

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
February 23, 2015**

A regular meeting of the City Council of Gering, Nebraska was held in open session on February 23, 2015 at 7:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Council President Smith and Councilmembers Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. Also present were City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Mayor Kaufman, Councilmember Shields and Administrator Danielzuk. 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

Council President Smith called the meeting to order at 7:00 p.m. The Council President 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 (None)
4. Accept letter of resignation from Councilmember Shields
5. Presentation of award to Rebecca Shields

Motion by Councilmember Gibbs to accept letter of resignation from Councilmember Shields. Second by Councilmember Christensen. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: Shields. 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 Council President.

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 February 9, 2015 Regular City Council Meeting
2. Approve claims & financials
3. Fire Department Roster Approval
4. File for record letter to Senator Mello regarding LB419

Claims:

2-5-15 to 2-18-15

ACTION COMM. INC. \$56.00 PAGER BATTERY, ADAMS ELECTRIC SRV. \$7,000.00 ELECTRICAL ROUGH-IN, ALAMAR UNIFORMS \$44.24 UNIFORM BELT, ALLO COMM. \$1,239.77 TELEPHONE/INTERNET CHR.G., ANDERSON MIKE \$100.00 MUCK BOOTS REIMBURSEMENT, ANTIGUA GROUP INC. \$599.28 JACKETS, BENZEL PEST CONTROL \$79.90 PEST CONTROL, BEWLEY BRAD, \$123.00 TRAVEL EXP. SOLOMON CONF., BLUFFS SANITARY SUPPLY \$1,039.14 FEB. CLEANING, BOUND TO STAY BOUND BOOKS \$88.92 CHILDREN BOOKS, BROADWAY OFFICE CENTRE \$1,731.83 DESK & DRAWER, BROWN/NELSON ELECTRIC \$221.00 WWTP RPR'S., BRUNTZ BRENDA \$474.70 TRAVEL EXP. CO. CHAP. CONF., C & M AIR COOLED ENGINE, \$365.32 ROLLER ASSEM., CARR - TRUMBULL LUMBER CO. \$263.92 SCREW FOR CONCEAL LOCK, CENTURIAN TECHNOLOGIES \$100.00 MAINT. RENEWAL/LICENSES, CERTIFIED LABORATORIES \$350.00 PARTS CLEANER, CITY OF GERING \$2,123.92 FD AWARDS BANQUET, CITY OF GERING - GENERAL AC \$65,000.00 ACH PAYROLL TRANSFER, CITY PAYROLL TRUST \$3,729.59 FSA MEDICAL 125, CONNECTING POINT \$280.00 SUPPLIES, TONER, CONSOLIDATED MANAGEMENT C \$328.75 NELTC MEALS: GLEIM & MEDEIROS, CRESCENT ELECTRIC SUPPLY \$75.60 LIGHT BULBS, CULLIGAN WATER CONDITIONING \$26.20 SALT, D & H ELECTRONIC SUPPLY \$180.97 AV SUPPLIES, DALE HAUCK \$111.00 TRAVEL EXP. NPZA CONF. KEARNEY, DALE'S TIRE & RETREADING \$1,938.52 TIRE FOR 914G, DAVID YBARRA \$8,000.00 HANG, TAPE, TEXTURE, LABOR, DHHS DIVISION/PUBLIC HEALTH \$315.00 BLOOD ALCOHOL TESTS, DOCU - SHRED LLC \$23.00 CONTAINER 64 GALLON, DOMINGO PALOMO \$123.00 TRAVEL EXP. SOLOMON CONF., DUTTON - LAINSON CO. \$523.24 CLAMPS, ECOLAB \$71.42 PEST CONTROL, ELECTRIC PUMP \$256.02 WWTP RPR'S., ENVIRO SRV. INC. \$1,416.00 VW LAB, FAIRBANKS SCALES INC. \$879.00 WORK ON SCALES, FASTENAL CO. \$769.24 GLOVES & BATTERIES, FIREHOUSE SOFTWARE \$675.00 FIRE DEPT. ANNUAL COMP. SUPPORT, FIRST STATE BANK \$361.74 IBEW UNION DUES, FLOYD'S SALES & SRV. \$1,504.14 STERLING TRUCK PARTS, FREMONT MOTOR SCOTTSBLUFF \$1,038.79 PARTS, FYR - TEK \$265.01 ROPE RESCUE, GALE \$32.98 BOOKS (2), GERING CITIZEN \$883.05 CONDENSED MINUTES, GLEIM ROBERT \$92.00 MEALS FOR NLETC, GREASE N GO \$115.61 OIL CHANGE, HARDING &

