

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

A regular meeting of the City Council of Gering, Nebraska was held in open session on March 10, 2014 at 7:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Mayo and Councilmembers Christensen, Gibbs, McFarland, Allred, Shields, Morrison and Cowan. Also present were City Administrator Lane Danielzuk, City Clerk Kathy Welfl and Acting City Attorney Matt Turman. Absent was Councilmember Smith. 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 (there were no absences to excuse)**

**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.**

Mayor Mayo noted guests in the Chambers from the Gering High School - Nate Herrera, Sheldon Ackerman, Windsor McGraff, Grayson Bagin

**CONSENT AGENDA:**

(Items under the Consent Agenda are proposed for adoption by one action for all items unless any member of Council requests that an item be considered separately.)

1. **Approve minutes of the February 10, 2014 Regular City Council Meeting and the February 20, 2014 Special City Council meeting**
2. **Approve claims and financials**
3. **Acknowledge receipt of Claim from Jim Zimmerman on behalf of Cheri & Dan Witko**
4. **SDL Application – The Meat Shoppe, Inc.**
5. **File for record Amendment 9 & 10 with Aquaterra – Scope of Service Proposal**
6. **File for record City Appointment(s) as Director and/or Alternate Director to ACE Board of Directors**
7. **File for record letter of appreciation to the City of Gering from the Panhandle RC&D**
8. **Adopt 2012 Uniform Mechanical Code, 2012 Uniform Plumbing Code, 2012 International Fuel Gas Code**

**Claims:**

2-5-14 to 2-18-14

ADAMS ELECTRIC \$5,437.50 CONSTRUCTION FOR 525 O STREET, ALLO COMM. \$759.00 TELEPHONE/INTERENET CHR.G., BENZEL PEST CONTROL \$102.90 PEST CONTROL, BIG MACK \$6,806.70 MCKINLEY 525 O STREET, BLUFFS SANITARY \$1,019.22 FEB 2014 FACILITY CLEANING, BROADWAY OFFICE CENTRE \$1,931.55 FILE DRAWER, BRUNTZ BRENDA \$363.22 CONFERENCE TRAVEL EXP., CENTURY LINK \$25.29 JAN 2014 TELE BILL, CENTURY LUMBER CENTER \$47.07 STAPLES FOR 525 O STREET, CITY OF GERING \$16.00 GERING BUSINESS CLUB LUNCHEON, CITY OF GERING GENERAL AC \$65,000.00 PAYROLL TRANSFER 2-7-14, CITY PAYROLL TRUST \$3,801.24 FSA MEDICAL 125, CONNECTING POINT \$62.00 CONTRACT SRV. FOR COPIER, CONTRACTORS MATERIALS \$1,250.00 SILT FENCE, HEAT BLANKETS, COWAN TROY \$255.00 WINTER CONFERENCE TRAVEL EXP., CPI \$806.25 ANNUAL FEES, CULLIGAN \$52.90 SALT, D & H ELECTRONICS \$51.01 CARDS FOR COMPUTERS, DISCOVER BANK \$374.41 CI 13 1705, DON CHRISTENSEN \$105.00 WINTER CONFERENCE TRAVEL EXP., ECOLAB \$82.00 PEST CONTROL, ELECTRIC PUMP \$13,359.13 WWTP PUMP REPLACEMENT, ENERGY LAB. INC. \$444.00 WATER LAB, ENVIRO SRV. INC. \$877.00 WWTP LAB, FASTENAL \$20.69 SUPP., FIRST STATE BANK \$353.12 IBEW UNION DUES, FIRST WIRELESS \$1,547.50 RADIO, FLOWNATION INC. \$1,000.00 WWTP BARSCREEN RPR., GALE \$48.57 BOOKS, GENERAL TRAFFIC CONTROLS \$84.39 FLASHER FOR FOUR WAY STOP, GERING CITIZEN \$601.24 CONDENSED COUNCIL MINUTES, GERING USAVE PHARMACY \$28.50 GLUCOSE TEST STRIPS, GERING VALLEY PLUMBING \$22,397.00 NEW HEATING/COOLING EQUIP. HD SUPPLY WATERWORKS LTD. \$4,559.20 METER PURCHASE, HEILBRUN \$697.26 BRAKE LINE, ICMA ELECTRONIC RETIREMENT \$516.00 ICMA CITY ADMIN., IDEAL LINEN SUPPLY \$104.67 RUGS/JANITORIAL SUPP., INFINITY CONSTRUCTION \$53,225.00 CONCRETE FLOOR/NEW BUILDING, INGRAM LIBRARY SRV. \$1,054.40 BOOKS/PERIODICALS, INTERNAL REVENUE SRV. \$35,528.42 FED/FICA TAX, INTRALINKS \$6,673.54 COMPUTER SUPPORT, JIRDON \$1,525.02 GRASS SEED FOR GUECK WELLFIELD, JOHN HANCOCK USA \$12,559.00 JH RETIRE 6%, JOHNSON CASHWAY \$17,050.79 SIDING/525 O STREET, JUSTIN BRUNZ \$198.00 MEAL ALLOWANCE TO ALABAMA, KATHLEEN LAUGHLIN \$165.00 GARNISHMENT 2, KLASSERT SAM

