

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
June 23, 2014**

A regular meeting of the City Council of Gering, Nebraska was held in open session on June 23, 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, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Absent were Councilmembers McFarland and Shields. 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

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 June 9, 2014 Regular City Council Meeting
2. Approve Claims
3. May Financials
4. SDL for WBG LLC d/b/a Steel Grill for July 11 and 12, 2014
5. SDL for The Meat Shoppe for August 4, 2014

Claims:

6-2-14 to 6-20-14

ACTION COMMUNICATIONS INC. \$322.62 MOBILE RADIO BATTERY, ALAMAR UNIFORMS \$98.13 PATCHES FOR UNIFORMS, ALLO COMMUNICATIONS \$1,146.47 TELEPHONE/INTERNET CHRGS., B & C STEEL \$7.40 RPR'S., BSN SPORTS \$907.74 BALL FIELD SUPP., BAIRD HOLM LLP \$100.00 POLICE/FIREFIGHTER PENSION, BARCO MUNICIPAL PRODUCTS \$356.94 SUPP., BENZEL PEST CONTROL \$102.90 PEST CONTROL, BLUFFS SANITARY SUPPLY \$3,434.14 POOL SUPP., BROADWAY OFFICE CENTRE \$921.42 TONER CARTRIDGES, BROWN NELSON ELECTRIC \$528.63 AERATOR RPR., CARR-TRUMBULL LUMBER CO. \$1,577.48 WORK ON DECK 525 O STREET, CENTRAL STATES WIRE PRODUCTS \$7,278.21 WIRE BALER, CHARTER COMM. \$96.98 TV/INTERNET CHRGS., CITY OF GERING \$3.60 OFFICE SUPP., CITY OF GERING - GENERAL AC. \$120,000.00 TRANSFER FUNDS ACH PAYROLL, CITY PAYROLL TRUST \$6,492.25 FSA MEDICAL 125, CONNECTING POINT \$818.00 YEARLY LEASE PYMT., CONTRACTORS MATERIALS \$1,048.70 POOL RPR'S., CRESCENT ELECTRIC SUPPLY \$249.14 WATERLINE RPR., CULLIGAN WATER CONDITIONING \$149.30 SALT, D & H ELECTRONICS SUPPLY \$14.73 TOOLS, DALE'S TIRE \$1,550.83 TIRE G1 RIM, DANKO EMERGENCY EQUIPMENT \$519.93 AUTO AIR PUMP, DITCH WITCH OF NEBRASKA \$409.54 PARTS, DOOR CLOSER SRV. \$150.00 RPR'S., ECOLAB \$165.08 PEST CONTROL, ELECTRIC PUMP \$4,545.89 WWTP PUMP REPLACEMENT, ENERGY LABORATORIES INC. \$456.00 WATER LAB, ENVIRO SRV. INC. \$1,927.00 WW LAB, MATTHEW ESKAM \$319.00 WINDOW WASHING, FASTENAL CO. \$1,142.25 SUPP., FEDEX \$105.93 SHIPPING CHRGS., FIRST STATE BANK \$367.22 IBEW UNION DUES, FIRST STATE BANK - GERING \$1,441.55 LOAN PYMT., FLOYD'S SALES & SRV. \$399.89 PARTS FOR G1 AND G9, FOLEY-BELSAW CO. \$179.80 SHOP SUPP., FOOTJOY \$976.83 GOLF GLOVES, FORT DEARBORN LIFE INS. CO. \$116.96 FIREFIGHTER LIFE INS., FOUNDATION CROSS-CONNECTION \$150.00 MEMBERSHIP, FYR-TEK \$335.00 CLASS A FOAM SOLUTION, GALE \$406.18 BOOKS, GERING COURIER \$137.50 ADVERTISING, GERING - FORT LARAMIE IRRIG. \$110.66 PVC PIPES, GERING HIGH SCHOOL \$160.00 BOOKS, GERING MERCHANTS \$2,987.54 SUGAR VALLEY RALLY, GERING VALLEY PLUMBING \$1,933.10 RPR'S., GERING VOLUNTEER FIRE DEPT. \$895.33 WILD LAND FIRE CLASS, HACH CO. \$440.40 LAB SUPP., HARDING & SHULTZ P.C.L. \$265.00 GENERAL LABOR MATTERS, HEILBRUN \$1,845.82 MOWER STARTER, HENNING'S CONSTRUCTION \$23,365.00 MCKINLEY SCHOOL SEWER REPLACEMENT, HIGH PLAINS AUTO CLUB \$3,000.00 KENO FUNDS, HOME DEPOT \$2,432.74 1455 5TH STREET, HORIZON WEST INC. \$4,950.00 WEED MOWER, IDEAL LINEN SUPPLY \$367.85 MAINTENANCE, INGRAM LIBRARY SRV. \$1,909.16 BOOKS/PERIODICALS, INTERNAL REVENUE SRV. \$44,968.23 FED/FICA TAX, JC GOLF ACCESSORIES \$82.18 GOLF TEES, JOHNSON CASHWAY \$2,572.69 BALL FIELD MARKING, LL JOHNSON DISTRIBUTING

