

**THE OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE GERING CITY COUNCIL,
APRIL 27, 2015**

A regular meeting of the City Council of Gering, Nebraska was held in open session on April 27, 2015 at 6:00 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 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 Kaufman called the meeting to order at 6:00 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 (none)

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 April 13, 2015 Regular City Council Meeting
2. Approve claims and financials
3. Twin Cities Development Director's Quarterly Report – January-March 2015
4. Engagement of Fraser Stryker PC LLO

Claims:

4-10-15 to 4-23-15

21st CENTURY EQUIPMENT \$346.58 REPLACEMENT BATTERY, ACHUSNET CO. \$822.48 GLOVES, SHOES, CAPS, AIR & SPACE \$34.00 MAG. SUBSCRIPTION 8 ISSUES, ALAMAR UNIFORMS \$355.59 UNIFORMS FOR 706, 718 & 714, AMAZON \$345.55 STORYTIME SUPPLIES/MUSIC 18 BOOKS, AMIGOS/KINGS CLASSIC \$10.66 MEALS – BRUNZ: K9 TRAINING, AMPRIDE \$41.25 FUEL; - BRENDA NPZA CONFERENCE, AUTO TRUCK GROUP \$88.50 PARTS FOR CLOSSON'S TRUCK, B & C STEEL \$2,154.66 STEEL FOR NEW BUILDING, BLACKSTONE AUDIO INC. \$400.00 AUDIOBOOKS, BLUFFS SANITARY SUPPLY \$1,061.39 APRIL CLEANING SRV., PAPER TOWELS, TOILET PAPER, ETC., BONNIE PELSTER \$150.00 TABLE SKIRTS, BOSSELMAN TRAVEL CENTER \$22.00 FUEL – PERALES: BELLVUE TRAINING, BRIDGESTONE GOLF INC. \$99.76 GOLF CAPS, BROADWAY OFFICE CENTRE \$232.66 OFFICE SUPPLIES, CERTIFICATE PAPER, LABELS, DATE STAMP, BUDGE – IT DRAIN SRV. \$300.00 DRAIN CLEANING AT CLUBHOUSE, BUFFALO WILD WINGS \$22.87 MEALS – BRUNZ: K9 TRAINING, CASEY'S GENERAL STORE #27 \$273.26 FUEL – BRUNZ, JACKSON, GLEIM, MEDEIROS – TRAINING, CD BABY \$99.99 MUSIC FOR STORYTIME, CELEBRATE THE SEASON \$24.00 MAGAZINE SUBSCRIPTION, CHARTER COMM. \$501.13 TV/INTERNET CHR.G., CITY INSURANCE FUND \$145,183.61 HEALTH PREM 125, CITY OF GERING \$5.05 101 COPIES, CITY OF GERING – GENERAL AC \$65,000.00 ACH PAYROLL TRANSFER OF FUNDS, CITY PAYROLL TRUST \$3,710.31 FSA MEDICAL 125, CNA SURETY \$375.00 MEJIA BOND, COMFORT INN \$180.92 HOTEL STAY – BRUNZ: K9 TRAINING, COMPASS TOOLS \$262.75 REPRS FOR SURVYING TOOL – SERGIO, CONNECTING POINT \$62.00 COPIER CONTRACT, CONOCO \$23.64 FUEL – ROD: CO. CHAP, ICC. CONF., CONSOLIDATED MANAGEMENT \$309.75 MEALS NLETC – GLEIM, MEDEIROS, CORNHUSKER C STORES INC. \$19.53 FUEL – BRUNZ: K9 TRAINING, CREDIT MANAGEMENT SRV. \$177.93 GARNISHMENT 2, CRESCENT ELECTRIC SUPPLY \$799.27 U – GUARD, OUTLET, WIRE, TOOLS, CULLIGAN WATER CONDITIONING \$124.20 SOFTNER SALT, D & H ELECTRONIC SUPPLY \$18.95 WWTP RPR., DALE'S TIRE & RETREADING \$220.50 WORK ON G1, FLAT RPR. TIRES FOR TRUCK, DEMCO \$84.37 CATALOGING SUPPLIES, DHHS DIVISION/PUBLIC HEALTH \$36.00 WATER LAB, DISCOVER \$420.55 PLANE TICKET – MEJIA GFOA CONF., DLT SOLUTIONS INC. \$997.59 SOFTWARE RENEWAL 1 YR. – SERGIO, DOLLAR GENERAL STORE #077 \$10.82 STORYTIME SUPPLIES, DOOLEY OIL INC. \$323.20 OIL, DR. ALAN ZIMMERMAN \$227.00 DR ZIMMERMAN BOOKS/AUDIO BOOKS, DUTTON – LAINSON CO. \$4,853.52 ST. LIGHT ARMS, ED ROEHR SAFETY PRODUCTS \$226.44 TASER EQUIPMENT, ELLIS ANTHONY \$75.00 RV ROOM DEPOSIT REFUND, ENVIRO SRV. INC. \$924.00 WASTEWATER & WATER LABS, FAIRFIELD INN \$299.85 HOTEL STAY: BRENDA: NPZA CONF., FAMILY DOLLAR \$8.50 CLEANING SUPPLIES, FASTENAL CO. \$377.80 BOLTS, GLOVES, BATTERIES, WINDOW CLEANER, WASHERS, ETC., FIRST STATE BANK \$361.74 IBEW UNION DUES, FLIR THERMOGRAPHY \$8,950.00 INFRARED CAMERA FOR ELECTRIC DEPT., FLOYD'S SALES/SERVICE \$2,594.36 RPR. REAR

