

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

A regular meeting of the City Council of Gering, Nebraska was held in open session on January 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, Allred, Shields, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent was Councilmember McFarland. 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 Councilmember absence

Mayor Mayo noted that there were no absences to excuse from the last meeting.

OPEN MEETINGS ACT-NEBRASKA REV. STATUATE CHAPTER 84, ARTICLE 14

Mayor Mayo indicated Nebraska Revised Statutes, Chapter 84, Article 14, requires at least one copy of the Open Meetings Act be posted in the meeting room and he indicated where the Open Meetings Act is posted.

CORRESPONDENCE AND PUBLIC COMMENTS:

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 December 9, 2013 Regular City Council Meeting**
- 2. Approve claims and financials**
- 3. Acknowledged receipt of claim from Farm Bureau Financial Services for Timothy Propp sewer back-up loss**
- 4. Sanitation Agreement/addendum with the City of Mitchell**
- 5. File for Record Agreement with Sam Klassert**

Claims: 12-18-13 to 1-6-14

ACS FIREHOUSE SOFTWARE \$625.00 CONTRACT RENEWAL, ADAM DOWNER \$228.00 FIREARMS SCHOOL EXPENSE, ALAMAR UNIFORMS \$544.50 152 WHITE SHOULD PATCHES, ALLO COMMUNICATIONS \$759.00 TELEPHONE/INTERNET CHARGES, AMAZON \$70.19 BOOKS, AUTOMATION PARTS EXPRESS \$922.00 BOILER, B&C STEEL \$17.81 ROUND BAR, BANNERSINVINYL \$179.90 FIRE DEPT BANNER, BAVCO VALVE CO \$261.45 SUPPLIES, BENZEL PEST CONTROL \$100.90 PEST CONTROL, BEST BOOKS, INC. \$119.70 BOOK ORDERS, BETSY ROSS FLAG GIRLS INC \$80.50 FLAGS, BIG MACK \$70.00 SERVICE CALL, BLACKHAWK CONSTRUCTION \$7,824.00 DAILY GRIND, BLANKENAU WILMOTH LLP \$40.00 WATER TRANSFER PERMIT, BLUFFS SANITARY SUPPLY \$365.21 TOLIET PAPER, BOMGAARS \$37.97 LATCH FOR FUEL DUMP TRAILER, BOOKS GALORE INC \$1,625.71 BOOK PURCHASE, BOUND TREE MEDICAL \$390.10 PULSO OXIMETER, BRIDGEPORT AMPRIDE \$67.98 NE FDMA MEETING, BUDGET TIRE & SERVICE \$137.00 UNIT #621-112, CARD SERVICES \$6,776.29 NOVEMBER 2013 CC STATEMENTS, CARHARTT \$689.08 EMPLOYEE BENEFITS JACKET, CENTRAL STATES WIRE PRODUCTS \$8,396.46 WIRE, CENTURY LUMBER CENTER \$47.07 1455 5TH STREETM, CHARLES SCOTT \$3,460.31 CASH OUT GERING SERVICE AWARD, CHARTER COMMUNICATIONS \$96.98 TV/INTERNET CHARGES, CHINA HOUSE \$20.16 CA4 MEETING, CITY INSURANCE FUND \$136,256.60 HEALTH PREM 125, CITY OF GERING-GENERAL ACCT \$65,000.00 ACH PAYROLL, CITY PAYROLL TRUST \$2,709.73 FSA MEDICAL 125, CNA SURETY \$1,152.28 SURETY BONDS, CODY ISOM \$1,360.92 CASH OUT GERING SRVICE AWARD, CONNECTING PINT \$62.00 COPIER SERVICE, CONTRACTORS MATERIALS \$567.55 SUPPLIES, CONTROL ASSEMBLIES COMP \$625.00 SCADA REPAIR, CORNER STORE \$50.36 FUEL FOR CITY VEHICLE TO ORLANDO, COUNTRY WOMAN \$16.98 MAG SUBSCRIPTIONS, CREATIVE SIGNS DIVISION/C \$4,700.80 CIVIC CENTER SIGN, CRESCENT ELECTRIC SUPPLY \$9,939.52 LIGHT POLE, CULLIGAN WATER CONDITIONING \$2,237.75 DAILY GRIND WATER SOFT/RO SYS, CUMMINS CENTRAL