\$1,662.19 MOWER RPR., KNEB \$363.50 ADVERTISING, KIWANIS FUND RAISER \$722.50 KIWANIS GOLF TOURN. FUNDRAISER, KLASSERT SAM \$990.09 INSPECTION HOURS, KLEIN SURVEY SYSTEM INC. \$914.81 SEWER LINE MAINT., KRIZ – DAVIS CO. \$535.82 METER, L & P FINANCIAL SRV. \$1,670.03 PARTS BALER, LEAGUE ASSOC./RISK MANAGEMENT \$271.46 ADD 2 FORD PICK-UPS, MEAT SHOPPE \$23,717.10 CATERING COSTS, JOHN MEJIA \$590.80 GP GFOA CONF. IN OMAHA/JOHN, MEREDITH BOOKS \$36.28 BOOK, MIRACLE RECREATION EQUIPMENT \$2,735.66 PLAYGROUND EQUIPMENT, MIZUNO USA INC. \$580.96 GOLF CLUBS, MUNICIPAL SUPPLY INC. OF \$18,165.96 MAIN RPR., NDEQ – FISCAL SRV. \$191,511.69 DRINKING WATER SRF PYMT., NMVCA \$235.00 MOSQUITO CONF. & MACHINE TEST, NE. CHILD SUPPORT PYMT. \$796.72 CHILD SUPPORT 1, NE. DEPT. OF REVENUE \$52,887.74 MAY SALES & USE TAX, NE. FIRE CHIEF'S ASSOCIATION \$100.00 NE. FIRE CHIEF MEMBERSHIP, NEBRASKA GOLF ASSOCIATION \$3,916.00 HANDICAP FEES, NEBRASKA MACHINERY CO. \$3,770.94 EQUIPMENT RENTAL, NE. SAFETY/FIRE EQUIPMENT \$553.00 INSPECTION, NE. STATE VOUNTEER FIREFI. \$660.00 NSVFA MEMBERSHIP, NORTH PLATTE NRD \$265.00 TREES, NORTHWEST PIPE FITTINGS \$781.05 IRRIGATION SUPP., OREGON TRAIL PLUMBING & HEATING \$112.00 RPR. SLOAN FLUSH VALVE, PANHANDLE CONCRETE PROD. \$698.72 TRANS PAD, PANHANDLE COOP ASSOC. \$1,826.95 FUEL, PARAGON \$432.00 JR. GOLF CLUBS, PENWORTHY CO. \$435.84 BOOKS, PITNEY BOWES GLOBAL FIN. \$5,795.00 PAYING OFF EARLY, PIZZA HUT \$300.00 PAID TWICE LIQUOR LICENSE, POSTMASTER \$1,200.00 MAILING PERMITS, POWERPLAN OIB \$11,495.45 RPR'S., PRAISE WINDOWS INC. \$225.00 WINDOW CLEANING, PRINT BROKER \$500.20 LASER CHECKS, PRO QUALITY PEST CONTROL \$29.00 INSECT SPRAYING, QUALITY INN & SUITES \$180.50 HOTEL STAY/DOGGETT, RANDOM HOUSE INC. \$258.00 AUDIOBOOKS, RESPOND FIRST AID SYSTEMS \$195.35 FIRST AID KIT, ROBINSON ELECTRIC \$209.49 WELL RPR., ROOSEVELT PUBLIC POWER DIST. \$26.14 POWER, SCS ENGINEERS \$9,825.91 \$9,825.91 WORK NEW LANDFILL, SANDBERG IMPLEMENT INC. \$486.94 NEW TRIMMER, MC SCHAFF & ASSOC. \$262.50 GIS ASSISTANCE, SCOTTS BLUFF COUNTRY CLUB \$236.32 BUSHNELL RANGE FINDER, SCOTTS BLUFF COUNTY COURT, \$217.30 GARNISHMENT 2, SCB COUNTY REGISTER OF DEEDS \$22.00 COOPERATIVE AGREEMENT, SCB COUNTY SHERIFF OFFICE \$58.72 SUBPOENA SRV. FOR COURT, SCOTTSBLUFF – GERING UNITED WAY \$10.00 UNITED WAY CONTRIBUTION, SCOTTSBLUFF TOWING SRV. \$145.00 TOYOTA 1986 TOW BILL, SECURITY NATIONAL BANK TR. \$462.50 POLICE DEPT. PENSION PLAN, SHERWIN WILLIAMS \$19.03 PAINT CART, SIMMONS OLSEN LAW FIRM P \$1,775.00 CITY PROSECUTOR BILL, SIMON CONTRACTORS \$740.00 CONCRETE, SLAFTER OIL CO. \$26.60 RPR'S., SOLUTIONS EAP \$244.55 COUNCELING SRV. 3-14, SOURCE GAS \$315.78 UTILITIES, STAR HERALD \$50.37 BALER BUILDING NOTICE, STATE OF NE/DAS COMM. \$255.50 LONG DISTANCE PHONE CHRGS., SUN MOUNTAIN \$133.00 GOLF BAG, SWANA \$200.00 SWANA, TAYLOR MADE GOLF CO. \$856.80 LADIES SHIRTS, TITLEIST \$2,560.44 GOLF BALLS, TOMMY'S JOHNNY'S \$160.00 PORTABLE TOILET, TWIN CITY ROOFING \$105.40 ROOF LEAK RPR., VALLEY BANK & TRUST CO. \$4,483.70 HSA CTRB 125., VERMEER HIGH PLAINS \$2,604.34 PARTS SCREEN, WALMART COMMUNITY \$82.71 POOL SUPP., WELLS FARGO FINANCIAL \$124.57 COPIER LEASE PYMT., WESCO DISTRIBUTION \$401.52 POLE SET, WESTCO \$13,971.00 DIESEL, WESTERN PATHOLOGY CONSULTANTS \$221.70 DRUG SCREENING, WESTERN PLAINS BUSINESS \$127.45 COPIER MAINTENANCE, WESTERN TRAIL SPORTS POST \$656.38 SUPP., WHOLESALE MOTIVE SRV. \$32.91 PRIMER FOR NEW BUILDING, WINCHELL CLEANING SRV. \$830.00 CLEANING, MENARDS \$676.64 PAINT CAN, GERING CITIZEN \$841.72 CONDENSED MTG. MINUTES C.C., AMERICAN PUBLIC POWER ASSOC. \$705.00 CONFERENCE, DOCU – SHRED \$23.00 64 GALLON CONTAINER, INTRALINKS \$1,144.26 COMPUTER SRV., FREMONT MOTOR SCOTTSBLUFF \$483.32 VEHICLE RPR., C & M AIR COOLED ENGINE \$72.78 MOWER RPR., ACCUSTAR \$2,925.00 MAPPING OFFICE, VERIZON WIRELESS \$314.64 IPAD FEES, JOHN HANCOCK USA \$12,825.97 JH RETIRE 6%. MG TRUST CO. LLC \$5,614.59 MG T – POLICE, ICMA ELECTRONIC RETIREMENT \$540.30 ICMA CITY ADMIN., NE PUBLIC POWER DISTRICT \$100.68 UTILITIES, OCLC INC. \$205.55 SUBSCRIPTIONS & CATALOGING, CENTURY LINK \$2,395.66 MONTHLY BILL, MORTON SALT \$4,000.00 WATER CHEMICALS, MATHESON TRI-GAS INC. \$707.28 GLOVES & GLASSES, SUGAR VALLEY FEDERAL CREDIT \$1,218.08 CREDIT UNION, GREATAMERICA LEASING CORP. \$204.49 COPIER LEASE, MONEY WISE OFFICE SUPPLY \$822.85 PRINTER, CARTRIDGES, INK PENS, VALLEY BANK & TRUST – GERING \$214,573.08 PRINCIPAL, DOOLEY OIL INC. \$4,210.09 DIESEL LANDFILL, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, BUDGE-IT DRAIN SRV. \$225.00 CLUB HOUSE RPR'S., DHHS DIVISION/PUBLIC HEALTH \$135.00 WATER LAB, THE ROCK PILE \$8.89 SAND, ALL STAR PRO GOLF \$513.31 GOLF TEES, VALLEY BANK – POLICE \$300.00 PO UNION DUES, BOOKS GALORE INC. \$725.44 BOOKS, US AUTO FORCE \$118.63 TIRES, FORE RESERVATIONS INC. \$2,150.00 POS SOFTWARE ANNUAL UPGRADE, PIPE WORKS PLUMBING \$233.45 BR REPAIRS ADMIN/LANDFILL, SYSCO DENVER INC. \$282.75 HAND SOAP, DEINESS IRRIGATION \$298.79 PVC COUPLERS, CADDIES \$1,111.50 FOOD KIWANIS TOURN. 6-1-14, JIRDON \$1,072.06 GOLF COURSE CHEMICALS, TORRINGTON SOD FARMS \$405.00 MAIN RPR., KIMBALL COUNTY VISITORS \$10,000.00 GERING COMMITMENT – TOURISM, LEGACY OF THE PLAINS \$60.00 MEMBERSHIP RENEWAL, NEMNICH ERIK \$5,000.00 LB840 GRANT FOR 5TH FTE, FILLBRO CONSTRUCTION \$29,612.00 CONSTRUCTION 1460 6TH STREET, YOUNG MENS CHRISTIAN \$5.00 YOUNG MEN'S CH., KARSTEN GERING LLC \$14,360.60 CONSTRUCTION 1460 6TH STREET, CONSOLIDATED MANAGEMENT \$154.25 MEALS FOR 717 K-9 TRAINING, TITAN INDUSTRIES INC. \$1,638.88 COUPLER, ANYTHINK FOUNDATION INC. \$500.00 TOUR OF ANYTHINK LIBRARY, JEFF CHITWOOD \$100.00 TREE PLANTING REBATE, SHEREE VERBECK \$90.00 TREE PLANTING REBATE, MYRT HUGHBANKS \$150.00 TREE REMOVAL, DBC IRRIGATION SUPPLY \$76.00 SPRINKLER RPR., JANELLE DENISE SHARRAR \$500.00 RETURN DEPOSIT, MIDLAND TELECOM INC. \$188.00 PAGER CASE, MURRAY JERRY \$37.50 CANCELLED RV ROOM RESERVATION, KARPZ ZAC \$113.00 GERING PASS NOT MVAP PURCHASE, MASER JOHN \$22.00 REFUND FOR HANDICAP FEE