\$1,265.12 INSPECTION HOURS 34.5, KNEB \$201.50 RADIO ADVERTISING, LL JOHNSON \$1,441.30 SPRINKLER HEADS, LEAGUE OF NE MUNICIPALITIES \$339.00 MID WINTER CONFERENCE MAYO, LOGOZ \$280.88 APPRECIATION DINNER YEARS OF SRV., MATHESON TRI-GAS \$34.41 GAS FOR WELDING, MAYO EDWIN \$561.97 TRAVEL EXP. MID WINTER CONF., MEAT SHOPPE \$12,888.80 CATERING COSTS, MENARDS \$43.48 WWTP PLANT RPRS., MG TRUST CO. \$4,871.84 MG-T POLICE, MONEY WISE \$359.27 TONER CARTRIDGE-UTILITY, MUNICIPAL EMERGENCY SRV. \$2,897.73 SPR. LEATHER FIREFIGHTING BOOT, MURPHY TRACTOR & EQUIPMENT \$8.76 AIR FILTERS, NATIONAL INS. SRV. \$976.88 JAN 2014 VISION INS., NDOR-LODGING \$345.00 JAN 2014 FORM 64 LODGING TAXES, NE CHILD SUPPORT PYMT. \$796.72 CHILD SUPPORT 1, NE PUBLIC POWER DIST. \$129.53 UTILITIES, NORTHWEST PIPE FITTINGS \$270.38 DRAIN PIPE NEW BUILDING, ONE CALL CONCEPTS INC. \$40.75 LOCATE FEES, PAUL REED CONSTRUCTION \$53,674.04 WORK ON CELL 5/NEW LANDFILL, PETTY CASH \$61.16 LIBRARY SUPP., PIPE WORKS PLUMBING \$7,211.73 PLUMBING FOR 525 O STREET, POSTMASTER \$272.00 PO BOX RENEWAL, PRINT EXPRESS \$196.90 ENVELOPES, REAMS SPRINKLER SUPPLY \$174.25 PRUNING TOOLS, RECORDED BOOKS LLC \$85.42 AUDIOBOOKS, RECOVERY SYSTEMS CO. \$368.85 PARTS FOR BALER, ROBINSON ELECTRIC \$72.66 SWITCH RPR. ON MOVABLE WALL, ROOSEVELT PUBLIC POWER DISTRICT \$34.79 UTILITIES, SCI DISTRIBUTION LLC \$701.00 FUEL SYSTEM PARTS, SCOTTS BLUFF CO. CONSOLIDATION \$595.00 CIVIC CENTER ALARM, SCOTTS BLUFF CO. COURT \$102.00 COURT FEES, SIMMONS OLSEN LAW FIRM \$50.00 LAS ARRAIGNMENTS, SIMON CONTRACTORS \$16,654.84 SUB BASE FOR RUNDELL RD., SLAFTER OIL \$6.64 DIESEL FUEL ADDITIVE, SOURCE GAS \$387.27 GERING FIRE HALL, STAR HERALD \$1,245.37 HELP WANTED AD - LIBRARY, STATE OF NE/DAS COMMUNICATION \$247.81 LONG DISTANCE PHONE CHRGS., SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, SUNSHINE COUNTRY EMBROID \$96.40 FIRE DEPT. COAT, THE ROCK PILE \$330.13 FILL SAND, UNITED CHAMBER OF COMMERCE \$250.00 ANNUAL BANQUET TICKETS, VALLEY BANK - POLICE \$24,031.18 JAN 2014 SINKING FUND, VERIZON WIRELESS \$515.78 IPADS JAN 2014, WELLS FARGO FINANCIAL LEASE \$138.41 COPIER LEASE FOR FEB 2014, WESTCO \$2,660.46 FUEL, WESTERN PLAINS BUSINESS \$149.15 COPIER MAINT., WINCHELL CLEANING SRV. \$470.00 JAN 2014 CLEANING, YOUNG MENS CHRISTIAN \$5.00. CLAIMS: 2-19-14 TO 3-5-14 ADAM DOWNER \$228.00 MEALS/TRAINING GRAND ISLAND, AHLERS BAKING INC. \$15.41 D.T. PREPLANNING MEETING, ALAMAR UNIFORMS \$1,050.00 EMBLEMS FOR UNIFORMS, AL'S TOWING INC. \$100.00 POLICE VEHICLE STUCK IN SNOW, ALTEC INDUSTRIES INC. \$277.22 BUCKET TRUCK HOOKS, AMAZON \$80.49 BOOKS, ANDERSON FORD \$28,549.00 PURCHASE 2014 FORD UTILITY VEHICLE, ATLANTIC TACTICAL \$1,592.97 GUN RACK MOUNT, AVP SECURITY \$838.80 OUTSIDE CAMERAS, B & C STEEL \$333.02 METAL TUBING, BIG MACK \$380.31 HEATER RPRS., BLUFFS SANITARY SUPPLY \$138.60 EXAM GLOVES, BRANDT APPRAISAL CO INC. \$1,000.00 LEGAL COUNCIL FOR K STREET RRJ, BRIDGEPORT AMPRIDE \$20.01 FUEL WING MEETING/CITY VEHICLE, BROADWAY OFFICE CENTRE \$254.61 PRINTER INK, BROWNS SHOE FIT \$332.00 T. COWAN FIREFIGHTER BOOTS, BRUNTZ BRENDA \$413.56 NPZA CONF/KEARNEY, BUDGET TIRE & SRV. \$34.00 TIRE RPR/TERRY'S TRUCK, BUMPER TO BUMPER TOWING \$100.00 TOW FOR ABANDONED VEHICLE, BURKETT REST EQUIP. \$1,554.00 NEW MUG FROSTER/CHILLER, CABELS RETAIL INC. \$178.94 PET RAMP, CARD SRVS. \$16,010.99 CREDIT CARD CHRGS., CENEX I-80 \$2.89 HEA MEETING/CHADRON, CERTIFIED POWER INC. \$392.60 KNOB FOR SPREADER CONTROL, CHARTER COMM. \$394.09 TV/INTERNET CHR.G., CITY INSURANCE FUND \$140,589.64 HEALTH PREM 125, CITY PAYROLL TRUST \$3,750.28 FSA MEDICAL 125, CLOSSON PAT \$63.94 REIMBURSE FOR WORK BOOTS, CONTRACTORS MATERIALS \$182.30 PICK HANDLE/SLEDGE HAMMER, CPI \$806.25 ADMIN PYE DUES 9-30-13, CRESCENT ELECTRIC \$221.81 TOOLS, CRISPIN-MULTIPLEX MFG. \$265.77 WELL RPR. PARTS, CULLIGAN \$26.20 SALT, CURVES \$53.38 WELLNESS, DALES TIRE/RETRADING \$111.25 TIRE RPR., DHHS DIVISION \$311.00 TRTMT PLNT 4/600 18TH STREET LABS, DISCOVER BANK \$374.41 CI 13 1705, DITCH WITCH OF NEBRASKA \$6.98 KEYS, DLT SOLUTIONS INC. \$997.54 AUTODESK/ CAD RENEWAL, DOLLAR GENERAL STORE \$21.94 BINDERS/INDEX CARDS, DOMINGO PALOMO \$130.00 METER SCHOOL, DR MYCOMMERCE INC. \$52.43 WEB PAGE MAKER, DUTTON-LAINSON \$3,368.32 SWITCH/INSULATORS, E REPLACEMENT PARTS \$46.33 AIR COMPRESSOR PARTS, EAGLE GRAPHICS \$10.50 APPRECIATION DINNER PLAQUE, EAST COAST CUSTOM CARTS \$199.00 GOLF CART ENGINE REBUILD KIT, ECOLAB \$146.50 RODENT CONTROL, EMBASSY SUITES \$478.32 LODGING/CONFERENCE, ENCORE COMMERCIAL PRODUCTS \$1,317.90 BILLBOARD COVER, ENVIRO SRV. INC. \$873.00 POND AMMONIA LEVELS, FASTENAL CO. \$39.43 BATTERIES/GLOVES, FBI NATIONAL ACADEMY ASSOC. \$100.00 RENEWAL FEE FBINAA MEMBER, FIRST STATE BANK \$353.67 IBEW UNION DUES, FIRST WIRELESS \$3,792.32 FEDERAL SIREN CONTROL, FLEET SAP LLC \$1,250.00 FUEL SYSTEM SUPPORT, FLOWLINE LIQUID INTEL \$141.86 WWTP RPRS., FLOYDS SALES/SRV. \$43.75 G8 FILTER SRV., FRESH FOODS \$22.31 TRASH PICKUP CREW IN CANYONS, FRONTIER AIRLINES \$1,498.75 GSSA CONFERENCE, GALE \$148.44 BOOKS, GENERAL TRAFFIC CONTROLS \$206.65 YELLOW FLASHER, GERING CITIZEN \$162.49 PUBLICATION OF CC MEETING, GERING VOLUNTEER FIRE DEPT. \$160.00 MEAL EXPENSES FOR S-125 CLASS, GLOBAL INDUSTRIAL \$619.06 WELL RPR. DEHUMIDIFER, GREASE N GO \$42.57 OIL CHANGE 2011/108, GREATAMERICA LEASING CORP. \$356.98 COPIER LEASE, HACH CO. \$585.97 LAB SUPPLIES, HARDING & SHULTZ P C L \$874.50 GENERAL LABOR MATTERS, HD SUPPLY WATERWORKS LTD \$1,839.80 METER & WIRE, HEILBRUN \$411.99 AIR FILTERS 621-103, HOME DEPOT \$128.00 PAINT/ 18 VOLT BATTERY, HUMANITIES NEBRASKA \$50.00 SUMMER READING PROGRAM, HY-VEE \$41.13 FUEL FOR TRAINING, ICMA ELECTRONIC RETIREMENT \$516.00 ICMA CITY ADMIN., IDEAL LINEN SUPPLY \$579.00 SUPP., INGRAM LIBRARY SRVS. \$998.32 BOOKS/PERIODICALS, INTERNAL REVENUE SERVICE \$36,336.45 FED/FICA TAX, INTERNATIONAL CODE COUNCIL \$137.00 CODE BOOKS 2014, INTERSTATE BATTERIE/RAPID \$106.95 632-116, JAMES JACKSON \$1,263.00 COLLEGE EDUCATION REIMBURSEMENT, JOHN HANCOCK USA \$13,043.96 JH RETIRE 6%, JOHN WILSON \$302.81 METER SCHOOL, JOHNSON CASHWAY \$813.29 LUMBER, JUSTIN BRUNZ \$161.00 MEAL ALLOWANCE FOR GRAND ISLAND, KARENS CLEANING \$425.00 JANITORIAL SERVICES, KARSTEN GERING LLC \$421,805.50 LOAN 6MO. @ 1.75% W/KARSTEN, KATHLEEN LAUGHLIN \$165.00 GARNISHMENT 2, KEMBEL SAND & GRAVEL CO. \$632.72 SAND FOR TRAPS, KNEB \$162.00 RADIO ADVERTISING, KOVARIK, ELLISON, MATHIS \$6,406.55 TELECOMMUNICATOINS LEGAL/911, KRIZ-DAVIS \$19,321.17 FIXTURES/CONNECTORS, KWIK STOP #10 \$61.03 FUEL/LINCOLN LEGISLATIVE MEETING, LL JOHNSON \$481.06 IRRIGATION RPRS., LANE DANIELZUK \$175.00 NPZA CONFERENCE/KEARNEY, LARAMIE COUNTY C.C. \$260.00 S-215 CLASS CHEYENNE COUNTY, LEAGUE ASSOC/RISK MANAGEMENT \$492.12 PROPERTY INSURANCE, LIGHTHOUSE ELECTRIC \$361.50 INSTALL COVE HEATER, LOAF N JUG \$46.21 FUEL/LINCOLN LEGISLATIVE MEETING, MATHESON TRI-GAS INC. \$68.72 OXYGEN FOR WELDER, MB KEM ENTERPRISE \$3,250.00 GARAGE DOORS/HARDWARE, MC DONALDS \$2.14 HEA MEETING/CHADRON, MEAT SHOPPE \$36,477.57 CATERING COSTS, MENARDS \$10.68 CONDUIT BODY/WELL RPR., MG TRUST CO. LLC \$4,817.04 MG-T POLICE, MICHAEL TODD & CO. \$1,170.94 GAS CAN/PLOW BLADES, MID-STATES ORGANIZED CRIME \$150.00 MOCIC MEMBERSHIP 2014, MIDWEST TURF & IRRIGATION \$447.07 HYD CYLINDER FOR MOWER, MONEY WISE OFFICE SUPPLY \$80.76 SUPP., MOUNTAIN SALES & SRV. \$221.75 SANDWICH PREP TAB & PARTS, MUNICIPAL ENERGY AGENCY \$424,312.95 POWER, NATIONAL FIRE PROTECTION \$105.25 NEC PUBLICATIONS FOR P. SNARR, NATIONAL INSURANCE SERVICE \$976.88 VISION INSURANCE, NATIONAL RECREATION/PARK \$70.00 R. BUHR 2014 ANNUAL DUES, NCEES \$25.00 DUES RENEWAL 2014 - P. SNARR, NE CHILD SUPPORT PAYMENT \$796.72 CHILD SUPPORT 1, NE DEPT OF REV (PR) \$10,010.63 STATE TAXES, NE DEPARTMENT OF REVENUE \$64,391.80 JANUARY 2014 SALES & USE TAXES, NE PUBLIC POWER DISTRICT \$1,473.40 UTILITIES, NEBRASKA LAW ENFORCEMENT \$200.00 TUITION J. JACKSON/PAT. RIFLE, NEBRASKA MACHINERY CO. \$81.84 FILTERS, NEBRASKA PGA \$100.00 NE PANHANDLE GOLF ASSOC. DUES, NEBRASKA SALT & GRAIN CO. \$3,974.37 ICE SLICER, NEBRASKA TRANSPORT CO. \$50.00 REFUND/RV ROOM, NELSON PRECISION \$2,210.00 CAR LOCKING SYSTEM, NORTHWEST PIPE FITTINGS \$4.60 PIPE COUPLINGS, OCLC INC. \$155.30 SUBSCRIP/COPY CATALOG, PANHANDLE RESEARCH \$750.00 TREE CARE WORKSHOP X5 EMPLOY, PETRO OF YORK \$99.00 FUEL/LINCOLN CONFERENCE, POSTMASTER \$1,225.75 MAILING PERMITS, QUALITY INN & SUITES \$180.50 LODGING/DOGGETT, RADWELL INTERNATIONAL \$507.50 BAILER PARTS, REGIONAL BOOKS INC. \$31.31 BOOKS, RESPOND FIRST AID SYSTEMS \$74.00 REFILL FIRST AID KIT, ROBINSON ELECTRIC \$1,661.10 WORK ON HEATER, RON DOGGETT \$86.00 NMPP MTG/CONF. WESTPOINT, SAFELITE AUTOGLASS \$173.11 WINDSHIELD HOLTHUS PD