SHULTZ P C L \$12,311.42 SPECIAL PERSONNEL MATTER, HARRINGTON INDUSTRIAL PLA. \$353.06 WELL RPR., HEILBRUN \$2,270.03 TOOL AND IL, HOME DEPOT\$138.03 MILWAUKEE BATTERIES 2 PACK, HONEY - WAGON EXPRESS \$140.00 CLEAN GREASE TRAPS, ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN., IDEAL LINEN SUPPLY INC. \$287.46 MAINTENANCE SUPPLIES, INGRAM LIBRARY SRV. \$998.23 BOOKS/PERIODICALS, INTER. CODE COUNCIL INC. \$389.75 INDEX TABS & IRC STUDY COMP., INTERLIBRARY LOAN DEPT. \$45.95 THE ITALIAN SPINONE REPLCMNT., INTERNAL REVENUE SRV. \$39,357.53 FED/FICA TAX, INTERSTATE BATTERIE/RAPID \$190.75 BATTERY, INTRALINKS TECHNICAL SOLUTIONS \$5,325.72 MACHINE NAD SCALE SETUPS, JACKSON JAMES \$141.00 MEALS FOR SUPERVISOR TRAINING, JIRDON \$5,472.30 LIQUID ICE SLICER, JL BECKER INC. \$13,750.00 SNOW HAULING, JOHN HANCOCK USA \$12,777.55 JH RETIRE 6%, JOHNSON CASHWAY CO. \$7,382.49 DRYWALL, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KOVARIK, ELLISON, MATHIS \$2,888.75 RETAINAGE FEE - FEBRUARY, KRIZ - DAVIS CO. \$26,533.72 LED LIGHTS, LL JOHNSON DISTRIBUTING \$464.00 SPRINKLER HEADS, LANE DANIELZUK \$763.71 TRAVEL EXP. 2015 ICMA WORKSHOP, LOGOZ LLC \$1,086.00 EMPLOYEE CLOTHING, POLO SHIRTS, MACIAS LETICHA \$75.00 RV ROOM DEPOSIT REFUND, MATHESON TRI - GAS INC. \$58.53 WELDER TRIGGER, MEAT SHOPPE \$21,498.10 CATERING COSTS, MENARDS \$60.86 FRP BOARD, MERRICK & CO. \$536.00 WWTP POND COVER, MG TRUST CO LLC \$6,145.98 MG T-POLICE, MICRO MARKETING LLC \$20.24 AMERICAN EXPERIENCE DVD, MID STATES ORGANIZED CRIM \$150.00 MEMBERSHIP 2015 DUES, MIDWEST ELECTRIC COOP \$515.77 CROSS ARMS, MONEY WISE OFFICE SUPPLY \$198.44 LEAD PENCILS, MUNICIPAL ENERGY AGENCY \$2,317.09 MONTHLY RITA INSTALLMENT DUES, NDOR LODGING \$438.46 JAN. LODGING TAX, NE CHILD SUPPORT PYMT. \$738.53 CHILD SUPPORT 1, NE PUBLIC POWER DISTRICT \$146.12 UTILITIES 240066 HWY 92, NE SAFETY/FIRE EQUIPMENT \$110.00 FIRE ALARM INSPECTION, NEBRASKA LAW ENFORCEMENT \$160.00 TUITION: SUPER. TRNING JACKSON, NEBRASKA SALT & GRAIN \$14,557.20 ICE SLICER, NEBRASKALAND TIRE \$765.80 NEW TIRES #61 05' DODGE PICKUP, NORTHWEST PIPE FITTINGS \$1,174.65 WORK ON WELL: SUB. PUMP, ONE CALL CONCEPTS INC. \$33.80 LOCATE FEES, OREGON TRAIL PLBG. & HEATING \$265.00 HEATING UNIT SRV., PANHANDLE HUMANE SOCIETY \$3,170.34 ANIMAL CONTROL & FEES - FEBRUARY, PAYROLL CHECKS \$107,731.47 PAYROLL CHECKS ON 2-6-15, POSTMASTER \$1,200.00 MAILING PERMITS - FEBRUARY, POWERPLAN OIB \$1,722.48 CUTTING EDGE LOADER, PRAISE WINDOWS INC. \$580.00 INTERIOR/EXTERIOR WINDOW CLEAN, PT HOSE & BEARING \$37.53 EQUIP. RPR'S., QUALITY INN & SUITES \$325.63 HOTEL STAY, RDJ SPECIALTIES INC. \$285.84 PENS SRO, REGIONAL BOOKS INC. \$116.04 THREE MISC. BOOKS, RESPOND FIRST AID SYSTEMS \$155.01 FIRST AID SUPPLIES, RICK MARKHEIM \$59.47 NEW WORK BOOTS, ROOSEVELT PUBLIC POWER DIST. \$28.60 UTILITIES, ROSS DICK \$111.00 TRAVEL EXP. NPZA CONF. KEARNEY, RUSSELL'S EXCAVATION & CO. \$8,305.14 MANHOLE RE-ROUTE, S & S PLUMBING LLC \$1,081.08 WORK ON WELL, SANDBERG IMPLEMENT INC. \$157.24 MOWER RPR., SCB. CO DISTRICT COURT \$75.00 ALIMONY, SCB. COUNTY AMBULANCE SRV. \$316.23 AMBULANCE CONTRACT - FEBRUARY, SCB/GERING UNITED CHAMBER \$250.00 ANNUAL BANQUET TICKETS 2015, SCHOOL OF PUB. ADMIN. \$393.00 CLERK SCHOOL - CAROL MARTIN, SCI DISTRIBUTION LLC \$2,292.00 FUEL PUMP COMPUTER SUPPORT, SCOTTSBLUFF TOWING SRV. \$480.00 GMC ENVOY TOW, SCOTTSBLUFF - GERING UNITED \$10.00 UNITED WAY CTRB, SENIOR CITIZENS CENTER \$525.00 FINANCIAL SUPPORT - FEBRUARY, SIMON CONTRACTORS \$960.00 WW SAND, SLAFTER OIL CO. \$257.45 SHOP SUPPLIES-OIL, SNARR PAUL \$111.00 TRAVEL EXP. NPZA CONFERENCE KEARNEY, SOLOMON CORP. \$5,938.50 TRANSFORMER, SOLUTIONS EAP \$244.55 COUNSELING SRV., SOURCE GAS \$1,329.52 UTILITIES - 900 OVERLAND TRAIL, SPECTRUM PHOTOGRAPHICS \$64.00 PRESIDENT LARSON PICTURE, STAPLES CREDIT PLAN \$446.48 NEW COPIERS (3) - 2 BGHT IN ERROR, STAR HERALD \$152.58 WATERMAIN BID NOTICE, STATE OF NE. DEPT. OF HHS \$334.00 OVRPYMNT FRM ST. OF NE., STATE OF NE/DAS COMM. \$281.54 LONG DISTANCE PHONE CHGS., STERKEL ROD \$257.00 TRAVEL EXP. CO CHAP. ICC CONF., STOTZ EQUIPMENT \$790.06 MOWER RPR., SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, SYSCO DENVER INC. \$132.48 JANITORIAL SUPP, TEAM CHEVROLET \$46.20 PICKUP OIL CHANGE, TEK SUPPLY \$981.52 TARP BUILDING END CAP, TERRY CARPENTER INC. \$650.00 WATER WELL LAND RENT - FEBRUARY, THE VILLAGE \$75.00 RV ROOM DEPOSIT REFUND, THOMPSON PUBLISHING GROUP \$536.99 FAIR LABOR STAND. HANDBOOK 15', TNE MEC CO. INC. \$612.50 WELL MAINT., TWIN CITY DEVELOPMENT \$12,500.00 QRTLY DUES JANUARY - MARCH 2015, U S PRINTER SUPPLIES \$1,329.37 COLORED PRINTER CARTRDGES, UNANIMOUS \$3,564.50 DECEMBER WORK ON NEW WEBSITE, UNITED STATES GOLF ASSOC. \$110.00 DUES FOR 2015, UPSTART \$1,090.05 SUMMER READING PROGRAM SUPPLIES, VALLEY BANK - POLICE \$320.00 PO UNION DUES, VALLEY BANK & TRUST CO. \$25,439.50 SINKING FUND - JANUARY, VERIZON WIRELESS - LERT B \$50.00 SMS PRESERVATION JAMES JACKSON, VERIZON WIRELESS \$277.03 AIR CARDS FOR PORTABLE CAMERAS, WELLS FARGO FINANCIAL LEA. \$124.57 COPYSTAR COPIER LEASE PYMT., WESTCO \$6,767.66 DIESEL, WINCHELL CLEANING SRV. \$720.00 CLEANING SRV., YEAR ROUND EQUIPMENT & PA. \$67.55 RPR'S., YOUNG MEN'S CHRISTIAN \$5.00 YOUNG MEN'S CHR.

