

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
APRIL 13, 2015**

A regular meeting of the City Council of Gering, Nebraska was held in open session on April 13, 2015 at 7:00 p.m. at Gering City Hall at 1025 P Street, Gering, NE. Present were Mayor Kaufman, and Councilmembers Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. 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 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

Motion by Councilmember Smith to excuse the absence of Councilmember Allred from the March 23, 2015 Regular City Council meeting. Second by Councilmember Gibbs. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. 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:

(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 March 19, 2015 Special City Council Meeting, the March 23, 2015 Regular City Council Meeting and the March 30, 2015 Joint Council Meeting.
2. Approve claims
3. SDL application, Meat Shoppe, Inc., April 30, 2015, 3-11 p.m. at the Monument Inn & Suites, Business After Hours
4. SDL application, WBG LLC, April 16, 2015, 3-9 p.m. at Hanks Investigations, Business After Hours

Claims:

3-19-15 to 4-9-15

ACUSHNET CO. \$13,571.78 GOLF CLUBS, SHIRTS, HATS, TOWELS, SOCKS, ETC., ADVERTISING SPECIALTIES \$1,212.94 ADVERTISING COSTS & POST IT NOTES, AHLER'S BAKING INC. \$10.99 SUPPLIES FOR LB840 MEETING, ALAMAR UNIFORMS \$143.00 FREIGHT CHRG. FOR CAR PARTS, ALTEC INDUSTRIES INC. \$440.00 TRUCK RPR. MODEL TA60, AMAZON \$316.92 SUMMER READING PROGRAM SUPPLIES, ARBY'S #6131 \$30.85 SUPERVISOR TRNG. MEALS - JACKSON, B & H PHOTO \$461.55 CAMCORDER/MEMORY CARDS, BAYSIDE CANDY \$48.69 CANDY FOR SRO, BENZEL PEST CONTROL \$53.00 RODENT CONTROL, BEST WESTERN \$333.44 ROOM - DARRELL S230/231 CLASS, BETTER HOMES & GARDENS \$10.98 MAG. SUB. 18 ISSUES MIDWEST LIVING, BIG O TIRES \$39.93 OIL CHANGE FOR 05 FORD TAURUS, BLOCK JESSICA \$75.00 RV ROOM DEPOSIT REFUND, BLUFFS SANITARY SUPPLY \$344.40 RR SUPPLIES, PAPER TOWELS ETC., BOMGAARS \$18.02 EQUIPMENT RPR., BRIDGESTONE GOLF INC. \$2,140.56 GOLF BALLS, HATS, CAPS, ETC., BROADWAY OFFICE CENTRE \$144.21 OFFICE SUPPLIES, CARTRIDGE ETC., BROWNS SHOE FIT CO. \$325.28 BOOTS FOR JACK, BUFFALO WILD WINGS \$29.44 MEAL DURING NLETC TRNG; GLEIM, CARD SRV. \$11,086.11 FEB. CARD SRV., CARPENTER CENTER \$15,000.00 BB COURTS & PICNIC SHELTER, CASEY'S GENERAL STORE #27 \$148.61 GAS FOR ASPHALT CONF. - CASEY, CENTER POINT LARGE PRINT \$44.34 BOOKS, CENTURYLINK \$2,361.68 MONTHLY TELEPHONE BILL, CHARTER COMMUNICATIONS \$495.43 TV/INTERNET CHRG., CHEEMAS \$23.42 FUEL - TJADEN INVESTIGATION ACT., CITY INSURANCE FUND \$144,164.98 HEALTH PREM 125, CITY OF GERING \$8,318.50 WELLNESS GOLF, CITY OF GERING - GENERAL AC \$65,000.00 ACH PAYROLL TRANSFER, CITY PAYROLL TRUST \$10,307.35 FSA MEDICAL 125, COCHRANE DICK \$31.00 CDL LICENSE RENEWAL, COLLOPY PERFORMANCE & MACH \$30.00 RPR'S.,

