

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
February 10, 2014**

A regular meeting of the City Council of Gering, Nebraska was held in open session on February 10, 2014 at 6:30 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Mayo and Councilmembers Smith, Christensen, Gibbs, McFarland, Alfred, Shields, Morrison and Cowan. 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 6:30 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 Councilmember absence

Motion by Councilmember Shields, second by Councilmember Gibbs to excuse the absence of Councilmember Smith from the January 27, 2014 Regular City Council meeting. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, McFarland, Alfred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The 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.

CORRESPONDENCE AND CITIZENS WITH BUSINESS NOT SCHEDULED ON THE AGENDA.

None.

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 January 27, 2014 Regular City Council Meeting
2. Approve claims and financials
3. File for record Scotts Bluff National Monument 2014 Open Community Report

Claims: 1-22-14 to 2-4-14

ADAMS ELECTRIC \$3,829.92 MCKINLEY PROJECT, ALAMAR UNIFORMS \$718.78 POLICE UNIFORMS, AMAZON \$344.98 DVD'S, AMERICAN LEGAL PUBLISHING \$250.00 CODE PROG SUB. 2014, AMERICAN WATER WORKS ASSOC. \$104.50 SAFETY DVD, B & H PHOTO \$462.80 CAMCORDER/MEMORY CARD, BIG MACK \$6,784.20 MCKINLEY PROJECT, BLUFFS SANITARY \$486.46 SUPP., BUDGET TIRE SRV. \$28.00 TIRE RPR., CABELS'S RETAIL \$181.80 KNIFE FOR CUTTING SIGN MATERIAL, CERTIFIED POWER INC. \$391.98 VALVE, CHARTER COMM. \$333.31 TV/INTERNET CHR.G., CITY INSURANCE FUND \$140,589.64 HEALTH PREM 125, CITY OF GERING \$2,422.95 FIRE DEPT. BANQUET AWARDS 2014, CITY OF SCOTTSBLUFF \$2,457.56 EMERGENCY MANAGEMENT FEES, CITY PAYROLL TRUST \$3,750.28 FSA MEDICAL 125, CLIPPARD.COM \$64.45 SOLENOIDS, COLORADO CHAPTER OF THE I \$150.00 CONF. REG. FEES, COMPASS TOOLS \$720.00 SURVEY EQUIP., CONTRACTORS MATERIALS \$378.20 SAW BLADES, CRESCENT ELECTRIC \$103.19 PLIERS/CONNECTORS, CULLIGAN \$106.65 SALT, CURVES \$19.38 WELLNESS, CYCLONE EXPRESS \$1,773.55 FUEL, D & H ELECTRONICS \$10.00 COMPUTER CABLE, DANKO EMERGENCY EQUIP. \$63.12 VALVE/DUEL AIR HORNS #30, DHHS \$18.00 WATER LAB, DITCH WITCH OF NE. \$70.82 BEARING PARTS, DOCU-SHRED \$45.00 CITY HALL CONTAINER, DOLLAR GENERAL \$2.00 SHOP SUPP/BATTERIES, DOOLEY OIL \$2,618.00 OIL FOR TRUCKS/BAILER, DUTTON-LAINSON CO. \$3,245.90 ELBOW & JUNCTION, EASY PICKER GOLF PRODUCTS \$399.40 RANGE BALL PICKER, ECOLAB \$146.50 PEST CONTROL, ED. ROEHR SAFETY PRODUCTS \$218.00 BATON LED, ENVIRO SRV. INC. \$873.00 WW LAB, ERNEST JARAMILLO \$20.00 WITNESS FEES, FASTERNAL \$274.38 SUPP., FIRST STATE BANK \$342.39 IBEW UNION DUES, FIRST WIRELESS \$211.50 CAMERA, FLOYD'S SALES \$1,947.49 G9 RPRS., FORT DEARBORN LIFE INC. \$103.20 FIREFIGHTER LIFE INS., FRESH FOODS \$130.46 MEAT/CHEESE TRAY FOR HOLIDAYS, FRITZ RUDOW \$35.75 TREE PLANTING REBATE, GALE \$179.93 BOOKS, GENERAL TRAFFIC CONTROLS \$57.80 WIRING BLUEPRINT, GERING BAKERY \$12.99 AUDIT BREAKFAST, GERING CITIZEN \$419.81 COUNCIL MGT AD 12-9-13, GERING COURIER \$104.00 CHRISTMAS FIRE PREVENTION AD, GERING MERCHANTS \$2,620.29 SANTAS VILLAGE/HOLIDAY PARADE, GERING VALLEY PLUMBING \$1,120.00 HEATING SYSTEMS, GOLF COURSE SUPERINTENDENT \$165.00 ANNUAL DUES, HD SUPPLY WATERWORKS \$464.00 MAIN RPR., HEILBRUN \$41.83 SHOP MATERIALS, HOLIDAY INN \$800.00 HOTEL/TRAVEL, HONEY-WAGON EXPRESS \$120.00 CLEAN GREASE TRAP, ICMA ELECTRONIC RETIREMENT \$516.00 ICMA CITY ADMIN., IDEAL LINEN SUPPLY \$95.37 RESTROOM SUPP/MATS, INGRAM LIBRARY SRVS. \$478.60 BOOKS/PERIODICALS, INTER. ASSOC OF CHIEFS/P \$2,500.00 DUES 2ND HALF, INTERNAL REV. SRV. \$35,085.48 FED/FICA TAX, INTRALINKS \$3,326.97