Motion by Councilmember Christensen to pull the claims. Second by Councilmember Gibbs. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Councilmember Christensen apologized for not bringing this up sooner but he noticed there is a claim to Western Cooperative for liquid ice slicer and another to Nebraska Salt and Grain for \$14,557 for ice slicer. Council President Smith said it's liquid melting substance for the streets; a liquid spray. Paul Snarr, City Engineer, said there's a lot of chemicals they put on the streets but that's basically what that is.

Motion by Councilmember Christensen to approve the claims. Second by Councilmember Morrison. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

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

PUBLIC HEARINGS:

1. Public Hearing for a Vacation of a portion of Pathfinder Subdivision and Jan Drive titled – Vacation Plat for Lots 1-12, Block 2 of Pathfinder Subdivision & Jan Drive situated in the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian. Owner: Southfield – Gering, LLC.

Council President Smith opened the Public Hearing at 7:07 p.m. Mr. Snarr stated that this is the public hearing for a Vacation of part of Pathfinder Subdivision which was originally recorded, August 18, 1976 and Re-Platted March 23, 1977. Baker & Associates submitted the Exhibit for the Vacation titled "Vacation Plat for Lots 1-12, Block 2 of Pathfinder Subdivision & Jan Drive". This vacation is situated in the Northwest Quarter of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian, City of Gering, Scotts Bluff County, Nebraska.