VEHICLE, SAFETYSIGN.COM \$114.45 DANGER/TWO WAY FEED SIGNS, SCOTTS BLUFF GERING UNITED CHAMBER \$2,145.00 APPRECIATION DINNER/CHAMBER BUCKS, SCHOLASTIC LIBRARY PUBLIS. \$152.10 BOOKS, SCOTTSBLUFF TOWING SERVICE \$140.00 TOWING CHARGES, SCOTTSBLUFF-GERING UNITED WAY \$6.00 UNITED WAY CONTRIBUTION, SENIOR CITIZENS CENTER \$525.00 FINANCIAL SUPPORT, SHELL \$64.61 FUEL/LINCOLN LEGISLATIVE MEETING, SHORT ELLIOTT HENDRICKSON \$34,000.00 DOWNTOWN PLANNING GRANT, SIMMONS OLSEN LAW FIRM,P. \$1,762.50 PROSECUTIONS 2014, STAPLES CREDIT PLAN \$47.06 TAPE FOR LABLER, STAR HERALD \$165.00 PD. SUBSCRIPTION, STUART C IRBY CO. \$6,105.90 CABINETS, SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, TASK FORCE TIPS, INC. \$56.83 VALVE RPR. KIT, TEAM CHEVROLET \$535.66 TAIL LIGHT/HEADLAMP, TERRY CARPENTER \$650.00 WATER WELL LAND RENT, THOMPSON PUBLISHING GROUP \$536.99 FAIR LABOR HANDBOOKS 2014, TWIN CITY DEVELOPMENT \$2,583.70 ADMIN. STAFF HOURS, UNITED STATES GOLF ASSOC. \$110.00 R. THOMASON-USGA DUES, UPS \$595.10 SHIPPING HANDGUNS TO GT DIST., US AUTO FORCE \$23.24 TIRES, US BANK EQUIPMENT FINANCE \$11.57 LEASE FOR COPIER, U-STOP \$30.92 FUEL/LINCOLN LEGISLATIVE, VALLEY BANK – POLICE \$300.00 PO UNION DUES, VALLEY BANK & TRUST CO. \$9,041.88 HSA CTRB 125, WALMART \$78.00 PRINTER FOR OFFICE, WAREHOUSE FITNESS CENTER \$52.00 WELLNESS, WATCH GUARD VIDEO \$280.00 RPR. OF IN-CAR CAMERA, WESTCO \$16,673.16 UNLEADED FUEL, WESTERN NE HUMAN RESOURCES \$65.00 CON/SEMINAR 2014 HAVRANEK, WESTERN PLAINS BUSINESS SOLUTIONS \$82.50 STAPLES FOR COPIER, WINCHELL CLEANING SRV. \$1,050.00 CLEANING FOR FEB 2014, XYLEM \$1,085.00 WWTP LAB EQUIPMENT, YMCA \$618.94 WELLNESS, YOUNG MENS CHRISTIAN \$5.00 YOUNG MENS CHR.