POWER \$3,093.18 GENERATOR REPAIR, CURVES \$72.76 WELLNESS CURVES, D&H ELECTRONICS SUPPLY \$160.17 WELL REPAIR, DAHLGRIN CASEY \$50.00 SUPERINTENDENT RENEWAL, DALE'S TIRE AND RETREADING \$110.00 G4 TIRES, DAN PIERCE \$1,398.30 CASH OUT CITY OF GERING SERVICE, DATA TECHNOLOGIES \$295.78 TAX FORMS, DEX \$64.00 ADVERTISING, DHHS DIVISION/PUBLIC HEAL \$123.00 BLOOD ALCOHOL TESTING, DHHS ONLINE LICENSING \$1,495.00 ROBERT BUHR LICENSE RENEWAL, DIA \$40.00 PARKING FEES, DITCH WITCH OF NEBRASKA \$277.40 SPROCKET, DOLLAR GENERAL STORE #077 \$16.59 SUPPLIES FOR ED TJADENS CAR, DOOLEY OIL \$2,242.35 OIL BALER AND TRUCK, DUTTON-LAINSON COMPANY \$484.18 LUGS, DVS STORAGE LLC \$4,000.00 ADCANCE TIF PAYMENT FOR FY12, ECOLAB \$69.00 WWTP REPAIRS, ED.ROEHR SAFETY PRODUCTS \$218.00 LED FLARES, EDWARD JONES \$3,678.33 ACCT#992-99927-1-8, EFFECTIVE COMMUNICATIONS \$99.00 ONLINE SEMINAR FOR LAW ENFORC, ELLIOTT EQUIPMENT CO. \$146.50 SEWER JET REPAIR, ENERY LABORATORIES INC. \$456.00 W.LAB, ENTERPRISE IRRIGATION DIS \$1,861.28 IRRIGATION TAXES, ENVIRO SERVICE INC. \$2,181.00 WW LAB, ESCAMILLA ELI \$100.00 STEEL TOE BOOTS REIMBURSEMENT, FASTENAL COMPANY \$1,383.23 SUPPLIES, FEDEX \$150.55 WWTP MAILING, FIREHOUSE TROPHIES AND GI \$510.00 SERVICE AWARDS, FIRST STATE BANK \$342.39 IBEW UNION DUES, FIRST WIRELESS, INC. \$264.75 RADIO REPAIRS, FLOYD'S SALES & SERVICE \$6,932.50 UNIT G6 SERVICE, FORT DEARBORN LIFE INS. C \$113.52 FIREFIGHTER LIFE INSURANCE, FRANK IMPLEMENT COMPANY \$1,352.53 BUSHINGS/BELTS, FRESH FOODS \$15.50 LANDFILL FOOD FOR HELPERS, FRONTIER AIRLINES \$50.00 BAGGAGE CHECK TO ORLANDO, GALE \$282.46 BOOK PURCHASE, GAYLORD BROTHERS \$174.45 SUPPLIES FOR CATALOGING, GERING CITIZEN \$441.60 NOV 25 2013 MEET OF COUNCIL, GERING CONVENTION & VISIT \$15,558.75 QUARTERLY 01/2014 PAYMENT, GERING COURIER \$35.00 VILLAGE KICKOFF, GERING MERCHANTS \$2,326.54 KENO FUNDS, GERING VALLEY PLUMBING & \$1,846.40 BATHROOM REPAIRS, GERING VOLUNTEER FIRE DEP \$176.00 16 MEMBERS NAT FIRE ACAD, GOLF INSUTRY SHOW \$720.00 EDUCATION CONFERENCE, GREATAMERICA LEASING CORP \$282.52 COPIER LEASE AGREEMENT, HARDING & SCHULTZ, P.C.L. \$442.00 GENERAL LABOR MATTERS, HD SUPPLY WATER WORKS, LTD \$3,926.80 METER PURCHASES, HEARTLAND EXPRESSWAY \$9,214.80 ANNUAL DIES 2013-2014, HEILBRUN \$3,194.81 2010 SILVERADO/POLICE SERVICE, HOKE WELDING & REPAIR INC \$225.00 REPAIR BACKHOE BUCKET, HOME DEPOT \$244.76 WELL REPAIR, HONEY-WAGON EXPRESS \$120.00 CLEAN GREASE TRAP, ICMA ELECTRONIC RETIREMENT \$516.00 ICMA CITY ADMIN, IDEAL LINEN SUPPLY, INC. \$394.03 SUPPLIES, INDEPENDENT PLUMBING & HE \$190.05 SUPPLIES, INGRAM LIBRARY SERVICES \$1,187.41 BOOK PURCHASE, INTERNAL REVENUE SERVICE \$37,136.80 FED/FICA TAX, INTERSTATE BATTERIE/RAPID \$1,523.50 WELL/WWTP REPAIRS, INTRALINKS TECHNICAL SOLU \$3,460.60 COMPUTER SUPPORT, IRBY TOOL & SAFETY \$280.51 NOVEMBER TESTING, IRS-EFT PAYMENT \$407.10 FORM 945 FIRE&SAFETY PYMT, JAMES JACKSON \$228.00 FIREARMS SCHOOL EXPENSES, JERRY RUSSELL \$4,555.50 CASH OUT GERING SERVICE AWARD, JIM JOHNSON \$3,145.38 CASH OUT GERING SERVICE AWARD, JL BECKER INC \$3,437.50 SNOW REMOVAL, JO-ANN FABRICS & CRAFTS \$32.09 SUPPLIES FOR DISPLAY, JOHN HANCOCK USE \$12,448.89 JH RETIRE 6%, JOHNSON CASHWAY CO \$3,385.90 WAFERBOARD, JORDYN NICHOLS \$500.00 RENTAL DEPOSIT, JUSTIN BRUNZ \$228.00 FTO SCHOOL EXPENSES, KAPCO \$341.51 SUPPLIES FOR CATALOGING, KARENS CLEANING \$425.00 MONTHLY JANITORIAL, KATHLEEN A. LAUGHLIN \$165.00 GARNISHMENT 2, KAWASAKI KORNER \$118.81 REPAIRS, KL INSTALLATION & SONS \$79.50 FINAL INVOICE PAID TWICE, KLASSERT SAM \$2,582.91 HOURS INSPECTION, KNEB \$339.00 KNEB WEBSITE, KOVARIK, ELLISON, MATHIS \$11,636.25 911/TELECOMMUNICATIONS, KRIZ-DAVIS \$12,071.77 LED FISTURE, LEAGUE OF NE MUNICIPALITIES \$374.00 RON DOGGETT UTILITIES CONFERENCE,LEXIS NEXIS RISK DATA MGM \$382.11 NE CRIM & TRAFF LAW HANDBOOK, LIGHTHOUSE ELECTRICAL \$8,569.00 DAILY GRIND, LOGOZ LLC \$338.00 SAFETY JACKETS, M.C. SCHAFF & ASSOCIATES \$862.50 GIS/GPS TRAINING, MARATHON SYSTEMS \$276.60 SUPPLIES, MASEK GOLF CAR COMPANY \$109.80 J-HOOKS, MATHESON TRI-GAS INC \$78.05 CARBON DIOXIDE, MB KEN ENTERPRISE \$253.25 OVERHEAD DOOR LABOR & REPAIR, MEAT SHOPPE \$59,897.35 CATERING COSTS, MENARDS \$508.47 INFRARED HEATERS, MFS HERITAGE TRUST CO \$1,388.03 ACCT#1028-08189164172, MG TRUST COMPANY \$4,917.60 MG T-POLICE, MICHAEL RICHARD \$350.00 MICRO SAMPLES, MIKE HAWLEY \$5,396.59 CASH OUT GERING SERVICE AWARD, MIZUNO USA, INC. \$131.40 CLOTHING, MONEY WISE OFFICE SUPPLY \$383.03 INK/PAPER/FILE FOLDERS, MUNICIPAL EMERGENCY SERVI \$697.01 GLOVES, MURDOCH'S RANCH & HOME \$469.66 CLOTHING, MURPHY TRACTOR & EQUIPMENT \$117.56 BOLTS, MWC ENTERPRISES, INC. \$2,750.00 SIDE LOAD LID, NATHAN HARVEY \$2,163.17 CASH OUT GERING SERVICE AWARD, NATIONAL GEOPGRAPHIC SOCIE \$39.00 MAG SUBSCRIPTIONS, NDOR-LODGING \$343.00 NOV 2013 LODGING TAXES, NE CHILD SUPPORT PAYMENT \$894.60 CHILD SUPPORT 1, NE DEPARTMENT OF REV(PR) \$10,963.20 STATE TAXES, NE ECONOMIC DEVELOPERS AS \$100.00 2014 ANNUAL DUES, NE PUBLIC POWER DISTRICT \$1,463.81 UTILITIES, NE SAFETY/FIRE EQUIPMENT \$100.00 ANNUAL FIRE SPRINKLER INSP, NEBRASKA DEPT. SOCIAL SER \$251.24 JONI DELLOS OVERPYMNT, NEBRASKA LAW ENFORCEMENT \$600.00 FIELD OFFICER TRAINING-WEST, NEBRASKA MACHINERY COMPANY \$5.89 SOS TUBE, NEBRASKA SALT AND GRAIN C \$4,004.51 DEICER, NEBRASKALAND TIRE \$445.98 TIRES F1650 PICKUP, NEMNICH ERIK \$36,000.00 LB840 GRANT AND LOAN, NEW WORLD INN \$62.00 NE FSMA MEETING, NORTHWEST PIPE FITTINGS \$125.14 SUPPLIES, NOVELTY LIGHTS \$67.85 20 LIGHT BATTERY OPERATED, OCLC, INC. \$164.56 CATALOGING AND METADATA, OFF BROADWAY BUSINESS \$661.77 3TONER CAR/DVD-R 50 PK, OLLIS BOOK CORPORATION \$436.28 BOOK ORDERS, OREGON TRAIL PLBG. & HEAT \$295.00 EAST DINING ROOM UNIT SERVICE, OUTDOOR LIFE \$19.97 MAG. SUBSCRIPTIONS, PAGE MY CELL \$675.00 SET UP & ONE YEAR SERVICE, PANHANDLE COOP ASSOCIATION \$556.04 DELIVERY TICKET, PANHANDLE HUMANE SOCIETY \$3,170.34 ANIMAL