Administrative Record:

- Application for the Vacation Exhibit, Preliminary and Final Plat for this subdivision was submitted by Carl John Gilbert, PE with Baker & Associates, Inc. January 13, 2015.
- Public Hearing Notice published January 29, 2015 and February 5, 2015.
- Scotts Bluff County was given the vacation exhibit, preliminary and final plat for review and comment – (GIS Department and they indicated they would distribute)
- Publication Notice and written notice was completed and sent to the following; all property owners within 300 feet, Gering Public School Board, North Platte Natural Recourses District, Western Nebraska Community College, Educational Service Unit 13 and Scottsbluff County per the requirements of the current City's Zoning and Subdivision Regulations Section 21.2 and are incorporated by reference in this Administrative Record.
- Vacation Exhibit, Preliminary and Final Plat submitted by Carl John Gilbert with Baker & Associates, Inc. January 13, 2015.
- Proof of ownership was completed by Chicago Title Insurance Company and submitted to the City from Baker & Associates, Inc. January 13, 2015.
- Resolution 4-09-2 Vacation of Lots 1 through 12, Block 2, Replat of Pathfinder Addition and Final Plat for Lots 1 and 2, Block 1 through 10, Block 2, Lots 1 through 10, Block 3 Southfield Village dated the 13 day of April, 2009.
- Plat of Pathfinder Subdivision recorded August 18, 1976 and the Replat of Lots 1-28 Block 2, Lots 1-26 Block 5, Lots 15-28 Block 8, Lots 1-28 Block 11, Lots 1-28 Block 14, Lots 1-14 Block 17 Pathfinder Subdivision recorded March 23, 1977.
- City of Gering Current 1995 Comprehensive Plan (Per Amendment No. 1 dated November 2001)
- Correspondence between City Staff and Attorney Rick Ediger with Simmons Olsen Law Firm in Scottsbluff (representing City) regarding violations that had taken place with the original Owner Bob Unzicker and his title company when property was sold in violation of the City of Gering 1984 Zoning and Subdivision Regulations Section 19.1.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mr. Snarr stated that he has completed his entry regarding the Public Hearing for this Vacation Plat for Lots 1-12, Block 2 of Pathfinder Subdivision & Jan Drive and asked that they please keep this hearing open until all entries are put into this record.

Councilmember Gibbs said this is basically the unplatted land on the east side of Jan Drive. Mr. Snarr said yes. Councilmember Morrison asked if this is the same property we visited with Mr. Unzicker about several years ago? Mr. Snarr replied yes. She asked if this is going to be the same type of housing that he approached us with at that time or is this going to be trailers? Mr. Snarr said in 2009 there was an

agreement between Mr. Unzicker and the City that if this was not developed within 18 months that it would revert back to the parent district which is RM. It would have to go back through Planning Commission and City Council; that will be a hearing coming up fairly quick too. She asked what is he asking them to do? Mr. Snarr said this is a vacation plat to vacate part of the old plat as if it didn't exist. Councilmember Morrison said so we still have the option to say yes or no. Mr. Snarr said that will be coming up in a separate public hearing for an amendment to zoning. Councilmember Allred said this is taking the plats out and basically turning it back into the field that it currently is without any imaginary lines drawn. Mr. Snarr said yes.

Mr. Snarr stated that the Council was provided with the administrative record in their packets and he asked for this 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.

Council President Smith asked if anyone wished to have the Administrative Record read aloud. Seeing none is there anyone in the Council Chambers wishing to speak in favor of this application? Seeing none is there anyone wishing to speak in opposition of this application? Seeing none the Administrative record and public hearing closed at 7:14 p.m.

Motion by Councilmember Gibbs to enter the Administrative Record for the Vacation of a portion of Pathfinder Subdivision and Jan Drive into the Public Record. Seconded by Councilmember Morrison. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

1a. Consider approving or denying a vacation of a portion of Pathfinder Subdivision and Jan Drive titled – Vacation Exhibit for the East Half of Block 2 of Pathfinder Subdivision and Jan Drive situated in the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian. Owner: Southfield –Gering, LLC.

Motion by Councilmember Holliday to approve a vacation of a portion of Pathfinder Subdivision and Jan Drive titled – Vacation Plat for Lots 1-12, Block 2 of Pathfinder Subdivision & Jan Drive situated in the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian. Owner: Southfield –Gering, LLC. Second by Councilmember Smith.

Mr. Snarr clarified that the title was incorrect on the agenda and stated the correct title was: *Vacation Plat for Lots 1-12, Block 2 of Pathfinder Subdivision & Jan Drive.*

Discussion: Councilmember Gibbs said he thought we were talking about the east side of Jan Drive and it looks like they're changing the blocks on the west side of Jan Drive as well. Mr. Snarr said on the west side they're developed, on the east side they're not. Councilmember Gibbs asked how are they going to change the lots on the west side then? Council President Smith said that's the next one; the preliminary plat. Mr. Snarr said that's not changing, Councilmember Gibbs asked are there not 11 lots on the west side? Paul said yes; Jan Drive is turning into Southfield Drive. Councilmember Gibbs said we're vacating the east side but we're also changing the west side? Mr. Snarr apologized and said yes it is the west side of Jan Drive. Council President Smith asked if Council could please vote.

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

PUBLIC HEARING

2. Preliminary Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-10, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village situated in the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian. Owner: Southfield – Gering, LLC. (Preliminary plat of Southfield Village – ties in with the Vacation Exhibit of the Pathfinder Plat)

Council President Smith opened the Public Hearing at 7:19 p.m. Mr. Snarr stated to the Council that this is the public hearing for the Preliminary Plat Lots 1-6 & Tract A, Block 1, Lots 1-7 Block 2, Lots 1-7 Block 3, Lots 1-10 Block 4, Lots 1-11 Block 5, and Lots 1-10 Block 6 of Southfield Village a Subdivision in the City of Gering - situated in the Northwest Quarter of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian, City of Gering, Scotts Bluff County, Nebraska.