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

PUBLIC HEARINGS:

1. Public Hearing to consider an application for an exception/conditional use permit to develop a Telecommunication Facility/tower to be located on a parcel of vacant land described as Block

2 Central Church of Christ Addition also known as 1245 Five Rocks Road, in the City of Gering, Scotts Bluff County, Nebraska.

Mayor Mayo opened the public hearing at 7:03 p.m.

City Engineer, Paul Snarr, said this is a Public Hearing to consider an Exception/Conditional Use Permit as requested by Rick Bailey, Authorized Agent for NE Colorado Cellular, Inc. of Viaero Wireless for the construction of a telecommunication facility/tower (monopole) to be constructed within a portion of Block 2, Central Church of Christ Addition, specifically 1245 Five Rocks Road. The project will have ingress/egress from Lot 1 of said Addition to the location of the facility located in Lot 2 with a recorded access easement from the owners of the property.

The property lies within AGG Zoning (Agricultural District) and per the City of Gering's current Zoning and Subdivision Regulations, Section 5.1 AGG General Agricultural District does not allow for telecommunication towers as a permitted use; however under Section 5.104 Exceptions specifically Sub-Section (16) does allow for Communication Towers (not to exceed 150 feet in height) (Ord. 1609, 3/98).

Plans were submitted to the City along with the Exception/Conditional Use Permit May 5, 2014. Plans meet the height limit of the zoning and meet applicable codes including the 2009 IBC and 2011 NEC.

Administrative Record:

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

- Building permit application submitted by Rick Bailey, Authorized Agent for NE Colorado Cellular, Inc. of Viaero Wireless, May 1, 2014 and was denied by Staff, May 6, 2014.
- Application for "Exception/Conditional Use Permit" to construct the telecommunication tower within AGG Zoning on a portion of Block 2, Central Church of Christ Addition by Rick Bailey, Authorized Agent for NE Colorado Cellular, Inc. of Viaero Wireless, May 5, 2014.
- Building Plans and Site Plan were submitted by the owner, May 5, 2014.
- Public Hearing Notice published May 29, 2014 and June 5, 2014.
- Planning Commission Meeting originally scheduled for June 17, 2014 and had to be re-scheduled due to not having a full quorum to June 23, 2014. The Planning Commission approved the tower and recommended this hearing to go before the City Council.
- 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.
- City of Gering Current Zoning and Subdivision Regulations dated March 1984 and referencing Article 5, Section 5.1 AGG General Agricultural District which does not allow communication towers as a permitted use; however under Exceptions Section 5.104 (16) does allow for Communication Towers (not to exceed 150 feet in height) (Ord. 1609, 3/982).
- Meets the City of Gering Airport Zoning requirements for the Western Nebraska Regional Airport, William G. Heilig Field, Scottsbluff, Nebraska height and distance requirements specifically Sections 10.2004 Subsection 1 through 5 which requires a horizontal zone with outer boundary at all times 10,000 feet beyond the landing area and height limit of 150 feet above the Airport elevation. This tower is located approximately 23,000 feet Southwest of the Western portion of the runway which puts the tower location out of this zone. Airport Elevation ±3950 feet above mean sea level (AMSL) – Tower Elevation ±4074 feet (AMSL) per FAA Obstruction Evaluation Group.
- Federal Aviation Administration "Determination Of No Hazard To Air Navigation" certifying the aeronautical studies determination the structure does not exceed

obstruction standards and would not be a hazard to air navigation provided Viaero completes FAA Form 7460-2 "Notice of Actual Construction or Alteration" within 5 days after the construction reaches its greatest height (7460-2, Part 2).

- 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: Mr. Mayor and City Council Members, I have completed my entry regarding the Public Hearing to consider this Exception/Conditional Use Application for the construction of a telecommunication facility/tower (monopole) to be constructed within a portion of Block 2, Central Church of Christ Addition, specifically 1245 Five Rocks Road and ask that you please keep this hearing open until all entries are put into this record.

Mayor Mayo asked if anyone in the Chambers wished to speak in favor or against this application.

