

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
September 8, 2014**

A regular meeting of the City Council of Gering, Nebraska was held in open session on September 8, 2014 at 7:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Mayo and Councilmembers Christensen, Gibbs, Holliday, Allred, Shields, Morrison and Cowan. Absent was Councilmember Smith and City Administrator Danielzuk. Also present were City Clerk Kathy Welfl and acting City Attorney Matt Turman. 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 7:03 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 by Rev. Gary Cole
2. Roll Call
3. Excuse Council Member absences

Motion by Councilmember Gibbs to excuse the absence of Councilmember Smith from the August 25, 2014 City Council meeting. Second by Councilmember Allred. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

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

(As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room). Agenda items may be moved up or down on the agenda at the discretion of the Mayor.

CORRESPONDENCE AND CITIZENS WITH BUSINESS NOT SCHEDULED ON THE AGENDA. None Mayor Mayo welcomed Gering High School Government students Hailey Grahams and Megan Brady.

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 August 25, 2014 Regular City Council Meeting
2. Approve Claims

Claims: 8-20-14 to 9-2-14

7B BUILDING DEVELOPMENT \$2,160.00 BOLLARDS FOR NEW BUILDING, ADVANCED SRV. \$1,979.19 WAGES FOR TEMPORARY EMPLOYEE, AHLER'S BAKING INC. \$21.98 OTD WRAP UP MEETING, AMAZON \$889.38 DVDS, APPLIED CONCEPTS INC. \$1,895.00 RADAR UNIT FOR NEW VEHICLE, ASCE \$900.00 JOB POSTING 60 DAYS, B & C STEEL \$214.40 SOFTBALL FIELDS, BEST WESTERN \$92.96 HOTEL FOR TRAINING, BIG MACK \$587.05 MCKINLEY HOMES, BLUFFS SANITARY SUPPLY \$363.69 CLEANING SUPPLIES, BROADWAY OFFICE CENTRE \$522.31 PRINTER CARTRIDGES, BUDGE - IT DRAIN SRV. \$300.00 CADDIES RPR., C & M AIR COOLED ENGINE \$38.68 RPR'S., CARD SRV. \$5,103.09 JULY CARD SRV., CEN CON LLC \$8,170.00 BORE, CENTURY LINK \$2,665.49 TELEPHONE BILL, CHEMDRY OF SCOTTSBLUFF \$447.95 CLEAN CARPET IN COMM. ROOM, CITY INSURANCE FUND \$137,802.92 HEALTH PREM 125, CITY OF GERING - GENERAL AC. \$65,000.00 ACH PAYROLL TRANSFER, CITY PAYROLL TRUST \$6,437.90 FSA MEDICAL 125, CLEVELAND GOLF \$250.05 GOLF BALLS, CONTRACTORS MATERIALS \$259.50 EXP. JOINT & ADA PANELS, COOKS ILLUSTRATED \$9.95 MAG. SUBSCRIPTION, CRESCENT ELECTRIC SUPPLY \$2,246.42 POLE, CULLIGAN WATER CONDITIONING \$85.15 SALT, CURVES \$36.38 WELLNESS, CYBERSITTER \$199.00 FILTER FOR CHILDREN COMPUTERS, DALES TIRE & RETREADING \$143.45 FLAT, DOLLAR GENERAL STORE \$7.49 ENVELOPES, ANT KILLER, DON CHRISTENSEN \$71.00 MEAL EXP. LEAGUE CONF. 2014, DOOLEY OIL INC. \$2,846.60 FUEL, DOOR CLOSER SRV. \$240.00 REPLACE EVIDENCE DOOR, DUTTON - LAINSON CO. \$1,475.15 METER, ECOLAB \$236.50 RODENT CONTROL, EMPLOYMENT PUBLISHING \$948.48 CITY ENGINEER AD, ENERGY LABORATORIES INC. \$345.00 WATER LAB, ENVIRO SRV. INC. \$1,033.00 WW LAB, FASTENAL CO. \$15.80 GLOVE, BLADES, EAR PLUGS, FIRST STATE BANK \$356.30 IBEW UNION DUES, FLOYD'S SALES & SRV. \$1,240.25 PART FOR G8, FOOTJOY \$332.06 GOLF GLOVES, FRANK IMPLEMENT CO. \$1,315.97 RPR'S., FRESH FOODS \$97.59 BOTTLED WATER, FRY KAREN \$81.00 LEFT RV PARK EARLY, GALE \$127.45 BOOKS, GARY'S CLEANING & RESTORATION \$527.90 STRIP WAX TILE FLOOR @ STATION, GERING CITIZEN \$327.14 CONDENSED C.C. MINUTES, GERING VALLEY PLUMBING \$363.20 FURNACE RPR., GOLF DESIGN INC. \$154.33 BALL MARKERS, HARRINGTON INDUSTRIAL PLA. \$42.12 WELL RPR., HAWKINS INC. \$2,930.00 WATER CHEMICALS, HEILBRUN \$2,372.33 PART FOR MARKED PATROL CAR, HENNINGS CONSTRUCTION \$44,656.83 WATER MAIN REPLACEMENT, HOME DEPOT \$43.83 RPR.