The Preliminary Plat lies within the SMH Zone (Mobile Home District) & SPD (Special Planned Development) and located on the South side of D Street and connecting to the East side of Pathfinder Addition.

Administrative Record:

- Application for the Vacation Exhibit, Preliminary and Final Plat for this subdivision was submitted by Carl John Gilbert, PE with Baker & Associates, Inc. January 13, 2015.
- Public Hearing Notice published January 29, 2015 and February 5, 2015.
- Scotts Bluff County was given the vacation exhibit, preliminary and final plat for review and comment – (GIS Department and they indicated they would distribute)
- Publication Notice and written notice was completed and sent to the following; all property owners within 300 feet, Gering Public School Board, North Platte Natural Recourses District, Western Nebraska Community College, Educational Service Unit 13 and Scottsbluff County per the requirements of the current City's Zoning and Subdivision Regulations Section 21.2 and are incorporated by reference in this Administrative Record.
- Vacation Exhibit, Preliminary and Final Plat submitted by Carl John Gilbert with Baker & Associates, Inc. January 13, 2015.
- Proof of ownership was completed by Chicago Title Insurance Company and submitted to the City from Baker & Associates, Inc. January 13, 2015.
- Plat of Pathfinder Subdivision recorded August 18, 1976 and the Replat of Lots 1-28 Block 2, Lots 1-26 Block 5, Lots 15-28 Block 8, Lots 1-28 Block 11, Lots 1-28 Block 14, Lots 1-14 Block 17 Pathfinder Subdivision recorded March 23, 1977.
- Resolution 4-09-2 Vacation of Lots 1 through 12, Block 2, Replat of Pathfinder Addition and Final Plat for Lots 1 and 2, Block 1 through 10, Block 2, Lots 1 through 10, Block 3 Southfield Village dated the 13 day of April, 2009.
- City of Gering Current 1995 Comprehensive Plan (Per Amendment No. 1 dated November 2001)
- Correspondence between City Staff and Attorney Rick Ediger with Simmons Olsen Law Firm in Scottsbluff (representing City) regarding violations that had taken place with the original Owner Bob Unzicker and his title company when property was sold in violation of the City of Gering 1984 Zoning and Subdivision Regulations Section 19.1.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

This Preliminary Plat meets the City Zoning and Subdivision Regulations requirements of Section 21: Preliminary Plat Procedures for Approval. Mr. Snarr stated that he has completed his entry regarding the Public Hearing for the Preliminary Plat Lots 1-6 & Tract A, Block 1, Lots 1-7 Block 2, Lots 1-7 Block 3, Lots 1-10 Block 4, Lots 1-11 Block 5, and Lots 1-10 Block 6 of Southfield Village and asked that they please keep this hearing open until all entries are put into this record. He said Council has been provided with the administrative record. He asked for this 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. He added that he has some things to discuss prior to the vote.

Council President Smith asked if any Council Member wished to have the Administrative Record read aloud. Seeing none, he asked if there was anyone in the Council Chambers wishing to speak in favor of the application. Seeing none he asked if there was anyone wishing to speak in opposition of the application. There was none.

Mr. Snarr stated if in the event they approve, this preliminary plat does meet the City's zoning and subdivision regulation requirements of Section 21.2 - Preliminary Plat procedures for approval, however staff would recommend in the event of approval that the developer and his engineers submit detailed plans of all streets, utilities including but not limited to Sanitary storm, water and lighting, drainage areas defined with the slope and flow direction of all said plans meeting City requirements; a very detailed set of plans prior to construction. Paul said we'll have to approve it before construction.

Councilmember Gibbs said we've got two or three different drawings all related to the same subdivision. One shows Southfield Drive as 60 foot wide. If you look at the other two on Southfield Drive it's definitely not 60 foot wide on those drawings but Mark Drive still is; what's going on? Bret Myer with Baker and Associates replied right, he believes the street is the same width. Councilmember Gibbs asked Fire Chief Jay Templar, hasn't in the past the Fire Department recommended that any cul-de-sac be at least 55 foot in diameter for fire safety? Chief Templar said he doesn't know the number; they need to be able to turn around but he doesn't know what that number is. Councilmember Gibbs said these are all 40 foot cul-de-sacs and that might make it awful tough to turn a fire truck. He said he's concerned they're trying to fit too much in too small of an area. He understands they want to maximize the investment but if we make an unsafe subdivision that isn't going to help anybody.

