

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
June 8, 2015**

A regular meeting of the City Council of Gering, Nebraska was held in open session on June 8, 2015 at 6:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Kaufman, and Councilmembers Gibbs, Christensen, Holliday, Morrison, O'Neal and Cowan. Councilmember Allred arrived at 6:32 p.m. Absent was Councilmember Smith. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and City Attorney Jim Ellison. Notice of the meeting was given in advance by publication in the Gering Citizen, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public except as otherwise indicated.

CALL TO ORDER

Mayor Kaufman called the meeting to order at 6:05 p.m. The Mayor noted that there was a quorum of the Council and City business could be conducted.

1. Recital of the Pledge of Allegiance and Prayer
2. Roll Call
3. Excuse councilmember absence

Motion by Councilmember Holliday to excuse the absence of Councilmembers Gibbs and Cowan from the May 11, 2015 Regular City Council meeting. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Morrison, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.

OPEN MEETINGS ACT - NEB.REV.STAT. CHAPTER 84, ARTICLE 14

Mayor Kaufman stated 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. As required by State Law, additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and Council determines that the matter requires emergency action.

CONSENT AGENDA:

1. Approve minutes of the May 11, 2015 Regular City Council Meeting and the May 20, 2015 Special City Council meeting
2. Approve Claims and financials
3. File for Record Services Contract with Intralinks – Monthly service fees
4. File for Record Services Contract with Intralinks – Maintenance
5. Approve SDL – Oregon Trail Association for July 11, 2015, 10 a.m. to 1 a.m. at 1225 J Street, for wine sampling/tasting
6. Approve SDL – Oregon Trail Association for July 11, 2015, 10 a.m. to 1 a.m. at Five Rocks Amphitheater outdoor area for the Chili Cook-off
7. Approve SDL – The Meat Shoppe, Inc. for August 3, 2015, 4 p.m. to Midnight at the Five Rocks Amphitheater for a reception
8. Approve SDL – The Meat Shoppe, Inc. for August 15, 2015, 4 p.m. to Midnight at the Five Rocks Amphitheater for a reception
9. File for Record Work Order Pursuant to Master Services Agreement between Aquaterra and the City of Gering, Nebraska for Professional Services

Mayor Kaufman stated that he'd like to pull items 3 & 4 due to a scribner error. Councilmember Christensen stated he would like to pull the claims and Councilmember Cowan stated that he would like to pull item #9.

Motion by Councilmember Gibbs to pull items 3, 4, 2 and 9 off the Consent Agenda, second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Morrison, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.

Councilmember Christensen asked about a claim for \$5400 for Thursday Men's League meals; he asked if we can find out how that number is computed? Mayor Kaufman replied that we'll have to have John Mejia calculate that number and get back to him.

Regarding Item 9, Councilmember Cowan stated this is the first time he has seen a work order for SCS Aquaterra; he'd like to see what that's about. Administrator Danielzuk replied it's an addendum to the Scope of Services from the Master Services Agreement between SCS Aquaterra and the City of Gering. This particular scope of services to be performed deals with regulatory compliance support coordination and assistance related to environmental monitoring including methane gas and ground water sampling reporting for the solid waste landfill. He stated that we had to go into some additional methane gas monitoring and reporting to NDEQ that hasn't been a part of the master services agreement or any addendums related to methane gas monitoring. We're going to put in some additional venting and getting these services monitored for compliance purposes is what this addendum is for. City Engineer, Paul Snarr, added that we've had such a wet spring it has caused a little bit of gas to build up in the landfill and we've noticed some exceedances in our gas monitoring wells. We've been monitoring this and we've just gotten approval from NDEQ to go ahead and put three gas vents in to mitigate the problem and then we'll probably put a couple probes in just to make sure it's not spreading any further. It happens quite regularly when you get a snow melt or get a lot of rain. Mr. Snarr added that we do watch that quite closely.

Councilmember Holliday asked because it's an addendum to a current contract, it does not have to go out for bid, is that correct? Mr. Snarr replied that it's somewhat of an emergency; we do want to get this taken care of as soon as possible. They're already under contract with us and they're current contract covers them monitoring the gas but where this is exceeding like it has we've had to move forward and mitigate this by putting the three vents in and probably one or two probes. Councilmember Holliday added that reading through it, it looks like we have upfront charges for their base rates but then there is a standard fee schedule where we're nicked and dined for every little thing. He said in his line of business he's used to being part of the upfront costs. He asked if all these additional costs are normal; we're being charged for them communicating with us. Mr. Snarr stated that we'd have to get with John on that because he doesn't have a breakdown of all their costs, nor does he see their bills. Councilmember Holliday stated that there are a lot of additional costs and it's really hard to gage what this is really going to cost the City.

Motion by Councilmember Morrison to approve items 2 and 9. Councilmember Christensen asked to amend the motion to only approve item 9 until we get more information on Consent Agenda item 2. Councilmember Morrison agreed to amend her motion. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Morrison, O'Neal, Cowan. "NAYS": Holliday. Abstaining: None. Absent: Smith and Allred. Motion carried.