CONTROL & FEES, PARAGON \$388.00 RISING STAR, PING \$48.11 GOLF CLUB REPAIR, PITNEY BOWES \$900.00 POSTAGE FOR METER, POSTMASTER \$1,200.00 MAILING PERMITS, PROTEX CENTRAL, INC. \$350.00 2014 INSPECTION AGREEMENT, PUMP & PANTRY \$53.61 NE FSMA MEETING, QUALITY BOOKS, INC. \$750.26 BOOK PURCHASE, RADIO SHACK CORPORATION \$19.78 SUPPLIES, RECORDED BOOKS LLC \$103.44 BOOK PURCHASE, REGIONAL BOOK, INC. \$421.70 BOOK PURCHASE, REGIONAL WEST MEDICAL CEN \$2,303.55 HEALTH FAIR PANEL, RESOURCE MANAGEMENT CO. \$2,712.95 TIRES, ROBINSON ELECTRIC \$428.35 120V COIL, ROBINSON TREE FARM \$1,250.00 MOVE 5 LOCUST TREES, RON DOGGETT \$182.00 UTILITIES CONF EXPENSES, ROXANNE JOHNSON \$3,145.38 CAH OUT GERING SERVICE AWARD, SANDBERG IMPLEMENT, INC. \$37.84 OIL & FUEL FILTER, SCB COUNTY AMBULANCE SER \$316.23 ABMULANCE CONTRACT, SCB COUNTY REGISTER OF D \$90.00 REGISTER OF DEEDS, SCB COUNTY SHERIFF OFFICE \$56.90 SUMMONS REPORTS, SCHLOTHAUER, JOHN \$10,000.00 LB840 GRANT-JOB CREATION, SCOTTS BLUFF CO ASSESSOR \$16,642.40 PT BLKA, NELSON SUB, SCOTTS BLUFF COUNTY COURT \$190.00 DEC CLAIMS LIST, SCOTTBLUFF TOWING SERVICE \$70.00 TOW 21-D565, SCOTTSBLUFF-GERING UNITED \$17.00 UNITED WAY CTRB, SCS ENGINEERS \$7,032.28/ LANDFILL RENT, SENIOR CITIZENS CENTER \$525.00 FINANCIAL SUPPORT, SHARON LARSON \$2,783.43 CASH OUT GERING SERVICE AWARD, SHAWN WEST \$228.00 FTO SCHOOL EXPENSES, SHELL \$291.32 G10 FUEL, SIMMONS OLSEN LAW FIRM \$1,500.00 2013 PROSECUTIONS, SIMON CONTRACTORS \$130.00 MAIN REPAIR, SLAFTER OIL COMPANY \$519.70 MOWER/EQUIP SERVICE, SOLOMON CORPORATION \$1,551.50 TRANSFORMER, SOLUTIONS EAP \$244.55 NOV 2013 (18) EMPLOYEES, SOURCE GAS \$530.86 UTILITIES, STANLEY SECURITY SOLUTION \$561.76 LANDFILL LOCKS, STAPLES CREDIT PLAN \$424.32 WEBAM CITY COUNCIL & SUPPLIES, STAR-HERALD \$1,130.95 UTILITY CLERK 1 HELP WANTED, SUGAR VALLEY FEDERAL CRED \$1,268.08 CREDIT UNION, SUN MOUNTAIN SPORTS \$69.78 CLOTHING, SURVEY SUPPLY INC. \$485.31 GPS SUPPLIES, TAYLOR MADE GOLF COMPANY \$147.56 GOLF CLUBS, TD AMERITRADE \$134,939.57 CITY OF GERING FIRE & SAFETY, TERRY CARPENTER, INC. \$650.00 WATER WELL LAND RENT, TEST AMERICA \$1,002.00 TEST SAMPLES, THE COTTAGE JOURNAL \$19.98 MAG. SUBSCRIPTIONS, THE ROCK PILE \$78.89 MASONRY SAND, TIM MEISNER \$100.00 2013-2014 TREE REBATE PRGRM, TREVA TEMPLAR \$4,114.09 CASH OUT GERING SERVICE AWARD, TRISTATE SPRINKLER SYST \$2,065.00 SPRINKLER REPAIR ON N. 10TH, TWIN CITY ROOFING/SHEET M \$7,700.00 1455 5TH ST/MIKE SARCHET, UNION PACIFIC RAILROAD \$2,163.00 LEASE FOR PUBLIC ROADWAY, UNITED CHAMBER OF COMMERCE \$375.00 COMMUNITY DIRECTORY, USA TODAY \$300.12 SUBSCRIPTION, VALLEY BANK-POLICE \$300.00 PO. UNION DUES, VALLEY BANK & TRUST CO, \$31,519.52 SCB/GERING SINKING FUND, VANCE FORPAUGH \$200.00 RV PARK SIGN LEASE, VERIZON WIRELESS \$635.59 IPADS NOV 2013, WELLS FARGO FINANCIAL LEASE \$138.41 COPIER LEASE PYMNT, WESTCO \$22,520.83 UNLEADED FUEL, WESTERN PATHOLOGY CONSULT \$59.60 WW TESTING, WESTERN PLAINS BUSINESS S \$77.22 COPIER MAINTENANCE, WINCHELL CLEANING SERVICE \$1,770.00 MONTHLY CLEANING, YMCA OF SCOTTSBLUFF \$518.36 WELLNESS YMCA, ZANE HOPKINS \$3,066.08 CASH OUT GERING SERVICE AWARD PAYROLL CHECK ON 12/27/2013 \$103.232.81