COMPUTER SUPPORT, JOHN HANCOCK USA \$12,309.43 JH RETIRE 6%, JOHNSON CASHWAY \$139.02 VAC BREAK WATER, KAPCO \$77.31 SUPP. FOR CATALOGING, KASSEBURG CANINE TRAINING \$9,000.00 PURCHASE NEW K-9, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KOVARIK, ELLISON, MATHIS \$19,104.31 911/TELECOMMUNICATIONS LEGAL, KRIZ-DAVIS \$24,087.57 LED FIXTURES, LL JOHNSON DISTRIBUTING \$26,524.60 CORE AERATOR, L N CURTIS & SONS \$257.50 HYDRAULIC TOOLS, LOG CABIN \$97.42 MEALS FOR SNOW REMOVAL, LOGOZ LLC \$90.00 GEAR BAGS NAME INGRAVING, MB KEM ENTERPRISE \$434.00 FIX OVERHEAD DOOR IN SHOP, MEAT SHOPPE \$19,678.31 CATERING COSTS, MENARDS \$392.59 CASTER ROLLERS, MES TEAM INC. \$2,897.73 SPR LEATHER FIREFIGHTING BOOT, MG TRUST CO LLC \$4,673.63 MG-T POLICE, MIDWEST TURF & IRRIGATION, \$158.02 FILTERS, MIKES SCREENPRINTING \$170.00 FD T-SHIRTS, MIZUNO \$37.15 GLOVES, MONEY WISE \$687.14 PAID STAMP, MOTOR TREND \$12.00 MAGAZINE SUB., MUNICIPAL ENERGY AGENCY \$445,126.40 ELECTRIC USAGE, MURDOCH'S RANCH & HOME \$25.68 HEAT TAPE, NATIONAL INS. SRV. \$976.88 VISION INS., NE CHILD SUPPORT PYMT. \$796.72 CHILD SUPPORT 1, NE DEPT OF REV (PR) \$10,047.75 STATE TAXES, NE DEPT OF REVENUE \$4,835.00 FORM W-3N WITHHOLDING, NE PUBLIC POWER DISTRICT \$1,511.76 PHEASANT DR., NE MUNICIPAL CLERKS ASSOC. \$393.00 NMCA MEETING, NE TRANSPORT CO. \$390.52 WWTP PUMP RPR., NE UNEMPLOYMENT \$343.00 UNEMPLOYMENT TAXES, NORTHWEST PIPE FITTINGS \$99.90 WELL RPR., OCLC INC. \$150.44 SOFTWARE CATALOGING, OFF BROADWAY \$802.72 TONER, OFFICE WORLD \$209.92 MINUTE BOOK, OREILLY AUTOMOTIVE STORE \$186.15 BED LINER/ARMOR, PANHANDLE HUMANE SOCIETY \$3,170.34 ANIMAL CONTROL FEES, PEOPLE \$51.48 SUB., PIPE WORKS PLUMBING LLC \$4,940.24 MCKINLEY PROJECT, POLK CITY DIRECTORIES \$300.00 BOOK, POSTMASTER \$1,200.00 MAILING PERMITS, PRINT EXPRESS \$632.10 SUPP., PSI-DIGITAL IMAGING SOL. \$67.44 INKJET BOND PAPER, PUBLIC SAFETY CENTER INC. \$90.41 DISINFECTANT FOR STAFF, QUALITY