COLORADO ASPHALT SRCV. \$3,825.97 COLD ASPHALT MIX, COMFORT INN \$358.23 ROOMS FOR ASPHALT CONF. - CASEY, CONTRACTORS MATERIALS \$203.00 SQUEEGEES/MISC. SUPPLIES, COOKS ILLUSTRATED \$19.95 MAG. SUB. 6 ISSUES, CORNHUSKER C STORES INC. \$30.00 SUPERVISOR TRNG. FUEL: JACKSON, COUNTRY INN & SUITES \$550.80 HOTEL STAY - BEWLEY SOLOMON CONF., CREDIT MANAGEMENT SRV. \$355.86 GARNISHMENT 2, CRESCENT ELECTRIC SUPPLY \$385.25 LIGHT SUPPLIES, LAMPS, COUPLING ETC., DALE'S TIRE & RETREADING \$1,311.75 SKID STEER TIRES, FLAT RPR., DENVER COACH INC. \$170.00 TRNSPRT. FEES FOR WITNESS, DEX \$65.50 ADVERTISING, DIA \$4.00 PARKING FEES FOR WITNESS, DIAMOND VOGEL PAINT CENTER \$1,092.44 HIDE PLS EGGSHLL WHITE S COLOR, DOOLEY OIL INC. \$1,442.70 RPR./BULK OIL/RPR., DOUBLETREE HOTELS \$1,103.30 HOTEL STAY - WALSH GCSAA CONF., DUTTON-LAINSON CO. \$2,281.69 INSULATOR/SOCKETS/METER/SWITCH, ECOLAB \$236.50 RODENT CONTROL, ED TJADEN \$75.00 RV ROOM DEPOSIT REFUND, ENVIRO SRV. INC. \$1,006.00 WASTEWATER LAB, ESC ENGINEERING \$10,302.50 ENGINEERING BLIND ALLEY PH1, EXPRESS PARCS LINCOLN \$27.00 PRKING FEE - LANE MIDWINTER CONF., FAMILY DOLLAR \$8.50 LIGHT BULBS, FASTENAL CO. \$631.35 BOLTS/COVERALLS/GLOVES/BATTERIES, FAZOLI'S \$9.47 MEAL DURING NLETC TRNG: GLEIM, FEDEX \$49.27 FREIGHT CHR.G., FIRST STATE BANK \$723.48 IBEW UNION DUES, FLOYD'S SALES & SRV. \$8,390.78 WORK ON G6, TRANSMISSION RPR., FLYING J TRAVEL PLAZA \$45.29 FUEL - LANE LEAGUE MIDWINTER CONF., FORT DEARBORN \$113.52 FIREFIGHTER LIFE INSURANCE, FRESH FOODS \$68.12 MAYOR TO MAYOR BRKFST SUPPLIES, GALE \$98.96 BOOKS, GAYLORD BROTHERS \$369.72 CATALOGING SUPPLIES, GERING CITIZEN \$327.95 CONDENSED MINUTES, GERING CONVENTION & VISITOR \$19,806.25 3RD QUARTERLY PAYMENT - APRIL, GERING VALLEY PLUMBING \$1,090.28 WELL RPR./HEATING & AIR RPR., GFOA \$420.00 CONF. 109TH ANNUAL . REG. MEJIA, GLEIM ROBERT \$92.00 MEALS FOR NLETC TRAINING TRIPS, GOMEZ JOSH \$75.00 RV ROOM DEPOSIT REFUND, HAWKINS INC. \$2,930.00 WATER CHEMICALS MAIN RPR., HEALTH \$24.95 MAG. SUB. 10 ISSUES, HEILBRUN \$217.86 OIL DRY/FILTERS/VEHICLE RPR. PARTS, HGTV MAGAZINE \$24.97 MAG. SUBSCRIPTION 10 ISSUES, HOLIDAY INN EXP. \$219.00 ROOM FOR INSTCTR - S-330 CLASS, HOLIDAY INN KEARNEY \$171.90 LES LUKERT CONF. PARRISH ABEL, HOME DEPOT \$375.37 STORAGE FOR EVIDENCE, HOTELS.COM \$147.30 HOTEL: WARRIORS EDGE TRNG CHRIS, ICMA ELECTRONIC RETIREMENT \$1,092.84 ICMA CITY ADMIN, IDEAL LINEN SUPPLY INC. \$220.05 MAINT SUPPLIES/MATS/ETC., INGRAM LIBRARY SRV. \$67.97 BOOKS/PERIODICALS, INTER. CODE COUNCIL INC. \$276.50 RESIDENTL BLDG INSPCTR EXAM ROD, INTERNAL REVENUE SRV. \$77,074.09 FED/FICA TAX, JC GOLF ACCESSORIES \$211.18 TEES/SHIRTS/ETC., JG ELLIOTT INSURANCE \$40.00 NOTARY BOND FOR TRAVIS ENLOW, JOB TARGET \$180.00 HR POSITION POSTING 60 DAYS, JOHN E REID & ASSOCIATES \$770.00 INTRVW & INTRGTN TRNG 4 DAY: MODEC, JOHN HANCOCK USA \$25,796.12 JH RETIRE 6%, JOHN MEJIA \$75.00 RV ROOM DEPOSIT REFUND, JOHNSON CASHWAY CO. \$22.47 SUPPLIES, KATHLEEN A LAUGHLIN \$330.00 GARNISHMENT 2, KOVARIK, ELLISON, MATHIS \$8,193.10 SPECIAL PERSONNEL MATTER & LEGAL FEES, KRIZ - DAVIS CO. \$1,463.69 LIGHTS/CLAMPS/LAMPS/METERS/ETC., LATSCH'S OFFICE PRODUCT \$129.11 BADGES, LIFELINE TRAINING \$119.00 WARRIORS EDGE TRNG, REG.:PERALES, LOGOZ LLC \$100.00 AWARD PLAQUES, MARRIOTT CORNHUSKER \$653.83 HOTEL STAY LANE: MIDWINTER CONF., MATHESON TRI-GAS INC. \$137.83 WORK GLOVES, SUPPLIES/WWTP RPR'S., MAVERIK \$22.00 SUPERVISOR TRNG. FUEL: JACKSON, MEAT SHOPPE \$24,168.92 CATERING COSTS, MENARDS \$1,117.87 TILE/WOOD FLOORING, MENARDS - CHEYENNE \$608.22 SOLID STRAND BAMBOO 8MM, MG TRUST CO. LLC. \$11,479.76 MG T - POLICE, MICRO MARKETING LLC \$12.95 INCREDIBLE JOURNEY DVD, MONEY WISE OFFICE SUPPLY \$442.04 PRINTER CARTRIDGES/MESSAGE BOOK, MONUMENT INN & SUITES \$591.50 HOTEL STAY FOR WITNESS, MUNICIPAL ENERGY AGENCY \$412,918.04 POWER BILL, MUNOZ CONSTRUCTION \$3,450.00 REMODEL STRGE SPACE G.C. OFFICE, NATIONAL INSURANCE SRV. \$1,031.12 VISION INSURANCE, NATIONAL UNIVERSITY \$1,663.83 PRJCT. MNGMNT FNDMNTLS - SNARR, NE CHILD SUPPORT PYMT. \$1,477.06 CHILD SUPPORT 1, NE DEPT OF REV. (PR) \$11,391.40 STATE TAXES, NE PUBLIC POWER DISTRICT \$1,329.54 UTILITIES - PHEASANT DRIVE, NE. SOCIETY OF ASSOC. EXEC. \$200.00 MARCH MEETING SPONSORSHIP, NE MUNICIPAL FIRE CHIEFS \$450.00 NFPA FIRE CODE, NEBRASKA MACHINERY CO. \$20,240.31 MAJOR RPR'S ON DPZER AT LANDFILL, NEBRASKALAND TIRE \$72.30 EQUIPMENT RPR., NEOFUNDS BY NEOPOST \$800.00 POSTAGE, NIKE USA INC. \$1,347.57 GOLF SUPPLIES, NORTHGATE AMPRIDE \$19.14 FUEL: TJADEN INVESTIGATION ACT., OCLC INC. \$133.25 ILL & CAT SUBSCRIPTION, OREGON TRAIL PLBG & HEATING \$110.00 SCHEDULED HVAC MAINT., OROZCO MATTHEW \$23.45 WITNESS FEES, PANHANDLE GEOTECHNICAL \$6,300.00 ABESTOS INSPECTION/PUMP/ANALYSIS, PAYROLL CHECKS \$102,965.83 PAYROLL CHECKS ON 3-20-15, PAYROLL CHECKS \$108,183.99 PAYROLL CHECKS ON 4-3-15, PERKINS RESTAURANT & BAKERY \$12.98 MEAL DURING NLETC TRNG: GLEIM, PETERSON GENE \$99.99 BOOT PURCHASE REIMBURSEMENT, PETRO OF YORK \$134.03 FUEL FOR DARRELL TO GET CNTNRS, PLAYTHINGS WORLD \$9.26 ERROR 242513713WGN9S72T, POLK CITY DIRECTORIES \$305.00 REFERENCE BOOKS, POPULAR MECHANICS \$29.97 MAG. SUBSCRIPTION 10 ISSUES, POSTMASTER \$28.31 SHIPPING FEES, PROJECTOR LAMP SOURCE \$131.63 REPLACEMENT LAMP FOR PROJECTOR, PT HOSE & BEARING \$87.94 PRESSURE WASHER HOSE, PUMP & PANTRY \$34.54 FUEL DURING NLETC TRNG: GLEIM, QDOBA MEXICAN GRILL \$9.60 MEAL DURING NLETC TRNG: GLEIM, RED BARN SHOP LLC \$44.00 WWTP RPR., ROBINSON ELECTRIC \$426.25 WORK ON GENERATOR, RR DONNELLEY \$38.87 FIREARMS PURCHASE PERMITS, RUSSELL'S EXCAVATION & CO. \$195,659.00 CONCRETE WORK NEW EL. BLDG., RYAN'S WELDING LLC \$75.00 WELDING WORK FOR G9, SCB. CO DISTRICT COURT \$150.00 ALIMONY, SCB. COUNTY SHERIFF OFFICE \$92.58 SUBPOENA SRV., SCOTTS BLUFF COUNTY COURT \$17.00 COURT FEES, SCOTTSBLUFF TOWING SRV. \$160.00 TOW; 2000 BLK. JEEP GRANK CHER., SCOTTSBLUFF - GERING UNITED \$20.00 UNITED WAY CTRB., SELF \$23.53 MAG. SUBSCRIPTION 12 ISSUES, SIDES CONCRETE CONSTRUCTION \$800.00 SET SIGN POSTS SFTBALL FLD.5, SIMMONS OLSEN LAW FIRM \$125.00 SOUTHFIELD PLAT SUBDVSN. MATTER, SIMON CONTRACTORS \$594.00 CONCRETE, SOLOMON CORPORATION \$8,156.61 TRANSFORMER, SOLUTIONS EAP \$244.55 COUNSELING SRV., SOURCE GAS \$1,033.99 UTILITIES - 900 OVERLAND TRAIL, STAPLES CREDIT PLAN \$285.26 PARTS FOR OFFICE EQUIPMENT, STAR HERALD \$139.00 YEARLY NEWSPAPER SUB. PD., STATE OF NE. DEPT. OF HHS \$14.92 DOMINGO GOMEZ - OVERPAID FINAL, SUGAR VALLEY FEDERAL CREDIT \$2,536.16 CREDIT UNION, TACO BELL \$6.69 MEAL DURING NLETC TRNG: GLEIM, TARGET \$6.21 THREE RING BINDERS (2), TAYLOR MADE GOLF CO. \$1,758.32 SHIRTS/SHOES/CLUBS/socks ETC., THE ROCK PILE \$789.89 CRUSHED CONCRETE - AUCTION HOUSE, UNANIMOUS \$1,000.00 FEB. WEBSITE DEVELOPMENT, UNIVERSITY OF NEBRASKA - LI \$120.00 ORNMNTL & TRF PEST CNTRL WRKSHPS., UNL MARKETPLACE \$220.00 TREE WORKSHOP, BOB, MARK, JORDAN, SH, UPS \$16.18 SHIPPING FOR RETURN ITEM, VALLEY BANK - POLICE \$620.00 PO UNION DUES, VALLEY BANK & TRUST CO. \$15,316.74 HSA CTRB 125, VERIZON WIRELESS \$324.66 IPAD FEES, VOGEL KRISTEN \$100.00