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

PUBLIC HEARINGS:

1. A Final Plat of Lot 2A-1 and 2A-2 Block 2, Gering Fourth Industrial Tracts, being a Replat of Lot 2A Block 2 Gering Fourth Industrial Tracts, a Replat of Lot 2 Block 2 and Block 3, Gering Fourth Industrial Tracts and Unplatted Land in the City of Gering, Nebraska situated in the Northeast Quarter of Section 12, Township 21 North, Range 55 West of the 6th Principle Meridian, Scotts Bluff County, Nebraska.

Mayor Mayo opened the Public Hearing at 7:04 p.m. City Engineer, Paul Snarr, gave the Administrative record. He asked if the Council would accept the record without being read; Council agreed.

(Final Plat for Gering Fourth Industrial Tracts – Connie Frank President of Frank Enterprises, Inc.)
Mr. Snarr stated that this is the public hearing for a Final Plat of Lot 2A-1 and Lot 2A-2, Block 2, Gering Fourth Industrial Tracts, being a Replat of Lot 2A, Block 2, Gering Fourth Industrial Tracts, A Replat of Lot 2, Block 2, and Block 3, Gering Fourth Industrial Tracts and Unplatted Land in the City of Gering, Nebraska situated in the Northeast Quarter of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska. The Final Plat is zoned MH (Heavy Industrial and Manufacturing District). Lot 2A-1, Block 2 contains approximately 5.28 Acres and Lot 2A-2 Block 2 contains approximately 0.43 acres and has an existing storage unit building on the lot.

Both lots are located West of Lockwood Road with the South ROW line of D Street being the North boundary line of both lots and the North ROW Line of Highway 71 Expressway being the South boundary line of Lot 2A-1.

Administrative Record:

Council Members were provided with the Administrative Record in their packets.

- Application for this Re-Plat submitted by the owner/President Connie Frank of Frank Enterprises, Inc. dated November 12, 2013.
- Final Plat Mylar(s) submitted by the owner's representative Kelly Beatty, LS 476 with MC Schaff and Associates, November 12, 2013.
- Public Hearing Notice published November 28, 2013 and December 5, 2013.
- Publication Notice and written notice was completed and sent to all property owners within 300 feet and Gering School Board per the requirements of the current City's Zoning and Subdivision Regulations Section 15.2 and are incorporated by reference in this Administrative Record.
- Scotts Bluff County GIS Department was given a preliminary and final plat for review and comment.
- Plat of Lot 2A, Block 2 Gering Fourth Industrial Tracts and Replat of Lot 2, Block 2, and Block 3 Gering Fourth Industrial Tracts and Unplatted land as recorded January 14, 2005.
- Planning Commission Public Hearing Meeting December 17, 2013.
- Proof of ownership (Warranty Deed) was received by owner's representative Kelly Beatty with MC Schaff and Associates, November 19, 2013.
- City of Gering Current 1995 Comprehensive Plan (Per Amendment No. 1 dated November 2001).
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

This Final Plat meets the City Zoning and Subdivision Regulations requirements of Section 21: Preliminary and Final Plat Procedures for Approval.

Mr. Snarr stated to the Mayor and City Council Members that he has completed his entry regarding the Public Hearing for the Final Plat of Lot 2A-1 and Lot 2A-2, Block 2, Gering Fourth Industrial Tracts, to the City of Gering, Scotts Bluff County, Nebraska and requested the Council's approval for said Plat and asked that they please keep this hearing open until all entries are put into this record.

Mayor Mayo asked if anyone in the Council Chambers wished to speak in favor or opposition of the application. Kelly Beatty with MC Schaff & Assoc. spoke in favor of the Final Plat and entertained questions from Council. There were no questions or comments from Council. The Administrative Record was closed and the Public Hearing was closed at 7:08 p.m.

1A. Approve or deny the Final Plat of lot 2A-1 and 2A-2 Block 2, Gering Fourth Industrial Tracts, being the Replat of lot 2A Block 2 Gering Fourth industrial Tracts, a Replat of lot 2 Block 2 and Block 3, Gering Fourth Industrial Tracts and Unplatted Land in the City of Gering, Nebraska.

Motion by Councilmember Gibbs, second by Councilmember Morrison to approve the Final Plat of lot 2A-1 and 2A-2 Block 2, Gering Fourth Industrial Tracts, being the Replat of lot 2A Block 2 Gering Fourth industrial Tracts, a Replat of lot 2 Block 2 and Block 3, Gering Fourth Industrial Tracts and Unplatted Land in the City of Gering, Nebraska. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland. The motion carried.

2. An Exception/Conditional Use Permit for the construction of storage units located on Lot A Block 5 Midtown Development Second Addition otherwise known as 3630 Lyman Drive in the City of Gering, Scotts Bluff County Nebraska.

The Mayor opened the Public Hearing at 7:10 p.m. Mr. Snarr gave the Administrative Record and asked that it be made part of the official proceedings of this public hearing.

(Darrel & Janice Schilz Exception/Conditional Use Permit Application for Storage Units)

Mr. Snarr stated that this is a Public Hearing to consider an Exception/Conditional Use Permit for the construction of storage units for owners Darrel & Janice Schilz located on Lot A Block 5 Midtown Development Second Addition a Subdivision (Replat) of Lot 18A-1 Block 5 Midtown Development Addition.

The property lies within the BHC Zone (Highway Commercial District) and per the City of Gering's current Zoning and Subdivision Regulations, Section 7.3 BHC Zoning (Highway Commercial District) does not allow storage units as a permitted use; however under Exceptions Section 7.304 (6) does allow for mini storage rental buildings (Ord. 1472, 5/92). Mr. Schilz brought in building plans and a site plan of the proposed development which meet our Building and Zoning Regulations. (NOTE: Storage units are considered a utility per Nebraska Board of Engineers and if less than 5000 square feet do not require stamped plans).