BOOKS INC. \$35.15 BOOKS, RECON ASSOC. \$338.94 STROBE LIGHT, RECOVERY SYSTEMS CO. \$745.66 BAILER PARTS, REGIONAL BOOKS INC. \$27.11 BOOKS, RESPOND FIRST AID SYSTEMS \$36.65 FIRST AID SUPP., ROLLING STONE \$29.95 SUB., SANDBERG IMPLEMENT INC. \$1,651.02 PIPE SAW, SCOTTS BLUFF CO AMBULANCE SRV. \$316.23 AMBULANCE CONTRACT, SCIENTIFIC AMERICAN \$19.95 SUB., SCOTTSBLUFF CO CONSOLID. \$1,530.00 CITY HALL SILENT ALARM, SCOTTS BLUFF CO. COURT \$83.38 COURT CASE FEES (4), SCOTTS BLUFF-GERING UNITED WAY \$17.00 UNITED WAY CTRB., SCS ENGINEERS \$7,621.16 WORK LANDFILL, SENIOR CITIZENS CENTER \$525.00 FINANCIAL SUPPORT, SIMON CONTRACTORS \$345.00 MAIN RPR., SOLUTIONS EAP \$733.65 HEALTH INS., SOURCE GAS \$651.49 RENTAL 1255 11TH ST., STAPLES CREDIT PLAN \$154.74 UPS SHIPPING, STATE FARM INS. \$50.00 GIBBS SURETY BOND, SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, TAYLOR MADE GOLF CO. \$502.40 GOLF CLUBS, TD AMERITRADE \$10,611.00 FIRE DEPT. LOSAP, TECHNICAL MARKETING MFG. \$476.62 WWT PLANT RPRS., TERRY CARPENTER INC. \$650.00 WATER WELL LAND RENT, THE ROCK PILE \$37.42 SAND, THE WEEK \$39.97 SUB., TITLEIST \$859.39 GOLF CLUBS, TM BOOKS \$15.00 NLA CONF. TITLES (3), UNDER ARMOR SHOP \$454.87 GLOVES, UNITED CHAMBER OF COMM. \$3,706.00 CHAMBER MEMB. INVESTMENT, UNITED STATES POSTAL SRV. \$10.82 POSTAGE FOR NATIONAL FIRE ACDY. UPS \$22.77 SHIPPING CHRG., US AUTO FORCE \$131.86 TIRES, US BANK EQUIPMENT FINANCE \$387.68 COPIER RENTAL, VALLEY BANK \$300.00 PO UNION DUES, VALLEY BANK & TRUST CO. \$361,902.16 REINVEST KENO FUNDS, VERIZON WIRELESS \$120.03 POLICE CELL PHONES, VICTORIA \$36.00 SUB., WALMART 91.31 SUPP/HOLIDAY OPEN HOUSE, WAREHOUSE FITNESS CENTER \$24.00 WELLNESS, WEATHERCRAFT \$50.00 REFUND/ROOFING PERMIT, WESTCO \$8,709.08 FUEL, WESTERN PLAINS BUSINESS SOLUTIONS \$84.21 COPIER MAINT., WINCHELL CLEANING SRV. \$720.00 CLEANING SRV., YMCA \$287.98 WELLNESS, YOUNG MENS CHRISTIAN \$5.00 YOUNG MEN'S CHR.