WORK BOOT REIMBURSEMENT, WALMART \$41.20 AMMO, WESCO DISTRIBUTION INC. \$989.75 CT'S ETC., WESTCO \$1,548.00 FUEL FOR EQUIPMENT, WESTERN CONVENIENCE \$21.33 FUEL – TJADEN INVESTIGATION ACT., WESTERN PRAIRIE TITLE \$8,221.25 PURCHASED LAND FROM NPPD, WINCHELL CLEANING SRV. \$830.00 CLEANING LOBBY/OFFICE/BATHROOMS, YMCA \$519.84 WELLNESS, YOUNG MENS CHRISTIAN \$10.00 YOUNG MEN'S CHR.

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

PUBLIC HEARINGS:

- 1. Public Hearing to consider amending our zoning regulations to allow non-conforming structures constructed prior to the 1984 City Zoning and Subdivision Regulations to be reconstructed if damaged or destroyed beyond 50 percent. This amendment would be an addition to the City Zoning and Subdivision Regulations, Section 11.4: Non-Conforming Structures with the addition of Subsection (7)**

Mayor Kaufman opened the public hearing at 7:03 p.m. and asked if there was anything for the Administrative Record. City Engineer, Paul Snarr, stated that this is the public hearing to consider amending our zoning regulations to allow non-conforming structures constructed prior to the 1984 City Zoning and sub-division Regulations to be reconstructed if damaged or destroyed beyond 50 percent. This amendment would be an addition to the City's Zoning and Subdivision regulations Section 11.4: Non-Conforming Structures with the addition of Subsection (7) (requested by Schwabauer who owns a 4-Plex in RM) to read:

- (7) A multifamily dwelling whose use is nonconforming, and which is damaged or destroyed by any means, except voluntary destruction, to an extent of more than 50 percent of its current assessed value exclusive of foundations at the time of destruction, may be reconstructed to its former condition provided such reconstruction meets the provisions of this Ordinance as near as reasonably can be and such reconstruction receives prior approval of the City Board of Zoning Adjustment and meets the following conditions:
 - Dwelling and property, prior to the damage, met conditions and harmony of the surrounding neighborhood.
 - Dwelling and property was not listed with the City and/or City PRT Committee as a nuisance, listed as sub-standard, or had other related issues or complaints prior to the time of damage and said dwelling and property met all applicable current building codes.
 - Structure restoration shall begin within three (3) months after approval of the City of Gering Building Permit.

Administrative Record:

- City of Gering Zoning and Subdivision Regulations dated 1984.
- Application for Exception/Conditional Use permit to allow this 4-plex submitted by Eugene and Violet Schwabauer, 1320 P Street dated 8/7/2014. Public Hearing Notice published March 7, 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.
- City of Gering Current 1995 Comprehensive Plan (Per Amendment No. 1 dated November 2001).
- Multifamily Study performed by Pat Heath in Various Zoning Districts dated 1/16/2015.

- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mr. Snarr stated to the Mayor and Council that they have been provided with the Administrative Record in their packets and asked for their approval that he not read through the record unless they would like it read and that it be made a part of the official proceedings of this Public Hearing. Mr. Snarr asked the Mayor and Council to keep in mind that we have a section just above this that allows single family residences in different zones to be rebuilt if damaged beyond 50 percent as well.

Mayor Kaufman asked if anyone on the Council wished to have the Administrative Record read aloud; seeing none he asked if anyone in the Council Chambers wished to speak in favor or opposition of the application; there were none.

Mr. Snarr stated that he has completed his entry regarding the Public Hearing to amend the City of Gering 1984 Zoning and Subdivision Regulations Section 11.4: Non-Conforming Structures with the addition of Subsection (7) and asked that they please keep this hearing open until all entries are put into this record.

City Administrator Danielzuk added that he thinks what's significant with respect to this section and the other section that's previous to this in subsection 6, is that it says in part "may be reconstructed to its former condition provided such reconstruction meets the provisions of this ordinance as near as reasonably can be... and such reconstruction receives prior approval of the City Board of Zoning Adjustment." Administrator Danielzuk said someone that is not in compliance or would not be in compliance with this provision of the ordinance for multiple family dwellings would have to come before the Board of Adjustment before anything happens and get a waiver from the Board of Adjustment; that's the significant part of not only what we're going to amend tonight but also in the previous section. It still protects the non-conforming use issues as it relates to non-conforming structures but provides a provision in the amended regulations for multiple family dwellings to meet the same requirements and guidelines as a single family dwelling as long as they come before the Zoning Board of Adjustment.