Recently we had a Public Hearing for repair garages/storage units to be constructed on a lot approximately 400 feet north of this property and denied for various reasons, one of which was the proximity of the City Wellhead Encroachment District - WEA Zoning Section 9.7. It was brought out in the above mentioned Public Hearing that there were existing storage units approximately 120 feet south which belong to the owners requesting this Exception, Darrel & Janice Schilz. They were granted a permit to construct storage units on Lot 4C-1 Block 5, formerly Lot 4A, Block 5 Midtown Development Addition which is located within the BHC/WEA Zoning District by the Planning Commission on 11-21-2006 and City Council on 11-27-2006 with conditions meeting additional setbacks for storm water.

Administrative Record:

Council Members were provided with the Administrative Record in their packets. Mr. Snarr asked that he not read through the record unless Council would like it read and that it be made a part of the official proceedings of this Public Hearing.

- Building permit application submitted by the owners, Darrel & Janice Schilz, November 8, 2013 and was denied by Staff, November 15, 2013.
- Application for "Exception/Conditional Use Permit" to construct storage units within a BHC Zone on Lot A Block 5 Midtown Development Second Addition by the owners Darrel & Janice Schilz, November 15, 2013.
- Building Plans and Site Plan were submitted by the owner, November 20, 2013.
- Public Hearing Notice published November 28, 2013 and December 5, 2013.
- Publication Notice and written notice was completed and sent to all property owners within 300 feet and Gering School Board per the requirements of the current City's Zoning and Subdivision Regulations Section 15.2 and are incorporated by reference in this Administrative Record.
- Final Plat - Lot A Block 5 Midtown Development Second Addition a Subdivision (Replat) of Lot 18A-1 Block 5 Midtown Development Addition recorded December 12, 2012.
- Planning Commission Public Hearing Meeting December 17, 2013.
- Proof of ownership was received by the owners in the form of a Warranty Deed.
- City of Gering Current Zoning and Subdivision Regulations dated March 1984 and referencing Section 7.3 BHC Zoning (Highway Commercial District) does not allow storage units as a permitted use; however under Exceptions Section 7.304 (6) does allow for mini storage rental buildings (Ord. 1472, 5/92).

- City of Gering Current 1995 Comprehensive Plan (Per Amendment No. 1 dated November 2001).
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mr. Snarr stated to the Mayor and Council that he has completed his entry regarding the Public Hearing to consider this Exception/Conditional Use Application for the construction of storage units on Lot A Block 5 Midtown Development Second Addition and asked that they please keep this hearing open until all entries are put into this record.

No one spoke in favor or opposition of the application. Councilmember Gibbs asked if we know if storage rentals incur sales tax; he'd like to find out. He said if they're not generating sales tax on our City land, we may have enough storage units; it's not really productive from the City stand point. Mr. Snarr said there are more proposed by the Gering Garden Center. Councilmember Allred said that area has been just ground for 20 years and nothing else; he doesn't think it hurts the City to have something there. Administrator Danielzuk asked that the conditions for the permit be put into the record.

Those conditions are:

1. Building plans and site plan to be reviewed and approved by City Staff with storm drainage calculations and retention area.
2. Landscaping and trees along frontage with slight storm swale to retain storm run-off
3. Surface within lot to be surfaced at a minimum of good compacted gravel.

The Administrative Record and Public Hearing were closed at 7:18 p.m.

2A. Approve or deny the Exception/Conditional Use Permit and any conditions for the construction of storage units located on Lot A Block 5 Midtown Development Second Addition.

Motion by Councilmember Allred to approve the Exception/Conditional Use Permit and any conditions for the construction of storage units located on Lot A Block 5 Midtown Development Second Addition. Seconded by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland. The motion carried.

3. A zoning application change from RM (Residential Medium Density District) to BCB (Central Business District). The property is generally located in the SE ¼ of the SE ¼ of Section 2, Township 21 North, Range 55 West of the 6th Principal Meridian, specifically Tract 2, Tract 1A, Lot 9 and Lots 11 through 14, and Lot C of Hofmann's Acre Tracts per the following Final Plats:

- **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.**
- **Tracts 1A and 2A Replat of Tracts 1 and 2 Hofmann's Acre Tracts**
- **Hofman's Acre Tracts Lots 1 through 15**
- **Lots A, B, and C Replat of Tracts 3 and 8, Hofmann's Acre Tracts**

The Mayor opened the Public Hearing at 7:20 p.m. Mr. Snarr gave the Administrative Record and discussed how it was zoned.

(Perpetual Posies, LLC Zoning Change RM to BCB)

Mr. Snarr stated this is the Public Hearing for a change in zoning requested by the owner, Eric Kautz, of Perpetual Posies, LLC. The property is generally located in the SE ¼ of the SE ¼ of Section 2, Township 21 North, Range 55 West of the 6th Principal Meridian, specifically Tract 2, Tract 1A, Lot 9 and Lots 11 through 14, and Lot C of Hofmann's Acre Tracts from RM to BCB per the following Final Plats:

- 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.
- Tracts 1A and 2A Replat of Tracts 1 and 2 Hofmann's Acre Tracts
- Hofman's Acre Tracts Lots 1 through 15
- Lots A, B, and C Replat of Tracts 3 and 8, Hofmann's Acre Tracts

The owner owns and operates the Gering Garden Center which is located on Tract 2 and is proposing to construct storage units on a portion of this property specifically Lots 11 through 14. This zoning change would meet the current use of the property as a Garden Shop and enable the owner to file for an Exception to add storage units on the property (next agenda item - Public Hearing). The zoning across 10th Street directly west of this property is zoned BCB, property to the north is zoned RM the property east is zoned RM and RMH, and the property south and across D Street is zoned AGG. The area the owner is requesting to be re-zoned has access issues (no street dedication) to some of the lots within the platted area. At the time of this application City staff met with the owner, his Engineer and Surveyor regarding this access issue and have recommendations depending on the outcome of the hearings.