AXLE ON G5 AND MISC. RPR., FRESH FOODS \$29.90 BOTTLED WATER JAY: LEG. HEARING, FRITZLER MANDY \$75.00 RV ROOM DEPOSIT REFUND, GALE \$111.85 LARGE PRINT BOOKS, GERING CITIZEN \$474.45 CONDENSED MINUTES NOTICE, GERING VALLEY PLUMBING \$148.00 RPR. GREASE TRAP, GERING VOLUNTEER FIRE DEPT. \$607.01 TREX BURN CLASS/FUEL/MEALS, GLEIM ROBERT \$69.00 LAST MEAL ALLOWANCE: NLETC, GREASE N GO \$74.53 OIL CHANGE 08 DODGE RAM, GREATAMERICA LEASING CORP. \$382.98 COPIER LEASE, GREY HOUSE PUBLISHING \$156.00 REFEREMCE BOOK, GUERRERO MELISSA \$75.00 RV ROOM DEPOSIT REFUND, HARDING & SHULTZ P C L \$247.50 SPECIAL PERSONNEL MATTER, HAWKINS INC. \$260.00 MAIN RPR., HEILBRUN \$396.49 SHOP SUPPLIES, FILTERS, VEHICLE MAINT., AIR COMPRESSOR, HOBBY LOBBY \$5.00 STORYTIME SUPPLIES, HOLIDAY INN \$628.32 LODGING: WELFL & CAROL - CLERK SCHOOL, JAY - LEG. HEARINGS, HOME DEPOT \$585.50 TOOLS, SUPPLIES, SHELVING AT CLUBHOUSE, ICMA ELECTRONIC RETIREMENT \$546.42 ICMA CITY ADMIN., IDEAL LINEN SUPPLY INC. \$132.78 MAINTENANCE SUPPLIES, INDEPENDENT PLUMBING/HEATING \$670.04 PIPE/SPRINKLER, SPRINKLER RPR., INFOGROUP \$305.00 REFERECE BOOKS, INGRAM LIBRARY SRV. \$843.64 BOOKS/PERIODICALS, INTER. CODE COUNCIL INC. \$163.20 BASIC CODE ENFORCEMENT BOOK, TABS FOR IBC BOOK, BLDG, INTERMOUNTAIN LOCK \$100.47 CITY HALL DOOR LOCK RPR., INTERNAL REVENUE SRV. \$38,891.36 FED/FICA TAX, INTRALINKS TECHNICAL SOL. \$3,540.04 COMPUTER SUPPORT, BATTERY REPLACEMENT, LAPTOP BATTERY, IRBY TOOL/SAFETY \$2,088.96 TRANSFORMER PAD, GLOVES, CONNECTORS, J - 14 TEEN MAGAZINE \$16.97 MAG. SUBSCRIPTION 10 ISSUES, JIRDON \$3,162.30 WEED CONTROL, GOPHER BAIT, FUNGICIDE, JOHN HANCOCK USA \$12,921.05 JH RETIRE 6%, JOHNSON CASHWAY CO. \$106.54 MISC. ELECTRIC SUPPLIES, PAINT ETC., KATHLEEN A LAUGHLIN \$165.00 GARNISHMENT 2, KIHLETHAU, MATT & SHERI \$16.05 OVERPAID FINAL, KING BUFFET \$10.65 MEALS - BRUNZ: K9 TRAINING, KMART \$6.00 STORYTIME SUPPLIES, KOERNER JACCI \$75.00 RV ROOM DEPOSIT REFUND, KOVARIK, ELLISON, MATHIS \$2,888.75 RETAINAGE - APRIL, KRIZ - DAVIS CO \$18,736.13 LIGHTS, CONNECTORS, GEN. PURPOSE SLIME LINE ETC., LL JOHNSON DIST. \$481.36 SPRINKLER RPR., LOAF & JUG \$28.75 FUEL - CAROL: CLERK SCHOOL TRAVEL, LOGOZ LLC \$851.00 STAFF SWEATSHIRTS, ENGRAVING ON PLAQUES, LOVES TRAVEL STOPS STORE \$24.00 FUEL - PERALES: BELLVUE TRAINING, MARRIOTT CORNHUSKER \$1,204.51 LODGING - STERKEL & BRUNZ: CO. CHAP. ICC, MATHESON TRI - GAS INC. \$70.09 WWTP RPR., MAVERIK \$2.67 MEAL - LANE: HEA CHADRON MTG., MEAT SHOPPE \$8,966.07 MANAGEMENT CONTRACT, MENARDS \$489.33 MICROHOOD - SHOP SUPPLIES, PVC CONDUIT & GR WIRE, MG TRUST CO LLC. \$5,707.08 MG T - POLICE, MICROSURVEY SOFTWARE INC. \$395.00 CAD PREM. ANNL. MAINT. SUB. SNARR, MIZUNO USA INC. \$1,071.47 GOLF CLUBS, MONEY WISE OFFICE SUPPLY \$189.31 CARTRIDGES, POST IT NOTES, PEN REFILLS, MONUMENT PREVENTION COAL \$1,083.73 S T O P GROUP TRIP TO LINCOLN, MWC ENTERPRISES INC. \$24,241.00 3-YD SIDE LOAD 1/2 LID, NATIONAL GEOGRAPHIC SOCIETY \$34.00 KIDS MAG. SUBSCRIPTION 20 ISSUES, NATIONAL INSURANCE SRV. \$1,064.72 VISION INSURANCE, NATIONAL UNIVERSITY \$1,714.12 ENGIN. ECONOMICS CLASS: SNARR & TEXTBOOK, NDOR - LODGING \$505.68 LODGING TAX - MARCH, NE CHILD SUPPORT PYMT. \$738.53 CHILD SUPPORT 1, NE DEPT OF REV. (PR) \$10,765.24 STATE TAXES, NE PUBLIC POWER DISTRICT \$119.01 UTILITIES - 240066 HWY 92, NE SAFETY/FIRE EQUIPMENT \$87.00 RECORDED EVENT TO FLASHDRIVE, NEBRASKA LAW ENFORCEMENT \$100.00 CERT. FEES - GLEIM & MEDEIROS, NEBRASKA LIBRARY ASSOCIATION \$330.00 MEMBER: DUES LIB. BOARD & STAFF, NEBRASKALAND TIRE \$398.58 TIRES FOR ACADIA, NEWMAN TRAFFIC SIGNS \$1,352.62 SIGN BLANKS, NIKE USA INC. \$120.58 SHIRTS, NLA PUBLIC LIBRARY SECTION \$150.00 REG. FEES 5 STAFF PLTS SPRING MT., NORTHERN TOOL \$385.88 DRAIN W/CASTERS 20 GALLON, NORTHWEST PIPE FITTINGS \$183.50 PEX PIPE & FITTINGS, OFFICER SURVIVAL SOLUTION \$972.00 FIRST AID KITS, ONE CALL CONCEPTS INC. \$89.20 LOCATE FEES, OUTDOOR LIFE \$15.00 MAG. SUBSCRIPTION 24 ISSUES, PANHANDLE HUMANE SOCIETY \$3,170.34 ANIMAL CONTROL & FEES, PAYPAL \$280.00 NE W & S CONF. REG. PAUL & DOGGETT, PAYROLL CHECKS \$109,820.33 PAYROLL CHECKS ON 4-17-15, PETERSON GENE \$34.25 BREAKFAST FOR STAFF: MAINBREAK, PETTY CASH \$20.84 PETTY CASH, PONY EXPRESS STATION \$37.74 FUEL - CAROL: CLERK SCHOOL TRAVEL, POSTMASTER \$1,209.73 MAILING PERMITS, POWERPLAN OIB \$1,347.80 WORK ON 750J, PRESTIGE FLAG \$490.12 FLAGS, PRINT EXPRESS \$403.00 WINDOW ENVELOPES, BADGES FOR STUDENT RESOURCE OFF., PUBLIC AGENCY TRAINING CO. \$295.00 PATC SEMINAR REG. ROGERS, PUBLIC SAFETY CENTER INC. \$129.00 LAW ENFORCEMENT DIRECTORY, PUMP & PANTRY \$18.51 FUEL - JAY: LEG HEARING LINCOLN, QDOBA MEXICAN GRILL \$11.67 MEAL - MEDEIROS: NLETC TRAINING, QUEST INC. \$92.38 TOOL PARTS, QUICK STOP \$12.00 FUEL - PERALES: BELLVUE TRAINING, R & R PRODUCTS INC. \$63.39 RPR., RAY ALLEN MANUFACTURING \$279.99 ADVANCE E - COLLAR FOR K9, RDJ SPECIALTIES INC. \$526.23 HALLOWEEN BAGS FOR STUDENTS RESOURCE OFFICER TO GIVE, READER'S DIGEST \$19.98 MAGAZINE SUBSCRIPTION, RECORDED BOOKS LLC \$138.57 AUDIO BOOKS, REMINISCE \$14.98 MAGAZINE SUBSCRIPTION, RESPOND FIRST AID SYSTEMS \$129.03 SHOP SUPPLIES, REYNOLDS ROBERT \$31.00 CDL REIMBURSEMENT, RHINO STOP \$42.00 FUEL - JAY: LEG. HEARING LINCOLN, ROOSEVELT PUBLIC POWER \$28.60 UTILITIES, SANDBERG IMPLEMENT \$902.72 PARTS FOR BOBCAT, HYD, HOSE/FITTINGS, REPAIRS, GAS - OIL, SCB CO DISTRICT COURT \$75.00 ALIMONY, SCB COUNTY AMBULANCE SRV. \$316.23 AMBULANCE CONTRACT - APRIL, SCIENCE NEWS \$50.00 MAGAZINE SUBSCRIPTION 26 ISSUES, SCOTTSBLUFF - GERING UNITED \$10.00 UNITED WAY CONTRIBUTION, SENIOR CITIZEN CENTER \$525.00 FINANCIAL SUPPORT, SEVERSON GRANT \$226.60 GOLF MEMBERSHIP REIMBURSEMENT, SHELL \$20.01 FUEL - ROD: CO CHAP. ICC. CONF, SHOP SMART \$30.00 MAGAZINE SUBSCRIPTION 10 ISSUES, SIGMA - ALDRICH \$86.85 WWTP LAB, SIMON CONTRACTORS \$120.00 MAIN RPR., SMITHSONIAN BUSINESS VENT \$34.00 MAGAZINE SUBSCRIPTION, SOLOMON CORP. \$5,569.07 TRANSFORMERS, SPORTS ILLUSTRATED \$35.96 KIDS MAGAZINE SUBSCRIPTION 12 ISSUES, STAGECOACH STOP \$41.30 FUEL- JAY: LEG. HEARING LINCOLN, STAPLES CREDIT PLAN \$245.75 PRINTER FOR CLUBHOUSE, STAR HERALD \$661.04 ADVERTISING, STATE OF NE/DAS COMM. \$296.13 LONG DISTANCE PHONE CHR., SUBWAY SANDWICHED & SALAD \$7.65 MEALS - GLEIM: NLETC TRAINING, SUGAR VALLEY FEDERAL CREDIT \$1,268.08 CREDIT UNION, TAYLOR MADE GOLF CO. \$682.24 GOLF SHOES & SHIRTS, TERRY CARPENTER INC. \$650.00 WATER WELL LAND RENT - APRIL, THE TARGET MAN \$309.99 TRAUMA PLATE - BULLET PROOF VEST, TIME SAVER \$49.99 FUEL - DARRELL: LOOK AT GRINDER, UNITED TRUCK & EQUIPMENT \$136.40 WATER TRUCK NOZZLE, UNL MARKETPLACE \$385.00 TREE PRUNING CLASS: EL EMPLOYEES, VALENTINO'S \$9.18 MEAL - BRUNZ: K9 TRAINING, VALLEY BANK - POLICE \$300.00 PO UNION DUES, VALLEY BANK & TRUST CO. \$5,505.14 HSA CTRB 125, VERIZON WIRELESS \$651.90 IPAD FEES, LAPTOP FEES, AIR CARDS FOR PORTABLE SURV. CAMERA, VIEWSONIC \$95.00 REPLACEMENT LENS: LIB. PROJECTOR, WALGREENS PHARMACY \$33.27 BATTERIES FOR PAUL'S CALCULATOR, WALMART \$161.21 CELL PHONE & ACCESS: STERKEL, WELLS FARGO

FINANCIAL \$124.57 COPYSTAR COPIER LEASE PYMT., WESTCO \$6,245.40 DYED DIESEL/UNLEADED GAS, WESTERN TRAVEL TERMINAL \$10.00 CARWASH FOR ACADIA: ICC TRAVEL, WINCHELL CLEANING SRV. \$720.00 CLEANING LOBBY: RR. OFFICE, WM RECYCLE AMERICA \$1,750.00 RECYCLING DUES, YMCA \$552.84 WELLNESS, YOUNG MENS CHRISTIAN \$10.00 YOUNG MEN'S CHR

Motion by Councilmember Morrison to approve the Consent Agenda. Second by Councilmember 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.

PUBLIC HEARINGS:

- 1. Public hearing to consider adopting and approving Ordinance 1991 which will add language and additional definitions required by FEMA to meet the National Flood Insurance Program (NFIP) requirements by amending Ordinance 1370 which was adopted and approved July 27th, 1987 which created floodway and floodway fringe districts setting forth regulations and definitions. Ordinance 1370 repealed the existing flood damage prevention Ordinance 1112.**

Mayor Kaufman opened the public hearing at 6:03 p.m. Paul Snarr, City Engineer, stated that this is a Public Hearing to amend Ordinance 1370 which was adopted and approved July 27th, 1987 which created floodway and floodway fringe districts setting forth regulations and definitions. Ordinance 1370 also repealed the existing flood damage prevention Ordinance 1112.

Ordinance 1999 will add language and additional definitions (to Ordinance 1370) required by FEMA to meet the National Flood Insurance Program (NFIP) requirements.

Administrative Record:

- Letter addressed to Mayor Mayo from FEMA dated October 24, 2014 regarding an inspection performed on our flood permitting and ordinances we have in place. The letter also listed requirements needed including Amending Ordinance 1370 and ensuring we are requiring As-Built Elevation Certificates demonstrating compliance with floodplain management regulations. Action to FEMA's requirements was to be completed and submitted to FEMA prior to January 23, 2015.
- National Flood Insurance Program (NFIP) Minimum Land Management Criteria Evaluation Sheet stating conditions the City needs to implement in the ordinance and flood certificates dated October 9, 2014.
- Email to FEMA requesting an extension for the submittal requirements dated January 14, 2015.
- Email from FEMA granting extension for submittals to April 30, 2015 – email was dated January 21, 2015.
- Ordinance 1370 which was adopted and approved July 27th, 1987 which created floodway and floodway fringe districts setting forth regulations and definitions. Ordinance 1370 also repealed the existing flood damage prevention Ordinance 1112.
- Planning Commission Public Hearing October 16, 2012
- City Council Public Hearing date 4-21-2015.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein

Mr. Snarr stated: Mr. Mayor and City Council Members – you have been provided with the administrative record in your packets and I would ask for this Council's approval that I not read through the record unless you would like this read and that it be made a part of the official proceedings of this Public Hearing. Mr. Snarr also stated to the Mayor and City Council Members that he has completed his entry regarding this Public Hearing to amend Ordinance 1370 by adopting and approving Ordinance 1999 which will add language and additional definitions amending Ordinance 1370 required by FEMA to meet the National Flood Insurance Program (NFIP) requirements and asked that they please keep this hearing open until all entries are put into this record.

Mayor Kaufman asked if the Council wished to have the Administrative Record read aloud. Seeing none he asked if anyone wished to speak in favor or opposition of this item. Seeing none the Administrative Record was closed and the Public Hearing closed at 6:05 p.m.

Motion by Councilmember Allred, 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, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. Motion carried.

1a. Approve Ordinance 1991 which will add language and additional definitions required by FEMA to meet the National Flood Insurance Program (NFIP) requirements by amending Ordinance 1370 which was adopted and approved July 27th, 1987 which created floodway and floodway fringe districts setting forth regulations and definitions. Ordinance 1370 repealed the existing flood damage prevention Ordinance 1112.