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

PUBLIC HEARINGS:

1. Exception/Conditional Use Permit for the construction of 3 storage units located on Lots 11 through 14 of the Final Plat of Hofman's Acre Tracts, Lots 1 through 15. Recorded 3-18-1920, City of Gering, Scotts Bluff County Nebraska

The Mayor opened the Public Hearing at 6:34 p.m.

(Perpetual Posies, LLC Exception/Conditional Use Permit Application for 3 Storage Units)

Paul Snarr, City Engineer, Stated that this Public Hearing was scheduled to be heard 12-17-2013 and was tabled per the request of the owner Eric Kautz, owner of Perpetual Posies, LLC in order to complete the Public Hearings for the change in zoning request from RM (Residential Medium Density District) to BCB (Central Business District).

This Public Hearing is to consider an Exception/Conditional Use Permit for the construction of three (3) storage buildings (with individual units) as requested by the owner Eric Kautz, to be placed on Lots 11 through 14 of the Final Plat of Hofman's Acre Tracts, Lots 1 through 15 recorded 3-18-1920.

A Public Hearing for the request to change the zoning from RM to BCB was heard by the Planning Commission on December 17, 2013 and was approved to go before City Council on January 13, 2014. City Council approved the zoning change from RM to BCB which enables the owner to request this Exception.

Per the City of Gering's current Zoning and Subdivision Regulations, Section 7.2 BCB Zoning does not allow storage units as a permitted use; however under Exceptions Section 7.204 (9) does allow for mini

storage rental buildings (Ord. 1472, 5/92). If approval is granted by this Commission to allow storage units, the owner will submit a preliminary and final plat, stamped building plans (exceeding 5000 square feet), and site plan for the proposed development. (NOTE: Storage units are considered a utility - per Nebraska Board of Engineers if larger than 5000 square feet stamped building plans are required).

The property is platted with several plats and recorded agreements and are listed below in the Administrative Record. There are also lots within this area that are landlocked with no dedicated right-of-way for access. The owner has agreed to re-plat the area (as shown on the drawing submitted by owner) including lots 11 through 14 to one large lot for the construction of storage units and dedicate a street (dedicated right-of-way) for ingress/egress to the property.

The owner would like to negotiate with the property owners on 9th Street (location 9th Street would be North of D Street to see if they would be willing to change the 30 foot access utility easement as platted on the East side of Tracts 4 and 5 of Hoffmann's Acre Tracts to a dedicated right-of-way. This 30 foot dedication would start at D Street and run North approximately 265 feet. The remaining 30 foot west of this was dedicated on a plat and agreement for a total right-of-way of 60 feet (referenced in the administrative record). The owner would then dedicate a 60-foot wide right-of-way connecting to this on 9th Street and extend the street east to the entrance of the storage units.

Administrative Record:

Mr. Snarr stated to the Mayor and City Council Members: you have been provided with the administrative record in your packets and I would ask for approval that I not read through the record unless you would like this read and that it be made a part of the official proceedings of this Public Hearing. Council agreed.