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

**PUBLIC HEARINGS:**

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

The public hearing was opened at 7:05 p.m.

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

City Engineer, Paul Snarr stated that this Public Hearing was presented February 10, 2014 to Council and Council voted to continue the public hearing until the March 10, 2014 Council Meeting to enable discussion of storage units with the Public Works Committee.

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

Per the City of Gering's current Zoning and Subdivision Regulations, Section 7.2 BCB Zoning does not allow storage units as a permitted use; however under Exceptions Section 7.204 (9) does allow for mini storage rental buildings (Ord. 1472, 5/92). If approval is granted by this Commission to allow storage units, the owner will submit a preliminary and final plat, stamped building plans (exceeding 5000 square feet), and site plan for the proposed development. (NOTE: Storage units are considered a utility - per Nebraska Board of Engineers if larger than 5000 square feet stamped building plans are required).

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

Mr. Kautz would like to negotiate with the property owners where 9<sup>th</sup> Street was intended North of D Street to see if they would be willing to change the 30 foot access utility easement as platted on the East side of Tracts 4 and 5 and West side of Tract 7A of Hoffmann's Acre Tracts to a dedicated right-of-way. This dedication would start at D Street and run North approximately 265 feet. The remaining 30 foot west of Tract 6, Lot 1 was dedicated on the plat of record. If Mr. Kautz is able to obtain this as dedication would then plat and dedicate 9<sup>th</sup> Street (60-foot wide right-of-way) from D Street extending North approximately 265 feet to an intersection thence continuing East extending the street east to the entrance of the storage units.