Motion by Councilmember Christensen to approve the balance of the Consent Agenda with the exception of item 2. Second by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Morrison, O'Neal, Cowan. "NAYS": None. Abstaining: None. Absent: Smith and Allred. Motion carried.

PUBLIC HEARINGS:

1. Public Hearing for a Final Plat of Lot 5, Block 1, RUSURE Subdivision Being A Re-Plat of Lots 2, 3, and 4, RUSURE Subdivision A Partial Replat of Treasure Valley Estates And Vacation of Debra Drive (Debra Drive Vacated per Ordinance 1998), located in the West Half of the Southwest Quarter of Section 6, Township 21 North, Range 54 West of the 6th Principal Meridian, City of Gering, Scotts Bluff County, Nebraska.

Mayor Kaufman opened the Public Hearing at 6:18 p.m. City Engineer Snarr presented the Public Record and stated that this is a Public Hearing for a Final Plat of Lot 5, Block 1, RUSURE Subdivision Being A Re-Plat of Lots 2, 3, and 4, RUSURE Subdivision A Partial Replat of Treasure Valley Estates And Vacation of Debra Drive (Debra Drive Vacated per Ordinance 1998), located in the West Half of the

Southwest Quarter of Section 6, Township 21 North, Range 54 West of the 6th Principal Meridian, City of Gering, Scotts Bluff County, Nebraska. The property is zoned Heavy Industrial and Manufacturing District (MH) and consists of approximately 16.2 acres more or less.

Administrative Record:

Mr. Snarr stated that you have been provided with the administrative record in your packets and I would ask for this Commission's approval that I not read through the record unless you would like this read and that it be made a part of the official proceedings of this Public Hearing.

- Application for the Vacation Plat was submitted by the owner's representative Dennis Sullivan, PLS with MC Schaff and Associates, March 27, 2015.
- Public Hearing Notice published April 9, 2015 and May 28, 2015.
- Scotts Bluff County was given the vacation exhibit, preliminary and final plat for review and comment.
- 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 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 Plat submitted by the owner's representative Dennis Sullivan, PLS with MC Schaff and Associates, March 27, 2015 Vacating Debra Drive per Ordinance 1998.
- Proof of ownership was submitted to the City by the owner's representative Dennis Sullivan, PLS with MC Schaff and Associates, March 27, 2015.
- Plat of RUSURE Subdivision Lots 1, 2, 3, and 4, Block 1, Final Plat a partial Replat of Treasure Valley Estates situated in the West Half of the Southwest Quarter of Section 6, Township 21 North, Range 54 West of the 6th PM, City of Gering, Scotts Bluff County, Nebraska recorded May 13, 2005.
- Jerold Higel 131015 Lockwood Road called and was concerned with the noise from the fans coming from the operations
- Ron & Rose Greckel (631-5547), 130853 Lockwood Road, Gering, NE 69341 – owners of property South and adjacent to the current Debra Drive owning Lots 1 & 2 Mc Keemans Addition (Greckel's winter address is 46251 Highway 60 #173, Salome, AZ 85348) called and were concerned with the following:
 - access to their property on the North and East if Debra Drive is vacated
 - Drainage concerns – Rose indicated that they have had storm water problems with flow from West Plains to their property on the East and the West
 - Protection from the dust as grain is moved through chutes process on the East. Rose indicated he had installed protection and this has since been removed
 - Would like Debra Drive moved as far North as possible due to the noise, dust, and vibration of the trucks
 - Fans installed are very noisy – would like to know if this can be controlled
 - We discussed screening separation between the commercial and residential and landscaping along Lockwood Road
 - Moldy corn issues and the smell needs to be addressed
- City of Gering Current 1995 Comprehensive Plan (Per Amendment No. 1 dated November 2001)
- Planning Commission Public Hearing May 19, 2015.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

If approved Staff would recommend the following to be included:

- Require the private street to be surfaced/paved meeting City Standards.
- Screening between MH and Residential area – other areas as needed meeting zoning requirements (not to disturb the easements along the North and East line of the subdivision.

- Landscaping along Lockwood Road meeting zoning requirements – this could be a landscaped swale with fabric and landscaping rock with trees or other as approved meeting zoning requirements.
- Owner to mitigate issues regarding drainage, dust, and the smell from the moldy corn on site to minimize complaints from the residences adjoining his property. The approved site plan required storm water to be directed (graded) East to a drainage ditch and flow South toward the Gering Drain. Storm water is not to be directed toward the residential area. Due to additional complaints regarding storm water owner to grade the South end of the property to ensure storm water drains to the South Gering Drain. Owner also to ensure the drain pipe is sized and maintained to handle the storm water runoff into the South Gering Drain parallel with D Street.
- Retain an easement for property addressed 130853 Lockwood Road owned by Ron and Rose Greckel and install screening between the easement and new access road.
- Agree to provide easements needed and pay all costs associated with the relocation of the electrical power line that their new building was currently constructed across at the time the City deems it necessary to relocate the line.
- I would recommend the grading and screening be completed within 60 days of the recording of this plat.