- Building permits - applications for three (3) storage buildings submitted by the owner, Eric Kautz of Perpetual Posies, LLC, November 8, 2013. The permits were denied by Staff, November 8, 2013 due to not meeting the City of Gering Zoning and Subdivision Requirements.
- Application for "Exception/Conditional Use Permit" to construct storage units within a BCB Zone on Lots 11 through 14 of Hofman's Acre Tracts Final Plat Lots 1 through 15 recorded 3-18-1920.
- Application for a Change in Zoning by the owner Eric Kautz November 12, 2013 for Tract 2, Tract 1A, Lot 9 and Lots 11 through 14, and Lot C of Hofmann's Acre Tracts being a portion of the following Final Plats/Agreements:
 - Plat: Tracts 1 and 2 of the Amended Gering Garden Subdivision, formerly Part of Tract 1 Crom Acres and Part of Tract 1A - A Replat of Tracts 1 and 2 Hofmann's Acre Tracts and Tract 10 of Hofmann's Acre Tracts recorded 10-31-2008 Instrument No. 5911.
 - Plat: Tracts 1A and 2A Replat of Tracts 1 and 2 Hofmann's Acre Tracts recorded 4-17-97
 - Plat: Hofman's Acre Tracts Lots 1 through 15 recorded 3-18-1920
 - Plat: Lots A, B, and C Replat of Tracts 3 and 8, Hofmann's Acre Tracts
 - Agreement: Agreement for Easement Instrument No. 2004-04009 Between Janice Bauer Grantor and City for the East 30 feet of Tract 4 and Tract 5, Hoffmann's Acre Tracts for utilities and maintenance of City utilities.
 - Agreement: Access and Utility Easement Instrument No. 2003-05380 between Grantor Frank Severson and City for dedicated public access and utilities on the West 30 feet of Tract 7, Hofman's Acre Tracts
- City of Gering Current Zoning and Subdivision Regulations dated March 1984 referencing Section 7.2 BCB Zoning (Central Business District) does not allow storage units as a permitted use; however under Exceptions Section 7.204 (9) does allow for mini storage rental buildings (Ord. 1472, 5/92).
- 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.

- Public Hearing Notice published November 28, 2013 and December 5, 2013.
- Planning Commission Public Hearing Meeting December 17, 2013.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.
- Building Plans and Site Plan were submitted by the owner, November 20, 2013.
- Planning Commission Public Hearing to change the zoning from RM to BCB December 17, 2013 with approval.
- City Council Public Hearing to change the zoning from RM to BCB January 13, 2014 with approval.

Again per the previous Public Hearing for the zoning change as requested by the owner of this property, Mr. Snarr asked that if approved, this Council require the following conditions:

1. Owner would need to re-plat the area of the zone change meeting ingress/egress requirements with 60' wide street dedication (if possible form D Street North connecting to owners property) per City Staff requirements and dedicating 60' and extending from 9th Street East to the entrance of the storage units.
2. Owners would be required to submit the required plans including building and site plan with storm drainage calculations performed by the owners Engineer and design showing flow and storm retention areas meeting City Staff requirements and City Plan Checklist for building and site plan requirements.
3. Owner agrees to meet BCB Section 7.205 Special Conditions including but not limited to setbacks, landscaping, and buffers adjoining Residential Zoning and other landscaping to ensure area is kept to the Standards meeting the City of Gering Subdivision and Zoning Regulations.

Mr. Snarr stated to the Mayor and City Council Members that he completed his entry regarding the Public Hearing to consider this Exception/Conditional Use Application for the construction of three storage buildings on Lots 11 through 14 of the Final Plat of Hofman's Acre Tracts, Lots 1 through 15 recorded 3-18-1920; contingent upon the owner meeting the conditions as stated above and asked that they please keep this hearing open until all entries are put into this record.

The Mayor asked if there was anyone in the chambers that wished to speak in favor or opposition of the application. Mr. Snarr noted that the owner came in but had an injury and emergency surgery so he could not be present for good reason.

Curtis Richter, 495 2nd Street, stated that he's also a partial owner of the property on D Street. He attended both of the Planning Commission meetings on this. He stated that he didn't have a problem re-zoning the three acres currently being used as the garden center to make it conforming with BCB but when the property was purchased by Mr. Kautz, Mr. Kautz was aware it was land-locked and zoned RM. Mr. Richter stated that the previous owner already had a plat laid out with proposed access for the lots but ended up selling the property. Mr. Richter said his concern is that we have a BCB area in the middle of a residential area. A structure was built on 7th street that encroached on the access to that property from 7th Street; with it being land-locked there needs to another access. He's concerned about the effect on the property value of the houses in that area including 970 D Street and the two lots north of that are still zoned RM, which if this is approved it will become unlikely they'll be able to be sold for single-family homes to be built on.