### **Administrative Record:**

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

- Building permits - applications for three (3) storage buildings submitted by the owner, Eric Kautz of Perpetual Posies, LLC, November 8, 2013. The permits were denied by Staff, November 8, 2013 due to not meeting the City of Gering Zoning and Subdivision Requirements.
- Application for "Exception/Conditional Use Permit" to construct storage units within a BCB Zone on Lots 11 through 14 of Hofman's Acre Tracts Final Plat Lots 1 through 15 recorded 3-18-1920.
- Application for a Change in Zoning by the owner Eric Kautz November 12, 2013 for Tract 2, Tract 1A, Lot 9 and Lots 11 through 14, and Lot C of Hofmann's Acre Tracts being a portion of the following Final Plats/Agreements:
  - Plat: Tracts 1 and 2 of the Amended Gering Garden Subdivision, formerly Part of Tract 1 Crom Acres and Part of Tract 1A - A Replat of Tracts 1 and 2 Hofmann's Acre Tracts and Tract 10 of Hofmann's Acre Tracts recorded 10-31-2008 Instrument No. 5911.
  - Plat: Tracts 1A and 2A Replat of Tracts 1 and 2 Hofmann's Acre Tracts recorded 4-17-97
  - Plat: Hofman's Acre Tracts Lots 1 through 15 recorded 3-18-1920
  - Plat: Lots A, B, and C Replat of Tracts 3 and 8, Hofmann's Acre Tracts
  - Agreement: Agreement for Easement Instrument No. 2004-04009 Between Janice Bauer Grantor and City for the East 30 feet of Tract 4 and Tract 5, Hoffmann's Acre Tracts for utilities and maintenance of City utilities.
  - Agreement: Access and Utility Easement Instrument No. 2003-05380 between Grantor Frank Severson and City for dedicated public access and utilities on the West 30 feet of Tract 7, Hofman's Acre Tracts
- City of Gering Current Zoning and Subdivision Regulations dated March 1984 referencing Section 7.2 BCB Zoning (Central Business District) does not allow storage units as a permitted use; however under Exceptions Section 7.204 (9) does allow for mini storage rental buildings (Ord. 1472, 5/92).
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- Publication Notice and written notice regarding this Exception/Conditional Use Application was completed and sent to all owners of land within 300 feet per the requirements of the City's Zoning and Subdivision Regulations Section 15.2 and are incorporated by reference in this Administrative Record. Signs were also posted on site for the proposed change in zoning per zoning regulations.
- Public Hearing Notice published November 28, 2013 and December 5, 2013.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.
- Building Plans and Site Plan were submitted by the owner, November 20, 2013.
- Letter from Ann Parker dated December 16, 2013, Owner of residence at 840 South 10<sup>th</sup> Street, Gering, NE 69341 stating the zoning change is not totally unreasonable with the note if rezoned maintain property South of her residence remain residential.
- Planning Commission Public Hearing to change the zoning from RM to BCB December 17, 2013 with approval.
- City Council Public Hearing to change the zoning from RM to BCB January 13, 2014 with approval.
- Planning Commission Public Hearing for the 3 storage units January 21, 2014 with approval to go before City Council.
- City Council Public Hearing for the 3 storage February 10, 2014 and tabled until March 10, 2014 City Council Meeting for the purpose of further discussion with the Public Works Committee 3-3-2014.

Mr. Snarr said there was a letter from N. Parker dated December 13, 2013; she is the owner of 840 S. 10<sup>th</sup> Street, Gering NE. She stated that the zoning was not unreasonable as long as the property south of her property remain residential; which it did.

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

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

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

The Mayor asked if there was anyone in the Chambers that wished to speak in favor or opposition of the application. Mike Kautz stated that he's the owner of the Gering Garden Center. The units that he's planning to build are big units; 40 feet deep, mostly for RVs and boats; 16 of those in one unit. The other will run big too with 40 units; 50 x 200 foot and 30 foot deep on one side and the other side will have 10 x 20's for a total of 56 units. He said there has been some argument about trying to bring income into the community. He got an estimate from the County on property taxes and it'll double what he pays on that now in property taxes. He'll hook up electrical and possibly water so the City will have revenue from that and he'll employ people temporarily to build the units. This will help his business to have year-round income and enhances his staying here. He stated that he has people interested in his units.

Councilmember Christensen asked if Mr. Kautz is agreeable with the conditions. Mr. Kautz said yes he has agreed to it. The Planning Commission was two against and five for. They asked him why he was choosing the route in the way he did; Mr. Kautz explained that coming up 9<sup>th</sup> Street cuts the route in about half and won't create a road down the middle of his property. Mr. Kautz said the Planning Commission's other biggest concern was getting the landscaping done.

Councilmember Gibbs asked if Council approves this conditionally and he cannot get the remainder of the easement for the access, is it off? Mr. Snarr said we would try other avenues to get access. This is not a guarantee to get access in, but we could look at other possibilities. Councilmember Gibbs asked if it would come back to Council if this doesn't work. Mr. Snarr said he would hope Council would allow staff to work with Eric to gain an access into this property if this one doesn't work. Councilmember Morrison asked if you have no access in and out of the property why would you go forward with this. Mr. Snarr said he does have access off 10th Street. Mr. Kautz said if he would have to do it, he would have to dedicate 60 foot of road; he's trying to save some money and make it work for him. He has talked to his neighbors; one is interested in a zoning change to BCB so he can build. Mr. Snarr said if we can get the access that Mr. Kautz wants, it would be quite a benefit to the owner.

Councilmember McFarland asked if the only thing Council is looking at is the Exception for the units and that he comply with the conditions; the only hang up is the road. Administrator Danielzuk replied that condition 1 is replat with street dedication. It doesn't matter what the dedication is tonight, what's planned; when Eric comes around for the final plat he has to have a road.

Kirk Arnold stated that he wants Council to understand that he knows how hard it is to develop capital, so when the City of Gering has an opportunity to enhance the value of the community, possibly employ people and create a tax base, he thinks Council needs to do the right thing.

Mayor Mayo asked if anyone else wanted to speak in favor or opposition of the application. Seeing none, he asked if Council had anything to say. Seeing none the public hearing was closed at 7:28 p.m.

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

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

Discussion: Councilmember McFarland asked that the conditions be included in the motion.

**Councilmember Shields agreed to amend the motion to reflect adding the conditions, Councilmember Cowan agreed to second the amended motion. The Mayor called the vote. "AYES": Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. The motion carried.**

- 2. Zoning Change from AGG to AEDS. The property is generally located in the NE ¼ of Section 7, Township 21 North, Range 54 West of the 6<sup>th</sup> Principal Meridian. The change in zoning would include all Tracts that lie within Cooper Subdivision, specifically the following Plats:**
- **Cooper Subdivision Tracts 2, 3, 4, 5, and 7 – County Commission Approval 8/20/84.**
  - **Final Plat of Tract 1 of Cooper Subdivision – County Commission Approval 10/25/76.**
  - **Cooper Subdivision, Tract 6 – County Commission Approval 4/11/83.**

The Mayor opened the public hearing at 7:31 p.m.