Mr. Snarr stated that this Final Plat meets the City Zoning and Subdivision Regulations requirements of Article 21: Plat Review and Submittal Requirements and Preliminary and Final Plat Procedures for Approval and Section 8.2 Heavy Industrial and Manufacturing District (MH) including lot requirements.

Mayor Kaufman asked if there was anyone in the Council Chambers wishing to speak in favor or opposition of the final plat. Dennis Sullivan with MC Schaff stated that they've been doing the subdivision on this and working with Paul; he doesn't see any problem with it, should be good to go.

Jerry Higel, 1310 Lockwood Rd. stated that his property borders the property that is being considered. He received a drawing of how it was to be platted at the Planning Commission meeting. He's not sure if that's still the way it is or not but if it is he's opposed to the way they're putting that drive-way. He said it shows they're putting a drive-way just to the north of the existing Debra Drive. He'd like to see it moved farther north. He thinks it would be a safer place because those trucks come out of there and make a pretty wide turn. The trucks, after they get out on Lockwood Road, tend to drive slow for a while and people are nearly running into the back end of them. Also, he has a problem with how they have the drainage to the south of their property. He said they went in and excavated south of the bins and created a hole for standing water. Then they went in and knocked a head wall off a culvert pipe that would drain it over into that drainage ditch to the south. His property is at the corner to the west and where they broke that headwall down it's tending to wash into that hole that was created. This headwall was kind of an erosion control so the water would come in and go down but now there's a hole in there. As wet as it was this spring there was water clear back. He said there are also dust issues when the trucks are going. They've also had a landscape requirement that they've not completed in 15 years. They're also putting in a steel building with new fans and the fans are so loud that they drown out the sound of the railroad whistle. He asked that Council consider his concerns even though not all of them have to do with the plat; anything Council can do would be appreciated.

Rose Greckel, 130853 Lockwood Road, stated she lives on the south side of Debra Drive. She said they surveyed the property and have a flag on the north side of Debra Drive but she's not sure they're giving her a 20 foot right-of-way. She agrees with Jerry on moving their entrance to the far north end due to accidents; they've seen many that have been close and have seen people slam on their breaks. They also have a complaint on the fans being too loud and the drainage is terrible; they're getting water in their shop on the northeast corner of their lot. She said if this does go through they'd like a deadline they have to meet for the landscaping.

Mr. Snarr replied that this has been platted for quite some time. The reason they're vacating Debra Drive is because the property is now going to one lot and not four or five lots. Realistically they only need an access to enter their property, however the owner has agreed to pave and it's shown on the plat; hard surface the private road way coming in. They'll put a wide radius on that private road so the trucks can

get in and out easily. He doesn't know about moving it north; usually when you get closer to an intersection you have more problems. They're only required to have an access; he thinks the developer is doing quite a bit there. The owner has addressed the Planning Commission and he said that he would put in screening between his property and the residential area with a fence and/or trees, he talked about both and meeting our standards and agreed to put landscaping along Lockwood Road meeting our standards with 25 foot of landscaping. They also talked to him about mitigating the issues of drainage. He has installed a large concrete pad where Jerry was talking about, which creates problems with storm drainage. Mr. Snarr said that maybe we should look at the development agreement before we sign this and get these issues taken care of. The owner has agreed to provide easements for the old location of Debra Drive so they can access their property; there is an easement on the plat for that. He has also agreed... he built the building over an electrical easement and agreed to (and it's on the plat as well) to pay all costs associated with the relocation of the electric power line and provide the easements needed to replace that. Mr. Snarr would recommend the grading and screening be completed within 60 days of the recording of this plat or hold off until we get a development agreement signed prior to recording. He added that this Final Plat meets the City Zoning and Subdivision Regulations requirements of Article 21: Plat Review and Submittal Requirements and Preliminary and Final Plat Procedures for Approval and Section 8.2 Heavy Industrial and Manufacturing District (MH) including lot requirements.

Mr. Snarr concluded by saying: Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing for the Final Plat of Lot 5, Block 1, RUSURE Subdivision Being A Re-Plat of Lots 2, 3, and 4, RUSURE Subdivision A Partial Replat of Treasure Valley Estates And Vacation of Debra Drive and ask that you please keep this hearing open until all entries are put into this record.

There were no further comments. Mayor Kaufman closed the Administrative Record and the Public Hearing closed at 6:33 p.m.

Motion by Councilmember Gibbs, second by Councilmember Morrison to enter the Administrative Record into the Public Record.

Discussion: Councilmember O'Neal asked what it means if they vote, can they ask for a development agreement or is that later. Mayor Kaufman replied that we can, but the reality is the development agreement is separate from the plat. He asked Mr. Snarr if that is correct. Mr. Snarr said we can put a development agreement together fairly quick and he would recommend doing that at the time of the plat recording. Councilmember O'Neal asked if the motion needs to be amended to have that in place. Mayor Kaufman stated that all this is is the Administrative Record so it's not actually the vote for... this is just approval of the Administrative Record.