Mr. Richter said at the Planning Commission meetings Mr. Kautz spoke of wanting to use 9th Street to access these storage units. He spoke of availability of concrete paved streets and underground utilities which is an obstacle, rather than using access from N. 10th Street on the property he already owns. The property owners on D Street already paid additional assessments to get that street paved and to get their utilities put underground; Mr. Kautz didn't pay for that. Mr. Richter said that Mr. Kautz stated that if he were to bring access in at his property at N. 10th Street it would take up a lot of his property just to get to the road back to these storage units and that he would no longer be able to sell that property for future development. Mr. Richter feels that's selfish on Mr. Kautz's part because apparently it's okay to reduce

the value of other properties as long as it doesn't affect his ability to sell that property in the future. As a previous member of the Planning Commission, Mr. Richter thinks the ordinance regarding storage units needs to be readdressed; they seem to be being put in randomly and in prime areas. He said to Council when you approve these exceptions you're setting a precedence. He would like to see it denied, but if it's approved he'd like to see a barrier between BCB and the residential area and that Mr. Kautz follow all the requirements.

Mayor Mayo asked if there were any additional comments or questions from the Council.

Councilmember Gibbs moved to continue this public hearing until the next meeting due to the Public Works meeting being cancelled last week and that there are issues brought up by the Planning Commission that staff need time to address properly. Seconded by Councilmember McFarland. Mayor Mayo stated we have a motion by Councilmember Gibbs to hold this public hearing open until the next regular Council meeting and a second by McFarland. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The motion carried.

BIDS:

1. Pickup bid for Water Department through Nebraska State Bid

Motion by Councilmember McFarland to approve the pickup bid of \$31,345.00 from Fremont Ford for the Water Department. Seconded by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The motion carried.

2. Pickup bid for the Sewer Department through Nebraska State Bid

Motion by Councilmember McFarland to approve the bid of \$31,340.00 from Fremont Motors for a pickup for Sewer Department. Seconded by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The motion carried.

3. Legion Park Restrooms Bid

Motion by Councilmember McFarland to approve the low bid from Anderson Shaw for \$102,938.13 for new restrooms at Legion Park, second by Councilmember Cowan.

Discussion: Councilmember Gibbs said he doesn't recall that Council ever recommended demolition of the band shell; it was his understanding they would try to remodel the restrooms and the band shell if possible and not demolish the band shell, or they would rebuild it from scratch. He feels we need time for public comment on this before we do this.

Councilmember Gibbs made a motion to table this until we can get further public comment, Councilmember McFarland withdrew her motion.

Discussion: Councilmember Smith stated that this was brought before Council in a Recreation Committee report and we had unanimous approval of going this route. The bathrooms are beyond repair, the band shelter is a brick wall, there's nothing there to be saved; there's nothing historic about the structure anymore. It has severe cracks from tree roots. They want to build the restrooms in the same place to save money on the plumbing. It's also the best place in the park to have restrooms. He would like Council to move forward on this project. Councilmember McFarland asked what kind of public participation they had at that meeting. Councilmember Smith replied it was a Tree & Parks Board meeting; they were present.

Mayor Mayo stated we have a motion to table. Councilmember McFarland withdrew her motion to approve the bid and seconded the motion to table.

Discussion: Councilmember Morrison asked if there is any way another band shell can be built; it's pretty significant to that park. Councilmember Smith said the idea would be more of a gazebo type structure; we have a band shelter at Five Rocks. Councilmember Morrison noted that rent has to be paid at Five Rocks but at the park there isn't rent. Parks Director, Ron Ernst, said what we've looked at is that the stage is rarely used, it faces west, it's hot in the afternoons and evenings to use. It has a big crack in it as well. If we do rebuild, we'd want to rebuild something facing north to avoid the heat issue. Councilmember Gibbs asked where the community band will perform; many of the attendees are elderly and walk to the park and cannot get to Five Rocks that way. Mr. Ernst said they invited Mr. Raines to one of the meetings and he said he could see why they wouldn't sink a lot of money into the band shell and two venues are better than one and they could use Five Rocks.