***(Kirk and Joy Arnold Zoning Change AGG to AEDS)***

Mr. Snarr stated that this is the public hearing for a change in zoning requested by the owners, Kirk and Joy Arnold, owners of Tracts 5 and 7 of Cooper Subdivision for the purpose of having the ability to sell and construct on a 1 acre parcel (majority of the lots are approximately 5 acres within this subdivision). The current zoning AGG (General Agricultural District) per Section 5.106 (1) requires 25 acres minimum to obtain a building permit for a residence thereby prohibiting all lot owners within this subdivision to obtain a building permit. The property is generally located in the NE ¼ of Section 7, Township 21 North, Range 54 West of the 6<sup>th</sup> Principal Meridian. The change in zoning would include all Tracts that lie within Cooper Subdivision, specifically the following Plats:

- Cooper Subdivision Tracts 2, 3, 4, 5, and 7 – County Commission Approval 8/20/84.
- Final Plat of Tract 1 of Cooper Subdivision – County Commission Approval 10/25/76.
- Cooper Subdivision, Tract 6 – County Commission Approval 4/11/83.

This zoning change from AGG to AEDS (Agricultural Estate Dwelling Site) would meet the current use of the property and allow building permits to be issued meeting a minimum of 1 acre to 25 acre requirement. The South property line of Tract 3 and a portion of the South line of Tract 4 is the North line of the Final Plat Family Tree Agricultural Estate Dwelling Site which was resolved by the Mayor and City Council per Resolution 6-96-3 dated June 24, 1996.

Cooper Subdivision was platted with the approval and acceptance of the Scotts Bluff County Commissioners with a 60 foot road easement with the condition that the Street would not be maintained until minimum standards have been met as outlined in a certain resolution dated April 15, 1974.

**Administrative Record:**

Application for a Change in Zoning by the owners Kirk and Joy Arnold, January 15, 2014 for the following Plats:

- Cooper Subdivision Tracts 2, 3, 4, 5, and 7 – County Commission Approval 8/20/84.
- Final Plat of Tract 1 of Cooper Subdivision – County Commission Approval 10/25/76.
- Cooper Subdivision, Tract 6 – County Commission Approval 4/11/83.
- Resolution by the Board of Commissioners in reference to the dedication of the street that it not be maintained until brought up to minimum standards as outlined in the Resolution dated April 15, 1974.

AND

- City of Gering Current Subdivision and Zoning Regulations dated March 1984.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001).
- Publication Notice and written notice regarding this zoning change was completed and sent to all owners of land within 300 feet per the requirements of the City's Zoning and Subdivision Regulations Section 15.2 and are incorporated by reference in this Administrative Record. Signs were also posted on site for the proposed change in zoning per zoning regulations.
- Public Hearing Notice published January 30, 2014 and February 6, 2014.
- Planning Commission Public Hearing Meeting February 18, 2014.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mr. Snarr asked this Council that if this is approved the following conditions be set including:

1. The owners would need to re-plat showing the 60 foot street easement as a 60 foot street dedicated to the public prior to the City taking over maintenance or when the City deems this street dedication necessary.
2. The street was not designed with safety in mind (no radius', sharp chords at bends, etc...). I would recommend at the time the Owners re-plat to have their Engineer/Surveyor design the street meeting City Standards for a 25 mph speed zone which could include additional right-of-way at the curves.
3. Prior to the City taking over maintenance of the street, the owners would need to submit a design of the street performed by an Engineer including but not limited to storm drainage and alignment and construct the street meeting City Standards.
4. Detailed building plans would be required including site plans meeting City requirements prior to issuance of a building permit. Staff would need to review ingress/egress issues off of the Existing County Roads P and 24 to ensure access points meet guidelines including safe distance from the intersection and number of access points allowed.

Mr. Snarr completed his entry regarding this Public Hearing to consider the rezone of all Tracts that lie within the Cooper Subdivision and asked that Council keep this hearing open until all entries are put into this record.

Kirk Arnold stated that he is the petitioner. He said when he bought the property both the City and County stated that it wasn't in their jurisdiction. He wants to change the zoning for the purpose of title insurance and other factors. It's a real issue to develop that area if it's zoned AGG. This will put some properties on the tax rolls. Councilmember Christensen asked if Mr. Arnold is willing to comply with the conditions. Mr. Arnold replied absolutely and has been impressed with how transparent Paul and the City has been on this matter.

There were no further comments in favor or against the application.

The public hearing was closed at 7:42 p.m.

**2A. Approve or deny zoning Change from AGG to AEDS. The property is generally located in the NE ¼ of Section 7, Township 21 North, Range 54 West of the 6<sup>th</sup> Principal Meridian. The change in zoning would include all Tracts that lie within Cooper Subdivision, specifically the following Plats:**

- Cooper Subdivision Tracts 2, 3, 4, 5, and 7 – County Commission Approval 8/20/84.
- Final Plat of Tract 1 of Cooper Subdivision – County Commission Approval 10/25/76.
- Cooper Subdivision, Tract 6 – County Commission Approval 4/11/83.

Councilmember Shields moved to approve the zoning change from AGG to AEDS. The property is generally located in the NE ¼ of Section 7, Township 21 North, Range 54 West of the 6<sup>th</sup> Principal Meridian. The change in zoning would include all Tracts that lie within Cooper Subdivision, specifically the following Plats:

- Cooper Subdivision Tracts 2, 3, 4, 5, and 7 – County Commission Approval 8/20/84.
- Final Plat of Tract 1 of Cooper Subdivision – County Commission Approval 10/25/76.
- Cooper Subdivision, Tract 6 – County Commission Approval 4/11/83.

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

**BIDS:**

**1. Bid for truck, cab and dump body – Street Department**

Casey Dahlgren, Street Superintendent, stated that the lower bid did not meet specs, that's why they went with the higher bid. This will replace one of the older trucks which will be a trade-in.

Councilmember McFarland moved to approve the bid of \$132,649 from Floyd's for a truck, cab and dump body. Seconded by Councilmember Christensen.

Discussion: Councilmember Shields asked if \$12,000 was a fair trade-in allowance. Mr. Dahlgren replied that it was.