WATER LINE, HONEY – WAGON EXPRESS \$120.00 CLEAN GREASE TRAPS, HOTELS.COM \$544.53 HOTEL STAY, ICMA ELECTRONIC RETIREMENT \$540.30 ICMA CITY ADMIN., IDEAL LINEN SUPPLY INC. \$351.37 CLEANING SUPPLIES/MAINTENANCE, INGRAM LIBRARY SRV. \$1,043.38 BOOKS/PERIODICALS, INTERNAL REVENUE SRV. \$42,245.75 FED/FICA TAX, INTRALINKS TECHNICAL SOLUTIONS \$2,457.25 NEW SERVER FOR BODY CAMERA, IRBY TOOL & SAFETY \$284.50 GLOVE TEST, JIRDON \$167.65 HERBICIDE, JOB TARGET \$350.00 ENGINEER JOB POSTING, JOBMAN R. STEVEN \$830.00 WEDDING CANCELLED, JOHN CRANE INC. \$658.62 WELL RPR., JOHN HANCOCK USA \$13,118.57 JH RETIRE 6%, JOHNSON CASHWAY CO. \$121.85 MCKINLEY HOMES, KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KNEB \$363.50 ADVERTISING RADIO, KOIS BROTHERS EQUIPMENT \$507.28 PART G6, KOVARIK, ELLISON, MATHIS \$2,888.75 RETAINAGE FEE, KRIZ – DAVIS CO. \$1,359.98 WIRE, LAKESHORE LEARNING \$309.35 BOARD FOR STORYTIME, LANE DANIELZUK \$30.00 MEAL EXP. LEAGUE CONF. 2014, LEAGUE ASSOC./RISK MANAGEMENT \$1,858.00 COVERAGE FOR TWO NEWEST CARS, LEAGUE OF NE. MUNICIPALITY \$634.00 ANNUAL 2014 CONFERENCE, LOAF N JUG \$27.58 FUEL FOR ANNUAL BRIDGEPORT MTG., MASEK GOLF CAR CO. \$630.00 GOLF CART LEASE, MATHESON TRI – GAS INC. \$182.36 OXYGEN & ACETYLENE, MAYO EDWIN \$71.00 MEAL EXP. LEAGUE CONF. 2014, MEAT SHOPPE \$13,151.84 MANAGEMENT CONTRACT, MENARDS \$84.02 DOOR FOR EVIDENCE ROOM, MG TRUST CO. LLC \$5,265.78 MG T – POLICE, MICRO MARKETING LLC \$263.58 DVDS, MID – STATES ORGANIZED CRIME \$195.00 TRAINING, MIZUNO USA, INC. \$1,312.40 GOLF BAGS, MONEY WISE OFFICE SUPPLY \$41.97 BUSINESS CARDS, MPS \$285.33 BOOK, MUNICIPAL ENERGY AGENCY O \$439,430.52 ENERGY BILL, NATIONAL INSURANCE SRV. \$935.91 VISION INSURANCE, NE CHILD SUPPORT PYMT. \$796.72 CHILD SUPPORT 1, NE DEPT. OF REV (PR) \$11,639.09 STATE TAXES, NE PUBLIC POWER DIST. \$4,807.98 UTILITIES, NE SAFETY/FIRE EQUIPMENT \$166.00 RESTAURANT EXP., NEBR. CHAUTAUQUA \$375.00 FUNDS REMAINING ON REQUEST, NEBRASKA DEPT. OF AGRI \$141.17 WORK ON SCALES, NEBRASKA GOLF ASSOCIATION \$1,012.01 HANDICAP FEES, NEBRASKA LIBRARY ASSOCIATION \$80.00 NLA CONFERENCE, NEBRASKA MACHINERY CO. \$363.76 PARTS, NEBRASKA RURAL WATER ASSOCIATION \$275.00 ANNUAL MEMBERSHIP, NEBRASKALAND TIRE \$169.91 RPR'S., NEOFUNDS BY NEOPOST \$2,367.59 POSTAGE, NORTHWEST PIPE