Ordinance No. 1991 – AN ORDINANCE INTRODUCED BY THE GOVERNING BODY CREATING FLOODWAY AND FLOODWAY FRINGE DISTRICTS DEFINING THE SAME AND SETTING FORTH REGULATIONS THEREOF; REPEALING THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE 1370 AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

Councilmember Morrison made a motion to introduce Ordinance No. 1991: AN ORDINANCE INTRODUCED BY THE GOVERNING BODY CREATING FLOODWAY AND FLOODWAY FRINGE DISTRICTS DEFINING THE SAME AND SETTING FORTH REGULATIONS THEREOF; REPEALING THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE 1370 AND PROVIDING FOR AN EFFECTIVE DATE THERETO. 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. 1991 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 Clerk called the roll: "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. 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. 1991 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. 1991 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 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. Public Hearing to consider a vacation plat for the RUSURE Subdivision titled "Vacation of Lots 2, 3, and 4, Block 1 RUSURE Subdivision and Debra Drive", being a partial Replat of Treasure Valley Estates situated in the West Half of the Southwest Quarter of Section 6, Township 21 North, Range 54 West of the 6th PM, City of Gering, Scotts Bluff County, Nebraska recorded May 13, 2005.

Mayor Kaufman opened the public hearing at 6:08 p.m. City Engineer Paul Snarr stated that this is the public hearing for a Vacation Plat titled "Vacation of Lots 2, 3, and 4, Block 1 RUSURE Subdivision and Debra Drive, being a partial Replat of Treasure Valley Estates situated in the West Half of the Southwest Quarter of Section 6, Township 21 North, Range 54 West of the 6th PM, City of Gering, Scotts Bluff County, Nebraska recorded May 13, 2005.

The owner Shane Shimic and owners representative is in the process of developing a Re-Plat of RUSURE Subdivision to combine Lots 2, 3, and 4 to one large lot and relocating the dedicated street to the North of the existing dedicated street. The owner is also ensuring an access easement is in place at the current location of Debra Drive for the continuing use for the owners of property located at 130853 to access their property. The owner has also agreed to create easements on the plat for City utilities including a new easement to relocate an underground power line easement that the owner had recently

constructed a new building over said power easement and agreed to solely pay for all materials, labor, and equipment needed for the City to relocate the power line at a future date.

Administrative Record:

- Application for the Vacation Plat was submitted by the owner's representative Dennis Sullivan, PLS with MC Schaff and Associates, March 27, 2015.
- Public Hearing Notice published April 9, 2015.
- Scotts Bluff County was given the vacation exhibit, preliminary and final plat for review and comment.
- Publication Notice and written notice was completed and sent to the following; all property owners within 300 feet, Gering Public School Board, North Platte Natural Recourses District, Western Nebraska Community College, Educational Service and Scottsbluff County per the requirements of the current City's Zoning and Subdivision Regulations Section 21.2 and are incorporated by reference in this Administrative Record.
- Vacation Plat submitted by the owner's representative Dennis Sullivan, PLS with MC Schaff and Associates, March 27, 2015.
- Proof of ownership was submitted to the City by the owner's representative Dennis Sullivan, PLS with MC Schaff and Associates, March 27, 2015.
- Plat of RUSURE Subdivision Lots 1, 2, 3, and 4, Block 1, Final Plat a partial Replat of Treasure Valley Estates situated in the West Half of the Southwest Quarter of Section 6, Township 21 North, Range 54 West of the 6th PM, City of Gering, Scotts Bluff County, Nebraska recorded May 13, 2005.
- Jerold Higel 131015 Lockwood Road called and was concerned with the noise from the fans coming from the operations
- Ron & Rose Greckel (631-5547), 130853 Lockwood Road, Gering, NE 69341 – owners of property South and adjacent to the current Debra Drive owning Lots 1 & 2 Mc Keemans Addition (Greckel's winter address is 46251 Highway 60 #173, Salome, AZ 85348) called and were concerned with the following:
 - o access to their property on the North and East if Debra Drive is vacated
 - o Drainage concerns – Rose indicated that they have had storm water problems with flow from West Plains to their property on the East and the West
 - o Protection from the dust as grain is moved through chutes process on the East. Rose indicated he had installed protection and this has since been removed
 - o Would like Debra Drive moved as far North as possible due to the noise, dust, and vibration of the trucks
 - o Fans installed are very noisy – would like to know if this can be controlled
 - o We discussed screening separation between the commercial and residential and landscaping along Lockwood Road
 - o Moldy corn issues and the smell needs to be addressed
- City of Gering Current 1995 Comprehensive Plan (Per Amendment No. 1 dated November 2001)
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

If approved Staff would recommend the following to be included:

- Complete the Final Plat as soon as possible with a dedicated street going into said property approximately the same length as Debra Drive and with easements covering access to Greckel's, City utilities, etc....
- Require the street to be surfaced/paved meeting City Standards with curb & gutter.
- Move the new street (vacated Debra Drive) accessing the property as far North as possible to eliminate vibration (complaints) issues with the home owners adjoining this development.
- Screening between MH and Residential area – other areas as needed.
- Landscaping along Lockwood Road meeting zoning requirements – this could be a landscaped swale with fabric and landscaping rock with trees or other as approved
- Owner to mitigate issues regarding drainage, dust, and the smell from the moldy corn on site to minimize complaints from the residences adjoining his property
- Development Agreement to be recorded with the plat with responsibilities outlined including items above and Developer responsibility for costs associated with the power line relocation

Mr. Snarr stated to the Council that they have been provided with the administrative record in their packets and asked for this 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. Mr. Snarr stated: Mr. Mayor and City Council Members, I have completed my entry regarding the Public Hearing for this Vacation Plat titled "Vacation of Lots 2, 3, and 4, Block 1 RUSURE Subdivision and Debra Drive and ask that you please keep this hearing open until all entries are put into this record.

Mayor Kaufman asked if 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 this application. Mr. Snarr said the owners are present if the Council has any questions. The Administrative Record was closed and the Public Hearing closed at 6:12 p.m.

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

2a. Consider approving or denying a vacation plat for the RUSURE Subdivision titled "Vacation of Lots 2, 3, and 4, Block 1 RUSURE Subdivision and Debra Drive", being a partial Replat of Treasure Valley Estates situated in the West Half of the Southwest Quarter of Section 6, Township 21 North, Range 54 West of the 6th PM, City of Gering, Scotts Bluff County, Nebraska recorded May 13, 2005.

Motion by Councilmember Gibbs, second by Councilmember Christensen to approve a vacation plat for the RUSURE Subdivision titled "Vacation of Lots 2, 3, and 4, Block 1 RUSURE Subdivision and Debra Drive", being a partial Replat of Treasure Valley Estates situated in the West Half of the Southwest Quarter of Section 6, Township 21 North, Range 54 West of the 6th PM, City of Gering, Scotts Bluff County, Nebraska recorded May 13, 2005. 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.

3. Public Hearing requested by the owners Tom and Donna Cozad to consider an amendment to change the RM Zoning to ML on lots 23 and 24, Block 3 of Thornton's First Addition (SE Corner of 7th and R Street).

The Mayor opened the Public Hearing at 6:14 p.m. and asked if there was anything for the Administrative Record. City Building Inspected Rod Sterkel stated this is a Public Hearing to consider an application for a change in zoning requested by the owners Tom and Donna Cozad (Western Storage Company, LLC). The rezone would include Lots 23 and 24, Block 3, Thornton's First Addition generally located in the NW ¼ of Section 1, Township 21 North, Range 55 West of the 6th Principal Meridian from RM (Residential Medium Density District) to ML (Light Industrial and Manufacturing District) (Rezone address: 1750 7th Street).

The property to the North of this request is owned by Tom and Donna Cozad and is zoned ML (Light Industrial and Manufacturing District) - Zoning to the South, East, and West is RM (Residential Medium Density District). The owners would like improve the property and remove an old mobile home that is non-conforming and construct and antique style gas station for display.

Administrative Record:

- City of Gering Zoning and Subdivision Regulations dated 1984.
- Application for a Change in Zoning was completed by the owners Tom and Donna Cozad January 27, 2015.
- Public Hearing Notice published April 9, 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)
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

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

Mayor Kaufman asked if any Council Member wished to have the Administrative Record read aloud. Seeing none he asked if anyone wished to speak in favor or opposition of the application. Mr. Sterkel said the owners are present if there are questions.

Councilmember Smith asked if it's not going to be a working gas station then why do we need to change the zoning. Mr. Snarr said RM is really just intended for single family dwellings. Also, ML meets the zoning on his property for what it is currently. It opens it up to quite a bit.

Councilmember Allred asked Mr. Cozad if he owns the property currently. Mr. Cozad replied yes; they purchased it about a year ago.

Councilmember Gibbs and others asked if this would be like a museum-type set up. Mr. Cozad replied it will just be for display. People use his buildings for photos; this would be no different. Councilmember Gibbs said he feels like maybe this isn't necessary. He asked if we have a specific zoning classification where museums would fit. Mrs. Cozad said it's not going to be a museum; their building isn't a museum. Mr. Snarr said we do have one or two zones but doing one or two lots that size, and not adjoining... Councilmember Gibbs said he understands that but he just wondered if it fit in RM. Mr. Snarr said not RM, but it does fit what he's currently doing now and BHC, BCB but we have nothing nearby to consider that not spot-zoning for just two spots.

Councilmember Christensen asked what is located nearby; Mr. Snarr said you can see on the screen that there are houses. Mr. Snarr said we're just carrying what Mr. Cozad already is to the next block. The trailer that's there is non-conforming.

Mr. Snarr stated: Mr. Mayor and City Council Members, we have completed our entry regarding this Public Hearing to consider the application for a change in zoning requested by the owners Tom and Donna Cozad (Western Storage Company, LLC) of Lots 23 and 24, Block 3, Thornton's First Addition from RM (Residential Medium Density District) to ML (Light Industrial and Manufacturing District) (Rezone address: 1750 7th Street.

With no more discussion the Mayor closed the Administrative Record and the public hearing closed at 6:21 p.m.

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

3a. Consider approving or denying an application to consider an amendment to change the RM Zoning to ML on lots 23 and 24, Block 3 of Thornton's First Addition (SE Corner of 7th and R Street).

Motion by Councilmember Morrison, second by Councilmember Gibbs to approve an application to consider an amendment to change the RM Zoning to ML on lots 23 and 24, Block 3 of Thornton's First Addition (SE Corner of 7th and R Street). 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.

3b. Approve Zoning Ordinance No. 1992 - AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND CHANGE ZONING FOR LOTS 23 AND 24, BLOCK 3, THORNTON'S FIRST ADDITION CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA, FROM RESIDENTIAL MEDIUM DENSITY DISTRICT (RM) TO LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT (ML) AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Councilmember Allred made a motion to introduce Ordinance No. 1992: AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND CHANGE ZONING FOR LOTS 23 AND 24, BLOCK 3, THORNTON'S FIRST ADDITION CITY OF GERING, SCOTTS BLUFF COUNTY, NEBRASKA, FROM RESIDENTIAL MEDIUM DENSITY DISTRICT (RM) TO LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT (ML) AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Council member O'Neal. 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 Morrison moved that the Ordinance be designated as Ordinance No. 1992 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Cowan. The Clerk called a roll call vote: "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. 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. 1992 was read by title only, Councilmember Smith moved that the Ordinance be passed as read, which motion was seconded by Councilmember Christensen. The question is shall Ordinance No. 1992 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.

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

4. Public Hearing for Southfield Village located East of Pathfinder to consider an amendment to change the AGG Zoning to RM and amending Ordinance No.'s 1885, 1886, & 1887 to remove the overlay districts placed on the parent zones as approved April 13, 2009.