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

1a. Approve or deny Final Plat of Lot 5, Block 1, RUSURE Subdivision Being A Re-Plat of Lots 2, 3, and 4, RUSURE Subdivision A Partial Replat of Treasure Valley Estates And Vacation of Debra Drive (Debra Drive Vacated per Ordinance 1998), located in the West Half of the Southwest Quarter of Section 6, Township 21 North, Range 54 West of the 6th Principal Meridian, City of Gering, Scotts Bluff County, Nebraska.

Mayor Kaufman entertained a motion. Councilmember O'Neal said she'd like to change the motion to only approve with the addition of the development agreement to address the concerns or else no. Mr. Snarr stated that we have most of them on the plat but it wouldn't take long to put that together and ensure that these are agreed upon. Administrator Danielzuk asked if he could suggest a motion and then asked Council to entertain a motion to approve the vacation of Debra Drive with the same legal language the Mayor used with the following conditions and include them in the motion.

Conditions approved by staff in the Admin record:

- Require the private street to be surfaced/paved meeting City Standards.
- Screening between MH and Residential area – other areas as needed meeting zoning requirements (not to disturb the easements along the North and East line of the subdivision.

- Landscaping along Lockwood Road meeting zoning requirements – this could be a landscaped swale with fabric and landscaping rock with trees or other as approved meeting zoning requirements.
- Owner to mitigate issues regarding drainage, dust, and the smell from the moldy corn on site to minimize complaints from the residences adjoining his property. The approved site plan required storm water to be directed (graded) East to a drainage ditch and flow South toward the Gering Drain. Storm water is not to be directed toward the residential area. Due to additional complaints regarding storm water owner to grade the South end of the property to ensure storm water drains to the South Gering Drain. Owner also to ensure the drain pipe is sized and maintained to handle the storm water runoff into the South Gering Drain parallel with D Street.
- Retain an easement for property addressed 130853 Lockwood Road owned by Ron and Rose Greckel and install screening between the easement and new access road.
- Agree to provide easements needed and pay all costs associated with the relocation of the electrical power line that their new building was currently constructed across at the time the City deems it necessary to relocate the line.
- I would recommend the grading and screening be completed within 60 days of the recording of this plat.

Motion by Councilmember O'Neal to approve with the conditions stated by Administrator Danielzuk...

Councilmember Morrison stated that we can go ahead and approve this and put all these stipulations in but should we approve it until we know these issues are addressed and done. Mr. Snarr replied that we can write a letter that states that the owner has a certain amount of time to take care of these things or we will come in and do the grading or we will not let him have a CO to the building he's putting in until these are done. Mayor Kaufman clarified that the occupancy can be held up. Mr. Snarr said that's part of our process, they get a building permit and we issue a final inspection; we will not issue the final inspection and allow it to be used until these items are taken care of. This subdivision has been in existence and out of compliance for quite some time. This is the only teeth he knows of to enforce this. That is why he puts these in as conditions in the Administrative Record. He doesn't know how it was approved in the past. Councilmember Morrison said for these folks' assurances we need to have something in there.

The Mayor suggested the motion to approve or deny the final plat be continued to the next meeting to allow staff more time to address the questions.

Motion by Councilmember Morrison to continue this agenda item (approving or denying the final plat) to the next meeting. Second by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

1b. APPROVE ORDINANCE 1998 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, VACATING DEBRA DRIVE OF RUSURE SUBDIVISION BEING A RE-PLAT OF LOTS 2, 3, & 4, BLOCK 1, AND PARTIAL RE-PLAT OF TREASURE VALLEY ESTATES FINAL PLAT SITUATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 54 WEST OF THE 6TH P.M., CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA.

Agenda item 1b was not addressed due to continuing item 1a.

2. Public Hearing for a Final Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, 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, City of Gering, Scotts Bluff County, Nebraska. Owners: Southfield-Gering, LLC.

Mayor Kaufman opened the public hearing at 6:46 p.m. Paul Snarr presented the Administrative Record. Mr. Snarr said this plat has been in the works for quite some time as well. The vacation plat was heard at Planning Commission and City Council and approved Feb. 23, 2015. It was zoned RM during these

meetings removing some overlays. He added that there's quite a bit to the Administrative Record. The property was sold not meeting our zoning standards.

This is a Public Hearing for a Final Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, 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, City of Gering, Scotts Bluff County, Nebraska. Owners: Southfield-Gering, LLC.

The Vacation Plat for Pathfinder (for this Final Plat of Southfield) and Preliminary Plat were approved for Southfield Village by this Council February 23, 2015. The property is zoned (RM) Residential Medium Density District (RM) and consists of approximately 16.2 acres more or less.