FITTINGS \$86.01 FILL PIPES PVE, OCLC INC. \$133.25 CAT & ILL SUBSCRIPTION, PANHANDLE CONCRETE PROD. \$1,397.42 SPECIAL CAST, PARAGON \$190.98 JR. GOLF CLUBS, PAYPAL \$200.15 FIREARMS CLEANING SUPPLIES, PIPE WORKS PLUMBING LLC \$396.90 WORK ON DRAINS, PIZZA HUT \$150.87 MEALS FOR OTD, POSTMASTER \$9.87 POSTAGE, POWERPLAN OIB \$15,804.17 WORK 344J, RAILROAD CONTROLS LP \$11,164.80 RR SIGNALS, RANDOM HOUSE INC. \$274.50 AUDIOBOOKS, RECORDED BOOKS LLC \$129.58 AUDIOBOOKS, RED BARN SHOP LLC \$102.50 RPR'S., RESPOND FIRST AID SYSTEM \$186.28 FIRST AID SUPPLIES, ROBINSON ELECTRIC \$75.00 WWTP RPR., SANDBERG IMPLEMENT INC. \$39.60 SUPPLIES, SCB. CO. VEHICLE REGISTRATION \$15.38 VEHICLE REG & CONV. FEE, SCB. CO DISTRICT COURT \$75.00 ALIMONY, SCB. COUNTY SHERIFF OFFICE \$225.00 TUITION FOR BOOTCAMP TRAINING, SCB/GERING UNITED CHAMBER \$25.00 WEBSITE, SCI DISTRIBUTION LLC \$32.00 PUMP PARTS, SCOTTS BLUFF COUNTY COURT \$281.54 GARNISHMENT 2, SCOTTSBLUFF TOWING SRV. \$205.00 TOWING, SCOTTSBLUFF – GERING UNITED \$10.00 UNITED WAY CTRB., SCS ENGINEERS \$3,868.30 MISC. SUPPORT SRV., SECRETARY OF STATE \$60.00 NOTARY RENEWAL FOR MARTIN, SHERWIN WILLIAMS \$45.09 PAINT, SIMMONS OLSEN LAW FIRM, P \$275.00 LEGAL SRV., SOLOMON CORP. \$2,942.50 TRANSFORMER, SOURCE GAS \$79.00 UTILITIES, SPRINT \$100.00 CELL PHONE INFO FOR WITNESS, STAPLES CREDIT PLAN \$53.30 SHIPPING CLUBS FOR RPR., STAR HERALD \$669.47 AD FOR LIB. ASSISTANT, SUGAR VALLEY FEDERAL CREDIT \$1,218.08 CREDIT UNION, SWANA \$600.00 BUILDING INSP. JOB POST 30 DAY, TAYLOR MADE GOLF CO. \$77.22 JACKET, TELEDYNE ISCO INC. \$93.35 SAMPLER PARTS, TEST AMERICA \$733.00 TEST WATER, TITLEIST \$1,340.15 GOLF BALLS, TUMBLEWEED PRESS INC. \$499.00 TUMBLE BOOKS, TWIN CITIES DEVELOPMENT \$12,500.00 QRTL. DUES APRIL – JUNE, US AUTO FORCE \$291.72 RPR'S., VALLEY BANK – POLICE \$340.00 PO UNION DUES, VALLEY BANK & TRUST CO. \$4,077.02 HSA CTRB. 125, VALLEY CABINETS & COUNT \$250.00 CLUB HOUSE RPR'S., WALMART \$142.00 DRINKS FOR OT DAYS, WAREHOUSE FITNESS CENTER \$57.00 WELLNESS, WELFL KATHY \$71.00 MEAL EXP. LEAGUE CONF. 2014, WESCO DISTRIBUTION INC. \$866.70 CT'S., WESTCO \$10,706.37 DIESEL, WESTERN PATHOLOGY CONSULTANTS \$382.60 DRUG TESTING, WINCHELL CLEANING SRV. \$610.00 CLEANING, YMCA \$537.10 WELLNESS, YOUNG MENS CHRISTIAN \$5.00 YOUNG MEN'S CHR.