Mayor Kaufman opened the Public Hearing at 6:25 p.m. Mr. Sterkel stated that this is the Public Hearing (Southfield Village) to re-zone property from AGG (General Agricultural District) and SMH (Special Mobile Home District) to RM (Residential Medium Density District). A preliminary and final plat was submitted by the owner of Southfield Gering, LLC by the owner's representative, Surveyor Carl Gilbert, PLS with Baker and Associates. The Plat is titled "Final Plat of Lots 1-6 & Tract A Block 1, Lots 1-7 Block 2, Lots 1-7 Block 3, Lots 1-8 Block 4, Lots 1-11, Block 5, and Lots 1-10 Block 6 of Southfield Village a Subdivision in the City of Gering situated in the Northwest Quarter of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian, City of Gering, Scotts Bluff County, Nebraska. This zoning change will also Amend Ordinance No.'s 1885, 1886, & 1887 that permitted overlays to be placed on the parent zones consisting of RM, AGG, and SMH.

The submitted plat would not be able to be recorded without changing from AGG to another zoning district and RM would be contiguous with the existing subdivision. The Developer went through the Public Hearing process on three (3) plats which were never recorded and Zoning Ordinances No's 1885, 1886, and 1887 were approved April 13, 2009 to modify the zoning with overlays.

Section 9.2 SPD Planned Development District, Specifically Section 9.205 Subsection (2) states as follows:

"In the event that, within 18 months following approval by the Planning Commission, the applicant does not proceed with construction in accordance with the plan so approved, the Planning Commission shall initiate action to rezone the property to the original zoning district. A public hearing, as required by law, shall be advertised and held at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall make a recommendation to the City Council."

Staff would recommend the following Amendment to the zoning to allow the final plat to go through the public hearing process (next month) to be moved forward to be recorded:

- Ordinance 1885: Currently zoned RM – Remove Special Planned Development District (SPD) overlay from the RM Zone.

- Ordinance 1886: Currently zoned as AGG – amend zoning to RM and remove Special Mobile Home District (SMH) with Special Planned Development District (SPD) overlay from the AGG Zone.
- Ordinance 1887: Original was SMH – amend zoning to RM and remove Special Planned Development District (SPD) overlay from the SMH Zone.

Administrative Record:

- City of Gering Zoning and Subdivision Regulations dated 1984.
- Ordinance No. 1885, 1886, and 1887 dated April 13, 2009.
- Application for platting this area including Vacation Plat for Lots 1-12, Block 2 of Pathfinder Subdivision & Jan Drive, Preliminary and Final Plat of Lots 1-6 & Tract A, Block 1, Lots 1-7 Block 2, Lots 1-7 Block 3, Lots 1-8 Block 4, Lots 1-11 Block 5, and Lots 1-10 Block 6 of Southfield Village a Subdivision in the City of Gering - situated in the Northwest Quarter of Section 12, Township 21 North, Range 55 West of the 6th Principal Meridian, City of Gering, Scotts Bluff County, Nebraska. (Submitted by Carl John Gilbert, PE with Baker & Associates, Inc. January 13, 2015).
- Vacation Plat for Lots 1-12, Block 2 of Pathfinder Subdivision & Jan Drive which was approved by City Council 2-23-2015. (Submitted by Carl John Gilbert with Baker & Associates, Inc. January 13, 2015).
- Public Hearing Notice published April 9, 2015.
- Publication Notice and written notice was completed and sent per the requirements of the current City Zoning and Subdivision Regulations Section 21.2 and are incorporated by reference in this Administrative Record.
- Proof of ownership was completed by Chicago Title Insurance Company and submitted to the City from Baker & Associates, Inc. January 13, 2015.
- Plat of Pathfinder Subdivision recorded August 18, 1976 and the Replat of Lots 1-28 Block 2, Lots 1-26 Block 5, Lots 15-28 Block 8, Lots 1-28 Block 11, Lots 1-28 Block 14, Lots 1-14 Block 17 Pathfinder Subdivision recorded March 23, 1977.
- City of Gering Current 1995 Comprehensive Plan (Per Amendment No. 1 dated November 2001)
- Correspondence between City Staff and Attorney Rick Ediger with Simmons Olsen Law Firm in Scottsbluff (representing City) regarding violations that had taken place with the original Owner Bob Unzicker and his title company when property was sold in violation of the City of Gering 1984 Zoning and Subdivision Regulations Section 19.1.
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mr. Sterkel stated: Mr. Mayor and City Council Members – you have been provided with the administrative record in your packets and I would ask for this Council's approval that I not read through the record unless you would like this read and that it be made a part of the official proceedings of this Public Hearing. Mr. Sterkel stated: Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing to Amend the Zoning as stated and amend Ordinance No.'s 1885, 1886, & 1887 to remove the overlay's from said Ordinances per the City of Gering Zoning and Subdivision Regulations Section 9.2 SPD Planned Development District, Specifically Section 9.205 Subsection (2) and to amend the zoning shown as AGG to RM to allow the Final Plat of Southfield Village to be scheduled for public hearing with the Planning Commission and City Council to be recorded and ask that you please keep this hearing open until all entries are put into this record.

Mayor Kaufman asked if any Council Member wished to have the Administrative Record read aloud. Seeing none he asked if anyone wished to speak in favor or opposition of the application. Seeing none the Administrative Record was closed and the Public Hearing closed at 6:32 p.m.

Motion by Councilmember Smith, second by Councilmember Christensen to enter the Administrative Record into the Public Record. 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.

4a. Consider approving or denying amendment to change the AGG Zoning to RM

Motion by Councilmember Gibbs, second by Councilmember Morrison to approve an amendment to change the AGG Zoning to RM with respect to item 4 under Public Hearings. 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.

4b. Approve Ordinance No. 1993 - AN ORDINANCE OF THE CITY OF GERING TO AMEND ORDINANCES NO.s 1885, 1886, AND 1887 PASSED AND APPROVED ON APRIL 13, 2015 THEREBY RECLASSIFYING AND CHANGING ZONING AND REMOVING THE OVERLAYS FROM SAID ORDINANCE'S.

ORDINANCE 1885 - REMOVE THE SPECIAL PLANNED DEVELOPMENT DISTRICT (SPD) OVERLAY OF THE VACATED PLAT OF BLOCK 2, LOTS 1 THROUGH 8, PATHFINDER ADDITION FROM THE RESIDENTIAL MEDIUM DENSITY DISTRICT (RM) AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Councilmember Allred made a motion to introduce Ordinance No. 1993: AN ORDINANCE OF THE CITY OF GERING TO AMEND ORDINANCES NO.s 1885, 1886, AND 1887 PASSED AND APPROVED ON APRIL 13, 2009 THEREBY RECLASSIFYING AND CHANGING ZONING AND REMOVING THE OVERLAYS FROM SAID ORDINANCE'S AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Council member O'Neal. 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 Morrison moved that the Ordinance be designated as Ordinance No. 1993 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Cowan. The Clerk called a roll call vote: "AYES": Smith, Christensen, Gibbs, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": None. Abstaining: None. Absent: None. 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. 1993 was read by title only, Councilmember Smith moved that the Ordinance be passed as read, which motion was seconded by Councilmember Christensen. The question is shall Ordinance No. 1993 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 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.

5. Public hearing to consider an amendment to our zoning regulations 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 meeting the current City Zoning and Subdivision Regulations and a conditional Zoning Agreement is completed and agreed among all parties.

Mayor Kaufman opened the public hearing at 6:36 p.m. Mr. Snarr stated that this is the public hearing to consider an amendment to our zoning regulations 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 meeting the current City Zoning and Subdivision Regulations and a conditional Zoning Agreement is completed and agreed among all parties.

History:

This Amendment is in reference to recent Public Hearings to amend the zoning from ML to MH to allow an Auto Wrecking Yard. Steve Eich, Owner of Rich's Auto Wrecking and Used Cars submitted an application for a change in zoning to relocate his business from his 10th Street location to 210 M Street 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 from ML (Light Industrial and Manufacturing District) to MH (Heavy Industrial and Manufacturing District).

Planning Commission made motion to approve the change in zoning 2-17-2015 with recommendation for City Council approval. City Council made motion and approved 3-9-2015. Due to opposition from adjacent property owners City Council made motion to rescind the zoning change through the public hearing process 4-13-2015. Motion was also approved to go through the public hearing process to amend the ML Zoning District to allow an Auto Wrecking Yard as a permitted use.

Administrative Record (includes actions and letters from the previous Public Hearings):

- Application for a Change in Zoning by Steve Eich owner of Rich's Auto Wrecking and Used Cars, Inc. December 12, 2014.
- City of Gering Current Subdivision and Zoning Regulations dated March 1984.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001). Said Plan states in the Transportation Section of the Plan that Highway 92 (M Street) is a Major Arterial Street and in the Urban Design Section it states that "Future development in Downtown Gering should focus on improvements to the Downtown public environment. Making the Downtown area attractive is very important in order to draw tourist traffic off of Highway 92".
- 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 29, 2015 and re-published April 18, 2015 as a correction.
- Letter from Evergreen Estates requesting to leave zoning as Light Industrial (adjoining property to the West Zoned SMH – Special Mobile Home District.
- Letter from Bill Vaughan, Owner of Evergreen Estates West and Adjacent to the proposed Wrecking Yard requesting to leave as ML.
- Signatures (39 signatures) from residents within Evergreen Estates opposing the proposed wrecking yard and requesting to leave as ML.
- Planning Commission Public Hearing 2/17/2015 with motion to approve the change from ML to MH and recommendation for City Council Public Hearing.
- City Council Public Hearing March 9, 2015 with motion to approve the zone change from ML to MH.
- Letter of Conditions from Bill Vaughan titled "Conditions for Covenants on ML & MH Land with BHC Overlay dated 4-13-2015 with 15 conditions. Bill said he did not like the fact the an Auto Wrecking Yard was going in but would be alright if this were re-zoned back to ML and he was able to review conditions we set with Mr. Eich.
- Conversation with Bill Vaughn 4-8-15 regarding his frustrations and in the conversation he indicated he would be alright if the property was changed back to the original ML Zoning.
- Letter of Protest Notarized in Colorado dated 4-23-15 by William Vaughn regarding Public Hearing to amend zoning by allowing Wrecking Yards as a permitted use in the ML Zone, and protesting the Public Hearing to add the BHC Overlay to the existing ML Zoning.
- City Council Public Hearing 4-13-2015 made motion to rescind their motion from the public hearing on 3-9-2015 for the change in zoning from ML to MH (putting this back to ML Zoning).
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mr. Snarr added that our Light Industrial District doesn't allow for a lot of permitted uses so it creates going from a Highway Commercial District, skipping a Light Industrial and going right to Heavy Industrial so we do need to have a few more permitted uses in the Light Industrial district and this is one of them. Heavy Industrial has tighter restrictions for noise and pollution. Mr. Snarr thinks this would fit Mr. Eich's business very well.

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

Mayor Kaufman asked if the Council wished to have the Administrative Record read aloud. Seeing none he asked if anyone wished to speak in favor of the amendment. He then asked if anyone wished to speak in opposition of the application.