Administrative Record:

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

- City of Gering Zoning and Subdivision Regulations dated 1984.
- Ordinance No. 1885, 1886, and 1887 dated April 13, 2009 Amended by Ordinance 1993 by the City Council April 27, 2015 changing the property to RM and removing the overlay districts.
- Application for the preliminary and final plat (separate) with the titled Preliminary and Final Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of **Southfield Village** and Vacation of Jan Drive of Pathfinder Addition 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. (Submitted by Carl John Gilbert, PE with Baker & Associates, Inc. January 13, 2015).
- Vacation Plat for Lots 1-12, Block 2 of Pathfinder Subdivision & Jan Drive which was approved by City Council 2-23-2015. (Submitted by Carl John Gilbert with Baker & Associates, Inc. January 13, 2015).
- Preliminary Plat for Southfield Village
- Public Hearing Notice published April 9, 2015 and May 28, 2015.
- Publication Notice and written notice was completed and sent per the requirements of the current City Zoning and Subdivision Regulations Section 21.2 and are incorporated by reference in this Administrative Record.
- 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.
- 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.
- Planning Commission Public Hearing May 19, 2015.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

This Final Plat meets the City Zoning and Subdivision Regulations requirements of Article 21: Plat Review and Submittal Requirements and Preliminary and Final Plat Procedures for Approval and Section 8.2 Heavy Industrial and Manufacturing District (MH) including lot requirements.

Mr. Snarr stated: Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing for the Final Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8,

Block 4, Lots 1-11, Block 5, and Lots 1-10, Block 6 of Southfield Village and ask that you please keep this hearing open until all entries are put into this record.

Mayor Kaufman asked if anyone wished to have the Administrative Record read aloud. Seeing none he asked if anyone wished to speak in favor or opposition of the final plat. Seeing none the Administrative Record was closed and the Public Hearing was closed at 6:49 p.m.

Motion by Councilmember Gibbs to enter the Administrative Record into the Public Record. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

2a. Approve or deny Final Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, 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, City of Gering, Scotts Bluff County, Nebraska. Owners: Southfield-Gering, LLC.

Councilmember Gibbs asked if their intent is residential or is their intent to put in mobile homes. Mr. Snarr said this was partially zoned residential with an overlay for mobile homes and part was zoned AGG with an overlay for mobile homes. We went through Planning Commission and City Council to have it zoned all RM with no overlays. Councilmember Morrison asked if it has to be all residential stick-built houses, no mobile homes, correct? Mayor Kaufman replied it's all residential with no overlays. Mr. Snarr said there are no mobile home overlay districts on this property. Councilmember Morrison asked if this is the area that started so long ago and they didn't get it done so it's reverting back. Mr. Snarr replied yes, this takes care of this area. Councilmember Allred said if he's reading this right, this is roughly 49 lots. If you have that many lots you would assume someone has intentions of putting in mobile homes. Mayor Kaufman stated that this doesn't mean they're going to develop it immediately. Mr. Snarr stated that he understands the owner wants to sell this property. Mr. Snarr said he's sure this would go in phases unless there was a growth spurt. Councilmember Morrison asked about the lot sizes. Paul said all of them exceed the 7200 square feet required in RM. He said we also required on the plat that there is no access on D Street off of lots 1, 2 and tract A.

Motion by Councilmember Holliday to approve the Final Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7, Block 2, Lots 1-7, Block 3, Lots 1-8, 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, City of Gering, Scotts Bluff County, Nebraska. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal. "NAYS": Morrison and Cowan. Abstaining: None. Absent: Smith. Motion carried.

2b. APPROVE ORDINANCE 1999 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, VACATING A PORTION OF PATHFINDER SUBDIVISION PER A SUBMITTED VACATION PLAT OF LOTS 1-12, BLOCK 2 OF PATHFINDER SUBDIVISION & JAN DRIVE, ORIGINALLY RECORDED UNDER INSTRUMENT NO. 4036 DATED AUGUST 18, 1976 BEING A PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA.

Councilmember Allred made a motion to introduce Ordinance No. 1999: AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, VACATING A PORTION OF PATHFINDER SUBDIVISION PER A SUBMITTED VACATION PLAT OF LOTS 1-12, BLOCK 2 OF PATHFINDER SUBDIVISION & JAN DRIVE, ORIGINALLY RECORDED UNDER INSTRUMENT NO. 4036 DATED AUGUST 18, 1976 BEING A PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M., CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA. Seconded by Councilmember O'Neal. There was no discussion. The Mayor called the vote. "AYES": Gibbs,

Christensen, Holliday, Allred, O'Neal. "NAYS": Morrison and Cowan. Abstaining: None. Absent: Smith. Motion carried.

Councilmember Morrison moved that the Ordinance be designated as Ordinance No. 1999 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 Cowan. A roll call vote was called. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal. "NAYS": Morrison and Cowan. Abstaining: None. Absent: Smith. Motion carried.

The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried.

Whereupon Ordinance No. 1999 was read by title only, Councilmember Christensen moved that the Ordinance be passed as read, which motion was seconded by Councilmember Cowan. "The question is shall Ordinance No. 1999 be passed?" There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal. "NAYS": Morrison and Cowan. Abstaining: None. Absent: Smith. 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.*

* Notation: After a review of the record, there was not a three-fourths majority vote to waive the three readings of Ordinance 1999.

BIDS: None

CURRENT BUSINESS:

1. Library Board presentation of Anythink Library Tour and possible new location of Library – Devin Charles, Library Board President

Library President, Devin Charles, presented a slide show presentation of the AnyThing Library in Colorado. He also presented the idea of possibly locating the new library on the east side of Legion Park in Gering.