With no additional comments Mayor Kaufman closed the Administrative Record and the Public Hearing at 7:09 p.m.

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

Motion by Councilmember Gibbs to approve amending our zoning regulations to allow non-conforming structures constructed prior to the 1984 City Zoning and Subdivision Regulations to be reconstructed if damaged or destroyed beyond 50 percent. This amendment would be an addition to the City Zoning and Subdivision Regulations, Section 11.4: Non-Conforming Structures with the addition of Subsection (7). Seconded by Councilmember Holliday. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Alfred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

BIDS: None

CURRENT BUSINESS:

1. CVB Update, Karla Niedan-Streeks

Karla Niedan-Streeks, CVB Director, submitted the following report to the Council.

On behalf of the Board of Directors of the Gering Convention & Visitors Bureau, we are pleased to share with Council an update of our destination marketing efforts for the City of Gering.

Convention & Meeting & Group Sales & Marketing Activities:

- Six months into this year's destination marketing plan for Gering.
- Conference, meeting and group business sales statistics look very good.
- In the peak of our conference and meeting season now:
 - To Date, hosted eight (8) state association conferences
 - Representing Municipal Power Pool, healthcare, agriculture, bio-preparedness and education segments.
 - April through June we will host several pieces of "NEW" convention & meeting business:
 - Betty's Convention – Omaha and all cities west; everyone named Betty
 - Convention and meeting business coming back to Gering in upcoming months:
 - Nebraska Economic Developers Association
 - Nebraska Rural Water Association
 - Panhandle Safety & Wellness Conference
 - Nebraska Association of School Boards
- Gering's primary competitive advantages: - Experience – Packaging – Tailoring our Services the individual needs of each group.
- There are times when we have to turn business away; peak times when we don't have enough space to accommodate the business that would like to book.
- Also times when we lose business to our competitors statewide:
 - Lack of adequate number of sleeping rooms adjacent to our conference facilities.
 - Lack of adequate space to accommodate large number of vendors and sponsor booths; a growing trend in association business as vendor and sponsor space helps in funding conferences and meetings.
- Gering CVB and Gering Civic Center continue to aggressively recruit new and return conference and meeting business:
 - Sponsor Nebraska Society of Association Executives event in March targeting association meeting planners.
 - Sponsor/participate in sales strategies with NSAE members throughout the year.
 - New markets; Gering CVB will collaborate with Scotts Bluff Area Visitors Bureau to sponsor an event for Colorado Society of Association Meeting Planners.

Leisure Tourism, Regional Marketing and General CVB Activities:

- Summer 2015 season officially kicks off during National Tourism Week activities May 4-8, 2015. **(Preliminary schedule of events is attached).**
- Opportunity to shine spotlight on tourism as an economic driver and celebrate our tourism partners and stakeholders.
- Council invited to all activities.
- June 17 & 18, 2015 Gering CVB and partners will host 3rd national media writers' tour.
- In the last two years, hosting two media writers FAM tours have benefited Gering and our area:
 - 39 earned media articles written/published
 - Cost of that media coverage in advertising costs would have been \$611,961.55
 - Total circulation of articles published reached 10,761,625 readers/potential visitors.
- Gering CVB Board and staff committed to strengthening our "visitor product" by involvement and leadership in efforts including:
 - Downtown Revitalization
 - Sports and Recreation facilities
 - Regional Economic Development plans
 - Marketing assistance and product development for events and festivals
 - Leadership roles in regional and state tourism associations and organizations

Mrs. Niedan-Streeks thanked the Council on behalf of the Gering CVB Board of Directors for the opportunity to share this report highlighting their efforts as your destination marketing organization.

2. Presentation and Update on Transmission Line Project by NPPD – Jedd Fischer, Project Manager

Mr. Fisher gave the NPPD Transmission Line Project Update and presented information to the Mayor and Council. Councilmember Christensen asked if there are specific needs on the part of the City of Gering for this project. Mr. Fisher said there could be if they have to put a pole on a City right-of-way or if there's existing infrastructure, then they may have to use our right-of-way. Mayor Kaufman thanked him for his time.

3. Motion to rescind the change in zoning from ML to MH as approved by City Council, March 9, 2015 on property addressed as 210 M Street-future location of Rich's Wrecking and Used Cars Inc. This property is located in part of the S1/2 NE Tax Lot 3 and Unplatted Lands located in Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian.

Motion by Councilmember Smith, second by Councilmember Christensen to rescind the change in zoning from ML to MH as approved by City Council, March 9, 2015 on property addressed as 210 M Street-future location of Rich's Wrecking and Used Cars Inc. This property is located in part of the S1/2 NE Tax Lot 3 and Unplatted Lands located in Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

4. Motion by the City Council to the Planning Commission through a Public Hearing to amend Section 8.1 ML Light Industrial and Manufacturing District specifically Section 8.102 Permitted Principal Uses and Structures – with the addition of Subsection (6) Auto wrecking yard when located inside a building or when wholly enclosed by a well maintained fence not less than eight (8) feet in height.