Councilmember Morrison asked if these are all going to be single wide trailers? Mr. Myer said not that he's aware but he doesn't know what their plans are for the homes. Mr. Snarr clarified that the cul-de-sac would be 40' or 80' diameter. Councilmember Gibbs said personally he feels that's too small. Mr. Snarr said we can check that; he thinks that meets guidelines but we'll double check. Councilmember Gibbs said he knows in the past there was not a lot of support for putting a bunch of mobile homes out there from the people in the subdivision at that time. There was a Council Member who lived out in that subdivision and he fought very hard against putting mobile homes there. Councilmember Gibbs said he would still be concerned about doing that now. Mr. Snarr said we will be approaching this Council with a public hearing of re-zoning that area per that agreement. It was dated in 2009; if nothing happened with this subdivision in 18 months it would revert back to its parent district of RM which would not allow that. Councilmember Allred asked if that has happened; has it fallen into place in RM? Mr. Snarr said we need to look at the language, it might be interpreted that it has reverted back. We'll have to have City Attorney Ellison look at that and look at the agreement more closely. Councilmember Allred asked isn't the zoning part of it; the first step? Council President Smith said this is a preliminary plat; we're a long ways from the final plat. All we need to do is pass the preliminary plat and then it will go to zoning; Mr. Snarr said yes. Council President Smith said all we have to do is pass this tonight to go to zoning and we can make our changes.

The Administrative Record was closed and the Public Hearing closed at 7:28 p.m.

Motion by Councilmember Holliday to enter the Administrative Record Preliminary Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-10, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village situated in the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian. Owner: Southfield – Gering, LLC into the Public Record.

Councilmember Allred asked who is the owner of Southfield? Mr. Snarr replied Bob Unzicker is one; he thinks it's just Bob now, that's all he has.

Council President Smith asked for a motion to approve or deny. He stated we have a motion by Councilmember Holliday. At that time Councilmember Morrison seconded the motion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

2a. Consider approving or denying Preliminary Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-10, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village situated in the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian. Owner: Southfield –Gering, LLC.

Motion by Councilmember Holliday to approve the Preliminary Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-10, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village situated in the NW ¼ of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian. Owner: Southfield –Gering, LLC. Seconded by Councilmember Christensen. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Morrison and Cowan. "NAYS": Allred. Abstaining: None. Absent: None. Motion carried.

BIDS:

1. 2015 City Wide Street Replacement Bid Award

Council President Smith stated that the bid opening was today and the bid has been rejected at this time.

CURRENT BUSINESS:

1. Consideration of vacancy in Ward II

Council President Smith stated that in following our Resolution 6-07-3, which is also in line with State Statute, we are required to publish a notice of the vacancy and give notice that interested persons shall submit a letter of interest in serving as a Councilmember for Ward II. The Mayor and City Council shall conduct interviews of interested persons and within four weeks after the meeting when the notice of vacancy was presented, the issue of filling such vacancy shall be placed on the agenda at a Regular City Council meeting at which time the Mayor shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. With that we will be publishing a notice that letters of interest will be accepted through March 16, 2015 at 1:00 p.m. and should be addressed to the Mayor. The Council will hold a Special meeting on March 19, 2015 at 6:00 p.m. to conduct interviews of the interested persons. He asked if there were any questions.

2. Update and review of Communications Center and Advisory Board - Ray Richards, Communications Center Director and Ben Backus, Advisory Board Member for the City of Gering

Ray Richards, Communications Center Director, thanked the Council for allowing him to present an update. He said the Advisory Board has been in existence now for one year; it's going extremely well. He said they're proud to have Ben on Board; he's a great rep for the City of Gering. He brings great discussion to the table. Mr. Richards said they just hired two new full-time employees. They're also working on their Mutual Aide Base Stations project which is a compliance issue with the Feds and the State where they'll have a bank of radio channels set up in the event that we have agencies coming here to help other agencies, whether it be fire or law enforcement. As they're taking the calls to deploy those people they'll tell them which channels to roll to when they approach the staging areas and then meet with incident command and get further orders. Also if we are going someplace to help such as South Dakota or Colorado or where ever, the same channels are consistent across the country so where ever we would be called and given permission to respond, those things are already in place.

Mr. Richards said they took advantage of the better weather in the last couple of weeks and had the tower crews up hanging some hardware on the Minatare tower site; they got the heavy lifting out of the way and now they're doing some software and enabling of equipment at the Communications Center. Also, in the last year and a half or so they've discovered several unnamed streets on their 911 maps. He said they were sad when Paul left and they're glad he's back; he's helping them a lot with Gering and with other cities. In the last two weeks they've discovered 25-30 more streets in Gering that are not named on the mapping system. They're updating those maps and sending them to Geo-Com and they also have another associate with Pictometry. At the end of spring they're going to have a big update on a lot of things; it's a big job. Mr. Richards thanked Paul and thanked the City for bringing him back.

Mr. Richards went on to say our May Day Project is moving ahead; this project is being championed by the Gering and Scottsbluff Fire Departments and will be County wide when it's all done. This is a project where if a firefighter gets in trouble there's a button on their radio they can push which will activate a certain icon on the Communications Center radio console that will tell them the firefighter is in trouble. It begins a series of disciplines inside the Communications Center and disciplines on the scene of the fire and what will take place there. This will also identify specifically which firefighter it is. They've entered into an agreement with Motorola and have a Motorola serial bus which lets that information travel through

the Zetron equipment and they can tell that a radio belongs to a certain fireman. That can expand into all the Fire Departments in the County.

The Advisory Board passed their first resolution which brought about a sinking fund. That allows them, with the \$225,000 that all of the entities bring forward, if they don't use it they can move it forward into the next year and not be penalized or return it to the general fund; that is going along very well.