Motion by Councilmember Morrison to enter the Library presentation into the public record, second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

2. Update on Free Dump Day - Environmental Services Department, Darrel Vance, Director

Darrell Vance, Environmental Services Director, stated that we had our spring clean-up April 18-25. We took in 773 cubic yards of waste from Scottsbluff, Gering and Mitchell. We took in 42 appliances, 225 tires, 75 loads of trees. Free Dump Days are held just to help keep the area and community clean. They also participated with Coop and Keep Scottsbluff/Gering Beautiful and took in 531 gallons of oil.

Councilmember Christensen said it seems like the people of Gering and the area are in need of a way to disposed of paint. He said there isn't any way to do that; he asked Mr. Vance if he has solutions? Mr. Vance said you can put old paint on old carpet and let it dry up or bury it in sand and let it dry and then bring the sand to him to dispose the proper way; then he can put it in the landfill. Councilmember Christensen said it would be a good idea to get this information out to the public. Mr. Vance said we can do that in our next newsletter and put an article in there.

3. Approve Ordinance 1996 – AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, AMENDING TITLE VII, CHAPTER 71, SECTION 71.13 AND TITLE VII, CHAPTER 74, SECTION III, SCHEDULE III

OF THE CITY CODE OF GERING, NEBRASKA, PROVIDING FOR AND ESTABLISHING TRUCK ROUTES ON CERTAIN STREETS WITHIN THE CITY OF GERING, NEBRASKA, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Councilmember Gibbs made a motion to introduce Ordinance No. 1996: AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, AMENDING TITLE VII, CHAPTER 71, SECTION 71.13 AND TITLE VII, CHAPTER 74, SECTION III, SCHEDULE III OF THE CITY CODE OF GERING, NEBRASKA, PROVIDING FOR AND ESTABLISHING TRUCK ROUTES ON CERTAIN STREETS WITHIN THE CITY OF GERING, NEBRASKA, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

Councilmember Allred moved that the Ordinance be designated as Ordinance No. 1996 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 O'Neal. A roll call vote was called. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried.

Councilmember Gibbs asked Public Works Director, Pat Heath, to give an update on this ordinance: Mr. Heath stated a business owner on North 10th felt our truck route was restrictive. We took a look and felt it was restrictive also. With the truck traffic we have and the Western Sugar Storage facility just north of the tracks, and the sale barn on Morrison Road, B & C Steel and several other businesses that have trucks going in and out, we felt we should amend the old ordinance. At the time trucks were allowed but there were exceptions. It meant we had to have a "No Truck" sign at Country Club Road. With the Engineer's approval we added Morrison Road as a truck route from 7th to 10th and we added 10th Street from Morrison Road north to Country Club as a truck route. The rest of 10th Street from Morrison Road south to J Street will remain prohibited with exceptions and the exceptions are they can go into that area for delivery and to pick up goods and that's about it with tractor/trailers. U Street also remains prohibited with exceptions. The other thing we did was clean up some language because some road names have changed.

Whereupon Ordinance No. 1996 was read by title only, Councilmember Morrison moved that the Ordinance be passed as read, which motion was seconded by Councilmember Cowan. "The question is shall Ordinance No. 1996 be passed?" There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. 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.

4. Ordinance 1997, First reading only – AN ORDINANCE TO AMEND ORDINANCE 1712 USE OF CITY PROPERTY OR FACILITIES FOR SPECIAL EVENTS, OF THE GERING MUNICIPAL CODE, GERING NEBRASKA: REPEALING THE EXISTING ORDINANCE 1712 AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Councilmember Morrison made a motion to introduce Ordinance No. 1997 entitled: AN ORDINANCE TO AMEND ORDINANCE 1712 USE OF CITY PROPERTY OR FACILITIES FOR SPECIAL EVENTS, OF THE GERING MUNICIPAL CODE, GERING NEBRASKA: REPEALING

**THE EXISTING ORDINANCE 1712 AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.
Seconded by Councilmember Cowan.**

Discussion: Councilmember Cowan said he wanted to know if he can vote no on that instead of yes. The Mayor replied we were just introducing the ordinance, we weren't voting on it.

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

Councilmember Christensen moved that the Ordinance be designated as Ordinance No. 1997 and the title thereof approved, as the first reading of the Ordinance, which motion was seconded by Councilmember Gibbs. A roll call vote was called. "AYES": Gibbs, Christensen, Allred, O'Neal, Morrison, Cowan. "NAYS": Holliday. Abstaining: None. Absent: Smith. Motion carried.

5. Update/report on Regional Economic Development Committee – Councilmember Gibbs

Councilmember Gibbs stated that Council has information in their packet regarding the update. The committee has met twice; they have arrived at an interlocal agreement which is the next agenda item. The committee will meet again tentatively on June 18. The committee is requesting that each Council Member come up with up to five economic development projects which they will consolidate into five total from each City to present to the group for their consideration. Each City is also asked to appoint an alternate delegate, either an elected official or staff, so that when the appointed delegate cannot attend we will have representation. The Mayor stated he appreciates Councilmember Gibbs' effort on the committee and feels the Regional Economic Development movement is a benefit to the community. Councilmember Gibbs added if Council does have suggestions they can give them to the Clerk.