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

PUBLIC HEARINGS:

- 1. Public Hearing for the 2014-2015 proposed budget**
- 2. Public Hearing for the 2014-2015 Final Tax Levy**
- 3. Consider approval to increase 2013-2014 Restricted Funds Authority by an Additional 1%**

Mayor Mayo asked the Council if all the public hearings pertaining to the budget could be combined into one. Council agreed.

The Public Hearing for the 2014-2015 proposed Budget and the 2014-2015 Final Tax Levy and the increase in the Restricted Funds Authority opened at 7:11 p.m.

John Mejia, Finance Director, stated the only change made to the budget since the budget workshop is that they went with option two for water which will be a 5.33% increase. Overall with the utility rates the

percentage turned out to be a 5.65% increase which is \$10.96; that's what was implemented in the budget for a total of \$34,543,527.00 The Mayor asked if there is anything Council would like read into the record. Hearing none, he asked if there is anything anyone wanted read into the record on the Final Tax Levy or Restricted Funds. Hearing none the Mayor asked if anyone wished to speak in favor or opposition of the budget. Hearing none, he asked if there were questions or comments from the Council. There were no questions or comments from the Council on the Budget, Final Tax Levy or Restricted Funds Authority.

The Mayor closed the Administrative Record and the Public Hearing at 7:13 p.m.

Motion by Councilmember Morrison to enter the 2014-2015 proposed budget, the proposed Final Tax Levy and the 1% increase in the Restricted Funds Appropriation into the public record and approve the 2014-2015 Proposed Budget, Final Tax Levy and the 1% increase in the Restricted Funds Authority. Second by Councilmember Christensen. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

4. Public Hearing to consider an Exception/Conditional Use Permit for construction of shop building as requested by the owner, Jose Munoz, JM Stucco to be placed on Re-plat Lot 18A-1, Block 5, Midtown Development Second Addition Re-plat, otherwise known as 3450 Lyman Drive.

The Mayor opened the public hearing at 7:14 p.m.

Public Works Director Pat Heath presented the Administrative Record:

PLANNING COMMISSION/CITY COUNCIL MEETING
Director of Public Works
Administrative Record
Planning Commission Public Hearing: Tuesday, August 19, 2014 – 6 PM
City Council Public Hearing: Monday, September 8, 2014 – 7 PM

(Jose Munoz, JM Stucco Exception/Conditional Use Permit Application for shop building)

Mr. Heath stated this Public Hearing is to consider an Exception/Conditional Use Permit for the construction of shop building as requested by the owner Jose Munoz, JM Stucco to be placed on Re-plat Lot 18A-1, Block 5, Midtown Development Second Addition Re-plat, otherwise known as 3450 Lyman Drive.

Per the City of Gering's current Zoning and Subdivision Regulations, Section 7.3 BHC Zoning is to provide services or supply commodities primarily for the convenience of patrons traveling the highway. If approval is granted by this Commission to allow the shop building, the owner will submit building plans and site plan for the proposed development.

Owner, Jose Munoz applied for a building permit on July 2, 2014. City staff denied the building permit because the use does not primarily provide services or supply commodities for the convenience of patrons traveling the highway as required by current zoning.

Administrative Record:

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

- Building permit - application for a shop building submitted by the owner, Jose Munoz, July 2, 2014. The permits were denied by Staff, July 7, 2014 due to the use not meeting the City of

Gering Zoning and Subdivision Requirements. Does not primarily provide services or supply commodities for the convenience of patrons traveling the highway.

- Application for "Exception/Conditional Use Permit" to construct a shop building within a BHC Zone on Re-plat Lot 18A-1, Block 5, Midtown Development Second Addition Re-plat, otherwise known as 3450 Lyman Drive.
- Public Hearing Notice published for Planning Commission July 31, 2014.
- City of Gering Current Zoning and Subdivision Regulations dated March 1984 referencing Section 7.3 BHC Zoning (Central Business District) does not allow shop buildings as a permitted use; however, does allow for Plumbing, Electrical, Welding, Heating, Lumber and similar sales and service. (Ord. 1439, 11-26-90).
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001). Does not include the east side of Lyman Drive, (west side of Lyman Drive planned for commercial uses).
- 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.
- Examples of other businesses currently existing in subdivision; garage door distributor/installer, alcoholic beverage distributor and mini storage units.