Bill Vaughan, 2033 River Glen Drive in Berthoud, CO, addressed the Council. He stated that it seems to him that what we're doing here is moving one word or one classification, auto wrecking, from Heavy

Manufacturing to Light Manufacturing. It has always been listed in the zoning book as Heavy Manufacturing as it actually should be. He asked that Council please don't move this terminology of auto wrecking yard from Heavy Manufacturing to Light Manufacturing. He said this could have some far reaching implications. According to the Gering Comprehensive Development Plan, both 10th Street and Hwy 92 are scenic corridors into the town of Gering and they should be preserved as aesthetic for the residents and tourists coming into our city. He noted that he put a packet on the desk for each Council Member if they want to look at it. Tourism brings a lot of money into our City. On page 80 of the Comprehensive Plan it talks about that future industrial development should take place along 7th Street north of U Street, not on Hwy 92. He noted page 61 of the Plan regarding aesthetic improvements along the thoroughfare and Hwy 92. He said it says the view should be "appealing" and in his opinion a salvage yard is probably not an appealing site. He added that he doesn't want to put Steve out of business, that's not his whole point because he wants him to continue operating; there's lots of land already available north of U Street and along 7th Street where his operation would fit ideally right now if he would just use that for his business. We spend a lot of money promoting tourism; we need to keep the convention center busy, the RV park full. When someone wants to build a hotel or restaurant they send in their real estate professionals and they're going to check to see what kind of protections the comprehensive plan and the zoning map will give them. He referred the Council to a map on page 2 of the packet he gave them with the zoning areas; on page 3 it says Scott doesn't want his property changed. He again discussed the professions of citizens living in the mobile home park and said that these citizens don't deserve to be treated as second class citizens just because they live in a mobile home park. Putting a high intensity use next door to that shouldn't be done. According to the zoning book there should not be any changes in this direction. Mr. Vaughan noted certain State laws that say zoning regulations should be in accordance with the Comprehensive Plan. The Comprehensive Plan right now states that this should not be done. He said page 4A of their packet says these things should be in full force until they are amended, appealed or otherwise suspended. To his knowledge all these things are still in full force in the Comprehensive Plan. He noted laws on page 6 where cities have been sued in the State of Nebraska for not following their plans. He said he's not saying that he will do that or that that will happen but it has happened in the past. He thanked the Council for their consideration.

Mr. Snarr said he would like to add that in our Light Industrial Zoning, specifically Section 8.102, Subsection 3, it says any industrial use which can meet the performance standards for this district set forth in section 10.16 of this ordinance provided such as non-specifically prohibited. Mr. Snarr said he thinks, in visiting with Mr. Eich, and in looking at Mr. Eich's plans, he does meet those. The only thing that's worded a little bit differently, and it'll be wholly enclosed within a fence, but 10.16 says that: Physical appearance - all operations shall be carried on within an enclosed building except that new materials or equipment in operable equipment may be stored in the open. This wording will allow him to have it screened from a solid fence not less than eight feet in height. In all reality, it somewhat fits the intent of the district provided it meets the performance standards set forth in Section 10.16. Mr. Snarr added that we're not changing the zoning, it's zoned ML and that's what ML is stated; that has been in our zoning regulations since 1984.

Administrator Danielzuk said he has some things to add to the Administrative Record: The Official City Council proceedings from March 23, 2015, a letter dated March 13, 2015 referencing zoning issues proposed new site of Rich's Auto Wrecking, 210 M Street, Lane Danielzuk, City Administrator, the official Planning Commission proceedings from April 21, 2015, and the Official City Council proceedings for April 27, 2015 when they become available.

City Administrator Danielzuk continued his entry into the Administrative Record with the distinction between two terms and an example of each:

- Policy-making refers to the actions and decisions that set the future course of the community as a whole.
- Legislative procedures result in decisions that set policy for future application.

Every legislative procedure ends with a decision by the elected body. Not every decision made by the elected body is a legislative decision.

The decision-making body has a certain degree of discretion in decision-making, subject to standards that are (or should be) set out in the zoning ordinance.

Mr. Danielzuk gave an example of legislative procedures as they relate to zoning: "A Public Hearing to consider an amendment to our zoning regulations Section 8.1 ML (Light Industrial and Manufacturing District) specifically Section 8.102 Permitted Principal Uses and Structures – with the addition of a new Subsection (6)" is an example of policy making.

He stated that **Policy Application** refers to the implementation of those policies in making day-to-day decisions. **Quasi-judicial procedures** are directed at a relatively small number of identifiable landowners, and involve the application of existing policy to a specific factual setting. Example: "Public Hearing to consider amending zoning by adding a BHC overlay for the purpose of bringing non-conforming businesses into compliance and to better meet the City's Comprehensive Plan on the following properties" is an example of policy application. He added there's a big difference.

He said he spoke to the Council about the procedures for adopting or amending a zoning ordinance in municipalities (Neb. Rev. Stat. 19-904 and 19-905) at the March 9, 2014 City Council Meeting. With reference to that, vote requirements when a zoning change is protested: If a proposed change to the zoning ordinance is formally opposed by people living in or adjacent to the area affected by the proposed zoning change, a super majority vote of the local governing body is required to make the change.

With respect to policy-making vs. policy application, policy-making is a public hearing to consider an amendment to a zoning code with reference to permitted uses and structures. That's not policy application, and it doesn't fit into the vote requirement when a zone change is protested.

The Planning Commission, on April 21, 2015, when they conducted their public hearing on this same agenda item, this is the motion: "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 in a solid fence a minimum of eight foot tall. The line of site from a five foot height from the center of any adjacent paved roads will obscure the yard contents and the property will be inspected by code enforcement once per year." Mr. Danielzuk said the motion was made by Commissioner Koob and seconded by Vice Chairman Gealy. On roll call vote, the following voted "AYE": Hauck, Koob, Ross and Sandberg. "NAY": Ellison (no for tourism, Comprehensive Plan and the residents of the mobile home park), Gealy (no for the same reasons as Commissioner Ellison). Absent: Parks and Seiler. Mr. Danielzuk asked Dick Ross, Planning Commission Chairman sitting in the audience, if Mr. Gealy voted no on this. Mr. Ross said he can't recall, he said he believes Commissioner Ellison is the only one who voted no. Mr. Danielzuk said it's not in the minutes that way; he asked Mr. Ross to come up to the microphone and correct the record. Mr. Ross addressed the Council and said concerning the vote on the motion, Vice-Chairman Gealy as stated seconded the motion. Mr. Ross doesn't think he voted Nay when it came to the vote; the only one who voted Nay was Commissioner Ellison.

Mr. Danielzuk then spoke about several documents. The first dated April 8, 2015 with reference to documentation by the City Clerk, Kathy Welfl, regarding a conversation she and Paul Snarr had with Mr. Vaughan:

On April 8, 2015 Paul Snarr and I called Mr. Bill Vaughan regarding the zoning of the Eich property adjacent to his land in Gering where he has a mobile home park. Paul had become aware that Mr. Vaughan had obtained legal counsel. Prior to talking to Mr. Vaughan Paul and I consulted with the City Administrator, the City Attorney and the Mayor. In the conversation with Mr. Vaughan Paul asked him "What would make you happy?" Mr. Vaughan said that he'd like the zoning to go back to ML (Light Industrial) and said he would appreciate it if we could do that. Paul told him we'd probably still see Rich's Wrecking there but we'll have a Conditional Zoning Agreement with a berm, pine trees, etc., and we'll make sure there's landscaping out front and no inoperable vehicles out front. Paul said BHC will overlay this and explained that ML is more restrictive for odors and dust. Paul said if that would meet Mr. Vaughan's expectations we'll proceed. Mr. Vaughan said he thinks that would be an agreeable arrangement. He said he doesn't want the residents to put up with noise

and dust at a later date. Mr. Vaughan said he thinks he could live with all the provisions; the berm, solid fence on top of the berm, etc. Paul said we want the corridor to look good too.

Kathy Welfl, City Clerk

The second exhibit is the conditions for covenants on ML and MH land with a BHC Overlay dated April 13, 2015 and signed by William H. Vaughan.

**CONDITIONS FOR COVENANTS ON ML & MH LAND
With BHC Overlay**

1. A berm 2 feet in height with an 8 foot tall solid fence on top of the berm shall be built all the way around the property prior to any wrecked automobiles being parked on the land.
2. Evergreen trees 6 feet tall shall be planted around the border of the land, located outside the fence and berm spaced no more than 10 feet apart. Any tree that dies shall be replaced with a tree as tall as the surrounding live trees within a 30 day period.
3. Automobile/part crushing and shredding shall only be conducted on 2 days per year.
4. Operations on said land shall be in accordance with BHC Zoning requirements.
5. The Zoning shall remain as ML.
6. The MH Zoning shall be rescinded.
7. Noise created shall be less that street noise.
8. Operations shall only be allowed from sunrise to sunset.
9. Fines of \$100.00 per day shall be imposed for violations of these covenants.
10. Any fence damage shall be repaired within 7 days.
11. Should this land owner/business operator sell the business or cease operations for a period of 30 days, these covenants shall expire and the ML Zoning shall be in full force once again.
12. Autos shall not be piled higher than 10 feet.
13. Entire fence shall be of same type of material.
14. Fence shall be located 20 feet inside of property line.
15. Trees shall be located 10 feet inside of property line.

Signed by William H. Vaughan, April 13, 2015

Mr. Danielzuk then added exhibit 3, a letter sent to Mr. Eich dated April 13, 2015, as follows:

RE: ZONING ISSUES PROPOSED NEW SITE OF RICH'S AUTO WRECKING 210 M STREET

Steve,

This letter is to inform you that the City of Gering Planning Commission and City Council approved a zoning change for your proposed new location of Rich's Auto Wrecking and Used Cars. The Council approved the change from Light Industrial to Heavy Industrial on March 9, 2015.

Due to the opposition and conversations the City has had with adjacent property owners and the fact one of the adjoining property owners had an attorney involved, the City decided it would be in the best interest to all parties to rescind the motion affecting the zoning change leaving the property as light industrial which the City feels your business meets the intent of this district.

The City will rescind this zoning change April 13, 2015 and even though we feel you meet the intent of the district, the City will go through the public hearing process with the Planning Commission and City Council this month and add verbiage allowing wrecking yards as a permitted use. This may involve a conditional zoning agreement which will confirm the fencing, trees, landscaping, basically all that was agreed to during the zone change. During the same hearings we will also add a Highway Commercial District from your west property line

to Lockwood Road. This will better meet the existing businesses along M Street and meet the City's Comprehensive Plan.

I apologize for the time this has taken and appreciate your patience in this matter. Should you have questions or concerns feel free to contact me at the above referenced number. Sincerely, Lane Danielzuk, City Administrator

Mr. Danielzuk stated that completes his portion of the Administrative Record.

Mayor Kaufman asked if Mr. Snarr had anything else to add. Mr. Snarr said most of the conditions that were relayed in his letter are in our zoning regulations already. Mainly the screening in our zoning regulations requires anything between residential and industrial. The Fence would be all the way around but trees may not be necessary all the way around, but it would be good against the residential.