Motion by Councilmember O'Neal to enter the update into the public record, second by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

6. Approve and authorize the Mayor to sign Regional Economic Development Interlocal Agreement

Motion by Councilmember Gibbs to approve and authorize the Mayor to sign Regional Economic Development Interlocal Agreement, second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

7. Consider approval of agenda item for Administrative Committee Meeting – Staff Approval of Special Designated Licenses

Motion by Councilmember Holliday to approve agenda item for Administrative Committee Meeting – Staff Approval of Special Designated Licenses, second by Councilmember Cowan.

Discussion: Councilmember Gibbs said he does not have a problem with this with one exception. If an SDL is being requested for a site within say a couple of hundred feet of a licensed location that application should still have to come to the Council. The purpose of SDL's is to approve a temporary site other than close proximity to the licensed location. He said he has no problem with the Administrator making those approvals but we've had some problems in the past with a unlicensed location adjacent to a licensed location that we were repeatedly asked to approve SDLs for and that problem still hasn't been corrected; he'd like to see that problem come to the Council. Mayor Kaufman said the committee can take that under advisement.

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

8. Downtown Revitalization Committee Recommendation for City Plaza

George Schlothauer, Chairman of the Downtown Revitalization Committee, thanked Council. He said they would like to present a proposal for the downtown plaza; Council received a copy of the proposal. He said the committee has worked hard with both Rawnda Pierce, Karla Niedan-Streeks and stakeholders for this project. They have decided upon site sketch plan 6 which Council has before them. They do not intend to move the carillon tower or anything with the water feature that is there. The kiosk in the corner is not part of their plan either. There's also a proposed farmer's market on the south side; at this point they feel that is not something that is really necessary. On the north side there is already a pavilion for a farmer's market and other activities. They think what's important is a stage area and in front of that a grass area that can be used for seating for events. There's also a splash pad that they think is important which can double as a special lighting affect. Santa's Village is very important and the pavilion area could be a site for that. As money becomes available through grants and other sources, the next step would be to proceed with the Great Room and the restrooms. They will work with the City of Gering to prepare the area; the City will help make improvements to parking, landscape and infrastructure needed for this area. The City of Gering has been awarded a Department of Economic Development grant to the tune of \$350,000, but in order for us to be able to get the money from that grant we need to submit to the state our plan and how we can pay for this. Part of the money in that grant has been set aside for the downtown development of a plaza and other money has been set aside for downtown improvements such as store fronts, ADA accessibility, etc. But in order to move this process along to get the money for those types of things they have to have the Council's approval of a plaza design with a budget consideration that we are working to put together. With the Council's approval of a plan it is their hope that the state will release the money so they can proceed with the matching money that is part of the grant. By approving a proposed plaza design it will also help the City to budget for those parts that they need to consider in this plaza.

Councilmember Gibbs said it appears the ice skating rink has been eliminated; Dr. Schlothauer replied correct. Councilmember Gibbs said he's concerned about the splash pad from a maintenance aspect; there is a lot of plumbing involved. He's also concerned about removing a significant portion of the parking adjacent to the Civic Center at a time when there is increasing competition for the Civic Center's activities making it harder for people to easily get into the Civic Center. He said you're moving most of the parking to the north side; there's no entrance to the north side of the Civic Center which will require people to walk all the way around. In rain or snow that isn't something most people are going to want to do. He said he doesn't see restrooms on this plan outside. Dr. Schlothauer said the restrooms will be part of the Great Room but until then the restrooms in the Civic Center will have to be used. Councilmember Gibbs said his concern is that if there are activities outside and the Civic Center isn't open, you don't have restrooms. Dr. Schlothauer stated that they don't have the money to do the restrooms at this time but they do have plans to do them; they're doing everything in stages as much as possible. He said they have to be cognizant of the money they do have to do this project and also what they can expect from the City of Gering to help see this plan put forth.

Councilmember Gibbs asked if they have any comments on the parking issue. Mayor Kaufman stated that he has attended several of the meetings of the Downtown Revitalization Committee and he gives credit to George and the Committee as many of the issues brought up tonight, they've spent countless hours debating those very facts over the last few months. He doesn't think we can discredit the presentation here tonight that they overlooked any particular issue. He said they started off putting the plaza in a less visible spot and moved it over; the Civic Center and their staff have been a part of it all the way and are aware of the recommendation. To navigate that landscape and the time table, from his point of view, he thinks they did a fantastic job and it was well thought out; Mayor Kaufman thanked them. Dr. Schlothauer thanked Mayor Kaufman and stated to answer the parking question the area that borders O Street that is now behind the businesses on main street, the City of Gering has made some commitment to at least start on that doing some kind of paving that will eventually be much more organized and well put together. It doesn't address the problem of how you'll get into the Civic Center from the north, but it's one of those things that he doesn't know how you get around it; perhaps you drive people around front

and then go park. Councilmember Gibbs said he just doesn't want to hurt the viability of the Civic Center especially when there's more competition coming. Dr. Schlothauer stated that he agrees totally. He said that this is a proposal, it's not set in stone. One of the grant requirements is that they have a proposal in place but they are able to modify it as they need to. They have also met with Gering officials that are involved and the committee hasn't done anything that they aren't aware of.