Text to 911 is on their table; they have pretty much everything in place with only one vendor. There are 42 wireless service providers in Nebraska and they're working with the big four. AT&T has been the champion so far; they've stepped up and they'll be testing with them in the next month or so. He said you'll be hearing some public education messages coming out "Call when you can, text when you can't". The primary purpose for that is for the deaf and hard of hearing but certain people text more than others and they have a better grasp of that platform. The Communications Center will actually be able to text back and forth with the individual.

Motorola has announced end of life on the fire department pagers in the low band frequency band width. Fire departments are concerned about what's going to happen in the next couple of years to start replacing those fire pagers. ISO does not recognize texting or cell phone re-paging so they will need to establish and maintain a primary platform for pagers. He said they're not far away from getting it resolved; they just need to look at all the options and decide which one is the most efficient and the best return on the investment and start installing equipment and testing it. He said they're also working on a new CAD system in records management. Ben will update the Council on that. Our existing platform was through SLEUTH, but it's not a stable platform; there are a lot of issues with that.

Councilmember Gibbs asked about a problem he saw in the news about pinpointing locations for 911 for cell phones; are we having any problems with that? He said this was more of an issue of locating based on cell towers instead of GPS. Mr. Richards replied that they have that from time to time; it depends on the carrier. Some are much better than others; some will give us the tower, some are incredibly accurate, but that does exist. As the technology keeps moving it will get better.

Mr. Backus addressed Council and said the Zetron console is 100% functioning now. Finally all the systems are working right on the Zetron console as it was sold initially. Ben feels that's a big achievement. He went on to say that there was a miscommunication and they thought one of the police departments was going rogue and was going to do their own dispatch; that would throw a monkey wrench in all the gears if we had one person doing what they wanted to do for computer-aided dispatch and everyone else was running the other system. As a board they used leverage to have all the police departments use the same computer-aided dispatch. It would save money in the long run. It's not a decision they can make as a board, the City has to be on board with it with the Police Department. If everybody uses the same dispatch it would cut down on man hours and make the system more efficient.

Mr. Backus added that something to be aware of is LB652. Basically the state wants to take over managing the 911 system; they'll control all the funds. He said Ray would have to do a lot of paperwork to make sure the 911 Center would stay compliant with what the state wants them to do because then they'd be able to withhold those funds. Essentially the board would be a figure head at that point. Councilmember Gibbs said LB652 might be one we want to take a position on. Mr. Backus said it has been catching a lot of flak because anytime the state tries to take all the power away from the municipalities it doesn't go over very well. Mr. Richards added that the Sheriff's Association, the Police Association, NACO and others have opposed it for a variety of reasons. It isn't good and the things that were promised a year and a half to two years ago are not on the paper. It's coming up March 10th officially for its hearing. They'll watch it and if it comes to a point that we need letters of position they'll come back to the Council.

Mr. Richards added that the fax machine is the oldest form of technology in their room and they'd like to move to not using it anymore in conjunction with the CAD system; there are more efficient methods than the fax machine.

Council President Smith thanked Mr. Richards for the update and thanked Mr. Backus for representing the City on the Advisory Board.

3. Remove from table Citizen Agenda Item – Request for letter of support for LB168, Ben Backus
Motion by Councilmember Gibbs to remove from table Citizen Agenda Item – Request for letter of support for LB168. Second by Councilmember Morrison. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

4. Citizen Agenda Item – Request for letter of support for LB168, Ben Backus
 Mr. Backus reported that since he placed this item on the agenda the bill moved to "select file" on Wednesday and by Friday it went to a vote and passed 48 to nothing. He said he would like Council to familiarize themselves with LB168 and at the next planning committee maybe they could start a discussion about a business improvement district going forward. Council President Smith thanked Mr. Backus.

5. Returning the Public Comment Item to the regular Council agendas –Councilmember Gibbs
 Councilmember Smith stated after discussions with the Mayor, Council and Lane this item has been added back; you'll notice it on the agenda and it will be on the agenda moving forward. Councilmember Gibbs thanked the Mayor and said he thinks it's important that citizens have that opportunity. Councilmember Christensen said he thinks we need to put it back the way it was. Councilmember Cowan said he thinks it needs to be on there so people can talk to us.

6. Fire Department Annual Report, Fire Chief Jay Templar
 Chief Templar addressed the Council with the Annual Fire Department Report. Before he gave the report he stated, regarding the Lane Auction House demolition, last week we were extremely blessed to have some perfect weather and due to the great job of the contractor, inspectors and all the City staff we got that building down and he thinks everybody took the public health issue very serious. Councilmember Christensen said everyone is to be commended for the terrific job they did at removing that building. Councilmember Gibbs agreed.