AND: Public Hearing to add a BHC overlay on the following properties located in Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian and would include:

- 210 M Street (Zoned ML – Consider BHC Overlay) – Owner: Rich's Wrecking and Used Cars Inc.
- 220594 East Highway 92 (Zoned ML–Consider BHC Overlay) – Owner: SC Blanton Enterprise, LLC
- 220810 East Highway 92 (Zoned ML–Consider BHC Overlay) – Owner: TDM LLC
- UPRR property.

The BHC overlay would include: East to West all property from the West property line of Rich's Wrecking to 21st Avenue and from North to South – M Street to UPRR. The BHC overlay would better meet the zoning of the existing business listed above and control future development as set forth in the Comprehensive plan.

Motion by Councilmember Cowan, second by Councilmember Holliday to send through the Planning Commission through a Public Hearing to amend Section 8.1 ML Light Industrial and Manufacturing District specifically Section 8.102 Permitted Principal Uses and Structures – with the addition of Subsection (6) Auto wrecking yard when located inside a building or when wholly enclosed by a well maintained fence not less than eight (8) feet in height. AND: Public Hearing to add a BHC overlay on the following properties located in Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian and would include:

- 210 M Street (Zoned ML – Consider BHC Overlay) – Owner: Rich's Wrecking and Used Cars Inc.
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- 220810 East Highway 92 (Zoned ML—Consider BHC Overlay) – Owner: TDM LLC
- UPRR property.

The BHC overlay would include: East to West all property from the West property line of Rich's Wrecking to 21st Avenue and from North to South – M Street to UPRR. The BHC overlay would better meet the zoning of the existing business listed above and control future development as set forth in the Comprehensive plan.

Discussion: Mr. Bill Vaughan addressed the Council and thanked them for letting him speak. He said when we were talking originally about up-zoning this to heavy manufacturing or when we put this BHC overlay on there, people driving down the highway probably will not know the difference. It will probably look the same either way we go. He said what the Mayor was just talking about talks about the BHC overlay would better meet the zoning and existing businesses listed above to control future development as set forth in the comprehensive plan. Mr. Vaughan said he would suggest that we start abiding by the comprehensive plan now rather than in the future because the comprehensive plan already states heavy manufacturing will not be adjacent and next door to residential. It states in the Comprehensive Plan that no heavy manufacturing would be placed on Hwy 92 or 10th Street which are the two main corridors into town. He said the lady just a minute ago mentioned the importance of tourism coming in and this being a scenic corridor, especially this highway 92 is the historic Oregon Trail. Future development needs to be able to look at a planning and zoning map, read the comprehensive plan and know what they will be facing when they develop property here in town. When a new hotel or motel comes to town, when they look at this and they say okay we're safe, there's no heavy manufacturing right next door, it should be that way. They should be protected because of the comprehensive plan and the zoning map because that's going to discourage development from coming in like Ms. Niedan-Streeks was talking about having hotels and motels and that's a good thing. He said please consider to start using the comprehensive plan now rather than as the future development would indicate.

Dick Ross, Chairman of the Planning Commission, said having been involved in this change since it was first discussed before the planning commission, he said he's really confused on what's happening tonight; Item #3. He said if we had known in the discussions before them that ML would have allowed the uses of permitted principle uses that would be allowed as discussed in 4, we could have saved a lot of people a lot of time because there wouldn't have been the need for a zoning change. He said he's also questioning the BHC. Close to a year ago we had the uproar about changing the zoning on the 10th Street corridor between the UP lines and Country Club Road. He said there was a lot of discussion and lots of upset people about changing that zoning. He asked what's BHC going to do for those three business concerns that ML won't let them. If the salvage yard is a permitted use under ML why do a BHC overlay? He thinks we've wasted a lot of peoples' time in the last couple of months. He said we as a Planning Commission, if we would have known this about the ML, we would have studied that rather than just concentrating on the MH. He thinks everybody would have been a little bit happier.

City Engineer, Paul Snarr, said he doesn't think anybody's time was wasted. ML, if you read the intent, you may have different ideas on what the intent is, and your motion to go back to the Planning Commission with the addition of subsection 6 in ML clarifies that a wrecking yard will be a permitted use once it goes through planning and if approved and when approved through City Council. He thinks this just clears it up. BHC is actually better for Murphey tractor because they do sales and repair work and that is BHC zoning. He thinks that BHC really fits Murphey Tractor better than Light Industrial, it's more of a mechanic and sales, it's a service to the public; Highway Commercial. He said he doesn't think anyone's time was wasted.

Councilmember Christensen asked Mr. Vaughan if this change is satisfactory to him. Mr. Vaughan replied that he would prefer that everything just stay as Light Manufacturing there rather than Heavy Manufacturing or Business Highway Commercial. He visited with Scott Blanton who has the trucking outfit, and he really didn't see any benefits for Business Highway Commercial for him either.

City Attorney Ellison said Mr. Snarr indicated to him that there were going to be some additional requirements as part of this that goes back to the Planning Commission to hopefully accommodate

everybody. Paul said yes, we're still working on that, the verbiage will probably include auto wrecking yard when located inside a building or when wholly enclosed by a well-maintained fence not less than eight feet in height and will probably include a Conditional Zoning Agreement in that verbiage. We're still working on that and it will spell out "the City shall... the owner shall..."; that is correct.