Councilmember Holliday stated that his concern is that the plaza is to help drive business to your existing businesses. Where this is located you are limiting the amount of businesses you can impact directly. Most of our businesses are going to be a block and a half to two or three blocks up north of where this plaza is and so the direct impact is going to be pretty minimal to local businesses. Dr. Schlothauer replied that we have counseled with the businesses that are a distance from the proposed site and they realize that and they feel that if there is a common area, even a block or block and a half away, that isn't very far. The pedestrian link by Valley Bank will still be a vital part. There are a lot of crosswalks involved that will lead people toward the plaza. Landscaping will also draw people.

Councilmember Christensen asked for an explanation as to why he thinks a splash pad is necessary. Dr. Schlothauer stated that as a grandparent of seven grandchildren in Gering he thinks it speaks volumes. There just aren't enough things available for young people in our community and they felt this is an amenity that would draw people downtown and would be very attractive to younger people. If people bring their kids downtown they're more likely to stay and maybe go to a restaurant or bar or whatever and it becomes part of your community. The splash pad can also be a water feature at night.

Councilmember Gibbs asked if there is a phase list; he said he's also concerned the parking lot at 11th and O would possibly sacrifice trees with the new parking direction. Dr. Schlothauer said the things they think are important are the stage, splash pad, landscaping (lawn especially) and the pavilion that can be used as a Farmer's market, for craft shows, etc. Those are their focus at this point. Some of the money in the grant will go specifically for the plaza. Councilmember Cowan asked about the hours of the splash pad; Dr. Schlothauer replied there will be hours in the summer that the splash pad will be available.

Motion by Councilmember Gibbs, second by Councilmember Christensen to approve the Plaza Site Plan 6 with noted modifications. The Mayor called the vote. "AYES": Gibbs, Christensen, Holliday, Allred, O'Neal, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

REPORTS: Information only

1. City Administrator's Report:

Federal Legislative Updates:

EPA "Waters of the U.S." Rule: The House passed the Regulatory Integrity Protection Act to halt the U.S. Environmental Protection Agency's and the U.S. Army Corps of Engineers proposed rule on "waters of the U.S." The bill requires the agencies to withdraw the current proposed rule and begin again by conducting a federalism consultation with state and local governments.

The cost of water is going up; changes in weather patterns are producing volatility in utility service revenues.

Starting in FY2017, municipalities and states have to include the cost of health insurance and other benefits costs that they now only provide in footnotes.

A permanent tax moratorium on internet access will result in increasing amounts of lost revenue on which state and local governments rely to fund essential services in their communities.

House Committee approves Justice Appropriations Measure. The bill includes \$2 billion of funding for several Department of Justice programs important to state and local governments.

State Legislative Updates:

The first session of the 104th Legislature adjourned sine die on May 29. Bills that are passed, but do not contain the emergency clause or specific operative dates, become effective three calendar months after the Legislature adjourns. The second session of the 104th Legislature begins January 6, 2016.

LB540 to update the state building code passed but does not adopt mandate requiring residential sprinkler systems.

LB151 creates a notification process for nuisance violations on foreclosed properties.

LB152 authorizes cities and villages to borrow from state-chartered or federally chartered financial institutions.

Other Legislative Bills were also mentioned by the Administrator.

Heartland Express Way Annual meeting:

The HEA, Heartland Expressway Association has been monitoring activity related to surface transportation. They also watched as the Nebraska Legislature debated and passed an increase in funding for state, county and municipal road maintenance and construction. The HEA annual meeting was held in Chadron recently.

The Administrator also reported the estimated LB610 revenue for area cities and the County. This information was brought to the Administrator by Senator Stinner. Gering's estimated figures came in as follows: Fiscal year 15-16 \$13,831, 16-17 \$55,652, 17-18 \$97,473, 18-19 \$139,294 and 19-20 and beyond \$167,284.

2. Mayor's Report

Budget:

Mayor Kaufman reminded the Council about the annual budget workshop tentatively scheduled for July 24 and strongly encouraged their attendance.

Flood:

Mayor Kaufman commended City staff, in particular Department Heads, for their response, competency and professionalism during the recent flood threat.

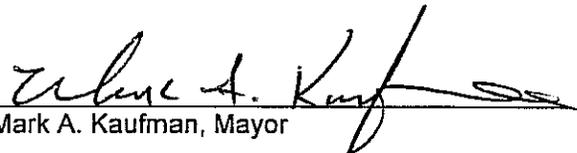
OPEN COMMENT SECTION: None

Discussion or action by Council regarding unscheduled business will not take place. This section is for citizen comment only. There were no comments by the public. None.

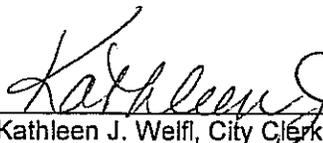
ADJOURN

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

Meeting adjourned at 8:26 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Weiff, City Clerk