Administrative Record:

Council Members were provided with the Administrative Record in their packets. Mr. Snarr 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 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:
 - 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.
 - Tracts 1A and 2A Replat of Tracts 1 and 2 Hofmann's Acre Tracts recorded 4-17-97
 - Hofman's Acre Tracts Lots 1 through 15 recorded 3-18-1920
 - Lots A, B, and C Replat of Tracts 3 and 8, Hofmann's Acre Tracts
- City of Gering Current Subdivision and Zoning Regulations dated March 1984.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- Publication Notice and written notice regarding this zoning change 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.

Mr. Snarr recommended to Council the following conditions be set for the owner in the event they vote to approve:

1. Owner would need to re-plat the area of the zone change meeting ingress/egress requirements and possibly street dedication per City Staff requirements.
2. Owner 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.
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 Council that he has completed his entry regarding this Public Hearing to consider the rezone of Tract 2, Tract 1A, Lot 9 and Lots 11 through 14, and Lot C of Hofmann's Acre Tracts from RM to BCB requested by the owner to meet the current use of the property as a Garden Shop and enable the owner to file for an Exception to add storage units on the property and ask that they please keep this hearing open until all entries are put into this record.

Eric Kautz spoke in favor of the application. He stated that he's trying to bring his zoning into what the business has been since 1976. He's trying to use his land and make it productive right now. It will enhance and expand his business and make it more of a year-round business. He and his brother, Mike, are trying to do something with it; it has sat empty for 15 years. He's aware of all the conditions going into it. He said they can't make it residential because it's land-locked. Mr. Snarr pointed out on the drawing that some of the lots are land-locked. There is a 30-foot section that is dedicated near 9th street; the rest of it was platted as a utilities easement. A dedicated 60-foot street will be needed.

Councilmember Gibbs said whether you put houses or storage you still have to put a street in. He said his concern again is storage buildings and this area is surrounded by residential development and has potential for future residential development. Councilmember Gibbs said he doesn't see this as the best use for this. He'd rather see a residential sub-division than more storage units; we have a finite amount of land available within the urbanized portion of the community. If we use it all for storage we won't have any room for houses.

Mayor Mayo asked if anyone else wanted to speak in favor or opposition of the application.

Councilmember Gibbs asked what portion of the land is being utilized by the Garden Center. Mr. Kautz replied that he uses a lot of it because he farms it. He showed on the map how much space his garden center uses; about two acres. He said that's the only area that has permanent buildings. Councilmember Gibbs asked if Mr. Kautz would consider re-zoning the portion he's using for commercial purposes now to BCB and leaving the rest RM. Mr. Kautz said he couldn't build storage units without that zoning. Councilmember Gibbs said it's prime residential development land and he could probably still make use of it that way. Mr. Kautz stated that he doesn't want to build houses.

Councilmember Morrison asked how many total acres are there not being used by the garden center. Mr. Kautz replied about 12.5. He utilizes it to a point each year for farming trees, flowers, etc. He said it will give him year-round income; it will help his business. Councilmember Allred said that Mr. Kautz stated that this has been there since 1976 undeveloped; what we consider prime real estate is up for debate. Councilmember Morrison said this is Eric's land and he can do with it as he pleases. Councilmember Gibbs said it's also our job to look out for the future of the community. He doesn't want to hurt Mr. Kautz, but stated that this doesn't make good sense to him, it's not looking out for the community.

The Mayor stated that the Administrative Record and the Public Hearing closed at 7:38 p.m.

3A. Approve or deny the zone change from RM (Residential Medium Density District) to BCB (Central Business District), specifically Tract 2, Tract 1A, Lot 9 and Lots 11 through 14, and Lot C of Hofmann's Acre Tracts per the following Final Plats:

- **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.**
- **Tracts 1A and 2A Replat of Tracts 1 and 2 Hofmann's Acre Tracts**
- **Hofman's Acre Tracts Lots 1 through 15**
- **Lots A, B, and C Replat of Tracts 3 and 8, Hofmann's Acre Tracts**

Motion by Councilmember Cowan to approve the zone change from RM (Residential Medium Density District) to BCB (Central Business District), specifically Tract 2, Tract 1A, Lot 9 and Lots 11 through 14, and Lot C of Hofmann's Acre Tracts per the following Final Plats:

- **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.**
- **Tracts 1A and 2A Replat of Tracts 1 and 2 Hofmann's Acre Tracts**
- **Hofman's Acre Tracts Lots 1 through 15**
- **Lots A, B, and C Replat of Tracts 3 and 8, Hofmann's Acre Tracts**

Seconded by Councilmember Smith.