Councilmember Morrison asked Mr. Eich if any of the chopping and cutting is going to go on inside his building or does that go on outside his building. Mr. Eich replied they don't do a lot of chopping and cutting but it could be either one. Nothing they do is extraordinarily loud; certainly not any louder than the railroad tracks or the highway. Councilmember Morrison also stated to Mr. Vaughan that she has lived in this town all her life and she knows that he's not big on the wrecking yard going in next to him, but if Steve does the things he says he's going to do with the plan that he shows, and he follows what he has stated that Mr. Vaughan said he would like to have done, it's got to be better than what Mr. Vaughan is living with next to him right now. The way it is right now has to make our corridor look as bad as anything. She said she would think that what Mr. Eich wants to do, if he follows the plan, is going to be much better than what's sitting there right now.

Mr. Vaughan said currently Mr. Eich is not following the plan; he has already started putting salvage vehicles out there which shouldn't have been done according to what Paul said, until he receives a permit. Mr. Vaughan said the statement that Mr. Danielzuk read just a minute ago with his suggestions, he has not seen any approval of that or confirmation. It's just what he had sent to them; it's what he'd like to have. He said he doesn't know if Mr. Eich has signed that or agreed to that; that would actually be his second choice as to what would happen. Mr. Vaughan said he would prefer that Mr. Eich would find some land up north of the Sugar Factory to put his operation on. According to Planning and Zoning last week they said there were some stipulations that they wanted to put on there also because they know what Mr. Eich's operation looks like on 10th Street. They said, from their minutes, that they wanted anyone from a five foot height on Hwy 92 not to be able to see the cars sitting inside; so an eight foot fence may not be quite enough, he may have to put a ten or whatever. Also they said he must have annual inspections there for weeds and mice and rat harbors that would be found inside his compound. He added they also said he needs to have fence on all four sides to block the view of anything he has stored there and nothing shall be stored any higher than the fence height.

In response Mr. Snarr stated that those are requirements he doesn't think we ask of anyone in this City. A ten-foot tall fence with the wind we get, he thinks he'd have a hard time keeping it up. Mr. Snarr said that Mr. Eich is planning on putting a small berm in with a fence on top of that, from what he understands. As long as he has an eight-foot tall fence and a berm and trees against the residential Mr. Snarr can't see imploding him with a whole bunch of restrictions that we don't put on anyone else.

Councilmember Christensen asked Mr. Eich with these 15 conditions/covenants read by Mr. Danielzuk, is Mr. Eich satisfied with those 15... Mr. Eich said absolutely not; many of those are going to be very hard to meet. A nine-foot fence that he has planned, he can demonstrate is more than adequate without a two foot berm under it. The cost of putting a two foot berm around a 14-acre property is more than his business's net worth probably. That's just not going to work. This will be a very responsible and professional fence company doing the job. The trees are not an issue at all; that was in his plan from the beginning. Some of those other items read may be a little bit over the top. Controlling the dates that he can conduct business and do the crushing operations; two times a year on two days they'll get about eight cars crushed. That's not going to work. A car crusher doesn't make any more noise than anybody else there; there are cars with louder exhaust. He doesn't own the car crusher; when he hires one and he

comes in, he's going to be there to do the job and then leave. They can't set dates for that or set time limits; things like that just wouldn't work for him. Not to mention the fact that it's also going to be at the farthest, most remote point of the property from Mr. Vaughan's property that that takes place. It would not affect him at all or his residents. Mr. Eich added that in response to Mr. Vaughan about the fence, it would already be up if all this legal hadn't happened.

Councilmember Gibbs said he's concerned about this whole process. It seems to him that we're setting a bad precedence here. It has always been traditionally recognized that an auto salvage yard is a heavy industrial use. We determined that we could not spot zone a heavy industrial use on that location in question so we backed up, now we're coming up with an overlay over the light industrial use and basically coming up with a new definition of what an auto salvage yard is so it'll fit into a light industrial classification. He thinks this is slippery slopes; it's going to create problems down the road if we follow this type of procedure. He was under the impression that both sides had agreed to these restrictions and that obviously is not the case. He doesn't think we've solved this problem yet.

Administrator Danielzuk said the Section of Light Industrial refers to the performance requirements that are already in place for those types of things; so they already exist. The motion from the Planning Commission was "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 in a solid fence a minimum of eight foot tall. The line of site from a five foot height from the center of any adjacent paved roads will obscure the yard contents and the property will be inspected by code enforcement once per year." Mr. Danielzuk said that's their motion. He said what he read for them and entered into the record is neither here nor there; it's going into the Administrative Record so that Council is aware of it. The motion for the public hearing that came out of the Planning Commission is what he described for them. They already have performance requirements in each, Light Industrial and Heavy Industrial, that are required by the ordinance to be met irregardless and irrespective of what he entered into the Administrative Record. So that's not the issue. The issue is acting upon, at this public hearing, a motion that has come before them using their policy making authority and making a determination on whether or not they are going to put "Auto wrecking yard when Auto Wrecking Yard when located inside a building or when wholly enclosed in a solid fence a minimum of eight foot tall. The line of site from a five foot height from the center of any adjacent paved roads will obscure the yard contents and the property will be inspected by code enforcement once per year." Mr. Danielzuk said that's it. He said you (Council) can change the motion, you can modify the motion but what you will do is determine whether or not auto wrecking yard, their definition or yours, will become a permitted principal use and structure in ML.

Mr. Eich addressed Council and stated that in regard to the stipulations or the conditions, he has no problem meeting the same regulations that were required under MH and he intends to and go beyond those.

Mr. Snarr said he doesn't know that they can really perform an inspection once a year; he thinks once we see Mr. Eich's plans the wording is good how we have it in the public hearing. Staff will review Mr. Eich's plans; it'll have to be platted. He'll produce plans and Mr. Snarr thinks we can require quite a bit. We'll work as staff with Mr. Eich to build this. Mr. Snarr stated that he doesn't think it'll be as bad as everyone thinks it's going to be.

With no further comments Mayor Kaufman closed the Administrative Record and the Public Hearing closed at 7:15 p.m.

Mayor Kaufman clarified what the motion is for, it is exactly as Lane read it: The motion would be to amend our zoning regulations 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 meeting the current City Zoning and Subdivision Regulations and a conditional Zoning Agreement is completed and agreed among all parties."

Motion by Councilmember Smith, second by Councilmember Holliday to enter the Administrative Record into the Public Record. 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.

5a. Consider approving or denying an amendment to our zoning regulations 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 meeting the current City Zoning and Subdivision Regulations and a conditional Zoning Agreement is completed and agreed among all parties."

Councilmember Smith moved to approve an amendment to our zoning regulations 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 meeting the current City Zoning and Subdivision Regulations and a conditional Zoning Agreement is completed and agreed among all parties." Seconded by Councilmember Morrison. There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": Gibbs. Abstaining: None. Absent: None. Motion carried.

5b. Approve Ordinance 1994 - AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND ARTICLE 8, SECTION 8.102, WITH THE ADDITION OF SUBSECTION SIX (6) TO THE ZONING REGULATIONS AS A PERMITTED PRINCIPAL USE - 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 MEETING THE CURRENT CITY ZONING AND SUBDIVISION REGULATIONS IN ADDITION TO A CONDITIONAL ZONING AGREEMENT COMPLETED BY ALL PARTIES; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

Councilmember Holliday made a motion to introduce Ordinance No. 1994: AN ORDINANCE OF THE CITY OF GERING, NEBRASKA, TO AMEND ARTICLE 8, SECTION 8.102, WITH THE ADDITION OF SUBSECTION SIX (6) TO THE ZONING REGULATIONS AS A PERMITTED PRINCIPAL USE - 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 MEETING THE CURRENT CITY ZONING AND SUBDIVISION REGULATIONS IN ADDITION TO A CONDITIONAL ZONING AGREEMENT COMPLETED BY ALL PARTIES; AND TO PROVIDE AN EFFECTIVE DATE HEREOF. Seconded by Council member Allred. 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 O'Neal moved that the Ordinance be designated as Ordinance No. 1994 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 Clerk called a roll call vote. "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. 1994 was read by title only, Councilmember Cowan moved that the Ordinance be passed as read, which motion was seconded by Councilmember Smith. The question is shall Ordinance No. 1994 be passed? There was no discussion. The Mayor called the vote. "AYES": Smith, Christensen, Holliday, Allred, Morrison, O'Neal and Cowan. "NAYS": Gibbs. Abstaining: None. Absent: None. 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.

6. Public Hearing to consider amending zoning by adding a BHC overlay for the purpose of bringing non-conforming businesses into compliance and to better meet the City's Comprehensive Plan 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.**

Mayor Kaufman opened the Public Hearing at 7:21 p.m. Mr. Snarr stated that this is the Public Hearing to consider amending zoning by adding a BHC overlay for the purpose of bringing non-conforming businesses into compliance and to better meet the City's Comprehensive Plan 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 Auto Wrecking and Used Cars 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.

Administrative Record:

- City of Gering Current Subdivision and Zoning Regulations dated March 1984.
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001). Said Plan states in the Transportation Section of the Plan that Highway 92 (M Street) is a Major Arterial Street and in the Urban Design Section it states that "Future development in Downtown Gering should focus on improvements to the Downtown public environment. Making the Downtown area attractive is very important in order to draw tourist traffic off of Highway 92".
- 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.
- **Correction** Public Hearing Notice published April 18, 2015.
- Letter from Evergreen Estates requesting to leave zoning as Light Industrial (adjoining property to the West Zoned SMH – Special Mobile Home District.
- Letter from Bill Vaughan, Owner of Evergreen Estates West and Adjacent to the proposed Wrecking Yard requesting to leave as ML.
- Signatures (39 signatures) from residents within Evergreen Estates opposing the proposed wrecking yard and requesting to leave as ML.
- Planning Commission Public Hearing 2/17/2015 with motion to approve the change from ML to MH and recommendation for City Council Public Hearing.
- City Council Public Hearing March 9, 2015 with motion to approve the zone change from ML to MH.
- Letter of Conditions from Bill Vaughan titled "Conditions for Covenants on ML & MH Land with BHC Overlay dated 4-13-2015 with 15 conditions. Bill said he did not like the fact the an Auto Wrecking Yard was going in but would be alright if this were re-zoned back to ML and he was able to review conditions we set with Mr. Eich.
- Conversation with Bill Vaughn 4-8-15 regarding his frustrations and in the conversation he indicated he would be alright if the property was changed back to the original ML Zoning.
- Letter of Protest Notarized in Colorado dated 4-23-15 by William Vaughn regarding Public Hearing to amend zoning by allowing Wrecking Yards as a permitted use in the ML Zone, and protesting the Public Hearing to add the BHC Overlay to the existing ML Zoning.

- City Council Public Hearing 4-13-2015 made motion to rescind their motion from the public hearing on 3-9-2015 for the change in zoning from ML to MH (putting this back to ML Zoning).
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein.

Mr. Snarr said BHC zoning is a very good zone. That's what you want to have when you're driving to a City like Gering. You've got gas stations, stores, retail, services to the public as they come into town. And then you get into town and you've got BCB which is your retail and your shopping district; not that that can't be in BHC as well, but that's what you want to come into.