The Mayor asked if there was any further discussion. There was no further discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

5. Staff recommendation for the Mayor to sign a Vacation Plat located East and adjacent to the City of Gering Gueck Well Fields located in the City of Scottsbluff's 2 mile jurisdiction. The plat is titled: "Vacation Plat for Lot 4, Block 2 of River Run Estates Subdivision and a Portion of Mallard Road, All Situated in the Northeast Quarter of Section 17, Township 22 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska".

Pat Heath, Public Works Director, said staff would like to recommend to Council to make a motion for the Mayor to sign a vacation plat located east and adjacent to the City of Gering's Gueck well field located west of Scottsbluff. It is within Scottsbluff's two mile jurisdiction so we've been asked to approve this vacation since it does affect the City of Gering. The plat is titled a vacation plat for lot 4, Block 2 River Run Estates Subdivision and a portion of Mallard Road, all situated in the northeast quarter of section 17 in township 22 range 55 west of the 6th principle meridian, Scotts Bluff County, NE. As staff they don't see any issues to abandon or vacate this plat. If you look at the map we own this large area as City of Gering well field and then the small lot we also own; the rest is residential tracts. To the east of Mallard Road, which runs north south along our east line, along Mallard Road, that's the part they're going to vacate. There were several two acre lots platted there and that's why we had to plat the road when we bought the well field, or why it was platted. We don't really have a preference; we don't object to the vacation. Mr. Heath said actually we'd prefer it because it does enhance our security at the well field. We do maintain entrance to all our lots that we own either on the north or south border. Staff has no concerns about the vacation of the plat and would recommend the Mayor sign the vacation plat.

Motion by Councilmember Morrison, second by Councilmember Allred for the Mayor to sign a Vacation Plat located East and adjacent to the City of Gering Gueck Well Fields located in the City of Scottsbluff's 2 mile jurisdiction. The plat is titled: "Vacation Plat for Lot 4, Block 2 of River Run Estates Subdivision and a Portion of Mallard Road, All Situated in the Northeast Quarter of Section 17, Township 22 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska". There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

6. Consider Appointment of Andy Doll to the Planning Commission

Motion by Councilmember Christensen, second by Councilmember Cowan to approve the appointment of Andy Doll to the Planning Commission. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

7. Consider approval of RFQ for Downtown Plaza

Mr. Snarr said the City advertised for an RFQ/RFP for engineering and architectural vision and design services for a new downtown plaza; this goes along with the downtown revitalization study we had done and they recommended a pocket park just north of the Civic Center located between N and O, and 10th and 11th Street and also looking at N Street in this process between 10th and 11th Streets. We only received one proposal by the due date and that was Baker & Associates. The following day we received two other proposals; they were late and we sent them back unopened. They were from SEH and WYSS & Associates. Baker & Associates put together, in his opinion a pretty good RFQ/RFP and they would team with a company called Urban Development Services out of Texas and add proposed costs, form of

vision and conceptual design and total design of the development plans. Their price range was between \$40,000 and \$60,000 not knowing what will be involved; possibly an ice skating rink, splash pad, restrooms, etc. Paul said we do have some conceptual drawings put together for that but there'll be quite a bit to it. Staff has been working with the revitalization committee and again we have some drawings put together. Staff would recommend to Council to approve and award this RFQ/RFP to Baker & Associates to move forward with this project and not to exceed the price of \$60,000. He said realistically he thinks we'll come in below that due to the work we've put together on the conceptual drawings.

Motion by Councilmember Gibbs, second by Councilmember Christensen to accept the RFQ/RFP from Baker & Associates for the Downtown Plaza.

Discussion: Councilmember Gibbs said there are numbers he doesn't think he has seen before on the information related to how the \$350,000 grant is being appropriated. He said he has a real concern that almost half of the grant is going to be related to the plaza and only about an equal amount will be used into commercial rehabilitation of the facades and things downtown. His primary concern is that more of the money should go to the facade renovations and the things along 10th Street and a little less for the plaza; the plaza could be developed over a period of years. He thinks the primary concern for people in the community and the businesses is the 10th Street corridor. He thinks we have the money appropriated incorrectly.

Mayor Kaufman said it's his understanding that the appropriation is per the original grant award and that we're a little late in the game to be making changes. If we wanted to make the changes we would have to re-submit that and at this point in time, time is ticking away. That did come up in discussion but it was brought up that as it's presented that was per the original grant and as it was approved. He doesn't know that there's any wiggle room on that. Councilmember Gibbs replied that he must have missed it then. Mr. Snarr agreed with the Mayor and that's the way he took that as well. He said this plaza could extend further however and include stamped concrete that looks like brick on the cross walks. Mayor Kaufman said he believes the plaza was an integral part of making that award possible on the grant. Councilmember Gibbs said he's not against the amenities but he thinks the need is elsewhere.

Councilmember Morrison said she has had some phone calls; she asked if where the plaza is proposed to be set in stone? Is that where it's going to be? She has heard from three or four people that they would like it more in the center of town instead of everything going on down by the Civic Center. She doesn't know how they've set this up to do this. Mr. Snarr said he's not sure how to answer that; in the proposal we got back from SEH on the downtown revitalization, they indicated that that is a very important corner. People on M Street, that location would be able to see the Civic Center, the new hotel; they would be able to see the work that will be done in that park. He said we have some good designs that will really be an attraction to those hitting that intersection. Councilmember Morrison said but if this is for downtown revitalization she doesn't think they're focusing on the downtown; she thinks they're focusing on the Civic Center and hotel; the businesses that are downtown they're kind of leaving out. Mr. Snarr said he's not sure how fixed that is and suggested that Administrator Danielzuk may know more about that.