**GERING VOLUNTEER FIRE DEPARTMENT - 2014
 ANNUAL REPORT OF FIRE & RESCUE CALLS**

<u>Total Calls</u>	<u>2014-635</u>	<u>2013-611</u>	<u>2012-616</u>
City Fires	33	25	35
Rural Fires	6	10	23
City Rescues	405	383	372
Rural Rescues	45	32	36
Motor Vehicle Accidents	33	51	42
False Alarms	31	29	17
Mutual Aid (Given) (10)	25	30	52
Mutual Aid (Received) (4)	9	13	23
CO Detector Alarms	2	0	1
Misc. Calls	55	51	38

<u>Estimated Losses From Fire:</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>
City Property	\$ 78,700	\$ 713,425	\$ 286,850
Rural Property	\$ 500	11,000	246,100

Estimated Value of Property Involved in Fire:

	<u>2014</u>	<u>2013</u>	<u>2012</u>
City Property	\$ 1,100,950	\$ 20,603,900	\$ 13,325,235
Rural Property	2,500	290,000	8,742,200

Average Number of Personnel Responding to Calls: 9.1

City Fires – 12.1	City Rescues – 8.6
Rural Fires – 10.1	Rural Rescues – 9.5
Estimated number of man hours spent on all calls – 5,772	

Man Hours other than Calls:

2,996	Training
864	Regular, State & Regional, Meetings
435	Public Education
28	Inspections & pre-planning by members
230	Repairs & maintenance by members
974	Public Relations
2,600	City Fire Marshal

Estimated total man hours spent on all Fire Department activities is – 13,899

STATE & NATIONAL:

- Ryan Sterkel received the Gering Fire Department's 2014 "LeRoy Elliott" Firefighter of the year award
- Jeff Scott won the NSVFA Outstanding Fire Fighter Award one of 10 awarded statewide
- Thomas Modena is Panhandle Area Representative for the NSVFA.
- Jim Lawson was elected Secretary-Treasurer Scotts Bluff County Mutual Aid.
- Parrish Abel was elected District 1 Director of the NSVFA
- Darrell Vance serves on the NE State Fire School Committee and Ne Fire Chiefs Board

Highlights for the year: Celebrated the Fire Department 100 year anniversary with several activities. Completed phase one the Hands on Training Facility. This is the 15th year of the Mutual Finance Assistance Fund from of the State of Nebraska. The City received \$37,926 and the Rural received \$18,590 in 2014.

Chief Templar said on behalf of the Fire Department, we would like to thank Mayor Tony Kaufman and the City Council members for their continued support and cooperation given to us throughout the year.

Motion by Councilmember Christensen to accept the Fire Department Annual Report into the Public Record. Seconded by Councilmember Holliday. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

7. Standing committee Agenda Item Request – Ron Ernst

City Clerk Welfl explained that Parks Director Ron Ernst utilized the new form for placing an item on a Standing Committee Agenda regarding a Bounce House ordinance. She explained that this item was discussed at a Public Safety meeting last September and the Committee agreed that an ordinance should be drafted and brought back for recommendation to the full Council. Clerk Welfl stated from a Risk Management perspective and with a legal opinion handed down by LARM, it's in the City's best interest to address liability concerns regarding bounce houses on City property.

Motion by Councilmember Morrison to approve the item of a Bounce House Ordinance being placed on a Public Safety Committee agenda in the near future. Second by Councilmember Cowan. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

8. Approve and authorize the Mayor to sign Gering Community Recertification letter

Clerk Welfl explained that this letter simply verifies that Twin Cities Development does the Economic Development for the City of Gering and that Rawnda Pierce is the contact.

Motion by Councilmember Smith to approve and authorize the Mayor to sign Gering Community Recertification letter. Seconded by Councilmember Morrison. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

9. Consider approving and authorizing the Mayor to sign letter of support for LB318

Motion by Councilmember Cowan to approve and authorize the Mayor to sign letter of support for LB318. Seconded by Councilmember Holliday. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

10. Consider approval of a subordination agreement which allows G-Town, L.L.C. to refinance its primary loan (G-Town, L.L.C. d/b/a Freshfoods Grocery Store)

City Attorney Ellison stated that the owners of G-Town, L.L.C. are refinancing their loan. The original loan was through Mutual of Omaha Bank. Their current loan held at Mutual of Omaha has a balance of \$740,000.00. G-Town, L.L.C. has contacted Core Bank of Omaha, and will be refinancing that amount with no cash-out. Core Bank will enter into a closing with G-Town, L.L.C. but will require, as a condition of the primary loan, for the City of Gering to subordinate its lien based on the City's Redevelopment Agreement. Core Bank needs approval from the City of Gering City Council to subordinate the City's lien to the new Deed of Trust with Core Bank. Mutual of Omaha's Deed of Trust and subordination agreement will be released once Core Bank receives a payoff. Once the Deed of Trust is filed with respect to Core Bank, the City of Gering will then need to execute a subordination agreement. Therefore, the City Council needs to consider approval of a subordination agreement which will come at a later date. A Resolution (Motion) passed by the City Council authorizing the Mayor to execute the subordination agreement will be sufficient, at this time, to allow G-Town, L.L.C. to close and otherwise proceed with refinancing with Core Bank of Omaha. Core Bank would like to close the loan by no later than Friday, February 27, 2015.

Motion by Councilmember Morrison to approve a subordination agreement which allows G-Town, L.L.C. to refinance its primary loan (G-Town, L.L.C. d/b/a Freshfoods Grocery Store). Seconded by Councilmember Gibbs. There was no discussion. The Council President called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

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

REPORTS:

OPEN COMMENT SECTION: There was no public comment made.

ADJOURN

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

Meeting adjourned at 8:09 p.m.

ATTEST:

Kathleen J. Welfl, City Clerk

Mark A. Kaufman, Mayor