Rick Bailey from Ft. Morgan, CO said he was representing Viaero Wireless. Councilmember Morrison asked if the picture shown is what will go out there. Mr. Bailey replied yes it would look like the picture shown. A citizen asked where it's located on Five Rocks Road; Mr. Snarr showed that it would be the southwest corner near Heritage, east of Heritage. Another asked what are the financial benefits to the City; Mr. Bailey said it would increase 4G coverage and access in town. There is no cost to the City to build the tower but people will have a better opportunity to use the internet at home. They are working with the United Church of Christ for compensation. Mr. Snarr stated that letters were sent to everyone within 300 feet and it was advertised two or three times in the paper. No one else spoke in favor or opposition.

Councilmember Christensen asked if it's a single pole; Mr. Snarr replied yes, a monopole. It's 100 feet. Administrator Danielzuk asked what the Planning Commission recommendation was; Mr. Snarr said it was unanimous to approve this application; the Planning Commission asked if it fell down what damages would it cause, but it looks like it's far enough away from anything that there would be no damage to speak of.

Administrator Danielzuk stated that for the Administrative Record into the future he would like to have the official proceedings of the Planning Commission meeting of June 23 entered into the Administrative record after the fact tonight with this Public Hearing along with the Planning Commission's recommendation.

June 23, 2014 Planning Commission meeting minutes pertaining to the Tower: "Paul asked for Commissioner Member's approval not to read through the administrative record and made part of the official proceedings of this public hearing. Commissioner Hauck made the motion to let the administrative record to be entered into the minutes without being read in its entirety. Vice Chairman Gealy seconded the motion. On roll call vote, the following voted "AYE": Bohl, Gealy, Hauck, Reynolds and Ross. "NAY": None. Absent: Deines, Ellison, Koob and Parks.

Commissioner Koob arrived at 5:34 pm.

Chairman Ross asked if there was any representation by Viaero; Rich Bailey was present from Ft. Morgan, CO for the public hearing representing Viaero and the United Church of Christ. They will be leasing the ground from the Church; will also utilize a couple of rooftops on Main Street in Gering for the 4G system to improve speed and service.

Commissioner Hauck asked about the possibility of the tower falling down or fall on any property. Rich said it is designed to take a direct hit the same as an F3 tornado and not be affected; it should not fall on any ones property – set back is adequate. It is the overflow parking/grassy area; there is a row of trees to the west and south.

Vice Chairman Gealy asked if the lease ends who would be in charge of taking the tower down. Rick says the City Code does have removal requirements. It is a mono pole (looks like a light pole) with a base of 5

foot & will have a six foot fence around it. It meets all of the FCC guidelines and will not interfere with televisions. (Closed 6:38 pm).

Chairman Ross asked if there were any further questions and for a motion. Commission Reynolds made the motion to accept the application for approval and it was seconded by Vice Chairman Gealy. On roll call vote, the following voted "AYE": Bohl, Gealy, Hauck, Koob, Reynolds and Ross. "NAY": None. Absent: Deines, Ellison and Parks.

Chairman Ross asked for a motion to adjourn, motion was made by Vice Chairman Gealy and seconded by Commissioner Bohl. Adjourn at 6:40 pm."

With no additional comments the Mayor stated the Administrative Record and the Public Hearing were closed at 7:14 p.m.

1a. Consider approving or denying application for an exception/conditional use permit to develop a Telecommunication Facility/tower to be located on a parcel of vacant land described as Block 2 Central Church of Christ Addition also known as 1245 Five Rocks Road, in the City of Gering, Scottsbluff County, Nebraska.

Motion by Councilmember Gibbs, second by Councilmember Morrison to enter into the public record the public hearing and administrative record and approve an exception/conditional use permit to develop a Telecommunication Facility/tower to be located on a parcel of vacant land described as Block 2 Central Church of Christ Addition also known as 1245 Five Rocks Road, in the City of Gering, Scottsbluff County, Nebraska. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland and Shields. Motion carried.

BIDS: None

CURRENT BUSINESS:

1. School Resource Officer Grant Update

Chief Holthus said with the help of the Department of Justice, who oversees the grant, they have determined that applying for the grant at this point we could jeopardize the SRO program this fall. They have made the determination they will not apply for the Federal Grant for this fall. For us to implement it in October we have to budget the funds now. If we budget the funds for it now we can't save our funds by using Federal funds; it's called supplanting a Federal grant. Their recommendation is to proceed with the 50/50 funding between the City and the Schools. If we increase staffing we could apply for the grant; we can't have the money specifically ear-marked for that.

2. Consider approval of Interlocal Cooperative Agreement for School Resource Officer 2013-14 and authorize Mayor to sign

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

3. Code of Conduct Violation Complaint Findings of Fact

Councilmember Gibbs said the Administrative Committee met three times on this issue. He filled in to chair the meetings since the complainant was the Chairman of the Admin Committee. It was the finding of the Admin Committee, based on the observation of the DVD of the meetings, that there was no basis for the complaint. Other than the fact that they asked everyone involved to exercise a little more restraint and be a little more cordial to each other so this does not happen again in the future, they found no basis for administrative action on the part of the Council.

Motion by Gibbs, second by Morrison to enter the report of the Administrative Committee regarding the Code of Conduct Complaint into the record. There was no discussion. The Mayor called the vote. "AYES": Smith, Gibbs, Allred, Morrison, Cowan. "NAYS": None. Abstaining: Christensen. Absent: McFarland and Shields. Motion carried.