Discussion: Councilmember Morrison asked if we approve this and if Eric ever wants to change it for houses, could he. Mr. Kautz said residential is still accepted in this zoning, he would have to come back for conditional use. Administrator Danielzuk stated that as the portions become smaller and smaller and get sub-divided at some point in time it'll become a spot zone and that is illegal. Mr. Snarr said if it's changed to BCB a one-family dwelling would be required over the business or to the rear of a permitted use; it's not a use that you can just go in and build single-family homes.

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

BIDS:

CURRENT BUSINESS:

1. Region 22 Debris Management Action Plan – Approve and authorize Mayor to sign Resolution 1-14-1

Administrator Danielzuk stated that the Public Works Committee met and reviewed the Debris Management Action Plan and Master Plan. Their recommendation is to approve and authorize the Mayor to sign Resolution 1-14-1.

Motion to authorize Mayor to sign resolution 1-14-1 by Councilmember Gibbs, second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland. The motion carried.

2. Proposal to buy an Emergency ID Card Printer for Region 22 Emergency Management

Councilmember Morrison reported that the Public Safety Committee is recommending to put in our share of what it will cost to do these name badges so Emergency Management doesn't have to go to Sidney to have them printed. It will be divided among all the cities involved. Councilmember Allred asked if the printer does anything other than print I.D. cards. Mayor explained that the card is an accreditation and shows the credentials of the person using the card. We can track them and apply to NEMA and FEMA for reimbursement of costs. Administrator Danielzuk said the total \$25,000 is for the system; the printer is part of the system.

Motion by Councilmember Morrison, second by Councilmember Christensen to approve the expenditure of \$1248.36 for the City of Gering's portion of the cost of the I.D. printer. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland. The motion carried.

3. Consider approval of setting a minimum bid of \$8,000 per lot at the McKinley site

Councilmember Gibbs stated that the City didn't get any bids the first time around. Councilmember Morrison asked if we paid \$8000 for the lots that the houses are on now. City Engineer, Paul Snarr, said we'll be paid when the houses are sold. TCD is looking at building one or two more this year and possibly buying one or two lots. We had inquiries on the lots, but no bidders. We will be trying to sell the same lots as before; Mr. Snarr feels we'll have interest this time. Councilmember Smith stated that the TCD Board of Directors voted to buy two of those lots for \$10,000 each at the December Board meeting.

Motion by Councilmember Gibbs to approve the minimum bid of \$8000 per lot at the McKinley site, second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland. The motion carried.

REPORTS OF STAFF, BOARDS AND COMMISSIONS AND STANDING COMMITTEES:

1. Department/Staff Reports (informational only): No reports

2. Committee Reports & Council Member Comments

- Councilmember Smith reported that the Recreation Committee opened the RFQ/RFPs for the Recreation and Leisure Services Master Plan; they have evaluated them and eliminated one of the four. The committee is setting up interviews on February 11 for the three; at that point they will choose one of the proposals.

3. Administrator's Report: City Administrator Danielzuk discussed:

- Public Sector Employment in 2013. State and local government employment remained flat in 2013; local governments collectively added 33,000 jobs last year, an increase of only 0.2 percent. State government employment also registered a meager year-over-year gain of 0.2 percent. This sector would have lost jobs were it not for colleges and universities that added roughly 16,400 according to an article by Mike Macaig. The Federal government was the hardest hit, cutting payrolls by 2.5 percent according to Labor Department estimates.

- The fiscal status of U.S. State credits continued to mostly strengthen in 2013. In a State Fiscal Health Update, select challenges such as structural imbalances and lower than optimal reserve fund balances remain. State tax revenues were up 9% year-over-year in the second quarter of 2013 in comparison to the same quarter in 2012. Mortgage delinquency and unemployment rates have mostly fallen too; all according to Tom Kozlik with the Municipal Bond Market Note. The Nebraska unemployment rate in November of 2013 was 3.7%.

- Legislative Bulletin: The 2014 legislative session began January 8, Bill introduction will continue through January 22 and Committee hearings begin January 21. Mr. Danielzuk reviewed the process of how a bill becomes a law and the 2014 Legislative Session Schedule.

4. Mayor's Report: The Mayor reported on:

- A Bill getting consideration that would help cities receive payment on properties not being taken care of. The Mayor briefly touched on the PRT; Problem Resolution Team.

- Mid-Winter League of Municipalities Conference, February 24-25.

- Project Extra Mile and underage drinking

- U.S. Dept. of Treasury announced that Fire Departments and municipalities do not have to offer health care coverage under AHA, Affordable Healthcare Act, for volunteers

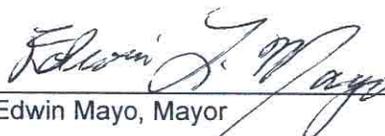
- Gering Downtown Revitalization Committee Community meeting with SEH, January 15, 4-7 p.m. at the Gering Civic Center

5. Gering Merchants: No report

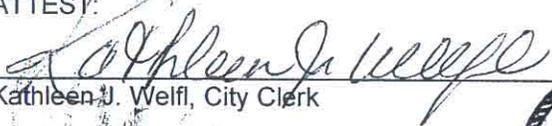
ADJOURN:

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

Meeting adjourned at 8:12 p.m.


Edwin Mayo, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