Administrator Danielzuk said the boundaries that were set for the RFQ/RFP were from the convention center that included 11th Street and the possible pedestrian way, so the right of way of that street on the side closest to those business all the way to O and the right of way that would butt up against potentially the businesses on the far side of O Street, down the other side to 10th. The purpose of the RFQ/RFP is for someone to look at that whole site and the conditions that exist now and that may be possible going into the future. There hasn't been any formal discussion with the consultants. The Revitalization Committee has had the opportunity to look at the RFQ/RFP request and they certainly have some ideas themselves on how things should come together. He said the whole process needs to go through that professional development process, that's why we're paying a consultant that is qualified to do that work and work with the revitalization committee and bring back the best of a downtown civic plaza. We have some constraints in there; there's parking and there may be some others. All those things need to be worked out. There's a lot of interests there that have to be considered in order to make that plaza work. It's going to need someone who has those special skill sets to come in and give us some advice and

opinions on how that works. He doubts that the entire downtown plaza, when it's complete, is going to include that entire boundary. He said we're going to have to give it a chance to evolve; be a stake holder in the project and let it work. Councilmember Morrison asked if with the one proposal that has come in, do we need to reopen this and maybe ask again or are we satisfied with Baker and Associates with just the one. Mr. Danielzuk said they met all the professional criteria outlined in the RFQ and they met the deadlines. There were two other proposers that more than likely would have met the professional criteria outlined but they didn't meet all the deadlines.

Mayor Kaufman said we are under a little bit of a time crunch; it has been extended and extended. He encouraged public input but it's time we move forward because we don't want to jeopardize those funds.

Brad Staman, 630 P Street, and also on the Downtown Revitalization Committee, said he was under the impression that staff might be recommending that the Council accept this proposal but the Downtown Revitalization Committee chose not to accept it; it did not meet what they were expecting. They wanted to see some conceptual drawings; Baker and Associates did not include that. He said Paul and Sergio came up with some pretty nice drawings on M Street and behind the Union Bar. There is some debate over where we want this plaza; there are some on the committee that want to see the plaza more on O Street because some of the proposals from Roger Brooks and SEH was to have the gathering place. It wasn't in the original proposal for the grant but the grantors wanted a more specific gathering place designed. The committee went back to the drawing board and the logical place for a plaza was somewhere between O and N Street about a block off of 10th. The committee would like to spend more time and energy on the 10th Street but trees and other things the grant won't pay for. He said they're meeting this week to look at some more plans by Sergio and Paul on different designs and different areas and the best place and way to do it. He was under the impression that it wasn't set yet where it would be so he was surprised this RFP was accepted. That was not his understanding of what the Downtown Revitalization Committee wanted to see happen. They're looking for a way to draw people to downtown Gering; this was one of those ways. There is quite a bit of money in the plan for façade and the idea was to do it quite a bit like what Scottsbluff did. That's where they're at as a committee.

Paul Snarr clarified what an RFQ/RFP is. He said when you ask someone to give you qualifications and proposals to do a project, they are not going to send you their designs. Consulting firms spend a lot of money putting proposals together, part of that proposal doesn't include designing the plaza for you; that comes into play after they get the project if they're awarded the project. Otherwise most companies or cities could deny it and use their designs and move forward. He added that you're not going to get a design from them when you go out for request for qualifications; all you're asking for is qualifications.

Councilmember Gibbs called the question. Mayor Kaufman stated we have a motion and a second to approve the RFQ/RFP for the downtown plaza. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Alfred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

8. Appointee for Regional Economic Development Interlocal Committee

Motion by Councilmember Morrison, second by Councilmember Holliday to appoint Councilmember Gibbs as the appointee for the Regional Economic Development Interlocal Committee. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Alfred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

9. Approval of Ordinance 1990 - An ordinance providing for the use of Bounce Houses and other similar apparatus or amusement device in Gering City parks and on other City property or facilities and for publication and effective date hereof.

Councilmember Morrison made a motion to introduce Ordinance No. 1990: AN ORDINANCE PROVIDING FOR THE USE OF BOUNCE HOUSES AND OTHER SIMILAR APPARATUS OR AMUSEMENT DEVICE IN GERING CITY PARKS AND ON OTHER CITY PROPERTY OR FACILITIES AND FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF. Seconded by Council member Cowan. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

Councilmember Smith moved that the Ordinance be designated as Ordinance No. 1990 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Christensen. The roll was called. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. 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. 1990 was read by title only, Councilmember Gibbs moved that the Ordinance be passed as read, which motion was seconded by Councilmember Holliday. "The question is shall Ordinance No. 1990 be passed?" There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

The Clerk stated 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.

10. Approval of Bounce House User Agreement

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

CLOSED SESSION:

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

REPORTS: None

OPEN COMMENT SECTION:

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.

ADJOURN

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

Meeting adjourned at 8:14 p.m.

ATTEST:

Kathleen J. Welfl, City Clerk

Mark A. Kaufman, Mayor