4. Council Committee Appointments/Readjustments

Motion by Councilmember Morrison, second by Christensen to approve the Council Committee Appointments/Readjustments as presented. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland and Shields. Motion carried.

5. Consider approval of Resolution 6-14-1, Agreement for Ambulance Services, and authorize Mayor to sign

Motion by Councilmember Gibbs, second by Councilmember Christensen to approve Resolution 6-14-1 and authorize the Mayor to sign.

Discussion: Councilmember Morrison said that the Public Safety committee met and discussed it in length. Randy Meininger explained it quite well why it's beneficial and why the amount of money that is theirs has been there; she was skeptical at first but after the explanation it worked out great. She's pleased to do this.

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

RESOLUTION 6-14-1

Be it resolved by the Mayor and City Council of the City of Gering, Nebraska that:

1. The City of Gering, City of Scottsbluff and the County of Scotts Bluff, Nebraska entered into an agreement for the funding of ambulance services under the interlocal Cooperation Act effective July 1, 2002, which agreement was extended through June 30, 2014.
2. Public safety, convenience, and welfare will be enhanced by the continuation of the agreement for an additional period of four years.
3. The City of Gering does hereby notify the County Clerk of Scotts Bluff County, Nebraska, of its intention to continue the obligation of funding ambulance services for an additional four-year period ending June 30, 2018, subject to the same terms and provisions that existed in the Agreement for the Funding of Ambulance Services within Service Area Under the Interlocal Cooperation Act of July 1, 2002.
4. The amount the City of Gering will contribute annually is \$3794.76, payable to Scotts Bluff County.
5. This resolution shall become effective immediately upon its adoption.

Passed and approved this 23rd day of June, 2014.

Edwin L. Mayo, Mayor

Kathleen J. Welfl, City Clerk

6. Communications Center Advisory Board update – Ben Backus

Mr. Ben Backus, Advisory Board Representative, stated that in his last update he mentioned there was issues with the GIS system. Suzie Wick is working with the City of Gering to get our streets in properly; she also said when something comes to the Planning Commission and something changes on a plat we need to make sure it gets communicated to the County so it gets put in the GIS system properly. He went on to say that Text to 911 is something coming down the line. The State has put out an initial form on how they want to do that. Since our consol already does text to 911, they're going to have Ray Richards go to Lincoln to testify on our behalf that we'd like to get that money retroactive and apply it to the consol

we already bought; it would be a cost savings to everybody. We'll start getting 90% of the wireless funding now opposed to the 55% we have been because we can now prove where the calls are coming from. He brought information about the sinking fund. Councilmember Gibbs said one of the things the County reps told us is that the County had not set up a sinking fund for this operation because they couldn't set up a sinking fund. Randy Meininger stated that the interlocal agreement allows it; the County can't do it on their own. Ben will ask Jerry Crable and get clarification. Councilmember Gibbs asked if the County had been keeping better records could they have been getting these funds all along? Ben said it was in the GIS system; it gets up in a County over-sight level. Councilmember Allred said he'd like Ben to take his thanks to the Advisory Board for working to get the 90% instead of 55%. Councilmember Smith asked how that will be used. Ben said it can be used for certain operations and certain equipment upgrades; the state has a lock-down on how you can and can't use it.

Motion by Councilmember Christensen to enter Mr. Backus' report into the record, second by Councilmember Morrison. There was no discussion. The Mayor called the vote.

"AYES": Smith, Christensen, Gibbs, Allred, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland and Shields. Motion carried.

7. Consider approval of Ordinance 1980 - An Ordinance of the City of Gering, Nebraska relating to mortgaged real property; to provide purpose, intent, definitions, and applicability, requiring mortgagee registration relating to mortgaged real property in default; providing for an electronic form of registration, providing security documents; prohibiting obstruction of Gering City Code Enforcement Officers; providing for additional maintenance and security requirements; providing supplemental authority; providing for the repeal of ordinances in conflict herewith; providing for severability and interpretation and to provide when this ordinance shall be in full force and effect

Councilmember Morrison made a motion to introduce Ordinance No. 1980 entitled: An Ordinance of the City of Gering, Nebraska relating to mortgaged real property; to provide purpose, intent, definitions, and applicability, requiring mortgagee registration relating to mortgaged real property in default; providing for an electronic form of registration, providing security documents; prohibiting obstruction of Gering City Code Enforcement Officers; providing for additional maintenance and security requirements; providing supplemental authority; providing for the repeal of ordinances in conflict herewith; providing for severability and interpretation and to provide when this ordinance shall be in full force and effect. Seconded by Council member Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland and Shields. Motion carried.

The Clerk stated: Councilmember Smith moved that the Ordinance be designated as Ordinance No. 1980 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 Christensen. The roll was called: "AYES": Smith, Christensen, Gibbs, Allred, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland and Shields. 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. 1980 was read by title only, Councilmember Gibbs moved that the Ordinance be passed as read, which motion was seconded by Councilmember Allred. "The question is shall Ordinance No. 1980 be amended and passed?" The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland and Shields. 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.