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

1. Owner shall meet ADA requirements.
2. Owner to meet the City of Gering Building and Subdivision Regulations as set forth in MH Zoning including the Industrial Performance Standards set forth in Section 10.1602 and Landscaping/Screening Standards set forth in Section 10.19.
3. Building plans shall be required by owner meeting applicable codes adopted by the City prior to issuance of a building permit (2009 IBC, 2009 IEC, 2011 NEC, 2012 IGC, 2012 UPC, 2012 UMC).
4. Detailed site plan shall be required by owner showing access, building dimensions, building location, building setbacks, storm water drainage and retention.

Mr. Heath stated to the Mayor and City Council Members: I have completed my entry regarding the Public Hearing to consider this Exception/Conditional Use Application for the construction of a shop building within a BHC Zone on Re-plat Lot 18A-1, Block 5, Midtown Development Second Addition Re-plat, otherwise known as 3450 Lyman Drive.

Also for the Administrative Record the minutes from the Planning Commission meeting of August 19, 2014:

THE OFFICIAL PROCEEDINGS OF THE GERING CITY PLANNING COMMISSION MEETING AUGUST 19, 2014

The Gering City Planning Commission of Gering, Nebraska was held in open session at 6:01 p.m. in the Gering City Council Chambers. Present were Commissioners, Bohl, Deines, Ellison, Hauck, Koob, Reynolds and Ross. Gealy and Parks were absent. Also present were Pat Health Director of Public Works, Jose Munoz, Darrell Schilz & his wife and Secretary Bruntz.

Notice of the meeting was given in advance by publication in the Gering Citizen and Star Herald, the designated method of giving notice, the proof of the publication being attached to these minutes as page _____. Availability of the agenda was communicated in advance to the Media and Commissioners. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Chairman Ross called the meeting to order at 6:01 p.m., the Pledge of Allegiance was recited, roll call was taken; he also reviewed Nebraska Revised Statutes; Chapter 84, Article 14, requires at least one copy of the Open Meetings Act be posted in the meeting room.

Chairman Ross asked for a motion to approve or disapprove the minutes from the July 15, 2014 meeting, Commissioner Koob made the motion to approve the minutes and it was seconded by Commissioner Deines. On roll call vote, the following voted "AYE": Bohl, Deines, Ellison, Hauck, Koob, Reynolds and Ross. "NAY": None. Absent: Gealy and Parks.

Chairman Ross asked if any Commissioners had ex parte conversations on the current agenda item; Commissioners replied no.

Chairman Ross began with the agenda item to consider an exception/conditional use application to construct a shop building on Lot B, Re-plat Lot 18A-1, Block 5, Midtown Development Second Addition Re-plat otherwise known as 3540 Lyman Drive in the City of Gering, Scotts Bluff County, Nebraska. Per the City Zoning and Sub-Division Regulations Section 7.302 BHC (C-3) Highway Commercial District Sub Section (1), the application was denied by staff. (Open 6:06 pm)

Chairman Ross asked if there was a staff member who would address this application, Pat Heath said he was the Public Works Director and a temporary fill in until an Engineer is hired. Pat Heath read the Administrative record (as shown above).

Chairman Ross asked if any of the Commissioners would like the Administrative Record read and they did not; Chairman Ross said that it would not be read and would be made part of the Administrative Record.

Pat showed the Commissioners current pictures taken of the proposed building site. Darrell Schilz had questions on the building that was going to be put up – size of the building & the placement on the lot. Pat showed the drawing to Darrell and discussed the size of the lot/building and placement on the lot.

Commissioner Hauck asked Jose Munoz if he would be mixing his product in this building. Jose responded - no, the stucco comes in buckets already mixed. Commissioner Hauck asked what else would be stored in the building; Mr. Munoz said just stucco product and equipment. Commissioner Hauck asked if this would be a meeting place for his employees before work and Jose said no. Commissioner Hauck also asked if he would be able to meet all of the requirements set if the application was approved. Pat said he believes Jose will follow through with the conditions set; Jose said that he would. The Commission also asked Jose if he owned the property and the response was yes.