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

Mayor Kaufman asked if the Council wished to have the Administrative Record read aloud. Seeing none, he asked if anyone wished to speak in favor or opposition of this application.

Mr. Bill Vaughan addressed Council and stated that putting a BHC Overlay on all these properties seems like just a way of getting around and allowing the auto wrecking business to go in on this said property. He said according to the copies he has of the BHC, Commercial District, it does not mention anywhere in there that an auto wrecking yard would be permissible. In fact if you read on page Z55 of the Zoning Book, "Auto Service Stations, bus depot, farm equipment, frozen food lockers, hotels and motels, ice cream parlors, plumbing, electrical, RV repair sales, road side rest, etc." Mr. Vaughan said these are the types of things that are permitted in a BHC overlay. It says also "Prohibited uses and structures are all other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from BHC Highway Commercial District." Mr. Vaughan added if we put the BHC overlay in there we're still going to have to tweak it some way in order to get Steve's operation located out there.

Mr. Snarr clarified what Mr. Vaughan stated. Mr. Snarr said the Parent Zoning is Light Industrial. BHC would bring in the two businesses that are currently there, the Railroad it doesn't matter, but the two businesses that are currently there (Blanton and Murphy Tractor) would bring them into conforming. BHC has nothing really to do with Steve's Auto Wrecking; it's an overlay. It gives the City a little more control for future happenings on that property if Steve were to change his business or sell and move somewhere else. It kind of gives us a little more control on the three properties but the parent zoning is ML. Mayor Kaufman said correct. He added for clarification for everyone, basically those properties will be zoned with two different classifications for greater flexibility in the future. Mr. Snarr said with the Parent Zoning as ML, that's what we're using for Rich's Auto Wrecking. BHC is really coming into play with Blanton and Murphy Tractor. Mr. Snarr said to Mr. Vaughan that he's right, BHC doesn't fit auto wrecking at all and it won't, but the Parent District is ML.

Councilmember Holliday asked if Mr. Snarr would explain how the Overlay works. Mr. Snarr said generally you see overlays more in residential like the one we just finished - Southfield Village - where there were overlays put on a residential district to allow mobile homes. Evergreen estates has an overlay of BHC in the southeast corner; that was an overlay to allow mechanic shop or something that serves the public. It's very similar to what we're doing with Murphy Tractor and Blanton because those are allowed uses. ML has very few allowed permitted uses; it kind of creates a bad thing. Developers are forced to go from BHC to Heavy Industrial - there's a skip there because generally districts have a little more... the next step has the same things that the previous district has as you move forward and you move into ML and there's very little there and then you get into MH, you can do quite a bit. Mr. Snarr said this hearing doesn't have a whole lot to do with Rich's Auto Wrecking, it's really to bring in Murphy Tractor and the other shop because they are non-conforming and they are not listed in ML. Again, that's a district you want to drive into the City with.

Councilmember Gibbs asked if either of the other two property owners made any comments on this proposal. Mr. Snarr replied no, there have been no comments from either one. The only time that he has heard any comment was in a Planning Commission meeting, Mr. Blanton did not want his property

changed to MH and that's really the only time he has heard any comments. They were sent letters two or three different times because we've had quite a few hearings on this.

Administrator Danielzuk entered for the record the Official City Council proceedings September 23, 1985 and the Official City Council proceedings for November 8, 1999.

From the minutes of September 23, 1985: A Public Hearing was conducted for the final plat for Shadow Lane Estates and also for a request to rezone Block Two (2), Lot Two (2), Shadow Lane Estates. Mr. Rich Painter is owner of the Shadow Lane Estates property. Mr. Bill Vaughan, owner of Evergreen Estates Mobile Home Park, located across the street from Shadow Lane Estates (excerpted from the minutes), "Mr. Vaughan felt that by rezoning the area for mobile home on Shadow Lane Estates, it was spot zoning and he was against this rezoning. Mr. Vaughan presented a sheet of paper with five signatures indicating they were against the rezoning of this property. A discussion was held regarding the area being zoned Highway Commercial (BHC) with a Special Mobile Home (SMH) overlay on it or a residential district with an SMH overlay. Sections of the zoning regulations and codes were reviewed regarding the uses allowed in the BHC district and it was indicated that if the property was ever sold separately from the lounge that the use for the lot with the mobile home could not be residential but it would have to be a use contingent to the BHC district."

Mr. Danielzuk said later in the public hearing Ordinance No. 1337 was introduced; it shows Lot Two (2), Block Two (2), Shadow Lane Estates, rezoned by appending to the existing Highway Commercial District or "BHC" District a "SMH" or Mobile Home District overlay.

From the minutes of November 8, 1999: Mayor Lehl opened the Public Hearing for the application to rezone Lots 1 and 2, Block 4, Shadow Lane Estates, from Mobile Home District (SMH) to Highway Commercial District (BHC). Ron McFarland said he will be purchasing one of the lots in Shadow Lane Estates and currently operates his business there. The lot will be used for his business and storage. It is currently a non-conforming use but is grandfathered use for the area. Councilmember Gibbs inquired about the storage being a junkyard and Mr. McFarland indicated that it will be fenced and used for storage of his business and additional parking. The fence will help screen the property from the abutting residential area. There being no further comment, Mayor Lehl declared the Public Hearing closed.

Ordinance No. 1650: An ordinance to reclassify and rezone property situated in Lots One (1) and Two (2), Block Four (4), Shadow Lane Estates from Mobile Home District (SMH) to Highway Commercial District (BHC) and providing for an effective date hereof was moved by Councilmember DeMaranville, which motion was seconded by Councilmember Whitaker. On roll call vote, the following voted Blaha, Wineman, Gibbs, Koob, DeMaranville, Whitaker, Fertig and Mayo. "NAY": None. Absent: None.

Mr. Danielzuk passed out a colored zoning district map showing the areas he just talked about and how they're affected. Seems to him that lots 1 and 2 from the 1999 minutes were probably a spot zone. Councilmember Gibbs said not when you've got BHC to the south.

Mr. Danielzuk then talked about the Business Highway Commercial District: Some overlay districts are delineated only when specific project proposals are presented for specific locations in the jurisdiction. The planned unit development (PUD) is the most familiar type of floating overlay district.

Other overlay zoning districts indicate an area in which the special requirements of the overlay district are added to the requirements of the underlying zoning district. A highway corridor district could be added along important roads to require improvements be added to the requirements that already are imposed by the underlying zoning districts located along the specified road, hence Business Highway Commercial District is intended primarily for application to areas along major highway entrances to the community in accord with policies of the Comprehensive Plan where controlled access to the highway is afforded for the convenience of the traveling highway:

- Auto Service Stations
- Hotels and Motels
- Repair Garages

Restaurants, night clubs, cafes and taverns
Drive – in restaurants or similar establishments

Mr. Danielzuk said that highway overlay connects to the next zoning classification in the zoning book; Business Traveler Services District (Ord. 1775, 9/04) The BTS/C-4 District is intended to preserve land adjacent to primary highway interchanges for the development of businesses that cater to the traveling public. This district is not intended to serve as a general retail area for businesses primarily engaged in the provision of services or sale of retail goods to local residents:

Automobile Service Stations
Restaurants including drive – in restaurants
Hotels, motels and other lodging facilities
Truck fueling and repair services

Mr. Danielzuk said it blends right into the next district: Employment Center District (Ord. 1775, 9/04). The BEC/C-5 District is intended to preserve land adjacent to primary highway interchanges and local thoroughfares for the development of higher traffic retail, commercial, office and/or industrial uses carried on entirely indoors.

Mr. Danielzuk said there is a natural progression out to the interchange using those types of zoning districts.

A community should carefully consider whether to zone all of the land for development in its planning jurisdiction. It is recommended that the community should not zone land for development in advance of actual need and bona fide requests. Zoning adds value to land. Therefore, a reasonable course of action is to zone enough land to provide competition among land owners and to provide alternatives for location.

He said he wants to tie it all into the Development Plan, it says "The goals, objectives, and policies are intended to provide guidance to the City in the preparation and implementation of land use controls and development projects. In addition, a future land use map and future development plan map are provided that depict recommended actions to be taken by the community. The goals reflect the desires and aspirations of the community by describing basic concepts which should be used to guide all future development."

Future Development Goals

Some of the goals are:

- To ensure orderly and efficient growth of residential, commercial, industrial and public land uses to maintain, improve and protect the general welfare of the residents of the community.
- To achieve safety, convenience and economic efficiency through the wise distribution of land use activities and improve the manner in which local natural, human and economic resources are developed and managed.

Some of the development, objectives in land use policies are:

- Land zoned for specific uses will be protected from the encroachment of conflicting land uses
- To ensure that adequate planning, plan revisions and policy development efforts are undertaken to preserve and improve the character of established residential, commercial and industrial neighborhoods.
- Future industrial developments will be required to incorporate landscaping and screening, particularly when located adjacent to community entrances, major thoroughfares and/or adjacent to residential zoning districts.

Mr. Danielzuk said it was contemplated in the plan that the Council would have these issues to deal with and it's giving you guidance in the development portion of the plan. "Adding a BHC overlay for the purpose of bringing non – conforming businesses into compliance: 210 M Street, 220594 East Highway 92, 220810 East Highway 92 and to better meet the City's Comprehensive Plan"

With that Mr. Danielzuk stated he had finished his Administrative Record. With no further discussion the Administrative Record was closed and the Public Hearing closed at 7:42 p.m.

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

6a. Discussion of protest received by the City related to public hearing #6

Acting City Attorney, Mr. Turman, stated to the Council that we did receive, in relation to item 6, a couple of documents which purport to be protest documents to the BHC Overlay. The first is dated April 23 signed by William Vaughan, the second is dated April 24 as well as April 27 and signed by a variety of individuals that appear to be owners of property around the proposed overlay. The effect of that protest, other than obviously indicating those peoples' disagreement with the overlay, is essentially to require that the actual amendment of the City ordinance to allow that overlay would require three-fourths vote of your body. So rather than a normal majority, it would require six votes. So with respect to the first protest dated April 23 it does appear that as it relates to agenda item 6, that is a valid protest which would require the three-fourths vote. The second protest which was received April 27 appears that it may or may not comply with our requirements in that it's not notarized and we have no way to know if this protest is actually from the people it purports to be from. But with that said it's going to require a six vote, six Councilperson majority, to pass anyway. Mr. Turman said he thinks it would be appropriate to acknowledge and accept both protests to the extent that if the Council chooses to proceed with this vote that it'll require six votes to pass.

Mr. Vaughan addressed the Council and stated that he filed both of those protests, however they are null and void because all the votes have been more than six; so his protests won't do any good anyway. Mayor Kaufman stated from what he understands the protests are for the BHC Overlay so it is relevant to Item 6 that we're dealing with. Mr. Turman stated that's right.

Motion by Councilmember Morrison, second by Councilmember O'Neal to accept the protest submitted by Mr. William Vaughan regarding Public Hearing agenda item 6. 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.

6b. Consider approving or denying amending zoning by adding a BHC overlay for the purpose of bringing non-conforming businesses into compliance and to better meet the City's Comprehensive Plan 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.**

Motion by Councilmember Smith, second by Councilmember Holliday to approve amending zoning by adding a BHC overlay for the purpose of bringing non-conforming businesses into compliance and to better meet the City's Comprehensive Plan 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. 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.