8. Citizen Agenda Item – Fireworks Policy Discussion, Laurie Henkel

Laurie Henkel addressed Council. She stated that she grew up in this valley and lived in Ft. Collins for 20 years; her first July back here was unbelievable. She knows it's too late for this year but has considerations she'd like to share. The last few months she has checked with a lot of people; it's a big issue for all tri-cities. She knows the vendors are setting up to sell and it's important to their livelihood; she by no means wants for them to stop selling for the whole length of time they've always sold. Her concern is when you have to work and get up early in the morning and the fireworks are loud all through the evening and all tri-cities she drove through on the 4th of July and it was unbelievable and went on forever. Her thought is can they decrease the length of time the fireworks are shot, so the vendors can still sell their normal length of time and make money, but could it be narrowed down to three days so some people can afford to leave town. She has talked to veterinarians and it causes PTSD for animals, it affects the elderly. If we could talk to the vendors and let them know they can still sell their fireworks, but stipulate that it needs to stop at 10:00 so people who get up early can get rest. She suggested there could be a place for people to go to get away from it with their animals. We could organize something at night for a show, maybe the Cities could put it on. She said it would be something to work for next year. She said it was unbelievable how loud it was last year; she is trying to work something out to benefit everyone. She asked if there are ways to make it more reasonable for the community.

Mayor Mayo said we've had this discussion for several years. Ms. Henkel said she'd like to work it out so everyone can have their needs met. Councilmember Gibbs said the problem is enforceability; if the other two cities don't go along with it, it'll be nearly impossible to enforce. She said that's the goal - to have it tri-city. Councilmember Gibbs said he agrees we need to be more strict about time limits; that's one area he thinks we could do better. Ms. Henkel asked what if we could get all the communities to agree and choose a big area to set off fireworks. Councilmember Allred said it would be virtually impossible to do that; it could cause injuries. People want to do fireworks this with family at home and a BBQ. Ms. Henkel noted that people leave debris on the streets; you have to worry about your property, etc. when citizens discharge fireworks at their houses. Councilmember Allred said he's a proponent of fireworks. He takes his neighbors into consideration who have dogs when he sets off fireworks; he picks up his mess, he doesn't shoot past 10:00, etc. He understands the consideration of people who need to get rest to go to work the next morning. He said we need to encourage residents to work to follow the same considerate behavior. She said she'd like to see more control in the neighborhoods and make sure people are done at 10:00; she suggested having volunteers who might report to a police officer if there's big issue. She's not trying to take away the fun; it has just got to be shortened and the timeframe. She asked what about the neighbors who aren't considerate? This is just fireworks; can it really be that hard to make some limitations? It's not affecting the shooting or the vendors. Councilmember Gibbs said if we limit it to just a few days it will affect the shooting and the vendors. Councilmember Allred said this has gone to committee after committee to address this; he'd like to control other things on a daily basis but it's almost impossible. Ms. Henkel said it's not to stop it, it's to have a little shortness and control.

9. Citizen Agenda Item – Rezone from Manufacturing Heavy Industrial, Jerry Weekes

Jerry Weekes stated that his business address is 815 Morrison Road. He stated that he came tonight because the City employees saw fit to name his business as a business that is undesirable to the City. He said they handle about 40,000 to 50,000 cattle a year; they trade between \$40 and 50 million dollars worth of cattle; all of that money comes into this city. They have 1500 to 2000 customers a year. Their consigners have thousands of dollars to spend in this city or in this area. He thinks it's unfair that everybody seems to pick out his business or others and they're named in the news. He said if you have a problem you should come to him. They donate \$10,000-\$15,000 per year to numerous community activities. They try to be members of this community, they pay taxes here. He could have bought the sale barn in North Platte but it wasn't zoned Heavy Industrial. He bought this place in 1995 and it was zoned Heavy Industrial and that's why he bought it. He doesn't understand why he got zeroed in but he's not the enemy; they are not the enemy. He thanked Council for their time.

Councilmember Gibbs apologized and said there has been some misunderstanding on what our intent was to try to do on this re-zoning. What we are hoping to do is clean up some of the properties on each side of 10th Street between Country Club Road and the Railroad tracks; not necessarily go out beyond the properties right facing 10th Street. There are a number of those properties now that don't need Heavy Industrial zoning because they would already qualify for Highway Commercial zoning. By changing it to

Highway Commercial in those areas, it would prevent something else going in there that may not be desirable in the future. What we're looking at now is a reduced area potentially on the west side from Country Club Road approximately down to the old Coors building; just those facing properties, and on the east side from Country Club Road possibly down to Irrigation Specialties. He doesn't think there would be anything on either side in those areas that would currently require a Heavy Industrial zoning to continue to operate just as they are today. The other properties that are Heavy Industrial that need that zoning we would not do anything with.