The question was called. Mayor Mayo said we have a motion on the floor to table and allow time for public comment. He stated that Councilmember McFarland withdrew her motion to approve the bid and she seconded Councilmember Gibb's motion to table.

Discussion: Councilmember Allred noted that during O.T. Days he has never seen anyone using the stage; people bring in a trailer and perform on that. He would have moved forward with this.

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

4. 5th Street between O Street & R Street Water Main Replacement

Councilmember Gibbs moved to accept the bid from the low bidder, Hennings Construction, in the amount of \$147,032.00. Seconded by Councilmember McFarland.

Discussion: Councilmember Morrison asked if we have the difference to make up for this. Pat Heath, Public Works Director, said we are roughly \$7,000 shy, but we'll have some funds from the money budgeted for the interconnect with Scottsbluff. PVC is a by-product of petroleum production; it all changes from month to month, day to day. Next year we'll budget additional funds to get some more of these projects done. We're trying to get these 1917 water mains out of the system.

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

5. Former McKinley School site Sanitary Sewer Main Replacement

Motion by Councilmember Smith, second by Councilmember Shields to approve the bid from Hennings Construction of \$26,075.00 for the Sanitary Sewer main replacement (motion was amended to reflect the specific amount). There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The motion carried.

6. Bid acceptance for four lots located at the former McKinley School site

Councilmember Gibbs moved to accept the bid from Venture V Investments, LLC for four lots, Lots 5A, 6A, 7A and 10A for a total of \$34,000 (\$8,500 each). Seconded by Councilmember McFarland.

Discussion: Councilmember Allred asked for clarification. City Engineer Paul Snarr explained that TCD bid \$10,000 on two lots. Venture V Investments said they wanted all or none, so TCD withdrew their bid keeping in mind that they can use the other lots available for construction. We still have four lots left after

we sell these four. Mr. Snarr said the houses have to be completed by the end of February 2015 and the contract documents specify that.

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

CURRENT BUSINESS:

- 1. Presentation of Downtown Revitalization Report by Short Elliott Hendrickson and DANTH, Inc.**

This agenda item was moved to the last item under Current Business by Mayor Mayo.

- 2. Consider amending Ordinance No. 1600 to Ordinance No. 1977, An Ordinance amending Title 4, Chapter 5, Section 3(A), of the Building and Plumbing Code of the City Ordinances of the City of Gering, Nebraska, repealing ordinances or parts of ordinances in conflict with this ordinance, and providing for an effective date thereof**
 - Amendment: Change Plumbing Inspector to City Engineer**

The Mayor entertained a motion to Introduce Ordinance No. 1977.

Councilmember McFarland introduced Ordinance No. 1977 entitled: An Ordinance amending Title 4, Chapter 5, Section 3 (A), of the Building and Plumbing Code of the City Ordinances of the City of Gering, Nebraska, repealing ordinances or parts of ordinances in conflict with this ordinance, and providing for an effective date thereof.

The Clerk stated: Councilmember Shields moved that the Ordinance be designated as Ordinance No. 1977 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 Morrison. The roll was called. "AYES": Smith, Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The 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. 1977 was read by title only, Councilmember Cowan moved that the Ordinance be passed as read, which motion was seconded by Councilmember Smith. "The question is shall Ordinance No. 1977 be amended and passed?" There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The 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.

- 3. Appoint City Engineer to the License Examining Board**

Councilmember Shields moved to appoint the City Engineer to the License Examining Board. Seconded by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The motion carried.