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

**CURRENT BUSINESS:**

**1. Consider approval of Ordinance No. 1979 – An Ordinance dealing with solid waste requiring the exercise of reasonable care to prevent spillage or scattering while removing items from an approved container and repealing former sections**

Councilmember McFarland made a motion to introduce Ordinance No. 1979 entitled: AN ORDINANCE DEALING WITH SOLID WASTE, REQUIRING THE EXERCISE OF REASONABLE CARE TO PREVENT SPILLAGE OR SCATTERING WHILE REMOVING ITEMS FROM AN APPROVED CONTAINER, AND REPEALING FORMER SECTIONS. Seconded by Council member Allred.

Discussion: Councilmember Christensen asked if this is a problem we're having with garbage being dumped. Mayor Mayo replied that we're having problems with people scattering debris near homes.

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

Councilmember Shields moved that the Ordinance be designated as Ordinance No. 1979 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Morrison. The roll was called: "AYES": Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. The motion carried.

The motion to suspend the statutory rule having been concurred in by three-fourths of all members elected to the Council, was, by the Mayor declared to have carried. Whereupon Ordinance No. 1979 was read by title only.

**Councilmember Cowan moved that the Ordinance be passed as read, which motion was seconded by Councilmember Christensen. "The question is shall Ordinance No. 1979 be amended and passed?" The Mayor called the vote. "AYES": Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. The motion carried.**

The passage and adoption of the Ordinance having been concurred in by a majority of all members elected to the Council was by the Mayor declared passed.

## **2. Fire Department Annual Report**

Fire Chief, Jay Templar, presented the Annual Report from the Fire Department. Chief Templar noted that the cover page signified several things that went on during 2013 including a commercial fire in Gering, a truck that was added to our fleet through the Rural District due to a heavy season in 2012, and a Fire Fighter I training that occupied the majority of the year. He said this was the first time we taught the class ourselves. There were over 1700 hours of student and instructor hours in the class; ten people were certified in Firefighter I last year. There were 611 calls in 2013 compared to 616 in 2012. Property value loss was over \$713,000 last year which was very high. Overall there were 4600 hours in training, and 15,080 hours total for the department. Chief Templar also noted other activities that Fire Department members were involved with throughout the year.

**Councilmember McFarland moved to file for record the Fire Department Annual Report. Seconded by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. The motion carried.**

## **3. Library Annual Report**

Library Board President, David Tarr, presented the Library's Annual Report. He stated that there were 7,279 registered patrons with a total circulation of 70,508. Patrons logged on the computers 12,249 times. 448 children and teens signed up and read for 2,236 hours. 149 adults signed up and they read 1,471 books. Between 50 and 60 children have been showing up for the Lego Club. The Friends of the Library have helped by providing funds to get the Lego Club going; they have several fund raisers. They also hosted a Holiday Open house in December. Diane and her staff continue to do an excellent job.

**Motion by McFarland to file for record the Annual Library Report, seconded by Morrison.**

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

## **4. Citizen Agenda Item: Changes and/or amendments to the General Provisions Section 51.031 METERS; DEPOSIT; TESTING to include an option to opt out of the use of smart meters on their premises and replace them with analog meters.**

Ms. Donna Perez addressed Council. She stated that she lives in San Diego, CA. She came to advocate for Council to opt-out of wireless meter deployment. She stated that this is not new; others in the U.S. have done the same. She presented statistics about smart meters. After deployment of these meters she is experiencing similar health problems that her mother is experiencing. Because she got to change her environment she is experiencing better health. Her doctor told her to change their environment and they can improve their health. She referenced the AAEM document she handed out; they recommend that smart meters be removed from these patients' homes. There is a possibility of constant all-over body exposure. With these meters you have no choice unlike microwaves and cell phones. Her mother has been exposed for four years already. A health study considers them a possible carcinogen. Doctors are warning her mother about the amount of oxygen she is using to stay alive and is dealing with other syndromes now as well. In January, 2010 the meter was installed; her health problems started shortly after it was installed. Ms. Perez stated that her mother needs Council's help so she can in turn get better.

Kevin Booker, State of Nebraska Chief Electrical Inspector, addressed Council. He stated that he has investigated a number of RF cases, most of which were higher than this one. He owns and operates a specialized radio system that is like the old cell phone which is thousands of times higher than the signal

he could read off our meters. Compared to other devices in the home, the meters are such lower power. He said they drove in front and behind Ms. Segura's house to test signals. He noted that her neighbor's wi-fi gives off a much higher signal than the City's system; other signals in the neighborhood were higher too. He has reports from the actual manufacturer of that meter; this is the first case he knows about in the State of Nebraska. He said we're talking less than a half a Watt - less than medical alert bracelets and other devices; the power is so minute. He stated that he feels for her and her medical concerns and he would suggest they test other things in her home like CO2, etc. His background in this and his readings today show considerably more than this meter. The meters are only intermittently transmitting; not constantly. Mayor Mayo asked if he has distances for exposure rates on the meters; Mr. Booker replied that it's less than a quarter of an inch for exposure to be of any serious consequence. Mr. Snarr said if a human is 0.61 meters from the meter there is no exposure; the transmitter on the water meter is about the same. They both run about 900 Megahertz and about the same exposure limit. Mr. Snarr said there are some other studies they found from the FCC and World Health Organization that says to date the only health affect has been related to an increase in body temperature of 1 degree Celsius; what they've shown is that it doesn't affect human health. It's 1100 times less exposure than a cell phone and many times less exposure than a microwave. They are very low emitting radio frequency meters. Councilmember Gibbs asked are how intermittent are the meters. Mr. Snarr replied about every 30 seconds; it's basically a pulse.

Ms. Perez said the thing about the pulse, as a human we are co-magnetic beings. We beat in a pulse rhythm, when we're exposed to these outside pulses we do not know what they can truly do. We're all being tested on; who knows what it can produce in the human body. She has a choice in California not to have this; why can't her mother have this choice? She stated that you're not going to get a run of people wanting a smart meter off their house. Why not allow people to have a chance to opt-out and see what happens, that's all she's asking. Mr. Snarr said he did read some of the literature her mother brought in and they did allow opt-outs, but we'd have to get back into charging more per month for an opt-out because it costs to have someone go out and physically read the meter.