6c. Approve Ordinance No. 1995 - AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND CHANGE ZONING OF UNPLATTED LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M. MORE PARTICULARLY DESCRIBED FROM THE NORTH CENTER SECTION LINE EAST TO LOCKWOOD ROAD AND FROM NORTH TO SOUTH FROM UPRR TO M STREET, CONTAINING APPROXIMATELY 37 ACRES FROM LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT (ML) TO LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT (ML) WITH A HIGHWAY COMMERCIAL DISTRICT (BHC) OVERLAY AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Councilmember Allred made a motion to introduce Ordinance No. 1995: AN ORDINANCE OF THE CITY OF GERING TO RECLASSIFY AND CHANGE ZONING OF UNPLATTED LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 21 NORTH, RANGE 55 WEST OF THE 6TH P.M. MORE PARTICULARLY DESCRIBED FROM THE NORTH CENTER SECTION LINE EAST TO LOCKWOOD ROAD AND FROM NORTH TO SOUTH FROM UPRR TO M STREET, CONTAINING APPROXIMATELY 37 ACRES FROM LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT (ML) TO LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT (ML) WITH A HIGHWAY COMMERCIAL DISTRICT (BHC) OVERLAY AND PROVIDING FOR AN EFFECTIVE DATE HEREOF. Seconded by Council member O'Neal. 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 Morrison moved that the Ordinance be designated as Ordinance No. 1995 and the title thereof approved, and that the Statutory Rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Councilmember Cowan. The Clerk called a roll call vote. "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. 1995 was read by title only, Councilmember Smith moved that the Ordinance be passed as read, which motion was seconded by Councilmember Christensen. "The question is shall Ordinance No. 1995 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 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.

A brief recess was taken.

7. Public Hearing for an Exception/Conditional Use Permit requested by Neal Smith to construct the final two mini-storage buildings on his property. This would complete his project he had started years ago located at 1475 M Street. The property is zoned BCB and generally located on lot 2, Block 1 Pioneer Plaza Addition.

Mayor Kaufman opened the Public Hearing at 8:01

Mr. Snarr stated that is a public hearing to consider an application for an Exception/Conditional Use Permit for the construction of two mini-storage buildings requested by the owner Neal Smith. Neal would like to complete a project started years ago with the construction of two additional storage units. Both would be constructed at address 1475 M Street located on lot 2, Block 1 Pioneer Plaza Addition.

The area is Zoned BCB (Central Business District) and when he last approached this Commission to construct storage units and complete this project required an Exception per Zoning Regulations.

The property directly South is zoned BCB. The lot West across the alley and adjacent to the storage units is zoned RMH (Multi-Family Residential High Density District) and the lots North across M Street are zoned RM (Residential Medium Density District).

The storage units would complete the lot and would not have doors facing M Street. This would enhance the lot and aesthetics of the area.

Administrative Record:

- Application for an Exception to construct three additional storage units within BCB Zone
- Denial from Staff due to Zoning Regulations requiring an Exception Approval from the Planning Commission and Mayor and City Council
- Ordinance 1299
- Ordinance establishing comprehensive zoning regulations; excerpted. Published Thursday April 12, 1984.
- Ordinance 1300
- Ordinance establishing subdivision regulations; excerpted. Published Thursday April 12, 1984
- Ordinance 1315
- Ordinance of the City of Gering, Nebraska, amending sections 6.102(4), 6.108(3), 6.208(3), 6.308(3), 6.408(3), 10.305, 10.1305(2) and article 13 section 13.1 thru 13.6 of the zoning & subdivision regulations; excerpted. Passed & approved December 10, 1984
- Official proceedings of the Gering City Planning Commission meeting May 16, 2000; excerpted
- Official proceedings of the regular Gering City Council meeting May 22, 2000; excerpted
- Official proceedings of the Gering City Planning Commission meeting May 20, 2003
- Memo from Brian R. Sweeney to Mike Steklac June 11, 2003
- Official proceedings of the Gering City Planning Commission meeting June 17, 2003
- Official proceedings of the Gering City Planning Commission meeting November 18, 2003
- Memo from Brian R. Sweeney to Planning Commission/copy to Mayor & Council January 12, 2004
- Official proceedings of the regular Gering City Council meeting January 26, 2004
- Official proceedings of the regular Gering City Council meeting February 9, 2004
- The following letters from previous applications:
 - 5/18/2012 Doctors Haslam, Imes, & Johnson against the approval to allow additional storage units along the frontage of M Street
 - 10/22/12 Mark & Elizabeth Gwin for additional storage units
 - 10/23/12 Dr Mark Schlothayer for additional storage units
 - 10/22/12 Nancy Fisher for additional storage units
 - 10/21/12 Harrison and Sally Warren for additional storage units
 - 10/22/12 Daryl Wills for additional storage units
 - 10/22/12 Neal Blomenkamp for additional storage units
 - 10/21/12 Rod Wetzig for additional storage units
 - 10/22/12 Galen Nighswonger for additional storage units
 - 12/6/12 Regional West Physicians Clinic – Dr Haslam and 3 other Doctors
- Public Hearing Notice - Publication Notice and written notice was completed and sent to all owners of land within 300 feet per the requirements of the City's Zoning and Subdivision Regulations for the Planning Commission and City Council Meetings, Section 15.2 and are incorporated by reference in this Administrative Record
- City of Gering 1972 Comprehensive Plan
- City of Gering 1980 Comprehensive Plan
- City of Gering 1995 Comprehensive Plan (Amendment No. 1 dated November 2001)
- Administrative Record Excerpted Notes from April 12, 1984 through February 9, 2012
- Planning Commission Public Hearing October 16, 2012
- City Council Public Hearing December 10, 2012
- City Engineer/Director of Engineering & Community Planning Administrative Record as shown herein

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

Mayor Kaufman asked if the Council would like the Administrative Record read aloud. Seeing none he asked if anyone in the Council Chambers wished to speak in favor or opposition of this application.

Mr. Snarr stated: Mr. Mayor and City Council Members, I have completed my entry regarding this Public Hearing for the Exception/Conditional Use Permit to allow construction of additional storage units within this BCB Zone for the owner Neal Smith to complete a project that was started and would like to complete and ask that you please keep this hearing open until all entries are put into this record.

With no further discussion the Mayor closed the Administrative Record and the Public Hearing closed at 8:05 p.m.

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

7a. Consider approving or denying an Exception/Conditional Use Permit requested by Neal Smith to construct the final two mini-storage buildings on his property. This would complete his project he had started years ago located at 1475 M Street. The property is zoned BCB and generally located on lot 2, Block 1 Pioneer Plaza Addition.

Motion by Councilmember Gibbs, second by Councilmember Smith, to approve an Exception/Conditional Use Permit requested by Neal Smith to construct the final two mini-storage buildings on his property. The property is zoned BCB and generally located on lot 2, Block 1 Pioneer Plaza Addition. 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.

BIDS:

1. City Wide Electrical Study RFQ/RFP – Notice of Award to ESC Engineering. Not to exceed \$83,000.00.

Paul Snarr, City Engineer addressed Council on the City Wide Electric Study.

Motion by Councilmember Gibbs, second by Councilmember Cowan to approve the City Wide Electrical Study RFQ/RFP – Notice of Award to ESE Engineering not to exceed \$83,000. 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.

2. USEPA Brownfields Hazardous Substances Assessment Grant RFQ/RFP – Notice of Award to Terracon Consultants, Inc.

Mike Sarchet addressed the Council on this item.

Motion by Councilmember Christensen, second by Councilmember Cowan to approve the USEPA Brownfields Hazardous Substances Assessment Grant RFQ/RFP – Notice of Award to Terracon Consultants, Inc. 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.

2. 2015 Water Main Improvement Project Bid Award. This project includes 10th Street Water Main Loop from the Central Canal to Red Barn Subdivision and M Street Water Main from 13th to 11th Street.

Pat Heath, Public Works Director, addressed Council regarding the Water Main Improvement bid.

Motion by Councilmember Gibbs, second by Councilmember Smith to approve 2015 Water Main Improvement Project Bid Award. This project includes 10th Street Water Main Loop

from the Central Canal to Red Barn Subdivision and M Street Water Main from 13th to 11th Street. 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.

CURRENT BUSINESS:

1. Approve Resolution 4-15-1, City officials authorized to sign banking documents on behalf of the City of Gering

Motion by Councilmember Christensen, second by Councilmember Holliday to approve Resolution 4-15-1, City officials authorized to sign banking documents on behalf of the City of Gering. 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.

RESOLUTION NO. 4-15-1

WHEREAS, from time to time the Designated Depositors request banking resolutions regarding City officials who are authorized to sign banking documents on behalf of the City of Gering.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GERING, NEBRASKA, THAT:

The City Officials holding the following positions are authorized to sign all required documents on behalf of the City of Gering:

1. Mayor – Mark A. Kaufman
2. City Clerk – Kathy Welfl
3. City Treasurer – John Mejia

PASSED AND ADOPTED THIS 27TH DAY OF APRIL 2015.

ATTEST:

Mark A. Kaufman, Mayor

Kathy Welfl, City Clerk

2. Consider approval of Keno Requests

- Keep Scottsbluff/Gering Beautiful, \$2000
- High Plains Auto Club, \$3500
- Gering Merchants Arts Festival, \$4500
- Gering Merchants Sugar Valley Rally Finish Line lunch, \$4000
- Gering Convention & Visitors Bureau, \$4500
- WNCC Multi Cultural Youth Leadership Conference, \$1750
- Sugar Valley Rally, \$3500
- Old West Balloon Fest, \$5000
- Gering Senior Center, \$10,000
- Circle of the Bluffs Powwow, \$2500

Keno Committee Chairman, Darrell Bentley, addressed the Council and answered any questions they had.

Motion by Councilmember Gibbs, second by Councilmember Morrison to approve Keno Requests as presented. 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.

3. Consider adjusting prices of the McKinley houses

Councilmember Smith stated that the Administrative Committee met on adjusting the house prices and recommend the adjusted amounts as presented to Council.

Motion by Councilmember Smith, second by Councilmember Allred to approve setting the price of the McKinley homes as follows: 1455 5th Street - \$128,000, 1415 5th Street - \$131,000, 1440 6th Street - \$159,200. 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. Consider cancelling the May 25, 2015 City Council meeting due to the Memorial Day holiday

Motion by Councilmember Gibbs, second by Councilmember Cowan to approve cancelling the May 25th, 2015 Regular City Council meeting. 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

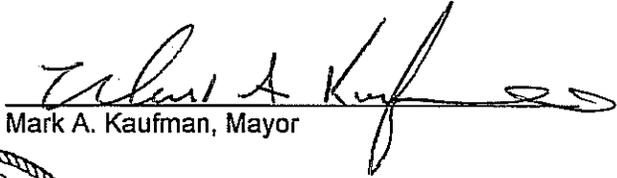
OPEN COMMENT SECTION:

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 Holliday, 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.

Meeting adjourned at 8:27 p.m.


Mark A. Kaufman, Mayor

ATTEST:


Kathleen J. Welfl, City Clerk

