays": None. Absent: Morrison. Abstaining: None. Motion carried.

6. Consider motion to request Gering City Planning Commission formally decline/deny proposal to re-zone a portion of the 10th Street Corridor from U Street to Country Club Road respectively from MH to BHC.

Motion by Councilmember Gibbs, second by Councilmember Cowan to request Gering City Planning Commission formally decline/deny proposal to re-zone a portion of the 10th Street Corridor from U Street to Country Club Road respectively from MH to BHC. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Shields and Cowan. "Nays": None. Absent: Morrison. Abstaining: None. Motion carried.

Chairman Ross opened the public hearing (Open 6:08 pm), he asked if Pat Heath had anything to add; Pat did not have anything for this. Chairman Ross asked the public if there were any comments, Darrell Schilz asked what it would change. Chairman Ross said it will not be changed; the City Council does not want it to be changed. As procedure it has to come to the Planning Commission, a recommendation will be made to the City Council to decline. Dell Weber also asked if this was just a procedural thing which Chairman Ross said yes.

Pat Heath added, this item had been tabled, in order to eliminate this item from the table it has to be denied by the Planning Commission. It then will be sent to Council for them to deny also; the City Council has asked for this to be done so that the proposal can be dead. This will be in front of the City Council on December 8, 2014.

Chairman Ross asked if any of the Commissioners had comments. Vice Chairman Gealy said he would like to speak on this issue; there is a misunderstanding on what the Commission should & shouldn't do. He talked about the MH zoning, what is allowed & what is not allowed; the zone should not be changed without the property owners' permission. There are housecleaning issues that need to be addressed on zoning and non-conforming uses. Vice Chairman Gealy would like both zones printed out along with a cover letter & send this to all the property owners asking for their input on what the proper zone should be for their businesses. BHC & MH zonings are very similar. Dell Weber made comments on the intent of the MH zoning district – "The intent of this district is to provide space for the widest range of industrial operations permitted in the City". Vice Chairman Gealy added that the intent of BHC is the same as MH. Vice Chairman Gealy asked Pat Heath about the non-conforming uses; Pat replied that is somewhat true, the City should ask legal what their interpretation is of the broader range of the intent and it should be addressed in the future.

Chairman Ross expressed his concern about this becoming a checkerboard zoning which will not work; it needs to be uniform in the area to accommodate business. Commissioner Parks brought up the letter that was in their packets from the City Attorney that basically states instead of spot zoning there needs to be a special exception for each zoning district that will have to be brought before the Planning Commission.

Commissioner Deines added that when this rezone was first looked at there were only two businesses that did not fit to what zoning was being proposed and they were gone around (which were - B&C Steel property and the sale barn) – they did not fit what was being proposed, everything else was fine.

Vice Chairman Gealy replied BHC is wide open and MH is narrow; MH was great there but times have changed the zoning needs to change with the times and zone the properties for what they are being used for now & try to solve the issue ahead of time. There are comments from Dell Weber and Steve Eich that were not audible. What do we want going on the old Swift lot asked Vice Chairman Gealy, retail sales or heavy industrial?

Commissioner Deines says the City Council wants this agenda item removed from the table; Deines made the motion to decline/deny proposal to re-zone a portion of the 10th Street Corridor from U Street to Country Club Road and it was seconded by Commissioner Ellison. Commissioner Hauck asked the audience if anyone is in favor for the rezone, he said he was against it from the start; is it fine the way it is. There was no response from the audience. (Closed 6:29 pm) Chairman Ross asked for the roll call. On roll call vote, the following voted "AYE": Bohl, Deines, Ellison, Hauck, Koob, Parks and Ross. "NAY": Gealy. Absent: None.

No one spoke in favor or opposition of the application. There were no comments from Council. The Public Hearing and Administrative Record were closed at 7:18 p.m.

Motion by Councilmember Morrison, second by Councilmember Gibbs to accept the recommendation of the Planning Commission denying the 10th Street Corridor re-zone into the Public Record.

Discussion: Councilmember Smith asked for clarification; is a yes vote to deny? Mayor Mayo said this is just to put this into the public record first.

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

3a. Consider approving or denying recommendation from the Planning Commission to deny 10th Street re-zone

Motion by Councilmember Gibbs to approve the recommendation from the Planning Commission denying the 10th Street re-zone. Seconded by Councilmember Christensen.

Discussion: Mayor Mayo stated that a vote yes approves the denial to re-zone; it maintains the status quo.

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

The Mayor thanked the Planning Commission for their hard work on this agenda item.

CURRENT BUSINESS:

1. Introduction of League Association of Risk Management (LARM) Representatives Mike Nolan, Geneie Andrews and Steve Hecker

Mike Nolan, Chairman of LARM and Geneie Andrews, Marketing Director for LARM introduced themselves. Mr. Nolan stated that the City of Gering was a founding member of LARM. LARM has gone through a surge of growth in the last 18 months and now has a 104 members. They've added 40 members in the last 18 months. They've also added some NRDs to their pool. They are available as a resource to the City; they are here to help us with HR issues, defense issues, safety and more. They appreciate the City of Gering as a member. Geneie Andrews said she was out last year and met with our department heads. An assessment of all of our properties recently will be invaluable if we encounter a disaster. She said LARM was on two of the major losses in Nebraska this last year; LARM handled their claims very smoothly. She'll be out in January to perform our Worker's Comp audit. They will be offering some great online training for employees very soon. Gering has a good MOD but they'd like to see some improvement and the online training will help with that. Two thirds of all claims are simply employees not thinking about what they're doing; the online training reminds employees of these things. Council President Christensen thanked Mr. Nolan and Ms. Andrews for coming and invited them to come again.

2. Approve and authorize the Mayor to sign all documents pertaining to the USDA loan for Legacy of the Plains including but not limited to:

- Rural Economic Development Loan Agreement
- Attachment A
- Attachment B - Management Representation letter by Ultimate Loan Recipient (information only; to be signed by Legacy of the Plains)
- Attachment C - Promissory Note (information only; to be signed by Legacy of the Plains)
- Attachment D - Deed of Trust
- Assurance Agreement

Motion by Councilmember Gibbs, second by Councilmember Smith to approve and authorize the Mayor to sign any and all documents pertaining to the USDA loan for the Legacy of the Plains. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Shields, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

3. Citizen Agenda Item: HR Director Leave – Review and Discussion of Request to reverse decision – submitted by Carrie Havranek

Mayor Mayo stated that the third item has been removed from the agenda.

4. Consider approving and authorizing the Mayor to sign Organization Resolution and Agreement for Credit Card Program – Resolution 12-14-2

Motion by Councilmember Gibbs to approve and authorize the Mayor to sign Organization Resolution and Agreement for Credit Card Program – Resolution 12-14-2. Seconded by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Shields, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

5. Presentation to outgoing Mayor Edwin L. Mayo

Council President Christensen presented an award to Mayor Edwin L. Mayo for his four years of service as the Mayor of the City of Gering. Mayor Mayo thanked everyone for the honor.

CLOSED SESSION:

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

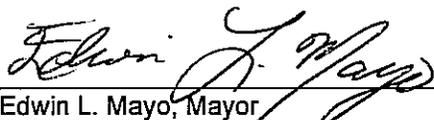
REPORTS OF STAFF, BOARDS AND COMMISSIONS AND STANDING COMMITTEES:

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

ADJOURN SINE DIE

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

Meeting adjourned Sine Die at 7:35 p.m.


Edwin L. Mayo, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