Pat Heath, Public Works Director, presented a history on why we went to these meters. In 1995, the Census brand we used was discontinued. At that time, the way this meter works, with every 100 gallons this meter sends a pulse out to change the odometer; the two readings often didn't jive so we went to an encoded register. In 2008 we began installing the Itron radio system; it's not a smart meter system which are two-way radios; it cannot look at water loss or anything like that. It's a little radio transmitter is all it is. We changed out 3400 in our system; we have 200+ to change out. These devices all meet Federal Communication Regulations. They collect meter readings about every 6-8 seconds and send it out about every minute and a half. There's a very short time during the day that it's active. This device operates about the same radio frequency as a garage door opener or a cordless phone. There are wireless waves around us all the time; he said he doesn't dispute that they are buzzing through us but this device is not the only thing doing that.

Ms. Perez said they're talking about both meters, not just the water meter. She said the smart meter is only two feet away from her mother in the morning when she drinks coffee. This one may pulse even more. She said she thinks it matches our pulse and our body doesn't know what to do. She said none of this has been thoroughly tested on human beings; this stuff doesn't shut down at night. It cost her \$75 to have it removed at her home in California and \$10 per month.

Councilmember Allred said he doesn't think anyone on Council has medical expertise and won't vote without having medical opinions on this matter. He said he doesn't have options of what we can do so he can't vote on this.

Councilmember Shields asked how the meters are read. Electrical Superintendent, Ron Doggett, said this is a radio read meter, not a smart meter, so they can read the meter from the office. This totally eliminates the meter reader. These are not smart meters. Mr. Heath said if/when there are meters in the home, it depends on the home, but it would most likely be in the basement or near where the water service comes in.

Ben Backus, 440 O Street, stated that there are ten times more fields around us than we recognize. He said there are a lot more RF's than this; removing these two isn't going to help. He said if she wants to get better she could leave the valley.

Ms. Perez said this is a start (getting the meters removed), they have to start somewhere. Mr. Booker said her neighbors Wi-Fi is significantly worse than this. Ms. Perez said she's not trying to take away the neighbor's Wi-Fi, she just feels we should have a choice with everything. Mayor Mayo asked how does he opt-out from his neighbors who have Wi-Fi? Ms. Perez said her mother should have a choice to opt-out; she said the City is forcing it onto her mother; in California they have the choice to not have that put on their house. She added that it doesn't hurt anybody; if she can get this off it might improve her health.

Councilmember McFarland said we can't make a decision without a medical opinion.

Mr. Snarr asked if Ms. Segura would allow City staff to come to her home and take a reading. Ms. Segura replied yes. Mr. Snarr asked Council if that was okay.

City Administrator Danielzuk said he'd like to finish with some policy perspectives at each one of the levels of government. US Energy Information Administration entitled 8, Subtitle Smart Grid, Section 1301 Statement of Policy on Modernization of Electricity Grid - it is the policy of the United States to support the modernization of the nation's electricity transmission and distribution system to maintain reliable and secure energy infrastructure that can meet future demand growth... Section 5 says deployment of smart technologies - real time, automated, interactive technologies that optimize the physical operation of appliances and consumer devices for metering, communications concerning grid operations and status and distribution automation.

Section 1306: Federal matching fund for smart grid matching cost. This is in regard to a Smart Grid Matching Grant Program for smart grid investments including meters.

The State policy in Nebraska: 70-2003 allows utilities to install smart meters in the State of Nebraska (Mr. Danielzuk noted that we don't have true smart meters). In the Legislative findings it is in the public interest to encourage customer-owned renewable energy resources, stimulate the economic growth of this state, encourage diversification of energy sources used in this state and maintain low-cost reliable electric service. This is Nebraska State Policy and Legislative intent.

On a local level in the General Administration Section of the Gering City Ordinances it says the City Council may make all ordinances, by-laws, rules, policies, regulations and resolutions not inconsistent with the general laws of the State of Nebraska. In chapter 51 it says all water service connected within the water system of the City shall be placed on a water meter with a remote device. It's our policy; it's not inconsistent with the State laws. With respect to remote reading devices: Required - all water meters installed for new water services connected to the water system of the City shall have installed as part thereof a remote reading device which will allow the meter to be read from outside of the building or premises. Customers having water meters without remote reading devices shall will be required to have such a device installed upon receiving written notice by the City. The requirement of remote reading devices shall be required of all meters and all future installations.

Mr. Danielzuk asked that the document that Ms. Perez submitted from the American Academy of Environmental Medicine be filed for the record.

#### **CLOSED SESSION:**

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

#### **REPORTS OF STAFF, BOARDS AND COMMISSIONS AND STANDING COMMITTEES:**

1. **Department/Staff Reports**
2. **Committee Reports & Council Member Comments**
  - **Annual Review of City Administrator, Lane Danielzuk, and recommendation by Administrative Committee**

Councilmember McFarland reported that the annual evaluation was completed for the City Administrator and presented a written summary to Council. She stated that this position requires a lot of expertise and education. The Administrative Committee recommends a 5% increase which will bring the salary to \$110,500.

**Councilmember McFarland made a motion for Council to accept the evaluation, sign the evaluation, approve a 5% increase for the City Administrator for a salary of \$110,500 and direct the City Attorney to prepare a new contract for the 2014 year. Seconded by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, McFarland, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. The motion carried.**

Councilmember Gibbs reported that Public Works met and the committee is recommending some modifications to current ordinances as they pertain to storage facilities. They will bring this forward in the future.

**3. Administrator's Report**

- House Ways and Means Chairman, Dave Camp's proposed tax overhaul
- Electric Price Index

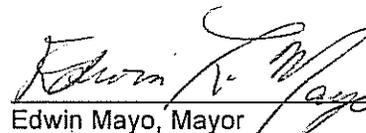
**4. Mayor's Report**

- Marketing Expert Robert Brooks will speak during National Tourism Week on Friday, May 9 between 8:00 a.m. and 12:30 p.m.
- Governor Dave Heineman signed a proclamation declaring that March 25-29 will be Nebraska Severe Weather Awareness Week

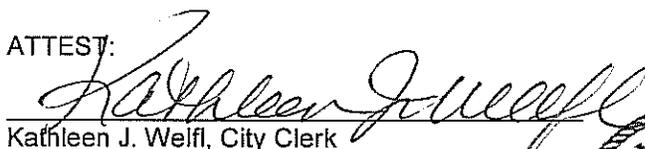
**ADJOURN**

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

Meeting adjourned at 9:04 p.m.

  
Edwin Mayo, Mayor

ATTEST:

  
Kathleen J. Welfl, City Clerk