Chairman Ross said if there were no more questions he would like a motion to either approve or deny this exception/conditional use permit. Commissioner Reynolds made the motion to approve the application with the conditions set forth and it was seconded by Commissioner Hauck. On roll call vote, the following voted "AYE": Bohl, Deines, Ellison, Hauck, Koob, Reynolds and Ross. "NAY": None. Absent: Gealy and Parks. (Closed 6:21 pm)

Commissioner Koob would like to have the Midtown Development area on the agenda for the next meeting so that they can discuss rezoning this area. Chairman Ross said that was a good idea and would like it placed on the agenda for September.

Chairman Ross asked for a motion to adjourn. The motion to adjourn was made by Commissioner Deines and was seconded by Commissioner Ellison. All of the Commissioners were in favor.

Adjourn at 6:27 pm.

Mr. Heath said that staff does not feel there is an issue with approving this Exception/Conditional Use Permit. Councilmember Shields asked what the services and commodities are that will be supplied. Mr. Munoz said they have stucco and outdoor siding for properties around town. He'd like to build the shop to keep his materials in there.

No one spoke in favor or opposition of the application. Councilmember Morrison asked if there are any site plans on this; any setbacks or an idea of what it will look like. She asked if there is any landscaping that will be done. Mr. Heath said we do have a rough site plan; Mr. Munoz does plan to meet a 35-foot setback from Lyman Drive and he'll be okay on the two side setbacks. Mr. Heath said they're in discussion on landscaping with Mr. Munoz; they'll encourage him to do some landscaping as well. Councilmember Gibbs asked if the Planning Commission recommended unanimous approval. Mr. Heath replied that they did approve it, yes.

The Mayor closed the Administrative Record and the Public Hearing at 7:21 p.m.

4a. Consider approving or denying an Exception/Conditional Use Permit for construction of shop building as requested by the owner, Jose Munoz, JM Stucco to be placed on Re-plat Lot 18A-1, Block 5, Midtown Development Second Addition Re-plat, otherwise known as 3540 Lyman Drive.

Motion by Councilmember Gibbs to approve an Exception/Conditional Use Permit for construction of shop building as requested by the owner, Jose Munoz, JM Stucco to be placed on Re-plat Lot 18A-1, Block 5, Midtown Development Second Addition Re-plat, otherwise

known as 3450 Lyman Drive with all conditions set forth by the Planning Commission. Second by Councilmember Cowan. There was no discussion. The Mayor called the vote. "AYES": Christensen, Gibbs, Holliday, Allred, Shields, Morrison, Cowan. "NAYS": None. Abstaining: None. Absent: Smith. Motion carried.

CURRENT BUSINESS:

1. League Association of Risk Management - LARM Resolution 9-14-1 for the 2014-2015 renewal year

Motion by Morrison, second by Holliday to approve LARM Resolution 9-14-1 for the 2014-2015 Renewal year.

Discussion: Councilmember Christensen asked what our claim record is. City Clerk Welfi stated that this year was a fairly light claim year; the year before was considerably higher. However, we did substantially increase our property coverage such as the houses at the McKinley site, a few additions to buildings, etc. She said that Mike Nolan, President of LARM, informed everyone in about June or July that the average to expect an increase this year would be 8.7%; ours came in at 9%. LARM said our increase was actually lower than quite a few of the municipalities. Unfortunately Workers Comp is always going to be high and that's not likely to change anytime soon. Councilmember Gibbs asked if the premium will come down when those houses are taken off. The Clerk replied that we may not see that reflected until next year, but they will be taken off as they are sold.

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

BIDS: None

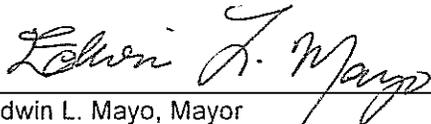
REPORTS OF STAFF, BOARDS AND COMMISSIONS AND STANDING COMMITTEES:

1. Department/Staff Reports (informational only)
 2. Committee Reports & Council Member Comments
 3. Administrator's Report
 4. Mayor's Report
- Reminder of fifth Monday, September 29th, tour/update at the Legacy of the Plains at 6 p.m. The Mayor reminded the Council that they've been invited to the Legacy of the Plains on September 29th for a tour/update. He encouraged everyone to attend to see the improvements that have been done out there.

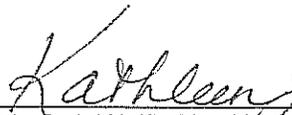
ADJOURN

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

Meeting adjourned at 7:27 p.m.


Edwin L. Mayo, Mayor

ATTEST:


Kathleen J. Welfi, City Clerk