- 4. Consider approval of LB840 loan contingent upon approval by LB840 Application Review Committee – Magnolia Homes**

TCD Director, Rawnda Pierce, stated that Harry Karsten and Bob McNab from Magnolia Homes were present in the Council Chambers. Ms. Pierce stated that Karsten Gering, LLC took over the operation in June of 2012. They have grown the business substantially since that time and have roughly 100 employees. They have a signed contract for 4.2 million dollars for 15 apartment units going to Watford

City, North Dakota; they need ten delivered to the site by April 1 and 15 total. In order to meet that deadline they went ahead and purchased the materials and did a retooling of the plant. In order not to shut the plant down and meet the delivery date they have started assembly. They don't have enough payments coming in to cover the expenses going out; this will help cover payroll so they don't have to lay employees off. This would be a low-interest loan that will be paid back when the apartments are delivered. Harry Karsten spoke on behalf of Magnolia Homes and said they need 100 beds by April 15 for a large oil distribution company. They have a lot more to build; its' a serious bid of 4.2 million dollars and will help sustain his company.

Mayor Mayo noted that Magnolia has done this before and has paid back every loan whether under different ownership or not.

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

5. Consider tour of the Anythink Library in Thorton, CO for City Council Members

Library Director, Diane Downer, said she was looking at April for the tour so the Library Board can get CEU credits. She said this library won a national medal in 2010. They have a technology lab and a different view point of what they do. It's a place to exchange ideas and create. They'll have a staff member there to answer questions at the tour. Councilmembers Christensen and McFarland said they'd be interested in going. Mayor Mayo said it's a complete multimedia library from books to cassettes to videos, etc. It's a completely different concept for a library. It would behoove Council to see what can be done in this kind of space. They have a community garden there too. Ms. Downer needs to know by a couple weeks before the tour who plans to attend.

Motion by Councilmember Gibbs to approve \$500 for the tour at the Anythink Library in Thorton, CO. Seconded by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The motion carried.

6. Consider postponing or cancelling the February 24 Regular City Council meeting

Motion by Council Gibbs to cancel the February 24 City Council meeting subject to emergency recall by the Mayor. Seconded by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: None. The motion carried.

Current Business Item 1: Presentation of Downtown Revitalization Report by Short Elliott Hendrickson and DANTH, Inc. (This agenda item was moved to the last item under Current Business by Mayor Mayo).

Andrew Dane presented a power point presentation to Council prior to the final phase of the Downtown Revitalization Plan.

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): None**
- 2. Committee Reports & Council Member Comments**

- Councilmember Smith reported that on February 11 at 8:00 a.m. the Recreation Committee will conduct Skype interviews for the Recreation and Leisure Services Master Plan; they will interview three firms.

3. Administrator's Report - Administrator Danielzuk reported the following:

- The Farm Bill became Law; it's significant for us a rural community and County to have it signed.
- As Congress prepares to debate transportation reauthorization the Highway Account of the Highway Trust Fund is expected to encounter a short fall before the end of FY 2014, coinciding with the expiration of the current transportation spending program, known as MAP-21. Transportation Secretary Anthony Foxx emphasized the need for a long term national transportation policy that addresses the shortfall and treats rail, transit, ports and roads as an interconnected system in enacting a new bill.
- From Mercatus Center, George Mason University - State Fiscal Condition: Ranking the 50 States by Sarah Arnett. Arnett uses four different indices to analyze state solvency using each state's fiscal year 2012 Comprehensive Annual Financial Report data. A state's cash solvency takes into account the cash the state can easily access to pay its bills. Also from Sarah Arnett, Georgia State University - The five states with the highest-ranked overall fiscal condition are Alaska, South Dakota, North Dakota, Nebraska and Wyoming. The five states with the lowest-ranked fiscal condition are New Jersey, Connecticut, Illinois, Massachusetts and California.

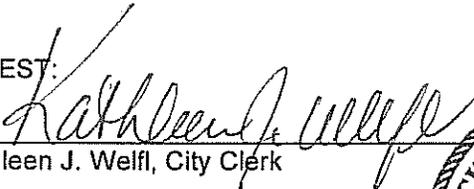
4. Mayor's Report: None

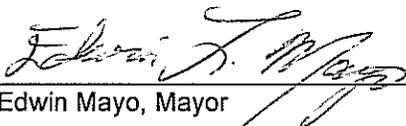
ADJOURN

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

Meeting adjourned at 8:30 p.m.

ATTEST:


Kathleen J. Welfl, City Clerk


Edwin Mayo, Mayor