Mr. Weekes said he does want Council to know that he was named. Councilmember Gibbs apologized again and said that was a mistake. It was broader than the intent was and they're working on scaling it back for the proposal.

Del Weber said he owns MidWest Auto Supply in Gering. He said he got a letter in the mail; it was dated the 29th. It had a map, not a map with the area that was just described. He talked to Paul and Paul was forthright and told him that the map had been re-drawn; it included everything from 7th over to Ted Heilbrun's house. It was not the map that got sent out to the property and business owners. He went door to door talking to everybody he could in that time frame. They had 45 people here in protest at the Planning Commission meeting and three of the leading major banks in the area; some are also here tonight, during the meeting that didn't happen because there was no quorum. They showed up, no quorum; the meeting didn't happen. He asked Dick Ross if they could at least determine what map they were going to use; Mr. Ross said they'd use the map that really did get mailed out. Mr. Weber asked what area are we going to talk about. Councilmember Gibbs said the one that he was just talking about. Mr. Weber said he knows that Jerry's land has been zoned out of this, Jerry's won't be affected and neither will his, but what you're doing is wrong, dead wrong. Councilmember Gibbs said if there is a business in that area that requires the Heavy Industrial zoning they would probably leave it alone. Mr. Weber asked how can you promote him to grow and hire more employees and expand when he cannot buy the land next to him. He cannot sell his land for the use he has got. You micro-control everything little building permit; the future is not bright.

Councilmember Gibbs said we have tried to clean up North 10th Street for 30 plus years. If we had a little effort on the part of business owners in that area we would not be in this situation. Administrator Danielzuk called for a point of order. He said this is not the public hearing for this; you're all out of order. He stated that he's explaining that this is not the place or time. The process is it goes to the Planning Commission. If the City Council in their wisdom wants to change what they put forward they can do that before the Planning Commission meeting on the 15th of July. That's the proper process. We're not conducting the hearing here tonight. We're in violation of the State statutes and the City codes with respect to the way we're doing business with regards to this. We're not going to get involved in that. You're not going to be a part of it, this Council is not going to be a part of it nor is the Planning Commission; we're going to process it the right way. Mr. Danielzuk said if you want to, Mr. Weber, make the suggestion to the City Council that they reconsider asking for a recommendation to re-zone 10th Street you are appropriately able to do that. That's within your rights and you don't have to have the Planning Commission hearing and you don't have to have the public hearing before the Council to do that. Mr. Weber said his recommendation to Council would be to kill the entire action because it damages the owner's property value, it damages the future of Gering for business expansion. Councilmember Gibbs said this is damaging the future of Gering now; it's our northern gateway to our downtown. Some businesses look really nice and some look terrible and it's the first thing people see when they're coming into Gering from the north end.

Mayor Mayo said the time to address it is at the next Planning Commission meeting; he encouraged everyone to be there. He said we'd do what we can to try to make sure there's a quorum.

11. Citizen Agenda Item – House Fire on Cox Drive, Rich Franke

Mr. Franke was not present and indicated prior to the meeting he would not be able to attend.

12. Resignation by City Engineer, Paul Snarr

Mayor Mayo stated that Mr. Snarr has another opportunity in another community.

Motion by Councilmember Gibbs, second by Councilmember Christensen to accept the resignation of City Engineer, Paul Snarr.

Discussion: Paul thanked the Council, the Planning Commission, the peers and staff he has worked with; he has grown to love this area. He thanked the City and said we've been great to work with. Councilmember Morrison thanked Paul and said he has been an excellent Engineer.

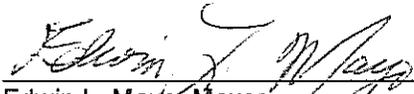
The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Allred, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: McFarland and Shields. Motion carried.

REPORTS OF STAFF, BOARDS AND COMMISSIONS AND STANDING COMMITTEES:

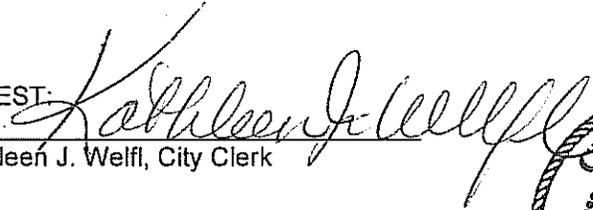
1. Department/Staff Reports (informational only)
2. Committee Reports & Council Member Comments
3. Administrator's Report
4. Mayor's Report
 - ❖ McKinley School Housing Update, the Mayor stated there was an open house at the McKinley homes for the public and realtors on June 18, 2014.
 - ❖ Oregon Trail Days Kick-off BBQ, July 10, 2014. The Mayor encouraged Council to participation.
5. Gering Merchants
 - ❖ Report on Sugar Valley Rally Luncheon
 - ❖ Report on Art FestivalReNae' Garton, Chairman of the Gering Merchants, said both events were successful and well attended.

ADJOURN

Meeting adjourned at 8:12 p.m.


Edwin L. Mayo, Mayor

ATTEST:


Kathleen J. Welfi, City Clerk

